



**City of Belmont**  
**ORDINARY COUNCIL MEETING**  
**AMENDED AGENDA<sup>1</sup>**  
**TABLE OF CONTENTS**

27 July 2021

<b>ITEM</b>	<b>SUBJECT HEADING</b>	<b>PAGE</b>
<b>NOTICE OF MEETING</b>		
<b>1.</b>	<b>OFFICIAL OPENING .....</b>	<b>1</b>
<b>2.</b>	<b>APOLOGIES AND LEAVE OF ABSENCE .....</b>	<b>1</b>
<b>3.</b>	<b>DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT .....</b>	<b>1</b>
3.1	FINANCIAL INTERESTS .....	1
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY .....	2
<b>4.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS .....</b>	<b>2</b>
4.1	ANNOUNCEMENTS.....	2
4.2	DISCLAIMER.....	2
4.3	DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING .....	2
<b>5.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>3</b>
5.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE .....	3
5.1.1	MR R BROINOWSKI, 66 ARMADALE ROAD, RIVERVALE .....	3
5.1.2	MS D RANSOME, 62 HAY ROAD, ASCOT .....	3
5.1.3	MS I MUTCH, 112 ROBERTS ROAD, RIVERVALE .....	4
5.1.4	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE .....	5
5.1.5	MS L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG).....	6
5.1.6	MR P HITT, 14 MCLACHLAN WAY, BELMONT .....	6
5.2	QUESTIONS FROM MEMBERS OF THE PUBLIC .....	6
<b>6.</b>	<b>CONFIRMATION OF MINUTES/RECEIPT OF MATRIX.....</b>	<b>6</b>
6.1	ORDINARY COUNCIL MEETING HELD 22 JUNE 2021 .....	6
6.2	MATRIX FOR THE AGENDA BRIEFING FORUM HELD 20 JULY 2021 .....	7

<sup>1</sup> The Agenda was amended on 21 July 2021 to include an amended Report Item 12.1 (including Attachment 1), an Amended Officer Recommendation for Item 12.3 (including Confidential Attachment 2) and an Amended Officer Recommendation for Item 12.4 (including Attachment 3 - Membership of Other Groups - Page A69).

ITEM	SUBJECT HEADING	PAGE
7.	<b>QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)</b> .....	7
8.	<b>QUESTIONS BY MEMBERS WITHOUT NOTICE</b> .....	7
8.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE .....	7
8.2	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	7
9.	<b>NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION</b> .....	7
10.	<b>BUSINESS ADJOURNED FROM A PREVIOUS MEETING</b> .....	7
11.	<b>REPORTS OF COMMITTEES</b> .....	7
11.1	STANDING COMMITTEE (ENVIRONMENTAL) HELD 19 JULY 2021 .....	7
12.	<b>REPORTS OF ADMINISTRATION</b> .....	8
12.1	LOCAL PLANNING SCHEME NO. 15 – SCHEME AMENDMENT NO. 16 .....	8
12.2	REVIEW OF STANDARD DEVELOPMENT CONDITIONS .....	21
12.3	TENDER 08/2021 – PROVISION OF COMMUNITY WATCH SECURITY SERVICES ....	30
12.4	FORMAL ADOPTION OF THE 2021-2022 ANNUAL BUDGET.....	35
12.5	ACCOUNTS FOR PAYMENT – JUNE 2021 .....	43
12.6	MONTHLY ACTIVITY STATEMENT AS AT 30 JUNE 2021 .....	46
13.	<b>REPORTS BY THE CHIEF EXECUTIVE OFFICER</b> .....	54
13.1	REQUESTS FOR LEAVE OF ABSENCE .....	54
13.2	NOTICE OF MOTION.....	54
14.	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED</b> .....	54
15.	<b>CLOSURE</b> .....	54

### **ATTACHMENTS INDEX**

**Attachment 1 – Item 12.1 refers (amended)**

**Attachment 2 – Item 12.2 refers**

**Attachment 3 – Item 12.4 refers (amended)**

**Attachment 4 – Item 12.5 refers**

**Attachment 5 – Item 12.6 refers**

### **CONFIDENTIAL ATTACHMENTS INDEX**

**Confidential Attachment 1 – Item 12.3 refers**

**Confidential Attachment 2 – Item 12.3 refers (amended)**

<p><b>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</b></p>
--

## 1. OFFICIAL OPENING

The Presiding Member will 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 will cause the Affirmation of Civic Duty and Responsibility to be read aloud by a Councillor.

**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

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

*Councillors/Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the City's Code of Conduct.*

#### 3.1 FINANCIAL INTERESTS

*A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.*

*Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.*

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

**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)

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

**4.1 ANNOUNCEMENTS**

**4.2 DISCLAIMER**

*Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.*

*Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.*

*Any person or entity that has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council meeting.*

*Any advice provided by an employee of the City on the operation of a written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or anything sought to be relied upon as a representation by the City should be sought in writing and should make clear the purpose of the request. Any plans or documents in agendas and minutes may be subject to copyright.*

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

## **5. PUBLIC QUESTION TIME**

### **5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

#### **5.1.1 MR R BROINOWSKI, 66 ARMADALE ROAD, RIVERVALE**

The following question was taken on notice at the 22 June 2021 Ordinary Council Meeting. Mr Broinowski was provided with a response on 2 July 2021. The response from the City is recorded accordingly:

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 the Swan”.

#### **Response**

**On 29 June 2021 the Manager Safer Communities visited the Department of Communities residential complex at 48-52 Nannine Place, Rivervale. While there were a few dumped household items on the front verge and some minor littering onsite, the complex could not be described as “crumbling or disgusting”.**

**The City has notified the Department of Communities regarding these minor issues, but it is not deemed appropriate to raise such trivial operational matters with the Minister.**

#### **5.1.2 MS D RANSOME, 62 HAY ROAD, ASCOT**

The following questions were taken on notice at the 22 June 2021 Ordinary Council Meeting. Ms Ransome was provided with a response on 2 July 2021. The response from the City is recorded accordingly:

1. 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 18<sup>th</sup> 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.

*Item 5.1.2 Continued*

**Response**

**Whilst CLE Town Planning + Design prepared the Structure Plans for Development Areas 7 and 9, they do not currently represent the City of Belmont as the contracts for this work have concluded.**

**CLE Town Planning + Design were independently engaged by two landowners (Mr Betz and Mr Gibbs) to progress an amendment to the City of Belmont Local Planning Scheme No. 15, in relation to 'Residential' zoned land within the Development Area 9 Precinct.**

**Officers are not aware if De Mol Investment Pty Ltd has previously engaged CLE Town Planning + Design. De Mol Investment Pty Ltd previously engaged Site Planning + Design as a planning consultant.**

**5.1.3 Ms I MUTCH, 112 ROBERTS ROAD, RIVERVALE**

The following questions were taken on notice at the 22 June 2021 Ordinary Council Meeting. Ms Mutch was provided with a response on 13 July 2021. The response from the City is recorded accordingly:

1. 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 City is aware Tennis West has implemented a new process for generating club affiliation fees in recent seasons and the new affiliation fee process has resulted in a higher affiliation charge for the Belmont Park Tennis Club (BPTC).**

**The City understands the BPTC Committee is actively working with Tennis West representatives regarding these changes.**

**In accordance with Local Planning Policy No. 12, Advertisement Signs; signage advertising services and products unrelated to the subject site are not permitted within the City.**

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

**Response**

**As part of the 2021-2022 Capital Works Programme, the City has budgeted \$140,000 to renew the roof and install an accessible ramp at the Belmont Park Tennis Club. The renewal of City owned buildings is guided by the City's Asset Management Plans and associated data, which guides renewal work based on the age and condition of assets.**

#### **5.1.4 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE**

The following questions were taken on notice at the 22 June 2021 Ordinary Council Meeting. Ms Hollands was provided with a response on 7 July 2021. The response from the City is recorded accordingly:

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**

**It is a legislative requirement for a list of payments to be presented to Council. The information you are requesting may be part of a payment containing several other items and as such not able to be identified and potentially give rise to misinterpretation of the facts. As an unrelated party to the matter the information you have requested cannot be specified.**

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**

**Legal costs of the City and the Belmont Trust are budgeted for within the Annual Budget as an estimated cost for the year. The legal costs for the Belmont Trust to be included in the 2021-2022 Budget were identified within the item considered at the Special Belmont Trust Meeting and are not actual costs expended. The Attorney General or the Minister are not involved in the setting of the budget and would not normally get involved in the provision of information on legal fees outside the requirement to ensure public information is provided in line with legislated requirements.**

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**

**A mediation meeting occurred on 25 March 2021. There have been no major changes to the draft Lease.**

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

The following questions were taken on notice at the 22 June 2021 Ordinary Council Meeting. Ms Hollands was provided with a response on 7 July 2021. The response from the City is recorded accordingly:

1. 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**

Section 5.94 of the *Local Government Act 1995* sets out information that is available for public inspection. Application for access to documents of a non-personal nature can also be made under the *Freedom of Information Act 1992*. Access to information through either avenue is subject to confidentiality, public interest assessment and applicable exemptions.

