



**City of Belmont**  
**ORDINARY COUNCIL MEETING**  
**MINUTES**  
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24 November 2020

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### **ATTACHMENTS INDEX**

**Attachment 1 – Item 12.2 refers**

**Attachment 2 – Item 12.3 refers**

**Attachment 3 – Item 12.4 refers**

**Attachment 4 – Item 12.5 refers**

**Attachment 5 – Item 12.6 refers**

**Attachment 6 – Item 12.7 refers**

### **CONFIDENTIAL ATTACHMENTS INDEX**

**Confidential Attachment 1 – Item 12.1 refers**

**Confidential Attachment 2 – Item 12.1 refers**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 24 NOVEMBER 2020 COMMENCING AT 7.01PM.**

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**MINUTES**

**PRESENT**

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

**IN ATTENDANCE**

Mr J Christie	Chief Executive Officer
Ms M Bell	Director Corporate and Governance
Ms J Gillan	Director Development and Communities
Mr S Morrison	Acting Director Infrastructure Services
Ms AM Forte	Executive Manager People and Organisational Development
Ms V Loncar ( <i>dep 7.51pm</i> )	Manager Business Planning and Improvement
Mr J Olynyk, JP	Manager Governance
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms K Spalding	Coordinator Marketing and Communications
Ms D Morton	Media and Communications Adviser
Mrs H Mark	Governance Officer

**MEMBERS OF THE GALLERY**

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

**1. OFFICIAL OPENING**

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

The Presiding Member read the Acknowledgement of Country.

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

The Presiding Member invited Cr 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**

Ms M Reid (Apology)

Director Infrastructure Services

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

**3.1 FINANCIAL INTERESTS**

Nil.

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

Nil.

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

**4.1 ANNOUNCEMENTS**

Nil.

**4.2 DISCLAIMER**

**7.04pm 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 ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)**

The following questions were taken on notice at the 27 October 2020 Ordinary Council Meeting. Ms Hollands was provided with a response on 11 November 2020. The response from the City is recorded accordingly:

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

**Response**

**It is a requirement under the Local Government Act to have a Council Policy which at the City has legal effect on any proposed payments to staff that fall outside of the Gratuity Payment arrangements. There are no direct costs to residents for the creation of this Council Policy.**

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

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

**Response**

***Note: The Chief Executive Officer stated that he expressed offence with the statement regarding exorbitant salaries for staff within the organisation. The remainder of the question is responded to below:***

**At the time that the Local Government Act was changed with regard to these kinds of payments advice was taken with regard to the City's legal position taking into account all matters relevant to the issue. Action taken to date is in accordance with this advice.**

### **5.1.2 MR P HITT, 14 MCLACHLAN WAY, BELMONT**

The following questions were taken on notice at the 27 October 2020 Ordinary Council Meeting. Mr Hitt was provided with a response dated 11 November 2020. The response from the City is recorded accordingly:

**Note: The below questions are referring to Trust Land known as Parry Fields.**

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

#### **Response**

**The 2020–2021 Budget recognised a balance of \$1,518,352.00 in the Belmont Trust Reserve Fund. The Annual Budget is available on the City’s website. The maintenance budget for this financial year is \$5,147.00, which is transferred at the end of each financial year from the Belmont Trust Reserve.**

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

#### **Response**

**The recovery of the full cost of maintenance is undertaken at the end of each financial year as mentioned in the answer to Question 1 above.**

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

#### **Response**

**The Belmont Trust land has been maintained in a natural state with minimal maintenance for an extended period. It is anticipated that the Belmont Trust will meet early in 2021 to consider a community engagement process in order to ascertain the desires of the community regarding the development of the land to meet the requirements of the Deed of Declaration.**

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

**7.05pm The Presiding Member drew the public gallery’s attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered six members of the public who had given prior notice to ask questions.**

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

**5.2.1 MR L ROSOLIN, 355 SYDENHAM STREET, BELMONT**

1. On the 27 October 2020 Council meeting, I gave information regarding an issue close to my residence. The official answer to my question stated the street name and number of the properties, which I don't consider to be in line with policy and law. It is possible that I have been exposed to the owners of the nominated addresses as the Minutes and audio recording are public. I had not stated the name or revealed the addresses.

Is it the Council's responsibility to withhold the identity of people reporting issues and protect whistle blowers?

**Response**

The Chief Executive Officer stated the City could have reduced the amount of detail in its response to questions taken on notice at the October Ordinary Council Meeting in relation to the concerns you raised. However, given that you raised a number of unsubstantiated allegations that your concerns had not been appropriately dealt with by Administration, a greater level of detail was required in response to demonstrate that your specific areas of enquiry had indeed been addressed.

While the City welcomes and appreciates you bringing these matters to its attention, as mentioned in correspondence of 10 November from the Manager Works, Mr Steve Morrison, for a more streamlined and efficient outcome, complaints regarding waste services or bins should be directed in the first instance to SUEZ on 9350 7182 or the City's email [belmont@belmont.wa.gov.au](mailto:belmont@belmont.wa.gov.au) which will then be directed to the most appropriate officer.

7.09pm The Manager Business Planning and Improvement departed the meeting.

2. Who is enforcing the Council Health Law regarding poor hygiene such as waste and recycling bins smelling and left on the street, in some cases for weeks and not conforming to the Council Local Health Law 2002?

**Response**

The Chief Executive Officer stated the *Health Local Laws 2002* are enforced by either the City's Rangers or Environmental Health Officers depending on the issue and its magnitude.

Complaints related to bins that are odorous, overflowing, damaged or have been presented on the verge for an unreasonable amount of time are considered minor and do not attract an infringement at this stage. These issues can be resolved or at least improved through correspondence between the City and the resident.



**5.2.2 MR W CHILDS, 122 SYDENHAM STREET, KEWDALE**

7.11 pm The Manager Business Planning and Improvement returned to the meeting.

1. In light of the topical discussions on intimate workplace relationships in the media nationally in Government and Corporate, does the Belmont City Council have a policy relating to this issue?

