



# City of Belmont

## ORDINARY COUNCIL MEETING

### MINUTES

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17 June 2008

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<p style="text-align: center;"><b>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</b></p>
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**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 17 JUNE 2008, COMMENCING AT 7.04 PM.**

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**MINUTES**

**PRESENT**

Cr G Godfrey, <i>Presiding Member</i>	East Ward
Cr P Marks, <i>Deputy Presiding Member</i>	East Ward
Cr C Hanlon	East Ward
Cr R Rossi	West Ward
Cr B Martin ( <i>Departed 8.32pm</i> )	West Ward
Cr P Hitt	West Ward
Cr B Whiteley	South Ward
Cr J Powell ( <i>Departed 8.32pm</i> )	South Ward
Cr S Wolff	South Ward
Cr B Brennan	Central Ward

**IN ATTENDANCE**

Mr N Deague	A/Chief Executive Officer
Mr R Lutey	Director Technical Services
Mr S Cole	Director Corporate & Governance
Ms J Gillan	A/Director Community & Statutory Services
Mr J Olynyk JP	Manager Governance
Mr J Hardison	Manager Property & Economic Development
Mr M Ridgwell	Principal Governance & Compliance Advisor
Ms S Sebastian	Media & Communication Officer
Ms G Carlucci	Governance Officer

**MEMBERS OF THE GALLERY**

There were 14 members of the public in the gallery and one press representative.

**OBSERVERS**

Mr D McLeod ( <i>Arrived 7.37pm</i> )	McLeod's Barristers & Solicitors
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**1. OFFICIAL OPENING**

The Presiding Member opened the meeting at 7.04pm, welcomed those in attendance and invited Cr Rossi to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Rossi read aloud the affirmation.

**Affirmation of Civic Duty and Responsibility**

*I make this Affirmation in good faith on behalf of Councillors and Officers of the City of Belmont. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability. We will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.*

**2. APOLOGIES & LEAVE OF ABSENCE**

**2.1 APOLOGIES & LEAVE OF ABSENCE**

Cr Dornford

Central Ward

**3. DECLARATIONS OF INTEREST**

7.06pm The Manager Governance read aloud the declarations of interest.

**3.1 FINANCIAL INTERESTS**

<b>Name</b>	<b>Item No. &amp; Title</b>	<b>Nature of Interest (and extent, where appropriate)</b>
Cr Dornford	12.5 - Expression of Interest 07/2008 – Establishment and Operation of a Childcare Centre and upgrade of Sporting Facilities at 130 Keane Street, Cloverdale	Indirect Financial Interest.
Cr Dornford	14.1 - Request for Funding– Legal Representation Application	Indirect Financial Interest.
Cr Powell	14.1 - Request for Funding– Legal Representation Application	Direct Financial Interest.
Cr Powell	14.2 - Request for Funding– Legal Representation Application	Direct Financial Interest.

**3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

<b>Name</b>	<b>Item No. &amp; Title</b>
Cr Hitt	12.5 - Expression of Interest 07/2008 – Establishment and Operation of a Childcare Centre and upgrade of Sporting Facilities at 130 Keane Street, Cloverdale
Cr Martin	12.15 - 2008-2009 Rate Setting Budget
Cr Rossi	12.15 - 2008-2009 Rate Setting Budget
Cr Martin	14.1 - Request for Funding– Legal Representation Application
Cr Rossi	14.1 - Request for Funding– Legal Representation Application
Cr Wolff	14.1 - Request for Funding– Legal Representation Application
Cr Hitt	14.1 - Request for Funding– Legal Representation Application
Cr Marks	14.1 - Request for Funding– Legal Representation Application
Cr Hanlon	14.1 - Request for Funding– Legal Representation Application
Cr Marks	14.2 - Request for Funding– Legal Representation Application
Cr Martin	14.2 - Request for Funding– Legal Representation Application
Cr Rossi	14.2 - Request for Funding– Legal Representation Application
Cr Wolff	14.2 - Request for Funding– Legal Representation Application
Cr Hitt	14.2 - Request for Funding– Legal Representation Application
Cr Dornford	14.2 - Request for Funding– Legal Representation Application
Cr Hanlon	14.2 - Request for Funding– Legal Representation Application
Mr S Cole	14.2 - Request for Funding– Legal Representation Application

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

**4.1 ANNOUNCEMENTS**

The Presiding Member advised that Cr Martin had an announcement –

*"On Monday the 26 May 2008 I accepted a recognition certificate on behalf of the City of Belmont from ICLEI recognising the City having made a formal commitment to the Cities for Climate Protection Australia Program by producing a Greenhouse Purchasing Action Plan to reduce greenhouse gas emissions through purchasing. ICLEI Oceania and the Australian Government congratulated Council for demonstrating leadership and continued commitment to local greenhouse action."*

Cr Martin then presented the Presiding Member with the award.

The Presiding Member advised that Cr Brennan had an announcement –

*"During the conference I attended at the Gold Coast recently they had an exhibitors exhibition and one was the Local Government's 'Focus' Magazine.*

*At their stand they had a competition running where you had to nominate a staff member or something that was a little different and if the judges thought it was unique the magazine would in fact do a story on them, you could not nominate Councillors.*

*I decided to nominate our own City's band the 'Opportunists', and I thought nothing more until I had a call yesterday, Kathy from the magazine rang to advise me that we had won the competition and Focus would be doing a story on the band in the October edition this year.'*

*I am very excited for the band as I know they put a lot of hard work into the band in their own time, I just hope that they too are as excite as I am in regard to the story."*

The Presiding Member thanked Cr Martin and Cr Brennan and those in attendance for their attention.

#### **4.2 DISCLAIMER**

**7.10pm** The Presiding Member drew the public gallery's attention to the Disclaimer. The Manager Governance then read the Disclaimer.

#### **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 Mr R Fraser, 24/152 Great Eastern Highway, Ascot**

The following question was taken on notice at the Ordinary Council Meeting of 20 May 2008.

*"With reference to item 5.2.1 of OCM 22/04/08 and regarding the \$ 219,521cost incurred by the Council, would the Mayor please advise, since the amount is quite large, a breakdown of costs incurred under the categories of legal, mowing, fencing and any other relevant category?"*

The response from the City is recorded accordingly –

As the general maintenance work is subject to tenders and carried out by contractors, a detailed breakdown of the cost of specific activities undertaken is not available. A total expenditure of \$213,576 has been incurred in relation to mowing, shrub bed maintenance, pruning, tree maintenance, litter removal, irrigation maintenance, turf renovations, fertiliser applications, broad leaf weed control and lake maintenance for the period 1 July 2001 to the date of initial response. A further \$5,945 relates to legal expenses incurred for the same period.

**5.1.2 Mr R Birch, 195 Knutsford Avenue, Kewdale**

The following question was taken on notice at the Ordinary Council Meeting of 20 May 2008.

*“Will Council please bring in laws, by laws, rules (whatever you call it) to make it obligatory for any organisation providing shopping trolleys in the precincts of the City of Belmont, to incorporate a coin deposited system for such shopping trolleys?”*

The response from the City is recorded accordingly –

There is currently legislation that exists relating to trolleys, being:

1. The Litter Act: depositing shopping trolleys in a public place which draws an infringement notice for the amount of \$200.
2. Local Laws Relating to Activities on Thoroughfares and Trading: provides that it is an offence for an owner to fail to pick up a shopping trolley after being notified of its abandonment.

It is anticipated that the Local Laws relating to Activities on Thoroughfares and Trading will be reviewed next year. At that stage the community will have an opportunity for comment. At this stage, any proposition for subsidiary legislation requiring a business in Belmont to add such a coin deposited device to shopping trolleys would fail competition tests by the State Administrative Tribunal.

It appears that the Western Australian Local Government Association has been lobbying State Government for State legislation relating to shopping trolleys. If this type of legislation is enacted it would remove any competition failure issues.

Other issues that need to be considered are:

- Assessing the need / seeking feedback from businesses;
- Legal opinion from Council’s Solicitors;
- Obtaining feedback from other local governments which have experience of their local supermarkets using coin operated shopping trolley systems;
- Any other alternative solutions such as town planning conditions on new developments or alterations.

**5.1.3 Mr R Harris, 135 Kew Street, Kewdale**

**(On behalf of the Belmont Residents/Ratepayers Action Group (BRRAG) Inc.)**

The following questions were taken on notice at the Ordinary Council Meeting of 20 May 2008. The responses from the City are recorded accordingly –

*“Councillors, why has it taken the (Belmont) Trustees some ten years to decide how it will secure the necessary funds to restore to public amenity the (Grove Farm) Trust Land?”*

The resolution of matters relating to the Trust are complex and require careful consideration by the Trustees.

*“Why wasn’t a decision made and a securing of funds necessary for the restoration of public amenity made before the demolition of Parry Field Baseball Stadium was allowed to take place?”*

The demolition of the baseball stadium was unrelated to the Trust securing funds to develop the area.

*“Councillors, what is the expected timeline for the completion of the ‘report on the City’s Public Open Space’ referred in Councils response above? “*

A report on the City’s Public Open Space is being completed with the current review of the Town Planning Scheme due for completion late 2008.

*“Will that report contain ‘a full independent audit of Public Open Space’ and a comparison with past, present and future population and housing density levels in the City of Belmont, as previously requested by the Ratepayers of the City?”*

The City already has a full and comprehensive record of its public open space and is aware of how this related to the needs of current and predicted future population.

#### **5.1.4 Mr R Broinowski, 66 Armadale Road, Rivervale**

The following question was taken on notice at the Ordinary Council Meeting of 20 May 2008.

*“Will Council seriously consider the aging community and retirees in a survey to consider part time work opportunities with their communities?”*

The response from the City is recorded accordingly –

Positions in the City for jobs are advertised and there is no barrier against the age of applicants.

There are many volunteering opportunities and those interested can register with the City. Regular advertisements are arranged to encourage volunteers.

There is a number of volunteering not for profit organisations such as ‘Volunteering WA’ and ‘Volunteering Taskforce’ which actively encourage participation by the aged and retirees in the community.

#### **5.1.5 Ms M Bass, 77 Keymer Street, Belmont**

The following question was taken on notice at the Ordinary Council Meeting of 20 May 2008.

*“As Federal, State and Local governments encourage aging populations to engage in exercise and walking, will Council consider opening up all toilet facilities for the aging population in Belmont?”*

The response from the City is recorded accordingly –

From a security point of view, some toilets are opened and locked by Wilson's Security in the early morning and closed in the evening.

The decision to lock or open up buildings at specific reserves is based on the risks associated with those locations at a point in time compared to the benefit of having those locations open.

Generally it is Councils intention to provide as many public toilet services as possible to the community without exposing them to additional risks.

**5.1.6 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe  
(On behalf of the Belmont Residents/Ratepayers Action Group (BRRAG) Inc.)**

The following questions were taken on notice at the Ordinary Council Meeting of 20 May 2008. The responses from the City is recorded accordingly –

*“Councillors, when was the City’s weed spaying programme last reviewed?”*

The City's weed spraying programme is reviewed annually in February each year.

*“What changes were made as a result of that review?”*

No changes were made.

*“Is Council’s contractor still paid on a per lineal metre, and, per square metre, basis?”*

Yes.

*“What management protocols have been instituted to ensure that all unnecessary spraying (where weeds are not present and/or in the rain) does not occur?”*

The Contract clearly defines the spraying requirements and inspections are undertaken by the Parks Supervisors to ensure compliance.

*“How can Council/Ratepayers be certain that the chemicals being sprayed are actually mixed and applied as specified in the contract?”*

The Contract clearly defines the spraying requirements and inspections are undertaken by the Parks Supervisors to ensure compliance.

*How can Council be certain chemicals being applied to this City in your name are not manufactured in countries whose manufacturing controls are insufficient to prevent dioxin in the product?”*

All chemicals used are registered with the Australian Pesticides and Veterinary Medicines Authority (APVMA) who have stringent controls over manufacturing and labelling.

*“Councillors, what is the likely timeframe for receipt by Council of the development application for ‘The Springs’ development?”*

One development application has already been received within that precinct referred to as ‘The Springs’. Council has made a determination to approve that proposal however, the proponent is still awaiting a separate decision by the Western Australian Planning Commission (WAPC).

The draft Structure Plan for the precinct is also awaiting approval by the WAPC. It is not known when the WAPC will make their determination.

*“What percentage of the total Springs development will be required by Council to be retained as public open space?”*

Based on area figures from the City’s property records, the following table indicates the amount of POS required and provided.

Location	Area	Amount of POS
‘The Springs’ Gross Subdividable Area (excluding road reserves & Cracknell Park)	= 9.82 ha (98,199 m <sup>2</sup> )	100%
10% POS Requirement	= 0.98 ha (9819.9 m <sup>2</sup> )	10%
Cracknell Park Contribution Towards POS 90% of 5712 m <sup>2</sup> = 0.51 ha (5140.8 m <sup>2</sup> )	= 0.51 ha (5140.8 m <sup>2</sup> )	5.2%
New POS Provided - Hawksburn Road Linear Park* - Rowe Avenue POS/Amphitheatre	= 0.17 ha (1735 m <sup>2</sup> ) = 0.26 ha (2619 m <sup>2</sup> )	1.8% 2.7%
<b>TOTAL POS PROVIDED</b>	<b>= 0.94 ha (9494.8 m<sup>2</sup>)</b>	<b>9.7%</b>

*\*excludes road reserve area (m<sup>2</sup>)*

*“Can or will Council require the developer to retain existing mature trees as part of that public open space?”*

Yes and yes.

*“Will Council ensure that Tree 212 known as ‘Tolkein’s Tree has full protection by extending the present 9-metre ‘Recommended Preservation Zone’ to at least the full extent of Tree 212’s canopy?”*

Yes, it is recommended that the 'Recommended Preservation Zone' (root protection area) should extend to at least a 16m minimum, however, to mitigate tree stress and decline from the root injury and loss that often occurs during the development process, it should extend to a 20m minimum.

*“Will Councillors, please reconsider and modify the medium island layout for the T Junction of First Street with Coolgardie Avenue, which gives priority through traffic and encourages drivers to continue to break the law and to speed through a 50km/hr residential area, to bypass the traffic light controlled intersection at Brearley Avenue/Great Eastern Highway, and, to ignore the clear intent expressed in Council’s signs (in First Street at Brearley and in Coolgardie Avenue at Great Eastern Highway), that state; ‘local traffic only.’*

At the time of the Ordinary Council on 20 May 2008, this project was still in the construction phase. Median islands were installed on 29 May 2008 with the project scheduled for completion on 13 June 2008. Traffic monitoring of this intersection will be undertaken over the following 3-6 months but there is no doubt that speed through the junction will be greatly reduced by the installed treatment.

## **5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

### **5.2.1 Mr R Birch, 195 Knutsford Avenue, Kewdale**

*“In the last twelve months how many infringement notices have been issued by or on behalf of the City of Belmont for the littering in a public place for “depositing shopping trolleys?”*

Response: There has been no infringements issued on persons depositing trolleys near the bus stop in Wright Street in the last 12 months. Council does not tag trolleys around the Forum precinct on Wright St/Abernethy Rd/Fulham St/Knutsford Ave as they do not stay longer than 24hrs.

*“When did the Local Government Association last lobby State Government relating to shopping trolleys, and what has been the response?”*

Response: This is a question that should be directed to the Western Australian Local Government Association.

*“Please supply me with any written opinion or points of law relating to “competition failure issues”. Is this fact, or, lack of resolve to actually do any thing about the issue?”*

Response: The City’s Manager Health and Ranger Services has advised he will be liaising with Council’s Solicitors regarding whether Local Laws can be selectively imposed on one commercial precinct and not another without being ‘anti-competitive’.

*“Please show me the action being taken, rather than just “need to be considered”?”*

Response: The City continuously deals with the issue of abandoned trolleys. On most days trolleys outside the district centre are tagged and the Majors’ contractors given 24 hours to pick them up. The number of trolley locations faxed to the Majors and their contractors each year would number several thousand.

In 2006, 189 trolleys were impounded and fines issued. In 2007, 142 were impounded/fines issued and to date in 2008, 81 trolleys have been impounded/fines issued. In April 2008 the City purchased a custom designed trailer to assist in the impounding of tagged trolleys by one Ranger.

The City is continuously looking at ways to improve the trolley situation further.

The Presiding Member also noted that as Delegate for the East Zone of the Western Australian Local Governments Association (WALGA), she will take these questions to the next East Zone meeting.

**5.2.2 Mr R Fraser, 24/152 Great Eastern Highway, Ascot**

*“Why, as a large part of the Grove Farm Trust Land, did Council as Trustees close the Parryfield Baseball Stadium Bowling Club?”*

Response: The A/Chief Executive Officer through the Chair stated that a large part was to do with complaints about noise pollution and the Director Technical Services advised that Parryfield Baseball Stadium was also unable to meet financial obligations. The A/Chief Executive Officer further advised that the Bowling Club had been affected by the redevelopment of Ascot Waters, and relocated to the Belmont Sports and Recreation Centre.

**5.2.3 Mr R Broinowski, 66 Armadale Road, Rivervale**

Mr Broinowski made mention of a map that showed a possible area of Belmont affected by Dieldrin and requested that this information be investigated and communicated to affected residents..

Response: The Presiding Member took this question on notice.

*“Will Council consider allowing the public to ask questions before and after Council meetings and a short period allocated to the public to ask a brief statement?”*

Response: The Presiding Member took this question on notice.

*“Can Council please reassure the public that agricultural chemicals cannot be absorbed by vegetables with only exception being if potatoes are not washed properly?”*

Response: The Presiding Member took this question on notice.

**5.2.4 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe  
(On behalf of the Belmont Residents/Ratepayers Action Group (BRRAG) Inc.)**

*“Councillors; what incentive is there for Council’s weed spraying contractor to apply the minimum amount of herbicide across this City (on a spot-spraying-as-needed-only-basis) if under the existing contract he is still being paid on a per lineal metre/per square metre basis; that is; ‘the more chemical sprayed the more he gets paid’, basis?”*

Response: The Presiding Member took this question on notice.

*“What does the City of Belmont’s weed spraying contract specify in relation to the contractor; spraying where weeds are not present, and, spraying in the rain?”*

Response: The Presiding Member took this question on notice.

*“Please define those spraying requirements in relation to each of the foregoing (questions), and, list the actual inspections made in the past twelve months, and, the reports made on those inspections?”*

Response: The Presiding Member took this question on notice.

