



# City of Belmont

## ORDINARY COUNCIL MEETING

### MINUTES

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24 August 2021

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**ATTACHMENTS INDEX**

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**CONFIDENTIAL ATTACHMENTS INDEX**

**Confidential Attachment 1 – Item 12.2 refers**  
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**Confidential Attachment 3 – Item 12.3 refers**  
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**Confidential Attachment 5 – Item 12.4 refers**

**Attachment 4 – Item 12.2 refers (changed to Confidential in Accordance with the  
*Local Government Act 1995 Section 5.23(2)(b)(e)*)**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 24 AUGUST 2021 COMMENCING AT 7.05PM.**

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**MINUTES**

**PRESENT**

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr G Sekulla, JP, Deputy Mayor	West Ward
Cr M Bass	East Ward
Cr B Ryan	East Ward
Cr J Davis ( <i>dep 8.15pm</i> )	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward
Cr L Cayoun	West Ward
Cr R Rossi, JP	West Ward

**IN ATTENDANCE**

Mr J Christie	Chief Executive Officer
Ms M Bell	Director Corporate and Governance
Ms J Gillan	Director Development and Communities
Ms M Reid	Director Infrastructure Services
Mr J Olynyk, JP	Manager Governance
Mr D Boylan	Manager City Facilities and Property
Mrs M Lymon	Principal Governance and Compliance Adviser
Ms D Morton	Media and Communications Adviser
Mrs H Mark	Governance Officer

**MEMBERS OF THE GALLERY**

There were 19 members of the public in the gallery and no press representative.

## 1. OFFICIAL OPENING

7.05pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read aloud the Acknowledgement of Country.

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

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

Nil.

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

### 3.1 FINANCIAL INTERESTS

Nil.

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

<b>Name</b>	<b>Item No and Title</b>	<b>Nature of Interest (and extent, where appropriate)</b>
Cr Rossi	12.4 Presentation of Opportunity Awards	Cr Rossi knows one of the nominees for the 2021 Opportunity Awards.
Cr Rossi	13.2.1 Notice of Motion (Councillor Davis) Ongoing Financial Support for the Belmont City Bowling Club and the Belmont Park Tennis Club	Cr Rossi is a non-paying social member of the Belmont Sports and Recreation Club and a supporter of an award for The Belmont City Bowling Club.
Cr Davis	13.2.1 Notice of Motion (Councillor Davis) Ongoing Financial Support for the Belmont City Bowling Club and the Belmont Park Tennis Club	Cr Davis is a Committee member at the Belmont Sports and Recreation Club.
Cr Marks	13.2.1 Notice of Motion (Councillor Davis) Ongoing Financial Support for the Belmont City Bowling Club and the Belmont Park Tennis Club	Cr Marks is a Bowling Club Patron.
Cr Rossi	13.2.2 Notice of Motion (Councillor Powell) Relationship Between the Belmont Sports and Recreation Club and the Belmont City Bowling Club	Cr Rossi is a non-paying social member of the Belmont Sports and Recreation Club and a supporter of an award for The Belmont City Bowling Club.
Cr Davis	13.2.2 Notice of Motion (Councillor Powell) Relationship Between the Belmont Sports and Recreation Club and the Belmont City Bowling Club	Cr Davis is a Committee member at the Belmont Sports and Recreation Club.
Cr Marks	13.2.2 Notice of Motion (Councillor Powell) Relationship Between the Belmont Sports and Recreation Club and the Belmont City Bowling Club	Cr Marks is a Bowling Club Patron.

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

**4.1 ANNOUNCEMENTS**

Nil.

## **4.2 DISCLAIMER**

**7.08pm 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 BARNES-SMITH, 87 TOORAK ROAD, RIVERVALE**

The following question was taken on notice at the 27 July 2021 Ordinary Council Meeting. Ms Barnes-Smith was provided with a response on 10 August 2021. The response from the City is recorded accordingly:

1. Does the City of Belmont still believe there is nothing they can do?

#### **Response**

**The Australian Pesticides and Veterinary Medicines Authority (APVMA) is the Australian Government statutory authority that assesses, regulates and registers all agricultural and veterinary chemical products into the Australian marketplace. This includes rodenticides. Unless the APVMA change the conditions of sale, labelling and use of second-generation baits, these products will remain available for purchase. As the City is not the statutory regulator, it does not have any legislative power which would require retailers/distributors to segregate and identify second-generation rat poisons from other products at the point of sale. In addition, the City does not have any legislative power to require permits or fees prior to the use of these products within the City.**

2. Does the City of Belmont still believe it is acceptable to hand out second-generation rat poison to residents and ratepayers?

*Item 5.1.1 Continued*

**Response**

**With respect to community concern, the City has opted to discontinue the provision of second-generation rodenticides once the current supply has been exhausted. Notwithstanding this and in the interest of public health, the City will continue with the provision of first-generation products to assist residents in the control of rodents. Controlling mice and rats is an important step in maintaining healthy communities and is a requirement under the Health (Miscellaneous Provisions) Act 1911. The use of poison baits is the most successful way to control rat populations. Rats are known to carry diseases such as salmonellosis, leptospirosis and tularaemia which can be unknowingly transmitted to humans.**

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

The following question was taken on notice at the 27 July 2021 Ordinary Council Meeting. Mr Hitt was provided with a response on 12 August 2021. The response from the City is recorded accordingly:

1. The Elected Member's Contact Details and Membership Register states Cr Davis is a member of the Labor Party can this be confirmed?

**Response**

**It can be confirmed that information provided by Cr Davis is as included in the [Elected Members Contact Details and Membership Register](#) available on the City's website.**

**5.1.3 MR D SMITH, 87 TOORAK ROAD, RIVERVALE**

The following question was taken on notice at the 27 July 2021 Ordinary Council Meeting. Mr Smith was provided with a response on 11 August 2021. The response from the City is recorded accordingly:

*Note:*

*Mr Smith's questions relates to Item 12.3 on the 27 July 2021 Agenda.*

1. I note the City of Belmont stated purpose in the Agenda is for the security patrols to make the "community feel safer". Given the substantial cost, is the City able to point to any evidence that indicates the presence of these patrols reduces crime?

In addition, why is the cost of over \$1 million greater than the amount advised to residents, \$381,000 in a City of Belmont Facebook post during late 2019?

**Response**

**The report did not claim the Belmont Security Watch (BCW) "reduces crime". The City is however of the opinion that the service does make the community feel safer.**

**In Financial Year 2020-2021 the BCW responded to over 3,500 calls from City of Belmont residents in regard to incidents including anti-social and suspicious behaviour, welfare and holiday watch checks and alarm activations.**

*Item 5.1.3 Continued*

The average response times to these calls ranged between four and eight minutes. Their prompt arrival at a location provides residents with comfort and reassurance, especially the more vulnerable and elderly in the community. In addition, WA Police (WAPOL) regularly notifies the City of any “hotspots” and the BCW undertake increased patrols at these locations.

In 2019 information was erroneously circulated by you in social media that the cost of the Belmont Community Watch patrols was \$380,000.

At the time the City corrected this error by providing the following information:-

“The City of Belmont is aware of misinformation regarding a Council motion from 2014 circulating on other social media pages regarding its expenditure on security vehicles in Perth Airport.

The facts are:

- The City’s third security car has been in service since 2014
- 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
- The car covers parts of the commercial precinct of Perth Airport, Kewdale Industrial Estate, Ascot, including Garvey Park and the Redcliffe Industrial area
- The Perth Airport precinct predominantly covers the commercial business area off Horrie Miller Drive and does not enter in the operational areas of Perth Airport which includes their car parks
- Perth Airport has their own private and Federal Police security to manage these areas. The City’s security car is not permitted in these areas
- This service has proven to be and is recognised as a valuable community safety asset that has responded to and dealt with numerous incidents in all the areas mentioned over the last five years.

It should also be noted that Perth Airport pays about \$11.5 Million in full commercial rates to the City of Belmont and is therefore entitled to the same level of service delivery as any other ratepayer”.

In summary one car costs approximately \$372,000. As the BCW full service consists of three cars (\$372,000 x 3 = \$1,116,000) and the Faulkner Park static guard (approximately \$125,000) the total annual cost for the new contract covering Financial Year 2021-2022 is approximately \$1,241,000.

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

The following questions were taken on notice at the 27 July 2021 Ordinary Council Meeting. Ms Hollands was provided with a response on 11 August 2021. The response from the City is recorded accordingly:

1. The lease signed in 2002 states the lessee must maintain any part of the premises that surround any buildings, including but not limited to flora, gardens and lawn and tend to the pruning. At the BSRC AGM last September the Chief Executive Officer gave a presentation which included stating the BSRC would be responsible for maintenance. Clause 12.4 on the most recent lease states that, with the exception of the bowling greens, the lessor will maintain any flora, gardens, lawn, shrubs and trees located at the premises. Why did the CEO say in September that the BSRC would pay for maintenance and now the lease states the rate payer is going to pay for it, so what is the likely cost to ratepayer?

**Response**

**The BSRC are responsible for landscaping maintenance of the gardens which surround the building. The BSRC always have, and continue to, carryout landscaping maintenance within the leased area, which is undertaken by volunteer members of the BSRC. The City continues to be responsible for maintenance of the surrounding reserve outside the leased area, as illustrated below. The reference to the Lessor maintaining the gardens is an anomaly within the Lease which will be addressed by the City with the Lessee.**



2. Who issued instruction to McLeods for the ratepayer to pay for this maintenance?

**Response**

**The drafting and coordination of the lease document was managed by the Manager City Facilities and Property, as noted in the previous response, the Lessee continues to undertake this maintenance.**

3. Section 15(i)(b) of the lease between the City of Belmont and the BSRC states that the lessee agrees to provide to the lessor upon the lessor's request, any information on membership and other information reasonably required of the lessor.

*Item 5.1.4 Continued*

Given that the City of Belmont has been using ratepayer money to fund the BSRC over a period of time, has the City of Belmont asked for or been provided with a copy of the membership of members, which would include their addresses to give an accurate picture of the number of members located in Belmont as opposed to those from other localities and if not, why not?

**Response**

**In accordance with Clause 15(i)(b) of the Lease, the BSRC are required to provide this information to the City by 1 October 2021.**

**5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

**7.09pm 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 eight 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. Four further registrations were forthcoming.**

**5.2.1 MS G GODFREY, 11 MORGAN RD, REDCLIFFE**

1. I understand that the Belmont Sports and Recreation Club (BSRC) have submitted to Council a proposed Schedule of Fees and Charges relating to the Belmont Bowling greens. Is this correct?

**Response**

**The Chief Executive Officer stated the City was provided with a copy of the draft proposed Schedule of Fees and Charges.**

2. Can the Belmont City Bowling Club (BCBC) have a copy as we have not been involved in any consultation?

**Response**

**The Chief Executive Officer stated the City would need to seek permission from the BSRC before passing on a copy of the proposed Schedule of Fees and Charges and is happy to contact them to ask if that is appropriate.**

**5.2.2 MR S HOPKINS, 23 ALFRED STREET, BELMONT**

1. If the synthetic greens go ahead at the Bowling Club, which will cost close to \$250,000, does Council agree that if the Bowling Club contributes money for this, the term of the sub-lease should be five years plus another five-years, which is the same as the lease the City of Belmont has offered the BSRC?

**Response**

**The Manager City Facilities and Property stated the City has made it clear in discussions with the BSRC, that it would expect a sub-lease to run concurrently with the actual lease BSRC have in place, being five years, plus another five-year term.**

2. The commencement date of Lease between the City of Belmont and the BSRC is 1 May 2021. It is now 24 August 2021 and there is still no sub-lease on the table. In Council's opinion, how much longer does the BCBC need to wait?

