



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

TABLE OF CONTENTS

22 June 2021

ITEM	SUBJECT HEADING	PAGE
1.	OFFICIAL OPENING	2
2.	APOLOGIES AND LEAVE OF ABSENCE	2
3.	DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT	2
3.1	FINANCIAL INTERESTS	2
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY	2
4.	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS	3
4.1	ANNOUNCEMENTS.....	3
4.2	DISCLAIMER.....	4
4.3	DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING	4
5.	PUBLIC QUESTION TIME	4
5.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE	4
5.1.1	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE	4
5.1.2	MS L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG).....	5
5.1.3	MR D SMITH, 87 TOORAK ROAD, RIVERVALE	6
5.1.4	MS J BODGER, 93 TOORAK ROAD, RIVERVALE	7
5.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	8
5.2.1	MR P BETZ, 56 HAY ROAD, ASCOT	8
5.2.2	MR D SMITH, 87 TOORAK ROAD, RIVERVALE	8
5.2.3	MR BROINOWSKI, 66 ARMADALE ROAD, RIVERVALE	9
5.2.4	MS E RANSOME, 62 HAY ROAD, ASCOT	10
5.2.5	MS D RANSOME, 62 HAY ROAD, ASCOT	10
5.2.6	MS G RALPH, 60 HAY ROAD, ASCOT	11
5.2.7	MR B RALPH, 60 HAY ROAD, ASCOT	11
5.2.8	MR S HOPKINS, 23 ALFRED STREET, BELMONT	12
5.2.9	MS G GODFREY, 11 MORGAN ROAD, REDCLIFFE	12
5.2.10	MR J THOMPSON, 27 HAMPTON STREET, KEWDALE	13
5.2.11	MR T METCALF, 258A ARMADALE ROAD, KEWDALE	13
5.2.12	MS I MUTCH, 112 ROBERTS ROAD, RIVERVALE	14
5.2.13	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE	14

ITEM	SUBJECT HEADING	PAGE
5.2.14	MS L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG).....	16
5.2.15	MR P HITT, 14 MCLACHLAN WAY, BELMONT	17
6.	CONFIRMATION OF MINUTES/RECEIPT OF MATRIX.....	18
6.1	ORDINARY COUNCIL MEETING HELD 25 MAY 2021	18
6.2	MATRIX FOR THE AGENDA BRIEFING FORUM HELD 15 JUNE 2021	18
7.	QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION).....	18
8.	QUESTIONS BY MEMBERS WITHOUT NOTICE	19
8.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE	19
8.2	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	19
8.2.1	CR DAVIS	19
9.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION	19
10.	BUSINESS ADJOURNED FROM A PREVIOUS MEETING	19
11.	REPORTS OF COMMITTEES	19
12.	REPORTS OF ADMINISTRATION	20
12.1	AMENDMENT NO. 14 TO LOCAL PLANNING SCHEME NO. 15 AND MODIFICATIONS TO DEVELOPMENT AREA 9 STRUCTURE PLAN.....	21
12.2	TENDER 03/2021 – ELECTRICAL REPAIR AND MAINTENANCE SERVICES FOR COUNCIL FACILITIES AND OTHER INFRASTRUCTURE	45
12.3	PROCLAMATION OF GATEWAY WA ROADS, INTERCHANGES, ASSOCIATED RAMPS AND PATHS.....	50
12.4	ADOPTION OF CITY OF BELMONT STANDARDS FOR CEO RECRUITMENT, PERFORMANCE AND TERMINATION.....	54
12.5	CORPORATE BUSINESS PLAN 2021 – 2025 (ANNUAL REVIEW)	59
12.6	DELEGATED AUTHORITY REVIEW 2021-2022	65
12.7	ADOPTION OF FEES AND CHARGES FOR 2021-2022.....	70
12.8	2021-2022 RATE SETTING BUDGET	73
12.9	2021-2022 RATE CALCULATIONS	88
12.10	ACCOUNTS FOR PAYMENT – MAY 2021	94
12.11	MONTHLY ACTIVITY STATEMENT AS AT 31 MAY 2021	97
13.	REPORTS BY THE CHIEF EXECUTIVE OFFICER.....	104
13.1	REQUESTS FOR LEAVE OF ABSENCE	104
13.2	NOTICE OF MOTION.....	104
13.2.1	NOTICE OF MOTION (COUNCILLOR DAVIS) – ONGOING FINANCIAL SUPPORT FOR THE BELMONT CITY BOWLING CLUB AND BELMONT PARK TENNIS CLUB.....	104
13.3	CONSOLIDATED LOCAL LAWS 2020 – UNDERTAKING TO THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION	110
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....	114
14.1	SEEKING INSTRUCTIONS REGARDING LEGAL MATTER (FID865298) (CONFIDENTIAL MATTER IN ACCORDANCE WITH <i>LOCAL GOVERNMENT ACT 1995</i> SECTION 5.23(2)(C)(E)(II)).....	114
15.	CLOSURE	114

ATTACHMENTS INDEX

- Attachment 1 – Item 12.1 refers**
- Attachment 2 – Item 12.1 refers**
- Attachment 3 – Item 12.1 refers**
- Attachment 4 – Item 12.1 refers**
- Attachment 5 – Item 12.1 refers**
- Attachment 6 – Item 12.1 refers**
- Attachment 7 – Item 12.3 refers**
- Attachment 8 – Item 12.4 refers**
- Attachment 9 – Item 12.5 refers**
- Attachment 10 – Item 12.6 refers**
- Attachment 11 – Item 12.6 refers**
- Attachment 12 – Item 12.6 refers**
- Attachment 13 – Item 12.7 refers**
- Attachment 14 – Item 12.8 refers**
- Attachment 15 – Item 12.8 refers**
- Attachment 16 – Item 12.8 refers**
- Attachment 17 – Item 12.8 refers**
- Attachment 18 – Item 12.9 refers**
- Attachment 19 – Item 12.9 refers**
- Attachment 20 – Item 12.10 refers**
- Attachment 21 – Item 12.11 refers**

CONFIDENTIAL ATTACHMENTS INDEX

- Confidential Attachment 1 – Item 12.2 refers**
- Confidential Attachment 2 – Item 12.2 refers**
- Confidential Attachment 3 – Item 14.1 refers**
- Confidential Attachment 4 – Item 14.1 refers**
- Confidential Attachment 5 – Item 13.3 refers**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 22 JUNE 2021 COMMENCING AT 7.10PM.

MINUTES

PRESENT

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

IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Ms M Bell	Director Corporate and Governance
Ms J Gillan	Director Development and Communities
Ms M Reid	Director Infrastructure Services
Ms Anne-marie Forte	Executive Manager People & Organisational Development
Mr J Olynyk, JP	Manager Governance
Mr V Popescu	Manager City Projects
Mr S Monks	Manager Finance
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms D Morton	Media and Communications Adviser
Mrs H Mark	Governance Officer

MEMBERS OF THE GALLERY

There were 31 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

7.10 pm 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 Noongar Whadjuk people as the Traditional Owners of this land and pay my respects to Elders past, present and emerging. I further acknowledge their cultural heritage, beliefs, connection and relationship with this land which continues today.

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

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

2. APOLOGIES AND LEAVE OF ABSENCE

Cr M Bass (Apology)

East Ward

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member/employee is also encouraged to disclose the nature of the interest. The member/employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member/employee declares that their impartiality will not be affected then they may participate in the decision making process.

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Mr J Christie	Item 12.4 Adoption of City of Belmont Standards for CEO Recruitment, Performance and Termination	This item relates to the standards for recruitment, performance and termination of the CEO and Mr Christie is the CEO.
Cr J Davis	Item 12.8 – Annual Budget 2021-2022	Member of Belmont Oasis Member of BSRC Committee Member of BSRC

Item 3.2 Continued

Cr G Sekulla	Item 12.8 – Annual Budget 2021-2022	Cr Sekulla has a 68yr family membership of RSL (Belmont) and Affiliate Membership Wife is Member of Belmont Oasis Member of BSRC
Cr J Davis	Item 13.2.1 – Notice of Motion (Cr Davis) – Ongoing Financial Support for the Belmont City Bowling Club and Belmont Park Tennis Club	Cr Davis is Committee Secretary on BSRC not-for-profit
Cr R Rossi	Item 13.2.1 – Notice of Motion (Cr Davis) – Ongoing Financial Support for the Belmont City Bowling Club and Belmont Park Tennis Club	Cr Rossi is a non-paying social member of the Belmont Sports and Recreation Club and a supporter of an award for the Belmont City Bowling Club.
Cr S Wolff	Item 13.2.1 – Notice of Motion (Cr Davis) – Ongoing Financial Support for the Belmont City Bowling Club and Belmont Park Tennis Club	Cr Wolff is a member of the Belmont Park Tennis Club.
Cr P Marks	Item 13.2.1 – Notice of Motion (Cr Davis) – Ongoing Financial Support for the Belmont City Bowling Club and Belmont Park Tennis Club	Cr Marks is a patron of the Belmont Bowling Club.
Cr Sekulla	Item 13.2.1 – Notice of Motion (Cr Davis) – Ongoing Financial Support for the Belmont City Bowling Club and Belmont Park Tennis Club	Cr Sekulla is a member of the Belmont Sports and Recreation Club.

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

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

7.14pm The Presiding Member drew the public gallery's attention to the Disclaimer.

The Presiding Member advised the following:

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

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

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

The following questions were taken on notice at the 25 May 2021 Ordinary Council Meeting. Ms Hollands was provided with a response on 11 June 2021. The response from the City is recorded accordingly:

1. At the last Ordinary Council Meeting, there was an item on the Agenda regarding the new Code of Conduct. Can the City guarantee residents won't be penalised if they make a complaint regarding a Councillor or Officer?

Response

The City takes seriously any complaints that it receives and ensures that due process is followed during any complaints under review, this applies equally to all parties.

The City refutes any claim that any person is treated differently on the basis of them exercising their right to make a complaint and expects that all parties to a complaint will maintain confidentiality during the complaint process.

2. As a result of one of my previous complaints, the WA Ombudsman conducted an investigation, and a new policy has to be introduced for the handling of future similar complaints. When will this policy come before Council and will the Mayor allow me to do a deputation or submission on the policy, if I feel the need to do so?

Response

The City is currently reviewing several Policies to be presented to Council in the near future, in line with recent amendments to legislation.

Item 5.1.1 Continued

The City refutes the statements that you have made above that it has been directed to implement a policy based on a direction from the Ombudsman arising from a complaint made by you. To clarify, in communications with the Ombudsman's office, the City has made a commitment to consider complaints of that nature while reviewing the policies and will do so as part of the review.

The Mayor / Presiding Member will apply the *City of Belmont Standing Orders Local Law 2017* in relation to submissions and deputations and as the Policy is in relation to the Council conducting its administration, it is unlikely you would be able to demonstrate that you are personally affected and satisfy the requirements to make a submission.

3. On 13 May 2021, I wrote to the East Ward Councillors regarding the lack of trees on Miller Avenue, parking at Epsom Road shops and the speed humps on Moreing Street. To comply with the Charter, a response is required by this Thursday. Will I get a response by that time, and if not, what steps will the Chief Executive Officer take to enforce the Charter?

Response

A response to your enquiry was sent on 27 May 2021, which complies with the City's Customer Service Charter.

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 25 May 2021 Ordinary Council Meeting. Ms Hollands, on behalf of BRRAG, was provided with a response on 11 June 2021. The response from the City is recorded accordingly:

1. I asked a question at last month's Ordinary Council Meeting regarding how much the conciliation between the Belmont Sport and Recreation Club and the Belmont Bowling Club cost the ratepayer, which was ruled out of order. Given that I did not ask details of the conciliation but asked how much it cost the ratepayer, can you explain why asking about costs reveals anything about a potential legal issue or discussion?

Response

The City reports monthly, in accordance with the *Local Government Act 1995*, all payments made.

The City does not divulge specific details in relation to any matter that involves current or potential legal issues and or discussions in the interest of maintaining confidentiality of matters between parties.

2. At the last meeting, I also asked how many other times the ratepayer has paid for a conciliation between two not-for-profit organisations. How did that question have anything to do with legal costs?

Response

City officers often resolve conflicts that arise as a result of the usage of Council facilities, however this was the first time the City identified the need for an independent mediator.

Item 5.1.2 Continued

3. Mr Mayor, do you think Councillors are being up front with residents regarding the cost of this conciliation by using a rule that doesn't actually state that the costing of legal matters are included in that rule and when Councillors are in election mode do you think a lack of transparency is appropriate?

Response

As stated in the response to 1 above, all expenditure is reported to Council on a monthly basis. The City refutes your claim that there is a lack of transparency.

Note: The following question relates to car parking within the Faulkner Precinct.

4. Does the precinct include the gym?

Response

No, the agenda item deals with car parking associated with Belmont Hub and the Civic Centre administration building which encompasses the car parking areas in the front and rear of the administration building, Belmont Hub basement, and along Progress Way. It does not include the Belmont Oasis Leisure Centre (gym) and that adjacent car parking area.

There is a related Parking Management Plan for the Faulkner Civic Precinct which includes car parking management for bays adjacent to the Belmont Oasis Leisure Centre. The Parking Management Plan assigns different time restrictions to each parking location within the precinct to help ensure each user group has reasonable opportunity to access a parking bay. The Parking Management Plan will be monitored and reviewed as parking needs within the precinct evolves.

5.1.3 MR D SMITH, 87 TOORAK ROAD, RIVERVALE

The following question was taken on notice at the 25 May 2021 Ordinary Council Meeting. Mr Smith was provided with a response on 10 June 2021. The response from the City is recorded accordingly:

Note: This question was asked following Mr Smith's first question regarding the use of second-generation rat poisons.

1. Do we have any power to control the use of poisons?

Response

The City does not have any powers to control the use of 2nd Generation anticoagulant rodenticides within the community which are commercially available in supermarkets and other stores such as Bunnings for purchase by the general public.

The Australian Pesticides and Veterinary Medicines Authority (APVMA) have recently undertaken and completed a public consultation process in relation to the use patterns of anticoagulant rodenticide products. Feedback and a summary of the submissions can be seen on their website - <https://apvma.gov.au/node/78756>

In general, submissions for the above referenced consultation supported the continued use of anticoagulant rodenticides with recommended changes to harmonise label instructions. The APVMA hope to be able to provide a further update in the middle of this year and their website is a valuable resource for information.

Item 5.1.3 Continued

The City's Pest Control contractor will, where possible, use bait boxes around City Facilities and as part of the process for issuing a Pest Control licence, the State Health Department are required to approve the classes of chemicals used. Licenced Pest Controllers can however use any registered pesticide in the chemical classes that they are licensed for.

Through the City's Safer Communities department, the City currently provides two types of 2nd generation rat baits over the counter to its residents. Residents are entitled to one allocation of rat bait per financial year to assist in the effective control of rodents which can spread diseases.

In regards to generalised advice provided to the community by the City's Parks, Leisure and Environment Department regarding rodent control and the use of 2nd generation baits, residents are encouraged to use traps rather than baits, use 1st generation baits as per the product specifications, and where possible reduce rodent attractants/environments (ie remove palms, food sources, rubbish).

The City acknowledges the risk to birdlife due to the residual poison when birds of prey consume poisoned rodents, however it is not an issue that can be improved upon with Policy or legislation at a local government level.

Although 2nd generation baits are approved for use by the Australian Pesticides and Veterinary Medicines Authority (APVMA), in light of the concerns you have raised the City acknowledges that there is an opportunity for a review to be undertaken of its internal processes and procedures around the operational use of 2nd generation baits.

5.1.4 Ms J BODGER, 93 TOORAK ROAD, RIVERVALE

The following question was taken on notice at the 25 May 2021 Ordinary Council Meeting. Ms Bodger was provided with a response on 9 June 2021. The response from the City is recorded accordingly:

1. In the street where I reside, there is a flock of Ibis that have taken up residence because a resident feeds them. This presents a health hazard both to people and animals. Does the City have a policy on dealing with this problem?

Response

The City's Parks, Leisure and Environment section are investigating the feeding of Ibis within the streetscape of Toorak Road, Rivervale. As per the City of Belmont Consolidated Local Law, it is an offence to feed wildlife. If a person is identified as feeding wildlife, the City will act in accordance with the local law and issue all appropriate warnings and penalties as required.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5.2.1 MR P BETZ, 56 HAY ROAD, ASCOT

1. Is Council aware that two of the objecting landowners within DA9 (no's 60 and 62 Hay Road) built their houses after 2010 when Council resolved to endorse the Structure Plan which identified the R20/R60 density code?

Response

The Presiding Member stated, yes, the Council is aware of the situation.

2. Does Council support housing diversity and infill development consistent with the strategic planning framework and in locations with good access to transport, infrastructure, services and amenities?

Response

The Presiding Member stated yes, we do.

3. Is the Council aware of the benefit of R60 (compared to R40) in minimising impact to side neighbours and this being one of the big reasons the planning officers recommended R60?

Response

The Presiding Member stated it is acknowledged in the report associated with Item 12.1 that an R60 density coding provides for greater or equal to separation between any future development and existing dwellings in comparison to the R40 density coding.

5.2.2 MR D SMITH, 87 TOORAK ROAD, RIVERVALE

Mr Smith's questions relate to a petition that has been circulated from the City's Community Safety Alliance.

1. Does the City of Belmont have any evidence of brothels operating in residential areas of the City?

Response

The Director Development and Communities stated there were 11 complaints relating to brothels over the past year. The City's Community Safety Alliance Group also received a complaint regarding a brothel operating in a residential area of the City of Belmont. They asked the City to assist them to develop a petition to send to the state government to try and change legislation to regulate the brothel industry.

Item 5.2.2 Continued

2. What is the rationale for the City of Belmont to seek this change in state government legislation?

Response

The Director Development and Communities stated this was a request by the Community Safety Alliance members, not the City of Belmont. The City and the Alliance is of the view that in the case of brothels and prostitution, greater controls such as licensing and enforcement by the Police is necessary. This will ensure that regulation and control of such activities is not incorrectly pushed into local governments as a planning compliance matter.

3. Residents have been told by those circulating the petition, that their elected representatives have been consulted. Can the City confirm all elected Council members have been consulted or otherwise informed prior to circulation of this petition?

Response

The Director Development and Communities stated the City's elected members have been advised of the Alliance's intention of submitting a petition at one of the Information Forums earlier this year. This is a petition from the Community Safety Alliance and not from Council.

4. Can the City advise if local WA State Parliamentary representatives have been consulted specifically with respect to this petition prior to its circulation?

Response

The Director Development and Communities stated there has been no consultation with any member of Parliament.

5. Can the City of Belmont advise if any members of parliament have been involved in any way with respect to drafting this petition?

Response

The Director Development and Communities stated no, they have not.

The Presiding Member stated, Mr Smith's remaining questions would be responded to as correspondence in accordance with Section 6.2 (6) of the *City of Belmont Standing Orders Local Law 2017* as they are operational in nature.

5.2.3 MR BROINOWSKI, 66 ARMADALE ROAD, RIVERVALE

1. Will the Council call on the Minister for Housing for urgent action at the 86 crumbling, disgusting units of Nannine Place, Rivervale? This block of units is now being labelled as "Brownlie Towers on Swan".

Response

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

5.2.4 Ms E RANSOME, 62 HAY ROAD, ASCOT

1. Is the Council aware that during the initial consultation period of the DA9 Structure Plan, 62 submissions were received, over three quarters of which were opposed to the DA9 proposal?

Response

The Presiding Member stated yes, everyone who has read the item would know that.

2. Does Council agree that public sentiment has changed since 2010? Global warming, the need to retain green spaces and the imperative to protect the Swan River have become pressing issues. It should be noted by Councillors that Belmont has the lowest tree canopy coverage of any suburb in Western Australia.

Response

The Presiding Member stated he is not aware that the public view has changed, but acknowledges the City is endeavouring to improve canopy cover.

5.2.5 Ms D RANSOME, 62 HAY ROAD, ASCOT

1. Agenda Item 12.1 under the heading 'Analysis' states that of the three options A (R20), B (R40) and C (R60), only (R60) can be affirmed tonight. Options A (R20) and B (R40) are only for reconsideration by Council. Is council only really pursuing the one option R60?
 - Option A: **Reconsider** the approved LSP and retain the existing R20 density coding.
 - Option B: **Reconsider** the approved LSP and apply an R40 density coding.
 - Option C: Affirm the approved LSP and apply an R60 density coding.

Response

The Director Development and Communities stated there are three options detailed in the officer's report and the recommendation is that R60 is the preferred option. The report does specify that for development within this Precinct, medium density is preferred. It is located next to mixed use land which will develop at a much higher height and density. The R60 affords a greater setback from adjoining properties and is only one other storey in height. With the flagged changes to the Medium Density Codes, that height is likely to change at R40 density, which means both densities would achieve a three-storey height. On that basis, the officer's recommendation is for R60 and it is up to Council to make the decision which will be the recommendation sent to the Minister for Planning.

2. The entire Council voted once for R40. If they vote again for R40 tonight, what does "reconsider" mean?

Response

The Director Development and Communities stated that Council resolved to re-advertise the Amendment at a proposed R40 density. It has gone out for public advertising and has then been assessed. In terms of the other options, if Council wanted to amend or move an alternative motion, they could do so and the recommendation would then need to be reworded.

