



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES
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27 October 2020

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ATTACHMENTS INDEX

- Attachment 1 – Item 12.1 refers**
- Attachment 2 – Item 12.4 refers**
- Attachment 3 – Item 12.4 refers**
- Attachment 4 – Item 12.4 refers**
- Attachment 5 – Item 12.6 refers**
- Attachment 6 – Item 12.6 refers**
- Attachment 7 – Item 12.6 refers**
- Attachment 8 – Item 12.7 refers**
- Attachment 9 – Item 12.8 refers**

CONFIDENTIAL ATTACHMENTS INDEX

- Confidential Attachment 1 – Item 12.2 refers**
- Confidential Attachment 2 – Item 12.2 refers**
- Confidential Attachment 3 – Item 12.3 refers**
- Confidential Attachment 4 – Item 12.3 refers**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 27 OCTOBER 2020 COMMENCING AT 7.00PM.

MINUTES

PRESENT

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

IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Ms J Gillan	Director Development and Communities
Ms M Reid	Director Infrastructure Services
Ms AM Forte	Executive Manager People and Organisational Development
Mr J Olynyk, JP	Acting Director Corporate and Governance
Mrs M Lymon	Acting Manager Governance
Ms K Spalding	Coordinator Marketing and Communications
Ms D Morton	Media and Communications Adviser
Mrs H Mark	Governance Officer

GUESTS

Ms M Bell

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

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

The Presiding Member read aloud the Acknowledgement of Country.

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

The Presiding Member invited Cr 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 efficient, effective and orderly decision making within this forum.

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Cr Davis	Item 12.3 Tender 06/2020 – Belmont Oasis Leisure Centre – Changerooms, Toilets and Group Fitness Room Refurbishment	Member of the Oasis Leisure Centre.
Ms Gillan	Item 12.3 Tender 06/2020 – Belmont Oasis Leisure Centre – Changerooms, Toilets and Group Fitness Room Refurbishment	Member of the Oasis Leisure Centre.

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

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

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

The Presiding Member advised the following:

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

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

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

The following question was taken on notice at the 22 September 2020 Ordinary Council Meeting. Ms Hollands was provided with a response on 6 October 2020. The response from the City is recorded accordingly:

1. I listened to the audio recording of August's meeting and discovered that the slider that allows you to fast forward and rewind is not working. This means that residents may have to listen to the whole recording rather than be able to move it forward or back.

How much did it cost the City of Belmont to obtain this new website and was it done in-house or by a private company?

Response

Council resolved at its meeting in March 2019 as follows:

- "1. Accept the tender submitted by Integranet Technology Group Pty Ltd for Tender 17/2018 - Provision of Services to Design, Develop and Implement Website for City of Belmont as specified for the lump sum of \$284,077.14 excluding GST.*
- 2. Notes that the development will occur over at least 2 financial years."*

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

The following questions were taken on notice at the 22 September 2020 Ordinary Council Meeting. Ms Hollands was provided with a response on 9 October 2020. The response from the City is recorded accordingly:

1. As I've previously been told we have no senior employees and those that have got gratuity payments are retirees, why does the policy allow such huge gratuity payments, (recently one of \$125,000 and for the previous five years, amounts of around \$1m) when the Regulations state that it should not exceed \$5,000?

Response

Council Policy does not give legal effect to this condition of service for City staff. This arrangement is given legal standing through the existence of the City's two Certified Agreements which are in turn governed by federal industrial laws. It should be noted that there has never been a payment of \$1m to any individual.

Item 5.1.2 Continued

2. An Officer's report would have been written in relation to gratuity payments. Do the Councillors just follow the recommendations of the Officers, which in this case I assume would have supported these excessive payments or do they question and understand them and were they told they are not to be more than \$5,000?

Response

Please refer to the answer to question 1 on this topic.

3. Earlier this year, I asked how much money the City of Belmont was saving due to not holding events because of COVID-19 and I was told that up until 30 June 2020, the amount was around \$120,000. Is the City having events as yet and if not, how much further money has been saved since June to date?

Response

Council, as part of its budget for 2020-2021, adopted a reduced budget for events during this time of COVID-19. With ongoing advice from Federal Government and State Government agencies, a range of smaller events are presently being planned for the remainder of 2020 and into 2021. The City will continue to monitor the State of Emergency accordingly.

4. Now that the City has a better idea of the impact of COVID-19, are we able to look at providing subsidies with these savings on not holding events for security for residents, in a similar type programme to the Town of Victoria Park?

Response

Council as part of its budget for 2020-2021, adopted a reduced budget for events during this time of COVID-19, as such there are no savings as mentioned in your question. In view of the impacts of the COVID-19 pandemic, the budget for 2020-2021 did not include funding for a similar scheme. The City will however investigate a number of security initiatives for potential future funding.

5. When can we expect to see the Tree Preservation Orders report?

Response

Matters to be considered in relation to serving Tree Preservation Orders on private property is scheduled to be workshopped among Councillors in November. The outcomes from the workshop are expected to inform development of guidelines, and it is anticipated that the matter will be presented to Council in early 2021.

5.1.3 MR D SMITH, 87 TOORAK ROAD, RIVERVALE

The following questions were taken on notice at the 22 September 2020 Ordinary Council Meeting. Mr Smith was provided with a response on 7 October 2020. The response from the City is recorded accordingly:

1. How are the CCTV cameras monitored?

Response

The City does not monitor its CCTV cameras. When an incident occurs and a request for footage is received, the recorded material is reviewed and the relevant footage retained.

WA Police also have direct access to the City's CCTV system at Belmont Police Station.

2. How many convictions have resulted from the Council's CCTV system in the last 12 months and how many have resulted in jail time?

Response

From October 2019 to September 2020 the City has provided WA Police with CCTV footage on 138 occasions related to incidents and investigations. This resulted in 47 positive outcomes (with 42 still under investigation).

The City however cannot provide information on how many offenders have gone to prison as a result of the use of CCTV footage, as WA Police do not provide this information.

3. Council spent \$500,000 on these CCTV cameras. Can you advise which of the two \$500,000 Federal Government grant programmes provided the funding for these CCTV cameras and did the application to the sports grant include any CCTV equipment?

Response

The City received two Federal Government grants through the Safer Communities Grant Funding programme. These were:

- **\$196,736 for the installation of CCTV cameras in the Belmont Hub; and**
- **\$540,000 for the provision of CCTV analytics in Faulkner Park precinct and a digital concierge system within the Belmont Hub (Faulkner Park Smart Precinct Project).**

Neither project had any sports related aspects. In addition, the City did not receive a second \$500,000 sports related grant.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.03pm 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 four members of the public who had given prior notice to ask questions.

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

5.2.1 MR D FALCONER, ON BEHALF OF BUSINESSAG, UNIT 6/110 ROBINSON AVENUE, BELMONT

I refer to the Council Meeting on 25 August 2020, where Council voted 5/4 against the recommendation of the Belmont City Planning Department that was not in favour of the proposal, but Council overruled it.

1. Why is Council overruling the Planning Department?

Response

The Presiding Member stated every application is considered on its merits.

2. Is Belmont Council planning to change its motto from City of Opportunity to City of Worship, given their encouragement to allow places of worship to be allowed where parking rules are relaxed, compared to other Shires and where rent is cheaper? Is the Council concerned at the precedent set, how many places that will be attracted to the City, as other Shires are actively discouraging and how many businesses in the City of Belmont have been granted exemptions for parking?

Response

The Presiding Member stated no, the City is not considering a change to its motto (The City of Opportunity). In regard to parking being cheaper in other States and Shires, it is unknown what the rent would be elsewhere. In regard to precedents, each application is considered on its merits.

3. Were any Councillors approached by the proponents of the Place of Worship, either directly or indirectly and was this noted on the Council Declaration of Interest register?

Response

The Presiding Member stated that this was a Quasi-judicial matter and Council, as individuals, would not have been able to speak to the proponents on this matter and would have made a determination on its merits. Any declarations of interest would be noted in the Minutes.

5.2.2 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

1. At a recent Council Meeting, Section 6.26 of the Standing Orders was quoted, which means the City of Belmont takes questions as correspondence and the responses do not appear in the Minutes. The questions are on the recording and anyone listening who may have been interested in that particular question are unable to go to the written Minutes to see the response. I have previously asked questions about monthly accounts, which is ratepayer's money, that were responded to as correspondence.

Why does the City of Belmont think that the residents should not be given an answer when questions regarding finances are asked and do you think this is transparent, as the perception may be that you do not want the wider community to question your spending?

Response

The Chief Executive Officer stated that all questions that are presented in this Chamber are dealt with in accordance with the Standing Orders.

2. Can you please explain what operational correspondence means?

Response

The Chief Executive Officer stated that where questions relate to normal operations of the City and not directly Council, then they can be treated as normal business correspondence. Again, all questions and responses given in this Chamber are in accordance with the Standing Orders.