**Response**

**The Manager City Facilities and Property stated the City has a meeting arranged with the BSRC this week to discuss the sub-lease and hopes to make some progress at that meeting.**

3. What is the Council's objective for the BSRC?

**Response**

**The Presiding Member stated Council is hoping the BSRC continue, and the differences between them and the Bowling Club can be overcome, allowing them to continue as a decent facility for the people of Belmont. The BSRC has an obligation to the ratepayers of Belmont and the sporting clubs involved with them.**

**The Chief Executive Officer stated the City would expect the BSRC to uphold the requirements of the current Lease.**

4. Is Council aware that the ratepayers and residents' membership applications for the BSRC in June have been declined with no reason?

**Response**

**The Chief Executive Officer stated he was not aware of membership applications being declined.**

5. Is Council aware that the membership forms have changed? I have a copy of both membership application forms with me.

**Response**

**The Presiding Member stated he had never seen the membership forms.**

Note:

With the permission of the Presiding Member, Mr Hopkins submitted a copy of both application forms to the meeting.

**5.2.3 MR T METCALF, 258A ARMADALE ROAD, KEWDALE**

1. When is the City going to terminate the Lease Agreement so the BCBC can have its own sub-lease with the City of Belmont to enable the club to function normally as we have done for the last 20 years?

**Response**

**The Presiding Member thanked Mr Metcalf for making his point clear.**

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

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

2. At Item 13.2.2 on tonight's Agenda, there is a motion to obtain legal advice in respect of the situation between the BSRC and the BCBC. Given this is not likely to be a complex matter, as it relates to contract law, why would the City not utilise the Director Corporate and Governance to give legal advice, rather than potentially paying more money outside the City of Belmont?

**Response**

**The Presiding Member stated the legal advice would be independent of the City of Belmont and under these circumstances, the City is looking for an independent opinion.**

3. Development WA operates across Western Australia with a diverse portfolio of industrial, commercial and residential projects. In this month's payments, on 29 July, there is an amount of \$234,255.02 for professional fees, planning to Development WA Land Corp. What was the payment for and what area within Belmont is having some sort of development requiring this payment?

**Response**

**The Director Development and Communities stated the City will confirm the figure is correct, but understands the payment relates to money paid back to what was known as LandCorp as part of development in The Springs area. The sum would have been a contribution by developers in the area that was then paid back, as Landcorp prefunded the work in the area.**

*Item 5.2.4 Continued*

4. On 16 July, there is a payment to Western Australian Treasury Corporation for \$47,182.79 for a loan repayment. What is the loan repayment for and is it a one off or is it a recurring amount, and if recurring, for how long?

**Response**

**The Chief Executive Officer stated he believes that may be the loan repayment for the funds borrowed to assist with the construction of the Belmont Hub which would be an ongoing payment but will confirm this.**

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

1. Over the past four years, residents have been asking to have the streaming of Council meetings. There was a problem with the audio recording of the meeting last month. What is stopping our Councillors from supporting this progression, which may get more people interested in Local Government?

**Response**

**The Presiding Member stated that is a question you are asking all Councillors here and they don't have to answer that.**

2. Do you think the City is being transparent for residents to become involved, by not recording the meetings?

**Response**

**The Chief Executive Officer stated the City is open and transparent and Council Meetings are open and free for the public to attend.**

3. What about members of the public that can't attend for various reasons?

**Response**

**The Chief Executive Officer stated he is unable to comment on why people cannot attend meetings.**

4. Has the recording issue been all sorted so there will not be any problems tonight?

**Response**

**The Presiding Member stated the City hopes there will be no problems this month with the recording, however anything technical can go wrong at any stage.**

5. This year the City of Belmont raised rates in line with the Consumer Price Index (CPI). The Town of Cambridge had no rate increase for the fifth year running. Did Councillors find areas of spending that could have been tightened, like the Town of Cambridge, so that we could have had a zero-rate increase?

**Response**

**The Presiding Member stated if a business runs on CPI on a consistent basis, as the City does, then everyone in the community knows the increase will be in line with CPI each year. There is a history of Councils that don't increase in line with CPI that then end up having large increases in rates a few years down the track.**

*Item 5.2.5 Continued*

Note:

Ms Hollands asked a question at this point that was ruled out of order in accordance with Rules for Council Meeting Public Question Time Rule e), as the intent of the question implied a level of distrust and was not in good faith.

6. The Seniors Citizens were unable to find parking last week when attending their club. We have been told that a review of parking will take place in six months. How many car bays were allocated for the use of the Seniors Citizens Club?

**Response**

**The Chief Executive Officer stated the City has already provided responses to similar questions of this nature. That position remains unchanged.**

7. Is there anything that can be done in the meantime?

**Response**

**The Chief Executive Officer stated the City is now allowing the Senior Citizens Club bus access to the underground carpark to enable the members access to the lift to transport them up to the ground floor.**

**The Director Infrastructure Services stated the City has installed parking sensors within Faulkner Civic Precinct, to assist with the monitoring of parking. Any challenges experienced by any groups in Belmont Hub with parking should be reported to the City to enable the sensors and CCTV on that particular day to be checked.**

8. With regard to the earlier question concerning the Schedule of Fees and Charges in relation to the BSRC and the City of Belmont. If the City is trying to resolve this matter, wouldn't it be appropriate to involve the Bowling Club? What is the involvement of the City with that Schedule?

**Response**

**The Presiding Member stated the City has been shown the Schedule. It is not up to the City to make decisions, it is up to the BSRC to include the Bowling Club in any decisions they make.**

**The Chief Executive Officer stated any agreement between the third party and the BSRC needs to be negotiated between those parties. Any sub-lease will need to be signed by both parties, agreed by the City and approved by the Minister.**

9. Why did the Schedule come to you then?

**Response**

**The Manager City Facilities and Property stated the City received a copy of the draft Schedule. The City provided comment on it and sent the document back to the BSRC last week. It is not a formalised Schedule, the City provided comment on a draft document.**

**5.2.6 Ms A FEARN ON BEHALF OF BELMONT SPORTS AND RECREATION CLUB**

1. As Manager of the Belmont Sports and Recreation Club, I sent a letter today to the Mayor and Councillors. I think it is important that the letter is read before making a decision on this matter tonight. Can I have confirmation that all Councillors have read the letter?

**Response**

**The Presiding Member stated Cr Ryan has not received the letter.**

Note:

A copy of the letter was passed to Cr Ryan.

**5.2.7 Ms T KEELER, 22E/66 GREAT EASTERN HIGHWAY, RIVERVALE**

1. The BCBC and BSRC have been negotiating a new agreement. Over the past 12 months, the Bowling Club have been through three Presidents, a Treasurer and a Secretary leaving the club. Two Executive Members have been suspended for harassment of staff. With all the turmoil going on with leadership of the BCBC, what role, if any, is being played by the President of BRRAG, Lisa Hollands and suspended former President, Brad Wicks in the negotiations of the agreement?

**Response**

**The Presiding Member stated the President of BRRAG is a member of the Bowling Club and Mr Wicks is an ex-Greenkeeper.**

**The Chief Executive Officer stated that is not a question for Council. The question should be addressed to either the President of BRRAG or Mr Wicks.**

2. I was told that members of the Belmont Croquet Club, Belmont Tennis Club and the Belmont RSL attended the recent BCBC AGM. The BRRAG President addressed the meeting. Was the City aware members from other external clubs attended this meeting and did they participate in the voting process?

**Response**

**The Presiding Member stated although he was aware members of other clubs were present, he is not aware if they were participating in the voting. The Councillors who attended the meeting did not participate in discussions.**

**5.2.8 MR I DAVIS, 382 BELMONT AVENUE, KEWDALE**

1. At last month's Ordinary Council Meeting, the Bowling Club Secretary read a section of a letter addressed to the Secretary of the BCBC from the BSRC Secretary. I think it's important to have an understanding of the entire letter, not a sentence taken out of context.

Did the President and Greenkeeper Brad Wicks of the BCBC claim JobKeeper Payment and if not, why not?

**Response**

**The Chief Executive Officer stated the City is not aware if he did and that question should be put to the BCBC.**

**7.40pm ROSSI MOVED, SEKULLA SECONDED that Public Question Time be extended.**

**CARRIED 9 VOTES TO 0**

2. Is Council aware that the BCBC wrote to over 150 Bowling Clubs in Western Australia to ask them to join the BSRC but not asking them to visit the club? Other Bowling Clubs members were asked to vote in upcoming BSRC elections.

Is the Mayor and Councillors aware of this action and do you support this behaviour?

**Response**

**The Presiding Member stated he was unaware of this action. Anyone can be a member of the BSRC and there are a lot of members that do not live in Belmont. Council is not aware of who the members are or where they come from.**

**The Chief Executive Officer stated that is not an appropriate question for Council. This would be a matter for the BSRC and the BCBC to resolve. It is a Council owned facility, and the use of the facility is governed by the Lease.**

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

1. I attended Garvey Park this afternoon wanting to put my kayak in the river but found there was no access to the river from my car. Can Council have a look to see if it is possible for vehicles to get closer to the river?

**Response**

**The Chief Executive Officer stated there is a Kayak Club at Garvey Park and there is access to the River from a ramp in front of the Kayak Club. The City will provide details of where the access is and where the ramp is located.**

*Item 5.2.9 Continued*

2. From Garratt Road Bridge area there is a small road following the racecourse with access to the river. The fence that runs alongside has been knocked over and the rubbish that is there makes it difficult for people to access this area with a vehicle. Does this land belong to the Council?

**Response**

**The Chief Executive Officer stated the City does have several access points along the river that have boat ramps and will provide a list of those locations.**

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

Note:

Mr Hitt raised a question to which Cr Sekulla raised a Point of Order, in accordance with Rules for Council Meeting Public Question Time Rule e), as the intent of this question was not in good faith. The Point of Order was upheld by the Presiding Member. Mr Hitt was advised that the correct process would be to make a formal complaint in writing, which will be dealt with by the Complaints Officer.

1. Is the City of Belmont's CEO obligated under any state legislation to investigate matters when they are brought to his attention?

**Response**

**The Chief Executive Officer stated complaints are forwarded on to the Complaints Officer who carries out an investigation. Complaints against the Chief Executive Officer would be forwarded to the Mayor.**

**5.2.11 MS J GEE, 2/97 GABRIEL STREET, CLOVERDALE**

1. Do we know when the complaints management process and policy will be completed and when it will be available to have copies.

**Response**

**The Manager Governance stated the complaint management process is being prepared. It is currently in draft form and will be required to go through an approval process with the City's Executive Leadership Team and presented to Council for its consideration. At this stage a timeframe for completion cannot be given.**

2. Will it be an Agenda Item?

**Response**

**The Manager Governance stated if there is a matter which requires Council to address a policy decision, then it will become an Agenda Item.**

3. Will the actual Policy come to a Council meeting?

**Response**

**The Manager Governance stated if it is a Policy, it will come to Council.**

*Item 5.2.11 Continued*

4. Why has some of the questions asked tonight been allowed and why were they not shut down earlier, such as questions asked and levelled at different people like the BRRAG President for instance? I have noticed in the past the Mayor has been quick to pull people into order, but tonight has let them go.

**Response**

**The Presiding Member stated the BRRAG President gets the chance to ask questions on behalf of BRRAG and herself.**

**The Chief Executive Officer stated the Presiding Member manages the meeting in accordance with the *City of Belmont Standing Orders Local Law 2017*.**

**5.2.12 MR D SMITH, 87 TOORAK ROAD, RIVERVALE**

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."*

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

**Response**

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

**8.00pm As there were no further questions, the Presiding Member declared Public Question Time closed.**

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

**6.1 ORDINARY COUNCIL MEETING HELD 27 JULY 2021  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**SELULLA MOVED, DAVIS SECONDED**

*That the Minutes of the Ordinary Council Meeting held on 27 July 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 17 AUGUST 2021  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**POWELL MOVED, BASS SECONDED**

*That the Matrix for the Agenda Briefing Forum held on 17 August 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**

**8.1.1 CR POWELL**

The following question was taken on notice at the 27 July 2021 Ordinary Council Meeting. Cr Powell was provided with a response on 13 August 2021. The response from the City is recorded accordingly:

*Note: Cr Powell's question relates to the information provided under Freedom of Information in regard to redacting personal information in the copy of the lease between the City of Belmont and the Belmont Sports and Recreation Club (BSRC) that was provided.*

1. Was permission sought from the people who signed the lease?

**Response**

**Third parties were consulted, including the Belmont Sport and Recreation Club as part of processing the Freedom of Information application. Third party consultation is standard practice when dealing with an application to access documents under Freedom of Information.**

## **8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**

### **8.2.1 CR CAYOUN**

1. In relation to questions tonight regarding the relationship between the BSRC and the BCBC, does Council, who contributes a large amount of money to the BSRC, have any say over who joins the club or if there is any obligation from BSRC to accept membership forms from Belmont residents who wish to be members of that club?

