



City of Belmont

NOTICE OF MEETING

Dear Councillor

I respectfully advise that an **ORDINARY COUNCIL MEETING** will be held in the Council Chamber of the **City of Belmont Civic Centre**, 215 Wright Street, Cloverdale, on **Tuesday, 28 September 2021**, commencing at 7.00pm.

MEETING AGENDA ATTACHED

Yours faithfully



JOHN CHRISTIE
CHIEF EXECUTIVE OFFICER

17 September 2021

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City of Belmont

ORDINARY COUNCIL MEETING

AGENDA

TABLE OF CONTENTS

28 September 2021

ITEM	SUBJECT HEADING	PAGE
NOTICE OF MEETING		
1.	OFFICIAL OPENING	1
2.	APOLOGIES AND LEAVE OF ABSENCE	1
3.	DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT	1
3.1	FINANCIAL INTERESTS	1
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY.....	2
4.	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS	2
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
5.	PUBLIC QUESTION TIME.....	3
5.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE	3
5.1.1	MS L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG).....	3
5.1.2	MR D SMITH, 87 TOORAK ROAD, RIVERVALE	3
5.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	4
6.	CONFIRMATION OF MINUTES/RECEIPT OF MATRIX.....	4
6.1	ORDINARY COUNCIL MEETING HELD 24 AUGUST 2021	4
6.2	MATRIX FOR THE AGENDA BRIEFING FORUM HELD 21 SEPTEMBER 2021	4
7.	QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)	4
8.	QUESTIONS BY MEMBERS WITHOUT NOTICE	4
8.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE	4
8.2	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	4
9.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION	4
10.	BUSINESS ADJOURNED FROM A PREVIOUS MEETING	4

ITEM	SUBJECT HEADING	PAGE
11.	REPORTS OF COMMITTEES	4
11.1	EXECUTIVE COMMITTEE HELD 19 APRIL 2021	4
11.2	EXECUTIVE COMMITTEE HELD 23 AUGUST 2021	5
12.	REPORTS OF ADMINISTRATION	5
12.1	AMENDMENT NO. 18 TO LOCAL PLANNING SCHEME NO. 15 – MASSAGE PARLOUR AND MEDICAL CENTRE LAND USES	5
12.2	REQUEST FOR RATE EXEMPTION – CHURCH OF GOD WORLD MISSION SOCIETY INCORPORATED FOR 8 HEHIR STREET, BELMONT.....	12
12.3	REQUEST FOR RATE EXEMPTION – THE CONGREGATION OF THE PRESENTATION SISTERS (WA) INCORPORATED FOR 5/82 SURREY ROAD, RIVERVALE	17
12.4	ACCOUNTS FOR PAYMENT – AUGUST 2021	21
12.5	MONTHLY ACTIVITY STATEMENT AS AT 31 AUGUST 2021	24
13.	REPORTS BY THE CHIEF EXECUTIVE OFFICER.....	29
13.1	REQUESTS FOR LEAVE OF ABSENCE	29
13.2	NOTICE OF MOTION.....	29
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	29
14.1	WESTERN AUSTRALIAN AUDITOR GENERAL’S REPORT – LOCAL GOVERNMENT GENERAL COMPUTER CONTROLS – REPORT 23: 2020-21 CONFIDENTIAL MATTER IN ACCORDANCE WITH <i>LOCAL GOVERNMENT ACT 1995</i> SECTION 5.23(2)(F)(II)	29
14.2	STAFF MATTER – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL 2020-2021 (CONFIDENTIAL MATTER IN ACCORDANCE WITH <i>LOCAL GOVERNMENT</i> <i>ACT 1995</i> SECTION 5.23(2)(A)	30
15.	CLOSURE	30

ATTACHMENTS INDEX

Attachment 1 – Item 12.1 refers

Attachment 2 – Item 12.4 refers

Attachment 3 – Item 12.5 refers

CONFIDENTIAL ATTACHMENTS INDEX

Confidential Attachment 1 – Item 14.1 refers

Confidential Attachment 2 – Item 14.1 refers

Confidential Attachment 3 – Item 14.1 refers

Confidential Attachment 4 – Item 14.1 refers

Confidential Attachment 5 – Item 14.1 refers

Confidential Attachment 6 – Item 14.2 refers

Confidential Attachment 7 – Item 14.2 refers

Confidential Attachment 8 – Item 14.2 refers

**Councillors are reminded to retain the
OCM Attachments for discussion with the Minutes**

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

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

The following question was taken on notice at the 24 August 2021 Ordinary Council Meeting. Ms Hollands was provided with a response on 17 September 2021. The response from the City is recorded accordingly:

1. In this month's payments, there is an amount of \$3,755.13 on 28 July 2021 for the City of Belmont Corporate Card, Director Corporate and Governance. Part of the breakdown states it is for M Bell for registration of a legal practicing certificate.