*“Are Councillors aware that despite a phone call on 8 May 2008 to CoB Design Coordinator Terry Selten, and, subsequent email to East Ward Councillors (including the Mayor and Deputy) and Council Officers that day, and, despite our question asking Council to reconsider and to modify the median island layout for the T Junction of First Street with Redcliffe Road;*

- our subsequent meeting with the Mayor on-site on Monday 26.5.2008, when we again asked that work not continue until Council had had time to consider our submission to find a solution to the problem of high speed, high volume through-traffic through these Residential streets, and,*
- our agreement that Council would supply ASAP to us current traffic median speed and volume counts for First Street and current timeline/plans for the closure of Brearley Avenue, so that we could make an informed submission to Council, (by 3.6.2008), (the data requested has still not been received to date), and,*
- that work has proceeded on 29 May 2008 against the aim and spirit of that agreement, and, that the original median island layout continuing to give priority to that through-traffic has proceeded, and, is now in fact cast in concrete?, and,*
- that any submission now made by the local community to solve the problem of speeding through-traffic appears not only redundant, but also superfluous, and,*
- that in view of the considerable additional cost (to Ratepayers) of modifying the median islands to remove that priority to speeding through-traffic, and, to repairing the resulting damage to the road surface, (having ignored the lawful request of the local community to this Council and on-site to the Mayor to have the continuation of work suspended, until the data had been received by, and the Residents’ submission had been made to, and been considered by this Council).*

**The later part of Mr Greenwood’s question, not included in the minutes, made reference to the Director of Technical Services in a manner that did not accord with the Rules of Public question time. The Presiding Member at completion of Mr Greenwood’s question announced that Mr Greenwood’s last comment toward the Director of Technical Services was out of order and asked Mr Greenwood to withdraw his last statement. Mr Greenwood did not do so and the question was therefore declared out of order.**

*Councillors, while it is acknowledged that median islands will reduce speed through the T Junction, (thank you) the present configuration still leaves the major part of the problem unresolved;*

*That is of continuing to give priority to unlawfully speeding through-traffic through Residential streets; Coolgardie Avenue and First Street, to allow drivers to deliberately by-pass the traffic light controlled intersection of Brearley Ave/Great Eastern Highway.*

*As Councillor Marks remarked; the problem he had with the Residents' request was that there had been no major accidents in the last five years; to which every thinking person who has witnessed the many near misses should respond; 'we wish to prevent rather than have to react after tragic event/s'."*

**The Presiding Member advised Mr Greenwood in future to address the Chair rather than individual councillors and staff.**

*"Councillors, are you aware of the content of the ABC TV programme 'Catalyst' (of 22.5.2008) and how the information contained in that programme may assist the City of Belmont to begin to prepare for and to minimize the risks to Ratepayers from Global Heating and Climate Change?"*

Response: The Presiding Member thanked for the referral to this programme.

*"Councillors, following on from the cost effective implementation by the UK City of Woking (of 90,000 people) in 10 years now 80% carbon neutral and electricity generation/heating/cooling self sufficient, the City of Greater London has decided to implement a similar strategy to move London to a massive 60% reduction in carbon emissions (in 7 years) by 2015, (primarily to reduce the risk of flooding).*

*Councillors, are you aware that we are literally in the calm before the storm, as much of the City of Belmont will also be directly affected by the same Sea Level rise that is of concern to Greater London, (and as all cities on rivers close to the ocean will be), by Global Heating?"*

Response: The Presiding Member took this question on notice.

*"Councillors, are you aware that there are relatively simple and cost effective steps that we can take to reduce the carbon emissions from this City; such as requiring all new buildings in Belmont to be designed to be completely energy neutral, and, to require that all buildings constructed in the City of Belmont use only fly ash cement/concrete (manufactured from coal fired power station waste) which is stronger than, and completely eliminates (the significant) CO2 emissions from cement/concrete manufacture using calcium carbonate: (CaCO3 = CaO +CO2) (Councillor Steve Wolff may be best able to explain the polymer chemistry to you)?"*

Response: The Presiding Member took this question on notice.

*"Councillors, when are we going to make the hard decisions to move this City to a sustainable future? "(go to [ABC.net.au/catalyst](http://ABC.net.au/catalyst) then programme of 22.5.2008)*

Response: The Presiding Member took this question on notice.

*“Councillors, if a City of seven million (Greater London) can realize how little time there is now left to make the changes needed, and can implement a massive plan of action to achieve a 60% carbon reduction in just seven years (by 2015), can the City of Belmont (with around 30,000 people) implement a similar plan?”*

Response: The Presiding Member took this question on notice.

**5.2.5 Mr E Richards, 5 Sugars Court, Redcliffe**

*“Can Council consider better lighting at Middleton Park as the current lighting is not sufficient for the grounds?”*

Response: The Presiding Member took this question on notice.

**5.2.6 Mr R Harris, 135 Kew Street, Kewdale  
(On behalf of the Belmont Residents/Ratepayers Action Group (BRRAG) Inc.)**

*“‘The Springs’ is a major development with the City of Belmont, why is there no plan or model available (of what is proposed) in the Belmont Library for public information and comment?”*

Response: The Acting Director Community and Statutory Services advised that the Structure Plan and Local Planning Policy relating to ‘The Springs’ area was publicly advertised for comment in accordance with statutory requirements and that a copy of both were still available for viewing at the Civic Centre or on Council’s website.

*“Why is Cracknell Park excluded from ‘The Springs’ Gross Subdivisible Area (for the purpose of calculating the amount of POS required), then included as (Council’s) Contribution Towards POS?”*

Response: The Acting Director Community and Statutory Services advised that Cracknell Park is excluded from the Subdivisible Area as ‘The Springs’ area is defined under Town Planning Scheme No. 14 and does not include Cracknell Park. The Park is included as POS as it is owned freehold by Council and due to its location forms an integral part of the development area – in acknowledgement of this Council has agreed to ensure that the Park remains as such.

*“Why is Cracknell Park not included in ‘The Springs’ Subdivisible Area (for the purpose of calculating the 10% required as POS) when 10,334 SqM would be required, (instead of the present 9,820 SqM), an increase in POS of some 500SqM?”*

Response: No private development is proposed on Cracknell Park and it falls outside Development Area 11.

*“Is it either fair or reasonable for the Ratepayers of this City to be contributing Cracknell Park (presently calculated as 90% of 5712 or 5141SqM?), or 54% of total POS to the development, against the Hawkesburn Road Linear Park at 1735 SqM, and, the Rowe Avenue Amphitheatre at 2619 SqM giving total developers’ contribution of 4354 SqM or (only) 46% of the 9820 SqM requirement for POS?”*

Response: That is a matter for Council to consider. However, the future benefit to the City of Belmont of the high quality redevelopment of ‘The Springs’ area is justification for the inclusion of Cracknell Park and its retention as POS

*“Councillors, from this response may we assume that a minimum of 20m radius from the trunk of tree 212 known as ‘Tolkein’s’ tree will be protected from root damage by excavation during development?”*

Response: The Director Technical Services advised that the advice of a qualified Arboroculturalist would be relied on in determining how best to protect trees within ‘The Springs’ area including Tree 212.

7.37pm Mr McLeod entered the meeting and departed at 7.45pm.  
7.39pm The Principal Governance & Compliance Advisor departed the meeting.

***At 7.40, POWELL MOVED, BRENNAN SECONDED, that Council extend Public Question Time.***

***CARRIED 10 VOTES TO 0***

7.41pm The Director Corporate & Governance departed the meeting and returned at 7.44pm.

#### **5.2.7 Pastor S Templeton, 130 Acton Avenue, Kewdale**

*“Is the Council aware that every day the West Australian newspaper advertises sex workers in the personal column of which one third are located in the suburb of Rivervale, and that this is increasingly causing concern amongst the community?”*

Response: The Presiding Member advised that Council is aware that there are instances where sex workers have operated in the residential area of Rivervale.

#### **5.2.8 Pastor K Fraser, Airport City Church**

*“Will the Council seek to pass a motion like the City of Wanneroo which is considering a draft amendment to the planning scheme to:*

- 1) Define Adult Entertainment so as to address applications proposing sexual service businesses for commercial gain?*
- 2) Not permit any Adult Entertainment facilities in any zone within the City of Belmont?”*

Response: The A/Chief Executive Officer advised that if Council were to pass a motion as sort, it would be unlikely to be accepted by the WA Planning Commission (WAPC). (See Item 13.3 for further information).

7.44pm The Principal Governance & Compliance Advisor returned to the meeting.  
7.45pm Cr Whiteley departed the meeting and return at 7.53pm.  
7.53pm The Media & Communications Officer departed the meeting and returned at 7.56pm.

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

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

**6.1 ORDINARY COUNCIL MEETING HELD 20 MAY 2008**  
(Circulated under separate cover)

***BRENNAN MOVED, WHITELEY SECONDED, That the minutes of the Ordinary Council Meeting held on 20 May 2008 as printed and circulated to all Councillors, be confirmed as a true and accurate record.***

**CARRIED 10 VOTES TO 0**

**6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 10 JUNE 2008\*\***

**\*\*Council Attachment 1 – Item 6.2 refers**

***POWELL MOVED, HITT SECONDED, That the Information Matrix for the Agenda Briefing Forum held on 10 June 2008 as circulated in Council Attachment 1, be received and noted.***

**CARRIED 10 VOTES TO 0**

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

Nil.

**8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil.

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

Nil.

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

**11. REPORTS OF COMMITTEES**

Nil.

**12. REPORTS OF ADMINISTRATION**

**WITHDRAWN ITEMS**

Item 12.1 was withdrawn at the request of Cr Rossi.  
Item 12.2 was withdrawn at the request of Cr Brennan.  
Item 12.4 was withdrawn at the request of Cr Hitt.  
Item 12.11 was withdrawn at the request of Cr Marks.  
Item 12.14 was withdrawn at the request of Cr Marks.  
Item 12.15 was withdrawn at the request of Cr Marks.

***BRENNAN MOVED, WHITELEY SECONDED, that with the exception of Items 12.1, 12.2, 12.4, 12.11, 12.14, and 12.15, which are to be considered separately, the Officer Recommendations in Items 12.3, 12.5, 12.6, 12.7, 12.8, 12.9, 12.10, 12.12, and 12.13 be adopted en bloc.***

**CARRIED BY ABSOLUTE MAJORITY 10 VOTES TO 0**

**12.1 RATIONALISATION OF PORTION PRISKE WAY CROWN RESERVE 35218**

**Built Belmont**

**ATTACHMENT DETAILS**

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	102/007; 188 Kooyong Road, Rivervale; WAPC 1132-05
Location / Property Index	:	Lot 1 (188) Kooyong Road, Rivervale.
Disclosure of any Interest	:	Nil.
Previous Items	:	12.1.2 OCM 3 April 2007.
Applicant	:	Mrs A Zilujko
Owner	:	Mrs A Zilujko
Responsible Division	:	Community & Statutory 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 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, town planning schemes &amp; policies</i>  |
| <input type="checkbox"/>            | <b>Review</b>         | <i>When Council reviews decisions made by Officers</i>   |
| <input checked="" type="checkbox"/> | <b>Quasi-Judicial</b> | <i>When Council determines an application / matter that directly affects 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 town 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**

Council to consider modifying its recommendation of 3 March 2007 by deleting Point 2 – Council seek from the landowner of Lot 7 (188) Kooyong Road, Rivervale reimbursement of \$1,209.98 relating to advertising costs.

12.1 Continued

**SUMMARY AND KEY ISSUES**

Priske Way Crown Reserve 35218 is vested in the City of Belmont for the purpose of Public Utilities Services and Parking. A portion of the reserve is used for overflow parking for the Rivervale Church of Christ.

The truncation of Reserve 35218 has been used for vehicular access to Lot 7 (188) Kooyong Road for over 30 years. The City of Belmont installed a crossover over this portion of the reserve over 20 years ago.

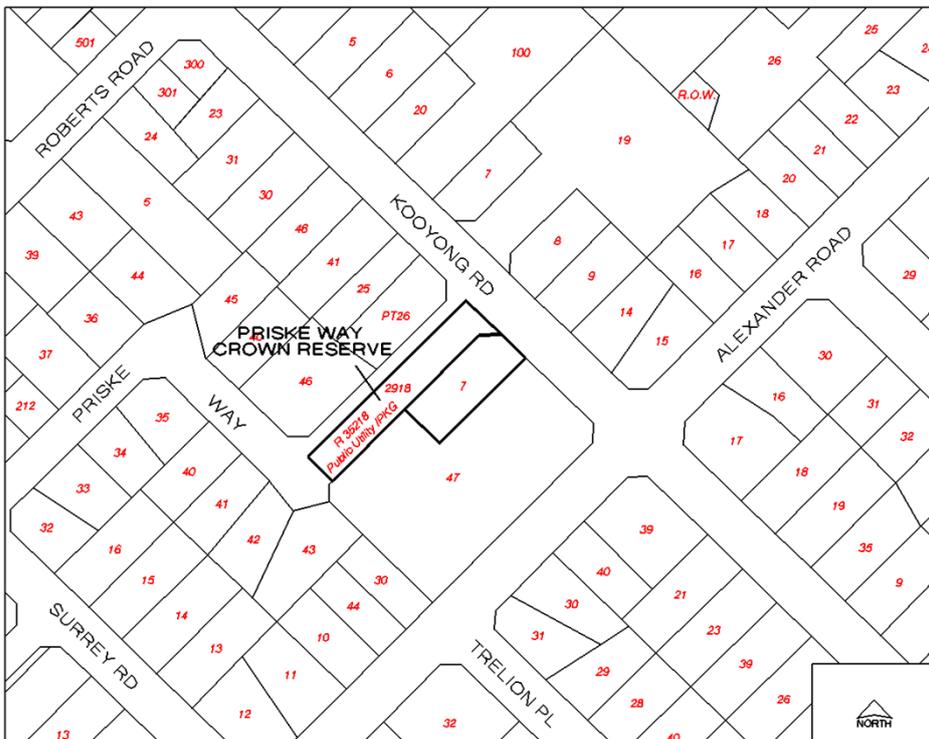
A survey strata application (1132-05) was refused by the Western Australian Planning Commission on the basis that access to the rear battleaxe lot was over a portion of Reserve 35218.

The landowner therefore requested that the section of the reserve which contains the driveway be closed and amalgamated. Closure of the subject portion of the reserve was initiated by Council in September 2006 and after advertising in accordance with the provisions of the Land Administration Act 1997 endorsed by Council at its meeting of 3 March 2007.

Request for closure forwarded to Department for Planning & Infrastructure (DPI) - State Land Services in April 2007.

**LOCATION**

Crown Reserve 35218 (19) Priske Way and abutting Lot 7 (188) Kooyong Road, Rivervale



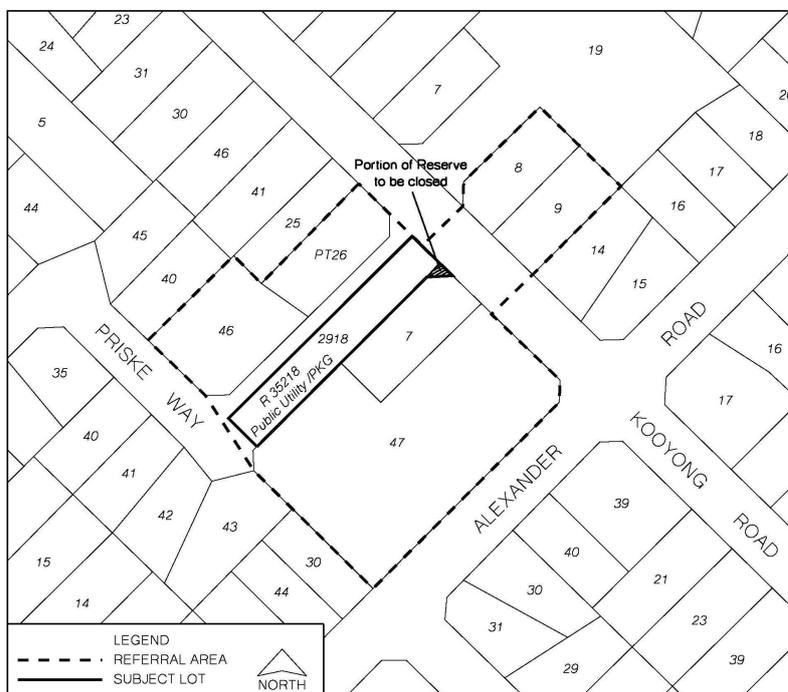
12.1 Continued

**CONSULTATION**

In accordance with the provisions of Section 51 of the Land Administration Act 1997, the closure of portion Crown Reserve 35218 Priske Way Prior was advertised for 35 days to relevant service authorities and surrounding landowners.

The closure was also advertised in the Southern Gazette on 16 January 2007 and Western Australian newspaper on 17 January 2007. At the close of the submission period (ie by 23 February 2007) a total of four (4) submissions from Water Corporation, Alinta Gas, Western Power and Telstra, all non objections, were received.

The Manager Parks, Leisure and Environment also indicated no objection to the closure of the portion of reserve.



**STRATEGIC PLAN IMPLICATIONS**

**BUILT BELMONT** - *"Achieve a planned City that is safe and meets the needs of the community."*

**NATURAL BELMONT** – *Maintain public open space in accordance with the needs and expectations of the community.*

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

12.1 Continued

**STATUTORY ENVIRONMENT**

The Land Administration Act 1997 sets out the procedure for closure of crown reserves.

The Local Government (Administration) Regulations 1996 sets out procedure for amending a resolution of Council.

**BACKGROUND**

<b>Owner:</b>	Crown	<b>Ward:</b>	West
<b>Lodgement Date:</b>	N/A	<b>Use Class:</b>	Residential
<b>Lot Area:</b>	Reserve: 1,423ha Lot 7: 994m <sup>2</sup>	<b>TPS Zoning:</b>	Local Parks and Recreation Reserve
<b>Estimated Value:</b>	N/A	<b>MRS:</b>	Urban

**Use of Reserve**

Priske Way Crown Reserve 35218 is vested in the City of Belmont for the purpose of Public Utilities Services and Parking. A portion of the reserve is used for overflow car parking for the Rivervale Church of Christ. Approval to use Reserve 35218 for overflow parking was granted by Council at its meeting 21 December 1992 and the purpose of the reserve modified accordingly.

The portion of Reserve 35218, which forms a truncation, contains a driveway for the dwelling at Lot 7 (188) Kooyong Road.

**Survey Strata Application**

In September 2005, a survey strata application (WAPC Ref 1132-05) was referred to the City for comment by the WAPC for Lot 7 (188) Kooyong Road, Rivervale. The application proposed the retention of the existing dwelling and the creation of a vacant strata lot to the rear. The driveway to the rear strata lot was proposed over Reserve 35218. On the City's recommendation, the application was refused as it did not comply with average lot sizes, the proposed battleaxe did not have frontage to a constructed road and the Commission was not prepared to approve lots below the minimum requirement for R20.

**Reserve Closure**

In December 2005 the land owner wrote to the City's Engineering Department and requested that boundary between Reserve 35218 and Lot 7 be realigned to include the truncation into Lot 7. This would involve the partial closure of the reserve (18m<sup>2</sup> truncation area) and its amalgamation into Lot 7.

The portion of reserve to be closed is currently used for vehicular access to Lot 7 (188) Kooyong Road and the reserve is used for overflow parking for the adjacent Rivervale Church of Christ.

The landowner requested closure of the subject truncation in December 2005. The City responded in January 2006 advising the process and costs applicable. Further correspondence from the landowner was received requesting Council to proceed with closure and to advise of the fees and costs applicable. The letter also claimed adverse possession of the subject truncation. The Director Technical Services advised that the Limitation Act excludes claims for adverse possession against Crown land. The matter was referred to the Planning Department for action in March 2006.

*12.1 Continued*

Council at its meeting held on 26 September 2006, resolved to advertise the closure for 35 days and refer the proposal to service authorities and DPI for comment.

Council at its meeting held on 3 April 2007, resolved to forward the closure of a portion of Priske Way Crown Reserve 35218, Rivervale to the Land Asset Management Services of DPI for finalisation. Council also resolved that reimbursement of advertising costs be sought from the landowner.

A request for closure was forwarded to DPI - State Land Services on 18 April 2007. No response or acknowledgement received and a further request was sent on 21 September 2007.

The DPI - State Land Services letter received on 30 January 2008, confirmed the valuation of the subject land as being \$2371.00. A letter was sent to the landowner Mrs Zilujko on 21 February 2008 advising of the cost of the land and advising that an invoice for advertising costs would be forwarded shortly. An invoice for advertising costs of \$1209.98 generated and provided 17 April 2008.