#### **Response**

**The Chief Executive Officer stated to confirm the City does not provide funding to the BSRC, funding is provided to the BCBC and would not have influence over membership or what the Club's constitution states about who can and cannot apply for membership.**

2. If somebody from Belmont wanted to join the BSRC, they would be permitted to do so?

#### **Response**

**The Presiding Member stated the City wouldn't be involved at all and it would be up to the Club.**

**The Chief Executive Officer stated if a member of the community wanted to join the BSRC, the club may have a proforma to complete. Any exclusions may be part of the Clubs' constitution.**

### **8.2.2 CR ROSSI**

1. A response to the President of BRRAG last month stated, "*In accordance with Clause 15(i)(b) of the Lease, the BSRC are required to provide this information to the City by 1 October 2021.*" Has that been provided yet and will the City be following that up to ensure it does come to Council and Councillors?

#### **Response**

**The Manager City Facilities and Property stated the City has not yet requested that information but will make the request early in September and will provide the information to Council.**

### **8.2.3 CR RYAN**

1. If membership is free at BSRC, could it be said that the 70 members of the BCBC are also members of the BSRC?

#### **Response**

**The Chief Executive Officer stated a member of the BCBC would also be a member of the BSRC.**

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

Nil.

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

Nil.

**11. REPORTS OF COMMITTEES**

**11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 26 JULY 2021**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**DAVIS MOVED, SEKULLA SECONDED**

*That the Minutes for the Standing Committee (Audit and Risk) meeting held on 26 July 2021 as previously circulated to all Councillors, be received and noted.*

**CARRIED 9 VOTES TO 0**

**11.2 STANDING COMMITTEE (COMMUNITY VISION) HELD 2 AUGUST 2021**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**RYAN MOVED, POWELL SECONDED**

*That the Minutes for the Standing Committee (Community Vision) meeting held on 2 August 2021 as previously circulated to all Councillors, be received and noted.*

**CARRIED 9 VOTES TO 0**

**12. REPORTS OF ADMINISTRATION**

**POWELL MOVED, WOLFF SECONDED**

*That the Officer or Committee Recommendations for Items 12.1, 12.2, 12.3, 12.4, 12.5, 12.6, and 12.7 be adopted en bloc by an Absolute Majority decision.*

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

**12.1 GATE ADDITION TO 85 DWELLINGS (75 MULTIPLE DWELLINGS AND 10 GROUPED DWELLINGS) – LOT 1010 (9) HAWKSBURN ROAD, RIVERVALE**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 1 – Item 12.1 refers	<a href="#">Development Plans</a>
Attachment 2 – Item 12.1 refers	<a href="#">Responsible Authority Report – 78/2014/A</a>
Attachment 3 – Item 12.1 refers	<a href="#">Minutes of the Owners of Tribeca East Annual General Meeting</a>

Voting Requirement : Simple Majority  
Subject Index : 115/001-Development/Subdivision/Strata-Applications and Application Correspondence  
Location / Property Index : Lot 1010 (9) Hawksburn Road, Rivervale  
Application Index : 604/2020/DA  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : Blackburne Strata Management  
Owner : The Owners of Strata Plan 69829 – Tribeca East  
Responsible Division : Development and Communities

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

For Council to consider an application to install a security gate to the visitor parking bays to the multiple and grouped dwelling complex at Lot 1010 (9) Hawksburn Road, Rivervale.

Item 12.1 Continued

**SUMMARY AND KEY ISSUES**

- The subject site is zoned ‘Special Development Precinct – The Springs’ and further designated as ‘Development Area 11’ under Local Planning Scheme No.15.
- The existing 85 dwellings were approved by the Joint Development Assessment Panel (JDAP) on 24 April 2014. This approval had conditions requiring that visitor car parking bays be accessible at all times.
- Resident carparking bays are currently located behind gates. However, the visitor car parking bays located at the entry to the development are not located behind a security gate.
- The owners of the complex have raised security concerns regarding the visitor bays and have advised that there have been several incidents of theft and damage since the occupancy of the building. In response to these concerns, the owners seek to amend the JDAP approval to include the installation of a security gate to the entry of the complex.
- It is proposed that the gate will remain open between 6:00am and 8:00pm. The gate will be closed between 8:00pm and 6:00am to restrict access.
- Visitor access afterhours will be managed using an intercom system at the front of the gate. Signage will inform visitors that the bays are located behind the gate and that it is necessary to use the intercom to gain entry.

It is considered installation of the security gate can be supported on the basis that it meets the relevant criteria of the planning framework and that conditions will ensure that the visitors bays are accessible at all times.

**LOCATION**

The application relates to the existing 75 multiple dwellings and 10 grouped dwellings complex known as the ‘Tribeca East’. Tribeca East is bounded by Hawksburn Road, Regatta Terrace and Rowe Avenue, within the Special Development Precinct zone identified as The Springs.



Figure 1 – Aerial of Subject Site

*Item 12.1 Continued*

## **CONSULTATION**

Category A applications are those that are complete, fully comply, can be approved under delegated authority and does not require approval from any other body. Category A applications are classified as such on the basis that they are fully compliant and do not require advertising under relevant legislation.

At the Annual General Meeting held on 20 July 2020, the Owners of Strata Plan 69829 – Tribeca East confirmed that they will pursue the installation of the gate to the visitor's car parking with the City of Belmont (refer [Attachment 3](#)). On this basis, no consultation with owners or occupiers within the complex was deemed necessary. In terms of public advertising, the planning framework pertaining to the site does not require that applications for security gates be advertised to the broader community. As the visitor bays will remain accessible at all times, it is considered that there will be no off-site parking impacts.

## **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.

Whilst the subject lot is not within an activity centre, the proposal can affect the community's general perception of safety within the City, which is considered as a measurement to the goal.

### **Goal: Responsible Belmont**

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

## **POLICY IMPLICATIONS**

### **State Planning Policy 7.3 – Residential Design Codes Volume 2 - Apartments**

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. Volume 2 of the R-Codes was introduced in 2019 and specifically relates to multiple dwellings and residential component of mixed-use developments. Of relevance to the subject application are the following acceptable outcomes and objectives:

- **Objective 3.8.1:** Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.
- **Objective 3.9.3:** Car parking is designed to be safe and accessible.
- **Acceptable Outcomes 3.9.7:** Visitor parking is clearly visible from the driveway, is signed 'Visitor Parking' and is accessible from the primary entry or entries.
- **Design Guidance 3.8.3:** Visitor bays are readily accessed from the primary vehicle entry. Where located inside security gates, provide intercom controls to facilitate visitor access.

*Item 12.1 Continued*

### **Local Planning Policy No. 7 – The Springs Design Guidelines**

Local Planning Policy No. 7 (LPP7) provides guidance and standards for design and development in The Springs Special Development Precinct. The following development controls are relevant to the proposal:

- Opportunities for casual surveillance from inside to the public realm and point of ingress.
- Buildings and boundaries must be adequately secured from unwanted intruders.

### **Designing Out Crime Planning Guidelines**

The guidelines provide principles for designing out crime and approaches to address crime prevention. Of relevance to the subject application are the following objectives:

#### **5.2 Urban Structure:**

- Facilitate safe and efficient movement of vehicles, cyclists and pedestrians.

#### **5.15 Car Parks, Including Grade and Multi – Storey:**

- Increase safety through optimising visibility and clear sightlines.
- Provide safe access to and from car parks.

### **STATUTORY ENVIRONMENT**

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

Regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011* allows for an owner of land subject to a previous JDAP approval to apply to the City to amend the application.

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

The subject site is zoned ‘Special Development Precinct – The Springs’ under LPS15. Clause 4.8.1 of LPS15 defines five Special Development Precincts within the City of Belmont including ‘The Springs’. Development within the Special Development Precinct is subject to compliance with the performance-based criteria contained in the relevant local planning policy (in this instance, Local Planning Policy 7).

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

Schedule 2 Part 9 Clause 67(2) of the Planning Regulations states the matters to be considered by local government in determining a development application. In summary, the following matters are of particular relevance to this application:

- “(a) *The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.*
- (b) *The requirements of orderly and proper planning.*
- (g) *Any local planning policy for the Scheme area.*

*Item 12.1 Continued*

- (s) *The adequacy of –*
- i. The proposed means of access to and egress from the site; and*
  - ii. Arrangements for the loading, unloading, manoeuvring and parking of vehicles.*
- (x) *The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.*

**Deemed Refusal**

Under Clause 75 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, an application is 'deemed to be refused' if it is not determined within a 90-day period.

The only exception is where there is a written agreement for a further time between the applicant and the City of Belmont. In this case, there is no written agreement for the statutory time period to be extended.

The deemed refusal date for this application passed on 9 June 2021 and the applicant already has deemed refusal rights.

**Right of Review**

Is there a right of review?  Yes  No

The applicant/owner may make application for review of a planning approval/planning refusal to the State Administrative Tribunal (SAT) subject to Part 14 of the *Planning and Development Act 2005*. Applications for review must be lodged with SAT within 28 days. Further information can be obtained from the SAT website—[www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au).

**BACKGROUND**

<b>Lodgement Date:</b>	11 March 2021	<b>Use Class:</b>	Multiple Dwelling – 'D' Use
<b>Lot Area:</b>	4,013m <sup>2</sup>	<b>LPS Zoning:</b>	Special Development Precinct
<b>Estimated Cost of Development:</b>	\$16,000	<b>MRS:</b>	Urban

**Existing Development**

On 7 May 2014, JDAP approved a multi-storey development comprising 75 multiple dwellings and 10 grouped dwellings. Refer [Attachment 2](#).

The applicant submitted a Form 2 application for consideration by JDAP, which included amendments that sought the provision of additional visitor bays and the inclusion of a security gate as indicated in Figure 2 below.

