



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES

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11 February 2002

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ATTACHMENTS INDEX

****Confidential Attachment – Item 15.1 refers**

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE, ON MONDAY, 11 FEBRUARY 2002, COMMENCING AT 7.36PM

PRESENT

Cr P R Passeri, JP	West Ward
Cr M H Blair	Central Ward
Cr G Dornford	Central Ward
Cr M C Godsell	Central Ward
Cr G Doney	West Ward
Cr A T Richardson, JP	West Ward
Cr M M Bass	East Ward
Cr G J Godfrey	East Ward
Cr P Marks	East Ward
Cr A P Murfin, OAM, JP	South Ward
Cr E Teasdale	South Ward
Cr J Powell	South Ward

IN ATTENDANCE

Mr B Genoni	Chief Executive Officer
Mr N Hartley	Deputy Chief Executive Officer
Mr R Lutey	Director - Engineering
Mr S Cole	Director – Corporate Services
Mrs L Francis	Manager – Marketing
Mr P Schifferli	Manager – Business Development

MEMBERS OF THE PUBLIC

There were 56 members of the public and two members of the press (Southern Gazette) present.

1. OFFICIAL OPENING

The Mayor opened the meeting and welcomed those in attendance.

2. APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Nil.

2.2 LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST

Councillor Godsell declared a financial interest. The interest is in Item 8.2.3 of the Works and Technical Services Committee meeting minutes dated 4 February 2002. The nature of the interest being that he lives at the intersection of Belgravia and Wright Streets, the intersection which is the subject of blackspot funding for a roundabout.

In accordance with the City of Belmont's Code of Conduct, Councillor Dornford declared an interest that could give rise to a reasonable belief that his impartiality may be adversely affected. The interest is in Item 8.1.2 of the Administration and Community Services Committee meeting minutes dated 5th February 2002. The nature of the interest being that he utilises the services of the same valuers as those used by Council for ascertaining the market values of the land subject to the report at Item 8.1.2.

Councillor Dornford declared a financial interest in Item 11.1. The interest is in Item 8.1.6 (Parking – Wicca Park) of the Works and Technical Services Committee meeting minutes dated 4 February 2002. The nature of the interest being that he owns property in the area.

Councillor Murfin declared a financial interest in Item 11.1. The interest is in Item 8.1.8 (Garvey Park Redevelopment) of the Works and Technical Services Committee meeting minutes dated 4 February 2002. The nature of the interest being that he owns property in the area.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

4.1 BUSINESS WATCH

The Mayor announced that a *Business Watch Commercial Crime Prevention Seminar* is scheduled to be held in the reception area tomorrow evening, 12 February 2002, commencing at 7.30pm.

Invitations have been extended to the commercial property owners via the Business Enterprise Centre e-mail network, and hard copy invitations through Peter Schifferli and Nick Clark. An average response has been received to the seminar and we trust that business people will support our efforts in this programme.

A cordial invitation is extended for Councillors to attend. Light refreshments will be served at the conclusion of the seminar.

4.2 DIRECTOR - DEVELOPMENT

It is with regret that I inform Council that Neville Deague's brother passed away on Saturday 9 February 2002, our sympathy to Neville and his extended family.

4.3 INQUIRY – CITY OF BELMONT

The Mayor also read a statement in regard to the Inquiry, namely:-

“Councillors, staff and members of the public, as you have obviously read in the press, the City of Belmont is to be the subject of an Inquiry by the Department of Local Government. This is believed to be the result of complaints to the Department by a small group of dissatisfied land owners in the Springs area and two Councillors from this City, mainly regarding the adoption of Town Planning Scheme No. 13 for The Springs area, and other “more or less” related issues.

The majority of Belmont City Councillors and staff are confident that the Inquiry will vindicate the decisions made by the City and clear Councillors and officers targeted by these people.

The City of Belmont refutes all of these claims, and with professional advice will fully co-operate with the Department of Local Government to bring this Inquiry to a prompt conclusion, enabling Council to continue with the job of providing good governance to this wonderful city of ours.

Item 4.3 – Continued.....

I personally have been overwhelmed by the enormous number of people who have made contact and openly stated their disgust for the people involved and their claims, with both offers of support and good wishes to all Councillors and staff that have this city's best interests as their first priority.

I would also record my concerns that any person elected by the residents of Belmont could or would want to upset decisions democratically made by this Council and seek to disrupt the good government of Belmont for the sake of personal vendettas.

It is very disappointing that the complainants are concealed by the cloak of anonymity which obviously complicates the task of dealing with the complaints behind the Inquiry.

Officers from the Department of Local Government have stated that this Inquiry will be conducted on a confidential basis between Councillors and officers of the City of Belmont, the complainants and the departmental officers who will carry out the interviews. ***Therefore in accordance with departmental advice the City should not accept or respond to questions that may be the subject of the Inquiry.***

I am aware that Mr Paul Hitt from the Belmont Residents/Ratepayers Action Group Incorporated has submitted questions relating to the standing down of the Chief Executive Officer during the Inquiry process and I can advise that a special meeting of Council has already rejected that ridiculous proposal. In addition to that, Department of Local Government and regional development investigation officers have confirmed the inappropriateness of such a proposal.

***7.42pm

For the benefit of the public present the Chief Executive Officer stated the rules of Question Time.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

5.1.1 Mr Michael Ryan, 60 Riversdale Road, Rivervale

Mr Ryan asked the following questions at the Council Meeting held on 17th December 2001, which were taken on notice. Mr Ryan's questions were responded to in correspondence dated 18th January 2002.

Whilst the following questions refer to Cell 3 they apply equally to Cells 4, 5 and 6.

1. *Are the nett dollar per square metre returns in each cell calculated on the gross or nett square metre area of the cell?*

The stated nett dollar projected returns are based on the combined area of each proposed new residential lot in each Cell.

2. *How is the nett return of \$328M² calculated for Cell 3?*

The proposed combined area of the new lots within the adopted Cell 3 Development Plan equates to 1.7661 ha. The average of the three Scenarios based on Sinclair Knight Merz and Urban Focus engineering estimates were used to calculate the stated average nett return using the above stated area.