In a letter dated 1 May 2008 the owner requested that she not be required to pay the advertising costs. In support of the request, the landowner provided the following:

- Application to subdivide the lot lodged with Department for Planning & Infrastructure 2 September 2005.
- Letter requesting realignment of boundary of Lot 7 (188) Kooyong Road, Rivervale to include truncation of adjacent Reserve 35218 received by the City's Engineering Department.
- Subdivision refused by Western Australian Planning Commission 13 January 2006.
- Further letter dated 25 January 2006 submitted confirming proceed with closure of the subject portion of the Reserve.
- OCM 26 September 2006 resolved to advertise the proposed reserve closure.
- OCM 3 April 2007 resolved to finalise the reserve closure.
- Taken nearly 3 years to progress the closure of a portion of Priske Way reserve.
- Given the length of time taken to progress the closure, her financial situation has now changed. Having to pay for the advertising now will leave her disadvantaged.

**OFFICER COMMENT**

The proposed closure and amalgamation of the 18m<sup>2</sup> truncation area of Reserve 35218 Priske Way was processed in accordance with the provisions of the Land Administration Act 1997. It is acknowledged that the reserve closure process is lengthy. It is also accepted that delays occurred, initially due to prioritising workloads when initiating the request and then by DPI - State Land Services (who are responsible for finalisation of the reserve closure). While Council forwarded the request to finalise the closure in April 2007 and again in September 2007, valuation of the land was not received until January 2008.

12.1 *Continued*

The subject portion of the reserve is currently used for vehicular access and has been for over 30 years with the City installing a crossover to the truncation over 20 years ago. The landowner agreed to pay fees and costs associated with the closure of the subject truncation when the process was first initiated. The purchase price of the land has been valued at \$2371.00. This cost is payable to DPI - State Land Services. The advertising costs for both The Western Australian newspaper and the Southern Gazette came to \$795.43 and \$304.56 respectively, ie \$1,099.99 plus GST, totalling \$1,209.98. No administration fees were charged by the City.

The following options are provided for Council consideration:

**Option 1.**

The applicant to pay the advertising costs of \$1,209.98 as agreed in accordance with Council decision of 3 April 2007.

**Option 2.**

The applicant to make arrangements with the City for the advertising costs to be paid in monthly instalments.

**Option 3.**

The applicant to be advised that Council is willing to modify its decision of 3 April 2007 and delete the requirement for the reimbursement of advertising costs.

Should Council choose Option 1, no modification to Council's resolution of 3 April 2007 is required and the applicant should be advised accordingly.

Option 2 allows for Council to accept monthly payments. It is suggested that a minimum of \$40 per month over a 30 month plan would be acceptable. The City's Finance Section advised that monthly payments can be accommodated. Should Council consider Option 2, no modification to Council's resolution of 3 April 2007 is required as monthly instalments would ensure that the applicant is complying with the existing decision.

Should Council consider Option 3, the decision of 3 April 2007 would be required to be amended in accordance with the Local Government (Administration) Regulations 1996 Regulation 10 (3), for minor modifications. The decision of Council is repeated below for information.

*"That:*

1. *The closure of a portion of Priske Way Crown Reserve 35218, Rivervale be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for finalisation.*
2. *Council seek from the landowner of Lot 7 (188) Kooyong Road, Rivervale reimbursement of \$1,209.98 relating to advertising costs.*
3. *Council advise the applicant and all those who made a submission of Council's decision."*

*12.1 Continued*

Should Council consider Option 3, the above resolution to be modified as follows:

1. The closure of a portion of Priske Way Crown Reserve 35218, Rivervale be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for finalisation.
2. Council advise the applicant and all those who made a submission of Council's decision.

The three options were discussed with Mrs Zilujko who confirmed that although she agreed to pay the costs she did not realise at that time how much that would be. Mrs Zilujko advised that she could not afford to pay and therefore requested Council choose Option 3.

In looking at the three options, the owner was aware of costs involved and the requirement for payment of advertising costs was included in Council's recommendation for finalisation of the subject truncation. A check of the cost of similar advertising over the past three years confirmed that advertising costs in both The Western Australian and Southern Gazette newspapers have not changed markedly. It is acknowledged that the process has been lengthy, however the closure of the portion of Priske Way Reserve was progressed in accordance with the requirements of the Land Administration Act 1997 which included advertising. If Option 3 was to be supported it would set a precedent for other such requests to waive fee requirements completely based on personal circumstances – this in turn raises issues of equity in that it is the wider community of the City of Belmont that then is required to carry such costs. Given that the applicant went into the process understanding that there would be costs associated with the requested land acquisition; and that no administration costs have been imposed beyond that of recouping advertising charges - it is therefore recommended that Option 2 be supported.

**FINANCIAL IMPLICATIONS**

The cost of advertising the subject reserve closure totals \$1,209.98 (Southern Gazette \$335.01 and the West Australian Newspaper \$874.97) and has already been paid by Council.

**ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time. The 18m<sup>2</sup> area of Reserve 35218 to be closed is minor, and will not have a significant impact on the amount of Public Open Space available within the City of Belmont.

12.1 *Continued*

**OFFICER RECOMMENDATION**

That:

1. Council decision for Item 12.1.2 Rationalisation of Portion of Priske Way Crown Reserve 35218 of the 3 April 2007 Ordinary Council meeting remain unchanged.
2. The applicant be advised that in accordance with Point 2 of Council's decision in regard to reimbursement of advertising costs, Council is willing to accept monthly payments over a 30 month period.

**Notation**

Cr Rossi proposed an Amended Motion on the basis that the advertising costs be waived completely due to Mrs Zilujko not being fully aware of the actual costs she would be likely to incur and the length of time taken to process the land rationalisation.

**ROSSI MOVED, MARKS SECONDED, That Council resolve to delete Point 2 of the decision for Item 12.1.2 Rationalisation of Portion of Priske Way Crown Reserve 35218 of the 3 April 2007 Ordinary Council meeting as follows:**

1. ***The closure of a portion of Priske Way Crown Reserve 35218, Rivervale be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for finalisation.***
2. ***Council advise the applicant and all those who made a submission of Council's decision.***

**CARRIED 8 VOTES TO 2**

*Against: Cr Brennan  
Cr Whiteley*

**12.2 PUBLIC OPEN SPACE PROVISION ASCOT VALE SUBDIVISION, ASCOT**

**Built Belmont**

**ATTACHMENT DETAILS**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
BB Attach 2	Plan of Proposed Public Open Space
Conf Attach 1	Agreement & Deed
Voting Requirement	: Simple Majority
Subject Index	: 115/001
Location / Property Index	: 71 Grandstand; 73 Grandstand; 73 Harold;
Application Index	: 7/2007
Disclosure of any Interest	: Nil
Previous Items	: Nil
Applicant	: WA Turf Club & City of Belmont
Owner	: WA Turf Club & City of Belmont
Responsible Division	: Community & Statutory 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, town planning schemes &amp; policies</i>  |
| <input type="checkbox"/>            | <b>Review</b>         | <i>When Council reviews decisions made by Officers</i>   |
| <input checked="" type="checkbox"/> | <b>Quasi-Judicial</b> | <i>When Council determines an application / matter that directly affects 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 town 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**

The purpose of the item is for Council to consider the appropriate location of Public Open Space (POS) to make up the shortfall in the 10% open space provision within the Ascot Vale subdivision.

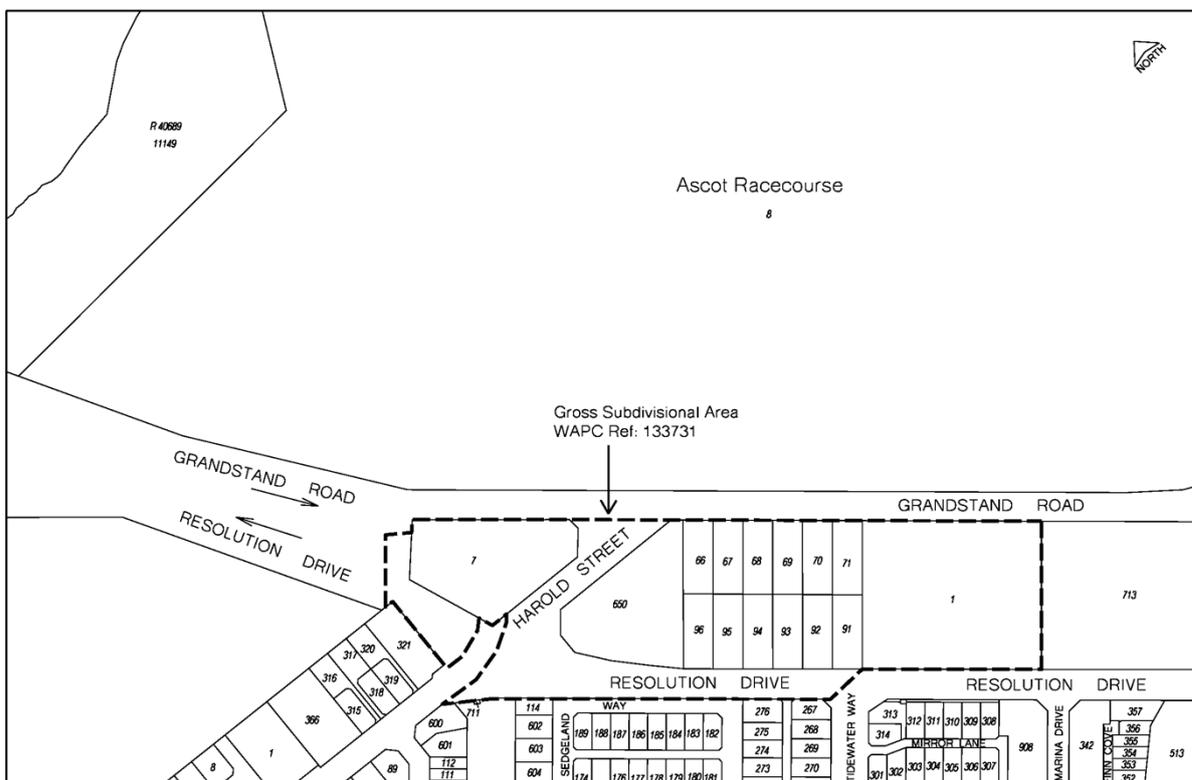
12.2 Continued

**SUMMARY AND KEY ISSUES**

In May 2007 the Western Australian Planning Commission (WAPC) conditionally approved the Ascot Vale subdivision. The conditions imposed included ones relating to open space provision.

An area of open space is proposed to be provided abutting the foreshore reserve adjoining the Ascot Racecourse. The area will account for 10% open space overall.

**LOCATION**



**CONSULTATION**

There has been no specific consultation undertaken in respect to this matter. However, the Ascot Waters Local Planning Policy No. 6 was modified and adopted for final approval to reflect the Ascot Vale subdivision and included a public consultation component (Item 12.1.8 OCM 19/2/2008 refers).

**STRATEGIC PLAN IMPLICATIONS**

*“Maintain public open space in accordance with the needs and expectations of the community”*

12.2 *Continued*

**POLICY IMPLICATIONS**

Western Australian Planning Commission Policy DC 2.3 'Public Open Space in Residential Areas' has as a basic component of the policy a requirement that 10 percent of the gross subdivisible area of a conditional subdivision shall be given up free of cost by the subdivider for public open space. This has been the basis of open space policy in the State for many years and emanates from the recommendations of the Plan for the Metropolitan Region Perth and Fremantle, 1955 Report (The Stephenson-Hepburn Plan). In its policy, the WAPC states that it "*is aware of the continuing debate about the validity of certain aspects of this policy in the light of such matters as restraints on local government expenditure (with consequent limiting effects upon its ability to develop and maintain open space), the need to ensure adequate open space in existing urban areas, and the balance between passive and active recreational areas. This policy is subject to a comprehensive review.*"

**STATUTORY ENVIRONMENT**

Public open space has been required under Section 152 of the Planning and Development Act 2005.

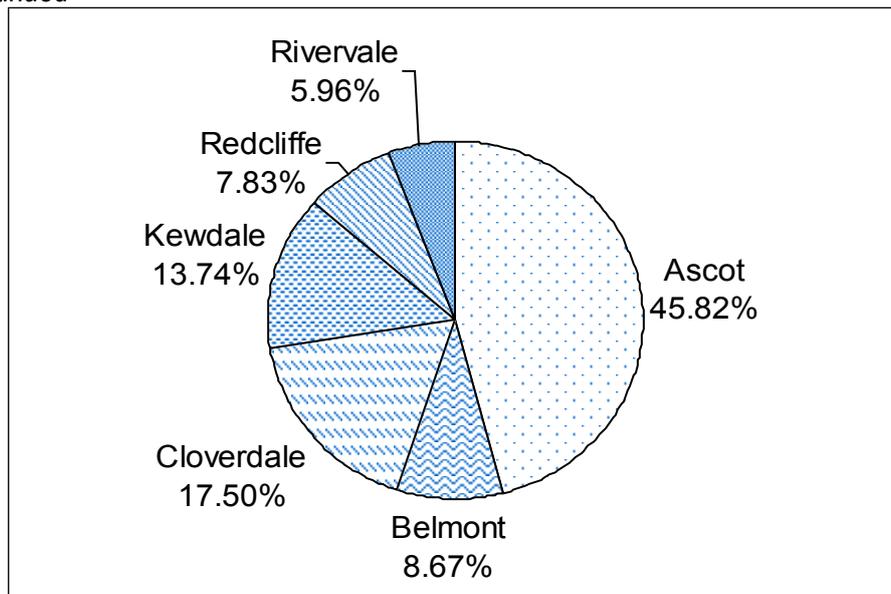
**BACKGROUND**

In March 2007 Council recommended to the WAPC conditional approval for subdivision of land known as 'Ascot Vale'. The recommended conditions included:

- "7. Reserves shown on the sketch plan submitted by the subdivider being shown on the deposited plan as a reserve for recreation and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded to the Crown free of cost and without payment of compensation by the Crown.
8. The balance of the subdivider's 10 % required public open space contribution being satisfied by a cash-in-lieu payment. Cash-in-lieu payment is necessary for Council to implement its five year Plan for development of public open space reserves in the City."

Cash-in-lieu was requested on the basis that Ascot has an overprovision of POS and outstrips other suburbs where there is a demonstrated under-provision. Public open space accounts for 33.61% of land within the suburb of Ascot. This exceeds the benchmarks standards of 8% and 10%. Ascot has and is forecast to maintain a provision of open space that exceeds the state benchmark by over 40 hectares per 1000 persons.

12.2 Continued



Graph 1: Distribution of Open Space per Suburb

In May 2007 the WAPC conditionally approved the subdivision. The conditions imposed included:

- “9. The proposed reserve(s) shown on the approved plan of subdivision being shown on the Deposited Plan as a “Reserve for Recreation” and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without payment of any compensation by the Crown.
10. The balance of the 10% gross subdividable area in a position to be agreed with the WAPC, being shown on the Deposited Plan as a “Reserve for Recreation” and vested in the Crown under Section 152 of the Planning and Development Act 2005, such land to be ceded free of cost and without payment of any compensation by the Crown.”

An associated footnote advised that the WAPC approved of a cash-in-lieu contribution to make up the shortfall effectively if the City and the landowners agree to the cash option.

The “Applicant” and the “Owner” was not the Western Australian Turf Club (WATC) alone but was WATC jointly with the Department for Planning & Infrastructure (DPI) and the City. The obligation to provide 10% POS or pay cash in lieu is an obligation imposed on the applicants jointly if the subdivision is to go ahead on the conditions specified.

The provision of the POS is as much the responsibility of the City as it is of the WATC.

There is no obligation on the WATC to pay cash in lieu as the WAPC’s condition does not expressly require it.

The WATC is offering all of the land area necessary to satisfy the POS condition (refer BB Attachment 2.

*12.2 Continued*

Two draft agreements have been drawn up in regard to the Ascot Vale subdivision – one relates to an Agreement between the Subdividers (in regard to public open space) and the other relating to Landowners. Draft copies of the Agreements (Confidential Attachment 1) are currently being vetted by Council's solicitors.

**OFFICER COMMENT**

The proposed POS is in a location in the immediate vicinity of the subdivision. The POS immediately abuts the land to be vested in the City of Belmont for the purpose of road widening. Once the road is vested it will become a public road with access under the care and control of the City of Belmont.

The location of the POS wedge has the effect of opening up the entry to the river foreshore immediately abutting the racecourse. An earlier version proposed a more linear strip abutting the existing fence line but was discounted due to Swan Location 823 being subject of a Trust and the fact that it had less useability as POS.

If POS were to be provided within the subdivision it may be in a location with lesser functionality and greater long term costs to the City due to the fragmentation of open space holdings. The City itself as one of the subdividers would either have to provide a portion of its landholdings as POS or pay cash-in-lieu (estimated at a proportional cost of \$294,000).

**FINANCIAL IMPLICATIONS**

If Cash-in-lieu was to be paid proportionally for the open space shortfall the WATC's proportion would be approximately \$889,200 and Council's proportion would be approximately \$295,500. However, as detailed the 'cash-in-lieu option' is up to the subdivider.

**ENVIRONMENTAL IMPLICATIONS**

Consolidation of the river foreshore reserve will improve public access and functionality.

**OFFICER RECOMMENDATION**

That Council:

1. Endorses the location of the proposed Public Open Space to be provided to comply with the open space requirement of the Western Australian Planning Commission subdivision 133731.
2. Authorises the Acting Chief Executive Officer to negotiate and finalise the Subdividers and Landowners agreements between the Western Australian Turf Club and the City.

12.2 *Continued*

**Notation**

Cr Brennan proposed an Amended Motion to include a point 3, that the proposal be endorsed only if any legal agreement supports the removal of the existing fence that separates the additional public open space by WATC prior to Certificate of Titles being issued..

**BRENNAN MOVED, HITT SECONDED, That Council:**

1. ***Endorses the location of the proposed Public Open Space to be provided to comply with the open space requirement of the Western Australian Planning Commission subdivision 133731.***
2. ***Authorises the Acting Chief Executive Officer to negotiate and finalise the Subdividers and Landowners agreements between the Western Australian Turf Club and the City.***
3. ***Requires any legal agreement to include that prior to the issue of Certificates of Title for land subdivided under the subdivision, the Western Australian Turf Club shall remove the existing fence that separates the additional public open space.***

**CARRIED 10 VOTES TO 0**

**12.3 TENDER 24/2006 – SUPPLY OF MEALS ON WHEELS SERVICES**

**Social Belmont**

**ATTACHMENT DETAILS**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
SB Attach 3	Contract Extension Evaluation

Voting Requirement	:	Simple Majority
Subject Index	:	114/128 – Tender 24/2006 Supply of Meals on Wheels Service within the City of Belmont
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Item 11.2.1 26/09/2006 OCM Minutes
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory 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, town planning schemes &amp; 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 affects 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |

**PURPOSE OF REPORT**

To seek approval to extend Tender 24/2006 Supply of Meals on Wheels Service for a further 12 months.

12.3 *Continued*

**SUMMARY AND KEY ISSUES**

To advise Council of the intention to extend Tender 24/2006 for a further 12 months from 1 November 2008.

**LOCATION**

N/A

**CONSULTATION**

Internal Consultation was carried out between the Manager Community & Library Services, the Co-ordinator Community Services, the Meals on Wheels Officer and the Co-ordinator Contracts and Tenders regarding the extension of the tender for a further 12 months from 1 November 2008 to 31 October 2009.