Item 12.1 Continued

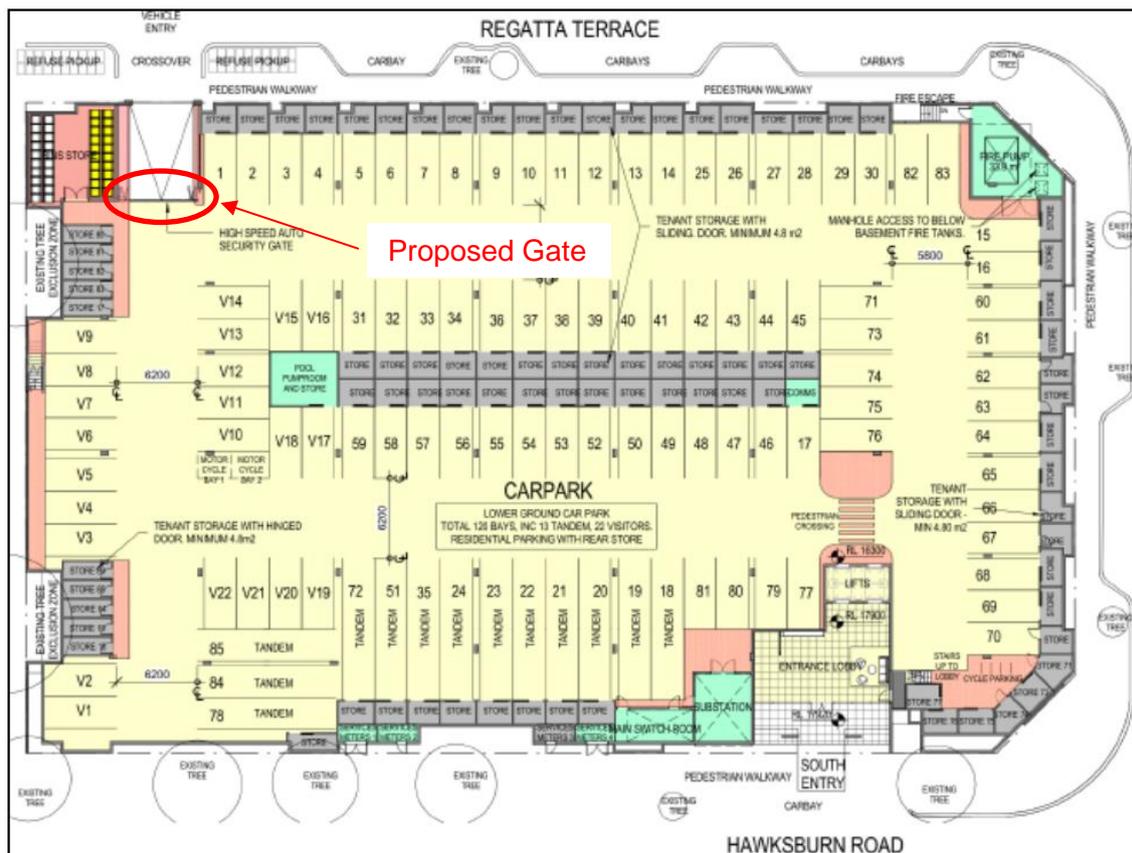


Figure 2 – Amended Car Parking and Access Configuration (source: JDAP)

In light of the proposed amendment, the Responsible Authority Report recommended changes to Condition 14 and 22 of the approval as follows:

**Condition 14** – Prior to occupation or use of the development, 22 visitor bays on the ground floor are to be clearly marked on site as ‘Visitor Bays’, and made accessible for visitors at all times. All visitor bays are to be at a consolidated location. The bays are to be maintained in accordance with the City’s engineering requirements and design guidelines to the satisfaction of the City’s Director Technical Services.

**Condition 22** – Prior to use or occupation of the development, an Access and Parking Management Plan shall be prepared at the applicant’s cost to the satisfaction of the City, and thereafter implemented for the life of the development.

The Parking Management Plan shall include measures to ensure the gates remain open between the hours of 9.00am and 6.00pm daily and an intercom system to allow access at all hours. Visitor car parking must be clearly sign posted from outside.

As justified in the RAR, the proposed amendment was acceptable as it:

- ...will bring the subject development into line with other similar proposals such as at Lot 1005 (8) Hawksburn Road, Rivervale.
- ...will improve the safety and security of the proposed development ensuring that the undercroft car parking area is secure and controlled.
- ...is open between the hours of 9am and 6pm. Afterhours access can be appropriately secured through the use of an intercom system and appropriate signage to direct visitors accordingly.

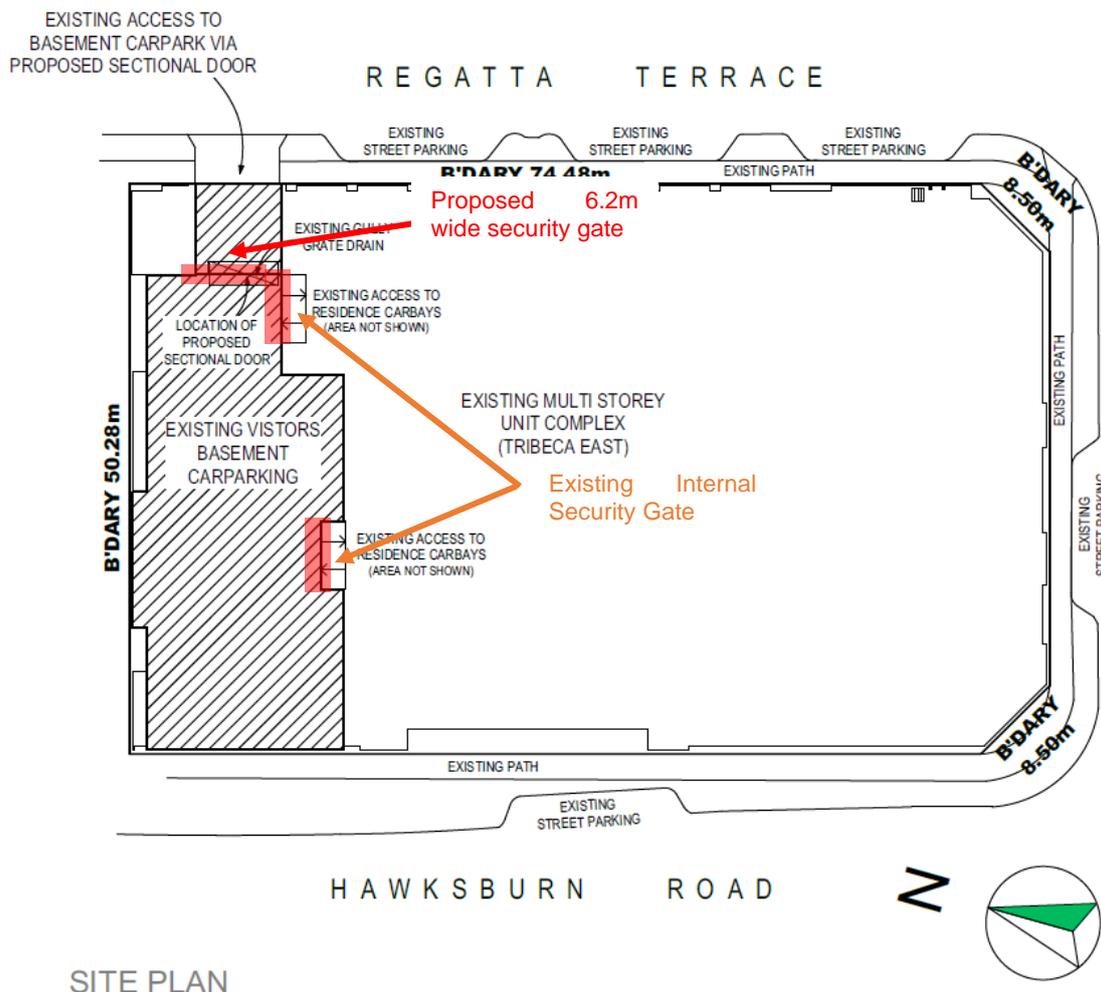
*Item 12.1 Continued*

At the JDAP meeting on 8 October 2014, the JDAP resolved to reinstate Condition 14 and further amend Condition 22 to ensure visitor parking is made available at all times. As a result, the security gates and visitor parking were reconfigured to ensure the visitor car parking is located in front of the gate (refer to Figure 3 below).

**New Proposal**

Since the initial occupation of the building there had been reported incidents that have occurred within the visitor parking which includes stolen vehicle plates, broken vehicle windows, an abandoned vehicle and vandalised fire hydrants. These incidents have tended to occur between the hours of 8:00pm and 6:00am.

To prevent the above incidents, the applicant wishes to install security gate at the entry to the ground floor parking to restrict access during the afterhours (refer to Figure 3). Refer to the development plans under [Attachment 1](#).



SITE PLAN

Figure 3 – Extract of Site Plan Showing Location of Gate

**R-Codes Changes**

At the time of the previous approval, Residential Design Codes Volume 1 was applicable to all residential development. As such, the previously amended conditions were informed by Clause 6.3.4 of the R-Codes which required the visitor parking area to be outside of the security barrier.

*Item 12.1 Continued*

However, the Residential Design Codes Volume 2 has now replaced the previous R-Codes for multiple dwelling developments. This contains provisions that emphasise safety of car parking facilities and makes provision for security gates, subject to meeting the acceptable outcomes.

**OFFICER COMMENT**

The key planning considerations relating to the applications are discussed below.

**Compliance with Residential Design Codes Volume 2 - Apartments**

The proposal has been assessed and deemed to satisfy the relevant objectives and acceptable outcomes as follows:

***Objective 3.8.1:*** *Vehicle access points are designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.*

- As the security gate is proposed to be open during the day, it will have no impact on vehicle access to the visitor parking during these times

With the intercom system, there will be a minor delay for the gate to be opened by the residents. As such, the security gate is setback approximately 8m from the street boundary to accommodate a vehicle to be fully contained within the driveway without obstructing pedestrians travelling along the adjoining footpath. Furthermore, it is considered that there would be low pedestrians and vehicle traffic during the afterhours. Therefore the security gate maintains safe access and egress for vehicles, as well as avoiding conflict with pedestrians, cyclists and other vehicles.

***Objective 3.9.3:*** *Car parking is designed to be safe and accessible.*

- The applicant has confirmed that the reported incidents generally occur during afterhours. The incorporation of the security gate with an intercom system for afterhours access improves safety and maintains accessibility to the visitor parking. This will allow visitors to remain in their vehicle prior to accessing the visitor parking, which ensures their safety.

***Acceptable Outcomes 3.9.7:*** *Visitor parking is clearly visible from the driveway, is signed 'Visitor Parking' and is accessible from the primary entry or entries.*

- The security gate is constructed out of metal which is visually permeable to maintain visibility of the visitor parking from the crossover. The application includes the installation of a 'Visitor Parking' sign close to the point of entry and outside the security gate.

***Design Guidance 3.8.3:*** *Visitor bays are readily accessed from the primary vehicle entry. Where located inside security gates, provide intercom controls to facilitate visitor access.*

The visitor bays are located at the primary vehicle entry to the site. The security gate will comply with this design principle as it remains open during daylight hours and outside of this time access will be facilitated by an intercom system.

As outlined above, the proposal is compliant with the R-Code provisions relating to visitor parking and security gates. Further to these provisions, it is also necessary to assess the proposal against The Springs Design Guidelines.

*Item 12.1 Continued*

### **Local Planning Policy No. 7 – The Springs Design Guidelines**

While the Springs Design Guidelines do not have specific guidelines relating to security gates, the proposal ensures compliance with the following policy measures:

- *Opportunities for casual surveillance from inside to the public realm and point of ingress.*

By featuring visually permeable panels this ensures casual surveillance from the visitor parking to Regatta Terrace.

- *Buildings and boundaries must be adequately secured from unwanted intruders.*

Through restricting access during afterhours where access is only possible via intercom system, this will allow residents to deny entry from potential intruders to the visitor parking area.

### **Designing Out Crime Planning Guidelines**

The Western Australian Planning Commission produced Design Out Crime Planning Guidelines which detail Crime Prevention Through Environmental Design (CPTED) principles. The security gate and visitor parking comply with these principles as follows:

- Facilitates safe and efficient movement of vehicles, cyclists and pedestrians:
  - By remaining open from 6:00am to 8:00pm daily, which does not alter the existing flow of traffic to and from the driveway; and
  - By ensuring at least one vehicle can be accommodated within the property boundary during the afterhours without obstructing the adjoining pedestrian footpath. This will be a temporary standing area for visitor vehicles while waiting for the gate to be opened.
- Will maintain visibility and clear sightlines through the use of visually permeable panels. This ensures passive surveillance between the visitor car parking and the street.

As demonstrated above, the proposed security gate meets the relevant provisions and controls of the R-Codes, LPP7 and Designing Out Crime Planning Guidelines. In the context of The Springs special development precinct, the proposal is consistent with similar approvals at 1 Rowe Avenue and 8 Hawksburn Road, whereby both approvals incorporate conditions requiring the gates to remain open during the day and the provision of intercom system with instructional signage for visitors that seek afterhours access.