**Response**

The Chief Executive Officer stated whereas there is no specific policy relating to this situation, there are other policies which cover the City's expectations in relation to workplace behaviour and the need for it to remain appropriate at all times.

The City has the view that there are a range of workplace relationships that could potentially create difficulties and these are not confined to 'intimate relationships'. Other situations could include close friendships, family connections, or a range of other close associations which could potentially prejudice workplace relations and decisions.

As a result, it is the City's preference that we have policies which are designed to engender a workplace which is free from bias, discrimination, bullying or harassment in any form rather than restrict it to the one mentioned.

2. Do we have the courage to be transparent to the real cost of the Belmont Hub to the Belmont community?

**Response**

The Chief Executive Officer stated yes, costs have been and will continue to be accurately reported.

3. Are we able to view a report that would show how the Base has achieved the Key Performance Indicators this year?

**Response**

The Chief Executive Officer stated the Base @ Belmont provides a safe and supportive environment for young people to develop positive relationships, explore a range of interests and experiences, receive assistance or referrals and enables young people to participate in decision making on issues that are important to them. To this date, the City is confident that the service is meeting those objectives.

The City of Belmont utilises the services of contractor YMCA, who are required to achieve and report on a series of Key Performance Indicators (KPI's) on a monthly basis.

*Item 5.2.2 Continued*

**It is not possible to provide a report showing how the Base @ Belmont has achieved these KPI's, however you are welcome to discuss any specific questions with Mr. Joel Warner, the City's Coordinator Community Projects, who is responsible for managing the contract between the City of Belmont and the YMCA. I understand you spoke with him in late November 2019, as a follow up to your questions on a similar nature during question time at the Ordinary Council Meeting on 19 November 2019.**

4. Is there a report that can be viewed on the activities for the Domestic Violence / Social Worker / Police initiative this year?

**Response**

**The Chief Executive Officer stated unfortunately it is not possible, nor appropriate, for the City to make public any reports on the effectiveness of the Belmont Safe-Guarding Families Advocacy Service, our initiative to support victims of family and domestic violence.**

**The City is confident the Belmont Safe-Guarding Families programme increases safety of community members and improves the mental health and wellbeing and hope to those who experience family and domestic violence.**

**Any specific questions can be discussed with Mr. Joel Warner, the City's Coordinator Community Projects.**

**5.2.3 MR L ROZARIO, 104 MERCURY STREET, KEWDALE**

1. Can a stop sign be put in place at the intersection of Kooyong Road and Fulham Street?

**Response**

**The Chief Executive Officer stated it is not necessarily the responsibility or authority of the City to install the sign. It would require presenting a request to Main Roads WA for their determination. Officers will review the intersection and provide information to Main Roads WA.**

**5.2.4 MS S CARTER, 3/10 MARINA DRIVE, ASCOT**

1. Who is the 'law enforcement agency' referred to in the CCTV Video Analytics Policy, the City of Belmont or the WA Police?

**Response**

**The Director Development and Communities stated the law enforcement agency is the police, however the question will be taken on notice as there may be other law enforcement agencies.**

*Item 5.2.4 Continued*

2. Does the surveillance for collection of information and identification of individuals who may commit misdemeanours such as parking, loitering and littering fall under that primary purpose?

**Response**

**The Director Development and Communities stated the question would be taken on notice.**

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

1. BRRAG wrote to Councillors on 14 November 2020 regarding the \$1m Gratuity Payment Scheme. We provided the letter and two responses from Administration, which we believe are contradictory. We requested Councillors review the Gratuity Policy including an investigation into the inconsistencies with the *Local Government Act 1995*. Has there been any discussion between Councillors within the last seven working days and is there any likelihood of a review?

**Response**

**The Chief Executive Officer stated he was not aware of any discussion between Councillors of a formal nature and the Mayor responded to the second part of your question at the previous Council Meeting, where if Councillors feel the need, they can move a Motion.**

2. Given that we have a Customer Service Charter, which requires a response within 10 working days, what steps will be taken by the Chief Executive Officer if we don't get a response?

**Response**

**The Chief Executive Officer stated that the City's Customer Service Charter is a guide. On occasions some questions may need longer than 10 days to respond to as significant research may need to be undertaken. Officers do their best to respond to those questions within the timeframe contained in the Customer Service Charter, though on occasion it may take longer. If that was the case, notification would be provided of the delay.**

3. Are you aware that most of our letters that come to Council do not get responded to?

**Response**

**The Chief Executive Officer stated that if BRRAG provide a list of letters that have not been responded to, these will be followed up.**

*Item 5.2.5 Continued*

4. The tender for the website went to Council at the Ordinary Council Meeting in March 2019. This report stated that in September 2018, the City bought a Content Management System. How much did this cost and was this in addition to the almost \$300,000 spent on the website?

**Response**

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

5. A number of staff were listed on the evaluation panel. Had any of these staff ever built a website, how much understanding did they have of what was involved and the process of checking it before it went live?

**Response**

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

6. Getting Minutes is not as easy as it previously was, is there any plan to get meetings grouped into type and month like it was previously, or will we have to continue to scramble through things to find what we are looking for?

**Response**

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

7. Item 8.2 on the Agenda (Questions by Members without Notice). Having listened to many Council Meetings throughout the State, questions are usually asked by Councillors, which seem to be about questions asked at Public Question Time.

Why don't our Councillors ask questions as a result from questions asked by members of the public?

**Response**

**The Chief Executive Officer stated any questions that Councillors may have, can be asked in accordance with Section 7.2 of the *Standing Orders Local Law 2017*.**

**The Standing Orders are quite clear about what and when questions without notice can be given. If Councillors do have any questions without notice, they would raise them in the appropriate manner.**

7.35pm **ROSSI MOVED, POWELL SECONDED that Public Question Time be extended.**

**CARRIED 9 VOTES TO 0**

**5.2.6 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE**

1. How many staff and Councillors have corporate credit cards and where do we find out what has been purchased on these cards?

**Response**

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

2. At the last Council Meeting I used the word exorbitant, the Chief Executive Officer in response said he found that word offensive. At the July Council Meeting, a resident referred to other members of the gallery as vexatious, racist and sexist. Correspondence between the Chief Executive Officer and myself indicated that he did not find that offensive and that this was within the rules of the Standing Orders.

