



# City of Belmont

## ORDINARY COUNCIL MEETING

### MINUTES

#### TABLE OF CONTENTS

28 September 2021

<b>ITEM</b>	<b>SUBJECT HEADING</b>	<b>PAGE</b>
<b>1.</b>	<b>OFFICIAL OPENING .....</b>	<b>2</b>
<b>2.</b>	<b>APOLOGIES AND LEAVE OF ABSENCE .....</b>	<b>2</b>
<b>3.</b>	<b>DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT .....</b>	<b>2</b>
3.1	FINANCIAL INTERESTS .....	2
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY .....	3
<b>4.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS .....</b>	<b>3</b>
4.1	ANNOUNCEMENTS.....	3
4.2	DISCLAIMER.....	4
4.3	DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING .....	4
<b>5.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>4</b>
5.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE .....	4
5.1.1	MS L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG).....	4
5.1.2	MR D SMITH, 87 TOORAK ROAD, RIVERVALE .....	5
5.2	QUESTIONS FROM MEMBERS OF THE PUBLIC.....	5
5.2.1	MS L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG).....	5
5.2.2	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE .....	6
5.2.3	MS A FEARN, ON BEHALF OF BELMONT SPORTS AND RECREATION CLUB .....	7
5.2.4	MR L ROSOLIN, 355 SYDENHAM STREET, BELMONT.....	8
5.2.5	MRS G GODFREY, 11 MORGAN ROAD, REDCLIFFE.....	8
5.2.6	MR P HITT, 14 MCLACHLAN WAY, BELMONT .....	8
<b>6.</b>	<b>CONFIRMATION OF MINUTES/RECEIPT OF MATRIX.....</b>	<b>10</b>
6.1	ORDINARY COUNCIL MEETING HELD 24 AUGUST 2021.....	10
6.2	MATRIX FOR THE AGENDA BRIEFING FORUM HELD 21 SEPTEMBER 2021 .....	10
<b>7.</b>	<b>QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION).....</b>	<b>10</b>
<b>8.</b>	<b>QUESTIONS BY MEMBERS WITHOUT NOTICE .....</b>	<b>10</b>
8.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE .....	10
8.2	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	11
8.2.1	CR POWELL. ....	11

<b>ITEM</b>	<b>SUBJECT HEADING</b>	<b>PAGE</b>
<b>9.</b>	<b>NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION .....</b>	<b>11</b>
<b>10.</b>	<b>BUSINESS ADJOURNED FROM A PREVIOUS MEETING .....</b>	<b>11</b>
<b>11.</b>	<b>REPORTS OF COMMITTEES .....</b>	<b>11</b>
11.1	EXECUTIVE COMMITTEE HELD 19 APRIL 2021 .....	11
11.2	EXECUTIVE COMMITTEE HELD 23 AUGUST 2021 .....	12
<b>12.</b>	<b>REPORTS OF ADMINISTRATION .....</b>	<b>12</b>
12.1	AMENDMENT NO. 18 TO LOCAL PLANNING SCHEME NO. 15 – MESSAGE PARLOUR AND MEDICAL CENTRE LAND USES .....	13
12.2	REQUEST FOR RATE EXEMPTION – CHURCH OF GOD WORLD MISSION SOCIETY INCORPORATED FOR 8 HEHIR STREET, BELMONT.....	20
12.3	REQUEST FOR RATE EXEMPTION – THE CONGREGATION OF THE PRESENTATION SISTERS (WA) INCORPORATED FOR 5/82 SURREY ROAD, RIVERVALE .....	25
12.4	ACCOUNTS FOR PAYMENT – AUGUST 2021 .....	29
12.5	MONTHLY ACTIVITY STATEMENT AS AT 31 AUGUST 2021 .....	32
<b>13.</b>	<b>REPORTS BY THE CHIEF EXECUTIVE OFFICER.....</b>	<b>38</b>
13.1	REQUESTS FOR LEAVE OF ABSENCE .....	38
13.2	NOTICE OF MOTION.....	38
<b>14.</b>	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED.....</b>	<b>38</b>
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)) .....	39
14.2	STAFF MATTER – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL 2020-2021 (CONFIDENTIAL MATTER IN ACCORDANCE WITH <i>LOCAL GOVERNMENT ACT 1995</i> SECTION 5.23(2)(A) .....	40
<b>15.</b>	<b>CLOSURE .....</b>	<b>41</b>

**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**

**CONFIDENTIAL TABLED ATTACHMENTS INDEX**

- Confidential Tabled Attachment 1 – Item 14.2 refers**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 28 SEPTEMBER 2021 COMMENCING AT 7.00PM.**