Item 5.2.5 Continued

3. Can Council confirm who CLE Town Planning & Design represents?
- The City of Belmont as they have prepared Structure Plans for DA7 as well as DA9?
 - P. Betz and R Gibbs on whose behalf they presented a deputation at the Agenda Briefing last week?
- Or
- Del Mol Investment Pty. Ltd. Who are a third party that has acquired a significant number of properties along Great Eastern Highway, adjacent to the precinct, and has constructed the Hay Road extension to connect to Ivy Street and are investigating the acquisition of the 'Parks and Recreation' reserved lots in order to undertake future high density development (as per Mr Peter Betz submission) and who on the 18th October 2016 at a Special Council meeting proposed boundary changes between the Belmont Council and the Shire of Swan to Lot 301 Great Eastern Highway.

The Director Development and Communities stated CLE do not represent the City of Belmont. They did prepare the original Structure Plan for DA7 and DA9, but that contract has since finished. The City understands that they now represent Mr Betz, but the question will be taken on notice to investigate which planning consultants represent Mr Gibbs and Del Mol Investments.

5.2.6 Ms G RALPH, 60 HAY ROAD, ASCOT

1. Why would Council and the Planning Department consider a zone change to R60 with a footprint of only 150m² when lower density and larger size lots will allow for more environmentally friendly, solar, green development on this unique riverside land. Would that not be sound planning which would be a credit to the City of Belmont and in keeping with preserving special nature areas for the enjoyment of all residents and visitors to the area?

Response

The Director Development and Communities stated this portion of land is appropriate for medium density developments. Specific locations where development is taking place within the City allows for the retention of lower density areas and targeted infill. If development is prevented, you are unable to accommodate all demographic groups and opportunities within the City.

5.2.7 MR B RALPH, 60 HAY ROAD, ASCOT

1. Given that an R60 density coding is the maximum coding that could be inflicted onto these seven remaining riverfront lots, would it not be more prudent, appropriate and palatable to the City and to its residents to apply a lower density coding such as R20 or R40 rather than the maximum?

The Director Development and Communities stated that is detailed in the report and was responded to in an earlier question.

5.2.8 MR S HOPKINS, 23 ALFRED STREET, BELMONT

1. Why was the Belmont City Bowling Club not consulted prior to this meeting about being granted any money? Is it in relation to a committee meeting of the Belmont Sports and Recreation Club, held on 13 August 2020, where the committee discussed various options regarding the redirection of any grant from the City of Belmont Bowling Club or the Belmont Sports and Recreation Club (BSRC) in order to meet the expectation outlined in the lease between both clubs that we have not seen?

Response

The Presiding Member stated if Councillor Davis wishes to answer, she can.

Cr Davis stated she had sent both Presidents a letter and an email regarding the intention to raise the Notice of Motion. Members from both clubs have since commented on the matter.

2. Why has the Manager of the BSRC engaged a lawyer to execute a sub-lease and not the President of the BSRC? Is it possible to have details of the lawyer or firm, so we can be directly involved in this process?

Response

The Chief Executive Officer stated that is a question that should be directed to the BSRC, not Council.

7.48pm ROSSI MOVED, SEKULLA SECONDED that Public Question Time be extended.

CARRIED 8 VOTES TO 0

5.2.9 MS G GODFREY, 11 MORGAN ROAD, REDCLIFFE

Ms Godfrey's questions are in relation to Item 13.2.1 on the Agenda.

1. Does Council know the percentage of Belmont residents that are BSRC members?

Response

The Presiding Member stated no.

2. Do Councillors know that in April, prior to the signing of the current lease, the Bowling Club asked for a sub-lease with the Council?

Response

The Chief Executive Officer stated the request came to officers and it was directed to the appropriate department. The Manager City Facilities and Property responded directly to that request.

5.2.10 MR J THOMPSON, 27 HAMPTON STREET, KEWDALE

1. Was it the intention of the Council not to give legal title to the Bowling Club for the club room at the western end of the centre?

Response

The Presiding Member stated he is unsure, however, Mr Teasdale, made it clear in his Submission that the bowling club room was there for the Cloverdale and Belmont Bowling Clubs.

2. Is Council aware that there have been issues over greens maintenance since 1993?

Response

The Presiding Member stated it appears that at different stages, both the Bowling Club and the BSRC has maintained the greens. Through the lease with the City, it appears to be BSRC who currently maintain the greens.

5.2.11 MR T METCALF, 258A ARMADALE ROAD, KEWDALE

1. Why is the BSRC allowed to dishonour the Lease Agreement they had with the Bowls Club as they have contributed nothing for 12 months? This means the total cost is now \$65,000 for the greenkeeper and maintenance was financed by the Bowls Club, with the generous help of \$40,000 from the Council. Please explain how this new lease with the Belmont City Council has been signed, knowing this has been going on for the last 12 m months?

Response

The Chief Executive Officer stated that the first question would need to be put to the President of the BSRC. There has been no change to the responsibility in the maintenance of the lease area. The responsibility remains the same as it was in the previous lease, which is the BSRC has the responsibility of maintaining the bowling greens.

2. How is it sustainable for the BSRC to offer free membership for two years and still offer a \$500 membership draw every Friday Night when they struggling to survive? They somehow give away \$25,000 by not collecting membership fees from the 1,000 members, but they can't honour the Lease Agreement with the Bowling Club. Please explain this.

Response

The Chief Executive Officer stated again, that is a question that should be put to the President of the BSRC.

5.2.12 Ms I MUTCH, 112 ROBERTS ROAD, RIVERVALE

1. As President of the Tennis Club, I ask if there is a system where Council will automatically give us the CPI increase on the greenkeeper's payment as it has been at least five years since an extra payment has been forthcoming?

Response

The Chief Executive Officer stated the previous resolution only allowed for the \$32,000 funding application. If Council wished to increase that, it would need to either be a Motion moved by a Councillor or a subsequent report recommending an annual CPI increase.

2. Are you aware that Tennis West affiliation fees will increase from \$1,475 to well over \$5,000 next year? Can you explain why we cannot have sponsorship displayed on the inside of the fences at the club?

Response

The Chief Executive Officer stated that may be an issue in relation to the planning requirements and will take the question on notice.

3. Do you foresee the building being upgraded like other sporting venues in Belmont City area?

Response

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

5.2.13 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

1. At the last Council Meeting, I asked how much it cost for the conciliation between the City of Belmont and the BSRC. I was told to look in the monthly accounts. Previously, I was quoted a rule that means as it is a legal matter, it was confidential. Can you tell me what month the payment occurred in and what it will be itemised as?

Response

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

2. At the Belmont Trust Meeting in the reports, the City was forthcoming with the legal costs for the Trust and in this instance no rule was quoted as to the cost of legal matters not being available. Is this because the attorney general was involved in this particular issue? Would it be worth in the future, where costs are apparently confidential, we ask the Minister to explain why we are unable to obtain them?

Response

The Chief Executive Officer stated the line item in relation to the Trust was an allocation of expenditure for the next financial year, which was a budget cost and not an actual amount for any legal advice the City had sought, the question will be taken on notice to confirm.

Item 5.2.13 Continued

3. There was a draft of the proposed agreement between BSRC and the City of Belmont. What date was the conciliation and did the draft agreement change on or after the conciliation to be less favourable to the bowling club?

Response

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

4. In the past, the actual greens management was done by the Bowling Club. What is the difference in the agreement that allowed that to happen?

Response

The Chief Executive Officer stated there is no difference in the agreement. If there was an arrangement in place between the Belmont City Bowling Club and the BSRC, that is something you would need to take up with them.

5. In the agreement it states there has to be an agreement between the two clubs. I note the City of Belmont has not stated a starting date that this has to be done by. What happens if there is no agreement and they continue on their current arrangement?

Response

The Chief Executive Officer stated, as previously stated, it is the responsibility of the BSRC to maintain the bowling greens. If there is an arrangement put in place after the 1 July, that is something that the BSRC and the Belmont City Bowling Club can consider.

6. Who gave the instructions to McLeods as to what the terms of the agreement were going to be?

Response

The Chief Executive Officer stated the agreement would have been drafted by Governance and the Manager City Facilities and Property. The draft agreement was then prepared by the City's Solicitor and forwarded to the BSRC for review. The BSRC had the draft lease for 12 months before the City got any comment on it.

7. What was the purpose of conciliation if the lease had already gone out?

Response

The Chief Executive Officer stated the purpose of the conciliation was to try to resolve the conflict between the two clubs. The conciliation and the disagreement between the two clubs had no bearing on the lease.

8. As Cr Davis is Secretary of the BSRC and the contract was signed by the President and either the Deputy President or the Secretary of the BSRC, would Cr Davis be prepared to confirm, for transparency, that she was not the other signatory?

Response

The Presiding Member stated that Cr Davis does not have to answer that question.

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

1. In relation to Item 12.1 on the Agenda, it appears the extension from Fauntleroy Avenue to Ivy Street was privately funded, together with the plans submitted for part of the re-zoning. In addition, BRRAG make reference to the land deals for the Belmont Trust advising a Deed of Settlement was reached in 2015 between a private developer and the City of Belmont where the developer's interest was withdrawn. The Hay Road and DA9 Structure Plans have similar overtones regarding private funding and, therefore, we ask has the City of Belmont had any pre-contractual undertakings with developers, or a verbal contract at some point with them?

Response

The Director Development and Communities noted the offensive nature of the supporting statements and refuted those statements and intimation of any private land deal going on between City Officers and private landowners. The Belmont Trust issue is not related to this amendment issue at all. It is offensive and disparaging to Officers and their integrity. The Director Development and Communities advised she was stunned at the implication that there is some sort of dodgy deal going on with landowners.

The Director Development and Communities advised that this is a Scheme Amendment that has been initiated by Council, there has been extensive community consultation and re-consultation and the Officers report is quite detailed in what has been received at various stages of consultation. It is detailed analysis that goes into the pros and cons of the different options and it is up to Council to make a decision. The Director Development and Communities reiterated that there is nothing dodgy about this at all.

2. When these roads were constructed, I assume that it was on the basis that it was going to be an R60 development?

The Director Development and Communities stated the roads were constructed by a major landowner, who does not own anything within DA9, but owns substantial land holdings on the mixed-use land. They decided to prefund the construction with little involvement from Council.

3. On tonight's rates setting budget there are 3 options. The Option 3 scenario is a rate increase of 1.75% for ratepayer. Could Council vote to adopt Option 2, which is no increase to rates, even though this option would have a shortfall of \$688,312. The City has achieved a surplus of \$4m in the year ending 2021, despite receiving lower income from investment returns as a result of COVID-19. There is likely to be an increased income from returns in 2022, resulting in a greater surplus. Deducting the shortfall of surplus would still allow for a surplus of \$3.3m. Would the city consider that?

Response

The Chief Executive Officer stated Council will decide tonight which option to adopt.

4. Has the City got a staff lawyer, and if so, what specifically will they be handling and how much can we expect the legal bills from companies such as McLeods to drop?

Item 5.2.14 Continued

Response

The Chief Executive Officer stated the City has not employed a lawyer.

5. Can you advise where it specifically says on any Policy, Standing Order, Regulation, or Legislation that ratepayers will not be provided when asked, the cost of legal fees relating to a certain item?

Response

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

8.18pm Cr Powell departed the meeting.

6. On tonight's Agenda we have a Motion from Cr Davis requesting an additional \$8,000 for the Tennis Club and Bowling Club. Cr Wolff advised at the ABF that the Tennis Club did not need the money and were financially in a very good position. Why are we still going ahead with this Motion?

Response

The Chief Executive Officer stated the item is on the Agenda because a Councillor has moved a Motion and will be determined tonight.

5.2.15 MR P HITT, 14 MCLACHLAN WAY, BELMONT

1. Has the entity who manages Perth Airport ever contributed financially to any tree or associated ground cover remediation programs outside of the boundaries of the Airport?

Response

The Chief Executive Officer stated yes, the Perth Airport pay a rate equivalent to the City which is quite substantial, and those funds assist with all services that the City provides.

2. Has Perth Airport Pty Ltd ever been approached by the Council to assist in some form of compensation to the City of Belmont in reducing the heat sink effect that impacts on the residents and ratepayers of Belmont?

Response

The Director Development and Communities stated under the Environmental Plan that comes with the Perth Airport Master Plan, there are environmental offsets that Perth Airport are required to adhere to. They acknowledge that they have removed substantial areas of vegetation. Those environmental offsets are of a particular value and they are generally used for conservation of significant land outside of Perth Airport, which is identified in conjunction with federal agencies. They do have to pay offsets which are equivalent value to any environmental damage caused.

The Presiding Member further stated that the offsets paid are a huge advantage to the community.

Item 5.2.15 Continued

3. Can that information be made available to the public?

Response

The Chief Executive Officer stated the question will be taken on notice to confirm, though the Airport Masterplan may identify the location of the environmental offsets and the requirement from the Western Australian Environmental Protection Authority (EPA).

8.22pm Cr Powell returned to the meeting.

8.23pm As there were no further questions, the Presiding Member declared Public Question Time closed.

6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX

- 6.1 ORDINARY COUNCIL MEETING HELD 25 MAY 2021
(Circulated under separate cover)**

OFFICER RECOMMENDATION

SEKULLA MOVED, DAVIS SECONDED

That the Minutes of the Ordinary Council Meeting held on 25 May 2021 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 8 VOTES TO 0

- 6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 15 JUNE 2021
(Circulated under separate cover)**

OFFICER RECOMMENDATION

DAVIS MOVED, POWELL SECONDED

That the Matrix for the Agenda Briefing Forum held on 15 June 2021 as printed and circulated to all Councillors, be received and noted.

CARRIED 8 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

8.2.1 CR DAVIS

1. In relation to questions raised by Mr Smith, Why is a local resident able to circulate a petition with the City of Belmont represented on it, which is highly political, why did Council not see the draft for approval?

Response

The Director Development and Communities stated the petition was driven by and circulated from the City of Belmont Safety Alliance, not the City of Belmont. Through the Community Safety Taskforce, we identify there are a number of key stakeholders within the City that are interested and concerned about community safety and security. Through the Safety Alliance, that group come together and identify key issues that are of importance to them. Effectively, the City of Belmont empowers them to take action themselves. Community members and community groups decide on the particular topics of interest that they want to action. Council officers can assist them in this, at their request, but this is a petition from the Alliance members, not from the City of Belmont.

8.28pm The Manager City Projects departed the meeting.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Sekulla.

POWELL MOVED, WOLFF SECONDED

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

CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0

8.30pm The Manager City Projects returned to the meeting.

12.1 AMENDMENT NO. 14 TO LOCAL PLANNING SCHEME NO. 15 AND MODIFICATIONS TO DEVELOPMENT AREA 9 STRUCTURE PLAN

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	<u>23 February 2021 Ordinary Council Meeting Report (Item 12.1) Including First Advertising Period Schedule of Submissions</u>
Attachment 2 – Item 12.1 refers	<u>Schedule of Submissions – Second Advertising Period</u>
Attachment 3 – Item 12.1 refers	<u>Bushfire Management Plan</u>
Attachment 4 – Item 12.1 refers	<u>Transport Impact Statement</u>
Attachment 5 – Item 12.1 refers	<u>Modified Development Area 9 Local Structure Plan</u>
Attachment 6 – Item 12.1 refers	<u>Plan of Amendment No. 14</u>

Voting Requirement : Simple Majority
 Subject Index : LPS15/014 – Scheme Amendment 14 – To Amend the Zoning of a Portion of Properties within Development Area 9
 Location / Property Index : Various
 Application Index : N/A
 Disclosure of any Interest : Nil
 Previous Items : 25 August 2020 Ordinary Council Meeting Item 12.3
 23 February 2021 Ordinary Council Meeting Item 12.1
 Applicant : CLE Town Planning + Design
 Owner : Various
 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.*

Item 12.1 Continued

PURPOSE OF REPORT

For Council to consider Scheme Amendment No. 14 to Local Planning Scheme No. 15 (LPS 15) and modifications to the Development Area 9 (DA9) Local Structure Plan (LSP) having regard for public submissions from advertising.

SUMMARY AND KEY ISSUES

- At the 23 February 2021 Ordinary Council Meeting (OCM), Council considered Amendment No. 14 to LPS 15 in light of public submissions from advertising. It was contemplated that development in the range of the R40 to R60 density may be appropriate for the precinct. On this basis, Council resolved to:
 - Readvertise the Amendment with the following modifications:
 - Applying an R40 density coding over properties bound by Hay Road, Fautleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway (GEH).
 - Inserting a provision requiring an arborist report to be prepared prior to any site works being undertaken.
 - Advertise the DA9 LSP with a modified R40 density coding over properties bound by Hay Road, Fautleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting GEH.
- Further advertising was carried out from 25 March 2021 to 12 May 2021 (42 days), and a total of 21 submissions were received.
- The key concerns raised by the submissions relate to:
 - The proposed density coding
 - Traffic
 - Impacts on the environment and wildlife
 - The requirement for an arborist report
 - The Bushfire Management Plan (BMP).
- While some submissions suggest that a low density R20 code is desirable, the site's proximity to high frequency public transport routes, its interface with the Mixed Use zone and public open space mean that development at the R40 to R60 density would more appropriately align with the City's Local Housing Strategy to provide a diverse and affordable choice of housing.
- An analysis of the R40 and R60 development provisions indicate that an R60 density coding is preferable as it provides for a greater or equal separation between buildings as an R40 density coding.

Item 12.1 Continued

- It is recommended that Council:
 - Support Amendment No. 14 to LPS 15 with a recommendation that the Amendment be approved by the Minister for Planning with an R60 density coding being applied to the subject land.
 - Recommend to the Western Australian Planning Commission (WAPC) that the DA9 LSP be modified to reflect an R60 density coding over the subject land.

LOCATION

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

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

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

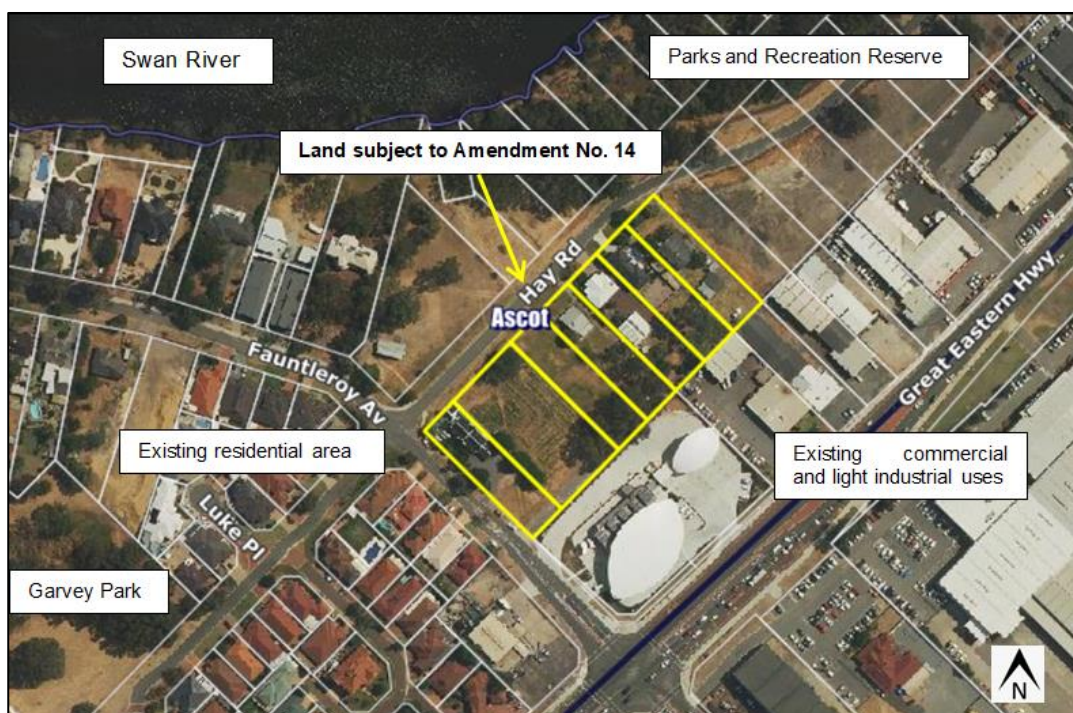


Figure 1: Location plan (Source: IntraMaps)

Item 12.1 Continued

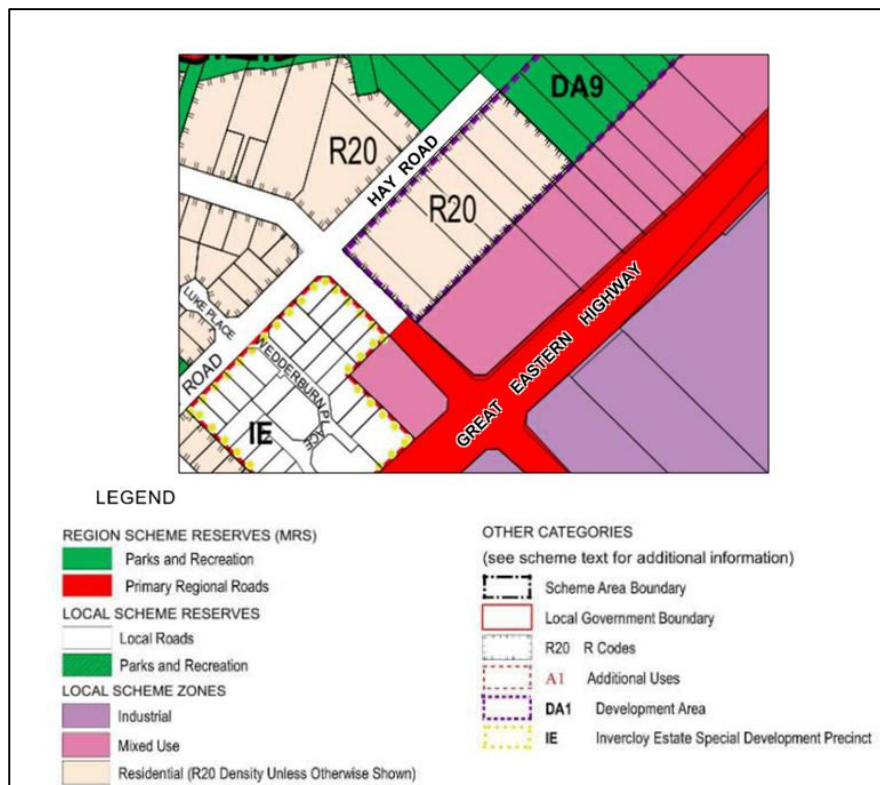


Figure 2: Existing zoning and reservation of land (Source: IntraMaps)