Why does the Chief Executive Officer think that the word exorbitant is offensive and the words vexatious, sexist and racist are not?

**Response**

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

3. When are we likely to get a Tree Preservation Order Policy before a Council Meeting?

**Response**

**The Chief Executive Officer stated that this will be discussed at an Information Forum. Once it has been to an Information Forum, it will come back to Council, which is anticipated to be in the early part of next year.**

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

1. The Councillors can ask questions about what is on the Agenda and they can ask questions relating to what members of the public have asked, is that correct?

**Response**

**The Chief Executive Officer stated this is a forum for questions, as is the Agenda Briefing Forum. Councillors can ask questions relating to items on the Agenda. The reference to Section 7.2 of the Standing Orders was a direct response as the earlier question was specifically asked about Questions without Notice.**

*Item 5.2.7 Continued*

2. Was the business relating to the Belmont Trust discussed at Information Forums to circumnavigate the necessity to keep official Council Minutes of business issues regarding the Belmont Trust land?

**Response**

**The Chief Executive Officer stated he was not aware of any discussions relating to the Belmont Trust being held behind closed doors. If there is pertinent items that need to be discussed by the Belmont Trust, relating to the Trust land, a meeting of the Trust would be called.**

3. Why were Belmont Trust matters discussed in a manner where the proceedings and discussions were not minuted or if they are, why are these discussions not available to the residents and ratepayers of Belmont?

**Response**

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

4. Are Information Forums minuted and if not, why not?

**Response**

**The Chief Executive Officer stated Information Forums are minuted.**

5. I quote from the correspondence dated 11 November 2020. "It is anticipated that the Belmont Trust will meet early in 2021 to consider a community engagement process". Will the discussions leading up to this meeting be minuted and be made available to the public?

**Response**

**The Chief Executive Officer stated the question would be taken on notice as it is unclear which specific meeting is being referred to.**

6. I believe the fine system for the trolley issue is not working. Why not re-classify trolleys as vehicles and issue a parking fine every time you see one out on the road?

**Response**

**The Chief Executive Officer stated the new Consolidated Local Law will cover the issues being raised.**

- 7.41pm **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 27 OCTOBER 2020  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**DAVIS MOVED, SEKULLA SECONDED**

That the Minutes of the Ordinary Council Meeting held on 27 October 2020 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

**CARRIED 9 VOTES TO 0**

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

**OFFICER RECOMMENDATION**

**POWELL MOVED, WOLFF SECONDED**

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

**CARRIED 9 VOTES TO 0**

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

Nil.

**8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

Nil.

**8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.2.1 CR POWELL**

1. On page three of this month's Agenda regarding a letter that came from Ms Hollands and the response to her answers, would the City be doing anything illegal in response to the gratuity payments?

**Response**

The Chief Executive Officer stated certainly not.

**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**

**11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 10 NOVEMBER 2020  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**DAVIS MOVED, BASS SECONDED**

That the Minutes for the Standing Committee (Audit and Risk) meeting held on 10 November 2020 as previously circulated to all Councillors, be received and noted.

**CARRIED 9 VOTES TO 0**

**12. REPORTS OF ADMINISTRATION**

**WITHDRAWN ITEMS**

Item 12.4 was withdrawn at the request of Cr Sekulla.

**POWELL MOVED, WOLFF SECONDED**

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

**CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0**



**12.1 LEASE – BELMONT COMMUNITY NURSING HOME, 14 CLEAVER TERRACE AND  
5 KEMP PLACE, RIVERVALE – HALL AND PRIOR**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Confidential Attachment 1 – Item 12.1 refers</b>	<a href="#"><b>Letter to Hall &amp; Prior – City Options for Belmont Community Nursing Home Lease</b></a>
<b>Confidential Attachment 2 – Item 12.1 refers</b>	<a href="#"><b>Valuation Report – M3 Property</b></a>

Voting Requirement : Simple Majority  
Subject Index : 70/007 – Lease of Council Property  
Location/Property Index : 14 Cleaver Terrace and 5 Kemp Place, Rivervale  
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**

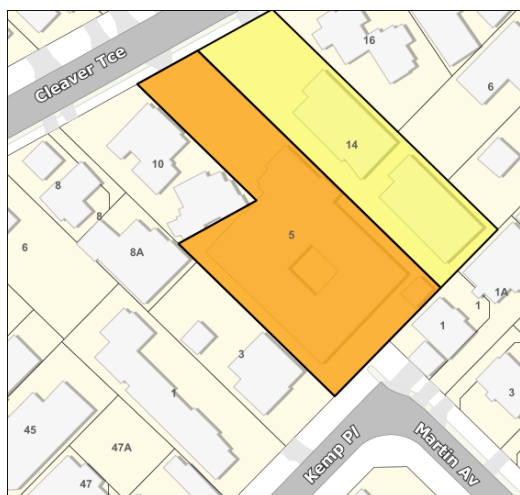
Council to endorse new lease terms with Hall and Prior for the Lease of the Belmont Community Nursing Home, 14 Cleaver Terrace and 5 Kemp Place Rivervale.

*Item 12.1 Continued*

**SUMMARY AND KEY ISSUES**

- Hall and Prior have leased the Belmont Community Nursing Home since August 2005. The most recent lease agreement expired 15 August 2020. Hall and Prior currently occupy the property under the Holding Over provisions of this lease.
- The passing rent for this property is \$201,887.76 + GST per annum.
- Lease negotiations with Hall and Prior have been ongoing since July 2019.
- A letter dated 12 August 2020 was sent to Hall and Prior outlining three final options for consideration by Hall and Prior (refer [Confidential Attachment 1](#)).
- Hall and Prior agreed to proceed with a new lease on the basis of a five year lease at full market rent (\$310,960 + GST per annum) and full annual CPI increases.

**LOCATION**



Pt Lot 51 (14) Cleaver Terrace and Lot 8 (5) Kemp Place, Rivervale

**CONSULTATION**

An overview of this matter and potential options were presented to Council at the 11 August 2020 Information Forum.