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

The following question was taken on notice at the 22 June 2021 Ordinary Council Meeting. Mr Hitt was provided with a response on 13 July 2021. The response from the City is recorded accordingly:

*Note: Mr Hitt's question relates to information on the Perth Airport Master Plan that contains information on the environmental offset.*

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

**Response**

The City contacted Perth Airport who advised that they will provide a response, however it has not yet been received. The City will continue to follow up and will forward the information once it is available.

For your information, a copy of the Perth Airport Master Plan 2014, which includes the Environment Strategy is publicly available via the following link:  
<https://www.perthairport.com.au/Home/corporate/community-and-environment/environment-management>

**5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

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

**6.1 ORDINARY COUNCIL MEETING HELD 22 JUNE 2021  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

That the Minutes of the Ordinary Council Meeting held on 22 June 2021 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

**6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 20 JULY 2021  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

That the Matrix for the Agenda Briefing Forum held on 20 July 2021 as printed and circulated to all Councillors, be received and noted.

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

**8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

**8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**

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

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

**11. REPORTS OF COMMITTEES**

**11.1 STANDING COMMITTEE (ENVIRONMENTAL) HELD 19 JULY 2021  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

That the Minutes for the Standing Committee (Environmental) meeting held on 19 July 2021 as previously circulated to all Councillors, be received and noted.

## 12. REPORTS OF ADMINISTRATION

### 12.1 LOCAL PLANNING SCHEME NO. 15 – SCHEME AMENDMENT NO. 16

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	<a href="#">Schedule of Submissions</a>

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/016 – Scheme Amendment 16 – Third Party Signage
Location / Property Index	:	Various
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	23 February 2021 Ordinary Council Meeting Item 12.2
Applicant	:	N/A
Owner	:	Various
Responsible Division	:	Development and Communities Division

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

For Council to consider final adoption of Amendment No. 16 to City of Belmont Local Planning Scheme No. 15 (LPS 15) having regard for the submissions received during public advertising.

*Item 12.1 Continued*

**SUMMARY AND KEY ISSUES**

- Third party Signage is a distinct form of advertising as it advertises services and products unrelated to a site.
- As Third party Signage does not relate to a site, it is considered to be superfluous advertising that leads to unnecessary impacts on amenity, economic and safety.
- While the City has an existing policy position against Third party Signage, Amendment No. 16 was prepared to make this position explicit under the powers of the Scheme.
- At the 23 February 2021 Ordinary Council Meeting (OCM) (Item 12.2), Council adopted Amendment No. 16 to LPS 15 for the purpose of advertising.
- Advertising was carried out from 7 May 2021 to 21 June 2021.
- At the conclusion of the advertising period a total of 11 submissions were received. Four submissions were from the public and seven submissions were from government agencies/public authorities.
- All the government agencies/public authorities submissions either supported or had no objections. All the public submissions objected or raised concerns with the amendment.
- The key concerns raised by submissions relate to the following:
  - A lack of planning purpose and the allegation of an ulterior motive for preparing the amendment.
  - The use should not be prohibited and should be considered on case-by-case basis.
  - The view that the amendment should not include all zones.
  - The view that the amendment should be classified as a ‘Complex’ amendment.
  - The view that the amendment conflicts with the Scheme Report of Review, which recommends that the Strategy and Scheme be repealed and replaced.
- The matters raised in submissions have been examined, however it is considered that third party signage is inconsistent with the aims of LPS 15 and should not be permitted in the City of Belmont.
- It is recommended that Council support Amendment No. 16 to LPS 15 with a recommendation that the Amendment be approved by the Minister for Planning.

**LOCATION**

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

*Item 12.1 Continued*

## **CONSULTATION**

In accordance with the *Planning and Development Act 2005*, Amendment No. 16 was referred to the Environmental Protection Authority (EPA) for environmental assessment. The EPA advised that an assessment was not required, and public advertising may proceed.

The *Planning and Development (Local Planning Scheme) Regulations 2015* (Regulations) requires a 'standard' scheme amendment to be advertised for a minimum period of 42 days. Amendment No. 16 was advertised for 45 days from 7 May 2021 to 21 June 2021, as follows:

- Letters advising of the proposed amendment were sent to relevant State Government agencies.
- A notice was published in the 7 May 2021 edition of The West Australian newspaper as well as the 13 May 2021 edition of the Southern Gazette newspaper.
- Draft Amendment No. 16 was displayed on the City's website during the public advertising period.

At the conclusion of the advertising period a total of 11 submissions were received. Four submissions were from the public and seven submissions were from government agencies/public authorities. The public submissions raised concerns relating to:

- A lack of planning purpose and allegation of an ulterior motive for preparing the amendment.
- The use should not be prohibited and should be considered on case-by-case basis.
- The view that the amendment should not include all zones.
- The view that the amendment should be classified as a 'Complex' amendment.
- The view that the amendment conflicts with the Scheme Report of Review, which recommends that the Strategy and Scheme be repealed and replaced.

A summary of the submissions received during the advertising period and associated comments are detailed in the Schedule of Submissions ([Attachment 1](#)). No government agency or public authority objected to the Amendment.

The matters raised in submissions are further discussed in the Officer Comment section of this report.

*Item 12.1 Continued*

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

### **Goal 1: Liveable Belmont**

#### **Strategy:**

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

## **POLICY IMPLICATIONS**

### **Local Planning Policy No. 12 – Advertisement Signs**

Local Planning Policy No. 12 (LPP 12) provides guidance for the assessment of advertisement signs within the City of Belmont. The Policy outlines the acceptable criteria for different signage types and the objectives and standards against which the City assesses applications for advertisement signs. The Policy defines third party signage as:

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

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

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

Based on the above, Amendment No. 16 is consistent with the City’s existing policy position.

## **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.

*Item 12.1 Continued*

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

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

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

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

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

## **BACKGROUND**

Amendment No. 16 to LPS 15 proposes to:

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

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

*Item 12.1 Continued*

3. Insert the following provision in Clause 4.21 – Prohibited Signage of the Scheme Text as follows:

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

**February 2021 Council Item**

The previous Council item provided an overview of the several negative impacts that Amendment No. 16 seeks to prevent, including the following:

**Amenity Impacts**

The City of Belmont is accessed via a number of key arterial routes which function as gateways into the area. As these gateways form a distinct entrance into the City, there is an objective for these areas to be attractive and of a high visual standard. More broadly, the City also has an obligation to ensure that visual amenity to residents and road users in the form of natural scenic vistas, prominent city skylines and architecture are not unduly compromised by roadside advertising.

The risk of third party signage proliferation on key transport routes, coupled with the associated negative amenity impacts, would undermine the objective of developing attractive gateways on key arterial routes into the City of Belmont. The proliferation of signage which is both prominent and distracting can have significant impacts on the aesthetics of an area for both residents and motorists. A proliferation of third party signage also results in normal business signage becoming ineffective in its operation. This leads a cycle of increasing visual impact, where there is competition for visual attention.

**Traffic Safety Impacts**

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

**Economic Impacts**

A broad objective for several zones along the key transport routes is to promote high employment and residential densities and to facilitate the development of a variety of businesses that benefit from high levels of accessibility and exposure. As third party signage is a separate and distinct land use that is not considered incidental to the business for which it is attached, it cannot be said to support existing businesses that may be operating on a site. Third party signage has no necessary relationship with the businesses or uses carried on in the locality, or any apparent benefit for the locality.

*Item 12.1 Continued*

On the contrary, third party signage competes with and may conflict with site specific advertising of businesses operating in the locality. Furthermore, unlike a business or service, third party signage does not have any meaningful returns to the local economy in the form of job creation or local multiplier effect. Rather, the use only serves the interest of the owner of the sign, and the third parties using the sign for advertising.

**OFFICER COMMENT**

The key matters raised in submissions are discussed below.

**Planning Purpose**

Two submissions raised concerns that the amendment has not been prepared for a planning purpose, but for an ulterior purpose. The submissions claim Amendment No. 16 has been prepared to protect the City's own interests relating to contracts it has for third party signage on bin enclosures, bus shelters and illuminated directional street signs.