3. In relation to the Report on Item 12.1 tonight, it is advised in the report that the City's Local Planning Strategy has not been reviewed since its endorsement in 2011 and there has been no comprehensive review undertaken of the Local Planning Scheme 15 (LPS 15) since it was gazetted in 2011. It is also in the Report that there are State gazetted land strategies in 2015, but our City did nothing to align our earlier strategies with the 2015 State ones and our City has knowingly been operating on 11 year old plans. Did the City Officers seek endorsement from Council at any Ordinary Council Meeting within that timeframe, to delay the alignment by an additional five years, when Model Provisions were readily available and provided for by the *Planning and Development Local Planning Schemes 2015*?

Response

The Director Development and Communities stated that the *Local Planning Scheme No. 15 (the Scheme)* itself, although gazetted in 2011, is not an old Scheme compared to other metropolitan Local Governments. It has undergone a number of amendments and reviews as things change. This particular report relates to a complete and full review and that is what the recommendation states.

Item 5.2.2 Continued

4. The report also states that the LPS 15 contains a number of Zones, Reserves and Land Use classifications that are inconsistent with Model Provisions contained within Schedule 1 of the Regulations. How will members of the public be able to identify those Zones and Land Use classifications, which are inconsistent with the Regulations, when they cannot be readily identified by our City's Officers?

Response

The Director Development and Communities stated that is an incorrect interpretation of the report. There are very clear Zones within the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the Models. However, in the case of the City of Belmont and other local governments, there may be other Zones that do not readily fit in with those standards prescribed, such as the Residential and Stable Zone within the City of Belmont. It is highly unlikely that you would find this Zone anywhere else within the State. It would be necessary to look at the Model Provisions and make a case as to why exceptions might be required. This is an overall review of the entire Scheme.

5. So, the residents will get an opportunity to comment on it once it is done?

Response

The Director Development and Communities stated, yes.

6. Are the Councillors aware that there is a large number of old supporting documents relating to LPS 15, produced by the City in 2008, to support the City's LPS 15 Strategy? For example, the list of Scheme Amendments, Business Community Statistics, Heritage, Non-Conforming Use Register, Safety and the Single Tree Register. They are provided on the City's website, so for ease of reference, transparency of decision making and for historical accountability, in respect of earlier years' decision, can these reports be retained, updated and published to support the ratepayer in referencing these documents?

Response

The Director Development and Communities stated that those supporting documents actually underpin the Planning Strategy and the Planning Scheme itself. This Report is recommending a full review and that full review will produce new documents that will be up to date at that particular point in time, which was the same case when the Scheme was gazetted in 2011.

The Scheme gazetted in 2011 was based on documents produced in 2007 and 2008. This is a long process which takes place over a matter of years and that is the reason why there is some time between the dates.

Item 5.2.2 Continued

7. How long does it take for this whole process?

Response

The Director Development and Communities stated that this process takes several years.

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

1. At the last Council Meeting, I asked questions about the \$1m Gratuity Payments. I read out Section 5.50, which stated the payments must not be more than that prescribed by the Regulations. I asked why the City was paying leaving staff more than the prescribed amounts and cited two recent cases of payments of \$125,000 and \$45,000. Following the City's response, what is the point of Council having a policy on Gratuity Payments when it does not have legal effect and how much does it cost residents to create such a policy?

Response

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

2. On receiving the City's response, I have done my own investigation on Gratuity Payments. Given there is WA Legislation by way of *the Local Government Act 1995*, I have been advised by the Fair Work Ombudsman that because this part of the employment contract is inconsistent with State laws, that part is ultra vires.

We pay an exorbitant amount of money to employ officers in Human Resources, Governance and the CEO. Did anyone at the City of Belmont know this scheme may not be legal or outside the scope of ability to include it and if not, why not?

Response

The Chief Executive Officer stated that he expressed offence with the statement regarding exorbitant salaries for staff within the organisation. The remainder of the question will be taken on notice.

3. Would the Mayor or any Councillor be prepared to put forward a Motion under Section 13 of the Act that the CEO is directed to undertake a complete investigation as to the legal position of the employment contract and present a report to Councillors? If it is found that these Gratuity Payments are inconsistent with the Act and therefore potentially millions of dollars in overpayments, that the Council address this matter with urgency?

Response

The Presiding Member stated that every Councillor will have heard the remarks tonight and could put a Motion forward if they wished.

Item 5.2.3 Continued

4. I recently attended a conference conducted by an employment lawyer, who educated the attendees on CEOs' contracts and provided information regarding Performance Reviews. How does the City of Belmont undertake the CEO's Performance Review? Is it undertaken by Councillors, or is there an external independent consultant employed who is specialised in this field? If Councillors are involved in the review, how many are involved and what qualifications do they have to be able to assess the review properly?

Response

The Presiding Member stated that the City does employ an external consultant and there are five Councillors involved in the review process, who are the Presiding Members of the Council Committees.

5.2.4 MR L ROSOLIN, 355 SYDENHAM STREET, BELMONT

1. I reported several complaints to the City about various issues such as rubbish bins being left on the verge, grass left uncut on the verge, a verge tree causing damage and a parking complaint. I have spoken to staff at the front counter, the Ranger and with an Officer. The verge grass has now been cut but the issues with the rubbish bins are still occurring. Can the Council reply to queries from ratepayers and pass the information on to the correct department?

Response

The Director Development and Communities further stated that on 21 October 2020, Mr Rosolin attended the Civic Centre raising a number of concerns regarding:

- **338 Sydenham Street - relating to a vehicle parked on the footpath.**

This was a complaint dealt with by the Rangers department.

- **339 Sydenham Street - relating to a truck parked on the verge.**

This issue was also referred to the Rangers.

- **Rubbish bins left on the street unattended and an issue with vehicles allegedly coming and going with an unauthorised phone business and an untidy verge at 350 Sydenham Street.**

All of these matters have been followed up and inspections have been carried out.

In regard to the bins at 339 Sydenham Street, a letter has been written by Infrastructure Services to the tenants and owners to remind them to bring the bins in promptly, however the City does not have any powers to enforce this.

Item 5.2.4 Continued

In regard to the alleged unauthorised home business, the follow up has indicated that the business is compliant and there is nothing that can be followed up in terms of planning compliance. The vehicles referred to do relate to this property.

In regard to the verge condition at 350 Sydenham Street, a follow up inspection has confirmed that the verge has actually been mowed.

2. The car parked on the footpath is still there, the truck is still on the road and the rubbish bin is still there?

Response

The Director Development and Communities stated that with regard to any complaints or issues raised, these require investigation.

For example, in regard to the truck parking at 339 Sydenham Street in Cloverdale, there was originally a complaint on 29 September 2020 and there were five follow up inspections at the property. The vehicles moved on and became compliant.

There was another complaint with regard to a truck being parked on the verge on 21 October 2020, for which there were another five follow up inspections for the one property. The Officers do follow up and ensure compliance, but if the issues re-occur, it becomes necessary for Officers to go out again.

5.2.5 MR P HITT, 14 MCLACHLAN WAY, BELMONT

1. At the Council meeting on 23 June 2020, I asked the Mayor if he could please inform residents and ratepayers in the gallery on the present situation, regarding the Council's request to State Government regarding the alteration or withdrawal of the Deed of Trust covering the land locally known as Parry Fields? The minuted response was that a number of meetings of the Belmont Trust have been conducted, as evidenced by the publicly available Minutes.

On Monday 26 October 2020, I asked a representative at the City of Belmont if they could show me the location of Minutes on the City's website. Later in the day, I received a phone call informing me that the Belmont Trust Minutes were not on the Council's website as the last meeting was held on 2 July 2013. As a previous Councillor at City of Belmont, and a concerned resident regarding this portion of valuable river frontage and a natural community asset, why have there been no ongoing yearly meetings by Council concerning this Trust Land?

Response

The Acting Director Corporate and Governance stated that there has been no need to undertake a meeting of the Belmont Trust as there has been no decision required to be made by the Trust at this point in time.

Item 5.2.5 Continued

2. Has Council fallen short of its own governance guidelines on this matter?

Response

The Acting Director Corporate and Governance stated no, he does not believe so.

3. I am aware that Council is keeping a record of the ongoing maintenance costs regarding this public open space. What is the current cost of maintenance being held against the Trust land and monies paid by the State Government when they utilised this land for the widening of Great Eastern Highway?

Response

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

4. Is it the intention of the City of Belmont to charge the Belmont Trust the full cost of maintenance of this land upon the possible future disposal of this land? The maintenance over many years would prove to be a considerable sum of money.

Response

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

5. Can you inform the citizens of Belmont why this recreational land is being kept under such a low profile when the recreational land within the City and the metropolitan area are in such high demand and will be so in the future?

Response

The Chief Executive Officer stated that would relate to funds available to the Trust to improve or maintain the land, and again would take this question on notice to clarify.