How much did registration cost, how is it able to be used in terms of reducing legal costs for the ratepayer and has there been a cost saving for legal advice and if so, how much?

Response

The registration cost \$1,250 and the cost savings is not tangible.

5.1.2 MR D SMITH, 87 TOORAK ROAD, RIVERVALE

The following question was taken on notice at the 24 August 2021 Ordinary Council Meeting. Mr Smith was provided with a response on 13 September 2021. The response from the City is recorded accordingly:

1. I refer to Item 5.1.3 of the Minutes of the previous meeting and the response to me in relation to the cost of the Belmont Community Watch Patrols. The response states *"In 2019 information was erroneously circulated by you in social media that the cost of the Belmont Community Watch patrols was \$380,000."*

What is the City's basis for making this statement?

Response

On 7 October 2019 the City posted a response to a social media post to provide clarification in relation to the Belmont Community Watch costings and related services.

On 11 October 2019 you posted comments on social media that misrepresented the City's statement of 7 October 2019.

In response to further questions from you regarding this matter at the OCM dated 24 August 2021, the City reproduced the details of the City's post from 7 October 2019 in the OCM Minutes of that meeting to again clarify the situation.

In particular, the City noted the following:

"The cost per annum (averaged on three cars) to operate a Community Watch Vehicle excluding the car and equipment supplied by the City is around \$380,000".

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX

**6.1 ORDINARY COUNCIL MEETING HELD 24 AUGUST 2021
(Circulated under separate cover)**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 24 August 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 21 SEPTEMBER 2021
(Circulated under separate cover)**

OFFICER RECOMMENDATION

That the Matrix for the Agenda Briefing Forum held on 21 September 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 EXECUTIVE COMMITTEE HELD 19 APRIL 2021
(Circulated under separate cover)**

OFFICER RECOMMENDATION

That the Minutes for the Executive Committee meeting held on 19 April 2021 as previously circulated to all Councillors, be received and noted.

11.2 EXECUTIVE COMMITTEE HELD 23 AUGUST 2021
(Circulated under separate cover)

OFFICER RECOMMENDATION

That the Minutes for the Executive Committee meeting held on 23 August 2021 as previously circulated to all Councillors, be received and noted.

12. REPORTS OF ADMINISTRATION

12.1 AMENDMENT NO. 18 TO LOCAL PLANNING SCHEME NO. 15 – MESSAGE PARLOUR AND MEDICAL CENTRE LAND USES

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	Land Subject to Amendment No. 18

Voting Requirement	: Simple Majority
Subject Index	: LPS15/018 – Scheme Amendment 18 – Amendment to Zoning Table for Massage Parlour and Medical Centre
Location / Property Index	: Various
Application Index	: N/A
Disclosure of any Interest	: N/A
Previous Items	: 25 May 2021 Ordinary Council Meeting Item 12.1
Applicant	: Element Pty Ltd
Owner	: Various
Responsible Division	: Development and Communities Division

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider final adoption of Amendment No. 18 to the City of Belmont Local Planning Scheme No. 15 (LPS 15).

Item 12.1 Continued

SUMMARY AND KEY ISSUES

- 'Massage Parlour' is currently designated with an 'X' use class permissibility within the 'Commercial' and 'Town Centre' zones of LPS 15. 'Medical Centre' is currently designated with an 'X' use class permissibility within the 'Town Centre' zone of LPS 15. An 'X' use class permissibility means a use is not permitted by LPS 15 within that zone.
- The current 'X' use class permissibility for 'Medical Centre' and 'Massage Parlour' does not align with contemporary planning practices listed within State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2).
- Amendment No. 18 was prepared to address the permissibility of the 'Medical Centre' and 'Massage Parlour' uses within the 'Town Centre' and 'Commercial' zones. The amendment also introduces the 'Massage Parlour' use into the Belvidere Main Street Precinct.
- At the 25 May 2021 Ordinary Council Meeting (OCM) (Item 12.1), Council adopted Amendment No. 18 to LPS 15 for the purpose of advertising.
- Advertising was carried out from 22 July 2021 to 2 September 2021. During this period, no submissions were received.
- It is considered appropriate to modify the Zoning Table and include Additional Use No. 20 to the Belvidere Main Street Precinct, on the basis that the land uses are commercial in nature and align with the contemporary planning principles associated with SPP 4.2 for Activity Centres.
- It is recommended that Council support Amendment No. 18 to LPS 15 with a recommendation that the Amendment be approved by the Minister for Planning.