3. *Does the Council accept the dollar per square metre returns as published as a true and accurate reflection of the static analysis figures?*

The dollars per square metre returns published are considered an accurate reflection of anticipated returns.

5.2 QUESTIONS ON WHICH WRITTEN NOTICE HAS BEEN GIVEN PRIOR TO THE MEETING

5.2.1 Mr Paul Hitt, 85 Fitzroy Road, Rivervale

In response to the question placed on notice at the last Council meeting, I was requested to provide the reason for the request as stated in item 5.2.4, question 2 *“What is the number of building approvals passed by the City of Belmont within the last five years where a cash in lieu of the current Public Open Space policy has been met by a developer?”* As evident from your reply this request would necessitate the use of considerable Council resources as this task would need the “research of every application for subdivision to the Council from the WAPC for the last five years”.

As I am mindful of the cost of reviewing five years of Council records I will modify my request to –

1. *What is the number of building approval subdivisions passed by the City of Belmont within the last three years where a cash-lieu of the current Public Open Space policy has been met by a developer?*

The Chief Executive Officer advised that in the past three years there have been two subdivisions approved which required a cash-in-lieu contribution. These contributions have not been received at this stage, but are expected to be provided in 2002.

There have been instances where less than the required 10% physical public open space has been contributed, where the developer has contributed the remainder as cash in lieu for the upgrading and maintenance of nearby public open space. An example of this is the residential subdivision of the former Whiteside Primary School site.

2. *In relation to my question answered at the ordinary Council meeting of 17 December 2001, at item 5.3, why was no separate formal valuation of the Bowling Club site carried out?*

The Chief Executive Officer advised that at the time the Bowling Club site was offered for sale, the provisions of the then in force Act were that land could be disposed of at auction, by tender or sold to a government department, instrumentality or agency. As advised in response to a question at the 17 December 2001 Ordinary Council meeting, the land in the Ascot Waters Project, including the land referred to in this question, was sold by public tender in accordance with the then in place Local Government Act 1960. Council selected what it considered to be the most acceptable tender for its land.

5.2.2 Belmont Residents/Ratepayers Action Group Inc.

1. *As the land dealings and business activities of the Chief Executive Officer form a part of the Terms of Reference, point 3, of the Inquiry into the City of Belmont, would it not be appropriate and in the best interest of the Chief Executive Officer, the Council and importantly, the ratepayers, for the Chief Executive Officer to stand down until the finalisation of the Inquiry?*
2. *To the Mayor, Peter Passeri, has the Council considered asking the Chief Executive Officer to stand aside from his position until the finalisation of the Inquiry? If so, can this meeting be advised as to how individual Councillors voted?*
3. *If not, will Council discuss at tonight's meeting the issue of asking the Chief Executive Officer to stand down until the completion of the Inquiry?*

The Chief Executive Officer noted that these questions relate to the Inquiry and were answered as part of the Mayor's announcements at item number 4 of tonight's agenda.

5.2.3 Mr Ross O'Neil, 12 Rowe Avenue, Rivervale

1. *My Questions on Notice regarding proposed TPS 13, the Springs, were answered by the Chief Executive Officer via letter dated 21 December 2001. Why are those questions, and the questions asked by other Springs landowners, Mrs Morgan, Mr Foy and Mr Stewart, and again answered by the Chief Executive Officer via letter dated 21 December 2001, not included in the record at item 5.2 this evening?*

The Chief Executive Officer stated that he believed that these questions were received after the 17 December 2001 Council meeting, therefore they were dealt with in the normal course of business.

2. *Why has the Mayor not responded or taken any action in relation to my letter dated 28 August 2001, concerning the Springs Committee meeting held on 18 July 2001 and the lack of any reference in the minutes of that meeting of the Director – Development's disclosure of inquiries into the business of the City of Belmont?*

The Mayor advised that the Director – Development was not available tonight, and that this question therefore, would need to be taken on notice.

Item 5.2.3 – Continued...

3. *Whilst 19 of the 21 private landowners responding to the re-advertising of proposed TPS 13 rejected it, the Mayor announced in the Christmas edition of the Belmont Bulletin that in conflicts of interests between individuals and that of the community, the wider public interest must prevail. Does the Mayor perceive any conflict of interest in the Chief Executive Officer continuing to set the agenda for Council, whilst the Chief Executive Officer's individual business activities are subject to a Term of Reference regarding the Local Government Inquiry into the City of Belmont?*

The Mayor advised that this question relates to the Inquiry that he informed the meeting of under Item 4 of tonight's agenda, therefore it is inappropriate for me to deal with this question.

5.2.4 Michael Ryan, 60 Riversdale Road, Rivervale

In regard to the minutes of the meeting held on 17 December 2001, my question regarding agendas and minutes at Item 5.3.3; I ask:

1. *Why does the Planning and Development Committee agenda for 10 December 2001 at Item 8.3.1 contain a reference to my property (Lot 603 Riversdale Road) when the item deals with a walkway across St. Columbans?*

The Mayor advised that this question would need to be taken on notice.

2. *Why do the minutes of this same committee meeting, adopted at the Ordinary Council Meeting of 17 December 2001, contain no reference to Lot 603?*

The Mayor advised that this question would need to be taken on notice.

3. *Council's answer to my questions of 17 December and the subsequent letter from the City, appears to be in accordance with the requirements of the Local Government Act and relevant regulations; I ask:*

- a) *Why was the committee's agenda report altered in the minutes of the committee meeting?*

The Chief Executive Officer advised that he was not aware of the issue referred to and invited Mr Ryan to discuss the matter with him after tonight's meeting.

- b) *Why, after having received the Chief Executive Officer's advice in the answer to my question, was Item 8.3.1 of the committee's minutes not withdrawn and discussed, instead of being adopted en bloc at the Ordinary Council Meeting?*

The Chief Executive Officer advised that until the information on question 3a) is provided, he is not in a position to answer this question.

Item 5.2.4 – Continued...

4. *Does this adoption stand, and does the adoption offend the Local Government Act, relevant regulations and Departmental procedure?*

The Chief Executive Officer stated that he was not aware of any offence to the above legislation.