Hall and Prior have been engaged throughout the process and M3 Property were engaged to provide an independent market valuation of the property (refer [Confidential Attachment 2](#)).

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

**Goal 5: Responsible Belmont.**

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

*Item 12.1 Continued*

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

This report is presented in accordance with Section 3.58 (3) of the *Local Government Act 1995*, whereby a local government can dispose of property (by way of lease) if it gives local public notice of the details of the proposed disposition.

### **BACKGROUND**

Hall and Prior have occupied the Belmont Community Nursing Home by way of lease since August 2005. The most recent lease agreement expired 15 August 2020. Hall and Prior have continued to occupy the property under the Holding Over provisions of this lease, meaning all obligations of the lease continue until such times as the lease is renewed or terminated.

The passing rent for this property is \$201,887.76 + GST per annum.

Negotiations with Hall and Prior to consider terms of a new lease have been ongoing for some time, dating back to July 2019. During this time, a number of considerations and options have been discussed between the parties.

A letter dated 12 August 2020 was sent to Hall and Prior outlining three final options for consideration (refer [Confidential Attachment 1](#)).

Hall and Prior indicated, by way of return letter, that they would like to proceed on the basis of Option 3 – to enter in to a five year lease on the basis of full market rent and full annual CPI increases.

### **OFFICER COMMENT**

During the course of ongoing negotiations, in June 2019 a market valuation was obtained for the property based on the five year lease scenario. This valuation indicated a market rent of \$310,960 + GST per annum.

In accordance with section 3.58 (3) of the *Local Government Act 1995*, when considering a disposal of property, a valuation is required to be undertaken no longer than six months prior to the date of the disposal.

A review of the initial market valuation was conducted and based on the revised report dated 18 September 2020, there has been no change to the value provided in June 2019.

Hall and Prior agreed to this amount on 21 September 2020 and the details of the disposal were advertised by way of Public Notice in the Southern Gazette on 24 September 2020, inviting comments to be made on the terms of the proposed lease for a requisite period of two weeks. At the close of this period, no comments were received.

Endorsement of the Lease will provide the City with an improved financial outcome in relation to rental received for the Belmont Community Nursing Home.

*Item 12.1 Continued*

The term of five years will allow the City and Hall and Prior to consider the future of the property and its provision of aged care accommodation.

Under the terms of the new Lease, and in line with the historical lease for the property; Hall and Prior will be responsible for general repair and maintenance and to keep the property in a good, clean condition. The City will be responsible for structural maintenance.

**FINANCIAL IMPLICATIONS**

Should Council endorse the Officer's Recommendation, the following financial implications will apply:

- The income account for Rent/Lease fees for Belmont Community Nursing Home would increase by \$63,625 for the remainder of the 2020-2021 financial year, subject to the new Lease being executed by 1 December 2020.
- The total consideration for the five year lease term, assuming a CPI increase of 1.5%, is \$1,602,148.92.
- Legal costs for the preparation of the Lease agreement will be recovered from the Lessee in accordance with the Lease.
- There will be no impact to the operating accounts associated with this property.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

In endorsing the recommendation for Hall and Prior to continue to occupy the Belmont Community Nursing Home by way of Lease for a further five year term, the City is indirectly supporting community access to the services and facilities provided at the site.

*Item 12.1 Continued*

**OFFICER RECOMMENDATION**

**That Council endorse the granting of a new Lease for Belmont Community Nursing Home at 14 Cleaver Terrace and 5 Kemp Place Rivervale to Hall and Prior on the following terms:**

<b>BELMONT COMMUNITY NURSING HOME: 14 CLEAVER TERRACE AND 5 KEMP PLACE, RIVERVALE</b>	
<b>Lease term:</b>	<b>5 Years</b>
<b>Lease Commencement:</b>	<b>1 December 2020 or upon surrender of existing lease</b>
<b>Annual Rental:</b>	<b>\$310,960 + GST</b>
<b>Rent Review:</b>	<b>Annual review in line with the Consumer Price Index</b>
<b>Local Government Rates and Emergency Services Levy:</b>	<b>Payable by Hall and Prior</b>
<b>Outgoings:</b>	<b>Payable by Hall and Prior</b>
<b>Non-Structural Repairs and Maintenance:</b>	<b>Payable by Hall and Prior</b>
<b>Structural Repairs:</b>	<b>Payable by City</b>

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

## 12.2 CITY OF BELMONT WASTE PLAN

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.2 refers	<a href="#">City of Belmont Waste Plan</a>

Voting Requirement	:	Simple Majority
Subject Index	:	140/013:Waste Plan
Location/Property Index	:	City of Belmont
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Information Forum 6 October 2020 Item 6.3
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

The purpose of this report is to seek Council endorsement of the City of Belmont Waste Plan ([Attachment 1](#)) prior to its submission for approval by the Chief Executive Officer of the Department of Water and Environmental Regulation (DWER).

### SUMMARY AND KEY ISSUES

In February 2019, the State Government launched its Waste Avoidance and Resource Recovery Strategy 2030 (WARR Strategy), which necessitates fundamental changes to how the City is involved, impacted and impacts others in relation to waste management.

One of the headline strategies within the WARR Strategy is to Implement Local Government Waste Plans.

*Item 12.2 Continued*

### **LOCATION**

Not applicable.

### **CONSULTATION**

The information required for the Waste Plan was predetermined by the DWER within their template and there was no requirement to conduct any public consultation.

A copy of the approved Waste Plan will be made available to the public via the City of Belmont (the City) website.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

#### **Goal 3: Natural Belmont**

**Strategy:** 3.3 Keep our City clean.

**Strategy:** 3.5 Promote energy and water efficiency, renewable energy sources and reduce waste.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

Under section 40(4) of the *Waste Avoidance and Resource Recovery Act 2007* (WARR Act), the Chief Executive Officer of the DWER gave the City written notice on 7 November 2019 to prepare a Waste Plan with the following timeframes:

- Draft Waste Plan to be submitted to the DWER for feedback by 30 September 2020.
- Council to endorse the Final Waste Plan and submit to the DWER for approval no later than 31 March 2021.
- The first annual report for the Waste Plan is due on 1 October 2022.