- 7.33pm As there were no further questions, the Presiding Member declared Public Question Time closed.**

6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX

**6.1 ORDINARY COUNCIL MEETING HELD 22 SEPTEMBER 2020
(Circulated under separate cover)**

OFFICER RECOMMENDATION

SEKULLA MOVED, WOLFF SECONDED

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

CARRIED 9 VOTES TO 0

**6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 20 OCTOBER 2020
(Circulated under separate cover)**

OFFICER RECOMMENDATION

DAVIS MOVED, BASS SECONDED

That the Matrix for the Agenda Briefing Forum held on 20 October 2020 as printed and circulated to all Councillors, be received and noted.

CARRIED 9 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

Item 12.4 was withdrawn at the request of Cr Rossi.

WOLFF MOVED, POWELL 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, and 12.8 be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

**12.1 REPORT OF REVIEW – LOCAL PLANNING STRATEGY AND LOCAL PLANNING SCHEME
No. 15**

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	Report of Review

Voting Requirement	:	Simple Majority
Subject Index	:	116/135 – Review of Local Planning Scheme No. 15
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	:	Development and Communities 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

For Council to consider a Report of Review ([Attachment 1](#)) prepared in relation to the City of Belmont Local Planning Strategy and Local Planning Scheme No. 15 (LPS 15).

Item 12.1 Continued

SUMMARY AND KEY ISSUES

- Local Planning Scheme No. 15 and its supporting Local Planning Strategy were endorsed by the Minister for Planning in 2011.
- The *Planning and Development (Local Planning Schemes) Regulations 2015* require a local government to review its local planning scheme every five years; in the case of local planning schemes which pre-date the Regulations by less than five years, the review is required five years from the date that the Regulations were gazetted.
- Given this, the Report of Review must be approved by resolution of Council and provided to the Western Australian Planning Commission (WAPC) for consideration by February 2021.
- As part of this review process, a Report of Review is required to be prepared to determine whether the local planning strategy and local planning scheme are:
 - Satisfactory in their existing form; or
 - Should be reviewed/amended; or
 - Should be repealed and new documents prepared in their place.
- The City's Local Planning Strategy has not been reviewed since its endorsement in 2011 and there has been no comprehensive review undertaken of LPS 15 since its gazettal in 2011.
- Local Planning Scheme No. 15 contains a number of zones, reserves and land use classifications that are inconsistent with the Model Provisions contained within Schedule 1 of the Regulations.
- In light of the number and scale of modifications required, it is considered more appropriate to prepare a new local planning strategy and local planning scheme as opposed to undertaking modifications to the existing documents.
- The Report of Review therefore recommends that the Local Planning Strategy and LPS 15 be repealed and that new documents be prepared in their place.
- It is recommended that Council approve the Report of Review and provide the approved report to the WAPC for consideration.

LOCATION

The Local Planning Strategy and LPS 15 apply to all land within the City of Belmont (the City).

Item 12.1 Continued

CONSULTATION

The Regulations do not require consultation to be undertaken in relation to the preparation of a Report of Review. Notwithstanding, as part of preliminary investigations into the review of LPS 15, community engagement exercises were undertaken.

In June and July 2019, five precinct specific resident workshops were held. The workshops provided the community with an opportunity to inform the future planning of the City by sharing their local knowledge and experiences and by expressing their aspirations. More specifically, the workshops aimed to:

- Establish a vision for future planning of housing, activity centres and public open space in the City generally and each local neighbourhood area.
- Identify the perceived strengths, weaknesses, opportunities and threats in relation to housing, activity centres and public open space in the City generally and each local neighbourhood area.

In addition to the resident workshops, meetings were held with a number of City activity centre land and business owners. These meetings aimed to understand business community perceptions of activity centres, including the provision of the indicative catchment area, public realm and safety improvements and development opportunities.

At the conclusion of the workshops and meetings, two surveys, one for residents and one for businesses, were distributed to the community. These surveys aimed to gain a further understanding of resident and business aspirations for the City.

If the WAPC supports the recommendations of the Report of Review, further consultation with the community will be undertaken in relation to the new local planning strategy and local planning scheme.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal: Responsible Belmont.

Strategy:

- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.
- 5.7 Engage in strategic planning and implement innovative solutions to manage growth in our City.

POLICY IMPLICATIONS

The Report of Review recommends that most of the City's Local Planning Policies should be reviewed to ensure consistency with the Model Provisions and contemporary planning practice, and explore opportunities to refine provisions to improve clarity and interpretation.

Item 12.1 Continued

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

- A local government must review its local planning scheme every five years, and in the case of local planning schemes which pre-date the Regulations by less than five years, the review is required five years from the date that the Regulations were gazetted.
- The LPS 15 review period commenced in August 2020. A local government must prepare a report of the review no later than six months after the requirement to carry out the review of the local planning scheme arises. The report of the review must therefore be approved by resolution and provided to the Commission by February 2021.
- The review must consider whether the local planning scheme is up-to-date and complies with the Regulations.
- The report must be prepared in a manner and form approved by the Commission and include the following information:
 - An overview of subdivision and development activity and population changes since the scheme was gazetted or last reviewed.
 - An overview of the extent to which the scheme has been amended to comply with the requirements of any relevant legislation, region planning scheme or State planning policy.
- The report must make recommendations as to whether the scheme and local planning strategy:
 - Are satisfactory in their existing form; or
 - Should be amended/reviewed; or
 - Should be repealed and new documents prepared in their place.
- Within 90 days of receiving a report of review, or such longer period as the Minister or an authorised person allows, the Commission must consider the report and decide whether the Commission agrees or disagrees with the recommendations in the report and notify the local government of their decision.
- After receiving notification of the Commission's decision, the local government must publish the report and notice on their website and make the report and notice available for inspection at their office.

Item 12.1 Continued

BACKGROUND

A local planning scheme is the principal statutory planning tool for controlling land use and development within a local government area in accordance with the strategic vision established by a local planning strategy. In doing so, it provides for:

- The aims and objectives for the planning of the district;
- The reservation of land for public purposes;
- The zoning of land for specific purposes;
- Controls and standards for development within the district; and
- The implementation of State Planning Policy requirements.

The Regulations contain Model Provisions that stipulate the manner and format in which local planning schemes are required to be prepared. The intent of the Model Provisions is to 'streamline' local planning schemes to provide for consistency in interpretation and decision making. In doing so, Model Provisions contain the required structure for a local planning scheme, including standardised zones, reserves, land uses and definitions that, where applicable, are required to be incorporated into local planning schemes.

The Regulations also require local governments to prepare a local planning strategy for each local planning scheme that is approved for land within its district. A local planning strategy is required to:

- Set out the long-term planning directions for the local government;
- Apply State or regional planning policy that is relevant to the strategy; and
- Provide the rationale for zoning or classification of land under the local planning scheme.

A local government must review its local planning scheme every five years, and in the case of local planning schemes which pre-date the Regulations by less than five years, the review is required five years from the date that the Regulations were gazetted.

As part of this process, a Report of Review must be prepared that:

- Considers whether the local planning scheme is up-to-date and complies with the Regulations; and
- Makes recommendations as to whether the local planning strategy and local planning scheme are satisfactory in their existing form or should be reviewed/amended or repealed.

The requirement to review LPS 15 and its supporting Local Planning Strategy commenced in August 2020, being five years from the date of the gazettal of the Regulations. A Report of Review is required to be submitted to the WAPC by February 2021.

Item 12.1 Continued

Report of Review

In accordance with the requirements of the Regulations, a Report of Review on LPS 15 and the supporting Local Planning Strategy has been prepared for the WAPC's consideration ([Attachment 1](#)). The report considers the following:

- There are inconsistencies between the structure of the Scheme Text and the Model Provisions contained within the Regulations.
- The Local Planning Strategy provided for increased densities along major transport corridors, within 400 metres to activity centres and surrounding district open spaces. This has enabled the City to meet the WAPC's infill dwelling targets.
- The Local Planning Strategy and LPS 15 reference zones, reserves and terminology that are inconsistent with the Model Provisions contained within the Regulations.
- The existing Development Areas and Special Development Precincts need to be reviewed to determine whether they are still relevant and required. As part of this review process, an amendment to 'normalise' these areas into a standard zoning may be required.
- There are opportunities to refine Scheme Text provisions to improve clarity and interpretation.
- A number of local planning policies have not been reviewed since their adoption and refer to zones that are inconsistent with the Model Provisions. It is therefore considered necessary for these to be reviewed to address these issues, in addition to exploring opportunities to refine provisions to improve clarity and interpretation.
- The Scheme Map contains a number of zones, which provide for residential development, which do not have an associated density coding.

These points are further discussed below.

OFFICER COMMENT

Zoning, Reservation and Land Use

Land within the City is either zoned or reserved under LPS 15, unless otherwise reserved under the Metropolitan Region Scheme (MRS). Local Planning Scheme No. 15 contains 10 zones and five types of reserves which are listed in the table below.