It is noted that this same allegation of 'ulterior purpose' was recently used by one of the submitters in an attempt to persuade the Metro Inner-South Joint Development Assessment Panel (JDAP) to disregard the City's policy position when considering an application for third party signage (DAP/18/01521). The City's solicitors responded in a deputation stating that the allegations of improper competition by the City in relation to third party advertising are extreme, unreasonable, and ought to be ignored. The JDAP resolved to uphold the City's local planning policy position and refused the third party signage proposal.

The background facts to the City's signage contracts and the planning purpose of the amendment is outlined below.

**Background to the City of Belmont's Contracts**

It is acknowledged that the City of Belmont has several contracts that allow for third party signage on bin enclosures, bus shelters and illuminated directional street signs. In the late 1980s/early 1990s, the City was approached by different companies proposing to provide and maintain public facilities for the benefit of the public, at no cost to the public, in return for the ability to display minor advertising on those facilities. These small-scale advertisements range in size from 0.4m<sup>2</sup> for bins, 1.98m<sup>2</sup> for bus shelters, and 2.25m<sup>2</sup> for illuminated directional street signs.

The above arrangement is not unique to the City of Belmont and is common in numerous other local government districts as well as regional reserves under the control of State Government agencies such as Main Roads Western Australia (MRWA) and the Public Transport Authority.

*Item 12.1 Continued*

The income received by the City for these contracts is insignificant and is not a corporate performance indicator for the City; there is no business interest for the City in third party signage. The contracts are intended to offset the cost of providing public facilities that bring significant public benefit. The purpose and ultimate public benefit outcomes of providing public infrastructure is distinctly different to the third party signage proposed by the submitter. That third party signage has no similar element of public benefit, but instead, only serves the interest of the owner of the sign, and the third parties using the sign for advertising. These signs also have no necessary relationship with the businesses or uses carried on in the locality, or any apparent benefit for the locality. Advertising on bin enclosures, bus stops and illuminated directional street signs is therefore not comparable, and third party signage cannot be justified on this basis.

### **Planning Rationale**

Amendment No. 16 has been prepared to express the existing policy position for third party signage in the LPS 15 scheme text. The regulation and control of signage is aligned with the aims of LPS 15. This establishes a clear planning purpose for the scheme amendment.

Clause 1.6(f) of LPS 15 outlines the aim to safeguard and enhance the character and amenity of the built and natural environment. As certain types of signs impact on character and amenity, it is appropriate for the Scheme and its associated Local Planning Policies to express provisions that regulate signage. Signage types which are prohibited are by their nature considered to be unnecessary or excessive, and detrimental to the amenity of the Scheme area. As third party signage does not assist with advertising the business or activities on a site, it is considered to be an unnecessary type of advertising that in turn results in unnecessary amenity impacts.

Another specific aim under Part 1.6(d) of LPS 15 is to assist employment and economic growth by facilitating the provision of suitable land for retail, commercial, industrial, entertainment and tourist developments. As such, land uses that are likely to prejudice the employment and economic growth of developments within the City of Belmont must be strictly controlled. It is therefore necessary to consider the effects of allowing third party signage against the aims of LPS 15. Advertising should be focused on businesses on the site, as this will promote the economic and commercial welfare of the locality, and the whole of the local government district. Third party signs have the effect of competing and drawing away from local businesses that are contributing to the economic strength of the locality, and which provide local employment. It is considered that the third party signage works against Clause 1.6(d) of LPS 15, as it has no necessary relationship with the businesses or uses carried on in the locality, or any apparent benefit for the locality. In fact, third party advertising competes with and may conflict with site specific advertising of businesses operating in the locality.

While many local governments also preclude third party signage through Local Planning Policy, some already prohibit this type of signage in local planning schemes. Specifically, the schemes of the City of Busselton and Shire of Mundaring prohibit third party signage. It is considered that the Minister would not have approved amendments prohibiting third party signage if there was no planning purpose.

Based on the above, Amendment No. 16 has been prepared to bring the existing Policy controls relating to third party signage into the Scheme. These controls constitute a valid planning purpose as they assist the Scheme to meet its aims.

*Item 12.1 Continued*

As the amendment has a clear planning purpose, claims that the amendment has been prepared for an ulterior purpose remain unfounded and should be disregarded. While two submissions put forward this view, this is the second time that one of the submitters has put forward these unfounded claims. Continued public allegations that the City is engaging in improper competition has the potential to damage the City's reputation as a responsible and law-abiding authority. Given the continued and disparaging nature of this claim, it is open for Council to engage with the accuser separately from this Scheme Amendment to have such allegations ceased and withdrawn. It is noted that one of the submitters has put forward this allegation for the first time. If this claim is repeated in the future, then it is also open for Council to engage with the submitter to have these allegations ceased and withdrawn.

**Application of Amendment to All Zones**

Several submissions raised concerns that Amendment No. 16 applies to all zones. To address these concerns, it is necessary to consider the nature of third party signage as a land use and the intent of LPP 12 in restricting third party signage across all zones.

A key objective of the Policy is to control superfluous or unnecessary signage that contributes to visual clutter and impacts on amenity. One of the ways the Policy does this is by setting out controls that ensure that the size of signage is regulated, but also that signage relates to the subject lot. On the basis that third party signage is a stand-alone land use that does not relate to other activities on the site, it is in the first instance unnecessary and superfluous signage, regardless of zoning.

On this basis, it is considered appropriate that the prohibition of third party signage should apply to all zones.

**Amendment Category**

One of the submissions puts forward the view that the amendment should be correctly classified as a 'Complex' Amendment.

A point raised is that Amendment No. 16 is inconsistent with the objectives of several zones. The submission considers that this is because the land use is consistent with the objectives of these zones. Specifically, the submission puts forward the view that third party signage is entirely consistent with the objectives of the Mixed Business zone but does not provide any substantive reasoning to support this view. On the contrary, it is considered that third party signage is inconsistent with the objectives of the Mixed Business zone, as it undermines the exposure of businesses in the zone by advertising products and services that do not relate to the site, and therefore draws away from the businesses in the zone. Since Amendment No 16 was adopted for advertising, the Metro Inner-South JDAP has affirmed this viewpoint in refusing two proposals for third party signage in the Mixed Business zone. It is considered that this same reasoning and justification applies to the Town Centre, Commercial, Mixed Use and Industrial zones mentioned in the submission.

Concerns were also raised that the Amendment No 16 is inconsistent with the City's Local Planning Strategy on the basis that the Strategy and Local Commercial Strategy do not expressly address advertisements. Further to this, the submission contends that that the third party signage is consistent with the Local Commercial Strategy objective to facilitate high quality Mixed Use development that is a high quality in appearance.

*Item 12.1 Continued*

It is considered that the amendment is consistent with the Local Planning Strategy and Commercial Strategy, which recognise the importance amenity and commercial sustainability. The previous discussion regarding the land use being an unnecessary form of advertising that is counteractive to Clause 1.6(d) and 1.6 (f) of LPS supports this view. It is noted that the Strategy also contains an overview of recommendations for Local Planning Policies. At the time of the Strategy being prepared, LPP 12 already contained provisions that precluded third party signage. The Strategy makes no recommendation to change this policy position. If this policy position was inconsistent with the Strategy, there would be specific commentary and actions regarding this.

The submission also raised the view that the amendment is inconsistent with the Metropolitan Region Scheme (MRS). No specific provisions have been identified within the MRS which preclude the City from proceeding with an amendment of this nature. Further to this, while the delegations associated with the MRS refers to signage, it does not constrain the City from regulating the use.

After reviewing the submissions, it is considered that the Amendment No. 16 is correctly classified as a standard amendment. If the Department of Planning Lands and Heritage (DPLH) considers otherwise, they may request the City change the category of the amendment.

**Impact on Developments Spanning Multiple Lots**

Submissions raised concerns that Amendment No. 16 will unintentionally affect signage on developments that span across multiple lots. While the City generally requires lots to be amalgamated so development is located on a single lot, there are some situations where this is not possible or has not occurred. An example of development spanning multiple lots is the Belmont Forum Shopping Centre.

The City requires that a signage strategy is implemented to coordinate signage for new or existing large-scale commercial developments where multiple tenancies are proposed. For example, signage at the Belmont Forum is coordinated through an approved signage strategy. From time to time this strategy is amended to reflect new tenants and signage types. It is considered that this approach to signage on larger development sites addresses the concerns raised. This means while signage may be on another lot, it still forms part of a single development that is addressed through a signage strategy. The prohibition of third party signage will not prejudice the ability for tenants within a development complex spanning multiple lots from gaining appropriate exposure for their business.

**Recent Applications**

It is noted that three applications for Third party Signage within the City of Belmont have been refused this year:

- 153 Great Eastern Highway – Refused by Metro Inner-South JDAP on 8 January 2021.
- 347 Orrong Road – Refused by WAPC on 31 March 2021.
- 225 Great Eastern Highway – Refused by Metro Inner-South JDAP on 3 June 2021.