LOCATION

The subject amendment applies to:

- The Belmont Town Centre which is designated with a 'Town Centre' zoning.
- The Belvidere Main Street Precinct through the designated Additional Use Area No. 20.
- The City's Neighbourhood and Local activity centres through the designated 'Commercial' zoning.

Each precinct subject to the amendment is detailed in [Attachment 1](#).

CONSULTATION

In accordance with the *Planning and Development Act 2005*, Amendment No. 18 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.

Item 12.1 Continued

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. 18 was advertised for 42 days from 22 July 2021 to 2 September 2021, as follows:

- A notice was published in the 22 July 2021 edition of the Southern Gazette newspaper.
- Draft Amendment No. 18 was displayed on the City's website during the public advertising period.

No submissions were received during the advertising period.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal: 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.

Goal: Responsible Belmont

Strategy:

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

POLICY IMPLICATIONS

State Planning Policy 4.2 - Activity Centres for Perth and Peel

State Planning Policy 4.2 is responsible for guiding planning and development requirements of activity centres within the Perth and Peel region. State Planning Policy 4.2 designates an activity centre hierarchy across the Perth and Peel region, with the Belmont Town Centre being the City's highest order activity centre as a 'Secondary Centre'. The City also contains a number of Neighbourhood and Local Centres which are designated through the City's existing *Commercial Strategy 2008*.

Item 12.1 Continued

State Planning Policy 4.2 seeks to facilitate a mix of land uses within the activity centres, as well as setting out a range of typical retail land uses. Furthermore, SPP 4.2 seeks to facilitate the sustainability of activity centres through surrounding residential population, access to public transport and appropriate built form controls.

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.

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 minimum 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 the relevant 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.

Item 12.1 Continued

Local Planning Scheme No. 15 – Land Use Definitions

Both land uses subject to the amendment are already contained within LPS 15 and are defined as follows:

‘Massage Parlour’

“means a use of land involving the massaging manipulation or other treatment of body parts for therapeutic or remedial purposes, of a kind generally administered in association with medical treatment. The term does not include the provision of sexual services”.

‘Medical Centre’

“means a premises other than a hospital used by 3 or more health practitioners at the same for the investigation or treatment of human injuries or ailments and for general patient outcare”.

BACKGROUND

Amendment No. 18 proposes to:

- Modify the Zoning Table to amend the use class permissibility of ‘Massage Parlour’ from ‘X’ to ‘D’ within the ‘Commercial’ and ‘Town Centre’ zones.
- Amend ‘Additional Use No. 20’ to introduce the ‘Massage Parlour’ land use in the Belvidere Main Street Special Development Precinct.
- Modify the Zoning Table to amend the use class permissibility for ‘Medical Centre’ from ‘X’ to ‘D’ within the ‘Town Centre’ zone.

OFFICER COMMENT

In considering whether to adopt Amendment No. 18 to LPS 15, Council shall have regard to the following:

- The appropriateness of the use class permissibility of ‘Massage Parlour’ within the ‘Commercial’ and ‘Town Centre’ zones of LPS 15.
- The appropriateness of ‘Massage Parlour’ as an additional land use in the Belvidere Main Street Precinct.
- The appropriateness of the use class permissibility of ‘Medical Centre’ within the ‘Town Centre’ zone of LPS 15.

The above matters are discussed under the relevant headings below.

Item 12.1 Continued

Massage Parlour

While the term 'Massage Parlour' may be colloquially associated with the provision of sexual services, it is in fact a term commonly used across local planning schemes in Western Australia. It is important to note that the definition of 'Massage Parlour' under LPS 15 specifically prohibits the provision of sexual services. This explicit definition ensures that services are limited to therapeutic or remedial massage.

When considering the suitability of 'Massage Parlour' within the 'Commercial' and 'Town Centre' zones, it is beneficial to consider similar land uses that are currently capable of approval within the zones subject to the amendment.