Zone	Reserve
Residential	Local Roads
Special Development Precinct	Major Distribution Road
Residential and Stables	Parks and Recreation
Town Centre	Public Purposes
Commercial	Civic and Cultural
Mixed Use	
Mixed Business	

Item 12.1 Continued

Zone	Reserve
Industrial	
Service Station Place of Public Assembly	

Table 1: LPS 15 zones and reserves

In addition to the abovementioned zones and reserves, LPS 15 contains a range of land uses, which have an associated permissibility classification for each zone listed in the Scheme. The permissibility determines whether, in a particular zone, a land use is or is not permitted, whether approval of the local government is required, and whether an application is required to be advertised.

In considering the zones, reserves, land use classifications and permissibility currently provided in LPS 15, the following points are relevant:

- A number of reserves, including the 'Parks and Recreation', 'Civic and Cultural' and 'Major Distribution Roads' reservations, are inconsistent with the Model Provisions.
- A number of the zones, including the 'Town Centre', 'Mixed Business', 'Residential and Stables', 'Special Development Precinct', 'Service Station' and 'Place of Public Assembly' zones, are inconsistent with the Model Provisions.
- There is varying community sentiment in relation to the existing 'Residential and Stables' zone applied to land south and east of Ascot Racecourse.
- Various land use classifications and definitions, including 'Warehouse', 'Showroom', 'Lunch Bar', 'Motor Vehicle Hire', 'Lunch Bar', and 'Dog Kennels', are inconsistent with the Model Provisions.
- The 'Additional Uses' provided for under LPS15, which are uses identified as being permissible on certain land that would not otherwise be permitted, do not currently have an associated land use permissibility.

In light of the above, it is considered necessary for the existing zones, reserves, land use classifications and definitions to be reviewed, with an aim of better aligning these with the Model Provisions contained within the Regulations, where possible, as well as addressing community expectations. Furthermore, a review of the 'Additional Uses' currently provided for under LPS 15 should be undertaken to explore whether these can be 'normalised' into an appropriate zoning.

Density and Infill Targets

The population of the Perth and Peel region is projected to grow to 3.5 million people by 2050. To accommodate this population growth, it is anticipated that approximately 800,000 new homes will be needed. To assist in providing these new homes, the WAPC has set minimum dwelling targets for local governments.

The WAPC target was for a minimum of 1,860 additional dwellings to be provided in the City between 2011 and 2016. This target was met with a total of 2,345 additional dwellings provided for this period, representing 126% of the minimum requirement. This achievement was largely attributed to apartment development within The Springs precinct.

Item 12.1 Continued

The WAPC targets further require a minimum total of 6,100 dwellings to be constructed in the City by 2031 and 10,410 dwellings to be constructed by 2050. Forecasting indicates that the existing density allocation under LPS 15 makes the City capable of achieving the WAPC targets for each time period, to ultimately meet the long term population and dwelling targets for 2050. The dwelling targets for each time period are outlined in the table below.

Time Period	Infill Target (Additional Dwellings)
2016-2021	1,410
2021-2026	1,560
2026-2031	1,270
Post 2031	4,310

Table 2: WAPC infill dwelling targets for the City of Belmont

Contemporary planning advocates for high-density residential housing within and surrounding activity centres and within the walkable catchment of high-frequency transport corridors and district open spaces. This form of development is known to reduce the overall need to travel, support the use of public transport, and provides opportunities for cycling and walking to services, facilities and employment.

In the City, increased residential densities are provided surrounding activity centres and select district open spaces and transport corridors, which is consistent contemporary planning practice. In light of the above, it is not considered necessary for densities to be increased in the City in order to meet the minimum infill targets. Nonetheless, there remains an opportunity to refine densities in certain locations and apply a density coding to non-residential zoned land that has the ability to accommodate residential development (i.e. activity centres).

Special Development Precincts and Development Areas

Special Development Precincts

There are five areas within the City that are zoned 'Special Development Precinct', including:

- Ascot Waters;
- Invercloy Estate;
- The Springs;
- Belgravia Residential Estate; and
- Belvidere Main Street Precinct.

Development within a number of the 'Special Development Precincts' is complete or is nearing completion. It is therefore considered necessary for a review to be undertaken to determine whether these areas still need to be zoned 'Special Development Precinct' or whether the zoning of these areas can be 'normalised' with a standard zoning under the local planning scheme.

Item 12.1 Continued

Development Areas

There are eight Development Areas delineated on the Scheme Map. Local Planning Scheme No. 15 requires a structure plan to be approved to guide subdivision and development within these areas. The table below provides information in relation to the Development Areas and whether a structure plan has been approved for these precincts.

Development Area	Location	WAPC Structure Plan Approval
3	Applies to land fronting Kew Street and abutting Dod Green in Cloverdale.	29 August 2008
4	Applies to land bound by Ryans Court, Morrison Street, Stanton Road and Tonkin Highway in Redcliffe.	No
5	Applies to land bound by Stanton Road, Morrison Street, Greenshields Way and Tonkin Highway in Redcliffe.	No
6	Applies to land bound by Tonkin Highway, Great Eastern Highway, Coolgardie Avenue, Redcliffe Road, Fauntleroy Avenue and Perth Airport in Redcliffe.	No, however draft Activity Centre Plan has been prepared.
7	Applies to land bound by Tibbradden Circle, Coolgardie Avenue, Central Avenue, Garvey Park and the back of lots 57 to 75 Fernridge Cove in Ascot.	4 April 2013
9	Applies to land bound by Fauntleroy Avenue, Hay Road, Lot 185 Hay Road and the rear of the Mixed Use zoned lots fronting Great Eastern Highway in Ascot.	4 April 2013
10	Applies to Lot 120 Epsom Avenue and Lot 111 Nisbet Street, Ascot.	1 February 2012
11	Applies to land within the Springs bound by the Swan River, Brighton Road, Great Eastern Highway and Graham Farmer Freeway.	18 December 2009

Table 3: LPS 15 Development Areas

It is considered necessary for a review of the Development Areas to be undertaken to determine whether:

- The zoning and density of land delineated on the Scheme Map is consistent with the structure plans that have been approved for the precincts.
- All of the existing Development Areas are required to coordinate subdivision and development.
- There are other areas across the City that should be classified as a Development Area (e.g. the Golden Gateway Precinct).

The findings of the review will inform whether the Development Areas should remain, whether new Development Areas should be created and whether it is necessary to adjust the zoning and reservation of land to 'normalise' a structure plan into the local planning scheme.

Item 12.1 Continued

Scheme Text Provisions

Local Planning Scheme No. 15 contains a number of provisions that guide development across the City. A number of these provisions are lengthy and in some instances result in interpretation difficulties. It is therefore considered that there are opportunities to refine provisions contained within LPS 15 to improve clarity and interpretation.

In recognising the importance of Kewdale as a freight and logistics hub, preliminary investigations in relation to the harmonisation of Scheme Text provisions for industrial land have commenced as part of a project initiative between the Cities of Belmont, Canning, Kalamunda and Swan, titled Link WA. In doing so, an independent review of each participating local government's local planning schemes was undertaken to explore opportunities to harmonise planning provisions to improve consistency. The findings of this review should be considered in the preparation of a new local planning strategy and local planning scheme.

Review Recommendations

The Report of Review recommendation is for the existing Local Planning Strategy and LPS 15 to be repealed and new documents prepared in their place. This recommendation is based on the following considerations:

- There has been no comprehensive review undertaken of LPS 15 or the Local Planning Strategy and supporting strategies since their adoption; and
- Local Planning Scheme No. 15 and the Local Planning Strategy reference and contain a number of zones, reserves, land use classifications and definitions that are inconsistent with the Model Provisions.

It is considered that the scale and number of modifications that would be required to be undertaken to the Local Planning Strategy and LPS 15 to make them consistent with the Model Provisions would be significant and it is therefore considered more appropriate to prepare a new local planning strategy and local planning scheme.

FINANCIAL IMPLICATIONS

If the WAPC support the recommendations of the Report of Review, there will be financial implications associated with the preparation of a new local planning strategy and local planning scheme.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

If the WAPC support the recommendations of the Report of Review, further consultation with the community will be undertaken in relation to the new local planning strategy and local planning scheme.

Item 12.1 Continued

OFFICER RECOMMENDATION

That Council:

1. Pursuant to Regulation 66(1)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, approve the Report of Review contained in [Attachment 1](#).
2. Pursuant to Regulation 66(1)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* forward the approved Report of Review to the Western Australian Planning Commission.
3. Pursuant to Regulation 66(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* recommend to the Western Australian Planning Commission that:
 - (a) The City of Belmont Local Planning Strategy be repealed and a new Local Planning Strategy be prepared in its place.
 - (b) The City of Belmont Local Planning Scheme No. 15 be repealed and a new scheme prepared in its place.

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

12.2 TENDER 05/2020 – PROVISION OF CLEANING SERVICES FOR THE BELMONT HUB

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.2 refers	<u>Evaluation Matrix</u>
Confidential Attachment 2 – Item 12.2 refers	<u>Price Schedule</u>

Voting Requirement : Simple Majority
Subject Index : 114/2020-05
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Infrastructure Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award Tender 05/2020 – Provision of Cleaning Services for the Belmont Hub.