*Item 12.1 Continued*

The application for third party signage at 347 Orrong Road was on a Residential zoned property. Despite the City's policy position, without the LPS 15 specifically prohibiting the use, the City and other decision makers are compelled to consider proposals on sites that are clearly inappropriate. It is intended that the proposed amendment will address this issue.

Both 225 and 153 Great Eastern Highway are located within the Mixed Business Zone. The reasons for refusal in both these instances align with the rationale for the amendment. This includes:

- Approving third party signage would be contrary to the requirements of orderly and proper planning as it would set an undesirable precedent.
- Third party signage is inconsistent with Clause 1.6 (d) of LPS 15.
- Third party signage is contrary to the Objectives of 3.1 and 3.3, and the requirements of Clause 6.1.1 of the City of Belmont LPP 12.
- Having regard for Clause 67 (2) (x) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the advertisement of services and products which are not available at the site will impact the community as whole.

While the refusal of these applications in itself does not justify Amendment No. 16, it demonstrates that despite the City's longstanding policy position, applicants continue to assert that the Policy should only be given regard as guidelines, and contend that third party signage should be allowed in each application. This affirms the need for an explicit Scheme provision that removes ambiguity over the appropriateness of third party signage in the City of Belmont.

### **Conclusion**

Amendment No. 16 has been reviewed against the submissions received and it is considered appropriate to progress the amendment without modifications. While objectors have claimed that the concerns associated with third party signage can be mitigated, they have not demonstrated that the use would not prejudice the aims of the Scheme. It is considered that third party signage is ultimately inconsistent with the Scheme aims and results in unnecessary economic, amenity and traffic safety impacts. On this basis, it is appropriate that third party signage be defined and prohibited by LPS 15.

It is noted that no government agencies had objections to the amendment. Further to this, the Department of Transport and MRWA have expressed support and commended the proposed amendment.

It is recommended that Council resolve to support Amendment No. 16 with a recommendation that Amendment No. 16 be approved by the Minister for Planning.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

*Item 12.1 Continued*

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

That Council:

1. Pursuant to Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* note the submissions received in respect of Amendment No. 16 to Local Planning Scheme No. 15 and endorse the responses to those submissions in [Attachment 1](#) – Schedule of Submissions.
2. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* support Amendment No. 16 to Local Planning Scheme No. 15 with a recommendation that the Amendment be approved by the Minister for Planning.
3. Directs the Chief Executive Officer to advise those who made a submission on Amendment No. 16 to Local Planning Scheme No. 15 of Council's decision and the Minister for Planning's/Western Australian Planning Commission's final decision.
4. Directs the Chief Executive Officer to write to Thomson Geer Lawyers seeking that the continued allegations that the City is exploiting market power in regard to third party signage cease and that an apology be issued retracting the unfounded assertions.

### **Officer Explanation**

The Officer Recommendation was amended to include minor modifications to reflect an emailed submission that was missed at the time of writing the report.

### **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. 16 to Local Planning Scheme No. 15 and endorse the responses to those submissions in amended [Attachment 1](#) – Schedule of Submissions.

*Item 12.1 Continued*

3. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* support Amendment No. 16 to Local Planning Scheme No. 15 with a recommendation that the Amendment be approved by the Minister for Planning.
3. Directs the Chief Executive Officer to advise those who made a submission on Amendment No. 16 to Local Planning Scheme No. 15 of Council's decision and the Minister for Planning's/Western Australian Planning Commission's final decision.
4. Directs the Chief Executive Officer to:
  - i) Write to Thomson Geer Lawyers seeking that the continued allegations that the City is exploiting market power in regard to third party signage cease and that an apology be issued retracting the unfounded assertions.
  - ii) Extend this direction to any other submitters/persons should such unfounded assertions continue to be repeated in the future.

## 12.2 REVIEW OF STANDARD DEVELOPMENT CONDITIONS

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item 12.2 refers	<a href="#"><u>Draft List of Standard Development Conditions of Planning Approval</u></a>

Voting Requirement	:	Simple Majority
Subject Index	:	115/001 – Development/Subdivision/Strata – Applications and Application Correspondence
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	10 December 2019 Ordinary Council Meeting Item 12.5
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Development and Communities Division

### 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

For Council to review the City's standard conditions imposed on Development Approvals (refer [Attachment 2](#)).

### SUMMARY AND KEY ISSUES

The 2021 condition review has identified the need for a number of new development approval conditions and advice notes to be added, while others are proposed to be modified.

*Item 12.2 Continued*

Council last reviewed and adopted both lists of standard development and subdivision conditions at the 10 December 2019 Ordinary Council Meeting (OCM) (Item 12.5).

Rather than the routine annual review in 2020, officers presented at the December 2020 Information Forum that a comprehensive review would take place in 2021. That briefing outlined the proposed change in approach to align subdivision conditions with the Western Australian Planning Commission (WAPC) and the procedure for future standard condition reviews.

In respect to subdivision conditions, the WAPC has a standard list of subdivision conditions which local governments are expected to use to ensure consistency across the State. On this basis, the City's subdivision condition list is considered unnecessary.

As the City's development conditions are continually refined and is largely an operational activity, it is proposed that routine condition reviews are undertaken annually by staff, with updates circulated to Councillors via memo. Notwithstanding that, any significant changes to conditions will be presented to Council for consideration.

It is recommended that Council adopt the revisions to the standard development conditions.

**LOCATION**

Not Applicable.

**CONSULTATION**

No public consultation is necessary as the revision to the standard conditions is administrative in nature.

**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**

The standard conditions for development and subdivision have been prepared having regard for State and Local Planning Policies.

*Item 12.2 Continued*

## **STATUTORY ENVIRONMENT**

### **Planning and Development Act 2005**

The *Planning and Development Act 2005* (Act) is the head of power in relation to development and subdivision decision making in Western Australia. The Act contains legislative provisions related to:

- The establishment, role and function of the WAPC.
- The creation of State Planning Policies.
- The creation of region and Local Planning Schemes.
- The relationship between Planning Schemes, planning control provisions and written laws.
- Subdivision and development control.
- The establishment, role and function of Development Assessment Panels.
- Enforcement and legal proceedings.
- Applications for review of decisions.

#### **Under the *Planning and Development Act 2005*:**

- Section 135 requires that subdivision of land shall not be undertaken without the approval of the WAPC.
- Section 162 requires that development shall not commence unless approval has been obtained under a planning scheme, and the development is carried out in accordance with any relevant conditions.

### **Metropolitan Region Scheme**

Under the Metropolitan Region Scheme (MRS), decision making authority is granted to local government on certain classes and kinds of development.

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

Decisions on development applications are made pursuant to the provisions of Local Planning Scheme No. 15 (LPS 15), as outlined within Part 4 'General Development Requirements'.

The standard conditions for development have been prepared having regard to the provisions of LPS 15.

*Item 12.2 Continued*

**Planning and Development (Local Planning Schemes) Regulations 2015**

The *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) were gazetted on 25 August 2015 and came into effect on 19 October 2015.

Schedule 2, Clause 68 (2) of the Regulations outlines that a local government may determine an application for development approval by:

- Granting development approval without conditions; or
- Granting development approval with conditions; or
- Refusing to grant development approval.

**Planning and Development (Development Assessment Panels) Regulations 2011**

The *Planning and Development (Development Assessment Panels) Regulations 2011* grant decision making authority for planning applications to a Development Assessment Panel (DAP) for certain kinds and classes of proposals. The Panel makes its decision based on a recommendation (including relevant conditions) from the local government.

**Deemed Refusal**

There are no deemed refusal rights for this item.

**Right of Review**

Is there a right of review?  Yes  No

The review of the City's standard conditions is an operational process that does not have a right of review. However, an applicant/owner aggrieved by a condition of:

- Planning approval imposed by the City of Belmont, WAPC and/or a DAP; or
- Subdivision approval imposed by the WAPC; or
- Strata approval imposed by the WAPC and/or the City of Belmont,

Has the right to seek review of the condition to the State Administrative Tribunal (SAT) subject to Part 14 of the Act. Applications for review must be lodged with SAT within 28 days of a decision.

**BACKGROUND**

**Development Approvals**

When a development application is approved by the City of Belmont or DAP, a number of conditions may be imposed on that approval. The nature of the conditions applied is dependent on the type of application and any incidental aspects of the development that require regulation.

*Item 12.2 Continued*

In relation to the City of Belmont, planning approvals and relevant conditions may be imposed by Council or by delegated officers. The delegated officers nominated in accordance with Delegation DA22 and DA23 of the City of Belmont Delegated Authority Register 2020/2021 are:

- Director Development and Communities
- Manager Planning Services
- Coordinator Planning
- Coordinator Design Projects
- Senior Planning Officers.