In terms of similar land uses, both 'Consulting Room' and 'Shop' are capable of approval within the City's Activity Centres. It is considered that a 'Massage Parlour' is likely to provide services of a personal nature similar to a hairdresser or beauty therapist, both of which are classified as a 'Shop'. A 'Massage Parlour' may also offer remedial or sports massage services that would be reflective of a service similar to a 'Consulting Room' land use.

State Planning Policy 4.2 states that Activity Centres should provide a mix of land uses and lists both 'Consulting Rooms' and 'Shop' as being appropriate. As discussed above, given the similarities between these uses and 'Massage Parlour' it is considered that introducing the use into the City's Activity Centres is consistent with the intent of SPP 4.2.

It is also considered appropriate to incorporate an additional use for 'Massage Parlour' in the Belvidere Main Street Special Development Precinct (Additional Use No. 20). The Belvidere Main Street Special Development Precinct already contains a number of additional uses appropriate for a Neighbourhood Centre, and the proposed inclusion of the 'Massage Parlour' land use provides for consistency with other centres within the City.

In terms of amenity impacts, a 'Massage Parlour' is unlikely to generate any nuisances which are detrimental to the amenity of an area that are any greater impact than a 'Consulting Room' or 'Shop'.

As no submissions were received in response to the proposed amendment, it is considered appropriate to introduce the 'Massage Parlour' land use into the 'Commercial' and 'Town Centre' zones and as 'Additional Use No. 20' within the Belvidere Main Street Special Development Precinct.

Medical Centre

'Medical Centre' is currently designated a 'D' use class within the City's Neighbourhood and Local Activity Centres but is prohibited in the 'Town Centre' zone. As the land use is capable of approval within these subordinate centres, it is considered appropriate for the 'Medical Centre' to be capable of approval within the 'Town Centre' zone.

The existing 'X' use classification does not align with contemporary planning practices for land use diversity. Further to this, SPP 4.2 states that activity centres should include a mix of land uses and specifically identifies 'Medical Centre' as an acceptable use within activity centres.

The proposed amendment will also allow for greater alignment consistency of the use class permissibility listed under SPP 4.2 for other Activity Centres within the City.

Item 12.1 Continued

As no submissions were received in response to the proposed amendment, the suitability of the land use can be affirmed, and it is recommended that the Zoning Table be amended to designate 'Medical Centre' as a 'D' use in the 'Town Centre' zone.

Conclusion

The proposed amendment will provide consistency across activity centres and align with contemporary planning practice, as outlined by SPP 4.2. It is recommended that Council resolve to support Amendment No. 18 and seek that the amendment be approved by the Minister for Planning.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

It is considered that the amendment will assist in delivering vibrant, attractive, safe and economically sustainable activity centres, attract public and private investment and businesses to our City and support the retention, growth and prosperity of our local businesses.

OFFICER RECOMMENDATION

That Council:

- 1. Pursuant to Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* support Amendment No. 18 to Local Planning Scheme No. 15 without modification.**
- 2. Seek approval of Scheme Amendment No. 18 from the Minister for Transport; Planning; Ports.**

**12.2 REQUEST FOR RATE EXEMPTION – CHURCH OF GOD WORLD MISSION SOCIETY
INCORPORATED FOR 8 HEHIR STREET, BELMONT**

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 Rate Exemption
Location/Property Index	:	8 Hehir Street, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Church of God World Mission Society Incorporated
Owner	:	Jane Karen Tucker and Joan Marie Tucker
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider a request for rate exemption for 8 Hehir Street, Belmont.

SUMMARY AND KEY ISSUES

The owners of the property on behalf of their tenant have made an objection against the rate book as per Section 6.26(2)(d) of the *Local Government Act 1995*. Documentation has been provided to show that the property is being used for religious purposes.

Item 12.2 Continued

LOCATION

Lot 136 on Plan 2634 known as 8 Hehir Street, Belmont.



CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.2 Continued

STATUTORY ENVIRONMENT

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

‘6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.*
- (2) The following land is not rateable land — ..*
 - (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and ..’*

‘6.53. Land becoming or ceasing to be rateable land

Where during a financial year —

- (a) land that was not rateable becomes rateable land; or*
- (b) rateable land becomes land that is not liable to rates,*

the owner of that land —

- (c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or*
- (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,*

as the case requires.’