*Item 12.2 Continued*

## **BACKGROUND**

The original correspondence from the Chief Executive Officer of the DWER giving notice to prepare a Waste Plan was superseded on 1 May 2020 to allow additional preparation time, as a result of competing priorities due to the COVID-19 pandemic. The timelines were amended as follows:

- Draft Waste Plan to be submitted to the DWER for feedback by 30 September 2020.
- Council to endorse the Final Waste Plan and submit to the DWER for approval no later than 31 March 2021.
- The first annual report for the Waste Plan is due on 1 October 2022.

The intent of a Waste Plan is to provide a link between the targets and objectives of the WARR Strategy and local government waste management activities.

The City of Belmont Waste Plan will align its waste management activities with the Waste Strategy while monitoring progress on achievement towards the set targets for reduced waste and increased materials recovery.

## **OFFICER COMMENT**

The DWER provided a resource kit, which included a template for the development of a Waste Plan to provide consistency across all local governments within the Perth and Peel region.

The City's draft Waste Plan was submitted to the DWER on 4 September 2020 and following some constructive feedback, was amended and considered completed by the DWER on 25 September 2020. The Waste Plan can now be progressed for endorsement by Council, with the Final Waste Plan to be submitted to the DWER for approval by no later than 31 March 2021.

The Waste Plan is in two sections:

Part 1 of the Waste Plan establishes the City's waste profile and baseline information in relation to the objectives and targets set out in the Waste Avoidance and Resource Recovery Strategy 2030 (Waste Strategy) and details the delivery and current performance of the services offered to the community.

Part 2 of the Waste Plan is an Implementation Plan that outlines the actions the City can take over the next five years to contribute towards the achievement of relevant Waste Strategy targets and objectives.

## **FINANCIAL IMPLICATIONS**

There are no immediate financial implications at this time.

As the Implementation Plan progresses, some of the headline actions will require additional funds for capital expenditure and ongoing operational costs which will be offset by grant funding that has already been approved.

Most actions will require additional human resourcing which is yet to be fully determined, however a review of the City's Works Department will confirm that requirements can be accommodated within existing budgets.



*Item 12.2 Continued*

### **ENVIRONMENTAL IMPLICATIONS**

The intent of the Waste Plan can be summarised in the following three headings, which as a result of improved operations and increased education to change behaviour, will all have a positive effect on the environment:

- Avoid – Western Australians generate less waste.
- Recover – Western Australians recover more value and resources from waste.
- Protect – Western Australians protect the environment by managing waste responsibly.

Specific actions within the Implementation Plan that will also improve the environment are in relation to improving how the City monitors and collects data as a result of illegal dumping and a review of the public litter bin network.

### **SOCIAL IMPLICATIONS**

The City currently provides a well-received range of efficient waste services to its residents that provide opportunities for improvement in the areas of separation at the source to reduce waste to landfill and improve materials recovery at an economical cost.

Changes to the way the City manages waste in the future will be considered in the context of providing continued value and efficient service to its customers.

### **OFFICER RECOMMENDATION**

**That Council:**

1. **Endorse the City of Belmont Waste Plan as provided at [Attachment 1](#).**
2. **Directs the Chief Executive Officer to forward the endorsed City of Belmont Waste Plan to the Department of Water and Environmental Regulation for approval.**

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

## 12.3 CORPORATE BUSINESS PLAN 2020 - 2024

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item 12.3 refers	<a href="#">Corporate Business Plan 2020 - 2024</a>

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

### PURPOSE OF REPORT

To undertake the annual review of the Corporate Business Plan and adopt the revised Corporate Business Plan 2020 - 2024 (refer [Attachment 2](#))

*Item 12.3 Continued*

## **SUMMARY AND KEY ISSUES**

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

A review was conducted on the current Corporate Business Plan 2019 - 2023, following the adoption of the City's Strategic Community Plan 2020 - 2040 by Council at its meeting on 28 April 2020.

The Corporate Business Plan 2020 - 2024 is the end product of the integration of 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 Plan 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 2020 – 2024 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.

**Strategy:** 5.3 Invest in services and facilities for our growing community

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

*Item 12.3 Continued*

## **STATUTORY ENVIRONMENT**

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

### **Part 5 — Annual Reports and Planning**

#### **Division 1 — Preliminary**

##### **19BA. Terms used**

*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.

*Item 12.3 Continued*

## **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 full 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.

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**

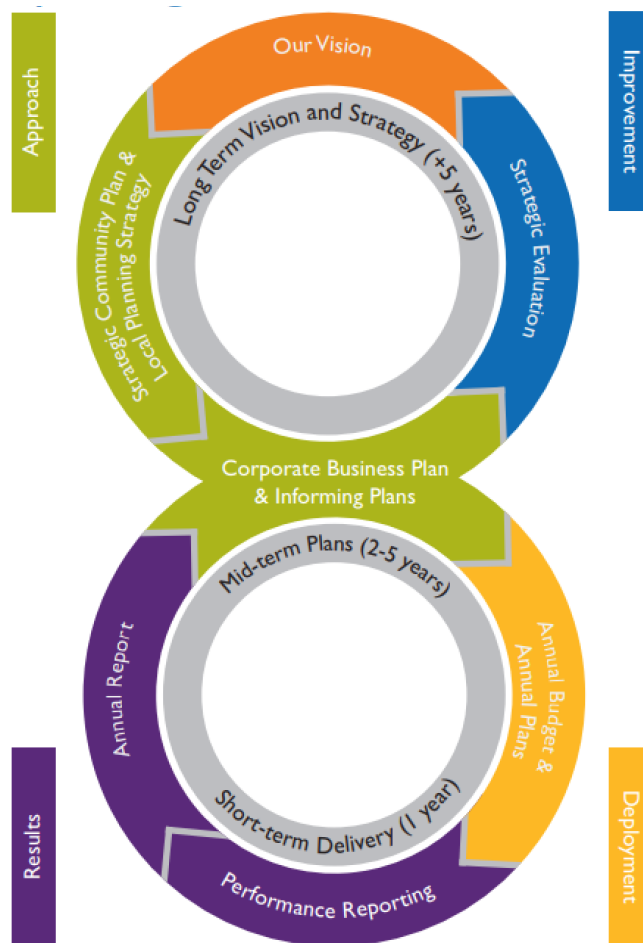
The State Government developed the Integrated Planning and Reporting Framework in 2010. As part of this Framework, all Councils are required to develop a Strategic Community Plan, a Corporate Business Plan and a mechanism to review and report on all elements of Integrated Planning and Reporting. The 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 this Framework 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