5. *What remedial action is open to Council to correct the discrepancies between agendas and minutes of the Council of the City of Belmont?*

The Chief Executive Officer reinforced the need for Mr Ryan to speak with him regarding 3a) above, before he would be in a position to answer this question.

6. *Why is my home of 23 years being used in a game of Council ping-pong, being in the first instance not part of the Scheme, then Council deeming it participating, then a non-participating property, then recommending it to be participating, adopting it as non-participating and now, according to the Planning and Development Committee agenda, making it participating in the proposed Town Planning Scheme No. 13?*

The Chief Executive Officer advised that he did not believe Mr Ryan's home was being used as he described. The Mayor added that it is an option for Mr Ryan to decide whether he wishes to participate in the Scheme (or not).

7. *As the copies of this Planning and Development Committee agenda, provided to me by Councillor Marks, did not include a copy of Item 8.7.6 – The Springs Private Landowners Group Petition to Council, could a complete copy of the agenda for this meeting be forwarded to me?*

The Mayor advised that this question would need to be taken on notice.

**5.2.5 Mr Peter Stewart, 275 Peet Road, Roleystone
(3 Hawksburn Road, Rivervale)**

1. *Why was there no Public Notice published prior to the Special Council Meeting held on 24 January 2002?*

The Chief Executive Officer advised that the agenda was published on the Notice Boards of the Civic Centre and Library. The meeting was called on relatively short notice.

2. *Why is there no agenda for the meeting of 24 January 2002 available from the City's library?*

The Chief Executive Officer advised that the agenda was declared to be under confidential cover.

3. *Do the minutes published of the meeting held on 24 January 2002 accurately reflect the agenda and decisions made at that meeting?*

The Chief Executive Officer advised that the published minutes set out the substantive motions passed and is designed to provide the reader with an accurate record of the business of the meeting.

4. *Why is Attachment 1 to the minutes of the meeting held on 24 January 2002 not available from the City's library?*

The Chief Executive Officer advised that the attachment was confidential (a letter from the Department of Local Government under Private and Confidential Cover) and circulated on that basis.

5.2.6 Mr Clive Coombs, 317 Wright Street, Cloverdale

1. *Why was Cr Godsell allowed to participate in discussion at the Works and Technical Services Committee meeting on recommendation 8.2.3 – Road Funding Grants 2002/2003 when he had a financial interest in this item?*

The Mayor advised that Cr Godsell declared an interest and he read the relevant section as outlined in the Works and Technical Services Committee meeting minutes at Item 8.2.3, which highlighted that Cr Godsell (with the Committee's consent) provided his views on the issue, but departed prior to the Committee deliberating or deciding on its recommendation.

Item 5.2.6 – Continued...

2. *Is the Council aware that Cr Godsell is on record in the area of having informed a number of ratepayers that the construction of a roundabout at the Wright and Belgravia Street intersection will devalue his property?*

The Mayor and Chief Executive Officer advised that they were not aware of this.

3. *Is the Council aware that Cr Godsell is on record in the area of having stated to a number of ratepayers that while he is a Councillor, “there will never be a roundabout constructed at the Wright and Belgravia Street intersection”?*

The Mayor and Chief Executive Officer advised that they were not aware of this.

4. *Does the Council still consider these statements indicate a trivial and insignificant interest?*

The Mayor advised that the Committee made this decision. The Deputy Chairman of the Works and Technical Services Committee, Cr Teasdale, reinforced the process followed by the Committee, which ensured that Cr Godsell was not present during the Committee’s deliberation on its recommendation.

5. *Is the Council aware that they may be exposed to litigation under duty of care on Councillors and officers, if there is another death or injury at the Wright and Belgravia Street intersection? Especially, having full documented information on file at Council from concerned residents.*

The Chief Executive Officer advised that he was not aware that the City would be exposed to litigation.

6. *Is the Council aware that the State Government responded to the submissions by the City of Belmont and allocated \$63,333 to construct a roundabout at the Wright and Belgravia Street intersection and that the State Blackspot Programme rates this intersection a greater hazard than any other roundabout mentioned in recommendation 8.2.3?*

The Mayor advised that Council is aware and the matter would be deliberated on this evening.

7. *Would Council consider recommending the installation of the roundabout at the intersection of Wright and Belgravia Street, if the Council was presented with a petition and individual letters from concerned residents prior to the March 2002 Council meeting?*

The Mayor advised that the matter of the installation of the Wright/Belgravia Street intersection would be considered by Council this evening.

5.3 QUESTIONS FROM THE FLOOR

5.3.1 Mr Peter Stewart, 3 Hawksburn Road, Rivervale

1. *Does this Council understand that the agenda for business in the City of Belmont continues to be set and overseen by the Chief Executive Officer progressing deals which are subject to the Inquiry, specifically Item 8.1.3 of the Administration and Community Services Committee meeting minutes? In other words, have Councillors been made aware that the Council consultant engaged to sell the Orrong Road properties is the same person responsible for proposing the Esther Street developments, a Term of Reference for this Inquiry?*

The Mayor repeated the thrust of his earlier statement at Item 4 of tonight's agenda, that in accordance with the Department of Local Government's advice, the City should not accept or respond to questions that may be the subject of the Inquiry.

2. *Does this Council understand that the Chief Executive Officer has advertised, on 30 January 2002, a Notice that seeks to implement the terms of, and I quote.... "Residential Planning Codes within the Town Planning Scheme 13 area known as 'The Springs' and allow for limited additional uses within Cell 5 of that area"? The Notice appears as an advertisement in the West Australian newspaper for Amendment No. 23 of Town Planning Scheme No. 14. Why does the Council, via the Chief Executive Officer, seek to continue such business ex post facto, that is, take such action after the specific Terms of Reference of the authorised Inquiry have been announced?*

The Mayor advised that the matter is currently being advertised to progress Town Planning Scheme No. 13.

*****8.06pm** Mr Peter Stewart proceeded to ask a further question and the Mayor called upon him to stop speaking and to sit. Mr Stewart continued to talk whilst the Mayor was endeavouring to maintain order at the meeting. The Mayor asked Mr Stewart on several occasions to stop speaking and to sit, but he did not.