Item 12.2 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate the tenders received and includes a recommendation to award Tender 05/2020 to Delron Cleaning Pty Ltd in accordance with the requirements of the *Local Government Act 1995*.

The scope of work comprises the cleaning of:

- Library and Museum (Ground and 1st floor)
- Senior Citizens
- 2nd floor common areas
- Basement and End of Trip facilities
- Foyers
- External Plaza and Walk Ways.

The extent of cleaning includes but is not limited to:

- Cleaning of walls, doors, glass and vertical surfaces
- Cleaning of furniture, fixtures and fittings
- Cleaning of sills, ledges, blinds and horizontal surfaces
- Dusting of high/low ceilings, vents and removal of cobwebs
- Machine scrubbing of tiled floors
- De-scaling urinal drains and toilet bowls and sanitising of all toilet fixtures
- Cleaning of cooktops, ovens, range hoods, microwaves and fridges
- Removal of all rubbish as per waste management plan and wiping of waste bins
- Vacuuming of floors and skirtings.

The contract term is for two years, commencing on 1 December 2020 and expiring on 30 November 2022 to align with the cleaning contract for the City's other facilities.

LOCATION

The Belmont Hub is located at 213 Wright Street, Cloverdale.



Item 12.2 Continued

CONSULTATION

FM Contract Solutions is an independent consulting company that provides third party audits and reports using compliance software. They have supported the City in the management of cleaning services for several years and have assisted with the preparation of the scope of work for, and provided comment on tendered submission allocation of supervision and labour hours in relation to specification requirements and costing against award rates for this tender. FM Contract Solutions has an understanding of the industry which helps to ensure that a contractor capable of delivering the service standard required is selected. FM Contract Solutions has also provided data to assist with the evaluation of this tender including a benchmark price to ensure the contractor is paying its employees a reasonable rate, that sufficient time is allocated to allow for the facilities to be cleaned to an acceptable standard and that the contractor is offering value for money.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

Goal 3: Natural Belmont

Strategy:

3.5 Promote energy and water efficiency, renewable energy sources, and reduce emissions and waste.

POLICY IMPLICATIONS

BEXB7.1–Purchasing

POLICY OBJECTIVE

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

In accordance with Clause 4 of BEXB7.1-Purchasing, the requirements set out in the *Local Government (Functions and General) Regulations 1996* were followed.

STATUTORY ENVIRONMENT

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

Item 12.2 Continued

BACKGROUND

An invitation to submit Expressions of Interest for the Provision of Cleaning Services for the Belmont Hub was advertised in the West Australian on Saturday, 13 June 2020, closing on Tuesday, 30 June 2020.

Forty eight prospective respondents downloaded the Expression of Interest documents from the City's eTendering portal and sixteen responses were received.

In accordance with the *Local Government (Functions and General) Regulations 1996 – regulation 22*, Delegation DA04 provides authority for the Chief Executive Officer to accept a preliminary selection of prospective tenderers following the submission of expressions of interest. At the time of assessing the Expression of Interest submissions, each panel member has signed a Declaration of Confidentiality and Impartiality Form confirming that they have no known conflict of interest to disclose.

The following organisations were considered capable of satisfactorily supplying the service and were issued an invitation to tender:

- Airlite Cleaning Pty Ltd
- Delron Cleaning Pty Ltd
- Menzies International (Australia) Pty Ltd.

Documents for Tender 05/2020 - Provision of Cleaning Services for the Belmont Hub were issued on 18 August 2020, with the Tender closing on Tuesday, 8 September 2020. All three tenderers submitted a response on time.

OFFICER COMMENT

The Evaluation Panel consisted of Acting Manager City Facilities and Property, Coordinator Building Operations and Coordinator Procurement.

The Evaluation Panel assessed the Expression of Interest responses on the following selection criteria:

	Criteria	Weighting
1.	Company Details	10%
2.	Human Resources	10%
3.	Occupational Health & Safety	10%
4.	Experience & Capability	20%
5.	Quality Management Processes	15%
6.	Sustainability	20%
7.	Information Technology	15%
	Total	100%

Having identified the organisations that may be able to meet the City's contract requirements through the Expression of Interest process, tender responses were evaluated on price and proposed methodology to implement the City's requirements. Selection criteria for the Tender were weighted as follows:

	Criteria	Weighting
1.	Operational Strategy / Methodology	30%
2.	Price	70%
	TOTAL	100%

Item 12.2 Continued

Delron Cleaning achieved the highest score on the Evaluation Matrix (Refer [Confidential Attachment 1](#)) for both Methodology and Price and is the recommended supplier.

Delron Cleaning has been operating in Western Australia for 30 years. They currently have cleaning contracts with local and state government entities and also with some educational establishments, many of which they have held for significant periods of time. Their response demonstrated that they have systems in place to ensure a high standard of cleaning is maintained in a safe and sustainable environment.

Reference checks were undertaken which supported the Evaluation Panel's assessment.

FINANCIAL IMPLICATIONS

FM Contract Solutions has provided a benchmark price based on the number of cleaning hours allocated, pay rates, on costs, etc.

[Confidential Attachment 2](#) – Price Schedule details the hours allocated and tendered price for each of the tenderers as well as the benchmark. The price criterion was scored according to the tenderers' proximity to the benchmark.

There is an amount of \$261,992 allocated in the 2020-2021 budget to carry out the daily and periodical cleaning (window cleaning, carpet cleaning and pressure cleaning).

Delron Cleaning have tendered an amount of \$243,759.50 per annum or \$20,313.29 per calendar month to clean the facility. The contract is due to commence on 1 December 2020 and if approved, will cost \$142,193.03 for the remainder of the 2020-2021 financial year exclusive of periodical cleaning (window cleaning, carpet cleaning and pressure cleaning).

This leaves a balance amount of \$119,798.97 in the 2020-2021 budget to pay for cleaning since practical completion including special one off cleans, window and pressure cleaning, carpet cleaning, COVID-19 cleaning and the day to day cleaning that will occur at the Belmont Hub up until the commencement of the new contract on 1 December 2020. There are sufficient funds allocated in the 2020-2021 budget to carry out the cleaning at the Belmont Hub.

ENVIRONMENTAL IMPLICATIONS

It is the City's aim that the Belmont Hub will achieve a minimum '5 Star Green Star' rating utilising the current 'Design and As Built' rating tool of the Green Building Council of Australia, consistent with the City's Environment and Sustainability Policy (NB3) and the 'Natural Belmont' objectives/strategies of the Strategic Community Plan to reduce emissions and waste.

The cleaning tender includes the following provisions to support this objective:

- The Contractor must report to the Principal's Representative any environmental issues such as leaks in urinals / toilets, etc, incorrect waste disposal by building occupants including:
 - Incorrect materials (i.e hazardous items/recyclables) placed in general waste;
 - Contamination of co-mingled recycling bins with non-recyclables.

Item 12.2 Continued

- The Contractor is to comply with the approved building Waste Management Plan including implementing measures to achieve material volume reduction (e.g. return packaging to suppliers, re-use containers, purchase of larger volume containers less frequently and decanting product into existing containers to reduce waste, etc).
- Cleaners must minimise the use of plastic bags for waste disposal and be familiar with materials accepted in the co-mingled recycling bins within the City of Belmont (i.e. no plastic bags or paper towels).
- The Contractor is to report monthly on environmental initiatives of staff, for example reductions in the use of energy and water, and waste reduction initiatives.

SOCIAL IMPLICATIONS

Given the inherent public function of the Belmont Hub, the principal social implication of this contract relates to the provision of community access to services in a safe and hygienic environment.

OFFICER RECOMMENDATION

That Council:

- 1. Accepts the tender submitted by Delron Cleaning Pty Ltd for Tender 05/2020 – Provision of Cleaning Services for the Belmont Hub as specified for the lump sum of \$243,759.50 per annum excluding GST as the most advantageous; and**
- 2. Awards the contract to Delron Cleaning Pty Ltd for a period of two years commencing 1 December 2020.**

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

12.3 TENDER 06/2020 – BELMONT OASIS LEISURE CENTRE – CHANGEROOMS, TOILETS AND GROUP FITNESS ROOM REFURBISHMENT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 3 – Item 12.3 refers	<u>Evaluation Matrix</u>
Confidential Attachment 4 – Item 12.3 refers	<u>Price Schedule</u>

Voting Requirement : Absolute Majority
Subject Index : 114/2020-06
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Infrastructure Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award Tender 06/2020 – Belmont Oasis Leisure Centre – Changerooms, Toilets and Group Fitness Room Refurbishment.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate the tenders received and includes a recommendation to award Tender 06/2020 to Classic Contractors Pty Ltd in accordance with the requirements of the *Local Government Act 1995*.