**STRATEGIC PLAN IMPLICATIONS**

SOCIAL BELMONT – *“Provide or facilitate access to services and facilities required by seniors and other “in need” community members.”*

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY ENVIRONMENT**

Section 3.57 of the Local Government Act 1995 provides that 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.

The Local Government (Functions and General) Regulations 1996 – regulation 11 to 24 specifically deal with the legislative requirement of tendering for goods and services.

**BACKGROUND**

In October 2006 (Item 11.2.1 26/09/2006 OCM Minutes), the Council awarded Tender 24/2006 – Supply of Meals on Wheels within the City of Belmont for a period from 1 October 2006 to 31st October 2008 with a possible 12 month extension.

The tender was awarded to Total Catering Solutions for a period of 24 months. The 12 month extension option was to be considered upon the successful completion of the tender specifications for the initial contract period.

12.3 *Continued*

**OFFICER COMMENT**

The current supplier Total Catering Solutions has been performing well in the seven evaluation areas set out in the Contract Extension Evaluation and it is deemed sufficient justification to further extend the contract. A copy of the contract extension evaluation is provided under SB Attachment 3.

**FINANCIAL IMPLICATIONS**

There are no additional financial implications other than those that have been budgeted. The last financial year (2006/2007) annual spend commitment was \$85,000.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**OFFICER RECOMMENDATION**

*That Council approve the extension of the current arrangements with Total Catering Solutions from 1 November 2008 to 31 October 2009 and forward letters to the current contractor advising of the decision to extend the contract by 12 months under the same terms and conditions as the current Tender.*

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 12.1.***

## 12.4 APPOINTMENT OF SISTER CITY TOUR LEADER

### Social Belmont

#### ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
-----------------------	----------------

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	106/004 Sister City Student Delegation
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Item 12.5.8 24/04/2007 OCM Minutes
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community & Statutory 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, town planning schemes &amp; 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 affects 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 town 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 appointment of a Councillor to act in the capacity of official Tour Leader for the Student Exchange program visiting Adachi, Japan 9 - 17 January 2009 and to act as host for the visiting delegation from Adachi to Perth 7 – 12 August 2008.

12.4 Continued

### **SUMMARY AND KEY ISSUES**

Council's consideration of the appointment of its official Tour Leader for the 2009 Student Exchange to Adachi City, Tokyo.

### **LOCATION**

N/A

### **CONSULTATION**

Officers are in constant liaison with the Belmont Sister City Association and the Adachi Tourism and Exchange Section concerning delegation dates, itinerary and numerous other aspects associated with the annual student exchange between the two Cities.

### **STRATEGIC PLAN IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

### **POLICY IMPLICATIONS**

Council has an adopted 'Guide for Tour Leaders', which outlines the roles and responsibilities of the position. The guide also outlines the parameters of expense, reimbursement (refer OCM-11/03/02; ACS-05/03/02-8.51).

### **STATUTORY ENVIRONMENT**

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

### **BACKGROUND**

Council previously resolved (11 April 1989) that:

*"Council's representative for Sister City Student Exchange visits each year, should be an elected member. In order to promote the ideals and objectives of the Sister City Exchange, a different elected member be selected each year. In the event that no elected member is able to participate in an exchange visit, then an officer may be considered."*

12.4 *Continued*

Tour Leaders for the last several student exchanges have been:

1989 <i>Cr M Blair</i>	1990 <i>Cr D Ferguson</i>
1991 <i>Cr R Belton</i>	1992 <i>Cr D Powell</i>
1993 <i>Cr E Teasdale</i>	1994 <i>Cr C Rich</i>
1995 <i>Cr M Godsell</i>	1996 <i>Cr L Coops</i>
1997 <i>Cr A Richardson</i>	1998 <i>Cr D Symonds</i>
1999 <i>Cr A Murfin</i>	2000 <i>Cr R Swann</i>
2001 <i>Cr G Godfrey</i>	2002 <i>deferred to January 2003</i>
2003 <i>Cr J Powell</i>	2004 <i>Delegation cancelled</i>
2005 <i>Cr G Grant</i>	2006 <i>Cr B Martin</i>
2007 <i>Wendy Parsons (Officer)</i>	2008 <i>Cr B Martin</i>

The 2004 Student delegation was cancelled as a result of a low response rate from students, which was thought to be due to the emergence of the SARS epidemic throughout Asia and China and the perceived level of safety for global travel.

The delegation comprises of:

- Tour Leader
- 1 Chaperone
- Up to 10 students

**OFFICER COMMENT**

The appointment of Tour Leader is to act in the capacity of official Tour Leader for the Student Exchange program visiting Adachi, Japan 9 - 17 January 2009 and to act as host for the visiting delegation from Adachi to Perth 7 – 12 August 2008.

There will be an Official Introduction and Planning Session for all the members of the touring party held at the Sister City Offices on 18 June 2008.

**FINANCIAL IMPLICATIONS**

In addition to student and chaperone exchange expenses (some \$18,000 – \$20,000) Council allocates, via the annual budget process, funds to provide airfare, accommodation and minor expenses for the Student Delegation Tour Leader. The expected Tour Leader costs are anticipated to be in the vicinity of \$2,100 (airfares), \$500 (accommodation) and \$300 - \$500 (sundry expenses).

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

12.4 *Continued*

**Notation**

Councillor Hitt nominated Cr Wolff as Tour Leader for the 2009 Student Exchange to Council's Sister City, the City of Adachi, Tokyo for the proposed dates 9 - 17 January 2009.

***HITT MOVED, POWELL SECONDED, That Councillor Wolff be nominated as Tour Leader for the 2009 Student Exchange to Council's Sister City, the City of Adachi, Tokyo for the proposed dates 9 - 17 January 2009.***

**CARRIED 10 VOTES TO 0**

**12.5 EXPRESSION OF INTEREST 07/2008 – ESTABLISHMENT AND OPERATION OF A  
CHILDCARE CENTRE AND UPGRADE OF SPORTING FACILITIES AT 130 KEANE  
STREET, CLOVERDALE**

**Business Belmont**

**ATTACHMENT DETAILS**

**Attachment No.**      **Details**  
Nil.

Voting Requirement                   : Simple Majority  
Subject Index                           : 68/004 - Council Land Acquisitions and Management  
  114/001 - Tender Register - Expression of Interest 07/2008  
Location / Property Index           : Forster Park, 130 Keane Street, Cloverdale  
Application Index                     : N/A  
Disclosure of any Interest           : N/A  
Previous Items                         : Item 12.5.6, 19 February 2008  
Applicant                               : N/A  
Owner                                    : N/A  
Responsible Division                 : Corporate & 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, town planning schemes & policies*
- Review**                                *When Council reviews decisions made by Officers*
- Quasi-Judicial**                    *When Council determines an application / matter that directly affects 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 town 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 approval to defer the development of a tender for the establishment and operation of a childcare centre and upgrade of sporting facilities at 130 Keane Street, Cloverdale pending further market evaluation.

12.5 Continued

**SUMMARY AND KEY ISSUES**

Expression of Interest: 07/2008 was advertised on 15 March 2008 for the purpose of gauging market interest in the establishment and operation of a childcare centre and upgrade of sporting facilities at 130 Keane Street, Cloverdale.

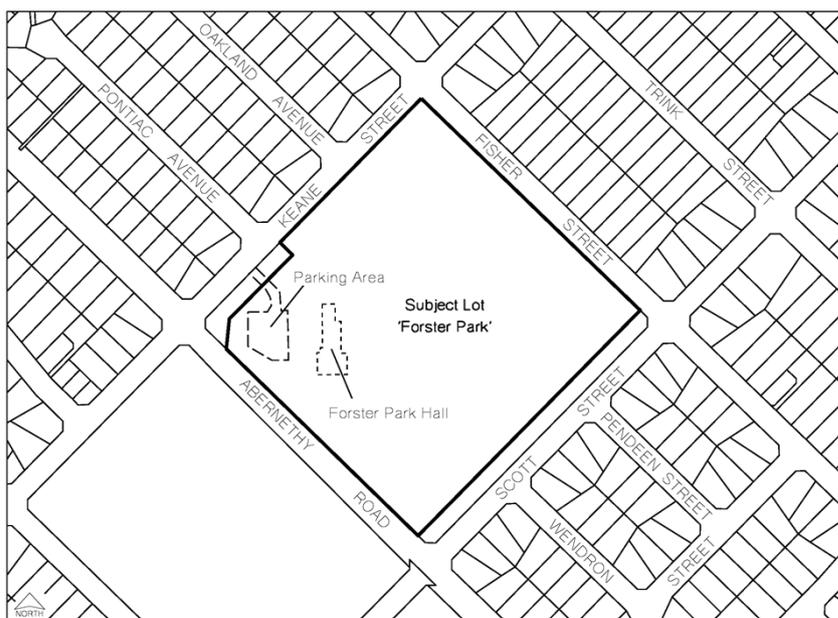
Submissions in response were received from:

- Wise Owl Childcare Solutions Pty Ltd
- The YMCA of Perth Inc

Neither of the submissions addressed all of the requested selection criteria and, as a result, were not directly comparable. As a result of this it is considered necessary to undertake further market evaluations prior to preparing a tender for this proposal.

**LOCATION**

Lot 278 (130) Keane Street, Cloverdale, Forster Park.



**CONSULTATION**

Consultation has taken the form of public advertisement of the City's intent for the future development of Forster Park and associated sporting facilities through calling for Expressions of Interest.

**STRATEGIC PLAN IMPLICATIONS**

<i>Social Belmont</i>	Assist clubs and community groups to provide services and facilities
<i>Business Excellence</i>	Operate Council's land and facilities portfolio as an capital-efficient investment

12.5 Continued

**POLICY IMPLICATIONS**

C4.7.1 DEVELOPMENT ON RESERVED LANDS AND COUNCIL OWNED LANDS

**Policy Objective:**

To ensure that all relevant matters are considered prior to decision.

**Policy Statement:**

All development on reserves and Council owned land under the direct control of Council, the Government or statutory authority and all proposals involving closure or realignment of roads within the district are to be referred to the Council for determination.

**STATUTORY ENVIRONMENT**

Sections 21, 22 and 23 of the Local Government (Functions and General) Regulations 1996 describe the requirements associated with calling for Expressions of Interest. Specifically, section 21 states:

- (1) *If a local government thinks that there is good reason to make a preliminary selection from amongst prospective tenderers, it may seek expressions of interest with respect to the supply of the goods or services.*
- (2) *There is good reason to make a preliminary selection if, because of:*
  - (a) *the nature of the goods or services required; or*
  - (b) *the cost of preparing plans, specifications or other information for the purpose of adequately describing the goods or services required, it would be advantageous to the local government if tenders were invited only from persons it considers to be capable of satisfactorily supplying the goods or services.*

Section 23 (2) states that:

*An expression of interest that is submitted at a place, and within the time, specified in the notice but that fails to comply with any other requirement specified in the notice may be rejected without considering its merits.*

Section 23 (2) of the Local Government (Functions and General) Regulations 1996 is the key element of the Statutory Environment to be considered in determining the next stages of this process.

**BACKGROUND**

During 2006 and 2007 City staff have researched the potential of leasing a portion of Council owned land located at Forster Park, Lot 278 (#130) Keane Street, Cloverdale to a private sector company for the purpose of building and operating a Child Care Centre and refurbishing the existing club facilities to a modern day standard.

*12.5 Continued*

The first stage of the agreed process associated with the implementation of this proposal was to seek Expressions of Interest from organisations that may be prepared to enter into this arrangement. It was intended that the City would use the submissions received to both determine if the proposal is a major land transaction and set the final scope of the tender.

The Expression of Interest submissions were to be assessed based on the following weighted criteria:

1.	Payment/ expenditure schedule	15%
2.	Relevant experience	25%
3.	Address community needs	30%
4.	Business model/ Operating conditions	30%
5.	Referees	

Neither of the received submissions addressed all of the requested selection criteria and as a result were not directly comparable.

Specifically;

- Wise Owl Childcare Solutions Pty Ltd did not provide prices according to the schedule requirement and did not clearly demonstrate experience in the operation of a childcare centre.
- The YMCA of Perth Inc did not provide sufficient information regarding their proposed business models.

**OFFICER COMMENT**

Based on the received submissions, it is not possible at this stage to ascertain if the child care industry market is ready and willing to enter into an agreement with the City of Belmont to build and operate a Child Care Centre and refurbishing the existing club facilities at Forster Park to a modern day standard. It is considered necessary to conduct further market research before preparing a report to Council outlining a recommended process to undertake in furthering this proposal.

**FINANCIAL IMPLICATIONS**

There will be financial implications if this proposal is acted on. At this stage the extent and range of these implications can not be accurately assessed.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

12.5 *Continued*

**OFFICER RECOMMENDATION**

***That Council:***

1. ***Decline to accept the Expression of Interest submissions received from Wise Owl Childcare Solutions Pty Ltd and The YMCA of Perth Inc.***
2. ***Endorse officers to conduct further market research associated with establishing whether there is support for an industry based partnership for the development of the facilities.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

**12.6 TENDER 11/2008 – CONSTRUCTION OF KERBING & ASSOCIATED WORKS**

**Business Excellence Belmont**

**ATTACHMENT DETAILS**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
Conf Attach 2	Tender Evaluation Matrix

Voting Requirement	:	Simple Majority
Subject Index	:	114/199 : Construction of Kerbing & Associated Works
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	:	Technical 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, town planning schemes &amp; 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 affects 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |

**PURPOSE OF REPORT**

To seek Council's approval to award Tender 11/2008 – Construction of Kerbing & Associated Works.

*12.6 Continued*

**SUMMARY AND KEY ISSUES**

To seek Council's approval to award Tender 11/2008 in accordance with the requirements of the Local Government Act 1995.

This tender is for the construction of kerbing and associated works for an estimated value of approximately \$320,000 per annum. Three tenders were submitted, all conforming and were evaluated as per the submitted tender information.

Downer EDI Works are the recommended supplier for the construction of kerbing and associated works and were the best rated in the overall evaluation selection.

**LOCATION**

N/A

**CONSULTATION**

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

**STRATEGIC PLAN IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

**POLICY IMPLICATIONS**

Policy Manual, Section 3.5.1 – Purchasing

**STATUTORY ENVIRONMENT**

This issue is governed in the main by the Local Government Act 1995, in particular Section 3.57 which states that "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".

**BACKGROUND**

This tender is for the construction of kerbing and associated works at an approximate value of \$320,000 per annum.

An Invitation for the Construction of Kerbing & Associated Works was advertised in the West Australian on Saturday, 12 April 2008 and closing on Wednesday, 30 April 2008 at 2.00 pm. Opening of tenders took place immediately after closure by the Coordinator Tenders & Contracts and Divisional Secretary – Technical Services. The contract period was offered as **one year** commencing 1 September 2008 expiring on 31 August 2009 or **three years** commencing 1 September 2008 expiring on 31 August 2011.

12.6 Continued

**OFFICER COMMENT**

The tenders were assessed based on the same selection criteria that was included within the tender, being:

	<b>Criteria</b>	<b>Weighting</b>
1.	Experience	30%
2.	Personnel	5%
3.	Company Capacity	10%
4.	Safety	5%
5.	Price	50%
	<b>Total</b>	<b>100%</b>

**Evaluation Criteria**

The Evaluation Criteria, as per confidential attachment identifies Downer EDI as the preferred supplier for the contract. A one year tender has been identified as the most advantageous to the City considering the volatility in the current market place, and the fact that the City has not worked with Downer EDI's kerbing crews. However Downer EDI has a very experienced crew in the kerbing industry and the tender indicates that they should be able to service the City's requirements. All dealings with their company over many years have been both professional and cost effective.

Assessment of the submission from Downer EDI Works has the lowest priced tender of the three tenders submitted. In comparison to 2007/2008 prices, Downer EDI have offered an approximately 21.3% reduction, which brings the prices in line with other years prior to 2007/2008. The assessment also shows that a one year tender is the best value for the City when considering the possible outcomes of cost extrapolation for three years.

**FINANCIAL IMPLICATIONS**

The submitted tender schedule of rates has an approximately 21.3% reduction in prices from the 2007/2008 year depending on the amount of kerbing to be completed. This equates to a potential saving of \$68,000 across projected works.

**ENVIRONMENTAL IMPLICATIONS**

Negotiations will take place with the successful tenderer regarding the removal of waste from the project sites as to the most cost effective and environmental use of the material.

**OFFICER RECOMMENDATION**

***That Tender 11/2008 –Construction of Kerbing & Associated Works be awarded to Downer EDI Works for a period of one year commencing 1 September 2008 expiring on 31 August 2009.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

**12.7 TENDER 12/2008 – PROFILING AND ROAD CONSTRUCTION**

**Business Excellence Belmont**

**ATTACHMENT DETAILS**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
Conf Attach 3	Tender Evaluation Matrix

Voting Requirement	:	Simple Majority
Subject Index	:	114/200 : Profiling and Road Construction
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	:	N/A

**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, town planning schemes &amp; 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 affects 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |

**PURPOSE OF REPORT**

To seek Council's approval to award Tender 12/2008 – Profiling and Road Construction.

*12.7 Continued*

**SUMMARY AND KEY ISSUES**

To seek Council's approval to award Tender 12/2008 in accordance with the requirements of the Local Government Act 1995.

The tender is for profiling and road construction for a budgeted value of approximately \$400,000 per annum. Two tenders were submitted, both conforming and were evaluated as per the submitted tender information.

Downer EDI Works are the recommended supplier for the profiling and road construction and were best rated in the overall evaluation criteria.

**LOCATION**

N/A

**CONSULTATION**

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

**STRATEGIC PLAN IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

**POLICY IMPLICATIONS**

Policy Manual, Section 3.5.1 – Purchasing.

**STATUTORY ENVIRONMENT**

This issue is governed in the main by the Local Government Act 1995, in particular Section 3.57 which states that "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".

**BACKGROUND**

This tender is for profiling and road construction with an approximate value of \$400,000 per annum.

An Invitation to tender for Profiling and Road Construction was advertised in the West Australian on Saturday, 19 April 2008 and closing on Wednesday, 7 May 2008 at 2.00 pm. Opening of tenders took place immediately after closure by the Coordinator Tenders & Contracts and Divisional Secretary – Technical Services.

The contract period was offered as **one year** commencing 1 September 2008 expiring on 31 August 2009 or **three years** commencing 1 September 2008 expiring on 31 August 2011.

12.7 Continued

**OFFICER COMMENT**

The evaluation assessment of the submitted tenders was undertaken for the services under this tender and is attached as a confidential attachment.

	<b>Criteria</b>	<b>Weighting</b>
1.	Experience	20%
2.	Personnel	10%
3.	Quality	5%
4.	Company Capacity	15%
5.	Safety	10%
7.	Price	40%
	<b>Total</b>	<b>100%</b>

**Evaluation Criteria**

The Evaluation Criteria, as per confidential attachment, identifies Downer EDI as the preferred supplier for the contract. Both tenderers have experienced crews and are highly rated in the assessment and in the industry even though WA Profiling has only been in business for just over two years.

A three year tender has been identified as the most advantageous to the City considering the volatility in the current market place and we are also well aware of the capability of the preferred supplier.

**FINANCIAL IMPLICATIONS**

The tender for Profiling and Road Construction is worth approximately \$400,000. The potential increase in price is approximately 35% since the rates were last accepted in 2004. These rates are comparable to common industry rates and recommended to be accepted.