CONSULTATION

First Consultation Period

In accordance with the approved Structure Plan for DA9, Amendment No. 14, reflecting an R60 density coding over the subject land, was advertised for a period of 42 days (from 29 October 2020 to 9 December 2020) by way of:

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

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

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

Item 12.1 Continued

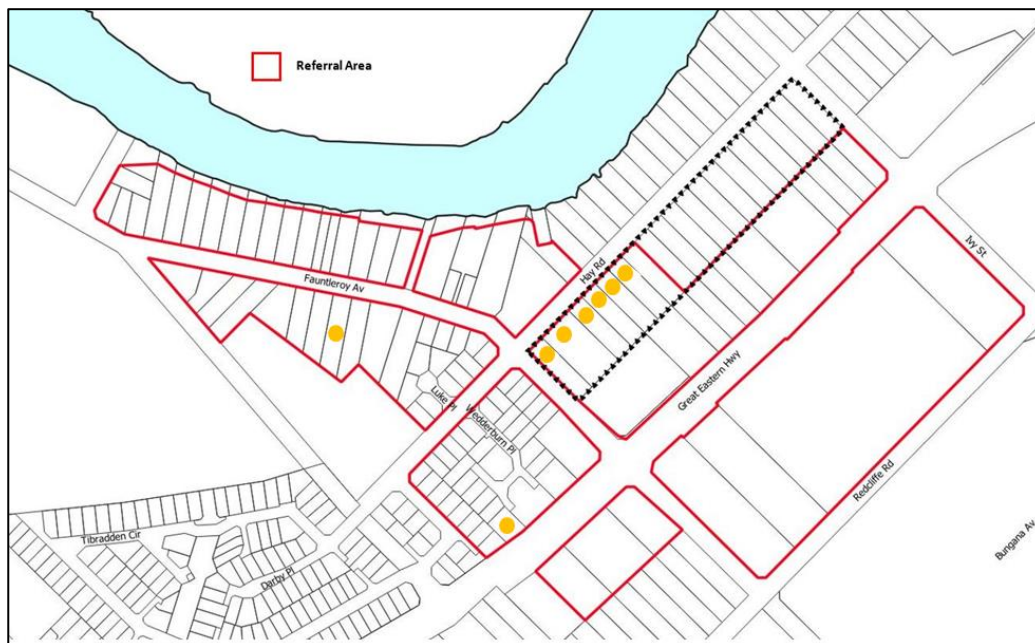


Figure 3: Referral area and origin of submissions

The key concerns raised in the first advertising period related to:

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

Discussion in relation to these concerns is documented in the previous Council Report contained as ([Attachment 1](#)).

Second Consultation Period

Having considered the planning merit of the alternative R40 development density for the precinct, it was considered necessary to further consult with the community to gain input on the proposed Scheme Amendment. A revised version of Amendment No. 14 and modifications proposed to the DA9 LSP were readvertised concurrently for a period of 42 days (from 25 March 2021 to 12 May 2021), by way of:

- Letters being sent to landowners and occupiers within and surrounding the amendment area.
- Letters being sent to government agencies and public authorities.
- Placing public notices in the 25 March 2021 edition of the Southern Gazette newspaper.
- Displaying public notices at the City's Civic Centre and on the City's website.

At the conclusion of the second advertising period, a total of 21 submissions were received. Six submissions were from government agencies/public authorities and 15 from landowners and/or occupiers, including the Department of Planning, Lands and Heritage (DPLH) who are a landowner within the precinct.

Item 12.1 Continued

A map reflecting the extent of the consultation area and the origin of eight submissions received from owners/occupiers within the referral area is shown below (Figure 4). It is noted that a further seven submissions were from landowners/occupiers located outside of the referral area.

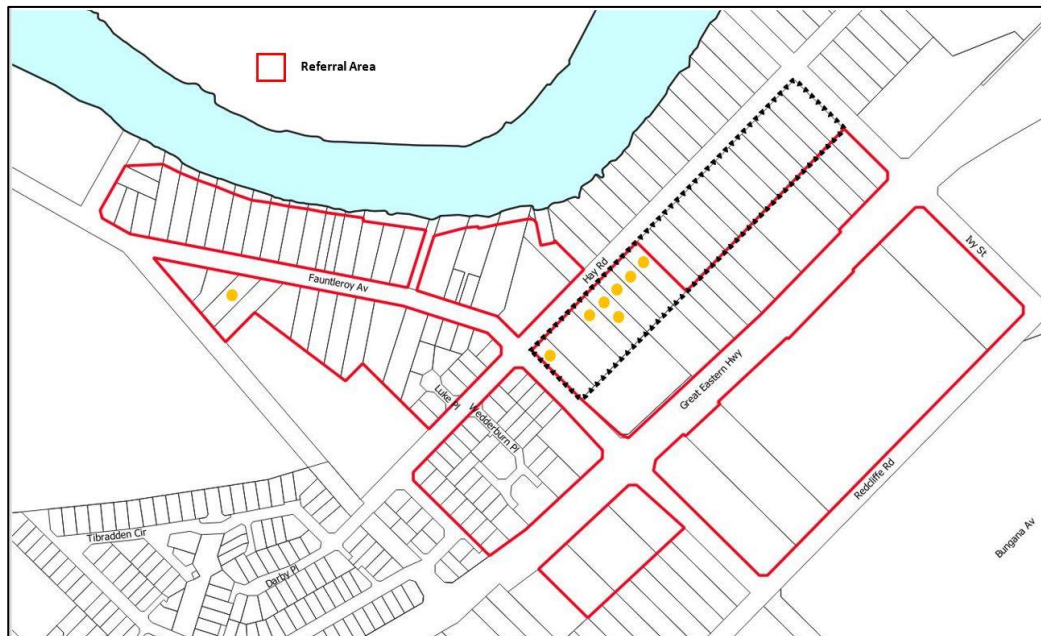


Figure 4 – Referral area and origin of submission

The submissions raised concerns relating to:

- The proposed density coding
- Traffic;
- Impacts on the environment and wildlife
- The requirement for an arborist report.

It should be noted that no government agency or public authority objected to the Amendment or the modifications proposed to the LSP. The Department of Fire and Emergency Services (DFES) however raised concerns regarding the BMP, specifically relating to the exclusion of vegetation for the purpose of assessing bushfire risk and requested additional information to demonstrate that bushfire hazards within the precinct can be mitigated.

These matters are further discussed in the Officer Comment section of this report.

A summary of the submissions from the second advertising period and associated comments are detailed in the Schedule of submissions ([Attachment 2](#)).

Item 12.1 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal: Responsible Belmont

Strategy:

- 5.4 Advocate and provide for affordable and diverse housing choices.
- 5.5 Engage and consult the community in decision-making.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.
- 5.7 Engage in strategic planning and implement innovative solutions to manage growth in our City.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Local Planning Scheme Amendments

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

A responsible authority (being the local government) may resolve to advertise a modification to a standard amendment to a local planning scheme if:

- The modification is proposed to address issues raised in submissions made on the amendment.
- The proposed modification to the amendment is considered significant.

A local government may take any steps considered appropriate to advertise modifications proposed to a standard amendment, however, cannot advertise modifications on more than one occasion. Modifications are to be advertised for a period of 21 days, or a longer period approved by the Commission.

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

Item 12.1 Continued

Local Structure Plan Amendments

Part 4, Schedule 2 – Deemed Provisions of the Regulations outlines the procedure for the preparation, advertising, consideration, amendment and revocation of a structure plan. Once a structure plan has been approved, it can be amended at any time by the WAPC, at the request of the local government. If the amendment is considered to be minor in nature, the local government can decide not to advertise an amendment to a structure plan. Otherwise, an amendment to a structure plan is required to be advertised for a period of 42 days by:

- Publishing a notice and the structure plan on the website of the local government.
- Displaying a copy of the notice and the structure plan in the offices of the local government for the period of making submissions.
- Giving a copy of the notice and structure plan to each public authority or utility service provider that the local government considers is likely to be affected by the amendment.

A local government may also choose to advertise a structure plan by:

- Publishing a notice in a newspaper circulating in the Scheme area.
- Giving notice of the proposed structure plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the proposed structure plan.
- Erecting a sign or signs in a conspicuous place on the land the subject of the proposed structure plan.

Following the conclusion of the advertising period, the local government must, within 60 days from the last day for making submissions, consider all submissions and prepare a report to the WAPC which includes the following:

- A list of the submissions considered by the local government.
- Any comments by the local government in respect of those submissions.
- A schedule of any proposed modifications to address issues raised in the submissions.
- The local government's assessment of the proposed based on appropriate planning principles.
- A recommendation by the local government on whether the proposed structure plan should be approved by the WAPC.

On receipt of a structure plan, the WAPC must within 120 days, consider the plan and determine whether to approve the structure plan, require the structure plan to be modified or refuse the structure plan.

Item 12.1 Continued

BACKGROUND

Council initiated Amendment No. 14 to LPS 15 as a 'standard' amendment for the purposes of advertising at the 25 August 2020 OCM (Item 12.3). The Amendment originally proposed to:

- “1. Amend the Scheme Map to modify the density coding over properties bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting GEH, located within the DA9 precinct, from R20 to R60.*
- 2. Introduce development provisions in to Schedule No. 9 of the Scheme Text relating to the DA9 precinct which:*
 - i. Require a Local Development Plan (LDP) to be prepared to guide any vacant lot subdivision in the precinct in the absence of a development approval.*
 - ii. Outline development standards for grouped dwellings proposed on lot sizes less than 350m².”*

In light of the varied reasons in submissions as to whether an R60 density code is appropriate, it was determined that additional feedback from the community would facilitate better informed decision making. The R40 density was explored on the basis that:

- An R40 density is a form of medium density (R30-R60), and medium density is considered appropriate in the precinct as it has the potential to facilitate housing diversity and affordability.
- An R40 density coding may represent the middle ground between the surrounding lower density development and the R60 coding as an upper limit for medium density.
- The built form (height and setbacks) associated with an R40 density coding may be more consistent with that of surrounding residential development.

Council therefore resolved to undertake further consultation and readvertise Amendment No. 14 with the following modifications:

- Amending the Scheme Map to reflect an R40 density coding over properties bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting GEH.
- Inserting a provision under point 4 of the Amendment to require an arborist report to be prepared and submitted in relation to any trees on a property prior to site works being undertaken.

For consistency, Council also resolved to concurrently advertise the corresponding modification to the LSP for the DA9 precinct, reflecting an R40 density coding over the lots associated with the Amendment.

Item 12.1 Continued

OFFICER COMMENT

Environment

Submissions raised concerns that future medium density development may have an impact on the environment, in particular local wildlife. In considering these concerns, the following should be noted:

- The Environmental Protection Authority (EPA) has considered the proposed Amendment and determined that it need not be assessed under the *Environmental Protection Act 1986* and that it was not necessary to provide any advice or recommendations.
- The Department of Biodiversity, Conservation and Attractions (DBCA) and Department of Water and Environmental Regulation (DWER) have reviewed the proposed Amendment and modifications to the DA9 LSP and did not have any objections.
- There is a buffer of approximately 20m between the subject land and 'Parks and Recreation' reserve located on the opposite side of Hay Road.
- The land is not located within the Swan River Trust Development Control Area and is approximately 85m, at its closest point, from the Swan River.
- The land is not classified as a Bush Forever site and does not contain any wetlands.
- The subject land is currently zoned 'Residential' and can be developed regardless of the Scheme Amendment or modification to the LSP. Single houses that meet the deemed-to-comply standards of the Residential Design Codes (R-Codes) can be developed without the need for development approval.
- Any potential environmental impact caused by a particular development is assessed prior to granting approval for that development.

In light of the above, it is considered that future development will not have a detrimental impact on the environment, regardless of whether it is a R40 or R60 density code.

Requirement for Arborist Report

The re-advertised Scheme Amendment included an additional provision requiring an arborist report to be prepared to assess and consider retention of any trees on the subject land, prior to site works being undertaken. Two submissions supported this provision; however one submission raised concerns in relation to the provision and requested that it be deleted for the following reasons:

- It does not provide the City with a statutory ability to require trees to be retained.
- It does not provide a clear process for the City to seek retention of trees.
- The ability to preserve trees already exists in the City's Local Planning Scheme.

Item 12.1 Continued

While the submission expresses the preference to delete the requirement for an arborist report, it is considered appropriate to retain the requirement for the following reasons:

- Whilst the provision itself does not provide the statutory ability for trees to be retained, it will inform whether ongoing protection of a tree is warranted. This is consistent with the direction of State Planning Policy (Residential Design Codes) to support tree retention in residential development.
- The provision addresses the need to assess mature trees on the subject land that were not assessed when the LSP was formed.
- The provision requires an investigation of existing trees, to determine whether any are worthy of retention. It does not immediately seek the retention of trees as the submission suggests.
- If an arborist report recommends that a tree be retained, the Tree Preservation Order provisions within LPS 15 can be applied. This process allows for landowners opposed to retaining the tree to lodge an appeal against a Tree Preservation Order issued by the City.

In light of the above it is considered appropriate for the provision to be included within LPS 15.

Bushfire Management

The DFES previously advised that the BMP ([Attachment 3](#)) was compliant with the requirements contained within State Planning Policy 3.7 – Planning in Bushfire Prone Areas. In providing a response to the re-advertised Amendment, DFES has now raised a number of concerns with the BMP, even though the BMP remained unchanged from before. The key concerns raised by DFES relate to:

- The lack of photographic evidence and the need to demonstrate an enforceable mechanism to support management of vegetation within the Hay Road verge, such that it can be classified as low threat and excluded from assessment.
- The lack of evidence or enforceable mechanism to support exclusion of vegetation on Lots 223, 224, 186 and 189 (57, 59, 66 and 76) Hay Road from assessment.

In terms of the first point, the Applicant's Bushfire Consultant has outlined that photographs 8 and 9 of the BMP reflect the Hay Road verge being kept in minimum fuel condition. Notwithstanding, the Consultant has acknowledged that there are portions of the verge where the grass has grown. It is considered that this has occurred since the Fire Break Notice period ended in March 2021. The City of Belmont Fire Break Notice is considered to be an appropriate mechanism to ensure that this land is managed in minimum fuel condition during peak bushfire season. This has been affirmed by the DPLH Bushfire Section.

In terms of the second point, it is noted that:

- The City of Belmont Fire Break Notice will be used to ensure 57 Hay Road is kept in minimum fuel condition during peak bushfire season as demonstrated in the BMP.

Item 12.1 Continued

- The City of Belmont Fire Break Notice cannot be applied to 59 Hay Road as State owned land. In light of this, the remainder of the subject lot has been mapped as 'Grassland' for the purposes of calculating bushfire hazard. This has not resulted in any change to the indicative bushfire attack levels.
- Whilst the majority of vegetation on 66 and 76 Hay Road has been classified for the purposes of the BMP, it is acknowledged that a small portion of land to the north of Hay Road has not been classified. Notwithstanding this, it is noted that:
 - Hay Road separates this land from the Amendment area.
 - This portion of land has been allocated a moderate bushfire hazard level.
 - The bushfire threat associated with the 'Forest' vegetation extends into the subject portions of the lot. This has resulted in the highest bushfire attack level of BAL – FZ and BAL – 40, the classification of 66 and 76 Hay Road would therefore be inconsequential.

Whilst DFES has raised genuine concerns, it is considered that these issues have been adequately addressed. It is important to note that when future subdivision and/or development applications are received for the precinct, applicants will need to demonstrate that bushfire risk can be adequately managed. For example, subdivision and development applications within bushfire prone areas must be accompanied by a Bushfire Attack Level Assessment/Contour Map. Development applications will also be required to address the impacts of bushfire hazards relating specifically to that development proposal and outline measures to manage bushfire risk, for example through Asset Protection Zones. Where necessary conditions will be imposed requiring a BMP to be implemented and a notification to be placed on the certificate of title of a property through the land development process, notifying prospective owners that the property is located within a bushfire prone area.

It is considered that the BMP prepared for the precinct is acceptable. It is acknowledged however that prior to the WAPC making a recommendation on the Amendment to the Minister; they may seek input from their Bushfire Management Section if they do not concur with the City's assessment of the BMP.

Traffic

Submissions raised concerns in relation to increased traffic volumes in the area, specifically:

- Difficulties in turning right from Fauntleroy Avenue onto GEH during peak hours.
- 'Rat running' through the Tibbradden Estate, as an alternative route to GEH, via Coolgardie Avenue.

In considering the above, it is acknowledged that traffic volumes may increase in the area as a result of redevelopment within the precinct. Notwithstanding, it is important to note the following:

- The WAPC Transport Impact Assessment Guidelines (2016) stipulate that:

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

Item 12.1 Continued

- The Traffic Impact Statement (TIS) submitted as part of the proposed Amendment ([Attachment 4](#)), outlines that if fully developed in accordance with an R60 density coding, the precinct could generate 64 vehicles per hour (vph) in the AM and 38 vph in the PM peak hours. Therefore, an R60 density coding will not increase traffic flows on any roads adjacent to the site by more than 100 vph and the impact on the surrounding road network is considered to be minor.
- Fautleroy Avenue and Ivy Street provide direct connections to GEH from the precinct. It is therefore considered unlikely that residents will drive through the Tibbradden Estate to access GEH from Coolgardie Avenue.
- Main Roads Western Australia (MRWA) is responsible for the signalised controls at the intersection of Fautleroy Avenue and GEH. This responsibility includes monitoring the intersection and undertaking upgrades where required, to ensure that it is operating in accordance with the intended capacity of the surrounding road network.

In light of the above, it is considered that development within the precinct to an R40 or R60 density, will not increase the number of vehicle movements beyond the limits set under WAPC's Traffic Impact Assessment Guidelines.

Proposed Residential Density

The re-advertised amendment invited comments on amending the density coding of the subject land to R40 rather than the previously advertised R60 density. It should be noted that no submissions received during the advertising period were supportive of the proposed R40 density. The submissions outlined support for either retaining the R20 density or applying an R60 or greater density coding to land within the precinct. Further matters raised in the submissions in relation to density are detailed below.

Retention of R20 Density Coding

Three landowners within the precinct objected to the proposed R40 density coding, with one submission in particular highlighting a desire for the R20 density to be retained. The concerns regarding the R40 density coding relate to:

- The number of dwellings that could be delivered in accordance with this coding.
- The proposed density coding not being consistent with the density coding of surrounding land.
- The subject density resulting in a loss of amenity and character.
- The density coding impacting on the lifestyle of existing residents.
- Existing residents within the precinct not being provided with a separation from the proposed density coding.

Introduction of R60 or Greater Density Coding

Two submissions received from landowners within the precinct requested that a density code of R60, or higher such as R80, be applied to the subject land. The two submissions from landowners, in addition to other submissions considered that an R60 density coding should be applied to the subject land for the following reasons:

Item 12.1 Continued

- It is consistent with the maximum density provided for under the approved LSP.
- It can provide for well-built, affordable and diverse housing which could increase the aesthetic of the area.
- The precinct is located adjacent to an 'Urban Corridor', as identified in Perth and Peel@3.5 million, which accommodates high-frequency public transport routes. Furthermore, the precinct is located in close proximity to the future Redcliffe Train Station and Activity Centre.
- It could facilitate infill development in an established context, which is consistent with the intent of Perth and Peel@3.5million.
- Employment areas including Perth Airport are highly accessible as a result of the precinct's connections to GEH and Tonkin Highway. Furthermore, the precinct is serviced by pedestrian and bicycle paths.
- Public open space and recreation areas such as Garvey Park and the Swan River are in close proximity to the precinct.
- Convenience shopping is provided at the Service Station on the corner of GEH and Fautleroy Avenue.
- The density provides landowners with an opportunity to respond to future development envisioned for the adjacent Mixed Use zoned land under the draft GEH Urban Corridor Strategy.
- Development controls proposed to be introduced provide an appropriate interface to adjoining properties and the street.

Analysis

There are three density options which have been identified for the precinct:

- Option A: Reconsider the approved LSP and retain the existing R20 density coding.
- Option B: Reconsider the approved LSP and apply an R40 density coding.
- Option C: Affirm the approved LSP and apply an R60 density coding.

It is noted that contemporary planning practice supports housing diversity and higher density residential development within walkable distances to local convenience amenities, high frequency public transport and public open space. As outlined in the previous report, the precinct is located in close proximity to GEH (which is identified as an 'Urban Corridor' accommodating high frequency public transport routes), the Swan River and Garvey Park.

Item 12.1 Continued

Whilst the previous report highlighted that the nearest activity centre to the site (Ascot Local Centre) does not contain local convenience amenities, it is acknowledged that residents have access to convenience amenities from the service station on the corner of GEH and Fauntleroy Avenue, which is in walking distance to the precinct. Furthermore, the precinct is located adjacent to land which is zoned 'Mixed Use' under LPS 15. Whilst the adjoining Mixed Use properties currently accommodate warehouse/showroom/light industrial uses, it is envisaged that redevelopment will contemplate the provision of services and amenities to the adjacent residential precinct. Some of the land uses that could be established on this land to complement the amenity of the residential precinct include: restaurant, café, lunch bar, consulting rooms and health studio.