The works include the refurbishment of the following list of amenities within the Belmont Oasis Leisure Centre (BOLC):

SEPARABLE PORTION	DESCRIPTION	COMPLETION DATES
Separable Portion 1	Wet Area Toilets & Changerooms & Changing Places facility	12 weeks from date of letter of contract award
Separable Portion 2	Dry Court Toilets & Changerooms	11 weeks from the date of practical completion of separable portion one
Separable Portion 3.1	Gym & Corridor Toilets (inc. new Server Room)	8 weeks from the date of practical completion two
Separable Portion 3.2	Group Fitness & Spin Room (inc. adjacent ramp / wall works, etc)	8 weeks from the date of practical completion two
Separable Portion 4	Café / Kitchen Toilets & Front Steps	8 weeks from the date of practical completion three

The scope of work includes:

Changeroom and Toilets

- Demolition of existing fit outs in changerooms, toilets
- Provision of partitioning to showers and toilet areas
- Provision of seating/benching
- Replacement of internal lighting with energy efficient LED fittings that are sensor activated
- Ensuring the mechanical extraction system complies with the relevant Australian Standards
- Complete re tiling of internal walls and floors
- Painting of ceilings
- Replacement of all internal tapware with WELS rated fittings
- Supply and installation of new cabinetry and basins with mirrors above
- Replacement of urinals with wall hung urinals and in duct cisterns in wet area change rooms
- Unisex design of dry area (sports hall) changerooms.

Group Fitness Room

- Removal and replacement of existing ceiling
- Installation of bulkhead to increase the height of the ceiling and install acoustic panelling
- Installation of internal walls and doors to a separate spin room
- Installation of reverse cycle air conditioning
- Lining of walls with gyprock and paint
- Demolition of wall between group fitness area and the rear kitchen (which is no longer used or required) to provide additional functional floor space
- Installation of LED energy efficient lighting throughout entire group fitness room
- Installation of new roller door to storage area for improved access.

Item 12.3 Continued

LOCATION

Belmont Oasis Leisure Centre, corner Abernethy Road and Alexander Road, Cloverdale.



CONSULTATION

The managers of the BOLC, Bluefit Pty Ltd (Bluefit), have been consulted throughout the design and documentation phases for the proposed works. The architect for this project is Carabiner Pty Ltd (Carabiner). They have prepared the technical specifications and will act as Superintendent.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020–2040 Strategic Community Plan:

Goal 1: Liveable Belmont.

Strategy:

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

Goal 5: Responsible Belmont

Strategy:

- 5.3 Invest in services and facilities for our growing community.

Item 12.3 Continued

POLICY IMPLICATIONS

BEXB7.1–Purchasing

POLICY OBJECTIVE

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

In accordance with Clause 4 of BEXB7.1-Purchasing, the requirements set out in the *Local Government (Functions and General) Regulations 1996* were followed.

STATUTORY ENVIRONMENT

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

BACKGROUND

In accordance with the terms of the Management Agreement, the City is responsible for the ongoing maintenance of the building asset at the BOLC. The facility is currently managed by Bluefit under a management agreement that commenced on 1 July 2019 and expires 30 June 2026.

The City’s Facilities Structure Asset Management Plan indicated that refurbishment works to the changerooms, toilet and fitness rooms were required in order for the existing facility to continue to operate and function correctly.

The City engaged the services of suitably qualified and experienced architects, Carabiner, to provide complete design development, contract documentation and contract administration services for the refurbishment of these areas.

The building works will be carried out in four separable portions to minimise disruption to operations at the Centre and provide patrons with continued access to various changeroom and toilet amenities.

An invitation to tender for the refurbishment of the changerooms, toilets and group fitness rooms within the BOLC was advertised in the *West Australian* on Saturday, 25 July 2020 and closed on Tuesday, 18 August 2020 at 2pm.

The tender documents were available on the City’s eTendering portal and were downloaded by 37 prospective tenderers. Seven responses were received from:

- AE Hoskins Building Services
- Buckingham Re-development Company
- Classic Contractors Pty Ltd
- Geared Construction Pty Ltd
- LKS Constructions (WA) Pty Ltd
- Renascent Western Australia Pty Ltd
- Solution 4 Building Pty Ltd.

Item 12.3 Continued

OFFICER COMMENT

The Evaluation Panel consisted of the Acting Manager City Facilities & Property, Coordinator Building Operations and Coordinator Procurement. Each panel member has signed a Declaration of Confidentiality and Impartiality Form confirming that they have no known conflict of interest to disclose.

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

	CRITERIA	WEIGHTING
1	Company Profile	10%
2	Experience	20%
3	Company Capacity	10%
4	Methodology	10%
5	Safety	10%
6	Price	40%
	TOTAL	100%

Classic Contractors are considered the most advantageous solution. (refer [Confidential Attachments 3](#) and [Confidential Attachment 4](#)) Through their tender submission, Classic Contractors have demonstrated the company possesses the relevant experience required to undertake this project, having undertaken refurbishments in other local government aquatic centres and their proposal also offers the best value for money. Clarifications and reference checks were sought which indicated that Classic Contractors has the necessary experience, skills and capacity to meet the project requirements within budget.

FINANCIAL IMPLICATIONS

There is an amount of \$1,185,250 included in the 2020-2021 budget for refurbishment of the changerooms, toilets and group fitness room at the BOLC. The budget for the construction cost was based on the concept design which was estimated at \$1,170,000 with a small contingency. The tender price submitted by Classic Contractors falls within the project budget.

The works have been divided into four separable portions to ensure BOLC can operate business as usual with all works due for completion within 39 weeks from award of contract, with practical completion to take place early in the 2021-2022 financial year.

ENVIRONMENTAL IMPLICATIONS

The new facilities will include energy saving features including:

- All showers, taps and toilets to have a minimum rating of WELS 3
- All new light fittings to be energy efficient LED with sensor activation
- Air conditioning will have high energy efficiency.

Item 12.3 Continued

SOCIAL IMPLICATIONS

The completed refurbishment will assist in making the BOLC more attractive, encouraging the community to attend the Centre and participate in an active lifestyle.

There will be some impact on users whilst the refurbishment is progressing, however it is anticipated that carrying out the works in separable portions will minimise disruption and allow patrons to still access the amenities within the BOLC. The City and Bluefit will communicate and notify patrons via their websites and newsletters when amenities within the centre will be unavailable due to refurbishment works.

Note

Cr Davis declared an interest that may affect impartiality in Item 12.3, Tender 06/2020 –Belmont Oasis Leisure Centre – Changerooms, Toilets and Group Fitness Room Refurbishment.

Ms Gillan declared an interest that may affect impartiality in Item 12.3, Tender 06/2020 –Belmont Oasis Leisure Centre – Changerooms, Toilets and Group Fitness Room Refurbishment.

OFFICER RECOMMENDATION

That Council:

- 1. Accepts the tender submitted by Classic Contractors Pty Ltd for Tender 06/2020 – Belmont Oasis Leisure Centre – Changerooms, Toilets and Group Fitness Room Refurbishment as specified for the lump sum of \$1,075,355.00 excluding GST as the most advantageous.**
- 2. Delegates the Chief Executive Officer to approve contract variations that are within the authorised purchasing limits, in accordance with Regulation 21A of the *Local Government (Functions and General) Regulation 1996*.**

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

12.4 CONSOLIDATED LOCAL LAW 2020 – FINAL ADOPTION

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item 12.4 refers	City of Belmont Consolidated Local Law 2020
Attachment 3 – Item 12.4 refers	City of Belmont Consolidated Local Law 2020 – Track Changes
Attachment 4 – Item 12.4 refers	Table of Changes

Voting Requirement	:	Absolute Majority
Subject Index	:	76/018 – Consolidated Local Laws
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 24/03/2020 – Item 12.1
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 consider any submissions and final adoption of the *City of Belmont Consolidated Local Law 2020* (refer [Attachment 2](#)).

Item 12.4 Continued

SUMMARY AND KEY ISSUES

At the Ordinary Council Meeting of 24 March 2020, Council resolved to give notice of the purpose and effect of the proposed *City of Belmont Consolidated Local Law 2020*.

In accordance with the legislative requirements the proposed local law was advertised calling for public submissions. No public submissions were received.

Additionally, a copy of the proposed local law was reviewed by the Department of Local Government, Sport and Cultural Industries (DLGSCI), Department of Water and Environmental Regulation (DWER) and the Department of Health. This report considers the submissions made on behalf of these departments and proposes final adoption of the local law.

LOCATION

Not applicable.

CONSULTATION

Significant and substantial engagement across internal stakeholders has occurred to ensure the legal requirement of the drafting matched the technical requirements and needs of the City's various departments. Managers and key departmental officers provided commentary, recommendation and advice to create the final draft through all stages. Consultation occurred in three stages, one involving a thorough internal review of the City's current local laws to identify legal / operational issues and identification of local law errors. The second internal review involved consultation and communication on the actual draft wording in order to create the proposed Consolidated Local Law. The third and final review re-engaged key internal stakeholders subsequent to the feedback received following Council decision to advertise in March 2020.