**ENVIRONMENTAL IMPLICATIONS**

Negotiations will take place with the successful tenderer regarding the removal of waste from the project sites as to the most cost effective and environmental use of the material and whether any further recycling of the material can take place.

**OFFICER RECOMMENDATION**

***That Tender 12/2008 – Profiling and Road Construction be awarded to Downer EDI Works for a period of three years commencing 1 September 2008 expiring on 31 August 2011.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

**12.8 LEASE OF PT LOT 1 (314) KEW STREET, CLOVERDALE**

**Business Excellence Belmont**

**ATTACHMENT DETAILS**

**Attachment No.**      **Details**  
Nil.

Voting Requirement           : Absolute Majority  
Subject Index                 : 68/004 – Council Land Acquisitions & Management  
Location / Property Index    : Pt Lot 1 (314) Kew Street, Cloverdale  
Application Index             : N/A  
Disclosure of any Interest    : Nil  
Previous Items                 : OCM 05/06/07 – 12.1.5  
Applicant                      : N/A  
Owner                         : State of WA  
Responsible Division         : Technical Services Division

**COUNCIL ROLE**

- Advocacy**                    *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive**                    *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets*
- Legislative**                 *Includes adopting local laws, town planning schemes & policies*
- Review**                        *When Council reviews decisions made by Officers*
- Quasi-Judicial**             *When Council determines an application / matter that directly affects 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 town 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 approval to lease Pt Lot (314) Kew Street, Cloverdale to Mrs S Hay.

12.8 Continued

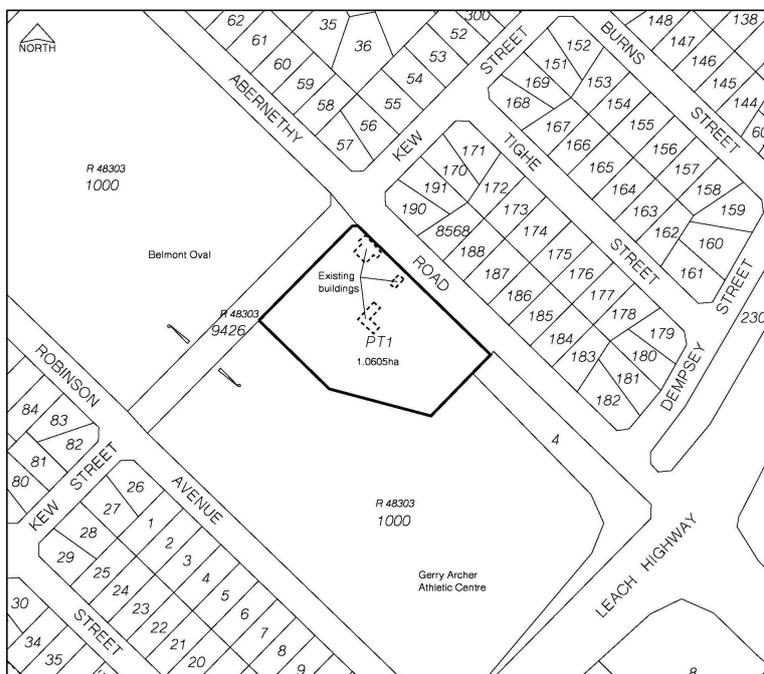
**SUMMARY AND KEY ISSUES**

On 5 June 2007 (OCM Item 12.5.1) the Council agreed to lease portion of the above property to Mrs Hay in order to facilitate the purchase of the property by the Western Australian Planning Commission (WAPC) for the location of the Belmont/Victoria Park SES Unit headquarters.

The WAPC has agreed to purchase the property and a rental agreement has been reached with Mrs Hay. It now remains for Council to agree to this arrangement.

**LOCATION**

Pt Lot 1 (314) Kew Street, Cloverdale



**CONSULTATION**

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

**STRATEGIC PLAN IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

12.8 Continued

**STATUTORY ENVIRONMENT**

Pt Lot 1 (314) Kew Street, Kewdale is listed on the City's Revised Municipal Heritage Inventory 2002. The management category for this property is as follows:

*"Retain and conserve if possible; endeavour to conserve the significant features of the place: the original fabric remaining especially zinc light windows. Ensure that any future extensions and / or modifications reflect the character and style of the house. Photographically record the place prior to any redevelopment."*

**BACKGROUND**

The City, in searching for a piece of land on which to site the Belmont/Victoria Park SES Unit headquarters, resolved on 5 June 2007 to:

1. *Request the Western Australian Planning Commission to purchase Pt Lot 1 (314) Kew Street and that when transferring the land to the State of Western Australia that Council be granted a management order with the power to lease for the following reasons.*
  - *It would allow the Council to negotiate with the current owner Mrs Hay a suitable arrangement for her to continue residing at the property until her circumstances change.*
  - *It would allow the Council to deal with the State Emergency Service on building on the south-east section of the subject property.*
  - *Mrs Hay would only agree to the sale of her property if she can continue to reside in her home and the management of this is best dealt with by the Council. Council can demonstrate that it has successfully reached agreement with other owners whose land was reserved for Parks and Recreation.*
2. *Request the Western Australian Planning Commission to consider an allocation of funds to Council to cover the cost of a heritage report on the dwelling/ improvements and the future demolition and clearing of the property.*
3. *Request the support of the Western Australian Planning Commission to establishing the State Emergency Service headquarters being built on portion of the rear (or south-east section) of her property at Pt Lot 1 (314) Kew Street.*
4. *Authorise the Chief Executive Officer to reach a suitable lease agreement with Mrs Hay, based on a commercial rental and that payments be placed in a separate reserve account for future expenditure on the subject land.*
5. *Establish a Reserve Account called "Pt Lot 1 (314) Kew Street - Hay Property" for the restoration and development of land following the demolition of the Hay building.*

*12.8 Continued*

Discussions with the WAPC and representatives of Mrs Hay over the last 12 months have resulted in the WAPC agreeing to purchase the property for the purpose of establishing the SES Unit on the rear of the site and Mrs Hay agreeing to lease the property. Discussions with Mrs Hay have been protracted and difficult.

**OFFICER COMMENT**

The best arrangement that it has been possible to negotiate, is a peppercorn lease with a \$50 per week maintenance levy to cover major infrastructure failure (eg. sewerage, water, wiring, ceiling collapse etc.). The fund is to be retained to cover these costs or at least the uninsured (excess) portion of these costs for those that are uninsurable and any funds remaining in the fund will be returned to Mrs Hay (or her estate) when she vacates the property. This agreement is subject to the City receiving an acceptable property condition report.

The matter of the preparation of a Heritage Report is yet to be resolved with the WAPC but should not significantly impact Council's consideration of this matter.

There are two options open to the City. The first and recommended option is to enter into a lease with Mrs Hay on the conditions negotiated (ie. \$50 per week maintenance levy subject to an acceptable building condition report) and progress the location of the SES unit on the site. The second option is to reject the lease arrangements and advise WAPC and FESA SES that they will need to make other arrangements for the location of the Belmont/Victoria Park SES unit headquarters.

**FINANCIAL IMPLICATIONS**

The City will not receive the expected commercial return for the property so it will not have funds for future expenditure on the land and may not obtain a WAPC contribution to the Heritage Report on the property, however the City will receive funds to cover significant maintenance events. The day to day maintenance of the property is the responsibility of the tenant.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**OFFICER RECOMMENDATION**

1. ***That Council agree to enter into a lease for Pt Lot 1 (314) Kew Street, Cloverdale, with Mrs Hay for a peppercorn rent in order to facilitate the purchase of the property by the WAPC for the purpose of establishing the Belmont/Victoria Park SES unit headquarters on the site.***
2. ***That the Chief Executive Officer be granted delegated authority to negotiate and accept lease conditions on behalf of the City for Pt Lot 1 (314) Kew Street, Cloverdale.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

## 12.9 ACCOUNTS FOR PAYMENT

### Business Excellence Belmont

#### ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
BEXB Attach 4	Accounts for payment listing.

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

#### COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets*
- Legislative** *Includes adopting local laws, town planning schemes & policies*
- Review** *When Council reviews decisions made by Officers*
- Quasi-Judicial** *When Council determines an application / matter that directly affects 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal*

#### PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

12.9 *Continued*

### **SUMMARY AND KEY ISSUES**

A list of payments is presented to Council each month for confirmation and endorsement in accordance with the Local Government Finance regulations.

### **LOCATION**

N/A

### **CONSULTATION**

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

### **STRATEGIC PLAN IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **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.”*

12.9 Continued

**BACKGROUND**

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

**OFFICER COMMENT**

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

Municipal Fund Cheques	778932-779088	\$541,399.42
Municipal Fund EFTs	EF003455-EF003751	\$1,654,814.64
Trust Fund Cheques	905262-905264	<u>\$31,284.65</u>
Total Payments for April 2008		\$2,227,498.71

A copy of the Authorised Payment Listing is included as BEXB Attachment 4 to this item.

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**OFFICER RECOMMENDATION**

***That the Authorised Payment Listing as provided under BEXB Attachment 4 be received.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

**12.10 FINANCIAL REPORT AS AT 30 APRIL 2008**

**Business Excellence Belmont**

**ATTACHMENT DETAILS**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
BEXB Attach 5	Monthly Financial Activity Statement as at 30 April 2008.

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 & 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, town planning schemes &amp; 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 affects 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal</i> |

**PURPOSE OF REPORT**

To provide Council with information relating to accounting reports and statements.

12.10 *Continued*

### **SUMMARY AND KEY ISSUES**

To provide Council with information relating to accounting reports and statements.

### **LOCATION**

N/A

### **CONSULTATION**

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

### **STRATEGIC PLAN IMPLICATIONS**

Key Result Area: Business Excellence.

“Improve knowledge management and ensure organisational compliance to statutory record keeping obligations”

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

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

Regulation 34 was amended as at 1 July 2005 to require a Statement of Financial Activity reporting on the sources and applications of funds for that month. A quarterly or tri-annual statement is no longer required under the amended Regulation.

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 Comment section.

12.10 Continued

**BACKGROUND**

The Local Government (Financial Management) Regulations 1996 require that financial statements are presented on a monthly basis to Council. In July 2007, Council adopted 10 percent 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 sources and applications of funds 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.

The amendment to the Regulations has fundamentally changed the reporting structure which has been used to 30 June 2005, as it now requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based. The monthly Statement of Financial Activity now ties in more closely with the Management Report provided to Council quarterly.

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 eg tied grants.

As identified above, Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards (AASB1031) .

AASB1031 discusses the principles to be applied in determining if a variance is material. AASB1031 states that:

Material Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions of users taken on the basis of the financial report. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.

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

12.10 Continued

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of AASB1031 as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council. Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual vs year to date budget.

In order to provide more details regarding significant variations in the attached report, the following summary is provided.

<b>Report Section</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Comment</b>
<b>Applications of Funds – Capital</b>			
Computing	338,618	204,542	Delayed Business applications purchases.
Financing Activities	134,616	219,427	Loan invoices processed April ready for May payment
Community Services	130,000	1,090	Bus purchase delayed.
Technical Services	179,454	64,179	Environmental Project awaiting approved from Swan River Trust
Grounds Operations	1,349,060	536,151	Majority of capital works commenced, however costings inconsistent with anticipated budget spread.
Roadworks	4,315,524	3,223,775	Majority of capital works commenced, however costings inconsistent with anticipated budget spread.
Streetscapes	153,580	53,237	Majority of capital works commenced, however costings inconsistent with anticipated budget spread.
Drainage	521,944	428,897	Majority of capital works commenced, however costings inconsistent with anticipated budget spread.
Operations Centre	1,080,866	820,334	Fleet & Plant Items yet to be purchased.
Building Operations	1,257,382	607,296	Majority of capital works commenced, however costings inconsistent with anticipated budget spread.
<b>Applications of Funds – Operating</b>			
Finance Department	1,078,115	984,503	Salaries below budget.
Computing	1,115,051	796,156	Payments for business applications maintenance and software not yet finalised.
Marketing & Communications	816,682	766,937	Timing issue with the budget spread.
Chief Executive Officer	321,207	418,253	Salaries & LSL payout of departing CEO
Human Resources	644,775	577,761	Consultancy fees below budget due to Mercer review not yet undertaken
Governance	2,303,291	1,971,016	Cost associated with election lower than anticipated. ABC allocation below budget.
Accommodation Costs	268,413	313,426	Power consumption higher than

12.10 Continued

<b>Report Section</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Comment</b>
			anticipated and equipment maintenance cost timing inconsistent with budget period spread.
Rates	1,315,326	1,212,361	Minor timing issues with budget spread
Property & Economic Development	383,623	378,191	Timing issues with the budget spread.
Crime Prevention & Comm Safety	160,979	94,046	Salaries below budget. Project Management Services not realised.
Sanitation Charges	2,703,872	2,661,587	Timing issues with the budget spread.
Belmont Oasis	344,193	270,291	Some maintenance work not commenced as anticipated.
Ruth Faulkner Library	1,139,203	891,612	Salaries below budget. Finding My Place programs yet to be funded.
Community & Recreation Services	406,944	350,824	Some programs yet to be commenced.
Building – Active Reserves	266,425	211,871	Some maintenance work not commenced as anticipated.
Grounds Operations	2,615,288	2,220,739	Some maintenance work not commenced as anticipated.
Roadworks	564,773	611,501	Maintenance on street lights higher than anticipated.
Streetscapes	937,300	711,815	Power line pruning only recently commenced.
Drainage Works	97,685	147,055	Additional maintenance undertaken.
Operations Centre	364,877	426,696	Timing issues with the budget spread.
Building Control	662,681	615,333	Some maintenance work not commenced as anticipated.
Building Operations	271,661	227,272	Some maintenance work not undertaken as anticipated.
Public Works Overheads	744,756	851,155	Leave and associated wages higher than anticipated.
Technical Services	1,230,529	1,136,013	Salaries below budget.
Other Public Works	458,072	663,889	Private works in progress and not yet invoiced.
<b>Sources of Funds – Capital</b>			
Property & Economic Development	(412,330)	(40,636)	Land sale budget timing difference.
Belmont HACC Services	(80,500)	(31,909)	Some fleet sales not yet occurred.
Road Works	(842,725)	(592,020)	Some grant funding yet to be received.
Footpath Works	(43,774)	(0)	Anticipated contributions yet to be received.
Operations Centre	(946,080)	(333,546)	Plant replacement reserve, end of year process.
Public Works Overheads	(51,236)	(0)	Miscellaneous Entitlements & LSL reserve, end of year process.
<b>Sources of Funds – Operating</b>			
Finance Department	(1,064,690)	(984,503)	ABC Allocation lower than anticipated.
Computing	(876,250)	(796,156)	ABC Allocation lower than anticipated.
Transfer to Reserve	(83,330)	(381,394)	Re-Lease of units Faulkner Park Retirement Village

12.10 Continued

<b>Report Section</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Comment</b>
Accommodations Costs	(256,920)	(313,426)	Recovery of ABC Allocations higher than anticipated in budget.
Rates	(24,194,853)	(24,405,663)	Budget timing difference on rates levy.
Financial Activities	(737,102)	(111,921)	Interest income less than anticipated.
Health	(164,050)	(119,740)	Recovery of ABC Allocations lower than anticipated in budget.
Community Services	(123,430)	(177,272)	Recovery of ABC Allocations higher than anticipated in budget.
Belmont HACC Services	(1,185,613)	(1,388,819)	Grant received earlier than anticipated.
Town Planning	(719,182)	(595,787)	Additional application fees higher than anticipated in budget.
Sanitation Charges	(3,184,785)	(3,283,995)	Additional rubbish charged in initial levy rather than interims.
Ruth Faulkner Library	(22,282)	(191,981)	Additional unbudgeted Income received for Finding my Place Program.
Community & Recreation Services	(410,900)	(350,824)	Recovery of ABC less than anticipated in budget.
Public Works Overheads	(675,799)	(876,394)	Recovery of overheads higher than anticipated in budget.
Plant Operating Costs	(1,053,641)	(992,627)	Recovery of plant usage lower than anticipated in budget.
Other Public Works	(90,000)	(277,018)	Additional contributions received for some projects.

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

**Reconciliation of Nett Current Assets to Statement of Financial Activity**

<b>Current Assets as at 30 April 2008</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	21,742,840	Includes municipal, reserves & deposits
- less non rate setting cash	-10,670,136	Reserves and deposits held
Receivables	1,937,777	Mostly rates levied yet to be received
- less non rate setting receivables	-260,281	ESL levied and GST payable
Stock on hand	211,905	
<b>Total Current Assets</b>	<b>\$12,962,105</b>	
<b>Current Liabilities</b>		
Creditors and provisions	-5,289,777	Includes deposits
- less non rate setting creditors & provisions	3,274,974	ESL, GST and deposits held
<b>Total Current Liabilities</b>	<b>-\$2,014,803</b>	
<b>Nett Current Assets 30 April 2008</b>	<b>\$10,947,302</b>	
Nett Current Assets as Per Financial Activity Report	10,947,302	
Less Committed Assets	-10,529,832	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>417,470</b>	

*12.10 Continued*

In addition to the statutorily required reports, Council is provided quarterly with a complete copy of the Monthly Management Report utilised by officers for daily budget control over the Municipal Fund. This report is accumulated into cost Centres and reports at a detailed level within each of these cost centres.

**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 at this time.

**OFFICER RECOMMENDATION**

***That the Monthly Financial Reports as at 30 April 2008 as included in BEXB Attachment 5 be received.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

**12.11 REGISTRATION OF VOTING DELEGATES – WALGA 2008 ANNUAL GENERAL MEETING**

**Business Excellence Belmont**

**ATTACHMENT DETAILS**

**Attachment No.      Details**

Nil.

Voting Requirement           : Absolute Majority  
Subject Index                 : 119/001 – WALGA-Enquiries and Information  
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 & 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, town planning schemes & policies*
- Review**                      *When Council reviews decisions made by Officers*
- Quasi-Judicial**             *When Council determines an application / matter that directly affects 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 town 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 endorse two (2) voting delegates to represent the City of Belmont at the WA Local Government Association 2008 Annual General Meeting and to establish a process for future appointments of voting delegates.

12.11 *Continued*

### **SUMMARY AND KEY ISSUES**

Pursuant to the constitution of the WA Local Government Association all Member Councils are entitled to be represented by two voting delegates. Voting delegates may be either Elected Members or serving Officers.

Council is required to determine the two voting delegates as well as determining a future process in the appointment of delegates for meetings beyond 2008.

### **LOCATION**

N/A

### **CONSULTATION**

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

### **STRATEGIC PLAN IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

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

### **BACKGROUND**

The WA Local Government Association (WALGA) lobbies and negotiates on behalf of over 140 Local Governments in Western Australia. The City of Belmont is a member organisation to WALGA and as part of its membership the City is entitled to appoint two voting delegates to the Annual General Meeting.

As part of the structure to its membership the State is separated into zones of which the City of Belmont is located in the East Metropolitan Zone (which incorporates the local governments of Belmont, Bassendean, Bayswater, Kalamunda, Mundaring and Swan).

Representation to the East Metropolitan Zone is made up of the Mayor and two Councillors as well as one proxy member.