The proposed measures will be incorporated into the Access and Parking Management Plan which will be required as a condition of the approval and be implemented throughout the life of the development. This will maintain the existing accessibility to the visitor parking, which will have no additional impact on the existing on-street parking bays along Regatta Terrace, Hawksburn Road and Rowe Avenue.

It is recommended that the proposed security gate be supported subject to conditions.

### **FINANCIAL IMPLICATIONS**

Should the applicant seek to exercise their right to review by the SAT then there would be costs associated with the City addressing the review.

*Item 12.1 Continued*

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

***That Council approve planning application 604/2020 as detailed in plans dated 9 March 2021 submitted by Blackburne Strata Management on behalf of the owners of Strata Plan 69829 – Tribeca East for Gate Addition to 85 Dwellings (75 Multiple Dwellings and 10 Grouped Dwellings) at Lot 1010 (No 9) Hawksburn Road, Rivervale subject to the following conditions:***

- 1. All conditions of the development approval DP/14/00141 dated 8 October 2014 are to be satisfied, with the exception of amended Conditions 14 and 22 and new conditions 29 and 30 as follows.***
  - 14. Prior to use of the development, 22 visitor parking bays on the ground floor are to be clearly marked on site as ‘Visitor Bays’. The bays are to be maintained in accordance with the City’s engineering requirements and design guidelines, to the satisfaction of the City.***
  - 22. Prior to lodgement of application for building permit, the approved Access and Parking Management Plan shall be updated at the applicant’s cost to the satisfaction of the City, and thereafter implemented for the life of the development.***

***The updated Access and Parking Management Plan shall include:***

- Measures to ensure the gates remain open between 6:00am and 8:00pm (daily);***
- Operation of the intercom and remote opening system to allow access from 8:00pm to 6:00am (daily); and***
- Details of signage advising visitors that on site bays are to be used and that they are located behind the gate.***
- Details of signage advising visitors that they shall use the intercom to gain access to visitor bays when the gate is shut.***

#### ***New Conditions***

- 29. The security gate located at the ground floor car park entry shall remain open from 6:00am to 8:00pm (daily) to ensure 22 visitor bays are fully accessible between these times. Intercom access for visitors shall be provided from 8:00pm to 6:00am (daily).***
- 30. The security gate shall be visually permeable in accordance with the definition of ‘Visually permeable’ in the Residential Design Codes.***

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

**12.2 2021 COMMUNITY SERVICE AWARDS**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 4 – Item 12.2 refers	<a href="#"><u>Community Service Awards – List of Previous Recipients (Confidential Matter in Accordance with the Local Government Act 1995 Section 5.23(2)(b)(e))</u></a>
Confidential Attachment 1 – Item 12.2 refers	<a href="#"><u>2021 Community Service Awards Nominations (Confidential Matter in Accordance with the Local Government Act 1995 Section 5.23(2)(b)(e))</u></a>
Confidential Attachment 2 – Item 12.2 refers	<a href="#"><u>2021 Community Service Awards Selection Panel – Scoring Matrix (Confidential Matter in Accordance with the Local Government Act 1995 Section 5.23(2)(b)(e))</u></a>

Voting Requirement : Simple Majority  
 Subject Index : 74/010–Community Services Award  
 Location/Property Index : N/A  
 Application Index : N/A  
 Disclosure of any Interest : Nil.  
 Previous Items : 2 August 2021 SC (CV) – Item 10.1  
 22 September 2020 OCM – Item 12.3  
 29 October 2019 OCM – Item 12.3  
 25 September 2018 OCM - Item 12.2

Applicant : NA  
 Owner : NA  
 Responsible Division : Development and Communities

**COUNCIL ROLE**

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

*Item 12.2 Continued*

## **PURPOSE OF REPORT**

To receive the nominations for the 2021 Community Service Awards and for Council to endorse the Standing Committee (Community Vision) recommendation.

## **SUMMARY AND KEY ISSUES**

Council's consideration of nominations and recommended recipients for the 2021 Community Service Awards.

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

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

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

## **BACKGROUND**

The Community Service Award was initiated in 1977 to recognise and acknowledge services performed by community members and organisations, with five people receiving the inaugural Award. From 1977 to 2020, there have been 110 awards presented with four recipients receiving the Award twice.

The majority of the Awards have been presented to individuals with only two organisations receiving the Award, those being Nulsen Haven (1982) and Belmont Community Food Centre (2000).

The following Award categories have been defined to include people working in the separate areas of:

*Item 12.2 Continued*

- **Aged:** This category applies to an individual/community group who contributes within the aged sector (i.e.: pensioner groups, activities and services for seniors).
- **Community Service:** This category applies to an individual/community group who contributes within the community (i.e.: emergency service volunteer, support personnel, religious organisations, culturally diverse communities, charity groups, schools).
- **People Who Make a Difference:** This category applies to an individual/community group who has made an exceptional impact, by going above and beyond their duties, and making a significant difference in their local community by assisting another or others.
- **Sport and Recreation (Including Arts and Culture):** This category applies to an individual/community group who contributes to organisations such as sporting and recreational clubs as well as arts and culture clubs and organisations.
- **Youth:** This category applies to an individual/community group who supports organisations such as girl guides, scouts, youth clubs, youth centre(s), schools etc.

The Awards are intended to acknowledge the outstanding service given to the community by individual persons and community groups using the following selection criteria:

1. The contribution made should be of benefit to the citizens of the City of Belmont (must have provided services to the residents of the City of Belmont).
2. Remuneration of an incidental nature will not exclude a nominee from eligibility.
3. Nominations can be made in more than one category for any one nominee. Each nomination has to be specific to the category for which the nomination has been submitted.
4. The nomination must be submitted on the provided nomination form.

### **OFFICER COMMENT**

The 2021 Community Service Awards were conducted using the selection criteria as resolved by the Council at its 28 July 2015 Ordinary Council Meeting (Item 10.2).

The Selection Panel comprised of the Mayor, Chairperson of the Standing Committee (Community Vision), the Chief Executive Officer, Director Development and Communities and the Manager Economic and Community Development. The panel convened on Friday, 25 June 2021 to review and assess all applications.

A list of previous recipients is provided under [Attachment 4](#). Copies of nominations received are provided under [Confidential Attachment 1](#).

The Selection Panel's recommendations for the 2021 Community Service Awards was discussed and endorsed at the Standing Committee (Community Vision) meeting on Tuesday, 2 August 2021 and is provided under [Confidential Attachment 2](#).

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

*Item 12.2 Continued*

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

The Community Service Awards recognise those who assist and develop community capacity and support community groups within the City of Belmont.

**COMMITTEE RECOMMENDATION**

1. That Council endorse the recommendation of the Standing Committee (Community Vision) as detailed in [Confidential Attachment 2](#).
2. The decision by Council on the recipients of the 2021 Community Service Awards remains confidential until announced.

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

**12.3 TENDER 10/2021 – REFURBISHMENT OF THE CITY OF BELMONT’S GLASSHOUSE – ACCEPTANCE OF TENDER**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Confidential Attachment 3 – Item 12.3 refers</b>	<a href="#"><u>Evaluation Matrix (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(e))</u></a>
<b>Confidential Attachment 4 – Item 12.4 refers</b>	<a href="#"><u>Price Schedule (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)(e))</u></a>

Voting Requirement : Absolute Majority  
 Subject Index : 114/2021-10  
 Location/Property Index : N/A  
 Application Index : N/A  
 Disclosure of any Interest : Nil  
 Previous Items : N/A  
 Applicant : N/A  
 Owner : N/A  
 Responsible Division : Infrastructure Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To seek Council approval to award Tender 10/2021 – Refurbishment of the City of Belmont’s Glasshouse, formerly known as the Ruth Faulkner Library (The Glasshouse).

*Item 12.3 Continued*

### **SUMMARY AND KEY ISSUES**

This report outlines the process undertaken to invite and evaluate the tenders received for Tender 10/2021 – Refurbishment of the City of Belmont’s Glasshouse and includes a recommendation to award the tender to Geared Construction Pty Ltd in accordance with the requirements of the *Local Government Act 1995*.

Works associated with upgrading The Glasshouse have been planned in two stages:

- Stage 1: Replacement of HVAC (heating/cooling) system, upgrade electrical switchboard, replace internal lighting, upgrade toilet facilities (to cater for capacity of 400 persons), painting, replace flooring and the removal of asbestos.
- Stage 2: Repairs to and replacement of roof, installation of non-commercial kitchen, replace window framing/glazing to comply with current building codes, upgrade lighting controls and the painting of external walls.

To assist with budget preparation in relation to Stage 2, and to enable this work to be undertaken with Stage 1 if a favourable tender response was received, both Stage 1 and Stage 2 were tendered in separable portions.

Included in the 2021-2022 annual budget, is income and expenditure associated with grant funding of \$1,361,931 under the Local Roads and Community Infrastructure Program (LRCIP) Phase 2. The grant terms and conditions require the funds to be expended by 31 December 2021. To meet this timeline, it will be necessary to award the tender by the end of August 2021.

Subsequent to receiving LRCIP Phase 2 grant funding, the City has been advised by the LRCIP administrator that the City will receive \$767,502 for Phase 3 of the LRCIP from the Federal Government. The City will be required to submit projects for approval, and applications for LRCIP Phase 3 projects open in September with the funds available from January 2022.

The majority of the Stage 2 works are building renewal works which were scheduled to take place as part of the building renewals programme in the 2022-2023 financial year and would have been funded from the Building Maintenance Reserve.

Pending approval of the Phase 3 LRCIP grant funding application for Stage 2 of this project, this presents an opportunity for the City to complete both Stage 1 and Stage 2 works at the same time. By completing the two stages together this would reduce the impact of further renewal work in the future, which would require the facility to close for approximately three months resulting in a loss of income and the relocation of City events to third-party venues. It would also negate the need to go back out to tender for Stage 2 works at a later date, reducing both resourcing costs associated with tendering and the potential increase in cost associated with undertaking the work separately.

*Item 12.3 Continued*

## **LOCATION**

The Glasshouse, 215 Wright Street, Cloverdale



## **CONSULTATION**

Internal consultation has been undertaken across the organisation prior to, and during the design and documentation phases for the proposed works. Other local governments with existing function and event facilities have also been consulted, to ascertain key requirements associated with facility design. The City engaged Allan Davies and Trevor Chudleigh Architects who have prepared the technical specification and will act as Superintendent for the project. External consultation was undertaken with the LRCIP administrator to discuss the funding of Stage 2 with Phase 3 LRCIP funding.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

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

**Strategy: 1.2** Plan and deliver vibrant, attractive, safe and economically sustainable activity centres.

### **Goal 5: Responsible Belmont.**

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

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

*Item 12.3 Continued*

## **POLICY IMPLICATIONS**

### **BEXB7.1 - Purchasing**

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

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

### **BB1.1 - Asset Management**

The policy aims to provide a framework for implementing asset management to enable a consistent, co-ordinated and strategic approach at all levels of Council, ensuring that appropriate planned maintenance regimes will be initiated in the most cost-effective manner to enable the City's assets to achieve effective economic lives.

The work associated with this tender aligns with this policy, therefore there are no policy implications.

## **STATUTORY ENVIRONMENT**

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

*'3.57. Tenders for providing goods or services*

*(1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*

*(2) Regulations may make provision about tenders.'*

Clause 21A of the *Local Government (Functions and General) Regulations 1996* allows contract variations if:

*(a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract;'*

## **BACKGROUND**

The former Ruth Faulkner Library was constructed in 1971 and is now 50 years old. The building is located in the Faulkner Civic Precinct and has a clear unobstructed view of the precinct and park area.

A building condition assessment was undertaken by GHD Engineering in 2016 which revealed that the following works were required:

- Replace plant (air conditioning/HVAC system)
- Electrical system upgrade
- Roof replacement and concrete repairs
- Window framing and glazing replacement
- Removal of asbestos.

*Item 12.3 Continued*

The facility became vacant when the Ruth Faulkner Library relocated to the new Belmont Hub and a review was undertaken by the City to assess potential future uses for this facility.