The Mayor temporarily adjourned the meeting.

*****8.08pm** The Mayor resumed the meeting.

The Mayor asked the Chief Executive Officer to re-read rules two and three of the Rules of Question Time, which he did.

5.3.2 Mr John McGuire, 11 Hillcrest Road, Kewdale

1. *Mr McGuire enquired about the possibility of constructing left turn pockets from Leach Highway into Jeffrey Street and Acton Avenue.*

The Director – Engineering advised that he will refer the matter to Main Roads Western Australia, as this work would need to be undertaken by that organisation.

2. *When is the Civic Centre refurbishment to commence?*

The Mayor advised that Council is pursuing this project and progress will hopefully be made in the next few months.

5.3.3 Ms Chantal Charbonneau, 6 Acton Avenue, Rivervale

Ms Charbonneau asked why there was no Acting Director – Development present at tonight's meeting.

The Chief Executive Officer advised that the Acting Director – Development was on long service leave. The Director – Development was required to attend to an urgent personal matter, due to the unexpected death of his brother.

5.3.4 Mr Paul Hitt, Belmont Residents/Ratepayers Action Group Inc.

Mr Hitt provided a copy of a statement from the South Perth Inquiry transcripts to the Mayor and asked *“is the above statement correct and if so, could the Mayor or Chief Executive Officer advise this meeting in detail of the complaints against the Southern Gazette”?*

The Mayor advised that he would take the question on notice.

*****8.12pm The Mayor advised that as 30 minutes had elapsed he intended to close Public Question Time.**

BASS MOVED, DORNFORD SECONDED, that Question Time be extended.

CARRIED 12 VOTES TO 0

5.3.5 G W Gleeson, 95 Canning Highway, South Perth

Given that the Inquiry is regarding 'transparency', why did Council at the 24 January 2002 Special Council meeting pass the motion "not to read motions passed"?

The Chief Executive Officer advised that this is a formality at the conclusion of the part of a meeting that has been "behind closed doors" to either resolve that the motions passed be "read" or "not read". The decision can be affected by the number of resolutions passed and the likelihood of any general public being present after perhaps a lengthy period behind closed doors.

5.3.6 Mr Rob Greenwood – "I Care" Group, Coolgardie Avenue, Redcliffe

1. *Why do many local residents refuse to attend Council meetings?*

The Mayor indicated there was a significant number here tonight and advised that this was a question best put to the local residents.

2. *Why do the Mayor and Chief Executive Officer put down the gallery?*

The Mayor advised that his responses were occasionally influenced by the argumentative nature of questions put by some of the gallery attendees.

5.3.7 Mr Brian Kaye, Unit 9/196-198 St. Kilda Road, Rivervale

Is Redcliffe Hall to be pulled down?

The Mayor advised that Council had not decided on this matter yet. This was a possibility, when Stage 2 of the Redcliffe Park Community Centre is constructed.

5.3.8 Mr Mick Ryan, 60 Riversdale Road, Rivervale

In regard to The Springs development and his questions at the last Council meeting, why does Council ignore gross returns, which more accurately reflects the actual return to owners?

The Mayor advised that this question would need to be taken on notice.

*****8.19pm With the consent of the Councillors, the Mayor declared Question Time closed.**

6. CONFIRMATION OF MINUTES

**6.1 ORDINARY COUNCIL MEETING
HELD 17 DECEMBER 2001**

GODSELL MOVED, GODFREY SECONDED, that the minutes of the Ordinary Council Meeting held on 17 December 2001, as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 12 VOTES TO 0

**6.2 SPECIAL COUNCIL MEETING
HELD 24 JANUARY 2002**

RICHARDSON MOVED, BLAIR SECONDED, that the minutes of the Special Council Meeting held on 24 January 2002, as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 10 VOTES TO 2

For: Passeri, Blair, Godsell, Doney
Richardson, Godfrey, Marks
Murfin, Teasdale, Powell

Against: Dornford, Bass

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

Nil.

8. PETITIONS AND MEMORIALS

Nil.

9. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

10. CORRESPONDENCE

10.1 LEAVE OF ABSENCE

Nil.

10.2 GENERAL

Nil.

10.3 LATE CORRESPONDENCE OF AN URGENT NATURE

Nil.

11. REPORTS OF COMMITTEES

**11.1 WORKS AND TECHNICAL SERVICES COMMITTEE MEETING
HELD 4 FEBRUARY 2002**

Receipt of Minutes

BLAIR MOVED, TEASDALE SECONDED, that the minutes of the Works and Technical Services Committee meeting held on 4 February 2002, as printed and circulated to all Councillors, be received.

CARRIED 12 VOTES TO 0

WITHDRAWN ITEMS

Item 8.1.6 was withdrawn at the request of Cr Blair

Item 8.2.3 was withdrawn at the request of Cr Teasdale

Items 8.1.8 and 8.3.1 were withdrawn at the request of Cr Godsell

Item 11.1 – Continued...

ADOPTION OF THE BALANCE OF THE REPORT

POWELL MOVED, BLAIR SECONDED, that the recommendation items 8.1.1 – 8.1.5, 8.1.7, 8.1.9, 8.1.10, 8.2.1, 8.2.2, 8.4.1 – 8.4.5, 8.5.1 – 8.5.2, and 9.1 of the Works and Technical Services Committee meeting held on 4 February 2002, be adopted en bloc (i.e. with the exception of items 8.1.6, 8.1.8, 8.2.3 and 8.3.1).

CARRIED 12 VOTES TO 0

*****8.23pm** Having earlier declared an interest in the following item, Councillor Dornford departed the Chamber.

11.1.1 Withdrawn Item 8.1.6 – Parking – Wicca Park

BLAIR MOVED, TEASDALE SECONDED, that the Committee Recommendation be adopted without amendment or modification.

Cr Bass foreshadowed a motion if the above motion is lost, namely:-

“That the Committee recommendation not be adopted and that so that all shopping centres are treated equally, Wicca Park be no longer used for Forum staff parking.

The substantive motion was put and.....