---

## MINUTES

### **PRESENT**

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

### **IN ATTENDANCE**

Mr J Christie	Chief Executive Officer
Ms M Bell	Director Corporate and Governance
Ms J Gillan ( <i>dep 8.10 pm</i> )	Director Development and Communities
Ms M Reid ( <i>dep 8.10 pm</i> )	Director Infrastructure Services
Ms C Bridges	Human Resources Manager
Mrs M Lymon	Acting Manager Governance
Ms D Morton ( <i>dep 8.10 pm</i> )	Media and Communications Adviser
Mrs J Cherry-Murphy ( <i>dep 8.10 pm</i> )	Senior Governance Officer
Mrs H Mark	Governance Officer

### **MEMBERS OF THE GALLERY**

There were 18 members of the public in the gallery and no press representative.

### **GUESTS**

Mr P Syme	Portland Broome, Organisational Consultants
-----------	---

## 1. OFFICIAL OPENING

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

The Presiding Member read the Acknowledgement of Country.

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

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

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

## 2. APOLOGIES AND LEAVE OF ABSENCE

Mr J Olynyk, JP (Apology)

Manager Governance

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

### 3.1 FINANCIAL INTERESTS

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Mr Christie	Item 14.2 – Staff Matter – Chief Executive Officer Annual Performance Appraisal 2020-2021	Direct Financial Interest in accordance with S5.70 of the <i>Local Government Act 1995</i> . The CEO salary range will be reviewed as part of the CEO Annual Performance Appraisal process.

### 3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Cr Sekulla	Item 12.3 – Request for Rate Exemption – The Congregation of the Presentation Sisters (WA) Incorporated for 5/82 Surrey Road, Rivervale	Cr Sekulla is involved with Notre Dame Parish and Parish Council.  Presentation Sisters Established Notre Dame Catholic Primary School.

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

### 4.1 ANNOUNCEMENTS

The Presiding Member announced the following:

*'It is my pleasure tonight to announce two awards that the City has received for its community building Belmont Hub.*

*The City of Belmont's commitment to the environment has been recognised with Belmont Hub receiving 6 Star Green Star Design and As Built certification.*

*Belmont Hub is the first project in Western Australia to be certified under the latest version of Green Star rating tool. A 6 Star certification demonstrates world leadership in environmentally sustainable building practices.*

*Belmont Hub's design features include a natural ventilation system, low toxicity finishes, links to local cultural heritage, low water use fittings and a large solar PV array.*

*Belmont Hub was also awarded the Excellence in Social and Community Infrastructure Award by the Urban Development Institute of Australia (WA).*

*Founded on a strong focus to provide community and social benefit, the City of Belmont embarked on the Belmont Hub project with a vision to increase the investment in human and social capital, as well as support economic growth and opportunity within the region.*

*This approach was acknowledged by the Judges commending the City on the unique and collaborative approach taken to establish community needs, which is reflected in the diverse uses that Belmont Hub provides.*

*These awards are recognition of the years of commitment across the organisation of Councillors and staff who have been involved in this project, from the vision, to the project design, through to practical completion, and now into the day to day operations.'*

**7.08pm The Media and Communications Adviser departed the meeting.**

**7.09pm The Media and Communications Adviser returned to the meeting.**

The Presiding Member invited Councillors whose terms were expiring on 16 October 2021 to say a few words. Councillors, Cayoun, Davis, Powell, Ryan and Sekulla, spoke briefly.

## **4.2 DISCLAIMER**

**7.39pm The Presiding Member drew the public gallery's attention to the Disclaimer.**

The Presiding Member advised the following:

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

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

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

Nil.

## **5. PUBLIC QUESTION TIME**

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

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

The following 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 saving 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**

**7.40pm The Presiding Member drew the public gallery’s attention to the rules of Public Question Time as written in the Public Question Time Form. In accordance with rule (I), the Mayor advised that he had registered five members of the public who had given prior notice to ask questions.**

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

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

1. At the last Council meeting on two occasions, in response to questions, the CEO quoted rules and refused questions. Where in the Standing Orders and what rule allows the CEO to refuse questions and where does it state that he is in control of the meeting?

#### **Response**

**The Presiding Member stated permission to speak at Council Meetings is given by the Presiding Member. The CEO is allowed to speak at these meetings and is aware of the rules. It is up to the CEO to give a reason for his decisions made at a meeting.**

*Item 5.2.1 Continued*

**The Chief Executive Officer stated that other than quoting from the rules of Public Question Time, it is not his responsibility, nor is there the authority to rule anything out of order. It is the Presiding Member who makes the decision.**

2. The CEO quoted from a document used for notification of public questions and quoted rules that are on the back of the form. Where in Standing Orders is this document referred to, or when it was government gazetted?