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

Councillors were briefed and engaged in feedback through an Information Forum on 11 February 2020. The matter progressed to the 24 March 2020 Ordinary Council Meeting and was endorsed for announcement of the purpose and effect.

The proposed local law was advertised calling for public submissions for a period of six weeks from Thursday, 2 April 2020 to Friday, 15 May 2020. No public submissions were received.

Item 12.4 Continued

In accordance with the *Local Government Act 1995*, the Minister for Local Government was provided with a copy of the proposed local law. Additionally the following Ministers were provided copies as a result of conferring powers derived from other legislation:

- Minister for Environment – regarding the waste local laws and provision under the *Waste Avoidance and Resource Recovery Act 2007*;
- Minister for Health – regarding stables local laws and provision under the *Health (Miscellaneous Provisions) Act 1911*; and
- Minister for Commerce – regarding fencing local laws and provision under the *Dividing Fences Act 1961*.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

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

POLICY IMPLICATIONS

Following Gazettal of the Consolidated Local Laws, the Streetscape Policy and Urban Forest Policy will require amendment to correctly reference the *City of Belmont Consolidated Local Law 2020*.

STATUTORY ENVIRONMENT

Legislation for making local laws is set out in Part 3 - Division 2 of the *Local Government Act 1995* statutory procedure for adopting a local law is prescribed under section 3.12. The process of making a local law commences with the requirement (under regulation 3 of the *Local Government (Functions and General) Regulations 1996*) that the Presiding Member must give notice of the purpose and effect of a local law at a Council meeting, and for the Agenda and Minutes to reflect the local law purpose and effect.

The statutory requirements of stating the purpose and effect, giving public notice, allowing for a six week public submission period, and providing the relevant Ministers with copies of the proposed local law has now been fulfilled.

Following the last day for public submissions, the local government is to consider any submissions made and may make the local law as proposed or make a local law that is not significantly different from what was proposed (absolute majority required).

After making the local law, the local government is to publish it in the Government Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.

Item 12.4 Continued

After the local law has been published in the Government Gazette the local government is to give local public notice:

- (a) stating the title of the local law; and
- (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
- (c) advising that copies of the local law may be inspected or obtained from the local government's office.

The Minister may give directions to local governments requiring them to provide to the Parliament, copies of local laws they have made and any explanatory or other material relating to them.

Furthermore in accordance with section 61 of the *Waste Avoidance and Resource Recovery Act 2007* the City must seek consent from the CEO of the Department of Water and Environmental Regulation for waste related local laws.

BACKGROUND

The City of Belmont currently has 10 separate documents covering local laws ranging in a variety of topics. These were originally created across varying periods of time and ultimately by different authors or historically drafted around Western Australian Local Government Association (WALGA) model local laws.

Following a lengthy review of the local laws the City proposed a consolidated document to provide for greater ease of readership, reduced ambiguity for enforcement purposes and increased general ease of administration.

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

OFFICER COMMENT

Following a six week public submission period, no public submissions were received.

Commentary was received from the Department of Local Government, Sport and Cultural Industries, the Department of Health and the Department of Water and Environmental Regulation with several recommendations and some advice provided. A summary of the recommendations and advice, including the officer response to these is provided in a Table of Changes ([Attachment 4](#)).

The direct changes recommended for acceptance as a result of the above submissions are provided for comparison in a marked up version (refer [Attachment 3](#))

Consent was provided by the Department of Water and Environmental Regulation to the waste provisions in the *City of Belmont Consolidated Local Law 2020* on 11 September 2020.

Item 12.4 Continued

FINANCIAL IMPLICATIONS

There will be costs associated with publishing the local law in the Government Gazette. Once gazettal has occurred the City will be required to provide local public notice, which will incur additional advertisement costs.

ENVIRONMENTAL IMPLICATIONS

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

SOCIAL IMPLICATIONS

Factsheets, educational material and general public advisory material will need to be updated to ensure that widespread knowledge of changes to the City's local laws are circulated.

OFFICER RECOMMENDATION

ROSSI MOVED, WOLFF SECONDED

That Council:

1. Acknowledge that no public submissions were received.
2. Acknowledge the submissions received on the proposed *City of Belmont Consolidated Local Law 2020* from the Department of Local Government, Sport and Cultural Industries, the Department of Water and Environmental Regulation, and the Department of Health.
3. Adopt the *City of Belmont Consolidated Local Law 2020*, as detailed in [Attachment 2](#), as a local law of the City of Belmont.
4. Instruct the Chief Executive Officer to undertake statutory advertising, Gazettal and all other actions necessary to ensure the *City of Belmont Consolidated Local Law 2020* comes into force.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.5 REMOVAL OF RECOGNITION FOR MR. BRADLEY ROBERT EDWARDS – COMMUNITY SERVICE AWARD 2013

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	74/001
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 12.8 – OCM 29 October 2013
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider the withdrawal of the award and associated recognition granted to Mr Bradley Edwards in 2013 for Community Service.

SUMMARY AND KEY ISSUES

A Community Service Award was granted to Mr Bradley Edwards of Kewdale in 2013 for his involvement with the Kewdale Little Athletics Club and the Belmont Little Athletics Centre.

This report is for Council approval to withdraw the Community Service Award and any recognition associated with the award as a result of Mr Edwards being recently convicted in the Supreme Court of Western Australia for murder.

Item 12.5 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

BACKGROUND

A number of nominations were received for the Community Service Awards in 2013. Following assessment by the selection panel against agreed criteria, Council endorsed the panel's recommendation for the recipients of the awards at its Ordinary Council Meeting on 29 October 2013.

The Awards were presented to the recipients at the Civic Dinner held on 7 December 2013.

Mr Bradley Edwards of Kewdale was one of the recipients of a Community Service Award in 2013 in the Sport and Recreation category for his involvement with the Kewdale Little Athletics Club and the Belmont Little Athletics Centre.

In 2016 Mr Edwards was arrested and charged with two of the Claremont murders that took place in 1996 and 1997 and taken into custody. Following a lengthy and very public trial, on 24 September 2020, Mr Edwards was found guilty of the two murders. Sentencing is to take place on 23 December 2020.

There were news articles at the time of Mr Edwards arrest in 2016, including reference to him being a recipient of a Community Service Award and copies of photos and reports that were published in 2013.

Item 12.5 Continued

OFFICER COMMENT

As Mr Edwards has been found guilty of the two murders that occurred in 1996 and 1997 and other serious offences, it is considered appropriate to withdraw the Community Service Award granted in 2013, and remove any recognition associated with being a recipient of the award.

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 Community Service Awards recognise those who assist and develop community capacity and support community groups within the City of Belmont.

Following the media attention to the murder cases and subsequent conviction of murder it is considered appropriate for the City to withdraw the award and no longer recognise the contributions made by this individual.

OFFICER RECOMMENDATION

That Council endorse:

- 1. The withdrawal of the Community Service Award granted to Mr Bradley Robert Edwards in 2013; and**
- 2. Removal of all recognition of Mr Bradley Robert Edwards associated with being an award recipient.**

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

12.6 2020-2021 OCTOBER BUDGET REVIEW

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item 12.6 refers	2020-2021 October Budget Review
Attachment 6 – Item 12.6 refers	Reserve Accounts 30 June 2021
Attachment 7 – Item 12.6 refers	Rate Setting Statement

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

PURPOSE OF REPORT

This report is prepared to conduct the first review of the Budget and recommend adjustments to the 2020-2021 Adopted Budget.

SUMMARY AND KEY ISSUES

In keeping with sound financial management practices, a review of the 2020-2021 Adopted Budget has been conducted. The Budget remains in balance with all carried forward issues from 2019-2020 addressed.

Item 12.6 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy: Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires a local government to carry out a review of its Budget between 1 January and 31 March each year, report it to Council and then report the outcome of the review to the Department of Local Government. The City of Belmont has for many years now conducted two budget reviews, one in October and one in March. A further review will be conducted and reported to Council and also the Department in March 2021.

BACKGROUND

In keeping with Council's ongoing budget control and financial management, a number of adjustments are required to ensure Council's Budget continues to reflect an accurate position. As it is now some five months since the detailed Budget was prepared and the carried forward figure was estimated, many estimates can now be accurately confirmed. For statutory reporting purposes, the adopted Budget is used, however, for sound management purposes, the adjusted Budget will be used on a day to day basis in the Management Reports.

Item 12.6 Continued

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

- Carried Forward Figure as at 30 June 2020 (to be confirmed by Council's Auditors as part of the end of year Audit)
- Decisions of Council requiring funding
- New items arising following the original budget adoption
- Infrastructure Carry Forward Works.

OFFICER COMMENT

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

(brackets indicate increased income / reduced expenditure)

• Opening Balance-Surplus	(2,524,293)
• Chief Executive Officer Section	0
• Corporate and Governance Division	1,873,136
• Infrastructure Services Division	633,504
• Development and Communities Division	17,653
• Closing Balance	0
	<hr/>
	Net Cost
	0

As has been the case in previous October Budget Reviews, one of the issues to be addressed relates to the 1 July opening balance. The opening balance is predicted early in the budget process to enable budget preparation and rate modelling to proceed.