CARRIED 10 VOTES TO 1

***For: Blair, Godsell, Doney
Passeri, Richardson, Godfrey
Marks, Murfin, Teasdale, Powell***

Against: Bass

*****8.32pm** Cr Dornford returned to the Chamber.

*****8.32pm** Having earlier declared an interest in the following item, Cr Murfin departed the Chamber.

11.1.2 Withdrawn Item 8.1.8 – Garvey Park Redevelopment

GODSELL MOVED, RICHARDSON SECONDED, that the Committee Recommendation be adopted without amendment or modification.

CARRIED 11 VOTES TO 0

*****8.34pm Cr Murfin returned to the Chamber.**

*****8.35pm Having earlier declared an interest in the below mentioned item, Cr Godsell departed the Chamber.**

11.1.3 Withdrawn Item 8.2.3 – Road Funding Grants

TEASDALE MOVED, DONEY SECONDED, that the Committee Recommendation be adopted without amendment or modification.

Cr Bass foreshadowed a motion if the above motion is lost, namely:

“That the Committee recommendation be amended to read –

- 1. Note the action taken to make bollards on cycle paths more visible; and*
- 2. Consider the modification of the slip lane from Resolution Drive into Tidewater Way, to provide nominal cycle facilities at that location, in the 2002/2003 Municipal Budget and in the meantime, erect barriers to prevent access to the path, and erect signs to direct cyclists around the area and through the adjacent streets of the Ascot Waters subdivision”.*

The substantive motion was put and...

CARRIED 9 VOTES TO 2

For: Blair, Passeri, Doney
Richardson, Godfrey, Marks
Murfin, Teasdale, Powell

Against: Bass, Dornford

*****8.52pm Cr Godsell returned to the Chamber.**

11.1.4 Withdrawn Item 8.3.1 – Tender 30/2001 – Replacement of Council’s 4x4, 7 Tonne Water Truck

GODSELL MOVED, DONEY SECONDED, that in order to correctly deal with the proposed rescission process, the Committee recommendation not be adopted and that Council –

Consider the rescission of the resolution under Item 11.1 of the 17 December 2001 Ordinary Council Meeting, namely –

“that recommendation items 8.2.1, 8.3.1, 8.3.3, 8.4.1 – 8.4.3, 8.5.1, 8.5.2 of the Works and Technical Services Committee meeting held on 3 December 2001, be adopted en bloc (i.e. with the exception of item 8.1.1)”.

Noting that recommendation item 8.3.1 reads – “Tender 30/2001 – Supply, Delivery and Registration of one Four Wheel Drive Cab Chassis of approximately 7 Tonne capacity with Optional Trade-in of One Isuzu Cab Chassis, Registration No. 9CT:652 or Purchase Only of One Isuzu Cab Chassis, Registration No. 9CT:652 be awarded to Major Motors for an Isuzu FTS750 plus options for a trade-in changeover of \$61,449.09”.

CARRIED 11 VOTES TO 1

**For: Blair, Passeri, Doney, Bass, Godsell
Richardson, Godfrey, Marks
Murfin, Teasdale, Powell**

Against: Dornford

GODSELL MOVED, TEASDALE SECONDED, that –

Council rescind the resolution of Item 11.1 of the 17 December 2001 Ordinary Council Meeting, namely –

“that recommendation items 8.2.1, 8.3.1, 8.3.3, 8.4.1-8.4.3, 8.5.1, 8.5.2 of the Works and Technical Services Committee meeting held on 3 December 2001, be adopted en bloc (i.e. with the exception of items 8.1.1)”.

CARRIED (ABSOLUTE MAJORITY) 11 VOTES TO 1

**For: Blair, Passeri, Doney, Bass, Godsell
Richardson, Godfrey, Marks
Murfin, Teasdale, Powell**

Against: Dornford

Item 11.1.4 – Continued...

GODSELL MOVED, DONEY SECONDED, that –

The replacement Item 11.1 resolution be “that recommendation items 8.2.1, 8.3.2, 8.3.3, 8.4.1-8.4.3, 8.5.1, 8.5.2 of the Works and Technical Services Committee meeting held on 3 December 2001, be adopted en bloc (i.e. with the exception of items 8.1.1 and 8.3.1)”.

CARRIED 11 VOTES TO 1

**For: Blair, Passeri, Doney, Bass, Godsell
Richardson, Godfrey, Marks
Murfin, Teasdale, Powell**

Against: Dornford

GODSELL MOVED, DONEY SECONDED, that –

Due to an error in the analysis of the tender figures, Withdrawn Item 8.3.1 of the Works and Technical Services Committee held on 3 December 2001 (referring to the Tender 30/2001) not be adopted and that –

- “1. Tender 30/2001 – Replacement of Council’s Water Truck be awarded to WA Hino for a Hino Ranger 82 for the changeover of \$60,383; and**
- 2. The unsuccessful tenderer be advised”.**

CARRIED 11 VOTES TO 1

**For: Blair, Passeri, Doney, Bass, Godsell
Richardson, Godfrey, Marks
Murfin, Teasdale, Powell**

Against: Dornford

**11.2 ADMINISTRATION AND COMMUNITY SERVICES COMMITTEE MEETING
HELD 5 FEBRUARY 2002**

Receipt of Minutes

DONEY MOVED, GODFREY SECONDED, that the minutes of the Administration and Community Services Committee meeting held on 5 February 2002, as printed and circulated to all Councillors, be received.

CARRIED 12 VOTES TO 0

WITHDRAWN ITEMS

Item 8.1.2 was withdrawn at the request of Cr Bass

ADOPTION OF THE BALANCE OF THE REPORT

GODFREY MOVED, DONEY SECONDED, that recommendation items 8.1.1, 8.1.3, 8.1.4, 8.2.1, 8.3.1, 8.4.1 – 8.4.4, 8.5.1 and 8.5.2 of the Administration and Community Services Committee meeting held on 5 February 2002, be adopted en bloc (i.e. with the exception of item 8.1.2).