Item 12.3 Continued

## City of Belmont Integrated Planning and Reporting Framework



The four year major review of the Strategic Community Plan has now been completed, with Council adopting the Strategic Community Plan 2020 - 2040 at the Ordinary Council Meeting held in April 2020. This has precipitated a review of the Corporate Business Plan, which is required as part of regulation 19DA of the *Local Government (Administration) Regulations 1996*. As part of regulation 19DA, there is also 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 that any resultant changes to business operations were captured and aligned to the annual budget.

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 Integrated Planning and Reporting Framework. 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.

*Item 12.3 Continued*

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 2020 - 2024 is supported by the Long Term Financial Plan and the first year of the Corporate Business Plan is budgeted in the Annual Budget 2020-2021.

**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.

**OFFICER RECOMMENDATION**

That Council endorse the Corporate Business Plan 2020 - 2024 as per [Attachment 2](#).

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

## 12.4 FORMAL ADOPTION OF THE ANNUAL REPORT 2019-2020

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3 – Item 12.4 refers	<a href="#">City of Belmont Annual Report 2019-2020</a>

Voting Requirement	:	Absolute Majority
Subject Index	:	32/001 – Operational/Strategic Planning-Originals
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 Annual Report for 2019-2020.

### SUMMARY AND KEY ISSUES

The statutory Annual Report is prepared to advise the Community on the activities of the local government and includes the audited Annual Financial Report. The Annual Report also contains an overview of the Plan for the Future. The Annual Report is to be presented to the Annual Electors' Meeting that must be conducted prior to the 31 December of the financial year being reported on, however, if the Auditor's Report is not available in time for acceptance by 31 December, then it must be accepted within two months of receiving the Auditor's Report.



*Item 12.4 Continued*

## **SUMMARY AND KEY ISSUES**

The statutory Annual Report is prepared to advise the Community on the activities of the local government and includes the audited Annual Financial Report. The Annual Report also contains an overview of the Plan for the Future. The Annual Report is to be presented to the Annual Electors' Meeting that must be conducted prior to the 31 December of the financial year being reported on, however, if the Auditor's Report is not available in time for acceptance by 31 December, then it must be accepted within two months of receiving the Auditor's Report.

## **LOCATION**

Not applicable.

## **CONSULTATION**

No public consultation was considered to be required in respect to this matter. The Annual Financial Report and Audit Report have been considered by the Audit and Risk Committee.

## **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 5.53(1) of the *Local Government Act 1995* (the Act) prescribes that a local government must prepare an Annual Report and Section 5.53(2) prescribes what must be contained within the Annual Report.

Section 5.54 of the Act prescribes that the Annual Report be accepted by the Local Government by 31 December after that financial year however, if the Auditor's Report is not available in time for acceptance by 31 December, then it must be accepted within two months after the receipt of the Auditor's Report.

Section 5.55 of the Act prescribes that local public notice is to be given as soon as practicable, as to the availability of the Annual Report after its acceptance by the Local Government.

Section 29(2) of the *Disability Services Act 1993* requires a local government with a Disability Services Plan to report via its Annual Report on the implementation of this Plan.

Principle 6 of the State Records Principles and Standards 2002 (*State Records Act 2000*) requires that the City's Annual Report include evidence on the efficiency and effectiveness of the City's Record Keeping Plan, training and induction programs.

*Item 12.4 Continued*

Section 94 of the *Freedom of Information Act 1992* requires the City to provide an "Information Statement" that outlines the structure of the City, access to information and a range of other information. The City provides details of our "Information Statement" in our Annual Report.

**BACKGROUND**

The local government is required to prepare, adopt and advertise its Annual Report, prior to the Elector's Meeting. The Annual Electors' Meeting is scheduled to take place at 7.00pm on Wednesday, 16 December 2020.

A presentation and the Annual Financial Report were provided to the Standing Committee (Audit and Risk) at its meeting on Tuesday, 10 November 2020. The Committee resolved the following:

**'SEKULLA MOVED, MARKS SECONDED**

*The Standing Committee (Audit and Risk):*

1. *Approve for the Chief Executive Officer to sign the Annual Financial Report for the period ending 30 June 2020 for inclusion in the City of Belmont's 2019-2020 Annual Report.*
2. *Recommend that Council:*
  - a. *Accept the amended Annual Financial Report for the period ending 30 June 2020 (as detailed in [Tabled Attachment 1](#)); and*
  - b. *Note the findings from the recently completed information systems audit as included in the exit brief report, and that a report be presented to a future Standing Committee (Audit and Risk) following receipt of the Management Letter.*

**CARRIED 4 VOTES TO 0'**

**OFFICER COMMENT**

The Annual Report contains:

- Reports from the Mayor and Chief Executive Officer together with reports from individual Committee Presiding Members
- A copy of the Financial Statements including the Auditor's Report
- An overview of the Plan for the Future
- Report on the City's Disability Access and Inclusion Plan achievements
- Details of the City's Freedom of Information Act - Information Statement
- Report on the status of the City's Record Keeping Plan.

In accordance with the City's Policy BEXB5.2, a table is included which discloses the total expenditure on Professional Development activities by Councillors for the year being reported on. The listed expenditure does not include Council Nominated Professional Development and Authorised Travel as defined in the policy.

*Item 12.4 Continued*

A copy of the Annual Report has been provided (refer [Attachment 3](#)) and a final “published” version will be circulated to all Councillors when they become available.

The official published copy of the Annual Report will be available for members of the public at the Annual Electors’ Meeting and includes a complete Annual Financial Report, however a copy will be made available for public inspection as soon as practicable following Council’s resolution on this report.