Internal stakeholders from the City's Planning, Community Placemaking, Marketing, Asset Management and Community Wellbeing teams were consulted and, through the review, a lack of event/function space within the City that can accommodate large scale functions was identified.

The Glasshouse is approximately 1,105 square metres and would be suitable to house a purpose designed facility in which to hold future events, functions and large community meetings with a capacity of up to 400 persons. The current layout of the facility can only accommodate 200 persons.

The largest facility owned by the City is the Forster Park Community Centre which can host 200 persons. Currently alternative venues outside of the City are required to host large formal/seated events (e.g. Pioneers Luncheon).

Grant funding of \$1,361,931 was received under the LRCIP Phase 2 and based on the short timeframe nominated by the Federal Government to design and deliver projects with the funding, the upgrade of The Glasshouse was nominated as the preferred project. This was on the basis that the City would be able to design and deliver the project by 31 December 2021 in accordance with the grant funding agreement.

Stage 2 works were included as a separable portion in the tender specifications so that this work could be costed and potentially included in the 2021-2022 financial year if a favourable outcome was achieved through tendering or included in the budget for 2022–2023 if there were insufficient funds available in the 2021-2022 financial year.

**OFFICER COMMENT**

An invitation to tender for the refurbishment of The Glasshouse was advertised in the West Australian on Saturday, 10 July 2021, closing on Wednesday, 4 August 2021 at 12.00pm. Five responses were received from:

- BE Projects (WA) Pty Ltd
- Classic Contractors Pty Ltd
- Construct360 Pty Ltd
- Geared Construction Pty Ltd
- Marawar Pty Ltd.

The Evaluation Panel consisted of the Manager City Facilities & Property, Coordinator Building Operations and Coordinator Procurement.

Each panel member has signed a Declaration of Confidentiality and Impartiality Form confirming that they have no known conflict of interest to disclose.

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Company Profile	5%
2	Experience	20%
3	Company Capacity	20%
4	Methodology	15%
5	Safety	10%
6	Price	30%
	<b>TOTAL</b>	<b>100.00%</b>

*Item 12.3 Continued*

Geared Construction Pty Ltd has extensive local government experience and has undertaken similar refurbishment works. Their tender submission demonstrated their understanding of the contract requirements and that they have the capacity to complete the works within the required timeframes. [Confidential Attachment 3](#) – Evaluation Matrix details the Evaluation Panel’s assessments of the tender submissions.

### **FINANCIAL IMPLICATIONS**

Through the tendering process, it was identified that there were insufficient funds in the LRCIP Phase 2 funding to undertake both stages and based on the tendered rates, there is also a shortfall of funds for Stage 1. It is relevant to note that the City engaged the services of a cost consultant to assist with budgeting for these works for the 2021-2022 financial year, however the City believes the accuracy of the estimate provided by the cost consultant may have been impacted by a recent increase in demand for construction services in Perth.

There is an amount of \$1,361,931 included in the 2021-2022 budget for Stage 1 refurbishment works at The Glasshouse, which was fully funded from the LRCIP Phase 2 funding. Funds were also included in the 2020-2021 financial year to prepare design documentation and cost estimates. The value of the recommended tender for Stage 1 is \$1,552,802.66, which leaves a shortfall of \$190,871.66. It is recommended to include a 5% contingency fund of \$77,640.13 to enable the City to address any latent conditions detected after commencement of the works, bringing the total additional funds required for Stage 1 to \$268,511.79.

The shortfall in funds for Stage 1 of \$268,511.79 will be addressed through the October 2021 Budget Review process and will be funded through the Building Maintenance Reserve (which currently has available funds of \$5,367,671), on the basis the work being undertaken relates to building upgrade works and would have been funded through the Building Maintenance Reserve had the City not received LRCIP funding.

Stage 2 of The Glasshouse refurbishment works are valued at \$488,827.84 based on the tender received and it is recommended to include a 5% contingency fund of \$24,441.39, totalling \$513,269.23. The City has received confirmation from the LRCIP administrator that \$767,502 has been allocated to the City for Phase 3 of the LRCIP and it is intended that Stage 2 of this project will be funded through Phase 3 LRCIP funding, subject to a successful project funding application by the City. The grant funds will become available in January 2022. This project would be funded through the Building Maintenance Reserve and in the event the City receives approval of the project funding application, and subsequent receipt of the funds, the expenditure would be returned to the aforementioned Reserve.

The City has engaged with the administrator for the LRCIP and based on verbal advice received, the program administrator has advised that providing Stage 2 of the project is associated with additional work (which it is), the application is highly likely to be approved however this will be subject to an approval process and is not guaranteed.

In any case if the City were to defer Stage 2 works to a future budget or the LRCIP project funding application were unsuccessful, the works associated with Stage 2 would be funded through the Building Maintenance Reserve on the basis that all works being undertaken are upgrade works.

[Confidential Attachment 4](#) – Price Schedule details the tendered prices.

*Item 12.3 Continued*

### **ENVIRONMENTAL IMPLICATIONS**

The new facilities will include energy saving features including:

- All internal plumbing fixtures to have a minimum rating of WELS 3
- All new light fittings to be energy efficient LED with sensor activation
- Air conditioning will have high energy efficiency.

Also, to ensure that the City is aligned with the State Governments goals of removing asbestos from all public buildings by 2023, any identified asbestos containing material will be removed from The Glasshouse during the refurbishment.

### **SOCIAL IMPLICATIONS**

The creation of a new function centre will provide the local community with a modern indoor event space that can host up to 400 people. This will be managed through the normal hiring process, with reduced rates being provided to local community groups.

It will also provide the City with a facility large enough to host all of its formal events in the heart of the City, providing an added sense of community for the residents.

### **OFFICER RECOMMENDATION**

*That Council:*

1. ***Accept the tender submitted by Geared Construction Pty Ltd for Tender 10/2021 – Refurbishment of the City of Belmont’s Glasshouse Stage 1 and Stage 2 as specified for the lump sum of \$2,041,630.50 excluding GST, as the most advantageous;***
2. ***Approve an amendment to the 2021-2022 Budget for both the additional expenditure of \$268,511.79 to fund Stage 1 and funds to complete Stage 2 of \$513,269.23, being a total amendment of \$781,781.02, with the adjustments to be made at the October 2021 Budget Review;***
3. ***Approve the transfer of funds for \$781,781.02 from the Building Maintenance Reserve to fund the additional cost of Stage 1 and expenditure associated with Stage 2 of the project, with the adjustments to be made at the October 2021 Budget Review;***
4. ***Approve adjustments to the 2021-2022 Budget to include \$767,502 income for Phase 3 of the Local Roads and Community Infrastructure Program with the adjustments to be made at the October 2021 Budget Review;***
5. ***Subject to the approval of a successful project funding application through the Local Roads and Community Infrastructure Program for Stage 2, approve the transfer of funds for \$513,269.23 to the Building Maintenance Reserve in the March 2022 Budget Review from income received for Phase 3 LRCIP funding;***
6. ***Approve the total budget of \$2,143,712.02 including a 5% contingency fund;***
7. ***Authorise the Chief Executive Officer to execute the necessary agreements and documentation through the Local Roads and Community Infrastructure Program to accept and administer grant funding; and***

*Item 12.3 Continued*

- 8. Delegates the Chief Executive Officer to approve contract variations that are in accordance with Regulation 21A of the Local Government (Functions and General) Regulations 1996).**

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

## 12.4 PRESENTATION OF 2021 OPPORTUNITY AWARDS

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 15 – Item 12.4 Refers	<a href="#">List of Previous Winners</a>
Confidential Attachment 5 – Item 12.4 refers	<a href="#">Recommendations for 2021 Opportunity Awards (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(b)(e))</a>

Voting Requirement	:	Simple Majority
Subject Index	:	74/008 Opportunity Awards P
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

### COUNCIL ROLE

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

### PURPOSE OF REPORT

To seek Council's endorsement of the Executive Leadership Teams recommendation for the 2021 Opportunity Awards to be presented at the Annual Mayoral Dinner, scheduled for Saturday, 2 October 2021.

### SUMMARY AND KEY ISSUES

The Opportunity Awards were established as part of the City's Marketing Strategy in 1998 to recognise individuals, groups or organisations that have made a significant contribution to City of Belmont during the past year.

*Item 12.4 Continued*

The Executive Leadership Team assess and makes recommendations in relation to the Opportunity Awards for endorsement by Council, in accordance with a Council resolution passed in August 1998.

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

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**STATUTORY ENVIRONMENT**

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

**BACKGROUND**

Opportunity Awards were introduced as part of the Marketing Strategy in 1998-1999. At that time, 25 August 1998, Council by resolution introduced two new concepts:

*“A visual presentation to support the Mayor’s speech.*

*The presentation of Opportunity Awards to stakeholders in recognition of their contribution to a significant/outstanding project within the City over the past twelve months demonstrating that the project has enhanced the amenity and quality of life in the City, or has greatly assisted the organisation in achieving its objective.”*

The above item also requested that projects were to be recommended by the then Senior Management Group, now the Executive Leadership Team, and confidentially endorsed by Council.

Projects are to be recommended on the basis that the stakeholder has assisted in the development and enhancement of the City of Belmont. An exemplary level of co-operation must also have been displayed, that has resulted in everyone’s objectives being achieved.

*Item 12.4 Continued*

A list of the previous winners of the Opportunity Awards since its inaugural presentation in 1998 is attached (refer [Attachment 15](#)).

Each winner receives an Award that is accompanied by a specific citation that defines the stakeholder's contribution.

**OFFICER COMMENT**

The Executive Leadership Team in consultation with the Operational Management Team sought nominations that would fit the criteria including:

- Stakeholder assistance to the Executive Leadership Team, and
- Contribution to a significant/outstanding project within the City of Belmont, and
- Contribution being within the last 12 months, and
- The contribution has enhanced the amenity and quality of life in the City of Belmont, or
- The contribution has greatly assisted the organisation in achieving its objectives.

The Executive Leadership Team has considered the nominations for the 2021 Opportunity Awards and has unanimously agreed on the nominations detailed in [Confidential Attachment 5](#).

**FINANCIAL IMPLICATIONS**

There are no financial implications other than a minor cost associated with the purchase of the awards themselves, which is included in the 2021-2022 Budget.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**Note:**

**Cr Rossi declared an interest that may affect impartiality in Item 12.4 Presentation of 2021 Opportunity Awards.**

**OFFICER RECOMMENDATION**

***That Council endorse the recipients of the 2021 Opportunity Awards as identified in [Confidential Attachment 5](#) and that the nominations remain confidential until presented at the Mayoral Dinner scheduled for Saturday, 2 October 2021.***

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

**12.5 STANDING COMMITTEES – UPDATED TERMS OF REFERENCE**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 5 – Item 12.5 refers	<a href="#"><u>Terms of Reference – Executive Committee – Tracked Changes</u></a>
Attachment 6 – Item 12.5 refers	<a href="#"><u>Terms of Reference – Executive Committee – Clean Copy</u></a>
Attachment 7 – Item 12.5 refers	<a href="#"><u>Terms of Reference – Standing Committee (Audit and Risk) – Tracked Changes</u></a>
Attachment 8 – Item 12.5 refers	<a href="#"><u>Terms of Reference – Standing Committee (Audit and Risk) – Clean Copy</u></a>
Attachment 9 – Item 12.5 refers	<a href="#"><u>Terms of Reference – Standing Committee (Community Vision) Tracked Changes</u></a>
Attachment 10 – Item 12.5 refers	<a href="#"><u>Terms of Reference – Standing Committee (Community Vision) – Clean Copy</u></a>
Attachment 11 – Item 12.5 refers	<a href="#"><u>Terms of Reference – Standing Committee (Environmental) – Tracked Changes</u></a>
Attachment 12 – Item 12.5 refers	<a href="#"><u>Terms of Reference – Standing Committee (Environmental) – Clean Copy</u></a>

Voting Requirement : Simple Majority  
 Subject Index : 154/007 – Standing Committee  
 Location/Property Index : N/A  
 Application Index : N/A  
 Disclosure of any Interest : Nil  
 Previous Items :  
 Applicant : N/A  
 Owner : N/A  
 Responsible Division : Corporate and Governance

**COUNCIL ROLE**

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

*Item 12.5 Continued*

## **PURPOSE OF REPORT**

To present revised Terms of Reference for the Executive Committee, Standing Committee (Audit and Risk), Standing Committee (Community Vision) and Standing Committee (Environmental) to Council for endorsement.