CARRIED 12 VOTES TO 1

11.2.1 Withdrawn Item 8.1.2 - Sale of Land/Property – Tender 33/01, Part Lots 11, 13, 14, 20 and 6 Orrong Road, Carlisle. Sale of Land/Property – Tender 34/01, Lot 107 (215) Orrong Road, Rivervale (duplex pair), Lot 10 (159) Orrong Road (and Betchel Court), Rivervale**

GODSELL MOVED, POWELL SECONDED, that this item be deferred to Item 15 of tonight's agenda.

CARRIED 12 VOTES TO 0

12. REPORTS OF OFFICERS

12.1 INFORMATION ONLY ITEMS

Report by Chief Executive Officer

APPLICATION

Council's acknowledgment of receipt of information of general interest.

IS THIS PROPOSAL CONSISTENT WITH COUNCIL'S CORPORATE PLAN?	YES
<i>“Operational Plan OI/1(c) - To keep Councillors informed of relevant industry and officer activities, regular update reports be presented to the respective committees”.</i>	

BACKGROUND

This item relates to information circulated by the Chief Executive Officer which may be of general interest to Councillors.

Item 12.1 – Continued..

COMMENT

General information and memorandums:

DATED	SUBJECT
14 December 2001	Letter of Thanks from Dr Ron Swann
21 December 2001	Cycling in the West
21 December 2001	WA Local Government Association Infopage – New Funding System for the Fire Services and the State Emergency Services
21 December 2001	WA Local Government Association Infopage – Public Library Framework Agreement
21 December 2001	WA Local Government Association Infopage – Scrutiny of Local Laws by Joint Standing Committee on Delegated Legislation
21 December 2001	WA Local Government Association Infopage – Review of the Operations and Structure of the WA Tourism Commission
21 December 2001	Mayor’s Statement to Council Meeting on 17 December 2001
21 December 2001	WA Local Government Association – Current Vacancies
21 December 2001	Submission on Draft Residential Planning Codes
04 January 2002	Letter from Geographic Names Committee – Proposed Name Change for Kewdale
04 January 2002	WA Local Government Association – Call for Nominations to Finance & Services Committee – Elected Member/Officer Nominations
11 January 2002	Renaming and Renumbering of Esther Street, Belmont
11 January 2002	Letters of Thanks: Significant Birthdays and Anniversaries
11 January 2002	Citizenship Ceremony – 24 th January 2002
11 January 2002	Belmont Community Watch Monthly Report
11 January 2002	Belmont RSL Australia Day Function
18 January 2002	Letter from Mahomed Badat – The Springs Private Landowners Group
18 January 2002	Local Government Week 2002 – Part Programme
18 January 2002	Mr Kevin Bettridge, 18 Mort Street – Application for a Flat Roof Carport.
25 January 2002	Local Government Postal Elections
25 January 2002	Delay in Processing of Amendments
01 February 2002	Open Space at Perth Airport
01 February 2002	Variations to Plot Ratio Standards – TPS 13 Area known as “The Springs”. (Amendment No. 23 to TPS No. 14)
01 February 2002	Impacts 2002 – Joint NZPI/PIA (Planning Institute of Australia) Congress – New Zealand
01 February 2002	Youth Activities – Mountain Bike Program – Article in Healthway News

Item 12.1 – Continued..

DATED	SUBJECT
01 February 2002	Annual Anzac Memorial Service
01 February 2002	Letter from the International Council for Local Environmental Initiatives – The Toronto Declaration
08 February 2002	Renaming and Renumbering of Esther Street, Belmont
08 February 2002	Approvals – Keeping of More than two dogs
08 February 2002	Basic Computer Training for Councillors

Councillor Information Items circulated on the 21 December 2001:

12.1.1 Local Government News – Issue No. 02.01: 14 December 2001.

Councillor Information Items circulated on the 4 January 2002:

12.1.2 Local Government News – Issue No. 03.01: 20 December 2001

Councillor Information Items circulated on the 11 January 2002:

12.1.3 Local Government News – Issue No. 01.02: 4 January 2002

Councillor Information Items circulated on the 18 January 2002:

12.1.4 Local Government News – Issue No. 02.02: 11 January 2002

Councillor Information Items circulated on the 25 January 2002:

12.1.5 Local Government News – Issue No. 03.02: 18 January 2002.

Councillor Information Items circulated on the 1 February 2002:

12.1.6 Local Government News – Issue No. 04.02: 25 January 2002.

RICHARDSON MOVED, BLAIR SECONDED, that the information provided to all Councillors and listed in this “Information Only Items” report be noted and received.

CARRIED 12 VOTES TO 0

12.2 CITY OF BELMONT TOWN PLANNING SCHEME NO. 14 – AMENDMENT NO. 21
****Attachment 1 – Item 12.2 refers**

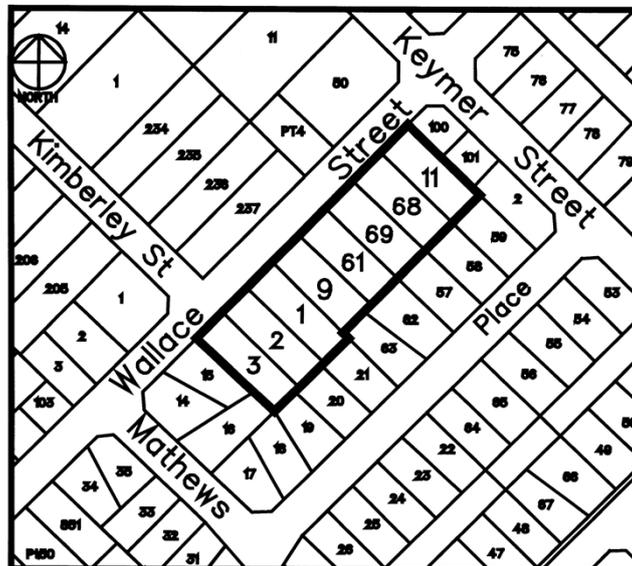
Report by Planning Department.

APPLICATION

Council to consider final adoption of Amendment No. 21 to the City of Belmont Town Planning Scheme No. 14, following formal advertising of the proposal.