It is noted that whilst the precinct is located outside the 10-minute walkable catchment to the future Redcliffe Activity Centre, the draft GEH Urban Corridor Strategy envisions a 'green link' along Fauntleroy Avenue, from Hay Road to Redcliffe Road. This link would improve amenity and facilitate access between the subject precinct and the Redcliffe Activity Centre. In light of this, it is considered that there is merit in increasing the density of the subject lots to a medium density coding, in lieu of the existing low density R20 coding.

In considering whether to apply an R40 or R60 density coding to land within the precinct the following points are relevant:

- Both the R40 and R60 density coding will result in a development outcome which would differ from the prevailing development pattern of the area.
- Either density coding would facilitate the City in achieving infill housing targets set by the State Government while providing housing diversity and affordability.
- In light of the provisions proposed to be introduced into the Scheme Text, in addition to the requirements of the R-Codes, it is considered that high quality development outcomes can be achieved at either the R40 or R60 density coding.
- The R60 density coding built form provisions is considered to provide a more appropriate transition to the 'Mixed Used' zoned land fronting GEH, which is envisioned to accommodate development between four and 12 storeys under the draft GEH Urban Corridor Strategy.
- An R60 density coding is consistent with the maximum density provided for in the approved local structure plan for the precinct.
- State Planning Policy 7.3 – Apartments outlines the following key assessment criteria for Multiple Dwellings proposed at the R40 and R60 density codings:

Provision	R40	R60
Building Height	2 storeys	3 storeys
Front Setback	4m	2m
Side Setback	2m	3m
Rear Setback	3m	3m
Plot Ratio	0.6	0.8
Average side setback where building length exceeds 16m	2.4m	3.5m

Item 12.1 Continued

Whilst the R60 density coding provides for buildings to be one storey taller and have a greater plot ratio and smaller front setback than the R40 density coding, they are also required to be setback 1m – 1.1m further from side boundaries than buildings proposed at the R40 density coding. It is therefore considered that the R60 density coding facilitates a greater separation between dwellings than the R40 density coding.

- The State Government have recently released a draft Medium Density Code which is proposed to apply to single house and grouped dwelling development at a density of R30 and above and multiple dwellings between R30 and R60. The key development provisions contained within the Medium Density Code for both the R40 and R60 codes are reflected in the table below.

Provision	R40	R60
Building Height	3 storeys	3 storeys
Front Setback	3m	3m
Side Setback	1 storey – 1m 2 storeys – 2m 3 storeys – 3m 4 storeys – 3m	1 storey – 1m 2 storeys – 2m 3 storeys – 3m 4 storeys – 3m
Site Area (category 1): Single House and Grouped Dwelling Average	220m ²	150m ²
Minimum	180m ²	120m ²
Site Area (category 1): Multiple Dwelling Average	115m ²	85m ²

It is evident from the table above that the draft Medium Density Code is proposing to apply the same building height, lot boundary and primary street setback requirements to development proposed at both the R40 and R60 density coding.

In relation to dwelling yield, approximately six lots could be created at the R40 density and approximately nine lots could be created at the R60 density coding. In light of the draft Medium Density Code proposing to require the provision of deep soil areas and tree planting and set minimum room sizes, it is likely that development sites will only be able to accommodate a reduced number of dwellings in any case. Overall, the difference in the number of lots able to be created at both density codes is considered negligible, particularly since it has been demonstrated that traffic will not adversely impact on the precinct.

Whilst it was necessary to explore the merit of an R40 density and seek community feedback for the purposes of a better informed recommendation, it is now affirmed that an R60 density coding would appropriately be consistent with the approved LSP for the precinct, and would provide for dwellings to be setback further from existing dwellings than development in accordance with an R40 density coding. It should be noted that the density coding sets maximum development parameters, and it is anticipated that not all landowners would develop to the maximum density. In light of the above, it is recommended that Council adopts the R60 density coding over the subject land (Option C).

Item 12.1 Continued

Local Structure Plan

Density Code

As outlined above, it is recommended that the maximum density of R60 provided for in the DA9 LSP be retained, and reference to the flexible coding of R20/60 be removed. To ensure consistency with other residential zones with flexible codes that allow development above the R20 density, the provisions of Schedule No. 9 of LPS 15 will apply to development on lots less than 350m² in area. The rationale is that:

- The provisions outlined in Clause 4.7.3 apply only to development above the R20 density. It would be unreasonable to impose additional development provisions on R20 sized (350m²) lots.
- Larger lots (greater than 350m²) are less constrained and therefore have additional room for solar design principles and carports or garages to be incorporated into the design of dwellings.
- Volume 2 of the R-Codes, which relates to multiple dwelling developments proposed at an R40 density and above, contains stringent development requirements that multiple dwelling proposals are required to meet. This is a higher requirement than the standards proposed in Schedule No. 9 and is considered adequate for multiple dwelling developments.

In addition to the above Schedule No. 9 of LPS 15 will also require a local development plan to be submitted and approved for any subdivision that contemplates the creation of vacant lots. This is to ensure that bushfire management, flood management, transport noise mitigation, waste collection, access, crossover minimisation and interface are cohesively addressed.

Administrative Changes

A number of administrative changes are proposed to the LSP including:

- Removing reference to the City of Belmont preparing a local planning policy.
- Amending the document to correctly reference Lot 184 Hay Road, Ascot as being zoned 'Urban' under the MRS and 'Residential' under the Local Planning Scheme.
- Updating references to clauses within LPS 15 and the R-Codes.

In terms of Point 1, it is acknowledged that the LSP originally recommended that a local planning policy be prepared to guide development within the precinct to ensure a high quality built form outcome is achieved. Notwithstanding, it is considered that the development provisions proposed under Schedule No. 9 of LPS 15 as part of the Amendment, in addition to the requirements of the R-Codes will be suitable in facilitating high quality development outcomes within the precinct. A local planning policy is therefore no longer necessary.

In terms of Point 2, Lot 184 Hay Road, Ascot is currently referenced in the LSP as being subject to further investigation due to being reserved for 'Parks and Recreation'. This lot however is currently zoned 'Urban' under the MRS and 'Residential' under LPS 15. Therefore, it is recommended that the LSP be modified to accurately reflect the existing zoning of this land.

Item 12.1 Continued

In terms of Point 3, the LSP is also proposed to be amended to update reference to particular clauses within LPS 15 and the R-Codes, as changes to clause references in these documents have been made since the LSP was approved in 2013.

All of the above-mentioned items are considered to be minor administrative amendments, none of which impact the intent of the LSP.

Conclusion

On reviewing the Amendment post advertising, it is recommended that Amendment No. 14 and the DA9 LSP be modified to apply an R60 coding over land bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and Mixed Use zoned properties fronting GEH. Either an R40 or R60 density coding will facilitate housing affordability and diversity, whilst achieving a high standard of development through the application of scheme provisions proposed to be introduced as part of the Amendment. However, an R60 density coding is preferable as it will provide for a greater or equal to separation between any future development and existing dwellings in comparison to the R40 density coding.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

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

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

1. Pursuant to Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* note the submissions received in respect of Amendment No. 14 to Local Planning Scheme No. 15 and the modified Development Area 9 Local Structure Plan and endorse the responses to those submissions in [Attachment 2](#) – Schedule of Submissions.
2. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* support Amendment No. 14 to Local Planning Scheme No. 15 with a recommendation that the Amendment be approved by the Minister for Planning with the following modification:
 - (a) Amend the Scheme Map to reflect an R60 coding over properties bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway (refer [Attachment 6](#)).

Item 12.1 Continued

3. Pursuant to Clause 29(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed Provisions*, requests that the Western Australian Planning Commission amend the Development Area 9 Local Structure Plan ([Attachment 5](#)) as follows:
 - (a) Removing reference to the flexible coding of R20/60 and replacing this with reference to an R60 density coding being applied to land bound by Hay Road, Fautleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway.
 - (b) Updating references to clauses contained within the City of Belmont Local Planning Scheme No. 15 and the Residential Design Codes.
 - (c) Updating the document to correctly reference Lot 184 Hay Road, Ascot as being zoned 'Urban' under the Metropolitan Region Scheme and 'Residential' under the City of Belmont Local Planning Scheme No. 15.
 - (d) Removing reference to the City of Belmont preparing a local planning policy.
4. Directs the Chief Executive Officer to advise those who made a submission on Amendment No. 14 to Local Planning Scheme No. 15 and the Development Area 9 Local Structure Plan of Council's decision and the Minister for Planning's/Western Australian Planning Commission's final decision.

Officer Explanation

The Officer Recommendation was amended to include necessary changes to Schedule No. 9 of Local Planning Scheme No. 15 to introduce provisions relating to the Development Area 9 Precinct, which:

- (i) Require a Local Development Plan (LDP) to be prepared to guide any vacant lot subdivision in the precinct in the absence of a development approval; and
- (ii) Outline development standards for grouped dwellings proposed on lot sizes less than 350m².

AMENDED OFFICER RECOMMENDATION

That Council:

1. Pursuant to Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* note the submissions received in respect of Amendment No. 14 to Local Planning Scheme No. 15 and the modified Development Area 9 Local Structure Plan and endorse the responses to those submissions in [Attachment 2](#)– Schedule of Submissions.
2. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* support Amendment No. 14 to Local Planning Scheme No. 15 with a recommendation that the Amendment be approved by the Minister for Planning as follows:

Item 12.1 Continued

- (a) Amend the Scheme Map to reflect an R60 coding over properties bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway (refer [Attachment 6](#)).
- (b) Amend Schedule No. 9 of the Scheme Text relating to Development Area 9 to include the following provisions:
3. A Local Development Plan shall be submitted and approved as a requirement of any subdivision approval involving the creation of vacant lots. The Local Development Plan shall address transport noise management, bushfire management, waste collection, access, crossover minimisation, interface to non-residential development, drainage requirements, site constraints and flood risk mitigation, unless otherwise determined by the local government.
 4. Where a grouped dwelling development application proposes a minimum lot size of less than 350m², the following development standards are applicable:
 - a. Development comprising two or more dwellings in a front to rear arrangement are to achieve a minimum side setback of 6 metres between the side wall of the first dwelling fronting the public street and the side boundary of the parent lot.
 - b. Rear dwellings are designed so that significant sections of the front elevations have an outlook to, and are visible from, the public street.
 - c. A minimum of 50% of the total number of dwellings in the development are to be two-storey where the lot size is 260m² or less.
 - d. Solid external or internal fencing is not permitted where, in the opinion of the City, views from the dwellings to the public street will be limited.
 - e. Dwellings located adjacent to public open space, right of ways, pedestrian access ways and other public spaces are orientated and designed to provide views and surveillance of those public areas.
 - f. Solar design principles are incorporated in the design and orientation of each dwelling.
 - g. Carports and garages visible from the street are incorporated into the dwelling design so that they are not the dominant feature of the appearance of the dwelling and the streetscape.
 - h. Prior to any site works being undertaken on a property, an arborist report shall be prepared, to the satisfaction of the City, in relation to any trees on the property, addressing:
 - Species type
 - Life expectancy
 - Current and future growth habits
 - Health condition and structural integrity
 - Tree, trunk and canopy size

Item 12.1 Continued

- Works and ongoing management requirements
- Safety risks or risk of harm
- Retention value
- Recommendation as to whether tree(s) should be retained.

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

3. Pursuant to Clause 29(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 – Deemed Provisions, requests that the Western Australian Planning Commission amend the Development Area 9 Local Structure Plan ([Attachment 5](#)) as follows:
 - (a) Removing reference to the flexible coding of R20/60 and replacing this with reference to an R60 density coding being applied to land bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway.
 - (b) Updating references to clauses contained within the City of Belmont Local Planning Scheme No. 15 and the Residential Design Codes.
 - (c) Updating the document to correctly reference Lot 184 Hay Road, Ascot as being zoned 'Urban' under the Metropolitan Region Scheme and 'Residential' under the City of Belmont local Planning Scheme No. 15.
 - (d) Removing reference to the City of Belmont preparing a local planning policy.
4. Directs the Chief Executive Officer to advise those who made a submission on Amendment No. 14 to Local Planning Scheme No. 15 and the Development Area 9 Local Structure Plan of Council's decision and the Minister for Planning's/Western Australian Planning Commission's final decision.

Note

Cr Sekulla proposed the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

SEKULLA MOVED, DAVIS SECONDED

That Council:

1. ***Pursuant to Regulation 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 note the submissions received in respect of Amendment No. 14 to Local Planning Scheme No. 15 and the modified Development Area 9 Local Structure Plan and endorse the responses to those submissions in [Attachment 2](#)– Schedule of Submissions.***
2. ***Pursuant to Regulation 50(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 support Amendment No. 14 to Local Planning Scheme No. 15 with a recommendation that the Amendment be approved by the Minister for Planning as follows:***

Item 12.1 Continued

- (a) **Amend the Scheme Map to reflect an R40 coding over properties bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway (refer [Attachment 6](#)).**
- (b) **Amend Schedule No. 9 of the Scheme Text relating to Development Area 9 to include the following provisions:**
3. **A Local Development Plan shall be submitted and approved as a requirement of any subdivision approval involving the creation of vacant lots. The Local Development Plan shall address transport noise management, bushfire management, waste collection, access, crossover minimisation, interface to non-residential development, drainage requirements, site constraints and flood risk mitigation, unless otherwise determined by the local government.**
 4. **Where a grouped dwelling development application proposes a minimum lot size of less than 350m², the following development standards are applicable:**
 - a. **Development comprising two or more dwellings in a front to rear arrangement are to achieve a minimum side setback of 6 metres between the side wall of the first dwelling fronting the public street and the side boundary of the parent lot.**
 - b. **Rear dwellings are designed so that significant sections of the front elevations have an outlook to, and are visible from, the public street.**
 - c. **A minimum of 50% of the total number of dwellings in the development are to be two-storey where the lot size is 260m² or less.**
 - d. **Solid external or internal fencing is not permitted where, in the opinion of the City, views from the dwellings to the public street will be limited.**
 - e. **Dwellings located adjacent to public open space, right of ways, pedestrian access ways and other public spaces are orientated and designed to provide views and surveillance of those public areas.**
 - f. **Solar design principles are incorporated in the design and orientation of each dwelling.**
 - g. **Carports and garages visible from the street are incorporated into the dwelling design so that they are not the dominant feature of the appearance of the dwelling and the streetscape.**
 - h. **Prior to any site works being undertaken on a property, an arborist report shall be prepared, to the satisfaction of the City, in relation to any trees on the property, addressing:**
 - **Species type**
 - **Life expectancy**
 - **Current and future growth habits**

Item 12.1 Continued

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

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

- 3. Pursuant to Clause 29(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 – Deemed Provisions, requests that the Western Australian Planning Commission amend the Development Area 9 Local Structure Plan ([Attachment 5](#)) as follows:**

- (e) Removing reference to the flexible coding of R20/60 and replacing this with reference to an R40 density coding being applied to land bound by Hay Road, Fauntleroy Avenue, land reserved for Parks and Recreation and properties zoned Mixed Use fronting Great Eastern Highway.**
- (f) Updating references to clauses contained within the City of Belmont Local Planning Scheme No. 15 and the Residential Design Codes.**
- (g) Updating the document to correctly reference Lot 184 Hay Road, Ascot as being zoned 'Urban' under the Metropolitan Region Scheme and 'Residential' under the City of Belmont local Planning Scheme No. 15.**
- (h) Removing reference to the City of Belmont preparing a local planning policy.**

- 4. Directs the Chief Executive Officer to advise those who made a submission on Amendment No. 14 to Local Planning Scheme No. 15 and the Development Area 9 Local Structure Plan of Council's decision and the Minister for Planning's/Western Australian Planning Commission's final decision.**

CARRIED 5 VOTES TO 3

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

Reasons:

1. An R40 density coding will facilitate housing affordability and diversity, whilst achieving a high standard of development through the application of scheme provisions proposed to be introduced as part of the Amendment.
2. An R40 density coding would enable the City to achieve infill housing targets set by the State Government while providing housing diversity and affordability.
3. An R40 density coding represents the middle ground between the surrounding lower density development and the R60 coding as an upper limit for medium density.

Item 12.1 Continued

4. The built form (height and setbacks) associated with an R40 density coding is more consistent with that of surrounding residential development.
5. An R40 density coding will more appropriately support the delicate balance in the natural environment in the local area.

12.2 TENDER 03/2021 – ELECTRICAL REPAIR AND MAINTENANCE SERVICES FOR COUNCIL FACILITIES AND OTHER INFRASTRUCTURE

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.2 refers	<u>Evaluation Matrix (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(e))</u>
Confidential Attachment 2 – Item 12.2 refers	<u>Price Schedule (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(e))</u>

Voting Requirement : Simple Majority
Subject Index : 114/2021-03
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 03/2021 – Electrical Repair and Maintenance Services for Council Facilities and Other Infrastructure.

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 03/2021 to Boyan Electrical for a period of four years in accordance with the requirements of the *Local Government Act 1995*.

The scope of works includes:

- General repair of electrical cabling, General Purpose Outlets (GPO's, power points) and light fittings;
- Repair and maintenance of electrical and/or mechanical services switchboards;
- Safety maintenance and testing of Earth Leakage Circuit Breakers (ELCB's), appliances, earthing and circuit testing;
- Testing and repairs to emergency lighting;
- Minor alteration and re-location of GPO's and light fittings;
- Repairs and maintenance to training lights, floodlights, park lights (including bollards), car park lights, City owned street lighting and barbeques;
- Minor new electrical installation work;
- Electrical inspection and condition reports as directed by the Principal's Representative.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

Item 12.2 Continued

POLICY IMPLICATIONS

BEXB7.1–Purchasing

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

The process associated with this tender was undertaken in accordance with policy requirements, therefore there are no policy implications.

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states:

‘3.57. Tenders for providing goods or services

- (1) *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.*
- (2) *Regulations may make provision about tenders.’*

BACKGROUND

An invitation to tender for the Electrical Repair and Maintenance Services for City Facilities and Other Infrastructure was advertised in the West Australian on Saturday, 23 March 2021, closing on Tuesday, 13 April 2021 at 2pm.

Sixteen responses were received from:

- Amek Engineering Pty Ltd
- Boyan Electrical
- Datatel Electrical & Communications
- DCSWA
- e Fire & Safety
- Eastern Hills Electrical Service
- Elexacom
- EOS Electrical
- Jannissen Electrics
- Kool Line Electrical & Refrigeration
- Platinum Electricians Pty Ltd
- Prestige Jointing & Electrical
- TES Electrical
- THM Electrical & Communications Pty Ltd
- Wesco Electrics Pty Ltd
- Wired West Electrical Contracting.

OFFICER COMMENT

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

Item 12.2 Continued

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	15%
4	Methodology	15%
5	Safety	10%
6	Price	30%
	TOTAL	100%

Boyan Electrical is a WA owned business based in Osborne Park. They hold contracts with numerous other local governments in WA and have been providing a full range of similar services for a number of years. Boyan Electrical has demonstrated that they have the capacity to take on additional clients with a mitigation strategy in place to service the contract should it be required (ie replacement equipment in the event of equipment breakdown and workforce planning program to cover increased labour demands). Their methodology outlines the allocation of two full time technicians to the City with 24/7 emergency call out available. Boyan Electrical's staff are familiar with utilising an electronic maintenance system to schedule and manage maintenance requests, which is also a requirement of the City's contract.

[Confidential Attachment 1](#) – Evaluation Matrix shows that Boyan Electrical achieved the highest score and are the recommended supplier.

FINANCIAL IMPLICATIONS

[Confidential Attachment 2](#) – Price Schedule details the rates submitted by all tenderers and indicates that Boyan Electrical offers reasonable rates which, together with their experience, will provide good value for money and represent a saving on the current contract.

Boyan Electrical have submitted a rate for unplanned weekend work that is much higher than that for planned works and this will only be used in an emergency situation.

Expenditure based on previous years is estimated at \$250,000 - \$350,000 per annum exclusive of renewal or upgrade works which are not covered under this contract.

The tendered rates from Boyan Electrical will reduce the contract value to \$182,500 - \$255,500 per annum. The current estimated budgets for all electrical work is:

- Facilities - \$300,000 per annum
- Works - \$23,000 per annum
- Parks – \$12,000 per annum.

Based on the submission received, this equates to a reduction in cost of between \$67,500 and \$94,500 per annum.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

Item 12.2 Continued

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council award Tender 03/2021 – Electrical Repair and Maintenance Services for Council Facilities and Other Infrastructure to Boyan Electrical in accordance with the schedule of rates submitted (refer [Confidential Attachment 2](#)) for a period of four years commencing 1 July 2021.

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

12.3 PROCLAMATION OF GATEWAY WA ROADS, INTERCHANGES, ASSOCIATED RAMPS AND PATHS

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7 – Item 12.3 refers	<u>Main Roads WA – Gateway WA – Proclamation Plans</u>

Voting Requirement	:	Simple Majority
Subject Index	:	102/052: Gateway WA Project A
Location/Property Index	:	Leach Highway / Tonkin Highway / Great Eastern Highway / Horrie Miller Drive / Dunreath Drive / Airport Drive / Kewdale Road / Abernethy Road
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

- | | | |
|-------------------------------------|-----------------------|---|
| <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

Main Roads WA (MRWA) is seeking to formalise the responsibility for the Gateway WA roads, interchanges, associated ramps and paths. This includes the interchanges at:

- Tonkin Highway / Great Eastern Highway
- Tonkin Highway / Dunreath Drive
- Tonkin Highway / Leach Highway / Airport Drive
- Tonkin Highway / Kewdale Road / Horrie Miller Drive
- Tonkin Highway / Abernethy Road
- Leach Highway / Abernethy Road

Item 12.3 Continued

The process requires the Commissioner of Main Roads to make a recommendation to the Hon. Minister for Transport to proclaim the associated ramps as 'highways' and paths in accordance with Section 13 of the *Main Roads Act 1930*.