**Subdivision/Strata Application Referral Responses**

Applications for green title and survey strata subdivision are lodged with the WAPC and subsequently referred to the City of Belmont for comment and a recommendation. Although the WAPC is the determining authority for all subdivisions within Western Australia, the City acts in an advisory capacity to recommend appropriate conditions to the Commission.

A number of conditions may be imposed on green title/survey-strata/built strata applications depending on the circumstances. In providing a recommendation to the WAPC on subdivision applications, or determining built strata applications, the City's delegated officers may recommend/impose conditions.

The WAPC has been using a list of model subdivision conditions since 2012. In general, the WAPC will not support the use of a non-standard condition when the circumstance is adequately covered by a model condition.

**Principles of Conditions**

The SAT and other appeal bodies in Australia have adopted the approach taken in *Newbury DC v Secretary of State for the Environment (1981) AC578* when considering the validity of specific conditions. That decision held that, in order to be valid, a condition must:

- Be imposed for a planning purpose.
- Fairly and reasonably relate to the development for which permission is given.
- Be reasonable, that is, be a condition which a reasonable planning authority, properly advised, might impose.

The principles considered by the High Court have been adopted and generally applied in relation to development and subdivision approvals in Western Australia.

*Item 12.2 Continued*

To ensure consistency in decision making, it is sound practice for the City to have a list of 'standard conditions' that are imposed where warranted. For this reason, the City has maintained a list of standard development and subdivision conditions, which have traditionally been reviewed annually by staff and adopted by Council.

It should be noted that for specific applications, 'non-standard' conditions are sometimes required, and having a 'standard conditions' schedule does not limit the ability to adjust the wording of conditions where appropriate.

**OFFICER COMMENT**

Having regard to the need for consistency in decision making, it is desirable that the Council approve the 'standard conditions' that may be imposed from time to time. The conditions have been reviewed to:

- Assess whether conditions need to be modified.
- Draft new conditions to control specific problems or issues as they arise.
- Account for any changes in policy or legislation.

Although most development conditions have been operating effectively, there is a need for adjustments to the wording of some conditions for consistency, to reflect internal working practices, conflicting interpretations, or difficulties in effectively implementing City policy.

As the City has consistently reviewed its development conditions in previous years, wholesale changes to the condition list is not necessary as part of this review, rather the review is focused on refinement and consistency.

Guidance has been taken from the Western Australian Local Government Association (WALGA) Model Development Conditions in undertaking this review. While the City's conditions are generally consistent with WALGA's, several conditions have been modified or updated for consistency. The updated list of development conditions is provided under [Attachment 2](#). In summary, the review proposes the following key changes:

**Categorisation and Reordering of Conditions**

All conditions have been reordered into key categories. This is similar to the approach WAPC has taken for the Model Subdivision Conditions. The conditions are now grouped under the following categories:

- Administrative
- General
- Residential
- Commercial/Use Specific

*Item 12.2 Continued*

- Signage
- Heritage
- Hazards/Notifications
- Contributions
- Engineering
- Environmental
- Environmental Management
- Estate Specific.

**General Changes**

- All conditions have been updated as necessary to ensure consistent structure and terminology.
- Conditions have been updated to ensure references to City and State Government Departments are current.
- Conditions have been updated to ensure that references to legislation are current.
- Conditions have been updated to ensure that they do not rely on advice notes. While advice notes can assist applicants in meeting the requirements of a condition, the condition itself needs to express detail as to what needs to be done to comply. An example of this is the revised End of Trip Facilities condition. This condition now refers to the relevant Australian Standard within the condition, rather than relying on an advice note to provide this detail.
- The wording of conditions which require notifications to be placed on a Certificate of Title have been made consistent throughout. The wording of the notifications has also been amended to be consistent with that used in the WAPC's Model Subdivision Conditions Schedule.
- In some instances, it is necessary for street trees to be relocated or removed as part of the development process. The City currently applies a condition requiring applicants to pay for the removal and subsequent replacement of street trees. This condition has been amended to clarify that the contribution is calculated in accordance with the City's fees and charges, at a rate of three trees for every one removed.

*Item 12.2 Continued*

**Changes in Legislation**

- Conditions relating to State Planning Policy 5.4 – Road and Rail Noise have been updated to reflect the 2019 amendments to the policy. While this includes modifying the existing conditions, it also results in a new condition. The new condition covers the situation where applicants have not provided details of noise mitigation at the Development Application stage and required to do so at the Building Permit stage.
- Conditions relating to the State Planning Policy 7.3 – Residential Design Codes have been updated to incorporate recent changes. For example, terminology and sizes for storerooms in Group and Multiple dwelling developments have been updated.
- Conditions relating to State Planning Policy 3.7 – Planning in Bushfire Prone Areas have been amended to reflect the latest wording and terminology.
- Recent changes to the Regulations mean that the City cannot apply conditions for cash in lieu of car parking until a parking plan has been adopted. While there is a two-year transitional period for parking plans to be prepared, it is proposed that the existing condition for cash in lieu of parking be replaced with the model condition from the Department of Planning Lands and Heritage (DPLH). During the two-year transition period the City will need to consider where it might be appropriate for car parking plans to be prepared in order to facilitate cash in lieu of parking contributions.

**New Conditions**

- The City currently uses two conditions to protect street trees during development. The first is a general condition requiring that street trees be protected in accordance with the relevant Australian Standard. This condition is applied on many approvals and does not require an arborist prepared Protection Plan. The second condition requires the preparation of an Arboricultural Method Statement and is applied when development presents a higher risk of damage to street trees.

A new condition has been introduced where there is a need to ascertain the risk to the tree, but not necessarily proceed with a full Arboricultural Method Statement. The new condition requires the preparation of a Preliminary Arborist Report. This report will identify site specific tree protection zones without requiring the preparation of a more detailed Arboricultural Method Statement. This condition will not be applied in all situations, but only when necessary based on the nature of the development and the risk to street tree identified by the City's reserves team. The City's Parks, Leisure and Environment team has prepared a draft Tree Protection Information Sheet to assist applicants with these conditions.

- A general condition has been introduced to make clear that street trees and other verge infrastructure are City assets that are not to be damaged or interfered with unless specific permission has been granted by the City.

*Item 12.2 Continued*

- The requirement to seal parking and driveway areas on residential and commercial properties was previously covered by one condition. To ensure that the conditions specifically relate to the development being applied for, a separate specific condition has been prepared for residential scenarios.
- As electronic signs are becoming increasingly popular, a condition to control the intensity of light from illuminated and electronic signs has been proposed. The maximum illumination and light spillage permitted via this condition is in accordance with the Local Planning Policy 12 – Advertisements.

**Subdivision Conditions**

The DPLH maintains a list of model subdivision conditions used by the WAPC when determining subdivision proposal. It is expected that all Local Governments use these conditions. On this basis, the City will now use the WAPC model subdivision conditions for all referral responses. The City's list is therefore no longer necessary. It is noted that City officers can still request a non-standard condition if a model condition does not suitably cover a specific scenario.

**Ongoing Review**

It is intended that the condition review no longer be brought back to Council yearly for adoption; instead, the list of conditions will be reviewed by officers on an ongoing basis as a routine administrative activity. This approach will allow for conditions to be promptly modified or added in response to changes resulting from legislation, policy and SAT decisions. As the City's conditions have been refined over a number of years, it is expected that significant changes to the conditions would generally be the result of changes in legislative or policy. Staff will ensure that Council are informed of changes to the standard conditions via memo on an annual basis, or sooner if required. Staff will brief and consult Council prior to implementing any significant changes to standard development conditions.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

That Council adopt the updated list of standard development conditions for planning approvals provided under [Attachment 2](#) titled 'List of Standard Development Conditions of Planning Approval'.

## 12.3 TENDER 08/2021 – PROVISION OF COMMUNITY WATCH SECURITY SERVICES

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 1 – Item 12.3 refers	<a href="#"><u>Evaluation Matrix (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(e))</u></a>
Confidential Attachment 2 – Item 12.3 refers	<a href="#"><u>Price Schedule (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(e))</u></a>

Voting Requirement	:	Simple Majority
Subject Index	:	114/2021-08 – 08/2021 – Community Security Watch
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Development and Communities Division

### COUNCIL ROLE

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

### PURPOSE OF REPORT

To seek Council approval to award Tender 08/2021 – Provision of Community Watch Security Services.

*Item 12.3 Continued*

## **SUMMARY AND KEY ISSUES**

This report outlines the process undertaken to invite and evaluate the tenders received and includes a recommendation to award Tender 08/2021 to Wilson Security Pty Ltd for a period of one year in accordance with the requirements of the *Local Government Act 1995*.