‘6.76. Grounds of objection

- (1) A person may, in accordance with this section, object to the rate record of a local government on the ground —*
 - (a) that there is an error in the rate record —*
 - (i) with respect to the identity of the owner or occupier of any land; or*
 - (ii) on the basis that the land or part of the land is not rateable land;*
 - or*
 - (b) if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted.*
- (2) An objection under subsection (1) is to —*
 - (a) be made to the local government in writing within 42 days of the service of a rate notice under section 6.41; and*
 - (b) identify the relevant land; and*
 - (c) set out fully and in detail the grounds of objection.*
- (3) An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.’*

Item 12.2 Continued

BACKGROUND

The objectives of the Association are to promote the early Church faith/truth in Australia through spreading the Gospel of Christ. In addition to this primary purpose, the Association is dedicated to establishing a religious organisation that congregates to practice Christ's teaching to "Love your neighbour as yourself".

The Church of God World Mission Society Incorporated was established in South Korea in 1964 and has quickly spread to every continent and 175 countries of the world. The love of God transcends nationality, culture, and background to unite all people. Church members make efforts to practice the teachings of Christ and share the love of God with their neighbours through volunteer services, Bible studies, recreational events and more.

The Church of God World Mission Society Incorporated provides Church services such as worship two days per week and three times on Saturdays at 8 Hehir Street, Belmont.

OFFICER COMMENT

The following documentation has been provided to support the exemption request -

- The Rates and Charitable Land Use Exemptions Application has been completed. This document was created jointly by the WA Rates Officers Association and the Western Australian Local Government Association to ensure consistency with exemption requests.
- Copy of current lease with current lease expiring in February 2024 with an additional further term expiring in February 2025.
- Statutory Declaration confirming the use of the property.
- Rules for Associated Incorporated under the Associations Incorporations Act 1984.
- Financial statement year ending June 2020.
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office.
- City of Belmont Planning approval letter dated 1 February 2016 for a change of use to Educational Establishment, Place of Worship, Office.

The Building Occupancy Certificate was issued by the City in November 2020 and the Public Building Certificate of Approval was issued by the City in January 2021.

The documentation has been reviewed by Officers and as the land is used or held by a religious body as a place of public worship or in relation to that worship, it meets the criteria under Section 6.26(2)(d) of the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

The property is rated as Commercial with a Gross Rental Valuation of \$46,640. The loss of income for the 2021-2022 rating year, if approved for exemption will be \$3,287.33.

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

Item 12.2 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 endorse the rate exemption for the property known as 8 Hehir Street, Belmont under Section 6.26 (2)(d) and Section 6.53 of the *Local Government Act 1995* effective from 1 July 2021.

12.3 REQUEST FOR RATE EXEMPTION – THE CONGREGATION OF THE PRESENTATION SISTERS (WA) INCORPORATED FOR 5/82 SURREY ROAD, RIVERVALE

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 Rate Exemption
Location/Property Index	:	5/82 Surrey Road, Rivervale 6103
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	The Congregation of the Presentation Sisters (WA) Inc
Owner	:	The Congregation of the Presentation Sisters (WA) Inc
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider a request for rate exemption for 5/82 Surrey Road, Rivervale.

SUMMARY AND KEY ISSUES

The Congregation of the Presentation Sisters (WA) Incorporated purchased the property on 9 July 2021 and have made an objection against the rate book under Section 6.26(2)(d) of the *Local Government Act 1995*. Documentation has been provided to support the application. The unit is within a complex and is being used as accommodation by a professional Sister of Religion and member of the organisation.

Item 12.3 Continued

LOCATION

Strata Lot 5 on Strata Plan 27591 known as 5/82 Surrey Road, Rivervale.



CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

6.26. Rateable land

- (1) *Except as provided in this section all land within a district is rateable land.*
- (2) *The following land is not rateable land — ..*
 - (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and ..'*

Item 12.3 Continued

'6.53. Land becoming or ceasing to be rateable land

Where during a financial year —

- (a) land that was not rateable becomes rateable land; or*
- (b) rateable land becomes land that is not liable to rates,*

the owner of that land —

- (c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or*
- (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,*

as the case requires.'