A formal endorsement by Council has been requested by MRWA before making application to the Hon. Minister for Transport.

SUMMARY AND KEY ISSUES

The request from MRWA for Council endorsement of the proclamation drawings is a formality as defined under the *Main Roads Act 1930*.

In this instance, the management of the roads interchanges, associated ramps and paths associated with the Gateway WA project as reflected on Drawings 200921-0201-01, 201721-0014-00, 201721-0015-00, 201721-0016-00, 201721-0017-00, 201721-0018-00, 201721-0019-00, 201721-0020-00, 201721-0021-00, 201721-0022-00, and 201721-0076-00, will remain under the management of Main Roads WA and not impact on the City.

It should be noted that in relation to the project, some paths, as noted on the plans, will remain the responsibility of the City.

LOCATION

Not applicable.

CONSULTATION

In late 2018 and early 2019, representatives of the City met with MRWA to discuss the asset responsibility for path, drainage and road assets as part of the finalisation of the Gateway WA Project.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 2: Connected Belmont.

Strategy:

2.3 Facilitate a safe, efficient and reliable transport network.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.3 Continued

STATUTORY ENVIRONMENT

In accordance with Section 13A *Main Roads Act 1930*.

13A. Local government to be consulted on matters to do with highways and main roads

1. The Commissioner shall cause the local government of each district in which the road is situated to be notified in writing of the details of any proposed permanent improvements to any highway or main road before commencing the improvements.
2. Before making any recommendation to the Governor -
 - a. that any road be declared to be a highway or main road; or
 - b. that the plans of any proposed new highway or main road or deviation from an existing highway or main road be approved,

the Commissioner shall cause a notification to be given in writing to the local government of each district in which the road so to be declared is situated or the new road or deviation is proposed to be made of his intention to make the recommendation and shall inform the local government of a date, being not less than 30 days from the date of the notification, before which any objections by that local government may be made, and any such objection shall be considered by the Commissioner and responded to by him before making his recommendation.

3. Any local government which feels aggrieved by any recommendation may, within 30 days after notification of the response of the Commissioner following his consideration of that local government's objections, appeal to the Minister, who may vary or disallow the proposed recommendation.

BACKGROUND

In late 2015, the Gateway WA Road project was completed and opened to traffic.

MRWA have requested formal endorsement by Council of MRWA Drawings 200921-0201-01, 201721-0014-00, 201721-0015-00, 201721-0016-00, 201721-0017-00, 201721-0018-00, 201721-0019-00, 201721-0020-00, 201721-0021-00, 201721-0022-00, and 201721-0076-00. The drawings reflect Gateway WA roads interchanges, associated ramps and paths which Main Roads are seeking to have proclaimed.

The management responsibilities with respect to the paths is acceptable and this formalisation process will merely define the management more clearly for all parties.

OFFICER COMMENT

The formalisation of the nominated interchanges, ramps and shared paths will not affect the City's current situation in relation to management responsibilities. Through discussions with MRWA extensions or realignments of existing City paths will remain the responsibility of the City. The proclamation of the nominated ramps to 'highways' will merely provide better definition as to the type of roadway. Management will remain with MRWA.

Item 12.3 Continued

It is recommended that Council endorse Main Roads WA Drawings 200921-0201-01, 201721-0014-00, 201721-0015-00, 201721-0016-00, 201721-0017-00, 201721-0018-00, 201721-0019-00, 201721-0020-00, 201721-0021-00, 201721-0022-00, and 201721-0076-00, relating to the proclamation of changes to roads, ramps, interchanges and paths associated with the Gateway WA project.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

In accordance with the provisions of section 13A of the Main Roads Act 1930, Council endorse Main Roads WA Drawings 200921-0201-01, 201721-0014-00, 201721-0015-00, 201721-0016-00, 201721-0017-00, 201721-0018-00, 201721-0019-00, 201721-0020-00, 201721-0021-00, 201721-0022-00, and 201721-0076-00, as detailed in [Attachment 7](#), relating to the proclamation of changes to roads, ramps, interchanges and paths associated with the Gateway WA project.

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

**12.4 ADOPTION OF CITY OF BELMONT STANDARDS FOR CEO RECRUITMENT,
PERFORMANCE AND TERMINATION**

ATTACHMENT DETAILS

Attachment No	Details
Attachment 8 – Item 12.4 refers	<u>Standards for CEO Recruitment, Performance and Termination</u>

Voting Requirement	:	Absolute Majority
Subject Index	:	32/015 – Council Policy manuals / Code of conduct
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	People & Organisational Development

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council endorsement of the Standards for CEO Recruitment, Performance and Termination ([Attachment 8](#)) in accordance with s.5.39(B) of the *Local Government Act 1995* (the Act).

SUMMARY AND KEY ISSUES

The *Local Government (Administration) Amendment Regulations 2021* amended the *Local Government (Administration) Regulations 1996* and inserted Schedule 2 - Model Standards for the recruitment, performance review and termination of Local Government CEO's (Model Standards).

Item 12.4 Continued

In accordance with s.5.39B(2) of the Act, local government must prepare and adopt standards that incorporate the model standards prescribed under s.5.39A(1) of the Act. The purpose of this report is to seek Council adoption of the City of Belmont Standards for CEO Recruitment, Performance and Termination ([Attachment 8](#)).

The Standards have been based on the model standards with the inclusion of additional relevant elements of the City's current arrangements.

LOCATION

Not applicable.

CONSULTATION

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

The Department of Local Government, Sport and Cultural Industries (DLGSCI) published Guidelines to assist local governments in meeting the model standards prescribed in the *Local Government (Administration) Amendment Regulations 2021*. The WA Local Government Association (WALGA) provided a template and this has been used to formulate the Standards for the City.

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.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 5.39B of the *Local Government Act 1995* (the Act), requires local governments to prepare and adopt standards for CEO recruitment, performance and termination that incorporate the model standards prescribed under section 18FA of the *Local Government (Administration) Regulations 1996* (the Regs).

s5.39B. Adoption of model standards

(1) In this section —

model standards means the model standards prescribed under section 5.39A(1).

Item 12.4 Continued

- (2) Within 3 months after the day on which regulations prescribing the model standards come into operation, a local government must prepare and adopt* standards to be observed by the local government that incorporate the model standards.

** Absolute majority required.*

- (3) Within 3 months after the day on which regulations amending the model standards come into operation, the local government must amend* the adopted standards to incorporate the amendments made to the model standards.

** Absolute majority required.*

- (4) A local government may include in the adopted standards provisions that are in addition to the model standards, but any additional provisions are of no effect to the extent that they are inconsistent with the model standards.

- (5) The model standards are taken to be a local government's adopted standards until the local government adopts standards under this section.

- (6) The CEO must publish an up-to-date version of the adopted standards on the local government's official website.

BACKGROUND

The *Local Government (Administration) Amendment Regulations 2021* amended the *Local Government (Administration) Regulations 1996* and inserted the model standards for the recruitment, performance review and termination of Local Government CEO's (model standards).

The basis for these reforms and the introduction of the Standards is to ensure best practice and greater consistency in the approach taken across the whole of local government in relation to the recruitment and selection, performance review and termination of employment of local government CEO's.

In accordance with s.5.39B(2) of the Act, Council must by absolute majority, prepare and adopt standards that incorporate the model standards prescribed under s.5.39A(1) of the Act. The purpose of this report is to seek Council adoption of the City of Belmont Standards for CEO Recruitment, Performance and Termination ([Attachment 8](#)). These Standards have been based on the model standards with the inclusion of additional relevant elements of the City's current arrangements.

In accordance with s.5.39B of the Act, Council was to prepare and adopt standards that incorporated the model standards within three months of the Regs being prescribed. The applicable date to this effect was 3 May 2021. Although this date has passed, under s.5.39B(5) of the Act, the model standards are taken to be a local government's adopted standards until new standards are adopted. As the standards that have been drafted were based entirely on the model standard with only minor additions this delay has not compromised the City's position in any way.

Item 12.4 Continued

OFFICER COMMENT

The standards prescribed by the Regs do not vary greatly from processes that have been in place at the City for some time. The major impact however will be the requirement under clause 13 of the Standard ([Attachment 8](#)) to advertise the position of CEO if upon expiry of their current contract they will have held the position for a period of 10 or more consecutive years or a period of 10 or more consecutive years have elapsed since a recruitment and selection process for the position was carried out. It is important to note that the current CEO will not be in this position at the expiry of his current contract.

Under s.5.39B(4) of the Act, it is possible for individual local governments to include additional provisions provided they are not inconsistent with the model standards. The proposed standards ([Attachment 8](#)) contain extra provisions that align with the City's current practices and enhance the overall process whilst remaining consistent with the model standards. Additional provisions are as follows:

A. Division 2 – Standards for recruitment of CEOs clause 14A:

(1) Declarations of Interest

(a) Elected members must declare any previous association with an applicant at the time they become aware of the application being submitted or considered, whichever occurs earlier. This clause applies whether the member is a part of the Panel established for the purpose of undertaking the selection process or they are part of the local government considering appointment of the CEO. If a member's relationship with an applicant is significant and may result in claims of nepotism, patronage or bias then the member must exclude themselves from the selection process.

(b) Declarations of interest are to be made to the selection panel, if however no panel has been formed, to Council, for consideration at the appropriate juncture.

(2) Councillors as Referees

Referee comment can be provided by elected members provided that the member's relationship with an applicant is of such a nature that it will not result in claims of nepotism, patronage or bias. If a member wishes to provide a reference it is to be in writing and is to be made prior to the interview.

(3) Confidentiality

With regard to a breach of clause 14 (Confidentiality of information), if confidential information eg personal details, is disclosed into the public domain before a recommendation is made to the local government it is likely that this will compromise the entire selection process.

B. Division 3 – Standards for review of performance of CEOs clause 19A

(1) Employment Contract provisions pertaining to the performance management process for the CEO are to be incorporated into these arrangements to the extent that they are not inconsistent with the model standards.

C. Division 4 – Standards for termination of employment of CEOs

(1) Employment Contract provisions pertaining to the termination of the CEO are to be incorporated into these arrangements to the extent that they are not inconsistent with the model standards.

Item 12.4 Continued

To support the new legislative requirements the DLGSCI have produced a set of Guidelines to assist local governments in meeting the model standards prescribed in the Act. It is intended that these Guidelines will assist in informing the new City Standards on CEO Recruitment, Performance and Termination.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Note:

The Chief Executive Officer declared an interest that may affect impartiality in Item 12.4 Adoption of City of Belmont Standards for CEO Recruitment, Performance and Termination.

OFFICER RECOMMENDATION

That Council:

Adopt the City of Belmont Standards for CEO Recruitment, Performance and Termination ([Attachment 8](#)) in accordance with section 5.39B of the Local Government Act 1995.

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

12.5 CORPORATE BUSINESS PLAN 2021 – 2025 (ANNUAL REVIEW)

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 9 – Item 12.5 refers	Corporate Business Plan 2021 – 2025

Voting Requirement	:	Absolute Majority
Subject Index	:	32/027, 32/001
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	12.3, OCM 24 November 2020 12.10, OCM 26 February 2019 12.8, OCM 27 February 2018 12.7, OCM 27 February 2017 12.6, OCM 22 March 2016
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Executive Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To seek Council endorsement of the revised Corporate Business Plan 2021 – 2025 (refer [Attachment 9](#)) in accordance with the *Local Government (Administration) Regulations 1996*.

SUMMARY AND KEY ISSUES

The *Local Government (Administration) Regulations 1996* require that a local government reviews its Corporate Business Plan annually.

Item 12.5 Continued

As a result of the outbreak of the COVID-19 pandemic in late February 2020, the annual review for June 2020 was delayed to ensure any resultant changes to business operations were captured and aligned to the annual budget. As a result, the current Corporate Business Plan 2020-2024 was reviewed and adopted by Council in November 2020.

To ensure re-alignment with the City's annual budgeting process, the 2021 annual review of the Corporate Business Plan commenced in February 2021.

The Corporate Business Plan 2021 - 2025 is the end product of a minor review of the Corporate Business Plan 2020-2024, including all business as usual services, informing plans, priorities, projects and initiatives and is aligned to the Strategic Community Plan 2020 - 2040 outcomes and strategies. The Corporate Business Plan 2021 - 2025 has been prepared in accordance with legislative and Integrated Planning Framework Standards imposed by the Department of Local Government, Sport and Cultural Industries.

LOCATION

City of Belmont

CONSULTATION

The Corporate Business Plan 2021 – 2025 has been formulated in conjunction with the City's Executive Leadership Team, the Operational Leadership Team and other key staff across the organisation.

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

The *Local Government (Administration) Regulations 1996* state:

Part 5 — Annual Reports and Planning

Division 1 — Preliminary

19BA. Terms used

Item 12.5 Continued

In this Part —

Corporate Business Plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

Strategic Community Plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

Division 3 — Planning for the future

19DA. Corporate Business Plans, Requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
 - (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
 - (3) A corporate business plan for a district is to —
 - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
 - (4) A local government is to review the current corporate business plan for its district every year.
 - (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
 - (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
- *Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

BACKGROUND

A Corporate Business Plan is a mid-term, high level planning document that describes the priorities, services, projects and actions that the City will undertake in response to the aspirations and objectives stated in the Strategic Community Plan. This Plan is a living document which is reviewed every year with a full review undertaken every four years to align with the major review of the Strategic Community Plan, in order to reflect the community's changing aspirations and priorities. This review is a minor review of the City's Corporate Business Plan.

A Corporate Business Plan is a legislative requirement as part of the Integrated Planning and Reporting Framework. As part of this Framework, all Councils are required to develop a Strategic Community Plan, a Corporate Business Plan and a mechanism to review and report on all elements of Integrated Planning and Reporting.

Item 12.5 Continued

The City will use the Corporate Business Plan to:

- Define clear priorities, processes and mid to short term plans;
- Allocate resources (people and budget);
- Monitor achievement on the delivery of the Strategic Community Plan; and
- Inform other key strategies, policies and plans.

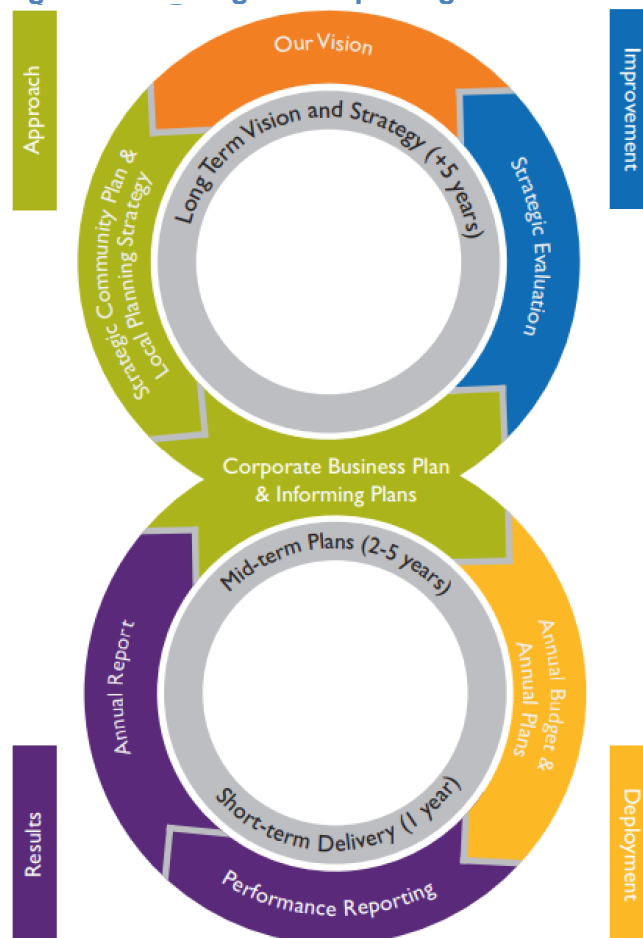
OFFICER COMMENT

The State Government developed the Integrated Planning and Reporting Framework (IPR) in 2010. As part of the IPR, all Councils are required to develop a Strategic Community Plan, a Corporate Business Plan and a mechanism to review and report on all elements of Integrated Planning and Reporting. The Corporate Business Plan is informed by relevant input from the Long-Term Financial Plan, Asset Management Plans, Workforce Plan and key organisational strategies and plans.

The City is committed to using the IPR and has developed the City of Belmont's Integrated Planning and Reporting Framework (refer diagram below) which is integrated within all City Plans across three levels of planning. They are:

- Strategic Level - A long-term vision and strategy with a minimum five-year horizon.
- Corporate Level - A mid-term plan with a two to five-year horizon.
- Delivery Level - A short-term plan with a one-year horizon.

City of Belmont Integrated Planning and Reporting Framework



Item 12.5 Continued

A four-year major review of the Strategic Community Plan was completed during 2020, with Council adopting the Strategic Community Plan 2020 - 2040 at the Ordinary Council Meeting held in April 2020.

As part of regulation 19DA of the *Local Government (Administration) Regulations 1996* there is a requirement to undertake a review of the Corporate Business Plan each financial year. However, as a result of the outbreak of the COVID-19 pandemic in late February 2020, the annual review was delayed to ensure any resultant changes to business operations were captured and aligned to the annual budget.

To ensure re-alignment with the City's annual budgeting process, the 2021 annual review of the Corporate Business Plan commenced in February 2021. Due to the current Corporate Business Plan 2020-2024 being reviewed and adopted in late 2020, a minor review only was required.

The Corporate Business Plan is required to cover four years and be aligned with the Strategic Community Plan. The Corporate Business Plan prioritises and allocates resourcing in accordance with the Strategic Community Plan priorities and objectives to meet the needs and aspirations of the community.

The Corporate Business Plan is a significant part of our IPR. Through the Corporate Business Plan the aspirations and strategies of the Strategic Community Plan are translated into operational priorities, detailing how they will be implemented and resourced over a four-year period. The Corporate Business Plan articulates how the Strategic Community Plan will be delivered through services, projects, initiatives and actions and informs the annual budget.

The Corporate Business Plan is structured in alignment with the Strategic Community Plan's five Goals:

1. Liveable Belmont
2. Connected Belmont
3. Natural Belmont
4. Creative Belmont
5. Responsible Belmont

Corporate Business Plan performance will continue to be monitored monthly and provided to Elected Members via the Councillor's Portal with annual reviews by Council.

FINANCIAL IMPLICATIONS

The Corporate Business Plan 2021 – 2025 is supported by the Long-Term Financial Plan and is budgeted in the Annual Budget 2021-2022.

ENVIRONMENTAL IMPLICATIONS

There are numerous references to the environment in the Corporate Business Plan that will see a range of Plans delivered.

SOCIAL IMPLICATIONS

There are numerous references to the social aspects in the Corporate Business Plan that will see a range of Plans delivered.

Item 12.5 Continued

OFFICER RECOMMENDATION

That Council endorse the Corporate Business Plan 2021 – 2025 as per [Attachment 9](#).

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

12.6 DELEGATED AUTHORITY REVIEW 2021-2022

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 10 – Item 12.6 refers	Delegation Register 2021-2022 with Track changes
Attachment 11 – Item 12.6 refers	Summary of Changes – Delegated Authority Review 2021-2022
Attachment 12 – Item 12.6 refers	Delegation Register 2021-2022

Voting Requirement	:	Absolute Majority
Subject Index	:	11/005 Delegations and Authorisations
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 12.6 OCM 23 June 2020
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council endorsement of the Delegation Register 2021-2022 as detailed in [Attachment 12](#).

Item 12.6 Continued

SUMMARY AND KEY ISSUES

In accordance with section 5.46 of the *Local Government Act 1995* (the Act), the Delegated Authority Register is to be reviewed at least once in every financial year.

The Delegated Authority Register is structured to provide for a best practice approach to the City's operations and efficiency in the delivery of strategic outcomes.

LOCATION

Not applicable.

CONSULTATION

The Executive Leadership Team and all designated employees have been consulted regarding the proposed amendments to the Delegation Register. The proposed Delegation Register was forwarded to Elected Members via memorandum and was presented at the Information Forum on 8 June 2021 for consideration and input.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

The following sections of the *Local Government Act 1995* are applicable when considering delegations:

- s5.16 Delegation of some powers and duties to certain committees
- s5.17 Limits on delegation of powers and duties to certain committees
- s5.18 Register of delegations to committees
- s5.42 Delegation of some powers and duties to CEO
- s5.43 Limits on delegations to CEO
- s5.44 CEO may delegate powers and duties to other employees
- s5.45 Other matters relevant to delegations under this division
- s5.46 Register of, and records relevant to, delegations to CEO and employees.

Item 12.6 Continued

Several other pieces of legislation allow for delegation in Western Australia. Those relevant to the City's Delegation Register in addition to the *Local Government Act 1995* are listed below:

- *Building Act 2011*
- *Bush Fires Act 1954*
- *Cat Act 2011*
- *Dog Act 1976*
- *Food Act 2008*
- *Health Act 1911*
- *Public Health Act 2016*
- *Main Roads Act 1930*
- *Planning and Development Act 2005*
- *Strata Titles Act 1985*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Functions and General) Regulations 1996*
- *Local Government Act (Uniform Local Provisions) Regulations 1996.*

BACKGROUND

The Delegated Authority Register was last formally reviewed by Council at the Ordinary Council Meeting of 23 June 2020 – Item 12.6.