The scope of works includes:

- Mobile security patrols required 24 hours a day, seven days a week.
- Security officer required to patrol the Faulkner Park precinct on foot.

The City also sought the provision of additional “add on” services related to the after-hours provision of Ranger related duties. In view of the tendered costs and practicalities involved to implement these services for the short period of the contract (one year), it was not recommended that the City accept the options offered.

The City is however aware that there is a high community expectation that these after-hours services are provided. With this in mind the City will investigate other options to provide these services over the duration of the contract. There are available monies in the Financial Year 2021 – 2022 budget to support some additional services.

## **LOCATION**

Not applicable.

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

### **Goal 1: Liveable Belmont.**

#### **Strategy:**

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

## **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.

Item 12.3 Continued

### **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 provision of Community Watch Security Services was advertised in the West Australian on Saturday, 29 May 2021, closing on Tuesday, 15 June 2021 at 2.00pm. Five responses were received from:

- Ace Security + Event Services
- Australian Guards and Patrols
- Certis Security Australia
- MA Services Group
- Wilson Security Pty Ltd.

### **OFFICER COMMENT**

The Evaluation Panel consisted of the Manager Safer Communities, Coordinator Community Safety and Coordinator Procurement. Each panel member has signed a Declaration of Confidentiality and Impartiality Form confirming that they have no known conflict of interest to disclose.

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

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Company Profile	25%
2	Experience	20%
3	Company Capacity	15%
4	Methodology	10%
5	Price	30%
	<b>TOTAL</b>	<b>100%</b>

[Confidential Attachment 1](#) – Evaluation Matrix shows that Wilson Security has demonstrated that they have the level of experience and capacity to meet the requirements of the contract over and above the other tenderers.

*Item 12.3 Continued*

The Evaluation Panel recommends that the one-year contract should be awarded to Wilson Security.

The request for tender included an option to extend the Community Watch officer's role to include the delivery of Ranger services, such as issuing parking infringements and managing dog control. The responses received from all tenderers highlighted the additional training that would be needed. Appropriate courses are only conducted four times a year so the contract would be well into its second quarter before all officers would be fully qualified. Even with all the officers being trained at some point during the one year contract, they would not be considered experienced in the practicalities of Ranger duties.

The cost of this training would ultimately be borne by the City through the additional fee and with the low number of after-hours callouts that take place overnight and the short contract term of only one year, this option will be of little value to the City.

The Evaluation Panel does not recommend accepting the option to extend the role of the Community Watch officers.

The number of after-hours Ranger related calls received are low. However, officers are aware from ongoing community consultation that there is a high community expectation that such after-hours services are provided. The officers will investigate other options to provide additional services over the duration of the contract. These would address matters such as parking, dog, abandoned shopping trolley and dumping related matters but would not be provided by the contractor.

There are available monies in the financial year 2021 – 2022 budget to support such a service.

### **FINANCIAL IMPLICATIONS**

[Confidential Attachment 2](#) – Price Schedule details the rates submitted by all tenderers. The lump sum tendered by Wilson Security is less than a 1% increase on the current rates.

For the financial year 2021 – 2022 the City has budgeted \$1,129,244 for the mobile and static guard services which adequately covers the tendered Wilson Security price and provide a surplus that can be utilised in the provision of alternative after hours Ranger related services.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

The Community Watch Service contributes to an environment where the community feel safer.

### **OFFICER RECOMMENDATION**

That Council awards Tender 08/2021 – Provision of Community Watch Security Services to Wilson Security Pty Ltd in accordance with the schedule of rates included in the Price Schedule ([Confidential Attachment 2](#)) for a period of one year commencing 1 September 2021.

*Item 12.3 Continued*

Officer Explanation

The Officer Recommendation was amended due to an amendment in Confidential Attachment 2.

**AMENDED OFFICER RECOMMENDATION**

**That Council awards Tender 08/2021 – Provision of Community Watch Security Services to Wilson Security Pty Ltd in accordance with the schedule of rates included in the Price Schedule (amended [Confidential Attachment 2](#)) for a period of one year commencing 1 September 2021.**

## 12.4 FORMAL ADOPTION OF THE 2021-2022 ANNUAL BUDGET

### ATTACHMENT DETAILS

<b>Attachment No</b>	<b>Details</b>
Attachment 3–Item 12.4 refers	<a href="#"><u>Draft Annual Budget 2021-2022</u></a>

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

### COUNCIL ROLE

- 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’s formal adoption of the 2021-2022 Budget in the prescribed manner.

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

### SUMMARY AND KEY ISSUES

The City’s Budget must be adopted in the prescribed manner. The attachment accompanying this report is in fact the Budget presented in the prescribed manner.

The adoption of the Budget enables the rates to be levied and Budget information to be distributed to the organisation.

*Item 12.4 Continued*

## **LOCATION**

Not applicable.

## **CONSULTATION**

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

## **STRATEGIC PLAN IMPLICATIONS**

In accordance with the 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**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

In accordance with Section 6.2 of the *Local Government Act 1995* and Part 3 of the *Local Government (Financial Management) Regulations 1996* as amended, the 2021-2022 Budget is presented in the prescribed manner for formal adoption. The Statutory Budget has been prepared incorporating the principles of the Australian Accounting Standards.

## **BACKGROUND**

In accordance with Section 6.2 of the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*, as amended, the 2021-2022 Budget is presented in the prescribed manner for formal adoption. The Statutory Budget (refer [Attachment 3](#)) has been prepared incorporating the principles of the Australian Accounting Standards and Council's accounting policies.

Council has, in accordance with Section 6.36 of the *Local Government Act 1995*, advertised its intention to levy differential rates and the applicable rates in the dollar, together with minimum payments, in both the West Australian and the Southern Gazette newspapers and invited submissions to be lodged prior to 4.00pm on 22 July 2021. At the time of writing this report no submissions had been received. Any that are, will be tabled at the meeting.

*Item 12.4 Continued*

### **OFFICER COMMENT**

The adoption of the 2021-2022 Budget in the prescribed manner is the culmination of an extensive process that commenced in February 2021. There are a number of statutory processes that are required and have been met ensuring that certain factors of the Budget are put into the public arena.

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

The preparation of the 2021-2022 Budget has again highlighted how difficult it is to try and meet all of the community's expectations, contain compliance costs and keep the rate increases at a reasonable level. The 2021-2022 Budget has however, achieved all of these factors due to prudent budgeting and continued growth in the City's rate base.

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.

As reported in the Rate Setting Budget process, a balanced budget has been achieved with a 1.75% change in the rate yield. This is in line with the 2021-2022 estimated Perth CPI of 1.75%, although the Local Government Cost Index forecast has recently been updated with 3.2% expected in 2021-2022.

Increasing the rate yield based on forecasted Perth CPI continues the strategy of increasing rates in line with relative forecasted price indices or less, and sufficiently to offset 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 and 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 Council's Purchasing Policy are also considered and factored into the budget process.

The adoption of the Budget in the prescribed manner ends the 2021-2022 Budget process and enables Council to issue the 2021-2022 rate notices in mid-August.

The whole Budget process has been an organisational team effort, involving a large number of officers throughout the organisation to ensure the City's strategic direction is maintained. Direct contact has occurred with all Senior Managers and Councillors have participated through the Information Forum and Briefing process resulting in a sound and responsible Budget for the 2021-2022 financial year.

*Item 12.4 Continued*

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

**FINANCIAL IMPLICATIONS**

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

As reported in the Rate Setting Budget process a balanced budget has been achieved with a 1.75% change in the rate yield and the rubbish charges being unadjusted (i.e. 0%).

**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. Adopt the 2021-2022 Statutory Budget as contained in [Attachment 3](#) which includes:
  - Statement of Comprehensive Income by Program
  - Statement of Comprehensive Income by Nature and Type
  - Statement of Financial Position
  - Statement of Cash Flows
  - Rate Setting Statement
  - Supporting notes, tables and other information.
2. That the following general rates be endorsed for rate setting purposes that equate to a 1.75% change in the total rate levy.