'6.76. Grounds of objection

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

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

- (i) with respect to the identity of the owner or occupier of any land; or*
- (ii) on the basis that the land or part of the land is not rateable land;*

or

- (b) if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted.*

- (2) An objection under subsection (1) is to —*

- (a) be made to the local government in writing within 42 days of the service of a rate notice under section 6.41; and*
- (b) identify the relevant land; and*
- (c) set out fully and in detail the grounds of objection.*

- (3) An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.'*

BACKGROUND

The Congregation of the Presentation Sisters (WA) Incorporated was founded in Ireland in 1775. The organisation is a religious apostolic community of women publicly consecrated in God within the Catholic Church. It has been involved in Western Australia since 1891 in education, pastoral care, ministry of the dioceses, mission work and support the sick and poor, and has the provision and maintenance of schools and other works deemed needed at the time.

The Congregation of the Presentation Sisters (WA) Incorporated currently have rate exemptions granted by the City on the following properties –

- 5/183 Daly Street, Belmont
- 179 Surrey Road; Rivervale
- 9/84 Surrey Road; Rivervale
- 3/82 Surrey Road, Rivervale.

Item 12.3 Continued

OFFICER COMMENT

The following documentation has been provided to support the exemption request -

- The Rates and Charitable Land Use Exemptions Application has been completed. This document was created jointly by the WA Rates Officers Association and the Western Australian Local Government Association to ensure consistency with exemption requests.
- Statutory Declaration confirming the use of the property.
- Organisations Constitution.
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office.
- Extract as a registered charity shown on the Australian Charities and Not for Profits Commission (ACNC).

The Sister resides at the unit and will be carrying out family visitations and pastoral support of families in the Rivervale area.

The documentation has been reviewed by Officers and as the property is occupied exclusively by a religious brotherhood or sisterhood it meets the criteria under Section 6.26(2)(d) of the *Local Government Act 1995*.

FINANCIAL IMPLICATIONS

The property is rated as residential with a Gross Rental Valuation of \$12,480 which falls into the minimum rate category of \$855.00. The loss of income for the 2021-2022 rating year from 9 July 2021 will be \$833.91.

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

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 endorse the rate exemption for the property known as 5/82 Surrey Road, Rivervale under Section 6.26 (2)(d) and Section 6.53 of the *Local Government Act 1995*, effective from 9 July 2021.

12.4 ACCOUNTS FOR PAYMENT – AUGUST 2021

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item 12.4 refers	<u>Accounts for Payment – August 2021</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.4 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

- 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

Item 12.4 Continued

OFFICER COMMENT

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

Municipal Fund Cheques	788695 to 788711	\$38,648.16
Municipal Fund EFTs	EF074740 to EF075170	\$4,079,253.50
Municipal Fund Payroll	August 2021	\$1,969,671.62
Trust Fund EFTs	EF074817 to EF074818	<u>\$25,980.13</u>
Total Payments for August 2021		\$6,113,553.41

A copy of the Authorised Payment Listing is included as [Attachment 2](#) 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 August 2021 as provided under [Attachment 2](#) be received.

12.5 MONTHLY ACTIVITY STATEMENT AS AT 31 AUGUST 2021

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3 – Item 12.5 refers	<u>Monthly Activity Statement as at 31 August 2021</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information 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 12.5 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

- 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 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.

Item 12.5 Continued

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.

The monthly financial report is to be accompanied by:

- An explanation of the composition of the net current assets, less committed* and restricted** assets
- An explanation of material variances***
- Such other information as is considered relevant by the local government.
*Revenue unspent but set aside under the annual budget for a specific purpose.
**Assets which are restricted by way of externally imposed conditions of use e.g. tied grants.
***Based on a materiality threshold of 10%.

In order to provide more details regarding significant variations as included in [Attachment 3](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure Capital	-		
Computing	108,333	8,750	Timing issue regarding the payment of business applications and equipment.
Environment	109,331	40,467	Two foreshore restoration design carryover projects are behind budget.
Road Works	390,726	110,518	Variance mainly relates to Abernethy Rd and Coolgardie Ave projects which have been impacted by the inclement weather.
Drainage Works	100,000	2,699	Budget spread issue with projects to start later.
Operations Centre	51,300	604	Behind schedule on replacement of plant.
Building Operations	436,200	128,118	A number of carryover projects are behind schedule and pending payment of invoices, including works at the Belmont Oasis and Belmont Hub café.
Expenditure – Operating			
Computing	531,729	729,460	Business applications are largely paid in July but have been budgeted over the year.
Marketing & Communications	363,145	259,211	A number of items are below budget with no specific items having a material variance.