In developing and reviewing delegations, the City has applied principles outlined in the City's Decision Making and Compliance Management Models. The delegations are structured to be defined and specific to support a greater level of control and clearly identify decisions that occur under delegated authority.

The use of delegations is supported by the Department of Local Government, Sport and Cultural Industries (the Department). The Local Government Operational Guideline No 17 – Delegations has been published by the Department to assist with the creation, use and review of delegations.

OFFICER COMMENT

Delegations by Council are an effective way to reduce red tape and improve customer satisfaction through quicker decision-making processes. Using the power of delegation appropriately assists local governments to efficiently deal with a wide range of operational matters that are minor, administrative in nature and time consuming.

Safeguards are contained within the delegations through the conditions and limitations of when the delegation can be exercised as well as granting appeal rights to the Council when an impacted individual is aggrieved with an Officer's decision.

It is important to note that Officers are not obliged to use, or exercise, a delegation; where a matter is determined to be of a contentious nature, the matter will be referred to Council.

Item 12.6 Continued

The Delegations have been reviewed in line with the WALGA Delegations Template and referencing industry trends. A number of Delegation Registers from other local governments, large and small, regional, and metro have also been reviewed as part of this process.

Below is a summary of the key administrative changes:

- The Delegation Register is separated by statute with each statute being numbered e.g., *Local Government Act 1995* delegations are numbered 1.1.1;1.1.2 etc.
- 2020-2021 Delegations for large sections of Acts, such as the Building Act, have been broken down from one delegation to a number of separate delegations to allow for ease of interpretation of the functions and conditions of the delegation. Historically, a number of functions have been carried out using the acting through concept. Delegations have been included for those functions where it is considered a delegation is more appropriate for decision making.
- Previous Delegated Authority Registers allowed for business documents such as permits etc. to provide evidence of exercise of Delegation. This has been removed in this review as the City stores documentation in a number of business systems, this does not allow for a comprehensive register of exercise of delegation as required under the *Local Government Act 1995*.
- Records of the exercise of delegation will now be moved towards a centralised register to allow for more comprehensive reporting. There is a change in process for the Exercise of Delegation Form to be completed in all instances rather than the current process of only being completed where no other documentation is created and stored in the City's record system. Following endorsement by Council, affected staff will be advised of this requirement.
- Additionally, hyperlinks to the Standard Conditions of delegation have been included in each delegation so that each delegate is aware of conditions of delegation and any limitations to the delegation. Compliance links have also been included into the register. The compliance links may require amendment from time to time as policies and legislation are updated.

As the format of the Delegation Register has changed in line with industry standards, all delegations have been renumbered. The Summary of Changes document ([Attachment 11](#)) outlines the delegations and comments relating to each delegation and reference back to the 2020-2021 Delegated Authority Register.

A copy of the Delegation Register 2021-2022 is attached ([Attachment 10](#)) with the proposed amendments showing in red. A copy of the Delegation Register 2021-2022 with the changes accepted is attached as [Attachment 12](#).

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

Item 12.6 Continued

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council endorse the Delegation Register 2021-2022 as detailed in [Attachment 12](#).

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

12.7 ADOPTION OF FEES AND CHARGES FOR 2021-2022

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 13 –Item 12.7 refers	Fees and Charges for 2021-2022

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To adopt Council's fees and charges applicable for the 2021-2022 financial year.

SUMMARY AND KEY ISSUES

Each Division has reviewed its fees and charges for the 2021-2022 Budget process and Council needs to endorse each Division's review. This report brings all the fees and charges together for inclusion in the 2021-2022 Budget.

Item 12.7 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 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

Section 6.16 (1) of the *Local Government Act 1995* states:

"A local government may impose and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

** Absolute majority required."*

Section 6.16 (3) states further that:

"Fees and charges are to be imposed when adopting the annual budget but may be —

(a) imposed during a financial year; and*

(b) amended from time to time during a financial year.*

** Absolute majority required."*

BACKGROUND

In order to comply with the provisions of the *Local Government Act 1995*, all fees and charges to be levied by Council for the financial year are to be submitted for adoption by Council.

OFFICER COMMENT

Each Division has reviewed the fees and charges applicable to their particular area and recommendations are submitted through this report to Council for consideration as part of the Budget adoption process.

Item 12.7 Continued

The consolidated schedule of fees and charges presented with this report has a similar format to the one to be adopted as part of the budget process and includes a description of how the fee or charge was calculated based on one of the following categories:

- Cost recovery - Recovery of the costs to provide the service
- Statutory - Fee or Charge established by Legislation or Regulation
- Benchmarked - Comparisons with other Local Governments or organisations.

The schedule presented with this report also includes those fees and charges applicable in 2020-2021 to enable a comparison. Those that have changed are highlighted.

A further column identifies those fees that have been waived due to COVID-19 during both 2020-2021 and 2021-2022. Feedback from the community in regard to the waiving of those fees has been very positive. It is estimated that the total cost of waiving those fees is approximately \$350,000.

It should also be noted that many of these fees do not include GST as most are exempt from GST under *A New Tax System (Goods and Services Tax) Act 1999*. A full list of all fees and charges and their GST implications is also presented as part of the final Budget process.

FINANCIAL IMPLICATIONS

In the adopted Budget, the table detailed will also show the level of income being budgeted as a result of the imposition of these fees and charges. This is a requirement for the Budget document that will be presented for formal adoption in the prescribed manner.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. Endorse the review of the Fees and Charges 2021-2022 shown in [Attachment 13](#).***
- 2. Direct the Chief Executive Officer to advise relevant affected parties of the new fees and charges immediately to ensure collection systems are in place by 1 July 2021 where required.***

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

12.8 2021-2022 RATE SETTING BUDGET

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 14–Item 12.8 refers	Annual Budget 2021-2022
Attachment 15–Item 12.8 refers	Construction Summary 2021-2022
Attachment 16 –Item 12.8 refers	Reserve Accounts
Attachment 17–Item 12.8 refers	Financial Hardship Policy with Track Changes

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

PURPOSE OF REPORT

To present the 2021-2022 Rate Setting Budget for consideration.

SUMMARY AND KEY ISSUES

To consider the 2021-2022 Budget and endorse the Municipal Fund Budget for Rate Setting Purposes so that the differential rates in the dollar can be advertised in the lead up to the formal adoption of the Budget at the Ordinary Council Meeting on 27 July 2021.

Item 12.8 Continued

LOCATION

Not applicable.

CONSULTATION

The City's research that drives the development of the Strategic Community Plan and the Corporate Business Plan also flows into the development of the Annual Budget. Research is conducted annually with the Community and outcomes from the Strategic Community Plan are funded through the Annual Budget.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2021 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

POLICY IMPLICATIONS

This report includes a new Financial Hardship Policy which replaces the Financial Hardship Policy (COVID-19).

STATUTORY ENVIRONMENT

There are no specific statutory implications as Council is not adopting its budget through this process. This report is a step in the process that enables the required advertising of proposed differential rates and culminates in the adoption of the Budget in the prescribed manner at the Ordinary Council Meeting on 27 July 2021.

BACKGROUND

The budget working papers are attached and follow the same basic format as previous years.

The Budget Report as attached contains the following information:

- 2020-2021 Adopted Budget
- 2020-2021 Revised Budget (as reviewed in March 2021)
- 2020-2021 Actual's to 24 May 2021
- 2021-2022 Budget estimates
- Percentage Increase
- Comments providing further explanation where applicable.

Item 12.8 Continued

The attachment has been summarised so that the costs associated with each Council building, park or capital project are reported as a total. This is consistent with previous years.

[Attachment 14 – Annual Budget 2021-2022](#)

The format of the working papers is in fact the City of Belmont Rate Setting Budget and shows the projected incomes and expenditures for 2021-2022. This particular report does not deal with the rate in the dollar setting process as that is the subject of a separate report in this Agenda. Once Council is satisfied with the Rate Setting Budget, the rates in the dollar etc. are dealt with in the Rate Calculations Report.

The budget allows for rubbish charges to remain with no change in 2021-2022, resulting in the (base) rubbish charge remaining at a flat \$303. Rubbish charges are a fee for service and aim to cover costs with any surpluses or losses historically offset by transfers through the Waste Management Reserve. The Reserve will be available for future waste Food Organics, Garden Organics (FOGO) implementation purposes. There have been some significant savings identified as a result of a change in supplier regarding waste disposal to landfill with those savings transferred to the Environment Reserve.

At the time of writing this report, the Consumer Price Index (CPI) and WALGA Local Government Cost Index (LGCI) for Perth were forecast (2020-2021) at 1.5% and 1.3% respectively. It is estimated CPI will increase to 1.75% and LGCI to 1.4% in 2021-2022.

The draft budget has been prepared adopting a responsible approach to maintaining City assets, providing services to the community and largely returning to the norm with some initiatives to support the community following the impact of COVID-19 remaining in the budget. Other than allowing for the impact of minor indexation increases, the budget is based on maintaining costs consistent with 2020-2021. Employee related costs have increased by 1.80% based on third party advice in addition to the 0.5% for the legislated superannuation (SGC) increase on 1 July 2021.

The Financial Hardship Policy has also been updated to support those ratepayers facing financial hardship. The updated Financial Hardship Policy with track changes on is provided in [Attachment 17](#).

A balanced budget has been achieved with a 1.75% increase in the rate yield. This continues the strategy of increasing rates in line with relative forecasted price indices or less, and sufficiently offsets the budget deficit. This strategy is also supported by a thorough review of expenditure budgets with a zero-based budget being the starting point. The budget is a key component in the Integrated Planning Reporting process and enables Council to financially resource key actions as identified in the Corporate Business Plan. This ensures budgets remain focused on the community's needs. Expenditure efficiency measures as supported by Councils Purchasing Policy are also considered and factored into the budget process.

OFFICER COMMENT

Each Division has provided a report on its 2021-2022 Budget to highlight particular parts of their budget and add further explanation to the comments contained in the working papers.

The key factors driving the preparation of the 2021-2022 Budget are:

- Delivering the outcomes of the Strategic Community Plan through the Key Actions of the Corporate Business Plan;

Item 12.8 Continued

- Maintaining a viable workforce through effective attraction and retention;
- Being responsive to research results i.e. crime and safety, business engagement;
- Increase communications with the community and community development;
- Maintaining service delivery;
- Maintaining infrastructure based on Asset Management Plans; and
- Delivery of Belmont Hub and the additional associated operational costs.

This report is designed to address some of the major items or projects contained within the budget and not each individual line item. It's worth noting that Activity Based Allocations (ABC's) have been recalculated based on updated inputs. Some of the inputs include the number of IT devices, staff numbers and office space per section. Given the new inputs there have been some movements in ABC's as well as overheads but it's worth noting that they are internally generated and have a nil impact on the overall budget.

Financial Hardship Policy

The Financial Hardship Policy (previously Financial Hardship Policy (COVID-19)) has been amended to support ratepayers facing financial hardship with the following key changes:

- The Policy relates to all ratepayers facing financial hardship as opposed to only those impacted by COVID-19. Given COVID-19 has had an adverse impact on the economy since March 2020 it has become increasingly difficult to prove a direct connection between COVID-19 and financial hardship. More general Financial Hardship Policies are becoming more common place.
- The one-off contribution to residential ratepayers that was specific to 2020-2021 (due to the triennial valuation) has been removed.

The proposed Financial Hardship Policy with track changes is provided in [Attachment 17](#).

Although it is very difficult to determine the likely take up, the budget includes an allowance of \$5,000 in regards to supporting the policy. Should the take-up be greater than that, an increase would need to be considered as part of budget review cycles.

Chief Executive Officer's Division

Chief Executive Officer (CEO)

The only notable adjustment an additional budget to cover a new Internal Auditor position.

People and Organisational Development

There has been an addition of a temporary resource to assist in the implementation of the impending transfer from the federal industrial relations system to the state industrial system, as dictated by the State Government. There is also an intention to fill a position that had been held vacant last financial year.

Item 12.8 Continued

Corporate and Governance Division

Governance – Elected Members Support

Elected members' fees and allowances have been budgeted in line with Salaries and Allowances Tribunal decisions, no increase. Election costs of \$110,000 are included based upon Western Australian Electoral Commission (WAEC) quotation but recouped from 'Election Reserve' account.

Belmont Trust

This section reflects the cost of managing the Trust land. An amount for preparation costs for possible legal activities is also included, as well as an allocation for a strategic planning process for the Trust land. It should be noted that this section also includes investment returns of the Belmont Trust Reserve. These investment returns are transferred back into the Belmont Trust Reserve and expenditure incurred by the Belmont Trust is recovered from the Belmont Trust Reserve, so the impact on the Municipal Fund is nil.

Business Continuity, Risk & Insurance

Insurance premiums are expected to increase for 2021-2022 based on estimates provided by the LGIS. Increases have also been impacted by Belmont Hub, changes to building valuations and the estimated rebate for the 2021-2022 year prepaid in 2020-2021.

Marketing and Communications

The 2021-2022 Budget continues to focus on providing high quality and engaging communications both in print and increasingly in the digital landscape.

COVID-19 saw the reduction of events for the previous financial year with some events cancelled. However, these events including Avon Descent, Mayoral Dinner and Civic Dinner have all been re-budgeted (\$125,000) for 2021-2022. Hence, a corresponding increase in expenditure is proposed. The budget for catering has increased based upon an expected increase of in person meetings and events at the Civic Centre.

Other components have continued to incorporate further funds relative to COVID-19, dealing in the main with communications, media and various publications. This equates to approximately \$141,000, including additional signage, increased advertising in the Southern Gazette, Facebook, Instagram and podcast/radio, community revitalisation and support and printing, increased events costs for COVID Marshalls, cleaning and other consumables.

Financing Activities

Investment returns have fallen as a result of current market conditions and a reduction in cash/deposit rates. Returns on reserve investments are transferred to reserve and have no impact on the municipal budget.

The 2020-2021 budget included a transfer to and from the Land Acquisition Reserve of \$8M to support any cashflow issues arising from COVID-19. This transfer was not required and has not been re-budgeted.

Item 12.8 Continued

Transfers to Reserve

This budget provides sufficient funds for transfer to the relatively short term 'operational expense smoothing' reserve needs, such as election expenses and revaluation expenses.

The budgeted investment income, in relation to the Reserve Accounts for 2021-2022, has fallen significantly due to the impact of falling cash rates.

Budgeted 2021-2022 Reserve Balances are provided in [Attachment 16](#).

Rates

A full rates report is presented as part of this Agenda. In summary, the budget is based on a 1.75% change in the rate yield, although total rates income has also increased as a result of growth in the rates base during 2020-2021 and a small allowance for interims during 2021-2022.

General Purpose Income

The Grants Commission Financial Assistance Grant (FAG) remains as the main item in general purpose income with 50% of the FAG budgeted in 2021-2022 as the other 50% is expected to be prepaid in the current financial year.

Information Technology (IT)

The IT budget has increased from the previous year. It largely reflects new IT projects, initiatives and changes outlined firstly by the City's new Digital Strategy, but also the IT projects that were delayed or not able to be initiated in the previous year's budget and thus carried forward. In addition, new IT requirements mandated by the Office of the Auditor General, new support and maintenance requirements from Belmont Hub, and objectives within the new Strategic IT Plan (currently in development) have also affected the budget. Additionally, to offset the large capital expenditure that would have been required renewing all critical IT infrastructure, computers and photocopiers which would have been included in the 2021-2022 budget, the cost will instead be transferred to the operating budget, and amortised over a longer three to five year term, through the use of leasing providers.

The IT Capital budget now consists mainly of software and website development projects, with the objective of creating cost savings through efficiencies and automation.

Infrastructure Services Division

The Infrastructure Services Division largely has a major capital works focus including roads, drainage and paths. The preliminary budget for each programme was submitted to Council for discussion at the Information Forum meeting of 9 March 2021, with programmes based on respective Asset Management Plans.

Roads Program

The following provides a brief account of the major areas of expenditure in each program.

Major works programmed in the coming financial year include:

- \$597,242 to rehabilitate the Abernethy Road pavement in two sections from Fulham Street to Gabriel Street in both directions and from Scott Street to Kew Street west bound only using the foamed bitumen methodology.
- \$669,960 to rehabilitate the following projects using the foamed bitumen methodology;

Item 12.8 Continued

- Francisco Street from Abernethy Road to Newlyn Street, traffic lanes in both directions.
- Kewdale Road from Ferguson Street to Marchesi Street, south bound lanes.
- Fairbrother Street from Hubert Street to Abernethy Road, north bound lanes.
- \$279,356 to lengthen the right turn slip lane in Abernethy Road on the northern approach to Alexander Road.
- \$346,934 to resurface Miles Street from Bell Street to Kewdale Road.
- \$232,966 resurface Aitken Way from Abernethy Road to Kewdale Road including some kerb replacement.
- 33 other individual roads projects ranging in values.

The major funding sources from operational and capital grants include the following:

- \$893,675 from the Metropolitan Regional Road Group Direct Grant administered by Main Roads.
- \$346,934 from the Roads to Recovery Program.

The schedule of all capital works can be found in [Attachment 15](#) - Construction Summary 2021-2022.

Drainage

The drainage works programme has been developed through the review of the current stormwater network to ensure that an acceptable level of service is achieved based on the Drainage Asset Management Plan. The drainage projects have been identified and listed for funding as reflected in the budget.

The list consists of five cost items which includes programmes for the replacement of the ageing aluminium pipe network and some general drainage improvements that are yet to be finalised. As a requirement of the Drainage Asset Management Plan, funding to undertake a condition survey of drainage pipes using Closed Circuit Television (CCTV) has also been included.

Other cost items include the replacement of old and inefficient chute-type gullies and the upgrade of pollutant control measures to improve stormwater quality. The total funding of the drainage programme amounts to \$0.6M.

Paths

The proposed programme maintains Council's commitment to the ongoing upgrade and repair of the existing path infrastructure to minimise potential liability. The rehabilitation programme continues to address paths identified and prioritised in the 10-year financial plan and condition surveys.

Next year's programme will include upgrades to 18 paths throughout the City and two programme accounts to improve connectivity and path rehabilitation. A further eight new footpaths will be installed in locations requested by the community and as part of the Sustainable Transport Plan.

The total funding of the path construction programme amounts to \$881,829.

Item 12.8 Continued

Asset Management

Although the total operating budget has been reduced by \$74,712 the budget still allows for ongoing asset management practices including condition assessments and the completion of various plans.

City Projects

The allocated budget covers departmental staffing (one Manager and two Coordinator positions) to provide project management services for current and programmed major projects; and obtaining consultancy services as needed for nominated projects.

Significant projects for the 2020-2021 financial year comprise of:

- \$1,539,000 for detailed design and construction of the Wilson Park Netball Courts and Sports Lighting Upgrade which is largely funded through grants and reserves.
- \$145,000 for technical and pre-design studies for Belvidere Street Revitalisation.
- \$195,000 for various technical and design/development studies for the Faulkner Civic Precinct and the 400 Abernethy Road site.

Grounds Operations

The significant Parks Construction projects for the 2021-2022 financial year can be summarised as follows:

- \$135,000 towards streetscape landscaping renewal.
- \$211,000 for an upgrade of the Scott Street Drain (adjacent Forster Park).
- \$850,000 for the renewal of playgrounds at Centenary Park (East and West), Hoffman Park, Miles Park and Garvey Park.
- Upgrades to park amenity, landscaping and infrastructure in the Faulkner Civic Precinct \$135,000.
- Renewal of tennis court fencing (Belmont Tennis Club) and new fencing at Miles Park and Peet Park.
- \$375,000 for the upgrade and renewal of various irrigation systems and infrastructure.

Environment

Key items within the Environment budget include design development of future foreshore stabilisation projects, and implementation of the first year of The Esplanade Foreshore Stabilisation and Landscape Upgrade (\$608,585). This two-year project includes stabilisation of a failing river retaining structure, environmental restoration, informal nature play and installation of a fishing platform, deck and new path connections.

Leisure

The most significant budget adjustment relates to the consulting budget of \$86,000. These funds have been included to support facility audits and detailed recreation needs analysis as required in the draft Recreation Strategy which will inform future recreation facility planning in key locations.

Item 12.8 Continued

City Facilities and Property Department

Facilities and Property Section

The majority of expense accounts in this section are very much in line with the previous year's authorised budget, capturing administrative costs and ongoing cost of managing the City's leased facilities and property related activities. Lease income has increased due to Belmont Hub being available for the full year.

Building Construction

The Building Capital Works Programme for 2021-2022 is made up of Renewal projects and Capital Upgrade projects.

Building renewal and capital upgrade projects have been compiled from long-term asset management programmes, enabling Council to spread the impact on its financial resources. The timing of the listed items and the items themselves will, over the years, have to be flexible and/or changed to meet the ever-changing demands on Council facilities and the available funds. Projects to be considered for future years will continue to be reviewed as part of the asset management plan and renewal program reviews.