Rate	Cents in the Dollar
Residential	6.6733
Commercial	7.0483
Industrial	7.0675

*Item 12.4 Continued*

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

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

4. That in accordance with Section 6.46 of the *Local Government Act 1995*, Council offers a 5% discount to ratepayers who pay the full amount owing within 35 days of issuing the rate notice.
5. That Council offer the following instalments for payment of Council Rates:  
Single payment (all charges);  
Two equal instalments (all charges); or  
Four equal instalments (all charges),  
in accordance with Section 6.45 of the *Local Government Act 1995*.
6. That in accordance with Section 6.45 of the *Local Government Act 1995*, Council imposes a \$20.00 Administration Fee for all instalment options, excluding registered pensioners / seniors (unless waived in accordance with BEXB7.7 - Financial Hardship Policy).
7. That in accordance with Section 6.45 of the *Local Government Act 1995*, Council imposes the maximum instalment interest rate allowable. This is currently 5.5% and is applicable to the four-instalment option (unless waived in accordance with BEXB7.7 - Financial Hardship Policy).
8. That in accordance with *Local Government (COVID-19 Response) Order 2020*, penalty interest is applied at the allowable rate of 7% and is applicable to overdue rates (including alternate arrangements unless waived in accordance with BEXB7.7 - Financial Hardship Policy).
9. That Council 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*.
10. That the payments in lieu of rates received by Council continue to be rated at the Commercial Differential Rate in the dollar on Gross Rental Values.
11. That the following Rubbish Charges be endorsed that equate to a 0% change (rounded):
- a) \$303.00 per annum for one full service (both rateable and non-rateable properties) which includes a 240-litre wheelie bin (cart) removed weekly, 240 litre cart for recyclables removed fortnightly and up to 4 bulk bins per annum;
- additional full service = \$303.00;
  - additional service rubbish = \$212.00;
  - additional service recycling = \$106.00;

*Item 12.4 Continued*

- b) Exempted Commercial and Industrial properties = \$106.00;
  - c) Apartments – shared service = \$212.00 per unit.
12. That a Swimming Pool Levy for mandatory inspections is set at \$14.60 per annum.
13. Note that in accordance with Section 6.36 of the *Local Government Act 1995*, the Director Corporate and Governance has advertised the proposed differential rates in the dollar for the statutory 21-day period.

Officer Explanation

The Officer Recommendation was amended due to an update to Attachment 3 (page A69).

**AMENDED OFFICER RECOMMENDATION**

**That Council**

1. **Adopt the 2021-2022 Statutory Budget as contained in amended [Attachment 3](#) which includes:**
  - **Statement of Comprehensive Income by Program**
  - **Statement of Comprehensive Income by Nature and Type**
  - **Statement of Financial Position**
  - **Statement of Cash Flows**
  - **Rate Setting Statement**
  - **Supporting notes, tables and other information.**
2. **That the following general rates be endorsed for rate setting purposes that equate to a 1.75% change in the total rate levy.**

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

*Item 12.4 Continued*

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

<b>Rate</b>	<b>\$</b>
<b>Residential</b>	<b>855</b>
<b>Commercial</b>	<b>1,005</b>
<b>Industrial</b>	<b>1,025</b>

4. That in accordance with Section 6.46 of the *Local Government Act 1995*, Council offers a 5% discount to ratepayers who pay the full amount owing within 35 days of issuing the rate notice.
5. That Council offer the following instalments for payment of Council Rates:  
Single payment (all charges);  
Two equal instalments (all charges); or  
Four equal instalments (all charges),  
in accordance with Section 6.45 of the *Local Government Act 1995*.
6. That in accordance with Section 6.45 of the *Local Government Act 1995*, Council imposes a \$20.00 Administration Fee for all instalment options, excluding registered pensioners / seniors (unless waived in accordance with BEXB7.7 - Financial Hardship Policy).
7. That in accordance with Section 6.45 of the *Local Government Act 1995*, Council imposes the maximum instalment interest rate allowable. This is currently 5.5% and is applicable to the four-instalment option (unless waived in accordance with BEXB7.7 - Financial Hardship Policy).
8. That in accordance with *Local Government (COVID-19 Response) Order 2020*, penalty interest is applied at the allowable rate of 7% and is applicable to overdue rates (including alternate arrangements unless waived in accordance with BEXB7.7 - Financial Hardship Policy).
9. That Council 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*.
10. That the payments in lieu of rates received by Council continue to be rated at the Commercial Differential Rate in the dollar on Gross Rental Values.
11. That the following Rubbish Charges be endorsed that equate to a 0% change (rounded):
- a) \$303.00 per annum for one full service (both rateable and non-rateable properties) which includes a 240-litre wheelie bin (cart) removed weekly, 240 litre cart for recyclables removed fortnightly and up to 4 bulk bins per annum;
- additional full service = \$303.00;
  - additional service rubbish = \$212.00;
  - additional service recycling = \$106.00;

*Item 12.4 Continued*

- b) Exempted Commercial and Industrial properties = \$106.00;**
  - c) Apartments – shared service = \$212.00 per unit.**
- 12. That a Swimming Pool Levy for mandatory inspections is set at \$14.60 per annum.**
- 13. Note that in accordance with Section 6.36 of the *Local Government Act 1995*, the Director Corporate and Governance has advertised the proposed differential rates in the dollar for the statutory 21-day period.**

<b>***ABSOLUTE MAJORITY REQUIRED***</b>
---

## 12.5 ACCOUNTS FOR PAYMENT – JUNE 2021

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4 – Item 12.5 refers	<a href="#">Accounts for Payment – June 2021</a>

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

### COUNCIL ROLE

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

### PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

### SUMMARY AND KEY ISSUES

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

*Item 12.5 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	788677 to 788686	\$36,202.59
Municipal Fund EFTs	EF073552 to EF074075	\$4,296,691.04
Municipal Fund Payroll	June 2021	\$1,467,341.71
Trust Fund EFTs	EF0733553 to EF073554	<u>\$42,507.40</u>
Total Payments for June 2021		<b>\$5,842,742.74</b>

*Item 12.5 Continued*

A copy of the Authorised Payment Listing is included as [Attachment 4](#) to this report.

### **FINANCIAL IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

**That the Authorised Payment Listing for June 2021 as provided under [Attachment 4](#) be received.**

## 12.6 MONTHLY ACTIVITY STATEMENT AS AT 30 JUNE 2021

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item 12.6 refers	<a href="#"><u>Monthly Activity Statement as at 30 June 2021</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.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

### PURPOSE OF REPORT

To provide Council with relevant monthly financial information and to recommend a materiality threshold to use for the 2021-2022 financial year.

### 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 12.6 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**

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 10% 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 12.6 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%.*

Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards.

AASB108 discusses the principles to be applied in determining if a variance is material. AASB108 states that:

Information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively, to influence the economic decisions of users taken on the basis of the financial statements or affect the discharge of accountability by the management or governing body of the entity. In deciding whether an item or an aggregate of items is material, the size and nature of the omission or misstatement of the items usually need to be evaluated together.

In the case of Council's Annual Budget (and related monthly Statement of Financial Activity), it is felt that the potential impact on the estimated closing balance should determine if an item is material or not. For this reason, Council has previously adopted 10% of the budgeted closing balance as the materiality threshold.

In order to provide more details regarding significant variations as included in [Attachment 5](#) the following summary is provided.

**Please note that the 30 June 2021 Financial Report is still to be updated for end of year accounting adjustments. The main adjustments include June Activity Based Costing allocations, reserve transfers, expenditure accruals, salary accruals and leave accruals.**

<i>Report Section</i>	<i>Budget YTD</i>	<i>Actual YTD</i>	<i>Comment</i>
<b>Expenditure Capital</b>	-		
Computing	424,000	7,500	A number of IT projects are under review and are to be deferred to 2021-2022.
Transfer To Reserve	5,702,191	Nil	Subject to year-end accounting adjustments.
City Facilities & Property	142,000	Nil	No land purchases during 2020-2021.
Financing Activities	8,551,941	551,941	Funding from reserves to support potential cashflow issues was not required.
Crime Prevention & Community Safety	656,828	554,656	Relates to CCTV equipment that is on order.
Faulkner Park Retirement Village	108,000	Nil	Subject to year-end accounting adjustments.

Item 12.6 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Sanitation Charges	85,564	Nil	Subject to year-end accounting adjustments.
Environment	446,185	153,104	A number of foreshore design projects are behind budget with a portion re-budgeted in 2021-2022.
Computing	477,504	403,428	A number of IT projects are under review and deferred to 2021-2022.
Belmont Oasis	150,000	74,396	A significant portion of equipment purchased was less than the threshold and recognised as operating expenditure rather than capital.
Ruth Faulkner Library	424,268	188,080	The purchase of furniture for Belmont Hub is to be under budget with total costs less than anticipated.
Grounds Operations	2,811,053	1,768,269	Variance relates to a number of projects although the variance should diminish once year-end accruals are processed.
Road Works	4,827,668	4,232,812	Variance relates to a number of projects although the variance should diminish once year-end accruals are processed.
Streetscapes	279,684	218,222	Mainly relates to bus shelter replacement being less than expected.
Footpath Works	703,774	470,655	Expected to be under budget with two jobs to be carried forward.
Drainage Works	500,002	204,864	It is expected that there will be a modest underspend at the conclusion of the year once year-end accruals are processed.
Operations Centre	1,422,238	650,754	Includes the deferral of various fleet and plant across the organisation.
Building Operations	3,500,300	2,396,494	Primarily due to renewal works at the Oasis that are expected to be completed in early 2021-2022.
<b>Expenditure – Operating</b>			
Finance Department	2,115,073	1,924,003	Employee and consultants' costs are currently under budget.
Computing	2,691,581	2,492,750	Computer software and IT maintenance costs are under budget.
Marketing & Communications	2,235,648	1,778,837	Total costs are expected to be under budget mainly due to printing, sponsorships and the annual perception survey.
Reimbursements	399,472	495,630	No impact with reimbursements fully refundable.
Executive Services	1,356,192	1,256,801	Relates to a number of items that have minor cost variances.
Chief Executive Officer	812,838	677,209	Employee and consultants' costs are currently under budget.
Records Management	826,648	771,848	Activity Based Costing (ABC) allocations are the primary reason for the variance.
Human Resources	1,327,292	1,188,890	Variance mainly relates to legal and consulting costs.
Governance	3,464,797	2,783,996	Activity Based Costing (ABC) allocations are the primary reason for the variance.