Council is also advised that arrangements have been made for the appropriate advertising to be carried out once the Annual Report has been accepted.

**FINANCIAL IMPLICATIONS**

There are no significant financial implications evident at this time other than the costs associated with publication of the Annual Report and statutory advertising.

**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. Accept the 2019-2020 Annual Report, including the Annual Financial Report and Independent Auditors Report, as included in [Attachment 3](#).
2. Ensure the availability of the Annual Report is advertised in accordance with Section 5.55 of the *Local Government Act 1995*.
3. Ensure the Annual Report be available for distribution to members of the public at the Annual Electors’ Meeting on Wednesday, 16 December 2020 and a copy be available for inspection by the public as soon as practicable after this meeting.
4. As recommended by the Standing Committee (Audit and Risk), note the findings from the recently completed information systems audit as included in the exit brief report, and that a report be presented to a future Standing Committee (Audit and Risk) following receipt of the Management Letter.

*Item 12.4 Continued*

**AMENDED OFFICER RECOMMENDATION**

**SEKULLA MOVED, DAVIS SECONDED**

**That Council:**

- 1. Accept the 2019-2020 Annual Report, including the Annual Financial Report and Independent Auditors Report, as included in [Attachment 3](#).**
- 2. Ensure the availability of the Annual Report is advertised in accordance with Section 5.55 of the *Local Government Act 1995*.**
- 3. Ensure the Annual Report is available for distribution to members of the public at the Annual Electors' Meeting on Wednesday, 16 December 2020 and a copy is available for inspection by the public as soon as practicable after this meeting.**
- 4. As recommended by the Standing Committee (Audit and Risk) and outlined in Confidential Attachment 1 of the Minutes of the 10 November 2020 Meeting, note the findings from the recently completed information systems audit as included in the exit brief report, and that a report be presented to a future Standing Committee (Audit and Risk) following receipt of the Management Letter.**

Reason

To provide clarity on Part 4 of the recommendation.

**CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0**

**7.51pm**      **The Manager Business Planning and Improvement departed the meeting and did not return.**

**12.5 APPOINTMENT OF DEPUTY OF THE LOCAL GOVERNMENT FOR THE HEALTH  
(MISCELLANEOUS PROVISIONS) ACT 1911**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 4 – Item 12.5 refers	<a href="#"><u>Statutory Appointment: Deputies under the Health (Miscellaneous Provisions) Act 1911</u></a>

Voting Requirement	:	Simple Majority
Subject Index	:	32/022
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
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 appoint officers to be the local government's deputy for the purposes of the *Health (Miscellaneous Provisions) Act 1911* (Act) and the regulations made under the Act.

**SUMMARY AND KEY ISSUES**

It is proposed that the Chief Executive Officer, Director Development and Communities and Manager Safer Communities be appointed as deputies of the local government to assist in fulfilling the local government's obligations under the Act.

*Item 12.5 Continued*

The positions above have responsibility over the administration of the Act and the appointment of various roles will allow for decisions to be made at the most appropriate level.

**LOCATION**

Not applicable.

**CONSULTATION**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

**Goal 5: Responsible Belmont**

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

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**STATUTORY ENVIRONMENT**

*Health (Miscellaneous Provisions) Act 1911*

**26. Powers of local government**

*Every local government is hereby authorised and directed to carry out within its district the provisions of this Act and the regulations, local laws, and orders made thereunder:*

Provided that a local government may appoint and authorise any person to be its deputy, and in that capacity to exercise and discharge all or any of the powers and functions of the local government for such time and subject to such conditions and limitations (if any) as the local government shall see fit from time to time to prescribe, but so that such appointment shall not affect the exercise or discharge by the local government itself of any power or function.

*Part 1 Administration*

*Section 38 Report Annually to the Chief Health Officer*

*Part 111 Financial*

*Part IV Sanitary Provisions*

*Part V Dwellings*

*Part VI Public Buildings*

*Part VII Nuisances and Offensive Trades*

*Item 12.5 Continued*

Part XIV Regulations and Local Laws

*Section 342 Make Repeal, amend or suspend local laws with the consent or at the direction of the Chief Health Officer*

*Section 344C Fix fees and charges*

Part XV Miscellaneous provisions

*Section 353 Take possession of land where expenses are due and unpaid for 3 years*

*Section 357 Suspend or cancel any licence or registration of persons convicted for any offence under the Act*

*Section 358(1) Prosecution of offences*

*Section 374 Appearance of local government in legal proceedings*

## **BACKGROUND**

Various decisions made under the *Health (Miscellaneous Provisions) Act 1911* relate to land use approvals for temporary buildings, lodging houses, decisions on the safety of dwellings and provisions relating to the sanitary conditions of certain infrastructure.

Efficient and responsive decision making in this area supports ongoing amenity.

## **OFFICER COMMENT**

The *Health (Miscellaneous Provisions) Act 1911* does not have an instrument of delegation; as such there is no statutory power for Council to delegate its powers and functions under the Act. However section 26 of the Act provides for the Council to appoint a deputy to undertake its functions which is a similar process to delegation.

The appointment of a number of City officers as deputies will assist the City to efficiently and effectively fulfil its functions under the Act. It should be noted that appointment of deputies does not affect the ability for Council to carry out its functions under the Act and matters can still be referred to Council for consideration where appropriate.

The City has robust processes and procedures in relation to the administration and enforcement of public health related matters. The appointment of deputies does not affect the ability for the City's Environmental Health Officers (authorised officers under the *Public Health Act 2016*) to carry out their statutory functions.

It is recommended that the conditions and limitations as contained in [Attachment 4](#) be imposed by Council on the appointment.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

## **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

*Item 12.5 Continued*

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

**That Council:**

**Approve the appointment of the Chief Executive Officer, the Director Development and Communities and the Manager Safer Communities as deputies under section 26 of the *Health (Miscellaneous Provisions) Act 2011* to exercise the powers and discharge the functions of the City under that Act and the regulations, local laws and orders made thereunder, as shown in [Attachment 4](#) – Appointment of Deputies under s.26 of the *Health (Miscellaneous Provisions) Act 1911*.**

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



## 12.6 ACCOUNTS FOR PAYMENT – OCTOBER 2020

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item 12.6 refers	<a href="#"><u>Accounts for Payment – October 2020</u></a>

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

### COUNCIL ROLE

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

### PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

### SUMMARY AND KEY ISSUES

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

### LOCATION

Not applicable.