The major capital projects listed for consideration are:

Rehabilitation / Renewal Projects

- Oasis Leisure Centre (\$565,500) – Complete the Refurbishment of the change rooms and toilets, replace the sports court backboards, add ceiling fans and replace the fire booster and security alarm systems at the Belmont Oasis Leisure Centre.
- Belmont Oasis 25m Pool Replacement (\$170,000) – Professional fees to provide the complete design development, contract documentation and contract administration services for the replacement of the outdoor 25m pool.
- Belmont Park Tennis Club Roof Repairs and Disability Access (\$140,000) – Replace the roof sheeting and provide disability access to the clubrooms.
- Belmont Park Tennis Club Lighting (\$189,000) – Upgrades to the lighting and hard courts at Belmont Tennis Club.
- Glasshouse – Renewal and Upgrade Works (\$1,361,931) – Construction cost associated with stage 1 refurbishment works at the Glasshouse.

Capital Upgrade Projects

- Café Kitchen Fit Out (\$150,000) – Carry over of funds to contribute to the kitchen fit out in the Café at the Belmont Hub.
- Forster Park Sports Lighting (\$146,200) – Installation of a new flood lighting tower and associated fittings and upgrade to existing three flood lighting towers.

The Renewal budget totals \$2,656,081(gross) and is partially offset by funding from reserves and grants (\$2,149,431). This results in \$506,650 being funded from Municipal funds.

Capital Upgrade of \$296,200 (gross) is partially offset by funding from reserves and grants (\$282,915). This results in \$13,285 being funded from Municipal funds.

Item 12.8 Continued

Details of funding for items above include:

- Oasis Leisure Centre - \$565,500 from reserve to carry out the refurbishment of the change rooms and toilets, replace the sports court backboards, add ceiling fans and replace the fire booster and security alarm systems at the Belmont Oasis Leisure Centre.
- Belmont Hub Café - \$150,000 from the Property Development reserve as contribution towards the fit out of the café in the Belmont Hub.
- Belmont Tennis Club - \$189,000 of which \$172,000 is coming from grant funds to put towards the upgrades to the lighting and hard courts at Belmont Tennis Club.
- Glasshouse - \$1,361,931 from grant funds to put towards construction cost associated with stage 1 refurbishment works at the Glasshouse.
- Wahroonga - \$50,000 from reserve to replace the boundary fence surrounding the Wahroonga Independent Living Units.
- Forster Park Sports Lighting - 146,000 of which \$132,915 is coming from grant funds to put towards the Installation of a new flood lighting tower and associated fittings and upgrade to existing three flood lighting towers.

A summary of all Building Construction projects can be found in [Attachment 15](#) - Construction Summary 2021-2022.

Facilities (Building) Maintenance

The Facilities Maintenance budget is broken into three components, namely Operating, Maintenance and Vandalism.

The Operating Budget includes allowances for costs such as cleaning, public building compliance, various utility charges and building insurance. The Operating budget for 2021-2022 is \$2,029,088 which is an increase of 6.76% over the previous year. This increase is largely attributed to the additional operational costs that will be incurred at Belmont Hub for a full year, the Oasis Leisure Centre and the Belmont Sport and Recreational Club. Some of these additional costs incurred may be offset by lease fees and outgoings received from lessees at these facilities.

The Maintenance Budget is based on work determined as being required, requests received during the year, contingencies for reactive maintenance and programmed maintenance activities. The allocation for 2021-2022 is \$1,387,542, a budget increase of 6.88% from the previous year. The increase in the budget this year is largely due to new building maintenance contracts being implemented at the expiration of the defect's liability period at Belmont Hub and ongoing building repairs at the Oasis Leisure Centre. The City's facilities are generally in very good condition with scheduled maintenance of plant and equipment being undertaken on a regular basis. This adds to the overall life of the assets and decreases cost over time.

The Vandalism Budget is based on trends from previous years. The allocation for 2021-2022 is \$53,545 which is a budget increase of 3.42% over the previous year. There were a number of incidences in the 2020-2021 financial year that have led to an increase in the projected vandalism expenditure.

The overall Facilities Maintenance Budget has increased next year by 6.76% to \$3,458,175, however if the Belmont Hub costs were excluded, it would have resulted in an overall increase of 0.71%.

Item 12.8 Continued

The Facilities Maintenance Budget includes all Council owned facilities with budgets appearing in various sections of the municipal budget.

Community and Statutory Services Division

Planning Department

The City remains committed to a number of planning projects that were initiated in previous years and will be further progressed in 2021-2022. The work involves consultant's fees as follows:

- Progress planning and implementation framework for Development Area 6 - \$20,000
- Heritage Review - \$5,000
- Finalising Great Eastern Highway Corridor Strategy - \$11,500
- Updates and revisions to the Golden Gateway Local Structure Plan further to public consultation - \$26,000

The budget also allows for the continuation of development application fee waivers and significant cash-back discounts in-line with Council's COVID-19 relief measures introduced in 2020-2021.

Safer Communities Department

Building Control Section

The proposed budget allocation for Building Applications income is again well below past years and reflects the Council approved waiving of fees associated with Certified Building Permit, Occupancy Permit, Demolition and Verge Permit applications as a result of COVID-19. Building activity has increased dramatically in the last year due to State and Federal grant building stimulus packages and this is anticipated to continue for some time. The waiving of fees will as a result affect any potential increase in associated income from the application process.

Community Safety & Crime Prevention

The City of Belmont's Community Safety and Crime Prevention Plan (CSCP) continues to provide the community with initiatives to improve the safety, security and wellbeing of residents, businesses and visitors.

The CSCP Plan works on partnerships with State and Government agencies as well as with private service providers.

During 2021-2022 the City will continue to expand and improve its CCTV network with upgrades to systems at Middleton Park (\$8,000), Peet Park (\$8,000) and Belgravia Street Shops (\$10,000). New systems are planned at St Augustine's Church, Rivervale (\$11,000) and in The Springs areas – Cracknell Park (\$24,000) and Brighton Road (\$21,000). To improve CCTV connectivity throughout the City, a new antenna is planned for Belmont Hub (\$25,000).

The second instalment of \$112,000 for the Positive Engagement Programme (PEP) will be available in new financial year. A budget has also been allocated to continue the highly successful Hip Hop Ed programme (\$25,000).

The budget also allows for the ongoing support of Constable Care and the Theatrical Response Group (\$40,000).

Item 12.8 Continued

The Community Taskforce, formed in late 2018, is a multi-agency group operating at a high level to address community safety and perception of crime issues. Promotion of the group and its initiatives has been an ongoing process with short and longer term goals implemented and funded through the budget process (\$30,000).

The City's Criminal Damage (Graffiti) Removal programme continues to be successful, with the ongoing prompt removal of graffiti throughout the City. In 2020 the City signed a Memorandum of Understanding (MOU) with Main Roads to promptly remove graffiti from the noise walls along Leach, Tonkin and Great Eastern Highways. Due to the success of the City's service, this year's budget has been reduced from \$48,000 to \$18,000 to cover materials and labour. This is however cost neutral to the City, with Main Roads paying for all costs associated with the work done on their roads.

The Community Watch patrol continues to provide a valued service to the Community and statistics show the demand for their services increasing. The Community Watch officers have been invaluable in assisting Environmental Health Officer's investigate and deal with out-of-hours noise complaints, such as building work and stereo/party noise. The current service is under review and to allow this work to be completed, the Community Watch service will continue to be provided by an external service provider for another year over 2021-2022. This is subject to a current tender process. It is not anticipated that this will result in a significant increase in costs for the upcoming financial year.

Health Services

As with previous years, both Immunisation and Mosquito Management Programmes provide essential services to the community at a more than reasonable cost. Both are seen as vital in preventing disease in the community and as such the City's ongoing provision of these services is of great importance. The City is also the Chair of the Contiguous Local Authority Group (CLAG) which manages the joint grant funded finances (with the Department of Health) of all five-member Local Governments. The proposed budget of \$48,946 is used to bulk buy mosquito bait and for promotional initiatives supporting mosquito control for the benefit of the five members (Belmont, Bassendean, Bayswater, Swan and Town of Victoria Park) and is based on carry over funding from 2020-2021, anticipated grant income from the Department of Health WA and contributions from all the member Councils.

Environmental Health work continues to increase with changing community needs, such as noise related complaints and taking up officer time. The number of public events and festivals, run by the City and by external agencies is expected to increase in view of relaxations in COVID-19 restrictions and social distancing requirements.

In support of the community and businesses, the majority of fees related to health services, permits, licences and applications have been waived by Council. This will result in an estimated reduction of income totalling \$125,000.

Ranger Services

In support of the community following Council's COVID-19 response dog and cat registration fees have again been waived which will result in an estimated reduction of income totalling \$63,000. Rangers will continue to issue warnings as opposed to infringing where appropriate, however income is still anticipated to increase due to ongoing non-compliance and an increase in infringement levels as a result of the gazettal of the new Consolidated Local Law 2020 on 29 January 2021.

Item 12.8 Continued

Economic and Community Development Department

The department has been reviewed and the number of sections reduced and consolidated into the following:

- Economic and Community Development Section - Includes services related to Economic Development, includes support for the Economic and Community Development Department and has a total budget allocation of \$996,171.
- Community Development Section - Captures Community Development (healthy communities and health promotion), Youth Services and Volunteers. This section has a total budget allocation of \$1,429,104.
- Engagement Strategies Section - Captures Community and Cultural Engagement and includes the Seniors, Disability, Aboriginal and CaLD Programs along with Community Contribution Funds. This section has a total budget allocation of \$737,291.

Community Placemaking Department

A notable change is the merging of accounts for Ruth Faulkner Library and the Local History Project, to accurately reflect the shared expenditure of the co-located services within Belmont Hub.

Library and Museum

The allocated budget allows for the continued provision of Library and Museum collections and the delivery of adult and children's events and programmes in the new Belmont Hub.

Notable expenditure of \$73,000 has been allocated for two approved business cases to develop new exhibitions in Belmont Museum. This includes:

- \$25,000 for the annual renewal of the Museum's temporary exhibition space.
- \$48,000 to develop an interactive experience to enhance the display of the Hampton's Cheeses. The History Reserve will be used to partially fund the Hampton's Cheeses project.

Community Placemaking

Notable expenditure for the Community Placemaking Section includes:

- \$50,000 to deliver the 2022 Belmont Art Awards.
- \$70,000 for an Aboriginal mural art project in the Wright Street Lobby of Belmont Hub. This public art project will utilise remaining funds allocated by Council for public art related to the new community building - Belmont Hub (as per Ordinary Council Meeting 28 August 2018, Item 12.3).
- \$44,000 for the delivery of arts development programmes, creative workshops and small-scale art projects that aim to engage the community as well as support the local art industry.
- \$60,000 for the delivery of place activation projects including seasonal activations in different places within Belmont and other projects that engage the community, enhance well-being and inclusion and promote civic pride.

Item 12.8 Continued

FINANCIAL IMPLICATIONS

The adoption of this report will ultimately drive the formal adoption of the budget, as this report performs the role of the rate setting process. Whilst the actual rate calculation process is the subject of a separate report, the rate setting process settles the required income and expenditures that, when combined with the rates levied, results in a balanced budget.

The budget is also partially funded by the estimated opening balance. The net actual incomes and expenditures of each Division have been reviewed with the likelihood of a surplus at 30 June 2021 of \$3.9M. This is mainly derived from various budget variances including \$0.7M of prepaid Financial Assistance Grants, \$1.1M from other income sources, \$1.1M from net capital including the carry forward of infrastructure projects, \$0.6M from operating costs and the \$0.5M budgeted closing balance.

The preparation of the City's Annual Budget has been a very challenging process as the economy recovers from the duress created by COVID-19, community's expectations remain high and the desire to make Belmont a better place to live and work remains strong. Balancing priorities and allocating sufficient funds to meet the community's needs, is a key driver of the City's Annual Budget process.

The budget has been collated with a consideration to our fiscal responsibility and to ensure the City continues to remain financially sustainable going forward.

The following summary represents the 2021-2022 Rate Setting Budget as it currently stands:

Estimated Opening Balance	(3,915,000)
Executive Services	1,828,686
Corporate and Governance	(40,886,086)
Infrastructure Services	27,953,909
Development and Communities	14,518,491
Closing Balance	500,000
	<hr/>
	Nil

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Note:

Cr Davis and Cr Sekulla declared an interest that may affect impartiality in Item 12.8 2021-2022 Rate Setting Budget.

Item 12.8 Continued

OFFICER RECOMMENDATION

That Council endorse:

- 1. *The Rate Setting Budget (Annual Budget) as shown in [Attachment 14](#).***
- 2. *The Construction Summary 2021-2022 in [Attachment 15](#).***
- 3. *The Reserve Accounts Budget as shown in [Attachment 16](#).***
- 4. *The Financial Hardship Policy as shown in [Attachment 17](#).***

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

12.9 2021-2022 RATE CALCULATIONS

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 18 – Item 12.9 refers	2021-2022 Rate Model
Attachment 19 – Item 12.9 refers	Statement of Objectives and Reasons for Each Differential and Minimum Payment

Voting Requirement	:	Simple 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 checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To set the rates in the dollar, minimum payments, rubbish charges and associated charges for 2021-2022.

SUMMARY AND KEY ISSUES

This report covers the new rates in the dollar that are calculated for the forthcoming 2021-2022 rating period. The minimum payments, together with the separate rubbish charge and all payment arrangements, are also resolved via this report.

Item 12.9 Continued

LOCATION

Not Applicable.

CONSULTATION

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

The Statement of Objectives and Reasons for each Differential and Minimum Payment ([Attachment 19](#)) is also included for Council endorsement. This Statement is made available to the public and explains why each differential and respective rates and minimum payments are proposed.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2021 – 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

There are no statutory implications, as Council is not adopting its budget through this process. This report is a further step in the process that will result in the adoption of the Budget in the prescribed manner on 27 July 2021.

BACKGROUND

A final and significant step in the preparation of the Budget is the process of setting the rates to be charged for the 2021-2022 Rate Levy.

Landgate sets the Gross Rental Values (GRV) and Council determines the rate in the dollar. The GRV is multiplied by the rate in the dollar to give the total rates payable. The rate in the dollar differs for each differential rate, with Council having three differential rates being Residential, Commercial and Industrial.

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

Item 12.9 Continued

As reported in the Rate Setting Budget report, at the time of writing this report, the Consumer Price Index (CPI) and WALGA Local Government Cost Index (LGCI) for Perth were forecast (2020-2021) at 1.5% and 1.3% respectively. It is estimated CPI will increase to 1.75% and LGCI to 1.4% in 2021-2022.

OFFICER COMMENT

The first exercise is to analyse the movement in valuations for each rate category. The following table compares the values applicable to 2020-2021 and the new values as supplied by Landgate that are applicable for the 2021-2022 financial year, after annual growth has been included.

There has been a relatively minor movement collectively as a result of growth.

Rate Category	Values 2020-2021	Values 2021-2022	% Change
Residential	304,991,839	311,094,001	1.96%
Commercial	136,506,890	139,697,810	2.28%
Industrial	123,530,884	123,977,098	0.36%
	565,029,613	574,768,909	1.69%

The following explanations are provided for each rate model which will form the basis for the recommendations that come from this report.

Rate Model No 1 (Refer [Attachment 18](#))

This Model is the final outcome that was adopted for the 2020-2021 rating year. This is included for comparative purposes only.

Rate Model No 2 (Refer [Attachment 18](#))

This model shows the current GRV's that would apply for the 2021-2022 rating year and no rate increase. By applying the same rates in the dollar, differentials and minimum payments that applied in the 2020-2021 rating year to the updated GRV's, an amount of \$39,261,088 is generated. This model reports the growth in GRV's as compared to Model No 1 and the shortfall in rates revenue (\$688,312) as compared to Model No 3.

Rate Model No 3 (Refer [Attachment 18](#))

This Model shows the outcome of applying the updated GRV's, as well as an adjusted rate in the dollar for each differential. The data in the table is consistent with the suggested scenario presented at the 1st June 2021 Information Forum with a 1.75% change to the rates yield. This model produces rate income of \$39,949,400 and results in a balanced 2021-2022 Budget.

The final process in Rate Model No 3 is to review the minimum payments. The following table shows the impact of the suggested minimum payments as compared to the current minimum payments.

Rate Category	Existing Minimums	No. of Properties	%	Proposed Minimums	No. of Properties	%
Residential	840	5,228	27.48%	855	5,221	26.88%
Commercial	990	188	17.97%	1,005	187	17.95%
Industrial	1,010	9	1.91%	1,025	9	1.91%

Item 12.9 Continued

The proposed 2021-2022 rate in the dollar and minimum payments for each differential is consistent with past rating practices and strategies in that the increase is considered in light of forecasted price increases. The 1.75% change in rate yield is in line with the forecasted change to the CPI.

Other issues that Council needs to consider in relation to the Rate Setting process, are the rubbish charges and the statutory levies applicable to rates instalments and penalties.

The budget allows for rubbish charges to remain with no change in 2021-2022, resulting in the (base) rubbish charge remaining at a flat \$303. Rubbish charges are a fee for service and aim to cover costs with any surpluses or losses historically offset by transfers through the Waste Management Reserve. The Reserve will be available for future waste Food Organics, Garden Organics (FOGO) implementation purposes. There have been some significant savings identified as a result of a change in supplier regarding waste disposal to landfill with those savings transferred to the Environment Reserve.

The statutory Swimming Pool Levy for mandatory inspections is set at \$14.60 per annum.

FINANCIAL IMPLICATIONS

The adoption of this report sets the rate calculations, rubbish charges and other charges that will be included in the Budget that will be adopted in the prescribed manner at the 27 July 2021 Ordinary Council Meeting.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. Endorse the following general rates for rate setting purposes that equate to a 1.75% change in the in the total rate levy.***

<i>Rate</i>	<i>Cents in the Dollar</i>
<i>Residential</i>	<i>6.6733</i>
<i>Commercial</i>	<i>7.0483</i>
<i>Industrial</i>	<i>7.0675</i>

Item 12.9 Continued

2. **Endorse the following minimum payments that result in a 1.8%, 1.5% and 1.5% change for Residential, Commercial and Industrial respectively.**

Rate	\$
Residential	855
Commercial	1,005
Industrial	1,025

3. **Offers a 5% discount to ratepayers who pay the full amount owing within 35 days of issuing the rate notice in accordance with Section 6.46 of the Local Government Act 1995.**
4. **Offer the following instalments for payment of Council Rates:**
- a) **Single payment (all charges);**
 - b) **Two equal instalments (all charges); or**
 - c) **Four equal instalments (all charges),**
in accordance with Section 6.45 of the Local Government Act 1995.
5. **Imposes a \$20.00 Administration Fee for all instalment options (excluding registered pensioners / seniors) in accordance with Section 6.45 of the Local Government Act 1995, Council.**
6. **Imposes the maximum instalment interest rate allowable in accordance with Section 6.45 of the Local Government Act 1995. This is currently 5.5% and is applicable to the four instalment option.**
7. **Apply interest at the maximum allowable rate (7%) to overdue rates in accordance with Local Government (COVID-19 Response) Order 2021 and the Local Government Act 1995 (includes alternate arrangements unless waived as part of the Financial Hardship policy).**
8. **Offer arrangements and financial support to ratepayers suffering hardship, in accordance with Council Policy and in accordance with Section 6.49 of the Local Government Act 1995.**
9. **Continue to rate the payments in lieu of rates received by Council at the Commercial Differential Rate in the dollar on Gross Rental Values.**
10. **Endorse the following Rubbish Charges that equate to a 0% increase (rounded):**
- a) **\$303.00 per annum for one full service which includes a 240 litre wheelie bin (cart) removed weekly, 240 litre cart for recyclables removed fortnightly and up to four bulk bins per annum;**
 - **additional full service = \$303.00;**
 - **additional service rubbish = \$212.00;**
 - **additional service recycling = \$106.00;**
 - b) **\$303.00 per annum for non-rateable properties for one full service which includes a 240 litre cart removed weekly, 240 litre cart for recyclables removed fortnightly and up to four bulk bins per annum (\$303.00 for additional services);**
 - c) **Exempted Commercial and Industrial properties = \$106.00;**

Item 12.9 Continued

d) Apartments – shared service = \$212.00 per unit.

- 11. Set a Swimming Pool Levy for mandatory inspections at \$14.60 per annum.**
- 12. Endorse the Statement of Objectives and Reasons for each Differential and Minimum Payment ([Attachment 19](#)).**
- 13. Note that the Director Corporate and Governance will advertise the proposed differential rates in the dollar for the statutory 21-day period, in accordance with Section 6.36 of the Local Government Act 1995.**

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

12.10 ACCOUNTS FOR PAYMENT – MAY 2021

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 20 – Item 12.10 refers	<u>Accounts for Payment – May 2021</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*.

Item 12.10 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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	788666 to 788676	\$37,037.95
Municipal Fund EFTs	EF073089 to EF073551	\$3,329,237.24
Municipal Fund Payroll	May 2021	\$1,462,317.45
Trust Fund EFTs	EF073154, EF073155 and EF073162	\$21,207.67
Total Payments for May 2021		\$4,849,800.31

A copy of the Authorised Payment Listing is included as [Attachment 20](#) to this report.

Item 12.10 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 May 2021 as provided under [Attachment 20](#) be received.

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

12.11 MONTHLY ACTIVITY STATEMENT AS AT 31 MAY 2021

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 21 – Item 12.11 refers	<u>Monthly Activity Statement as at 31 May 2021</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

LOCATION

Not applicable.

Item 12.11 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

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.

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.

Item 12.11 Continued

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%.