## **SUMMARY AND KEY ISSUES**

In the lead up to the biennial election the Terms of Reference for all Standing Committees and the Executive Committee are reviewed for legislative compliance and alignment to the City of Belmont's strategic direction, as well as appropriate representation on each Committee.

## **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: 5.6** 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**

### **Executive Committee**

The Executive Committee assists Council to undertake its duties in relation to sections 5.38 and 5.39 of the *Local Government Act 1995* and Regulations 18FA of the *Local Government (Administration) Regulations 1996*.

Item 12.5 Continued

**Local Government Act 1995**

**5.38. Annual review of certain employees' performances**

*The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.*

**5.39. Contracts for CEO and senior employees**

- (1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*
- (1a) *Despite subsection (1) —*
  - (a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*
  - (b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*
- (2) *A contract under this section —*
  - (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
  - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
  - (a) *the expiry date is specified in the contract; and*
  - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
  - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*
- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

*[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13 (correction to reprint in Gazette 28 Mar 2013 p. 1317).]*

*Item 12.5 Continued*

**Local Government (Administration) Regulations 1996**

**18FA. Model standards for CEO recruitment, performance and termination**  
(Act s. 5.39A(1))

*Schedule 2 sets out model standards for local governments in relation to the following —*

- (a) the recruitment of CEOs;*
- (b) the review of the performance of CEOs;*
- (c) the termination of the employment of CEOs.*

*[Regulation 18FA inserted: SL 2021/14 r. 6.]*

**Standing Committee Audit and Risk**

Part 7 of the *Local Government Act 1995* details the audit of the financial accounts of the local government. Section 7.1A states:

**7.1A. Audit committee**

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
  - \* Absolute majority required.*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.*
- (4) An employee is not to be a member of an audit committee.*

The *Local Government (Audit) Regulations 1996* detail the role and requirements of local government audit committees, in particular, Regulation 16 outlines the functions of the audit committee:

**16. Audit committee, functions of**

*An audit committee —*

- (a) is to provide guidance and assistance to the local government —*
  - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
  - (ii) as to the development of a process to be used to select and appoint a person to be an auditor; and*
- (b) may provide guidance and assistance to the local government as to —*
  - (i) matters to be audited; and*
  - (ii) the scope of audits; and*
  - (iii) its functions under Part 6 of the Act; and*
  - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and*

*Item 12.5 Continued*

- (c) *is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
- (i) report to the council the results of that review; and*
  - (ii) give a copy of the CEO's report to the council.*

*[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043; amended in Gazette 8 Feb 2013 p. 867.]*

## **BACKGROUND**

The Terms of Reference for all Standing Committees are reviewed biennially, in line with the Local Government Elections.

The Terms of Reference provide clear guidance on the purpose and objectives of the Standing Committees and the duties and responsibilities of Committee members.

## **OFFICER COMMENT**

Terms of Reference for all City of Belmont Standing Committees have been reviewed and updated to ensure consistency.

Amendments made to each of the Terms of Reference are set out below:

### Executive Committee

The content has had minor amendments; however it does not substantively change the current role performed by the Committee (refer [Attachment 5](#)).

### Standing Committee (Audit and Risk)

At the Standing Committee (Audit and Risk) Meeting held on 26 July 2021, the Committee made further changes to the Terms of Reference and these are shown as tracked changes (refer [Attachment 7](#)). A clean copy of the Terms of Reference including the changes requested by the Committee is also attached (refer [Attachment 8](#)).

### Standing Committee (Community Vision)

The content has been amended to reflect organisational changes and to include reference to Economic Development. The changes do not substantively change the current role performed by the Committee (refer [Attachment 9](#)).

### Standing Committee (Environmental)

The content has been amended to reflect current position titles, and replacement of the Environment and Sustainability Strategy 2016 - 2021, with a new five-year Strategy and Implementation Plan for 2021 – 2026 (refer [Attachment 11](#)).

The Environment and Sustainability Strategy 2021 - 2026 will be a high-level strategic document supported by an Implementation Plan, consistent with the City's new organisational approach to plans.

*Item 12.5 Continued*

The Standing Committees endorsed the revised Terms of Reference as shown below:

- Executive Committee – 19 April 2021
- Standing Committee (Audit and Risk) – 26 July 2021
- Standing Committee (Community Vision) – 2 August 2021
- Standing Committee (Environmental) – 19 July 2021

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**COMMITTEE RECOMMENDATION**

*That Council:*

1. ***Endorse the revised Terms of Reference for the Executive Committee (refer [Attachment 6](#)).***
2. ***Endorse the revised Terms of Reference for the Standing Committee (Audit and Risk) (refer [Attachment 8](#)).***
3. ***Endorse the revised Terms of Reference for the Standing Committee (Community Vision) (refer [Attachment 10](#)).***
4. ***Endorse the revised Terms of Reference for the Standing Committee (Environmental) (refer [Attachment 12](#)).***

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

## 12.6 ACCOUNTS FOR PAYMENT – JULY 2021

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 13 – Item 12.6 refers	<a href="#">Account for Payment – July 2021</a>

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

### COUNCIL ROLE

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

### LOCATION

Not applicable.

*Item 12.6 Continued*

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

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

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

### **BACKGROUND**

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

### **OFFICER COMMENT**

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

Municipal Fund Cheques	788687 to 788693	\$67,605.80
Municipal Fund EFTs	EF074076 to EF074739	\$4,559,580.52
Municipal Fund Payroll	July 2021	\$1,471,942.55
Trust Fund EFTs	EF074080 to EF074082	<u>\$18,041.52</u>
Total Payments for July 2021		<b>\$6,117,170.39</b>

A copy of the Authorised Payment Listing is included as [Attachment 13](#) to this report.

*Item 12.6 Continued*

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

*That the Authorised Payment Listing for July 2021 as provided under [Attachment 13](#) be received.*

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

## 12.7 MONTHLY ACTIVITY STATEMENT AS AT 31 JULY 2021

### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 14 – Item 12.7 refers	<a href="#"><u>Monthly Activity Statement as at 31 July 2021</u></a>

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

### COUNCIL ROLE

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

### PURPOSE OF REPORT

To provide Council with relevant monthly financial information 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 12.7 Continued*

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

Section 6.4 of the *Local Government Act 1995* in conjunction with Regulations 34 (1) of the *Local Government (Financial Management) Regulations 1996* requires monthly financial reports to be presented to Council.

Regulation 34(1) requires a monthly Statement of Financial Activity reporting on revenue and expenditure.

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are required to be reported to Council as a part of the monthly report. It also requires Council to adopt a “percentage or value” for what it will consider to be material variances on an annual basis. Further clarification is provided in the Officer Comments section.

### **BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires that financial statements are presented on a monthly basis to Council. Council has adopted 10% of the budgeted closing balance as the materiality threshold.

### **OFFICER COMMENT**

The Statutory Monthly Financial Report is to consist of a Statement of Financial Activity reporting on revenue and expenditure as set out in the Annual Budget. It is required to include:

- Annual budget estimates
- Budget estimates to the end of the reporting month
- Actual amounts to the end of the reporting month
- Material variances between comparable amounts
- Net current assets as at the end of the reporting month.

Previous amendments to the Regulations fundamentally changed the reporting structure which requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based.

Item 12.7 Continued

The monthly financial report is to be accompanied by:

- An explanation of the composition of the net current assets, less committed\* and restricted\*\* assets
- An explanation of material variances\*\*\*
- Such other information as is considered relevant by the local government.

\*Revenue unspent but set aside under the annual budget for a specific purpose.

\*\*Assets which are restricted by way of externally imposed conditions of use e.g. tied grants.

\*\*\*Based on a materiality threshold of 10 %.

In order to provide more details regarding significant variations as included in [Attachment 14](#) 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	54,167	Nil	Timing issue regarding the payment of business applications and equipment.
Environment	81,143	650	Two foreshore restoration design carryover projects are behind budget.
Road Works	128,491	12,601	Variance mainly relates to Abernethy Rd which is also a carryover project.
Building Operations	328,100	24,802	A number of carryover projects are also below budget including works at the Belmont Oasis and Belmont Hub café.
<b>Expenditure – Operating</b>			
Computing	277,196	537,002	Business applications are largely paid in July but have been budgeted over the year.
Marketing & Communications	197,144	132,155	A number of minor cost items are below budget.
Reimbursements	11,000	66,590	Claims for workers compensation are above budget but as they are reimbursed have a nil budget impact.
Belmont Community Watch	111,754	2,611	Contractor payments are made one month in arrears.
Youth Services General	67,987	359	Contractor payments are made one month in arrears.
Sanitation Charges	120,805	36,093	Contractor payments are made one month in arrears.
Ruth Faulkner Library	220,082	277,738	Timing issue regarding the spread of accommodation costs.
Community Development	79,776	13,526	Timing issue regarding the spread of project management costs and donations.
Grounds Operations	459,926	359,044	Contractor payments are made one month in arrears.
Grounds - Active Reserves	113,674	41,518	Timing issue regarding the spread of turf maintenance costs.
Streetscapes	194,339	57,530	Street tree maintenance programs are currently below budget.

Item 12.7 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Revenue Capital</b>	-		
Road Works	(165,204)	Nil	Timing issue regarding the spread of grant income.
<b>Revenue Operating</b>	-		
Computing	(268,791)	(537,002)	Activity Based Costing (ABC's) recoveries are above budget which is consistent with IT costs being above budget.
City Facilities & Property	(70,089)	(129,952)	Timing issue regarding the recovery of accommodation costs.
Streetscapes	(60,000)	Nil	Income is expected to be received later in the financial year.

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 July 2021</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	61,365,187	Includes municipal and reserves
- less non rate setting cash	(48,362,088)	Reserves
Receivables	50,757,697	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(9,009,281)	ESL Receivable
Stock on hand	226,045	
<b>Total Current Assets</b>	<b>54,977,560</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(20,295,320)	Includes ESL and deposits
- less non rate setting creditors & provisions	12,327,902	Cash Backed LSL, current loans & ESL
<b>Total Current Liabilities</b>	<b>(7,967,418)</b>	
<b>Nett Current Assets 31 July 2021</b>	<b>47,010,141</b>	
<b>Nett Current Assets as Per Financial Activity Report</b>	<b>47,010,141</b>	
Less Committed Assets	<b>(46,510,141)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

*Item 12.7 Continued*

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

*That the Monthly Financial Reports as at 31 July 2021 as included in [Attachment 14](#) 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

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

#### ATTACHMENT DETAILS

Nil

Voting Requirement	:	Simple Majority
Subject Index	:	35/002 – Notices of Motion
Location/Property Index	:	400 Abernethy Road, Cloverdale
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Ordinary Council Meeting 22 June 2021 – Item 13.2.1
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Infrastructure Services

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

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

*Item 13.2.1 Continued*

## **SUMMARY AND KEY ISSUES**

Following discussion relating to a Notice of Motion from Cr Davis at the Information Forum on 13 July 2021, a request has been received from Cr Davis for Council to withdraw the Motion to consider providing additional ongoing financial support (\$8,000 per annum) to the BCBC and BPTC to assist in ongoing maintenance of their facilities.