IS THIS PROPOSAL CONSISTENT WITH COUNCIL’S OPERATIONAL PLAN?	N/A
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BACKGROUND



At the Ordinary Council Meeting of 27 August 2001, Amendment No. 21 was initiated for the purposes of public advertising. The Amendment proposed to modify the residential density code of Lots 1, 2, 3, 9, 11, 61, 68 and 69 (16-30) Wallace Street, Belmont from R20 to R20-40.

Item 12.2 – Continued....

Under normal circumstances Council would have been required to make a decision on the amendment by the 25 January 2002, however the Western Australian Planning Commission has provided an extension of time to 19 February 2002 to cater for the Christmas and New Year break. Consideration of the amendment has been referred directly to Council to accommodate this restricted time frame.

COMMENT

Amendment No. 21 was advertised from the 31 October 2001 to the 14 December 2001. At the conclusion of the advertising period, six submissions were received. A summary of the submissions has been included as Attachment No. 1. Copies of the individual submissions are available to Councillors on request.

Three submissions were received from public authorities which advised that they have no objections to the proposal provided that attention to the location of services is given at the time of development of the land. Two submissions were received from land owners which fully supported the amendment.

Despite having been requested to provide comments prior to Council initiating the amendment, the owner of Lot 69 (26) Wallace Street has lodged an objection to the proposed amendment. The submission argues that the amendment will adversely change the character of the street, whereas the amendment will in fact be bringing the subject portion of Wallace Street into conformity with the R20-40 density coding and existing unit development on the other side of the street. The submission also assumes that development at a higher density than the current R20 will be of a poor quality. The submission of objection should be dismissed on the basis that Council's Performance Criteria for Medium Density Residential Development Policy ensures that all grouped development approved is of a high standard. It should also be noted that the base coding of R20 will still apply to the properties and that a density bonus above this will only be given if the proposed development is of a high quality in conformance with the policy.

RICHARDSON MOVED, GODSELL SECONDED, that Council -

- 1. Uphold submissions 2, 3, 4, 5 and 6.**
- 2. Dismiss submission 1.**
- 3. Adopt Town Planning Scheme No. 14 Amendment No. 21 without modification and seek the Hon. Minister for Planning & Infrastructure's final approval endorsement.**

CARRIED 12 VOTES TO 0

12.3 IMPACTS 2002 – JOINT NZPI/PIA (PLANNING INSTITUTE OF AUSTRALIA) CONGRESS - NEW ZEALAND**

****Attachment 2a and 2b – Item 12.3 refers**

Report by Planning Department.

APPLICATION

Council to approve the representation of the City of Belmont to the Joint NZPI/PIA Congress to be held in Wellington from the 8 – 12 April 2002 inclusive.

IS THIS PROPOSAL CONSISTENT WITH COUNCIL'S OPERATIONAL PLAN? YES
Operational Strategy # O5/1(e) – “To ensure that Councillors have adequate access to training and conferences so as to enable them to be fully aware of contemporary strategic and operational issues affecting local government.”
Operational Strategy # O3/3 – “To support and encourage all staff to achieve the maximum development of their capabilities to meet Council's requirements as well as their own personal career needs.”

BACKGROUND

This matter was previously considered at the Planning and Development Committee Meeting of the 10 December 2001 (Item No. 8.7.4 refers). Council at its meeting of the 17 December 2001 resolved as follows:

“THAT COUNCIL DEFER MAKING A DECISION ON WHETHER OR NOT TO SEND REPRESENTATIVES FROM THE CITY OF BELMONT TO THE JOINT NZPI/RAPI CONGRESS UNTIL FURTHER INFORMATION CAN BE OBTAINED REGARDING THE SPEAKERS AND FORMAT OF THE CONFERENCE, THE COSTS INVOLVED AND THE REASONS FOR ATTENDANCE/NON-ATTENDANCE AT PREVIOUS RAPI CONFERENCES.”

COMMENT

Under separate cover in a memo dated 1 February 2002, a complete copy of the Congress details has been provided to all Councillors for their perusal.

In summary, it is considered that the material to be covered at the Congress promises to be extremely worthwhile, of relevance to the City and beneficial in terms of professional development.

Attachment No. 2a is a Schedule detailing the planning conferences since 1994 and record of attendance. Attachment No. 2b is a list of Conferences attended by Councillors.

It should be noted that the last interstate conference attended by the Director – Development was 8 years ago at the RAPI Conference, which was held at Hobart. The Congresses held at Brisbane in 1998 and in Darwin in 1999 were not attended by City of Belmont representatives.

Item 12.3 – Continued....

The current Chairman of the Planning and Development Committee has only attended one planning conference, which was held in Canberra last year.

The Director – Development is selective on what conferences should be attended and the likely relevance and value to the City and/or professional development for Officers. It could be argued however, that all major professional interstate conferences should be attended because of the networking opportunities and seeing first hand, the actual examples of what is being done elsewhere.

The cost of the Congress is very reasonable and savings would have been greater if it was possible to obtain the Congress details earlier to allow the Council to make an informed decision. The favourable exchange rate for the Australian dollar in that it is approximately 17% cheaper for Australians to buy in New Zealand lowers the Conference costs.

If registration occurs before the 1 March 2002, the cost for a member of the Planning Institute of Australia is \$695 New Zealand, including GST. This equates to approximately \$A579. There are additional costs associated with such items as the Councillors and Senior Managers' workshop that costs \$NZ80.

In regard to airfares the Conference organisers had arranged a number of bookings at a cost of \$A952 return plus \$70 tax, but by the time this matter is considered by Council it is expected there will be none of these bookings remaining. This will mean that a slightly higher amount will need to be paid of \$A1090 return plus approximately \$70 tax.

As a comparison, the flexible refundable airfare to Sydney costs \$A1188 return plus \$30 tax, with the cheapest fare being \$A792 plus \$30. This is subject to a 7 day notice for changes, non-refundable and a need to stay away a Saturday night.

In short, the costs for the New Zealand Congress compare very favourably with the usual interstate conferences.

Item 12.3 – Continued....

OFFICER RECOMMENDATION

That:

1. Councillor _____ and the Director - Development be authorised to represent the City of Belmont at the 'Impacts 2002 – Joint NZPI/PIA (New Zealand Planning Institute / Planning Institute of Australia) Congress' to be held in Wellington, New Zealand from 8-12 April 2002 inclusive.
2. That the conference attendance be debited to account numbers 215.31.0.373 (Councillors) and 800.31.0.200 (Planning Staff).