In order to provide more details regarding significant variations as included in [Attachment 21](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure Capital			
Computing	785,462	409,428	A number of IT projects are under review and are to be deferred to 2021-2022.
Crime Prevention & Comm Safety	605,327	554,656	Relates to CCTV equipment that is on order.
Environment	352,889	147,867	A number of foreshore design projects are behind budget with a portion re-budgeted in 2021-2022.
Ruth Faulkner Library	332,060	188,080	The purchase of furniture for Belmont Hub is likely to be under budget with total costs less than anticipated.
Grounds Operations	2,205,166	1,352,009	Variance relates to a number of projects although the variance should greatly diminish over the remainder of the year.
Road Works	4,683,073	3,839,688	Variance relates to a number of projects although the variance should greatly diminish over the remainder of the year.
Footpath Works	703,774	381,978	Expected to be under budget with two jobs to be carried forward.
Drainage Works	394,945	237,958	It is expected that there will be a modest underspend at the conclusion of the year.
Road Works	4,214,997	3,466,080	It is expected all jobs will be finalised this year with the exception of one job to be carried forward.
Footpath Works	679,216	368,527	It is expected all jobs will be finalised this year with the exception of one job to be carried forward.
Building Operations	2,462,670	2,059,380	Primarily due to renewal works at the Oasis that are expected to be completed in early 2021-2022.
Expenditure – Operating			
Finance Department	1,939,608	1,832,089	Employee and consultant costs are currently under budget.
Computing	2,504,286	2,383,236	Computer software and IT maintenance costs are under budget.
Marketing & Communications	1,987,214	1,671,142	Total costs are expected to be under budget mainly due to printing, sponsorships and the annual perception survey.

Item 12.11 Continued

Report Section	Budget YTD	Actual YTD	Comment
Executive Services	1,236,833	1,165,527	Relates to a number of items that have minor cost variances.
Chief Executive Officer	692,389	634,043	Variance mainly relates to employee costs.
Human Resources	1,212,648	1,104,976	Variance mainly relates to legal and consulting costs.
Governance	3,105,888	2,672,812	Activity Based Costing (ABC) allocations are the primary reason for the variance.
Belmont Trust	135,000	2,789	Variance mainly relates to legal and consulting costs.
Accommodation Costs	469,272	418,299	Utility and cleaning costs are currently under budget.
City Facilities & Property	897,340	752,381	Variance mainly relates to employee costs.
Rangers	877,528	798,899	Relates to a number of items that have minor cost variances.
Health	1,252,878	1,186,713	Relates to a number of items that have minor cost variances.
Engagement Strategies	1,534,984	1,295,211	Variance mainly relates to employee costs and a number of other minor cost variations.
Town Planning	2,743,872	2,527,743	Variance mainly relates to employee costs and ABC's.
Marketing & Communications (Events)	711,012	496,279	Budget spread issue regarding the Imaginarium.
Donations and Grants	382,667	314,511	Variance will be reduced following the final round of the Community Contribution Fund.
Belmont Oasis	615,153	559,607	Management fees are well under budget.
Ruth Faulkner Library	2,898,178	2,646,660	Relates to operational costs associated with the final fit-out as well as other minor cost variances.
Community Place Making	220,517	101,699	Variance largely relates to public art projects.
Building - Active Reserves	653,135	530,772	Primarily under budget due to contractors which are generally paid one month in arrears
Grounds Operations	5,003,806	4,827,168	Employee and contractor costs are below budget with invoices outstanding.
Grounds - Active Reserves	1,244,667	1,163,990	Plant and other maintenance costs currently below budget.
Road Works	1,128,487	1,033,483	Costs in relation to signs is well below budget.
Drainage Works	305,476	231,335	Maintenance to the system in Belmont Ave/Kew St has been scheduled otherwise all requests have been completed.
Operations Centre	687,558	772,823	Plant hire and maintenance costs are above budget.
Customer Service	581,028	521,102	Variance mainly relates to employee costs.

Item 12.11 Continued

Report Section	Budget YTD	Actual YTD	Comment
Building Operations	1,136,891	1,006,690	General maintenance costs are below budget.
Plant Operating Costs	842,407	756,945	Employee related and fuel costs are below budget.
Technical Services	2,501,181	2,282,997	Variance mainly relates to employee costs.
City Projects	435,225	377,402	Variance mainly relates to employee costs.
Revenue Capital	-		
Financing Activities	(8,000,000)	(16,545)	Transfer from reserve to minimise potential (COVID-19) cashflow issues was not required.
Town Planning	(61,249)	(247,141)	Variance relates to the receipt of a development contribution payable to Landcorp.
Grounds Operations	(218,329)	Nil	Budget relates Brearley Ave. irrigation works that are also under budget.
Road Works	(1,100,898)	(978,799)	Budget timing issue regarding receipt of grant funding.
Operations Centre	(475,413)	(60,364)	Budget timing issue regarding fleet/plant replacement.
Technical Services	(97,842)	(30,909)	Budget timing issue regarding fleet/plant replacement.
Revenue Operating	-		
Finance Department	(2,000,135)	(1,832,088)	ABC recoveries are below budget.
Computing	(2,483,049)	(2,329,895)	ABC recoveries are below budget.
Reimbursements	(243,065)	(190,688)	Variance is offset by reimbursable expenses.
Human Resources	(1,221,772)	(1,104,976)	ABC recoveries are below budget.
Accommodation Costs	(492,926)	(395,027)	ABC recoveries are below budget.
Rates	(50,409,313)	(50,749,441)	Interim rates have been better than expected.
Financing Activities	(840,486)	(382,166)	Monthly variances are expected due to the timing of term deposits maturing.
Faulkner Park Retirement Vill.	(150,000)	(80,908)	Unit sales are less than expected.
Town Planning	(1,143,861)	(1,024,363)	ABC recoveries are below budget.
Public Facilities Operations	(162,456)	(222,181)	Income from facility hire is better than expected.
Grounds Operations	(26,745)	(153,533)	Reimbursement for recovery type costs regarding a storm event that occurred in the prior year.
Streetscapes	(48,657)	(160,326)	Variance relates to reimbursement from MRWA for verge maintenance issues along Orrong Rd.
Customer Service	(597,698)	(521,102)	ABC recoveries are below budget.

Item 12.11 Continued

Report Section		Budget YTD	Actual YTD	Comment
Public Works Overheads		(1,311,777)	(1,081,358)	Overhead recoveries are below budget.
Plant Operating Costs		(1,394,785)	(909,439)	Overhead recoveries are below budget.
Other Public Works		(95,936)	(159,406)	Income for private works is higher than anticipated.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 May 2021	\$	Comment
Cash and investments	67,774,936	Includes municipal and reserves
- less non rate setting cash	(48,359,205)	Reserves
Receivables	3,415,588	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(280,478)	ESL Receivable
Stock on hand	225,652	
Total Current Assets	22,776,493	
Current Liabilities		
Creditors and provisions	(9,626,270)	Includes ESL and deposits
- less non rate setting creditors & provisions	2,858,131	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(6,768,139)	
Nett Current Assets 31 May 2021	16,008,354	
Nett Current Assets as Per Financial Activity Report	16,008,354	
Less Committed Assets	(15,508,354)	All other budgeted expenditure
Estimated Closing Balance	500,000	

Item 12.11 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 May 2021 as included in [Attachment 21](#) be received.

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

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13.2 NOTICE OF MOTION

8.55pm Having declared an Impartiality Interest in Item 13.2.1, Cr Wolff departed the meeting.

13.2.1 NOTICE OF MOTION (COUNCILLOR DAVIS) – ONGOING FINANCIAL SUPPORT FOR THE BELMONT CITY BOWLING CLUB AND BELMONT PARK TENNIS CLUB

ATTACHMENT DETAILS

Nil

Voting Requirement	:	Absolute Majority
Subject Index	:	35/002 – Notices of Motion
Location/Property Index	:	400 Abernethy Road, Cloverdale
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Ordinary Council Meeting 28 April 2020 Item 12.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Infrastructure Services

COUNCIL ROLE

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

Item 13.2.1 Continued

PURPOSE OF REPORT

To consider the Notice of Motion received from Councillor (Cr) Davis that the City of Belmont provides additional ongoing financial support to the Belmont City Bowling Club (BCBC) and Belmont Park Tennis Club (BPTC) to assist in ongoing maintenance of their facilities.

SUMMARY AND KEY ISSUES

A request has been received from Cr Davis for Council to consider providing additional ongoing financial support (\$8,000 per annum) to the BCBC and BPTC to assist in ongoing maintenance of their facilities.

A summary of elements considered as part of this report are outlined below:

- As of September 2016, under a Memorandum of Understanding agreement, the City contributes \$32,000 per year to the BCBC and BPTC respectively, towards maintenance of the bowling greens and grass tennis courts.
- As part of the City's COVID-19 Community Response and Recovery Proposed Actions endorsed at the 28 April 2020 Ordinary Council Meeting, an additional \$8,000 was provided to the BCBC and the BPTC respectively for the 2019-2020 and 2020-2021 financial years, due to the Clubs' reduced ability to generate revenue due to the COVID-19 pandemic restrictions.
- The financial impact of the COVID-19 pandemic has affected sporting clubs differently, some positive, some negative. A process has been developed to enable sporting clubs to seek financial support as a result of COVID-19.

LOCATION

The Belmont City Bowling Club and Belmont Park Tennis Club are both located at 400 Abernethy Road, Cloverdale as shown in the aerial image below:



Item 13.2.1 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 1: Liveable Belmont.

Strategy

1.5: Encourage and educate the community to embrace sustainable and healthy lifestyles.

Goal 5: Responsible Belmont

Strategy

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

POLICY IMPLICATIONS

Council Policy SB1.2 Donations Financial Assistance

Policy Objective

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

**The only occurrence where recipients/communities outside the City of Belmont could be eligible to receive financial assistance is when supporting disaster relief appeals.”*

The policy allows the City to consider financial assistance of a specific nature through a formal Memorandum of Understanding. The policy allows such specific donations to be reviewed and modified at an operational level, in order to continuously improve the administration of the funds to meet the changing needs of the community.

Notwithstanding, requests for financial assistance will only be considered where it is determined that the financial assistance will provide a direct benefit to the City of Belmont communities by service provision that is reflective of community needs.

STATUTORY ENVIRONMENT

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

Item 13.2.1 Continued

BACKGROUND

At the 27 September 2016 Ordinary Council Meeting, Council agreed to adopt Policy SB2 Donations – Financial Assistance which included a specific annual donation for the BPTC and BCBC of \$32,000 to contribute towards the maintenance of turf for their respective sport.

This annual contribution has been managed under a Memorandum of Understanding (MOU) arrangement which is reviewed at the end of their respective terms.

In response to the COVID-19 pandemic, Council endorsed the City's COVID-19 Community Response and Recovery Proposed Actions at the 28 April 2020 Ordinary Council Meeting.

Specific actions that supported local sporting clubs included:

- The provision of additional operating grant funds (\$8,000) to the BPTC and BCBC to assist in the ongoing maintenance of their facilities for both the 2019-2020 and 2020-2021 financial years.
- The freezing of clubs and active reserves rental and facility hire fees at 2019-2020 values for 2020-2021.
- Delegating authority to the Chief Executive Officer to work with individual clubs that are negatively impacted by the pandemic to assist clubs to address their individual circumstances, such as the waiving of rental charges for clubs and active reserves to facilitate future recovery activity by users.

In addition to the above financial contributions, the City continues to support BPTC in-kind through:

- Peppercorn lease arrangements.
- Covering the costs associated with property rates.

OFFICER COMMENT

The COVID-19 pandemic has required local sporting clubs to review how they operate and adapt to a 'new normal'. The impact of the pandemic has been mixed, with some clubs experiencing higher membership numbers and additional income opportunities by clubs being forced to look into other fundraising opportunities.

Notwithstanding, some local clubs have experienced a negative impact with lack of volunteers, membership and capacity restrictions.

The City developed a Sporting Club Seasonal Hire Financial Hardship (COVID-19) Application Form to assist with administering funding requests and to enable the City to develop a better understanding of the negative impact of COVID-19 on sporting clubs.

The Sporting Club Seasonal Hire Financial Hardship (COVID-19) Application Form was developed to allow clubs to demonstrate the actual financial impact of the pandemic on their operations in a consistent manner, while enabling the City to apply a fair and equitable approach to assessing funding requests. Information sought included:

- Membership comparison (pre vs post COVID)
- Income/Expenditure comparison (pre vs post COVID)
- Impact on club sponsorship

Item 13.2.1 Continued

- Impact on usual fundraising events
- Understanding what other financial or in-kind support they have already received (such as discounted affiliation fees)
- Clubs efforts in relation to minimising the negative impact of COVID-19
- Current bank statement/s, balance sheet and/or audited account/financial statement

The information requested allows the Chief Executive Officer to make an informed decision for the granting of any waivers.

To date, the BPTC or the BCBC have not made an application through the submission of a Sporting Club Seasonal Hire Financial Hardship (COVID-19) Application Form, therefore Officers cannot provide comment in relation to any potential financial hardship being experienced by these clubs.

The absence of evidence to justify the clubs' need for additional ongoing financial support may set precedence for other local community organisations to also seek financial support without sufficient justification.

FINANCIAL IMPLICATIONS

If supported, an additional \$16,000 allocation in the budget will be required on an annual basis, resulting in each club receiving \$40,000 per year.

The additional \$16,000 for the 2021-2022 financial year, if supported, could be allocated as part of the City's October budget review process.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

The additional financial support will:

- Enable the club to focus their resources on other club matters, rather than income strategies.
- Support the clubs to continue to provide tennis and bowling as a recreational opportunity for the wider community.

Note:

Cr Davis, Cr Rossi, Cr Wolff, Cr Marks and Cr Sekulla declared an interest that may affect impartiality in Item 13.2.1 Notice of Motion (Councillor Davis) Ongoing Financial Support for the Belmont City Bowling Club and Belmont Park Tennis club.

Item 13.2.1 Continued

COUNCILLOR RECOMMENDATION

DAVIS MOVED, SEKULLA SECONDED

That the City continues to endorse additional grant funding for the Belmont City Bowling Club and the Belmont Tennis Club of \$8,000 per year to each club to assist in the ongoing maintenance of their facilities which is to be on-going in all future budgets.

Reason

1. Both clubs have had significant cost increases over the past 10 years to maintain the facilities, however the grant from the City has not increased to facilitate ongoing cost increases.
2. Affiliation fees for the respected clubs have increased substantially over recent years.
3. The COVID 19 pandemic lock downs are continuing to have a negative financial impact on sporting clubs.
4. Both clubs are heavily reliant on large gatherings and the COVID 19 restrictions are continuing to impact both clubs.
5. It is important that the City of Belmont supports both clubs in providing an important service for the people of Belmont.

Note

Cr Rossi put forward the following Procedural Motion.

PROCEDURAL MOTION

ROSSI MOVED, POWELL SECONDED

That the Item be referred back to an Information Forum in accordance with section 11.1(g) of the City of Belmont Standing Orders Local Law 2017.

CARRIED 5 VOTES TO 2

*For: Cayoun, Marks, Powell, Rossi, Ryan
Against: Davis, Sekulla*

9.01pm Cr Wolff returned to the meeting.

13.3 CONSOLIDATED LOCAL LAWS 2020 – UNDERTAKING TO THE JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 5 – Item 13.3 refers	<u>Letter from the Joint Standing Committee on Delegated Legislation (Confidential Matter in Accordance with the Local Government Act 1995 Section 5.23(2)(h))</u>

Voting Requirement	:	Simple Majority
Subject Index	:	76/018 Consolidated Local Laws
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 12.1 OCM 24 March 2020 Item 12.4 OCM 27 October 2020
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 e.g. 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 (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

For Council to consider the matters raised by the Joint Standing Committee on Delegated Legislation (the Committee) following their recent consideration of the Explanatory Memorandum and supporting material and provide the Committee with a response to provide an undertaking to:

- delete section 1.7, and
- amend sections 11.8, 12.1(2), 12.7(b), and
- provide further information on sections 1.6(3), 13.3, 13.4 and access to standards mentioned in the *City of Belmont Consolidated Local Law 2020* (Consolidated Local Law).

Item 13.3 Continued

SUMMARY AND KEY ISSUES

The Consolidated Local Law was gazetted on 14 January 2021 and was considered by the Committee on 14 June 2021. On 16 June 2021, the Committee wrote to the City of Belmont (the City) seeking an undertaking from Council to make requisite changes to the Consolidated Local Law and to provide further information to the Committee.

If Council resolves to make the requisite changes then the process for the amending local law will require compliance with the procedures for making local laws as required under section 3.12 of the *Local Government Act 1995* (the Act).

LOCATION

Not applicable.

CONSULTATION

If the Consolidated Local Law is amended, then public consultation on the drafted changes is a legislative requirement. A period of six weeks will be required to allow the public to make submissions on the proposed amendments. Any submissions from the public that are received will be assessed and a report will be presented to Council.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

POLICY IMPLICATIONS

There are no further significant policy implications evident at this time, apart from the previously identified amendment to the Streetscape Policy and Urban Forest Policy to correctly reference the *City of Belmont Consolidated Local Law 2020*.

STATUTORY ENVIRONMENT

Once a local law is published in the Government Gazette (gazetted) it is referred to the Committee for consideration under its Terms of Reference. Where the Committee finds that a local law offends one or more of its Terms of Reference, it will usually seek a written undertaking from the local government to amend or repeal the instrument in question.

Item 13.3 Continued

Where a local government does not comply with the Committee's request for an undertaking the Committee may, as a last resort, resolve to report to the Parliament recommending the disallowance of the instrument in the Legislative Council.

In order to make the recommended changes, the City must amend the local law in accordance with section 3.12 of the Act. Any changes to a published law, no matter how small, must be made by way of a new amendment local law which requires full compliance with the process and steps that were involved in making a new local law.

During the local law-making process, the local law as it currently stands, cannot be enforced in a manner contrary to the undertakings.

BACKGROUND

On 27 October 2020, Council resolved to adopt the Consolidated Local Law and to proceed with gazettal. The Consolidated Local Law was consequently gazetted on 14 January 2021.

The procedure for making local laws required the Consolidated Local Law to be sent to the Committee after gazettal. Under its Terms of Reference, the Committee scrutinises regulations and other legislative instruments made by government agencies, departments, local governments and statutory authorities. As part of that process, the Committee may seek an undertaking to amend a regulation or other instrument. There is no provision in the process for the Committee to give advice on Local Laws prior to Gazettal.

The gazetted version of the Consolidated Local Law, Explanatory Memorandum and supporting material were sent to the Committee on 29 January 2021.

By letter addressed to the Mayor on 16 June 2021 (refer [Confidential Attachment 5](#)), the Committee has requested that the letter remain confidential, and that the City provide an undertaking to, within six months, make consequential amendments to the Consolidated Local Law and to provide further information to the Committee (refer [Confidential Attachment 5](#)).

The Committee has requested that the City provide the undertakings from the Council by 25 June 2021. The undertakings are to be provided in the form of a letter signed by the Mayor as, pursuant to section 2.8(d) of the Act, the Mayor or President speaks on behalf of the local government.

OFFICER COMMENT

The sections and reasons requested for the undertaking are set out in the Committee's letter to the City provided in Confidential Attachment 5. In summary the following amendments have been requested:

- delete clause 1.7 - Delegation, and
- amend clauses 11.8 – Determine parking bays and parking stations, 12.1(2) – Waste, Terms used, 12.7(b) – Duties of owner or occupier, and
- provide further information on clauses 1.6(3) - Fees, 13.3 - Determinations, 13.4 – Procedure for making a determination, and access to standards mentioned.

Item 13.3 Continued

FINANCIAL IMPLICATIONS

An amendment to the Consolidated Local Law will incur costs through the requisite process and publishing in the Government Gazette.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

SEKULLA MOVED, POWELL SECONDED

The Council resolves that the Mayor write to the Joint Standing Committee on Delegated Legislation to undertake that:

- 1. Within six months, the City will:***
 - a) delete clause 1.7;***
 - b) insert the words 'by resolution' after 'may' in the first line of clause 11.8; and***
 - c) correct the typographical errors.***
- 2. Clauses 1.7 and 11.8 will not be used contrary to undertaking 1.***
- 3. All consequential amendments arising from the undertaking will be made.***
- 4. Where the City of Belmont Consolidated Local Law 2020 is made publicly available by the City, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.***
- 5. Information will be provided to the Joint Standing Committee on Delegated Legislation on:***
 - a) access to standards;***
 - b) why the local law does not make any reference to election signs;***
 - c) the incorporation of the fees schedule in the local law; and***
 - d) why the procedure set out in clause 13.4 departs from the equivalent clause in the WALGA template.***

CARRIED 8 VOTES TO 0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Note:

The Presiding Member advised that in accordance with Section 5.23(2)(c)(d) of the *Local Government Act 1995* in order to discuss the Confidential Item 14.1 Seeking Instructions Regarding Legal Matter (FID865298) Council will need to go behind closed doors.

As there was no discussion on the Item, the meeting did not proceed behind closed doors.

14.1 SEEKING INSTRUCTIONS REGARDING LEGAL MATTER (FID865298) (CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(C)(E)(II))

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
Confidential Attachment 3 - Item 14.1 refers	<u>Report Item - Seeking Instructions Regarding Legal Matter (FID865298) (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(C)(E)(ii))</u>

OFFICER RECOMMENDATION

POWELL MOVED, DAVIS SECONDED

The Council directs the Chief Executive Officer to undertake the actions recommended as outlined within the Confidential Report regarding Legal Matter FID865298.

CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0

15. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 9.03pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these Minutes of the Ordinary Council Meeting held on 22 June 2021 were confirmed as a true and accurate record at the Ordinary Council Meeting held 27 July 2021:

Signed by the Person Presiding: _____

PRINT name of the Person Presiding:


PHILIP MARKS

**This page
has purposely
been left
blank**