**Response**

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

3. One of the questions refused at the last Council Meeting related to how many car bays were allocated to the Seniors and was refused on the basis that it was similar or had been asked before. I have not specifically asked how many car bays are allocated for the Seniors before. How many car bays when the Belmont Hub was built were allocated to the Senior Citizens Centre?

**Response**

**The Presiding Member stated the question would be taken on notice.**

4. Over the last week or so some comments and promises from candidates in the Local Government Elections, across social media have been disgraceful. In the event of a formal complaint what, if any, penalties can be applied and are they only applicable if the candidate is elected and what happens if a candidate is not elected?

**Response**

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

**5.2.2 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE**

1. I previously asked if Councillors had been given details of the membership of the Belmont Sports and Recreation Club (BSRC) in accordance with the lease. It is important when ratepayers have funded the BSRC, that members are significantly from within Belmont. A number of members from the Bowling Club, including myself have recently found out we are not members of the BSRC. What is City of Belmont going to do about this once 30 September comes around and will the fact that memberships have been refused play any part in future decisions of Council?

**Response**

**The Director Infrastructure Services stated as that matter is the subject of an upcoming Ordinary Council Meeting item and legal advice, the question would be taken on notice.**

*Item 5.2.2 Continued*

2. Previous figures provided by the City of Belmont in respect to the number of verge trees planted each year being around 1,000 for each of the previous two years was at a cost of about \$200,000 each year. How many verge trees have been allocated in the current budget and what is the cost?

**Response**

**The Director Infrastructure Services stated the question would be taken on notice, however wished to highlight that the City has experienced issues with tree stock this year, as the quality was not up to the required standard.**

3. Other than verge trees, where else has Council increased the tree canopy and how many have been planted?

**Response**

**The Director Infrastructure stated the question would be taken on notice.**

4. A number of Councillors disclose matters that may affect impartiality for the Ordinary Council Meeting of 24 August 2021, Item 3.2. On the City of Belmont website of the 24 August 2021 of the Elected Members' Contact Details and Membership Register not all declarations from the meeting appear to be on the register. It seems inconsistent with the disclosures in the Minutes received at the meeting. When can the community get the published register and when will it be updated to show what was declared at the meeting?

**Response**

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

**5.2.3 MS A FEARN, ON BEHALF OF BELMONT SPORTS AND RECREATION CLUB**

1. My question is in relation to a recent brochure that has been circulated by Cr Powell in the community, which stated the Belmont City Bowling Club (BCBC) are experiencing unacceptable demands, are finding it impossible to make club bookings until after Christmas and that they need help. I was in attendance at their recent opening day where 32 members were present and no representation from the City of Belmont. They have received a grant from the City of Belmont for \$32,000, \$198,000 from Cassie Rowe for a synthetic green and at their recent AGM, they made a profit of over \$1,000. What is the help that Cr Powell is saving them from?

**Response**

**The Presiding Member stated the question would be taken on notice.**

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

1. Councillors have said tonight that they are really proud to have raised a lot of money from State and Federal Government for various things. How much is the cost for the Belmont Hub, including cleaning, security and staff wages to the community?

**Response**

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

**5.2.5 MRS G GODFREY, 11 MORGAN ROAD, REDCLIFFE**

1. My first question relates to the submission that was circulated to Councillors at the previous meeting in relation to the BSRC. I do not believe that it is a coincidence that I am the only person named in this submission, as I am a candidate in the upcoming election at the BSRC on 3 October 2021. The submission alleges there had been a COVID breach taken place on 28 June at the club. It also states the matter has escalated to the proper authorities and a Police investigation is now underway. I visited the police station, who have not heard of this. Could this be construed as defamation?

**Response**

**The Chief Executive Officer stated this is not a matter for Council to determine if it is defamation, this is something for the individual involved.**

2. It is my belief that the postal election at the BSRC has breached legislation including the BSRC Constitution, BSRC by-laws, the Model Rules of Consumer Protection, and the WA Electoral Commission Standard Election Rules. Some of the issues include the lack of declarations of interest, refusal to provide the roll to candidates, there was no draw for ballot positions and rejecting applications onto the roll. At least five newsletters have been sent to the membership to instruct members how to vote in the BSRC and the Belmont Local Council Election. As the Secretary of the BSRC is also the Returning Officer, should the appeal I make against this election be sent to Corruption and Crime Commission?