Item 12.6 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Belmont Trust	180,000	3,255	Variance mainly relates to legal and consulting costs.
Accommodation Costs	552,349	474,980	Utility and cleaning costs are currently under budget.
Rates	2,625,784	2,562,332	Activity Based Costing (ABC) allocations are the primary reason for the variance.
City Facilities & Property	976,994	784,951	Variance mainly relates to employee costs.
Financing Activities	627,726	576,714	Subject to year-end accounting adjustments.
Belmont Community Watch	1,333,331	1,194,433	Subject to year-end accounting adjustments.
Rangers	961,458	841,601	Relates to a number of items that have minor cost variances.
Crime Prevention & Community Safety	1,045,789	932,513	Subject to year-end accounting adjustments.
Health	1,369,215	1,269,336	Relates to a number of items that have minor cost variances.
Engagement Strategies	1,711,941	1,393,090	Variance mainly relates to employee costs and a number of other minor cost variations.
Youth Services General	740,519	672,781	Subject to year-end accounting adjustments.
Town Planning	3,062,221	2,715,513	Variance mainly relates to employee costs and ABC's.
Sanitation Charges	6,288,565	5,686,609	Subject to year-end accounting adjustments.
Donations and Grants	410,000	335,158	Subject to year-end accounting adjustments.
Belmont Oasis	710,425	619,561	Management fees are well under budget.
Ruth Faulkner Library	3,281,270	2,803,286	Relates to operational costs associated with the final fit-out as well as other minor cost variances.
Community Place Making	272,500	147,746	Variance largely relates to public art projects.
Building - Active Reserves	744,896	593,941	Subject to year-end accounting adjustments.
Grounds Operations	5,389,555	5,124,210	Subject to year-end accounting adjustments.
Grounds Overheads	1,470,454	1,401,246	Variance mainly relates to employee costs and ABC's.
Road Works	1,640,202	1,137,100	Subject to year-end accounting adjustments.
Streetscapes	2,050,348	1,778,920	Variance mainly relates to street tree programmes.
Footpath Works	263,486	211,461	Subject to year-end accounting adjustments.
Drainage Works	383,247	253,525	Maintenance to the system in Belmont Ave/Kew St has been scheduled otherwise all requests have been completed.

Item 12.6 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Operations Centre	753,628	835,277	Plant hire and maintenance costs are above budget.
City Facilities & Property	556,551	470,879	Variance mainly relates to employee costs.
Building Control	882,544	788,012	Activity Based Costing (ABC) allocations are the primary reason for the variance.
Customer Service	637,034	547,599	Variance mainly relates to employee costs.
Building Operations	1,247,694	1,080,733	General maintenance costs are below budget.
Public Works Overheads	1,348,635	1,282,408	Variance mainly relates to employee costs and ABC's.
Plant Operating Costs	913,870	820,069	Employee related and fuel costs are below budget.
Technical Services	2,764,377	2,404,845	Variance mainly relates to employee costs and ABC's.
City Projects	515,898	400,289	Variance mainly relates to employee and consulting costs.
Other Public Works	857,814	804,592	Subject to year-end accounting adjustments.
<b>Revenue Capital</b>	-		
Finance Department	(145,527)	(65,729)	Subject to year-end reserve transfers.
Computing	(230,945)	(48,699)	Subject to year-end reserve transfers.
Belmont Trust	(185,147)	(10,019)	Subject to year-end reserve transfers.
City Facilities & Property	(156,881)	Nil	Subject to year-end reserve transfers.
Financing Activities	(8,621,344)	(36,910)	Transfer from reserve to minimise potential (COVID-19) cashflow issues was not required.
Town Planning	(139,478)	(247,141)	Variance relates to the receipt of a development contribution payable to Landcorp.
Environment	(192,801)	(127,650)	Subject to year-end reserve transfers.
Computing	(534,582)	Nil	Subject to year-end reserve transfers.
Ruth Faulkner Library	(143,599)	Nil	Subject to year-end reserve transfers.
Grounds Operations	(649,118)	Nil	Subject to year-end accounting adjustments.
Operations Centre	(1,156,995)	(91,273)	Budget timing issue regarding fleet/plant replacement across the organisation and also impacted by year-end reserve transfers.
Building Operations	(2,265,610)	(43,070)	Subject to year-end reserve transfers.
<b>Revenue Operating</b>	-		

Item 12.6 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Finance Department	(2,181,966)	(1,832,560)	ABC recoveries are below budget.
Computing	(2,708,781)	(2,329,895)	ABC recoveries are below budget.
Records Management	(801,213)	(725,545)	ABC recoveries are below budget.
Human Resources	(1,332,843)	(1,104,976)	ABC recoveries are below budget.
Accommodation Costs	(537,737)	(395,027)	ABC recoveries are below budget.
Rates	(50,415,077)	(50,751,479)	Interim rates have been better than expected.
General Purpose Income	(429,000)	(902,098)	Prepaid Financial Assistance Grant.
City Facilities & Property	(1,080,557)	(1,005,708)	Subject to year-end accounting adjustments.
Financing Activities	(916,894)	(620,279)	Monthly variances are expected due to the timing of term deposits maturing.
Orana Aged Housing	(90,000)	Nil	Subject to year-end accounting adjustments.
Gabriel Gardens	(70,000)	Nil	Subject to year-end accounting adjustments.
Faulkner Park Retirement Village	(200,000)	(142,398)	Unit sales are less than expected.
Town Planning	(1,229,810)	(1,086,367)	ABC recoveries are below budget.
Public Facilities Operations	(179,566)	(237,856)	Income from facility hire is better than expected.
Grounds Operations	(33,097)	(377,367)	Reimbursement for recovery type costs regarding a storm event that occurred in the prior year.
Road Works	(986,512)	(1,305,483)	Prepaid Financial Assistance Grant.
Streetscapes	(107,671)	(164,532)	Variance relates to reimbursement from MRWA for verge maintenance issues along Orrong Rd.
Customer Service	(652,034)	(521,102)	ABC recoveries are below budget.
Public Works Overheads	(1,340,635)	(1,173,973)	Overhead recoveries are below budget.
Plant Operating Costs	(1,331,912)	(969,083)	Overhead recoveries are below budget.
Technical Services	(433,366)	(361,891)	ABC recoveries are below budget.
Other Public Works	(97,603)	(166,742)	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.

Item 12.6 Continued

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 30 June 2021</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	66,940,530	Includes municipal and reserves
- less non rate setting cash	(48,362,088)	Reserves
Receivables	2,367,945	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(225,861)	ESL Receivable
Stock on hand	207,875	
<b>Total Current Assets</b>	<b>20,928,401</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(11,010,446)	Includes ESL and deposits
- less non rate setting creditors & provisions	2,799,254	Cash Backed LSL, current loans & ESL
<b>Total Current Liabilities</b>	<b>(8,211,192)</b>	
<b>Nett Current Assets 30 June 2021</b>	<b>12,717,209</b>	
<b>Nett Current Assets as Per Financial Activity Report</b>		
Nett Current Assets as Per Financial Activity Report	12,717,209	
Less Committed Assets	<b>(12,217,209)</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.

*Item 12.6 Continued*

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

1. That Council adopt 10% of the estimated closing balance as the base amount for determining materiality of variations in accordance with *Regulation 34(5) of the Local Government (Financial Management) Regulations 1996*.
2. That the Monthly Financial Reports as at 30 June 2021 as included in [Attachment 5](#) be received.

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

#### **13.1 REQUESTS FOR LEAVE OF ABSENCE**

#### **13.2 NOTICE OF MOTION**

Nil.

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

### **15. CLOSURE**