## **LOCATION**

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



## **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 5.3:** 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.

*Item 13.2.1 Continued*

## **STATUTORY ENVIRONMENT**

Section 10.14(1) of the *City of Belmont Standing Orders Local Law 2017* states:

*'Subject to subsection (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.'*

## **BACKGROUND**

A Notice of Motion was submitted by Cr Davis for consideration by Council at its 22 June 2021 Ordinary Council Meeting as follows:

### **'COUNCILLOR RECOMMENDATION**

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

#### **Reason**

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

A report outlining information relating to the Notice of Motion and current funding of the BCBC and BPTC was included in the agenda for consideration.

Following the Motion being moved and seconded, a Procedural Motion was put forward by Cr Rossi as follows:

### **'PROCEDURAL MOTION**

#### **ROSSI MOVED, POWELL SECONDED**

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

**CARRIED 5 VOTES TO 2**

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

This item was discussed at the 13 July 2021 Information Forum following which Cr Davis has requested that the Notice of Motion be withdrawn.

*Item 13.2.1 Continued*

### **OFFICER COMMENT**

The Motion was Moved by Cr Davis and Seconded by Cr Sekulla prior to the Procedural Motion being put forward making it an 'alive' Motion.

Following discussion of the item at the Information Forum in accordance with the Procedural Motion, the Motion remains 'alive'. In accordance with section 10.14(1) of the *City of Belmont Standing Orders Local Law 2017*, it is necessary for a Council resolution, without debate, to withdraw the Motion as requested by Cr Davis, with the approval of the seconder.

### **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **Note:**

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

### **COUNCILLOR RECOMMENDATION**

#### **DAVIS MOVED, SEKULLA SECONDED**

***In accordance with Section 10.14(1) of the City of Belmont Standing Orders Local Law 2017 the Notice of Motion put forward to the 22 June 2021 Ordinary Council Meeting as follows be withdrawn:***

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

**CARRIED 9 VOTES TO 0**

### **Reason**

The Mover and Seconder, Councillors Davis and Sekulla have requested the withdrawal of the Notice of Motion as there is sufficient provision within the City's existing policies regarding financial hardship.

**8.15pm**      **Having declared an Impartiality Interest in Item 13.2.2, Cr Davis departed the meeting and did not return.**

**13.2.2 NOTICE OF MOTION (COUNCILLOR POWELL) – RELATIONSHIP BETWEEN THE BELMONT SPORT AND RECREATION CLUB AND THE BELMONT CITY BOWLING CLUB**

**ATTACHMENT DETAILS**

Nil

Voting Requirement           : Simple Majority  
Subject Index                 : 35/002 – Notices of Motion  
Location/Property Index     : 400 Abernethy Road, Cloverdale  
Application Index            : N/A  
Disclosure of any Interest   : N/A  
Previous Items                : Ordinary Council Meeting 28 April 2020 Item 12.2,  
  Ordinary Council Meeting 22 June 2021 Item 13.2  
  
Applicant                     : N/A  
Owner                         : N/A  
Responsible Division        : Infrastructure Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To consider the Notice of Motion received from Councillor (Cr) Powell for Council to obtain legal advice regarding the on-going issues between Belmont Sport and Recreation Club (BSRC) and the Belmont City Bowling Club (BCBC).

*Item 13.2.2 Continued*

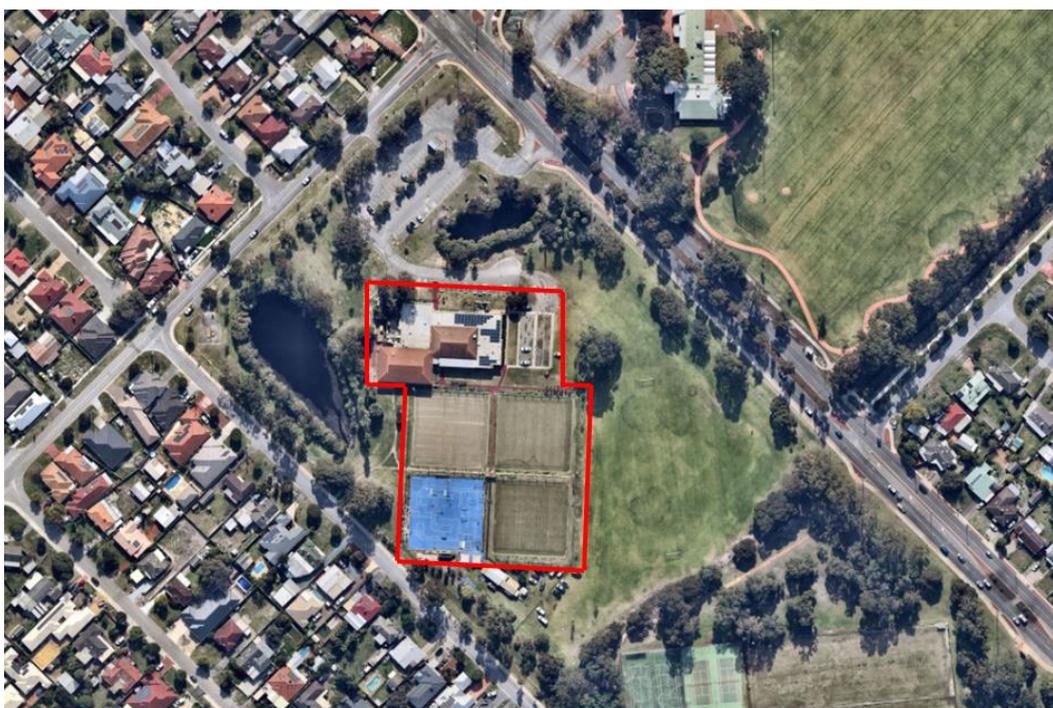
**SUMMARY AND KEY ISSUES**

A request has been received from Cr Powell for Council to consider requesting the City to obtain legal advice regarding certain issues between the BSRC and the BCBC.

- The BSRC have occupied 400 Abernethy Road, Cloverdale by way of a Lease Agreement since 1986, under this agreement the BSRC have exclusive use of the premises and external area identified on the Lease Agreement.
- The BCBC have been users of a portion of 400 Abernethy Road, Cloverdale since the 1990's with no formal agreement in place.
- An undated terms and conditions document (with no duration noted within the document), circa January 1996 set out details of use for the BCBC for portions of the areas leased by BSRC, which was signed by both parties.
- The current Lease Agreement with the BSRC commenced 1 May 2021. Since this date, the BSRC and BCBC have begun negotiating terms of a sub-lease.
- Relations have broken down between the clubs, the City has previously attempted to assist with resolving relations by arranging mediation between both parties, however this was unsuccessful.
- The BSRC as the main lessee under the Lease Agreement, is responsible for negotiating a sub-lease with a third party for the use of the bowling greens.

**LOCATION**

The site and building leased by BSRC is located at 400 Abernethy Road, Cloverdale. The leased area is highlighted in red on the aerial image below.



*Item 13.2.2 Continued*

## **CONSULTATION**

In preparing this report, the City has discussed this matter with a legal firm.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the 2020 – 2040 Strategic Community Plan:

### **Goal 5: Responsible Belmont**

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

**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**

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

## **BACKGROUND**

A Notice of Motion by Cr Powell reads as follows:

1. Given the recent deterioration in the relationship between Belmont Sport and Recreation (BSRC) and the Belmont City Bowling Club (BCBC), the City should obtain legal advice regarding whether:
  - The historical agreement between the BSRC and BCBC relating to the use of the greens has any legal standing
  - The BCBC has the right to continue to manage and maintain the bowling greens, as they have done so from 1996 until the recent cancellation of this arrangement by the BSRC
  - The BCBC has the right to have priority use of the internal lounge area within the BSRC
  - There are clauses within the lease to ensure that the BSRC maintains positive working relationships with users of the building and bowling greens
2. If the BSRC does not resolve relations with the BCBC by the end September 2021, that Council directs the CEO to prepare a report to Council outlining the potential options available to the City to resolve this matter.

*Item 13.2.2 Continued*

Reason

Over the past month relations between the BSRC and the BCBC have become increasingly fraught, I feel this has had a significant impact on the relations on site and the reputation of both groups. The City should consider all options available to resolve the issues on site to make sure the greens and areas previously used by the BCBC, are still available for use by the BCBC and make every effort to ensure this club are not forced to look for a location outside the City of Belmont.

**OFFICER COMMENT**

The City understands the BCBC have been users of a portion of 400 Abernethy Road, Cloverdale since the 1990's with no formal agreement in place. An undated terms and conditions document (with no duration noted within the document) has recently been provided to the City. The City believes this document is circa January 1996 and it set out details of use for the BCBC for portions of the areas leased by BSRC, which was signed by both parties albeit with items still in dispute.

Under the terms of the current Lease Agreement, the Lessee (being the BSRC) is required to enter into a sub-lease with a third party for the use of the bowling greens. Upon the commencement of the current Lease Agreement between the City and the BSRC as of 1 May 2021 and subsequent negotiations between the BSRC and BCBC on the terms of a sub-lease, the relationship between the two clubs has progressively broken down.

It is the City's position that under the terms of the current Lease Agreement, it is up to the BSRC as the main Lessee to negotiate the terms of use with a sub-lessee for the use of the bowling greens, in this instance the BCBC. Furthermore, the City is of the view that the Lease Agreement entered into between the City and the BSRC would prevail over any historical agreements, verbal or otherwise, between the BSRC and the BCBC. This matter has been discussed with a legal firm and the advice received supports the aforementioned position.

The City facilitated mediation between the BSRC and BCBC through an external facilitator however the mediation was not successful in resolving relations between the two clubs.

Should the proposed Notice of Motion be endorsed by Council and the relationship between the BSRC and BCBC remain strained and unresolved the City will consider options available to resolve the current issues being encountered between the clubs and provide a future report to Council regarding the options available.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time, however the City anticipates there will be costs associated with legal advice in relation to this matter, including potential options to be outlined in a further report to Council in the event this Notice of Motion is endorsed by Council.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

*Item 13.2.2 Continued*

### **SOCIAL IMPLICATIONS**

Failure to resolve the issues between the clubs could have a negative impact on the clubs and their members.

#### **Note**

**Cr Rossi, Cr Davis and Cr Marks declared an interest that may affect impartiality in Item 13.2.2 Notice of Motion (Cr Powell) – Relationship Between the Belmont Sport and Recreation Club and the Belmont City Tennis Club.**

### **COUNCILLOR RECOMMENDATION**

#### **POWELL MOVED, WOLFF SECONDED**

1. ***Given the recent deterioration in the relationship between Belmont Sport and Recreation (BSRC) and the Belmont City Bowling Club (BCBC), the City should obtain legal advice regarding whether:***
  - ***The historical agreement between the BSRC and BCBC relating to the use of the greens has any legal standing***
  - ***The BCBC has the right to continue to manage and maintain the bowling greens, as they have done so from 1996 until the recent cancellation of this arrangement by the BSRC***
  - ***The BCBC has the right to have priority use of the internal lounge area within the BSRC***
  - ***There are clauses within the lease to ensure that the BSRC maintains positive working relationships with users of the building and bowling greens***
  
2. ***If the BSRC does not resolve relations with the BCBC by the end September 2021, that Council directs the CEO to prepare a report to Council outlining the potential options available to the City to resolve this matter.***

#### **Reason**

Over the past month relations between the BSRC and the BCBC have become increasingly fraught, I feel this has had a significant impact on the relations on site and the reputation of both groups. The City should consider all options available to resolve the issues on site to make sure the greens and areas previously used by the BCBC, are still available for use by the BCBC and make every effort to ensure this club are not forced to look for a location outside the City of Belmont.

**CARRIED 8 VOTES TO 0**

**8.36pm**      **The Chief Executive Officer departed the meeting.**

**8.37pm**      **The Chief Executive Officer returned to the meeting.**

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

Nil.

**15. CLOSURE**

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 8.37pm.

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**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these Minutes of the Ordinary Council Meeting held on 24 August 2021 were confirmed as a true and accurate record at the Ordinary Council Meeting held 28 September 2021:

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



PRINT name of the Person Presiding:

**PHILIP MARKS**

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