12.11 *Continued*

Council at its meeting of the 30 October 2007 resolved;

- “1. *That Cr Godfrey be elected to the position of WA Local Government Association East Metropolitan Zone Committee Member.*
2. *That Cr Brennan be elected to the position of WA Local Government Association East Metropolitan Zone Committee Member.*
3. *That Cr Martin be elected to the position of WA Local Government Association East Metropolitan Zone Committee Member.*
4. *That Cr Powell be elected to the position of Proxy WA Local Government Association East Metropolitan Zone Committee Member.*
5. *That the members of the appointed Committee report back to the Council on any issues through the Elected Members Bulletin.”*

The appointment to the East Metropolitan Zone however does not allow for the endorsement of two voting delegates for the upcoming Annual General Meeting.

This Annual General Meeting for the Western Australian Local Government Association will be held on Saturday 2 August 2008 as part of the Local Government Convention. The meeting will be held at the Perth Convention Exhibition Centre, 21 Mounts Bay Road, Perth.

The Association’s Annual General Meeting is an integral part of the convention and is a critical forum for mobilising the views of Western Australian Councils, confronting emerging issues and developing directions forward for our sphere of government.

### **OFFICER COMMENT**

It is recommended that the 2008 voting delegates be selected from Councils appointed East Metropolitan Zone representatives, being Cr Godfrey, Cr Brennan & Cr Martin.

It is further recommended that the terms of reference for the representation to the East Metropolitan Zone be amended to include voting delegate details for future WALGA Annual General Meetings as well as any Special Meetings called throughout the year.

Detailed below is the proposed revision to the terms of reference for the appointment of Elected Members and Officers to the WA Local Government Association East Metropolitan Zone.

### **WA Local Government Association East Metropolitan Zone**

#### **Background:**

Purpose of Zone: A designated zone (which incorporates the local governments of Belmont, Bassendean, Bayswater, Kalamunda, Mundaring and Swan) of the Local Government Association that has input into the Western Australian Local Government Association agenda. The Western Australian Local Government Association is the peak representative body for the state’s local governments.

12.11 *Continued*

**Voting Delegates:**

As part of the constitution of the WA Local Government Association two delegates are entitled to vote any Special or Annual General Meetings as representatives of member organisations.

**Meeting Information:**

Meetings of the Eastern Metropolitan Zone are held bi-monthly usually at the Eastern Metropolitan Regional Council Offices, on the last Thursday of the month at 6pm. Meeting duration approximately 2 hours.

<b>Membership</b>	<b>Status</b>	<b>Proxy ***</b>
Mayor*	Councillor 1	N/A
Councillor*	Councillor 2	Councillor 4
Councillor**	Councillor 3	

\* Voting delegate at the WALGA AGM.

\*\* 1<sup>st</sup> Proxy voting delegate at the WALGA AGM.

\*\*\* 2<sup>nd</sup> Proxy voting delegate at the WALGA AGM.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

12.11 Continued

**Notation**

Councillor Marks nominated Cr Martin as a voting delegate to the 2008 Annual General Meeting of the WA Local Government Association

**MARKS MOVED, ROSSI SECONDED,**

1. *That Council appoint Cr Godfrey as a voting delegate to the 2008 Annual General Meeting of the WA Local Government Association.*
2. *That Council appoint Cr Martin as a voting delegate to the 2008 Annual General Meeting of the WA Local Government Association.*
3. *That Council amend the terms of reference for the WA Local Government Association East Metropolitan Zone to read as follows;*

<b>Membership</b>	<b>Status</b>	<b>Proxy ***</b>
<b>Mayor*</b>	<b>Councillor 1</b>	<b>N/A</b>
<b>Councillor*</b>	<b>Councillor 2</b>	<b>Councillor 4</b>
<b>Councillor**</b>	<b>Councillor 3</b>	

\* **Voting delegate at the WALGA AGM.**

\*\* **1<sup>st</sup> Proxy voting delegate at the WALGA AGM.**

\*\*\* **2<sup>nd</sup> Proxy voting delegate at the WALGA AGM.**

**CARRIED 10 VOTES TO 0**

**12.12 PLAN FOR THE FUTURE FOR THE PERIOD 1 JULY 2008 TO 30 JUNE 2010**

**Business Excellence Belmont**

**ATTACHMENT DETAILS**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
BEXB Attach 6	Plan for the Future 2008 - 2010

Voting Requirement	:	Absolute Majority
Subject Index	:	32/001 – Operational / Strategic Planning - Originals
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

**COUNCIL ROLE**

- |                                     |                       |  |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i>  |
| <input checked="" type="checkbox"/> | <b>Executive</b>      | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>   |
| <input type="checkbox"/>            | <b>Legislative</b>    | <i>Includes adopting local laws, town planning schemes &amp; 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 affects 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 town 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 present a draft of Council's Plan for the Future for the period 1 July 2008 to 30 June 2010.

12.12 *Continued*

### **SUMMARY AND KEY ISSUES**

A draft Plan for the Future has been prepared in accordance with the changes to the Local Government Act 1995 and the Local Government (Administration) Regulations 1996. This is one of the first steps in the lead up to the adoption of the 2008-2009 Annual Budget and was reviewed at an Information Strategy Concept Forum on the 6 May 2008.

### **LOCATION**

N/A

### **CONSULTATION**

Consultation has been undertaken by community research and survey prior to the Plan for the Future being developed. The Plan for the Future is required to be advertised after adoption by council and this will be undertaken during the same period as the Differential Rates advertising and inviting submissions. The Strategic Plan (that forms the basis of the Plan) was reviewed by Council in December 2007.

### **STRATEGIC PLAN IMPLICATIONS**

Achieve excellence in the management and operation of the local government activities by providing a process for the development of a Council led strategic plan.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

Section 5.56 of the Local Government Act 1995 was amended and requires a local government to prepare a Plan for the Future.

The Local Government (Administration) Regulations 1996 19C and 19D detail the broad requirement of the Plan and what notice of the Plan is to be given. The new regulations are less prescriptive and allow for a broader approach to be taken in the preparation of the plan for the Future.

The Department of Local Government and Regional Development has also produced a circular (02-2006) on Planning for the Future.

12.12 Continued

## **BACKGROUND**

Section 5.56 of the Local Government Act 1995 requires a local government to prepare a Plan for the Future. The Local Government (Administration) Regulation 19C requires the plan to be for at least two financial years. The Plan is to set out the broad objectives of the local government and must be reviewed every two years.

A local government is also to ensure that the electors and ratepayers of its district are consulted during the development of the plan and when preparing any modifications of the plan. Local public notice must also be given advising that a plan exists and where and when the plan may be inspected. Public notice is also required if the plan is modified and where and when the modified plan may be inspected.

## **OFFICER COMMENT**

The legislation for the preparation and advertising of the Plan for the Future is less prescriptive than the Principal Activities Plan. The Department of Local Government and Regional Development Circular No 02-2006 gives some guidelines to the preparation of a Plan for the Future however it does state that

*“In view of the broad nature of the requirement for a local government to plan for the future of the district, it is up to each local government to decide the overall scope of the plan it wishes to adopt to effectively achieve the objectives of the legislation. The first step in this process could be a full review of all existing plans, such as the Strategic Plan, long-term financial plans and the previous Principal Activities Plan, to ascertain if these contain meaningful information that would be considered appropriate and meaningful for inclusion in a document that captures the plan for the future of the district.”*

The Department's suggested steps have been followed in that the Senior Management Group have recommended that the Council's adopted Strategic Plan together with the Ten year Budget Model would form the basis of the plan for the future. Council has also purchased a performance management software package known as Strategy Manager that enables the Strategic Plan to be reviewed, monitored and performance reported on.

The current strategic plan was reviewed in December 2007 in the lead up to the 2008-2009 Budget. Performance indicators were also reviewed to ensure the right indicators are being used that provide the most useful tool for managing the City's strategic planning and overall performance. Longer Term financial planning has also been implemented and will be linked to asset management and building reserves for asset replacement.

Advertising of the Plan will commence on 18 June 2008 following Council's endorsement on 17 June 2008 and will be advertised for the period ending 9 July 2008. In accordance with the Council endorsed timetable, submissions will be reported to the Council meeting on 15 July 2008.

12.12 *Continued*

**FINANCIAL IMPLICATIONS**

The Plan for the Future sets out the broad parameters for the development of the Annual Budget.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**OFFICER RECOMMENDATION**

1. ***Council adopt the Plan for the Future for 2008 – 2010.***
2. ***The Plan for the Future be advertised for a period of 21 days from 18 June 2008 and submissions be invited.***
3. ***Details of any submissions received be presented to the Council meeting on 15 July 2008 as part of the formal adoption of the budget.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

**12.13 2008-2009 RATE CALCULATIONS**

**Business Excellence Belmont**

**ATTACHMENT DETAILS**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
BEXB Attach 7	2008 – 2009 Rate Model

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

**COUNCIL ROLE**

- |                                     |                       |  |
|-------------------------------------|-----------------------|--|
| <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, town planning schemes &amp; 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 affects 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 town 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 set the rates in the dollar, minimum rates, rubbish charges and associated charges for 2008-2009.

12.13 *Continued*

### **SUMMARY AND KEY ISSUES**

This report covers the new rates in the dollar that are calculated for the forthcoming 2008-2009 rating period. The minimum rates together with the separate rubbish charge and all payment arrangements are also resolved via this report.

### **LOCATION**

N/A

### **CONSULTATION**

The advertising of the Plan for the Future and the invitation to make submissions is designed to fulfil the consultation process required by the Local Government Act together with the requirement for Council to advertise its intention to levy the proposed differential rates in the dollar.

### **STRATEGIC PLAN IMPLICATIONS**

The rate calculation process provides significant income to enable the objectives and outcomes of the Strategic Plan to be achieved.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

There are no statutory implications as Council is not adopting its budget through this process. This report is a further step in the process that will result in the adoption of the Budget in the prescribed manner on 15 July 2008.

### **BACKGROUND**

A final and significant step in the preparation of the Budget is the process of setting the rates to be charged for the 2008-2009 rate levy. The 2008-2009 rating period is not as straight forward as those between revaluation years. The 2008-2009 rating year is the subject of a revaluation for all properties within the City of Belmont. This revaluation is provided by the Valuer General's Office on a three yearly cycle.

The Valuer General's Office (VGO) sets the Gross Rental Values (GRV) and the Council determines the rate in the dollar. The GRV is multiplied by the rate in the dollar, to give the total rates payable.

12.13 Continued

Council has four differential rates being Residential, Commercial, Industrial and Marina. The fourth differential rate was introduced in 2006-2007 to satisfy the requirements of an existing lease for Ascot Waters. In accordance with the Deed of Lease between the City of Belmont and Ascot Fields Nominees Pty Ltd there is a provision to apply rates to the Marina Development, specifically the area of the pontoons and pens. The lease specifies that there is a rating concession applicable:

*“Fifty percent (50%) of the Lessor’s commercial rates in the dollar on gross rental value during the initial fifteen (15) years of the term and thereafter at the Lessor’s commercial rate.”*

Council must also set a minimum rate for each rating category that cannot be charged on more than 50% of the total properties for any rate category i.e. Residential, Commercial, Industrial or Marina.

As is reported in the budget report, the Consumer Price Index (CPI) for Perth (all groups), for the 12 months ended 31 March 2008, was 4.3%. This is higher than the weighted average for all 8 capital cities which is 4.2%. It also represents an upward trend in the current economic environment. The recently derived Local Government Cost Index is currently 5.0% for the same period. The setting of Council’s rates must take account of economic factors to ensure the real value of funds does not decrease and reduce the funds available to continue Council services and complete the capital works programme.

### **OFFICER COMMENT**

The first exercise is to analyse the growth in valuations for each rate category. The following table shows the values applicable to 2007-2008 after annual growth has been included, and the new values as supplied by the Valuer General’s Office (VGO) that are applicable for the 2008 –2009 financial year through the revaluation process.

There has been substantial change in all differential categories as a result of the revaluation undertaken. The following table lists total valuations used for modelling.

<b>Rate Category</b>	<b>Values 2007-2008</b>	<b>Values 2008-2009</b>	<b>% Change</b>
Residential	117,697,852	157,002,096	33.39%
Commercial	68,805,769	88,996,303	29.34%
Industrial	53,673,500	66,771,905	24.40%
Marina	38,896	45,136	16.04%
	<b>240,216,417</b>	<b>312,815,440</b>	<b>30.22%</b>

The following explanations are provided for each rate model which will form the basis for the recommendations that come from this report.

#### **Rate Model No 1 (Refer BEXB Attach 11)**

This Model is the final outcome that was adopted for the 2007-2008 rating year.

12.13 Continued

**Rate Model No 2 (Refer BEXB Attach 11)**

This model shows the current GRV's that would apply for the 2008-2009 rating year if no revaluation was to take place. This table incorporates the growth attributable to the 2007-2008 financial year. By applying the same rates in the dollar, differentials and minimum rates that applied to the 2007-2008 rating year, an amount of \$21,485,971 is generated.

**Rate Model No 3 (Refer BEXB Attach 11)**

This Model shows the outcome of applying the new values in accordance with the revaluation, as well as an adjusted rate in the dollar and minimum for each of the differentials. The data in the table is consistent with the final suggested scenario presented at the 3 June 2008 Information, Strategy and Concept Forum. An increase of 4.75% in total rates revenue is incorporated into this model. This model produces rate income of \$22,505,875 and results in a balanced 2008-2009 Budget.

The revaluation provided has resulted in significantly increased property values and as a result the rate in the dollar applicable has reduced. Also, in order to ensure that a level of equity remains in relation to the contribution to the municipality by each of the differential rate categories, the differential ratio for Industrial rates has been adjusted to maintain the dollar value of this sectors rates. The ratio has moved from 1.04 times the Residential rate in 2007/2008, to 1.0764 times in 2008/2009.

The final model has resulted in increases in rates income from Residential of 7.2% (GRV +33.39%), Commercial of 4.45% (GRV +29.34%), Industrial of 0% (GRV +24.40%), and Marina of -4.98% (GRV +16.03%).

The final process in model 3 is to review the minimum rates. The following table shows the impact of the suggested minimum rates, compared to the existing minimum rates.

<b>Rate Category</b>	<b>Existing Minimums</b>	<b>No. of Properties</b>	<b>%</b>	<b>Proposed Minimums</b>	<b>No. of Properties</b>	<b>%</b>
Residential	595	5834	39.76	615	4665	31.8
Commercial	930	300	31.25	750	234	24.38
Industrial	930	14	3.35	750	9	2.15
Marina	520	0	0	520	0	0

The City of Belmont continues to have a large cluster of residential properties around the minimum GRV, although the spread of these properties has broadened with the recent revaluation. The minimum rates for Commercial and Industrial were increased significantly in 2002-2003 as it was deemed important to ensure vacant land and undeveloped properties are developed and the general amenity of the City improved. Due to some adverse impacts on a number of smaller commercial and industrial properties identified in 2007-2008 this minimum has now been adjusted downwards significantly.

The Residential minimum rate has been increased to \$615 (3.36% increase rounded to the nearest \$5). The number of Commercial and Industrial properties that fall into the minimum rate category is now reducing and has been revisited in the 2008-2009 budget.

*12.13 Continued*

Other issues that Council needs to consider in relation to the Rate Setting process are the rubbish charges and the statutory levies applicable to rates instalments and penalties. As is reported in the Budget Working papers, a rubbish charge of \$210 is proposed – an increase of 5.00%.

Collection and disposal costs, due mainly to increased fuel costs, have risen significantly. The rubbish charge is seen as a fee for service and is budgeted on a full cost recovery basis. Council's Rubbish Policy of various rubbish rates for additional services etc, uses the \$210 as its base. This is highlighted in the recommendation.

As a result of increased compliance issues, the Swimming Pool Levy for inspections was increased from \$7.50 per annum to \$12.50 in 2002-2003. There is no intention to increase this fee for the 2008-2009 budget.

**FINANCIAL IMPLICATIONS**

The adoption of this report sets the rate calculations, rubbish charges and other charges that will be included in the Budget that will be adopted in the prescribed manner at the 15 July 2008 Ordinary Council Meeting.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

12.13 Continued

**OFFICER RECOMMENDATION**

1. ***That the following general rates be endorsed for rate setting purposes that equate to a 4.75% increase in the total rate levy.***

<b>Rate</b>	<b>Cents in the Dollar</b>
<b>Residential</b>	<b>6.91900</b>
<b>Commercial</b>	<b>7.12660</b>
<b>Industrial</b>	<b>7.44760</b>
<b>Marina</b>	<b>3.56330</b>

2. ***That the following minimum rates that equate to a 3.36% increase for Residential properties and a 19.35% decrease for Commercial, Industrial and no change for Marina ( Boat Pens) be endorsed.***

<b>Rate</b>	<b>\$</b>
<b>Residential</b>	<b>615</b>
<b>Commercial</b>	<b>750</b>
<b>Industrial</b>	<b>750</b>
<b>Marina</b>	<b>520</b>

3. ***That in accordance with Section 6.46 of the Local Government Act 1995, Council offers a 5% discount to ratepayers who pay the full amount owing within 35 days of issuing the rate notice.***
4. ***That in accordance with previous practice, Council continues to offer incentive prizes for payment of rates within 35 days of issuing the rates notice.***
5. ***That Council offer the following instalments for payment of Council Rates:***  
***a) Single payment (all charges);***  
***b) Two equal instalments (all charges); or***  
***c) Four equal instalments (all charges),***  
***in accordance with Section 6.45 of the Local Government Act 1995.***
6. ***That in accordance with Section 6.45 of the Local Government Act 1995, Council imposes a \$15 Administration Fee for all instalment options (excluding registered pensioners/seniors).***
7. ***That in accordance with Section 6.45 of the Local Government Act 1995, Council imposes a 5.5% instalment interest rate applicable to the four instalment option.***
8. ***That in accordance with Section 6.51 of the Local Government Act, Council imposes an 11% penalty interest rate for overdue rates (including alternate arrangements).***

12.13 Continued

9. ***That Council continue to offer arrangements to Ratepayers suffering hardship in accordance with Council's Policy relating to the payment of rates and in accordance with Section 6.49 of the Local Government Act 1995. (In general, this will only apply to single residential property, owner/occupier)***
  
10. ***That the payments in lieu of rates received by Council continue to be rated at the Commercial Differential Rate in the dollar on Gross Rental Values.***
  
11. ***That the following Rubbish Charges be endorsed that equates to a 5.00% increase:***
  - a) ***\$210 per annum for one 240 litre cart removed weekly;***
    - ***additional service rubbish = \$147.00;***
    - ***additional service recycling = \$73.50;***
  
  - b) ***\$311.85 per annum for non rateable properties for one 240 litre cart removed weekly; (\$210.00 for additional services)***
  
  - c) ***Exempted Commercial and Industrial properties = \$80.85;***
  
  - d) ***R80B and above coded multi-residential properties = \$161.70 per unit.***
  
12. ***That a Swimming Pool Levy be charged to owners of Swimming Pools within the Municipality at a rate of \$12.50 per annum.***
  
13. ***That in accordance with Section 6.36 of the Local Government Act 1995, note that the Director – Corporate and Governance has advertised the proposed differential rates in the dollar for the statutory 21 day period.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

**12.14 ADOPTION OF FEES AND CHARGES FOR 2008-2009**

**Business Excellence Belmont**

**ATTACHMENT DETAILS**

**Attachment No.**      **Details**  
Nil.

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

**COUNCIL ROLE**

- Advocacy**                    *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- Executive**                    *The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets*
- Legislative**                 *Includes adopting local laws, town planning schemes & policies*
- Review**                      *When Council reviews decisions made by Officers*
- Quasi-Judicial**             *When Council determines an application / matter that directly affects 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 town 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 adopt Council's fees and charges applicable for the 2008-2009 financial year.