*Item 12.6 Continued*

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

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

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

### **BACKGROUND**

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

### **OFFICER COMMENT**

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

Municipal Fund Cheques	788555 to 788570	\$26,293.86
Municipal Fund EFTs	EF069942 to EF070415	\$9,263,560.22
Municipal Fund Payroll	October 2020	\$2,139,973.66
Trust Fund EFTs	EF070033 to EF070035	<u>\$5,693.07</u>
Total Payments for October 2020		<b>\$11,435,520.81</b>

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

### **FINANCIAL IMPLICATIONS**

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

*Item 12.6 Continued*

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

That the Authorised Payment Listing for October 2020 as provided under [Attachment 5](#) be received.

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

## 12.7 MONTHLY ACTIVITY STATEMENT AS AT 31 OCTOBER 2020

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6 – Item 12.7 refers	<a href="#"><u>Monthly Activity Statement as at 31 October 2020</u></a>

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

### COUNCIL ROLE

- 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.*
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### 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 12.7 Continued*

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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 12.7 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 percent.*

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

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure - Capital</b>			
Computing	549,501	160,288	Timing issue regarding the payment of business applications and equipment.
Crime Prevention and Community Safety	213,343	269,633	Variance relates to the purchase and installation of CCTV at the Belmont Hub.
Town Planning	95,800	40,368	Purchase of Fleet has been deferred.
Environment	87,537	Nil	A number of Environment projects are behind schedule.
Grounds Operations	364,341	250,168	Variance mainly relates to Faulkner Park irrigation renewal and the Forster Park upgrade.
Road Works	1,559,453	1,265,064	Timing issue with the budget spread of a number of road projects.
Drainage Works	207,248	42,278	Drainage improvement projects and side entry pit upgrades are behind schedule.
Operations Centre	206,272	103,962	Major plant is currently on order.
Building Operations	711,849	457,127	Variance relates to the Belmont Hub.
<b>Expenditure – Operating</b>			
Computing	1,219,239	1,122,869	Budget spread regarding licence fees.
Marketing and Communications	742,501	637,084	Variance relates to functions/catering and printing costs.
Governance	1,203,148	1,114,865	Activity Based Costing (ABC) allocations are below budget.
Rates	1,942,613	2,058,503	A greater number of residents than had been anticipated paid their rates in full, resulting in a greater take-up of the 5% discount.
City Facilities and Property	407,561	343,722	Employee and consulting costs are below budget.
Town Planning	1,178,865	962,999	Employee and consulting costs are below budget.
Sanitation Charges	1,665,217	1,558,829	Invoices are processed one month in arrears.

Item 12.7 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Donations and Grants	127,833	42,825	Budget spread issue regarding payment of MOU's.
Public Facilities Operations	88,926	7,544	Budget spread issue regarding contributions to sporting clubs.
Belmont Oasis	311,725	191,514	Although there are outstanding contract management costs the financial cost to manage the Oasis given the impact of Covid-19 has been better than expected.
Ruth Faulkner Library	1,067,423	931,757	Largely relates to minor fit-out costs regarding the Belmont Hub and employee costs.
Community Place Making	80,000	25,623	Variance largely relates to public art projects.
Grounds Operations	2,015,584	1,893,317	Parks maintenance and employee costs are below budget.
Grounds - Active Reserves	330,968	487,905	Turf maintenance programs at Peet and Forster Park are ahead of schedule.
Grounds Overheads	582,297	506,866	Employee costs are below budget.
Road Works	375,362	323,908	Street lighting maintenance costs are below budget.
Building Operations	645,241	548,862	Budget spread issue regarding cleaning costs at the Belmont Hub.
Technical Services	942,298	866,424	Employee and consulting costs are below budget.
<b>Revenue - Capital</b>			
Road Works	(382,386)	(136,135)	Relates to the timing of road grants.
<b>Revenue - Operating</b>			
Finance Department	(727,322)	(785,036)	ABC recoveries are above budget.
Computing	(902,927)	(1,093,124)	ABC recoveries are above budget.
Reimbursements	(121,721)	(43,614)	Miscellaneous and Workers Compensation reimbursements are outstanding.
Rates	(49,861,398)	(49,933,006)	ESL administration fee received earlier than anticipated.
Financing Activities	(326,048)	(115,915)	Monthly variances are expected due to the timing of term deposits maturing.
Streetscapes	Nil	(76,401)	Prepaid road / verge maintenance income.
Public Works Overheads	(411,104)	(189,014)	Overhead recoveries are below budget.
Plant Operating Costs	(445,801)	(324,783)	Overhead recoveries are below budget.

*Item 12.7 Continued*

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

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 31 October 2020</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	72,968,834	Includes municipal and reserves
- less non rate setting cash	(48,359,205)	Reserves
Receivables	28,833,717	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(2,899,904)	ESL Receivable
Stock on hand	205,209	
<b>Total Current Assets</b>	<b>50,748,650</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(13,818,203)	Includes ESL and deposits
- less non rate setting creditors & provisions	6,393,701	Cash Backed LSL, current loans & ESL
<b>Total Current Liabilities</b>	<b>(7,424,502)</b>	
<b>Nett Current Assets 31 October 2020</b>	<b>43,324,148</b>	
Nett Current Assets as Per Financial Activity Report	43,324,148	
Less Committed Assets	<b>(42,824,148)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

### **FINANCIAL IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

That the Monthly Financial Reports as at 31 October 2020 as included in [Attachment 6](#) be received.

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



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

Nil.

**13.1 REQUESTS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

**15. CLOSURE**

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 7.52pm.

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**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these Minutes of the Ordinary Council Meeting held on 24 November 2020 were confirmed as a true and accurate record at the Ordinary Council Meeting held 15 December 2020:

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

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

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