**Response**

**The Chief Executive Officer stated, although the City is not fully aware of everything that Mrs Godfrey has communicated tonight, any concerns should be reported to the appropriate authorities.**

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

The majority of candidates in the upcoming City of Belmont Local Government elections have used crime as a focal point in their advertising leaflets.

1. Have the City of Belmont staff members the authority to arrest or detain any member of the public for crimes relating to robbery, murder, assault and crime of a sexual nature and road offences?

**Response**

**The Director Development and Communities stated no.**

*Item 5.2.6 Continued*

2. Has the City of Belmont any authority to pass sentence on a member of the public?

**Response**

**The Director Development and Communities stated no.**

3. Has the City of Belmont any authority to imprison any member of the public?

**Response**

**The Director Development and Communities stated no.**

4. Is the City of Belmont and its staff subject to adhering to Commonwealth, Federal and State laws as we, the ordinary members of public are?

**Response**

**The Director Development and Communities stated yes.**

5. Would it therefore be fair to say that the Council's or a Councillors' ability to reduce crime is highly restricted and it is the role of the Commonwealth, Federal and State authorities to help "stamp out crime and anti-social behaviour in our community"?

**Response**

**The Director Development and Communities stated the question would be taken on notice to provide a detailed answer, however the anecdotal advice the City has received is that the community do feel more secure with security patrols. The security patrols can be on site within a very quick timeframe when police resources are particularly stretched where they have been called to higher priority situations.**

**Additional services the City provides such as the Security Appraisal Service means that staff can give advice to residents and ratepayers as to how they can make their premises and homes more secure. There is a lot of work being done between the Crime Prevention team and Community Development team in engaging with parts of our community who may feel alienated and getting them to engage more appropriately in activities that reduce some of the antisocial behaviour. As to whether this reduces crime, the City would have to obtain more empirical evidence to provide a definitive response but believe we are making a difference.**

**The Presiding Member stated the security service provided closes the gap between the Police and the general public. The City's response time has an average of six minutes whereas the police are sometimes unable to attend, depending on what is happening. The City's security is a visible presence in Belmont.**

**8.02pm As there were no further questions, the Presiding Member declared Public Question Time closed.**

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

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

**OFFICER RECOMMENDATION**

**SEKULLA MOVED, POWELL SECONDED**

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.

**CARRIED 9 VOTES TO 0**

**6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 21 SEPTEMBER 2021  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**POWELL MOVED, WOLFF SECONDED**

That the Matrix for the Agenda Briefing Forum held on 21 September 2021 as printed and circulated to all Councillors, be received and noted.

**CARRIED 9 VOTES TO 0**

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

Nil.

**8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

Nil.

**8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.2.1 CR POWELL.**

1. I received a question on 26 September 2021 from BRRAG. It appears there have been problems with listening to our recording and I wondered if someone can tell me if the recording is clear enough for residents to listen to. Was the entire transcript put on our website to be listened to?

**Response**

The Chief Executive Officer stated the recording was interrupted during the last meeting. The City had an IT company come in and during their review identified a loose port under one of the desks had been causing the intermittent interruption in the recording which has since been repaired. The recording was slightly interrupted, so the entire transcript was not recorded but what was recorded was put on the website. We now believe we have rectified the fault and hopefully that should be an end to the issue.

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

Nil.

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

Nil.

**11. REPORTS OF COMMITTEES**

**11.1 EXECUTIVE COMMITTEE HELD 19 APRIL 2021  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**SEKULLA MOVED, WOLFF SECONDED**

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

**CARRIED 9 VOTES TO 0**

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

**OFFICER RECOMMENDATION**

**WOLFF MOVED, SEKULLA SECONDED**

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

**CARRIED 9 VOTES TO 0**

**12. REPORTS OF ADMINISTRATION**

**POWELL MOVED, RYAN SECONDED**

*Recommendations for Items 12.1, 12.2, 12.3, 12.4, and 12.5 be adopted en bloc by an Absolute Majority decision.*

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

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

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 1 – Item 12.1 refers</b>	<b><a href="#">Land Subject to Amendment No. 18</a></b>

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"/>            | <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. 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.**

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

**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"/>            | <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 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 checked="" 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 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.**

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

**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"/>            | <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 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 checked="" 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 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.