12.14 Continued

### **SUMMARY AND KEY ISSUES**

Each Division has reviewed its fees and charges for the 2008-2009 Budget process and Council needs to endorse each Division's review. This report brings all the fees and charges together for inclusion in the 2008-2009 Budget.

### **LOCATION**

N/A

### **CONSULTATION**

No public consultation was considered to be required in respect to this matter. It should be noted however that an additional column of information has been included to advise the basis of the fee or charge. Some fees and charges have been derived from a benchmarking exercise.

### **STRATEGIC PLAN IMPLICATIONS**

No specific strategic planning implications are evident.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

Section 6.16 (1) of the Local Government Act 1995 states:

*"A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.*

*\* Absolute majority required."*

Section 6.16 (3) states further that :

*"Fees and charges are to be imposed when adopting the annual budget but may be —  
(a) imposed\* during a financial year; and  
(b) amended\* from time to time during a financial year.*

*\* Absolute majority required."*

*12.14 Continued*

**BACKGROUND**

In order to comply with the provisions of the Local Government Act 1995, all fees and charges to be levied by Council for the financial year are to be submitted for adoption by Council.

**OFFICER COMMENT**

Each Division has reviewed the fees and charges applicable to their particular area and their recommendations are submitted through this report to Council for consideration as part of the Budget adoption process.

Photocopying fees and charges have been reviewed organisationally to ensure consistency between Divisions and have been included with the Corporate and Governance Fees and Charges schedule. They appear in this section as they are organisational fees and charges.

The consolidated schedule of fees and charges presented with this report is of similar format to the one to be adopted as part of the budget process and has an additional column of information that will assist users of the document. The additional information includes a description of how the fee or charge was calculated.

- Cost recovery. Recovery of the costs to provide the service.
- Statutory. Fee or Charge established by Legislation or Regulation.
- Benchmarked. Comparisons with other Local Governments.

It should also be noted that many of these fees do not include GST as most are exempt from GST under the Commonwealth Government's Division 81 determinations. A full list of all fees and charges and their GST implications is also presented as part of the final Budget process.

**FINANCIAL IMPLICATIONS**

In the adopted Budget, the table detailed will also show the level of income being budgeted as a result of the imposition of these fees and charges. This is a requirement for the Budget document that will be presented for formal adoption in the prescribed manner.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

12.14 *Continued*

**OFFICER RECOMMENDATION**

1. That the review of the Schedule of Fees and Charges as listed in this report be endorsed by Council for the 2008-2009 financial year.
2. That Officers be authorised to advise any affected parties of the new fees and charges immediately to ensure collection systems are in place by 1 July 2008 where required.

**Notion**

Due to minor changes of the Fees & Charges Schedule detailed by memorandum dated 13 June 2008, the Director Corporate & Governance proposed the following Revised Officer Recommendation.

**REVISED OFFICER RECOMENDATION**

***MARKS MOVED, HANLON SECONDED*** That the review of the schedule of Fees and Charges as listed in BEXB Attachment 11 be endorsed by Council for the 2008-2009 financial year.

**CARRIED 10 VOTES TO 0**

**12.15 2008-2009 RATE SETTING BUDGET**

**Business Excellence Belmont**

**ATTACHMENT DETAILS**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
BEXB Attach 8	Annual Budget 2008-2009
BEXB Attach 9	Reserve Accounts
BEXB Attach 10	Building Maintenance Summary 2008-2009

Voting Requirement	:	Simple Majority
Subject Index	:	54/004 – Budget documentation – Council
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate & Governance

**COUNCIL ROLE**

- |                                     |                       |  |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i>  |
| <input checked="" type="checkbox"/> | <b>Executive</b>      | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>   |
| <input type="checkbox"/>            | <b>Legislative</b>    | <i>Includes adopting local laws, town planning schemes &amp; 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 affects 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 town 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 present the 2008-2009 Rate Setting Budget for consideration.

12.15 Continued

### **SUMMARY AND KEY ISSUES**

To consider the 2008-2009 Budget and endorse the Municipal Fund Budget for the Rate Setting Purpose so that the differential rates in the dollar can be advertised in the lead up to the formal adoption of the Budget on 15 July 2008.

### **LOCATION**

N/A

### **CONSULTATION**

Council's research that drives the development of the Strategic Plan and the Plan for the Future, also flows into the development of the Annual Budget. Research is conducted annually with the Community and outcomes from the Strategic Plan are funded through the Annual budget.

### **STRATEGIC PLAN IMPLICATIONS**

The rate setting budget provides the financial framework to enable the objectives and outcomes of the Strategic Plan to be achieved.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

There are no statutory implications as Council is not adopting its budget through this process. This report is a step in the process that culminates in the adoption of the Budget in the prescribed manner on 15 July 2008.

### **BACKGROUND**

The Budget Working Papers are attached and follows the same basic format as previous years.

The Budget Report as attached contains the following information:

- 2007-2008 Adopted Budget
- 2007-2008 Revised Budget (as reviewed in October 2007 and March 2008)
- 2007-2008 Actuals (to 5 June 2008)
- 2008-2009 Budget estimates
- Percentage Increase
- Comments providing further explanation where applicable

12.15 *Continued*

There have been some changes to the format of the document to accommodate better financial management throughout the year. Some sections have been expanded and others consolidated to better reflect the actual organisational structure and responsible officer structure. The document is a summarised version as the full detailed budget would encompass in excess of 300 pages. This is due to the expanded project costing that assists officers with the financial management of their projects.

The format of the Working Papers is in fact Council's Rate Setting Budget as it is Council's Cash Budget and shows the projected incomes and expenditures for 2008-2009. This particular report does not deal with the rate in the dollar setting process as such as that is the subject of a separate report in this agenda. Once Council is satisfied with the Rate Setting Budget the rates in the dollar etc are dealt with in the Rate Calculations Report. Every attempt has been made however, to keep the rate increase at an acceptable level in the face of rising fuel prices, oil based products, construction costs and labour costs.

A balanced budget has been achieved with a 4.75% increase in the total rates yield, remembering that 2008-2009 is a revaluation year, an increase of 3.36% in the residential minimum rate and a -19.35% reduction in the Commercial and Industrial minimum rate. The rubbish service costs are increasing by \$10.00 to \$210.00 (5%), to cover increased disposal costs, secondary waste treatment project and increased collection costs as the separate rubbish charge is a fee for service.

The Consumer Price Index (CPI) for the Perth metropolitan area for the 12 months ended 31 March 2008 was 4.3% with the Local Government Cost Index showing 5%. Local Government needs to be careful using only CPI as a guide to increase costs, as the Local Government Cost Index better reflects the types of goods and service that a Local Government purchases. Local Governments will need to have more regard for the Local Government Cost Index (published by the Western Australian Local Government Association) in the future or face the risk of cost increases far out weighing the revenue raising capacity and in turn jeopardising the Council's ability to deliver services, maintain infrastructure and acquire new assets.

The following table illustrates the change in CPI for the period since June 2003.

<b><i>The Annual CPI for the Period Ended</i></b>	<b><i>%</i></b>
March 2004	1.6
June 2004	2.6
September 2004	2.5
December 2004	2.9
March 2005	3.4
June 2005	3.8
September 2005	4.1
December 2005	4.0
March 2006	4.2
June 2006	4.7

12.15 Continued

September 2006	4.8
December 2006	4.4
March 2007	3.5
June 2007	3.1
September 2007	2.6
December 2007	3.0
March 2008	4.3

The latest economic forecasts as published by the Western Australian Department of Finance and Treasury in their 2008-2009 Budget papers states that the Consumer Price Index is projected to ease to 3.25% for the 2008-2009 budget period. This is not currently reflected in the Western Australian CPI figures as at March 2008 which shows an annual increase of 4.3%. The projection of 3.25% may be some what optimistic given the current boom in WA that is showing little sign of easing and could still further affect inflation drivers like housing, fuel and food costs.

Wages growth is currently 5.75% on average in Western Australia and is expected to continue at 5.25% in 2008-2009. This is being driven by tight labour market conditions.

It is therefore important for Council to adopt a Budget that takes account of any inflationary factors. The Draft Budget has been prepared adopting a responsible approach to rate increases and operating expenditures, but delivering some major projects. This Budget has used a growth factor of 4.75% with CPI currently running at 4.3% with a possibility to increase and the Local Government Cost Index showing 5%. This should be viewed as reasonable as the deliverables to the Community are extensive.

The State Government Economic Forecast Statement reads as follows:-

*Following growth of 6.3% in 2006-07, Western Australia's economy is forecast to grow by 7.5% in 2007-08, well above the long-term average of 4.5%. Economic growth in 2007-08 has been driven by both international trade and domestic activity. Net exports are estimated to rise by 7.25% in 2007-08 and contribute 1.9 percentage points to growth in Gross State Product (GSP). State Final Demand (SFD) is forecast to rise by 7.5%, due mainly to growth in household consumption and business investment.*

*Export volumes are expected to increase steadily in the next few years, as recent investment in the resource sector flows through to higher output. As a result, net exports are forecast to make an increasing contribution to the State's economic growth over the next few years.*

*The Western Australian economy is expected to continue growing strongly in 2008-09, with growth of 6.25% forecast. The external sector's contribution to overall growth is forecast to rise to 3.6 percentage points, while growth in domestic demand is forecast to slow to 4.0%, mainly due to weaker growth in household consumption and business and dwelling investment.*

*Strong economic growth has led to a tight labour market, with the State's unemployment rate at its lowest level since the 1970s, and labour force participation at record highs.*

*12.15 Continued*

*Employment is forecast to grow by 3.75% in 2007-08, with limits to labour supply constraining what could have otherwise been a higher rate of employment growth. Even with some slowing in labour demand, labour market conditions are expected to stay tight, with the unemployment rate forecast to remain at a low 3.25% in 2008-09.*

*Rapidly rising house prices were a major contributor to growth of 3.9% in Perth's Consumer Price Index (CPI) over 2006-07, and also explained most of the gap between Perth's inflation rate and the 2.9% growth rate in the national CPI. The Perth and national CPI growth rates are expected to converge as a result of the slowing housing market in Western Australia.*

*Wage pressures have recently intensified, with growth in the Wage Price Index (WPI) of 5.75% forecast for 2007-08, well above long-term average growth of 3.5%. The WPI is forecast to grow by 5.25% over 2008-09. Above-average wages growth is expected over the next few years because of strong overall economic growth and the tendency for wages to lag employment pressures.*

*The State's economy has so far suffered few adverse effects from the global credit crunch and associated financial instability. The State has faced these risks well to date, and will probably continue to do so. However, the risks to the favourable economic outlook are greater than they have been for a number of years.*

The overall Budget being presented at this point in time is a balanced Budget. The net actual incomes and expenditures of each Division have been reviewed with the likelihood of a surplus at 30 June 2008 of approximately \$3.1m which is derived from general savings, underspends across the organisation and some incomplete capital works. Some carried forward grants for expenditure in 2008-2009 also make up part of the projected carried forward figure. When compared to the final carried forward figure as at 30 June 2007 of \$4.5m, there is a trend of reducing the carry forward figure and completing capital works. The State Government approvals process that impacts on the delivery of some capital works is a constant frustration and influences the final carried forward figure.

## **OFFICER COMMENT**

Each Division has provided a report on its 2008-2009 Budget to highlight particular parts of their budget and add further explanation to the comments contained in the working papers.

The key factors driving the preparation of the 2008-2009 Budget are;

- Delivering the outcomes of the Strategic Plan
- Maintaining a viable workforce – Attraction and retention,
- Being responsive to research results i.e. Crime and Safety, Business Engagement, Increase Communications with the Community and Community Development.
- Maintaining service delivery
- Maintaining infrastructure

As has been the case in previous years, the 2007-2008 Budget has been subject to two major reviews in October and March. This ensures the Budget reflects changing priorities and acts as an accurate comparison.

*12.15 Continued*

This report is designed to address some of the major variances or projects contained within the budget and not each individual line item.

Councillors with specific queries can seek further explanation at either the Agenda Briefing Forum or by contacting the appropriate Director, prior to the meeting.

**Chief Executive Officer's Section**

Chief Executive Officer

This Budget has only increased as a result of additional Activity Based Costing (ABC) Allocation. All other expenditures are in line with the previous year budget.

Human Resources

There has been minor increase in the Human Resources Budget with ABC being the main increase.

**Corporate and Governance Division**

Executive Services

Executive Services covers those areas related to Governance support services. This section now covers Governance, Legal and Compliance, Quality Assurance, Business Excellence and Customer Service Accreditation. Increases in these sections are due mainly to salary increases and extended sick leave coverage. The costs of maintaining Quality Assurance and Customer Service Accreditation have now been consolidated into this section.

Legal and Compliance Services

This section has now been consolidated into Governance, however it is still reported separately within the Governance Section.

Records Management

The only increase of any significance relates to the ABC allocation.

Governance – Elected Members Support

The only increase in this section is an allocation for Legal Expenses support for Elected Members. The overall budget has reduced significantly due to the review of ABC drivers.

Sister City Activities

There has been a slight reduction from the previous year's budget.

Belmont Trust

This section reflects the cost of managing the trust land and the estimated costs for the Independent Trustee appointed by Council. An amount for preparation costs for Supreme Court Action is also included.

Finance Department

The majority of accounts in this section are very much in line with the previous year's budget with the only exception being salaries as it includes the allocation for a grants officer.

Financing Activities

There is a budgeted increase in returns from Municipal Fund investments following a downgrade at the March Budget Review.

*12.15 Continued*

The amount included has not predicted a return similar to that adopted last year, but does predict a better return than the March Budget Review position. Similarly, Reserve Account returns are not as high as the previous year.

Insurance

This section has a zero net effect on the overall Budget as any surplus/deficiency is transferred to/from the insurance reserve.

The Insurance Reserve was established in the first years of self insurance by not passing on all the savings generated by self insurance, and placing them in Reserve. This has enabled increases in premiums to be phased in and thus, reduce the impact on the various activities of Council.

The 2008-2009 Budget for insurance has been put together on the basis of generating further funds to place in the Insurance Reserve to offset future increases or calls on Workers Compensation contributions due to increased claims. Due to a number of good years in relation to claims, the amount charged to the organisation this year was reduced for the first time from 2.5% to 2% of Salaries and Wages.

The projected balance of the Insurance Reserve as at 30 June 2009 will be approximately \$800,000 which is in place to cover any unanticipated workers compensation claims (though this is being managed very closely) or future increases in public liability contributions and other classes of insurance.

Transfers to Reserve

There remains a strong commitment to placing monies in Reserve Accounts for specific purposes and each Reserve Account earns and retains investment income to ensure it retains its value. There are however a number of transfers to reserve other than just the Reserve Account's investment earnings.

A copy of the projected Reserve Account balances including all movements is included as an attachment for the periods ended 30 June 2008 and 30 June 2009.

Rates

A full rates report is presented as part of this agenda; however, the budget is based on a 4.75% increase in rate yield, growth in the rate base during 2007-2008 and an allowance for some further growth in 2008-2009.

General Purpose Income

The Grants Commission general purpose grant remains as the main item in general purpose income with only a minimal increase expected as Belmont is a Minimum Grant Council.

Information Technology

Operating and Capital costs for Information Technology are very much in line with 2007-2008 expenditure levels. Maintaining the current infrastructure and enhancing certain modules is the focus for 2008-2009. Equipment upgrades will be purchased in line with the Information Technology Strategy.

Communications & Marketing

This budget continues a strong focus on community events that provides many opportunities for Council to interact with the Community in a positive way and enable residents to feel a real sense of Community by living in Belmont.

*12.15 Continued*

The Communications and Marketing Budget continues to play a key role in the strategic gathering of research and customer feedback to assist other parts of the organisation. This budget also maintains an emphasis on media and communications.

Increases in the 2008-2009 Budget relate mainly to the delivery of the 3-5 year Marketing Plan and enhancing events.

Donations and Grants

Donations have increased to cover a request for a Chaplaincy Programme at Cloverdale Primary and the balance of the Princess Margaret Hospital donation. The Emergency Services Levy relates to the levy Council must pay for its own buildings.

Property and Economic Development

This section has reduced primarily due to a reduction in the ABC allocation. Orana Park, Ashworth Avenue and Pontiac Avenue are listed for sale during 2008-2009 with the proceeds of Orana Park being transferred to the Public Open Space Trust Account. Ashworth Avenue and Pontiac's proceeds will be transferred to the Land Acquisition Reserve.

Regional Development

This budget provides contributions towards regional projects undertaken by the EMRC.

**Community and Statutory Services Division**

The Community & Statutory Services Division covers the following major activities.

Planning Department

- Forward and statutory planning
- Maintenance of the Council's cadastre using a computerised mapping system

Building Services Department

- Building Control – issuance of building and swimming pool licences
- Construction and maintenance of Council Buildings
- Information Officers – staff at the front counter

Health and Ranger Services

- Environmental Health Control
- Rangers
- Crime prevention
- Graffiti removal

Community and Library Services

- Library
- Home Care Services and Assistance with Care and Housing for the Aged (ACHA)
- Seniors accommodation
- Meals on Wheels
- Adult day care
- Youth services

The following sections provide more detailed information on major budget aspects of the above activities.

*12.15 Continued*

**Planning Department**

The more significant issues of the Planning Department budget are highlighted as follows:

- The account for 'Services – Advertising' has been budgeted for an amount of \$20,000. This reflects the costs associated with consultation, Scheme Amendments and advertising policies.
- The account for 'Services – Legal' has been budgeted for an amount of \$40,000. This is intended to cover specialist legal advice on statutory planning matters, prosecutions and possible appeals to the State Administrative Tribunal.
- The account for 'Services – Other Consultants' has been set at an amount of \$175,000. This covers the following projects: DA 6 \$40,000; DA 7,8 & 9 \$40,000; Housing studies \$25,000; Other Consultants \$25,000.

**Building Services Department**

**Building Control Section – 980500**

The budget allocations in Building Control are generally in line with previous years and have taken in to account, trends over previous years and current requirements.

The \$520,000.00 allocated to building licence income is a conservative figure based on the trends over the past years. In regard to income, the 2008-2009 year may include some significant projects (Tanunda Drive, Belgravia Residential Estate) and the continued infill works during this period.

**Information Services – 980600**

The Information Services Section has continued to have its own budget allocations, this is considered appropriate to show the extent of the service provided to the community and allow consideration of correct allocation of costs to this area.

There no significant changes to budget allocations in this area and expenditures are in line with the previous years.

With the distribution of ABC costs throughout the organisation the Information Service Section receives an income allocation of approximately \$295,000.00.

**Building Operations – 981500**

The format for the presentation of the building construction and maintenance budgets has been changed to reflect the requirements to be addressed in asset management. The grouping of the budget is now presented in four activities namely: Capital Upgrades / Expansion; Rehabilitation / Renewal / Disposal; Maintenance and; Operations.

The definition of these activities as noted in the International Infrastructure Management Manual is as noted in the following table:

12.15 Continued

<b>Activity</b>	<b>Definition</b>
Operations	Active process of using an asset which will consume resources eg labour, energy, chemicals, materials.
Maintenance	Actions for retaining an asset close to its original (or current) condition.
Rehabilitation / Renewal	Rebuild or replace components of an asset and restore it to a required functional condition and extend its current remaining life.
Disposal	Works to upgrade, refurbish or replace existing assets with assets of equivalent capacity or performance.
Capital Upgrades / Expansion	Actions to create new assets or increase the capacity of existing assets beyond their original design capacity or service potential.