The Opening Balance exceeded the estimate by \$2,524,293. The variance partially relates to the carry forward of capital projects. These particular projects are noted in [Attachment 5](#). The surplus was also supported through a significant dividend payment received from the EMRC and other anticipated expenses including leave provisions being less than expected.

A detailed listing of all budget adjustments can be found in [Attachment 5](#). It should be noted that the report includes only those line items that have changed during the review process, all other line items remain as per the Adopted Budget. Those noteworthy adjustments are further explained in the summary that follows.

- An additional \$922K has been allocated to the Property Development Reserve which largely represents available funds identified through the entire budget review process including those items mentioned below.
- Income is anticipated to decrease by \$922K reflecting the anticipated impact of COVID-19.
- Marketing and Communications have an increase budget of \$75K, which mainly relates to the re-introduction of the Pioneers luncheon and school commemorative gift initiative as part of the opening of the Belmont Hub.

Item 12.6 Continued

- Facility hire income budgets have been increased with the impact of COVID-19 being better than expected.
- Budget adjustments in regards to the construction of Roads, Drains, Footpaths, Parks and Buildings predominantly relate to a carried forward of funds from 2019-2020 and the re-prioritising / re-scoping of certain projects.
- A number of trucks and other plant have been budgeted which are funded through the Plant Replacement Reserve.
- The costs incurred due to illegal dumping are now separated from other sanitation related costs with the annual costs estimated at \$65K.
- Although there is a net nil impact, the Library and Museum expense budgets have been reallocated reflecting the value of the items will be less than the capitalisation threshold.

[Attachment 6](#) provides an updated estimate of reserve balances for the 2020-2021 year with reserve balances expected to decrease in 2020-2021 to \$45.6M.

Also attached is an updated 'Rate Setting Statement' ([Attachment 7](#)) which compares the proposed March Budget Review to the current Authorised Budget.

FINANCIAL IMPLICATIONS

As the budget is still in balance there are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

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

OFFICER RECOMMENDATION

That Council:

- 1. In accordance with *Local Government (Financial Management) Regulations 1996* Regulation 33A, adopt the amendments contained in the 2020-2021 Budget Review ([Attachment 5](#)), including the descriptions of variations and closing fund amendments.**
- 2. Authorise the Acting Director Corporate and Governance to amend the 2020-2021 Budget in accordance with all resolved variations.**

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

12.7 ACCOUNTS FOR PAYMENT – SEPTEMBER 2020

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 8 – Item 12.7 refers	<u>Accounts for Payment – September 2020</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

LOCATION

Not applicable.

Item 12.7 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	788533 to 788554	\$27,195.83
Municipal Fund EFTs	EF069143 to EF069539	\$4,043,896.78
Municipal Fund Payroll	September 2020	\$1,706,724.33
Trust Fund EFTs	EF069639, EF069640 and EF069644	<u>\$16,053.11</u>
Total Payments for September 2020		\$5,793,870.05

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

Item 12.7 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 September 2020 as provided under [Attachment 8](#) be received.

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

12.8 MONTHLY ACTIVITY STATEMENT AS AT 30 SEPTEMBER 2020

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 9 – Item 12.9 refers	<u>Monthly Activity Statement as at 30 September 2020</u>

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

COUNCIL ROLE

- 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 12.8 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 12.8 Continued

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

The monthly financial report is to be accompanied by:

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

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

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

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

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

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Computing	412,126	57,675	Timing issue regarding the payment of business applications and equipment.
Facilities and Property Management	100,000	Nil	Budget allows for the acquisition of land and is offset by reserve transfers.
Crime Prevention & Community Safety	160,007	262,895	Variance relates to the purchase and installation of CCTV at the Belmont Hub.
Town Planning	95,800	40,368	Purchase of Fleet has not yet occurred.
Environment	65,653	Nil	A number of Environment projects are behind budget.
Belmont Oasis	16,000	89,913	Relates to gym equipment that is a carryover from 2019-2020.
Ruth Faulkner Library	561,086	153,640	Timing issue regarding the receipt of furniture and equipment at the Belmont Hub.
Grounds Operations	232,070	132,157	Variance mainly relates to the Forster Park upgrade.
Streetscapes	Nil	69,609	Relates to the purchase of bus shelters that are a carryover from 2019-2020.
Drainage Works	116,700	30,302	Drainage improvement projects are behind budget.
Building Operations	1,759,700	274,737	Mainly relates to the Belmont Oasis and Belmont Hub.
Expenditure – Operating			
Computing	737,500	920,292	Budget spread issue with licence fees generally paid early in the year.
Marketing & Communications	536,671	437,665	Variance relates to functions / catering and printing costs.
Rates	1,882,865	1,291,247	Mainly relates to the discount process which will not be finalised until October.

Item 12.8 Continued

Report Section	Budget YTD	Actual YTD	Comment
Facilities and Property Management	454,761	281,417	Mainly relates to employee costs which have largely been incurred in 2019-2020.
Financing Activities	Nil	50,141	Budget spread issue regarding debenture guarantee.
Belmont Community Watch	334,717	231,309	Invoices are processed one month in arrears.
Community Services	344,859	292,678	Employee and subscriptions are below budget.
Youth Services General	188,459	120,928	Invoices are processed one month in arrears.
Town Planning	892,459	699,961	Employee and consulting costs are below budget.
Sanitation Charges	1,397,867	1,068,715	Invoices are processed one month in arrears.
Donations and Grants	103,250	15,777	Budget spread issue regarding payment of MOU's.
Public Facilities Operations	86,766	5,967	Budget spread issue regarding contributions to sporting clubs.
Belmont Oasis	205,257	144,582	Outstanding contractor management costs.
Ruth Faulkner Library	895,230	675,640	Largely relates to consulting costs regarding the Belmont Hub.
Grounds Overheads	456,071	399,209	Employee costs are below budget.
Road Works	282,901	218,030	Road sweeping and street lighting maintenance costs are below budget.
Streetscapes	317,563	239,755	Street Tree Planting and Verge maintenance costs are below budget.
Building Operations	447,813	349,271	Mainly relates to the Belmont Hub maintenance costs being under budget.
Revenue - Capital			
Financing Activities	(8,000,000)	Nil	Transfer from reserve to allow for potential cashflow issues. This will still need to be budgeted but will be reallocated to later in the year as part of the budget review.
Crime Prevention & Community Safety	(135,007)	(2,455)	Budget spread issue regarding grant income for CCTV at the Belmont Hub.
Road Works	(385,174)	17,574	Relates to the reversal of end of year accruals with the offsetting income yet to be received.
Revenue - Operating			
Finance Department	(545,491)	(623,903)	Activity Based Costing (ABC) recoveries are above budget.
Computing	(677,195)	(896,916)	ABC recoveries are above budget.
Reimbursements	(91,291)	(26,031)	Miscellaneous and Workers Compensation reimbursements are outstanding.
Insurance	(786,745)	(856,467)	Variance mainly relates to income from insurance claims.
Rates	(50,168,627)	(38,486,636)	Ex gratia rates are expected to be invoiced in October.

Item 12.8 Continued

Report Section	Budget YTD	Actual YTD	Comment
Facilities and Property Management	(14,492)	(156,590)	Budget spread issue regarding rent / lease income from Council buildings.
Financing Activities	(244,594)	(331,895)	Monthly variances are expected due to the timing of term deposits maturing.
Faulkner Park Retirement Village	(50,000)	Nil	Actual reflects the lack of unit sales at the retirement village.
Sanitation Charges	(6,083,595)	(6,137,547)	Number of services slightly more than anticipated.
Streetscapes	Nil	(76,401)	Prepaid road / verge maintenance income.
Public Works Overheads	(280,147)	(142,202)	Overhead recoveries are below budget.
Plant Operating Costs	(299,417)	(228,924)	Overhead recoveries are below budget.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 30 September 2020	\$	Comment
Cash and investments	78,612,374	Includes municipal and reserves
- less non rate setting cash	(48,359,205)	Reserves
Receivables	17,060,922	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(3,591,294)	ESL Receivable
Stock on hand	213,317	
Total Current Assets	43,936,113	
Current Liabilities		
Creditors and provisions	(19,030,334)	Includes ESL and deposits
- less non rate setting creditors & provisions	11,108,441	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(7,921,893)	
Nett Current Assets 30 September 2020	36,014,220	
Nett Current Assets as Per Financial Activity Report	36,014,220	
Less Committed Assets	(35,514,220)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

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

Item 12.8 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 30 September 2020 as included in [Attachment 9](#) be received.

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

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

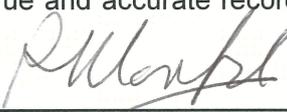
Nil.

15. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 7.43pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these Minutes of the Ordinary Council Meeting held on 27 October 2020 were confirmed as a true and accurate record at the Ordinary Council Meeting held 24 November 2020:

Signed by the Person Presiding:  _____

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

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