Item 12.5 Continued

Report Section	Budget YTD	Actual YTD	Comment
Human Resources	251,661	545,215	Employee costs are above budget as a result of redundancy and payment of entitlements.
Governance	564,593	487,453	Variance relates to Elected Members sitting fees which are due in September.
Rates	1,085,579	531,293	Variance relates to the timing of the take-up of the discount and should correct itself during September.
Belmont Community Watch	221,612	113,862	Contractor payments are made one month in arrears.
City Facilities & Property	Nil	70,941	Budget spread issue regarding the allocation of Belmont Hub accommodation costs.
Youth Services General	134,350	67,616	Contractor payments are made one month in arrears.
Ruth Faulkner Library	429,661	556,399	Timing issue regarding the spread of accommodation costs.
Community Development	142,809	34,697	Timing issue regarding the spread of project management costs and donations.
Grounds - Active Reserves	236,839	81,069	Timing issue regarding the spread of turf maintenance costs.
Streetscapes	391,105	123,301	Street tree maintenance programs are currently below budget.
Customer Service	86,232	172,815	Employee costs are above budget as a result of retirements and payment of entitlements.
Plant Operating Costs	196,502	260,023	Employee costs are above budget as a result of retirements and payment of entitlements.
Other Public Works	141,324	70,345	Street lighting costs are paid one month in arrears.
Revenue Capital	-		
Road Works	(529,989)	Nil	Timing issue regarding the spread of grant income.
Revenue Operating	-		
Computing	(537,583)	(729,460)	Activity Based Costing (ABC's) recoveries are above budget which is consistent with IT costs being above budget.
Human Resources	(251,561)	(545,215)	ABC recoveries are above budget.
City Facilities & Property	(140,177)	(334,987)	Budget spread issue regarding the recovery of accommodation costs.
Faulkner Park Retirement Village	Nil	(50,523)	Receipt of income from unit sales earlier than expected.
Streetscapes	(60,000)	Nil	Income is expected to be received later in the financial year.
Customer Service	(89,906)	(172,815)	ABC recoveries are above budget.
Public Works Overheads	(189,039)	(134,165)	Overhead recoveries are below budget.

Item 12.5 Continued

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 August 2021	\$	Comment
Cash and investments	55,428,378	Includes municipal and reserves
- less non rate setting cash	(48,359,205)	Reserves
Receivables	48,837,070	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(8,035,128)	ESL Receivable
Stock on hand	216,086	
Total Current Assets	48,087,201	
Current Liabilities		
Creditors and provisions	(16,769,231)	Includes ESL and deposits
- less non rate setting creditors & provisions	11,552,928	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(5,216,303)	
Nett Current Assets 31 August 2021	42,870,898	
Nett Current Assets as Per Financial Activity Report	42,870,898	
Less Committed Assets	(42,370,898)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 August 2021 as included in [Attachment 3](#) 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

14.1 WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT – LOCAL GOVERNMENT GENERAL COMPUTER CONTROLS – REPORT 23: 2020-21 (CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2)(F)(II))

ATTACHMENT DETAILS

Attachment No.	Details
Confidential Attachment 1 - Item 14.1 refers	<u>Report Item – Western Australian Auditor General's Report – Local Government General Computer Controls – Report 23: 2020-21 (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(f)(ii))</u>

COMMITTEE RECOMMENDATION

That Council:

1. Receive the Western Australian Auditor General's Local Government General Computer Controls Report 23:2020-21 ([Confidential Attachment 2](#)).
2. Endorse the City of Belmont Action Plan ([Confidential Attachment 5](#)) addressing the recommendations.
3. Request that the Chief Executive Officer provides an information report to the next Standing Committee (Audit and Risk) Meeting outlining progress of actions outlined in the Action Plan.

14.2 STAFF MATTER – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL 2020-2021 (CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2)(A))

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
Confidential Attachment 6 - Item 14.2 refers	<u>Report Item – Staff Matter – Chief Executive Officer Annual Appraisal 2020-2021 (Confidential Matter in Accordance with <i>Local Government Act 1995</i> Section 5.23(2)(a))</u>

COMMITTEE RECOMMENDATION

That Council:

1. Accept the Executive Committee’s assessment of the CEO’s performance for the period 22 September 2020 to 30 June 2021.
2. Accept the CEO’s performance Goals and Targets as determined for the next review period ending 30 June 2022.
3. Approve an increase to the remuneration package for the CEO to Step 6 of the pay scale, with effect from 1 July 2021.

15. CLOSURE