**Cr Sekulla declared an interest that may affect impartiality in Item 12.3 - Request for Rate Exemption – The Congregation of the Presentation Sisters (WA) Incorporated for 5/82 Surrey Road, Rivervale.**

### **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.**

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

## 12.4 ACCOUNTS FOR PAYMENT – AUGUST 2021

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item 12.4 refers	<a href="#"><u>Accounts for Payment – August 2021</u></a>

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

### COUNCIL ROLE

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

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		<b>\$6,113,553.41</b>

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.**

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

## 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	<a href="#"><u>Monthly Activity Statement as at 31 August 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

- |                                     |                       |   |
|-------------------------------------|-----------------------|---|
| <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 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.

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure Capital</b>			
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.
<b>Expenditure – Operating</b>			
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

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
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.
<b>Revenue Capital</b>	-		
Road Works	(529,989)	Nil	Timing issue regarding the spread of grant income.
<b>Revenue Operating</b>	-		
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.

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 31 August 2021</b>	<b>\$</b>	<b>Comment</b>
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	
<b>Total Current Assets</b>	<b>48,087,201</b>	
<b>Current Liabilities</b>		
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
<b>Total Current Liabilities</b>	<b>(5,216,303)</b>	
<b>Nett Current Assets 31 August 2021</b>	<b>42,870,898</b>	
<b>Nett Current Assets as Per Financial Activity Report</b>	<b>42,870,898</b>	
Less Committed Assets	<b>(42,370,898)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 12.5 Continued*

**OFFICER RECOMMENDATION**

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

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

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

**13.1 REQUESTS FOR LEAVE OF ABSENCE**

Nil.

**13.2 NOTICE OF MOTION**

Nil.

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

**Note:**

The Presiding Member advised that in accordance with Section 5.23(2)(f)(ii) and Section 5.23(2)(a) of the *Local Government Act 1995* in order to discuss Confidential Item 14.1 Council will need to go behind closed doors.

**8.08pm** **POWELL MOVED, ROSSI SECONDED** that in accordance with Section 5.23(2)(f)(ii) of the *Local Government Act 1995*, the meeting proceed behind closed doors to discuss Confidential Item 14.1 – Western Australian Auditor General’s Report.

**CARRIED 9 VOTES TO 0**

**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**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
Confidential Attachment 1 - Item 14.1 refers	<a href="#"><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></a>

**COMMITTEE RECOMMENDATION**

**POWELL MOVED, RYAN SECONDED**

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.

**CARRIED 9 VOTES TO 0**

*Item 14.1 Continued*

- 8.10pm Having declared a Direct Financial Interest for Item 14.2, Mr Christie departed the meeting.
- 8.10pm The Presiding Member requested that all Officers, with the exception of the Director Corporate and Governance, Human Resources Manager and Mr Syme, depart the meeting.
- 8.10pm The Acting Manager Governance and Governance Officer departed the meeting.
- 8.10pm The Director Development and Communities, Director Infrastructure Services, Media and Communications Adviser and Senior Governance Officer departed the meeting and did not return.
- 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**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
Confidential Attachment 6 - Item 14.2 refers	<a href="#"><u>Report Item – Staff Matter – Chief Executive Officer Annual Appraisal 2020-2021 (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(a))</u></a>
Confidential Tabled Attachment 1 – Item 14.2 refers	<a href="#"><u>CEO Performance Review Presentation</u></a>

- 8.12pm The Chief Executive Officer was invited to return to the meeting and provided a presentation on this matter (refer [Confidential Tabled Attachment 1](#)).
- 8.38pm The Chief Executive Officer departed the meeting.

**Note:**

Mr Christie declared a direct financial interest in Item 14.2 Staff Matter Chief Executive Officer Annual Performance Appraisal 2020-2021 the CEO salary range will be reviewed as part of the CEO Annual Performance Appraisal process.

Item 14.2 Continued

**COMMITTEE RECOMMENDATION**

**SEKULLA MOVED, DAVIS SECONDED**

***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.***

**CARRIED 9 VOTES TO 0**

**8.44pm *POWELL MOVED, ROSSI SECONDED that the meeting again be open to the public.***

**CARRIED 9 VOTES TO 0**

**8.44pm The meeting came out from behind closed doors. The Chief Executive Officer, Acting Manager Governance and Governance Officer returned to the meeting. Five members of the public returned to the meeting.**

**15. CLOSURE**

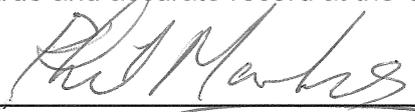
There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 8.46pm.

---

**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these Minutes of the Ordinary Council Meeting held on 28 September 2021 were confirmed as a true and accurate record at the Ordinary Council Meeting held 26 October 2021:

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



PRINT name of the Person Presiding: \_\_\_\_\_

**PHILIP MARKS**

---