GODFREY MOVED, MARKS SECONDED, that:

1. ***Councillor Richardson (Presiding Member of the Planning and Development Committee) and the Director - Development be authorised to represent the City of Belmont at the 'Impacts 2002 – Joint NZPI/PIA (New Zealand Planning Institute / Planning Institute of Australia) Congress' to be held in Wellington, New Zealand from 8-12 April 2002 inclusive.***
2. ***That the conference attendance be debited to account numbers 215.31.0.373 (Councillors) and 800.31.0.200 (Planning Staff).***

CARRIED 10 VOTES TO 2

For: Dornford, Godsell, Doney, Passeri
Godfrey, Marks, Murfin
Richardson, Teasdale, Powell

Against: Bass, Blair

13. REPORTS OF DELEGATES

13.1 WALGA EAST ZONE MEETING – CR G GODFREY

On the 17th January 2002 the Deputy Chief Executive Officer and myself attended the WALGA East Zone Meeting.

The new format of distributing the agenda by e-mail was proving a problem with many delegates not receiving them on time. Following are some of the items discussed:

On the new selection process for appointments to Boards and Committees there were some minor changes to wording, however it was pointed out that it is the Council that nominates candidates.

The Honours Panel has resolved that it is inappropriate to broaden the Association Honours programme to further recognise Local Government officers.

An updated policy on access by non-member councils to WALGA services and programmes has been developed.

The Swan River Trust has developed policies to guide appropriate development along the river. This includes bridges, groynes and telecommunications.

It was moved that the Fire and Emergency Services Authority be advised that:

“Local Government does not support any moves to formalise a role for Local Government without consideration being given to adequately resource that role.”

The current proposal is rejected and Local Government is agreeable to continue negotiations over the next 12 months with a view to establishing a more acceptable proposal.

Report from East Zone delegate to State Council.

The motion that: the Lord Mayor of the City of Perth be included as an ex-officio member, non-voting member of the WALGASC. This motion was narrowly passed at 12/11.

BLAIR MOVED, BASS SECONDED, that the report presented by Cr Godfrey be received and noted.

CARRIED 12 VOTES TO 0

13.2 PRESENTATION OF NATIONAL POLICE MEDALS – CR G GODFREY

On Friday 25th January 2002 the Mayor, Cr Passeri, Cr Richardson and myself attended the presentation of National Police medals for the South East Metropolitan Police District.

Approximately 35 police officers attended to witness the presentation of national medals and service bars to colleagues. It was an opportunity to meet many of the police officers of the Belmont area.

In his address the District Superintendent, Mr Murray Lampard, pointed out how important it was to work closely with local councils, particularly in programmes such as Neighbourhood Watch and Safer WA. He said that the partnership with the City of Belmont was very good and he was very appreciative of the City of Belmont allowing them to hold their presentation ceremony in the Civic Centre.

POWELL MOVED, RICHARDSON SECONDED, that the report presented by Cr Godfrey be received and noted.

CARRIED 12 VOTES TO 0

13.3 AUSTRALIA DAY – CR G GODFREY

On Australia Day, Saturday 26 January 2002, Cr Marks, Cr Dornford, Cr Bass, myself and our respective partners attended the celebration dinner at the Belmont RSL.

The evening was very enjoyable and well attended. A special collection was made for the New South Wales bushfire victims. Approximately \$400 was collected.

BLAIR MOVED, BASS SECONDED, that the report presented by Cr Godfrey be received and noted.

CARRIED 12 VOTES TO 0

13.4 PROPOSAL FOR A PERTH FESTIVAL CENTRE – CR G DONEY

On Saturday 9th February 2002, the Manager Administrative Services, Peter Varris and myself, as Chairman of the Administration and Community Services Committee, were invited to an evening cruise on the Swan River to receive a presentation from the Black Swan Theatre Company on a proposal for a site for a new cultural centre.

The Bicentennial of the State in 2029 should see Perth celebrate its position as one of the major cities of the Indian Ocean region, a centre of trade, commerce, technology, education and the arts. A sophisticated city that offers visitors as much to experience culturally as environmentally.

If we are to realise the dream of a modern and exciting city we need to aim to build a **Festival Centre** and have it opened by 2029.

The guests on the tour included politicians, senior council representatives and Aboriginal elders. En route, we were treated to several items of musical and operatic culture, following which, the preferred sites for the centre were pointed out.

These are:-

1. Bayswater, about 1km upstream of Garratt Road bridge, and possibly funded by the City of Bayswater, EMRC, State and Federal Governments.
2. Ascot, Black Swan Island.
3. East Perth, the old Power House.
4. Perth, immediately upstream from Barrack Square and extending over the river.

Of course, there are several other possible sites, but the purpose of this report is to make Council aware of the proposals in general, and option (2) above in particular.

GODFREY MOVED, GODSELL SECONDED, that the report presented by Cr Doney be received and noted.

CARRIED 12 VOTES TO 0

14. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 MOTION – CR MURFIN

MURFIN MOVED, TEASDALE SECONDED, that the elected members of the City of Belmont Council has full confidence and respect in the City’s Chief Executive Officer, Mr Bruce Genoni, the Senior Management Team, staff of the Civic Centre and the outside workforce.

CARRIED 10 VOTES TO 2

***For: Blair, Godsell, Doney, Passeri
Godfrey, Marks, Murfin
Richardson, Teasdale, Powell***

Against: Bass, Dornford

*****9.24pm** The Mayor declared a short break and directed all persons, other than members and servants of the Council to leave the Chamber. This would enable Council to proceed behind closed doors in accordance with Section 5.23(2)(b);(c);(e)(iii) to discuss item 8.1.2 of the Administration and Community Services Committee meeting minutes held on 5 February 2002.

*****9.25pm** The meeting resumed with all Councillors and staff present.

15. MATTERS BEHIND CLOSED DOORS

**** Confidential Attachment 1 – Item 15.1 refers**

16. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 9.42pm.