3.1 Building Construction (Capital Upgrade and Renewal)

The "Proposed Budget" in the Budget documents identifies the capital building and lighting works items that are to be considered for the proposed budget.

The Gen Code account numbers shown BBxxxx.31.xxxx.xxx are Capital Upgrade accounts.

The Gen Code account numbers shown BBxxxx.30.xxxx.xxx are Rehabilitation/Renewal accounts.

The cost of the works for the Building and Lighting Capital Works Program for the 2008/09 financial year is \$1,082,000.00. This amount includes an income allocation of \$452,000. Thus the net affect on the municipal budget is \$630,000 expenditure.

These projects have been compiled from long-term programs, which will enable Council to spread the load on its financial resources. As noted last year, the timing of the listed items and the items themselves, will over the years have to be flexible and/or changed to meet the ever-changing demands on Council facilities and the available funds. Jobs to be considered for future years will need to be reviewed as part of the development of the asset management plans.

It is proposed to work towards a well developed and defined Asset Management model for all of Council's asset classes. As part of this process all Council Facilities, current and future, will be assessed against a pre-determine "Level of Service" that will more clearly define the most appropriate Maintenance (routine and special), Refurbishment and/or Capital Improvements and Construction required. This will also give rise to a well developed prioritised works programme that may differ from previous priorities.

*The Major projects listed for consideration for 2008-2009 and requiring special notes are listed below:*

<u>BB0506.30.1279.000 Wahroonga Renewal</u>	<u>\$40,000</u>
Replace/upgrade kitchens and surfaces in units as required. This ongoing program is fully funded from reserve.	

<u>BB0801.30.1279.000 Disabled Access Renewal</u>	<u>\$50,000</u>
This is to fund the ongoing project to bring existing facilities up to the required standard as identifies in the Disability Access and Inclusion Plan.	

12.15 Continued

BB0824.31.1279.000 New Toilet Block \$75,000

Construction costs of the proposed toilet facility at Lot 712 Great Eastern Highway. This project has been deferred due to Swan River Trust issues.

BB0831.31.1279.000 Park Lighting \$200,000

Construction costs of the proposed park amenity and feature lighting at Lot 712 Great Eastern Highway. This project has been deferred due to Swan River Trust issues

BB0901.30.1279.000 Ascot Water Playground Demolition \$350,000

Demolition costs of the old infrastructure. These costs will be fully funded from Land Acquisition Reserve.

3.2 Building Maintenance

(i) 2007-2008 Expenditure

The total allocation to Building Maintenance for the 2007-2008 financial year (as reviewed March 2008) was allocated as: Operational Costs \$814,577; Maintenance Costs \$670,638 and an allowance for vandalism of \$86,620 that is not claimable through Council's insurance.

All 2007-2008 works will be generally attended to as programmed or allocated and will be completed within budget estimates. The anticipated expenditure is approximately \$780,000 for Operational Costs; \$560,000 for Maintenance Costs and \$54,000 for vandalism repairs.

The summary of these combined costs can be seen in Schedule 2, Building Maintenance 2007-2008, with the total actual for this area being \$1,394,000

(ii) 2008-2009 Building Maintenance Budget

BEXB Attachment 10 - Building Maintenance Summary 2008-2009

The column marked "Location Total" is the total proposed Building Maintenance Budget for each location. This is made up of Operation Costs, Maintenance Cost and Vandalism Costs.

Operation Costs, "00-Operation" include allowances for significant costs such as Cleaning, Water Corporation, Synergy Power Charges, Alinta Gas, Telstra and Building insurance. The allocation for 2008-2009 is \$858,444, a budget increase of approximately 5%.

Maintenance Costs, "10-Maintenance" are based on work determined as being required, requests received during the year, contingencies for un-programmed maintenance and programmed maintenance activities. The allocation for 2008-2009 is \$718,616, a budget increase of approximately 7%. This 7% is approximately the allocation for works at the Belmont Nursing Home, \$30,000 and the Belmont Child Care Centre, \$15,000.

Vandalism Costs, "11-Vandalism" are based on trends from previous years and a contingency allocation. The allocation for 2008-2009 is \$81,678, a budget decrease of approximately 6%.

*12.15 Continued*

The summary of these combined costs can be seen in Schedule 1, Building Maintenance Summary 2008-2009, with the total recommended budget for this area being \$1,658,738.

Councillors will note that the Building Operations Budget as detailed in Schedule 1 includes all Council owned buildings. These figures appear in various sections of the Municipal Budget.

3.3 Building Maintenance Reserve

The Building Maintenance Reserve Fund was established a number of years ago and has again been included in this Budget.

This fund will have a transfer to reserve of \$300,000 plus interest this coming year for the provision for future maintenance and refurbishment requirements and to protect Council from the peaks and troughs associated with this maintenance.

The \$300,000 this year is only a portion of what it should be, but we have to continue to “grow” this reserve.

As the fund grows it will also provide a cash base for a contribution to any refurbishment and eventually the replacement of facilities when they have reached the end of their design life.

As noted above, the proposed Asset Management model for all of Council’s facilities, current and future, assessed against a pre-determine “Level of Service” will give rise to a prioritised works programme. It will also clearly identify the level of funding required over the life of the assets. The balance of the funds not spent in any one year will need to go into this reserve to fund those future works.

3.4 Building Operations Overheads

The budget for Building Operations Overheads is generally on par with 2008-2009 including the allowance for Activity Based Costing. These overhead costs will need to be recouped by allocations attracted from building works during 2008-2009.

**Health and Ranger Services**

Rangers

There are no significant changes proposed in the 2007-2008 budget.

Additional staff

Crime Prevention

The City of Belmont Community and Safety Crime Prevention Plan (CSCP Plan) has been operating since November 2006 resulting in continued implementation of crime risk treatment options.

The CSCP Plan has provided numerous opportunities to establish and develop partnerships with other Government agencies and our Community.

Through the planning process, a number of high end treatment options were considered and funding applications have been sought to implement these options.

*12.15 Continued*

The City has recently received commitment for considerable funding from both State and Federal Government.

The resident rate contribution for crime risk treatment options has reduced with the funding providing around \$50 value for each ratepayer, notwithstanding the benefits of further reductions in crime and improved safety in the City.

An additional full-time position has been created recently for Crime Prevention Officer and has been budgeted for to assist and expand services in this section.

Health Services

The Immunisation programme will again be provided at minimal cost with some of the costs being offset by the Medicare rebate which the City receives for each vaccination issued. The cost to the City for this programme excluding ABCs is \$2,800.

Both the City and the Health Department have always supported this programme, as it is understood that the minimal costs associated with the delivery of this programme are an insurance against the potential costs associated with a disease outbreak.

A positive trend is continuing in the reduction of rubbish per head of population in our City as compared to last year. Although there has been an increase in the number of services provided, the actual amount of rubbish per household has not increased at the same rate. This is the fourth year in succession that we have managed to maintain this trend. The "Reduce, Reuse, Recover and Recycle" programme was specifically introduced to reduce waste to landfill and to assist in keeping disposal costs down. The education programme will continue through schools and media to reinforce the need to minimise waste. The State has again advised that some of the landfill levy fee will go toward a broad multi media campaign.

An additional full-time environmental health officer was created and budgeted for to maintain statutory duties and functions under the Health Act 1911 such as food hygiene and safety inspection and other programs.

**Community & Library Services**

Ruth Faulkner Library

The library will undertake the final stage of refurbishment with the upgrade of the library workroom. The workroom will be re-fitted with workstations to bring the office areas in to line with the organisational standards of the administration building. The approximated cost of \$40 000 includes the replacement of office furniture, fittings and electrical re-wiring.

The State Library of Western Australia (SLWA) required all public libraries in Western Australia to undertake a compulsory stock take of state owned assets in 2007/08. Belmont Library undertook the stock take in April 2007 with the results indicating significant discrepancies in stock holdings. The City of Belmont is one of a large number of local governments that have discrepancies in their stock take findings. The stock take continues to be a contentious issue for local governments across WA and the matter is expected to be resolved during the 08/09 financial year. It is anticipated that the proposed budget of \$12,000 will cover all or a significant amount of the costs involved in repaying SLWA for assets that can not be accounted for at Ruth Faulkner Library.

*12.15 Continued*

However, until the matter is resolved, it is difficult to estimate exact costs. SLWA has indicated that there will be the option of clearing the debt over a two financial year period.

The Finding MY Place career guidance program will continue to be facilitated by the City of Belmont in 08/09 on behalf of the Department of Education and Training. The program has generated over \$130 000 for the City of Belmont since undertaking the role of facilitator in 2004. Local governments throughout Western Australia have benefited from the program with the Department of Education and Training providing funding of over \$680 000 to public libraries since 2004. Apart from the financial benefits to the City of Belmont, the program has resulted in national recognition for the City for its involvement in developing and facilitating the Finding MY Place program.

Home and Community Care

At the commencement of the 2004-2005 financial year, it was estimated that HACC would be underspent by \$70,000. In fact, HACC incurred an over-expenditure of \$58,034. This equated to a deficit of \$128,034.

It was therefore decided to establish a repayment schedule to the Council by trying to achieve savings in the delivery of HACC services. This did expose the Council to risks and service levels were compromised.

Therefore, in 2005-2006, a repayment of \$55,000 was made. In 2006-2007, a repayment of \$18,258.50 was made. It was proposed to continue repayments of \$18,258.50 for the successive financial years of 2007-2008, 2008-2009 and 2009-2010.

The Council support would be appreciated for the relief of repayment of the remaining \$54,775.50 so that adequate and high quality services can be provided to our HACC eligible community. There is a waiting list of 29 potential clients and services are now almost wholly being provided by Council staff, rather than in the past relying extensively on agency staff, where OSH requirements and quality service control were difficult to monitor.

The Budget therefore has been prepared on the basis that the Council would agree to waiving future repayments.

The HACC Budget has been prepared after detailed scrutiny of the unit costs and it is anticipated the Council will be successful in growth funding applications.

**Youth & Family Services**

Two temporary Youth Worker positions and one temporary Social Work position have been included in the Youth & Family Service salary component of the budget. The two Youth Workers and one Social Worker will be contracted to Belmont City College during school terms as well as assist at the Youth Centre with school holiday activities and with after school programs.

It is anticipated that this will strengthen links between Belmont City College, the Youth and Family Service, our young people and the community.

*12.15 Continued*

The allocation of funds (\$20 000) for the Belmont Alternative Education project (formally VIP funds) is now situated in the Youth & Family Services budget. The project has been successful in securing grant funding (\$34 000) for purchasing equipment and resources for the project. The grant funds were received as income in the 07/08 budget and have been allocated to be spent in the 08/09 budget. One temporary Youth Worker position and one temporary Youth & Family Worker position have been included in the Youth & Family Service salary component of the budget for staffing of the Belmont Alternative Education project. The funds for the two positions will be sourced through a Federal grant and contracted to Belmont City College.

Due to the replacement of the community bus with a smaller bus and the limited access the Youth & Family Service has to the community bus, an allocation of funds (\$15 000) to cover bus hire and transport of the youth and family members to activities and programs has been allocated.

### **Technical Services Division**

The Roads, Drainage and Path preliminary programmes were submitted to Council for discussion at its Information Strategy Concept Forum meeting of 3 June 2008. These programmes have since been included in the budget document which is appended for Councillor's consideration.

The preliminary budget for each programme is based on a similar financial allocation to that provided last financial year. This budget represents marginal decreases in the roads and drainage, a slight increase in path projects with the Environment and the Parks areas absorbing a majority of the projected increases.

The Environmental budget has increased considerably to enable officers to implement the many actions needed to progress the Environmental Plan.

The following provides a brief précis of the major areas of expenditure in each programme.

#### **Roads Programme**

Major works projected in the coming financial year include:

- A municipal road programme valued at approximately \$4.9 Million – inclusive of payment only of landscaping works on Grandstand Road.
- \$296,524 Fisher Street rehabilitation from Trink Street to Keane St cul-de-sac.
- \$350,000 Springs roads reconstruction (Riversdale, Hawksburn and Rowe)

#### **Funding Sources**

- \$135,000 State BlackSpot programme for the roundabout at Wright Street and Armadale Road
- \$312,563 allocation for the third instalment of the Roads to Recovery programme
- \$64,030 Local Road Programme funded on 2 for 1 basis by the State Government under the local road funding agreement.

*12.15 Continued*

Drainage

The Drainage Programme has been developed through analysis of the current stormwater network and recognises the commitments given in the Belmont Stormwater Management Plan (2003-2004 – 2006-2007) which was adopted by Council in 2002. 18 Projects include both drainage extensions and drainage upgrades and this reduction reflects the lower number of drainage problems since the plan was implemented. However additional maintenance funds have been included for increased investigation of pipes via CCTV, increased gully education, root cutting and pipe lining to improve the flows in our current asset system.

Paths

The draft programme maintains Council's commitment to the ongoing rehabilitation and repair of the existing infrastructure as necessary to minimise the City's potential liability. The Rehabilitation Programme will address the paths identified in the footpath audit undertaken annually. The Various Path Repairs allocation of \$35,000 will be used for general repair and replacement of footpaths, including installation of disabled access handrails, alterations to ramps, minor path maintenance and upgrades, and other projects identified throughout the upcoming budget period.

Projects include a new concrete path on Daly Street, Wright to Fulham, Cohn Street, Wallace and Hardey Road, Elmsfield to Wallace plus 7 other minor paths. There are 8 grant funded projects from the Perth Bicycle Network and the PTA.

Travel Smart

The Travel Smart Section within the Design and Asset Department has been very successful in achieving all goals set before in its first year of operation. With the resignation of the current Travel Smart Officer we have been pro active in seeking staff to backfill the position to enable the continuity of programs that have been set up in the community. The purpose of this section is to develop and deploy travel initiatives that are not based around the use of vehicles and to inform people of the alternatives available to them through the use of public transport, bicycles and walking.

Most of the public information sessions centre on the re-education of the Belmont public via displays, talks and events. These would be conducted at schools, shopping centres, aged facilities and Council run activities. The position was created and is partly funded by the Dept of Planning and Infrastructure and still has 2 years to run on a 3 year contract.

Asset Management

Our Asset Management Coordinator will be supported by the recruitment of an Assets Officer in the new financial year to assist with the ongoing strategic development of asset management plans throughout the City, which are due for completion September 2008. They will also be responsible for the utilization of the new tablet computer and GPS for field data capture and condition surveys.

*12.15 Continued*

Grounds Operations

The Grounds Operations cost centre accommodates the traditional areas of Ground Maintenance and Ground Improvements and is designed to assist with the continuous improvement of the City's Parks and Reserves with the ultimate aim of providing a healthy and friendly environment for the residents and visitors to the City of Belmont.

Parks ground maintenance is a significant and substantial area with over 200 hectares of parkland and public open space being maintained to a high standard. These areas include "Active" and "Passive" reserves, rehabilitated water sumps and bushland, streetscape treatments and verges, the Swan River foreshore, the management of arboricultural assets and other areas.

Historically there has been sustained increase in the area of Parkland and Public Open Space, which in turn has an effect on the operational costs of maintenance for the City of Belmont. Council should be aware that whilst the standard of Parkland and Public Open Space development continues to increase so does the expectations of the residents for Council to continue to deliver a value for money quality service.

Grounds Improvements

In recent years the City's Trust Reserve Accounts (20A & 20C funds) became depleted as a result of minimal contributions to Public Open Space from developments within the City. This resulted in the City funding the majority of capital improvement works from municipal funds. However, the past two years have seen an increase in contributions from developers as, where possible, the City opted to request cash in lieu of public open space rather than the provision of additional open space.

The Parks Improvement budget for 2008/2009 totals \$1,279,257 with funding from trust accounts and external funding totalling \$1,096,077 Council recently resolved to progress the following two projects after considering comprehensive business cases as part of the Ordinary Council Meeting process.

*Centenary Park*

This project will greatly enhance the amenity of this park as a natural recreational area and develop it into one of Belmont's key reserves, therefore greatly benefit the local community. The proposal will considerably improve the environmental value of this site with enhanced biodiversity and improved water quality. Through the provision of more comprehensive pathways, increased seating, barbeque facilities and play equipment recreational opportunities for the local community and visitors will be greatly improved.

*Garvey Park Walking Trails*

This proposal will greatly improve access throughout the different areas within Garvey Park therefore providing an opportunity to showcase the extensive environmental restoration works the City has been implementing. The extensive path network will increase and encourage recreational opportunities for use by the local community and visitors to the reserve.

*12.15 Continued*

Leisure Art and Cultural Services

The Leisure Services budget continues to provide programmes to encourage meaningful leisure and active recreation in the community. These include Health and Fitness programmes, the Art and Photographic expo and Skate Park events. Significant events programmed for 2008/2009 included in the Leisure Services Plan include the Belmont Olympics and the Australian Transplant Games.

The inclusion of Art and Cultural Services within the Coordinators portfolio will see the development of a Cultural Plan during 2008/2009. Councillors are aware that Leisure, Art and Cultural Services will transfer to the Manager – Community Development during 2008/2009.

Environment

The environment budget has increased from \$541,000 to \$620,879 in the draft budget which is a reflection of the increased effort of Council in progressing the recommendations of the Environment Plan and a more accurate reflection of the allocation of staff and resources.

Whilst implementing the recommendations of the Environment Plan takes precedence in this budget, \$40,000 has been allocated for the detailed design of nutrient stripping basins as part of the Ascot Water Playground subdivision. \$30,000 has been allocated to install an aerator in the nutrient stripping lake at Ascot Racecourse to improve water quality.

Officers are continuing to source funding from the State Government to progress the foreshore stabilisation at Garvey Park.

12.15 Continued

<b>SIGNIFICANT PROJECTS IN 2008-2009 BUDGET</b>						
<b>PROJECT DESCRIPTION</b>	<b>PROJECT VALUE \$</b>	<b>FUNDING SOURCES</b>			<b>TRUST / LOAN</b>	<b>TOTAL</b>
		<b>MUNICIPAL</b>	<b>GRANTS/ CONTRIB</b>	<b>RESERVE</b>		
Springs Roads recon.	<b>350,000</b>	350,000				<b>350,000</b>
Fisher Street recon, Trink to Keane Cul de sac	<b>296,524</b>	296,524				<b>296,524</b>
Grandstand Rd (Payment )	<b>549,052</b>	549,052				<b>549,052</b>
Dod Reserve	<b>260,000</b>				260,000	<b>260,000</b>
Lintonmarc Dr recon, Field to Parkview	<b>181,891</b>	181,891				<b>181,891</b>
Wright Armadale roundabout	<b>135,000</b>	45,000	90,000			<b>135,000</b>
Garvey Park Walking Trails	<b>225,518</b>				225,518	<b>225,518</b>
Centenary Park	<b>882,505</b>	106,476			776,029	<b>882,505</b>
Playground Upgrades	<b>247,122</b>	247,122				<b>247,122</b>
Irrigation Upgrades	<b>264,125</b>	264,125				<b>264,125</b>
Park Infrastructure Upgrade	<b>118,832</b>	118,832				<b>118,832</b>
Hardey Park / Adachi Park	<b>558,341</b>	485,778			72,563	<b>558,341</b>
Alterations Wahroonga	<b>40,000</b>			40,000		<b>40,000</b>
Disabled Ramp at Garvey Park (c/f)	<b>35,000</b>	35,000				<b>35,000</b>
Disability access upgrades	<b>50,000</b>	50,000				<b>50,000</b>
Forster Park Design Service for facility and tiered seating	<b>40,000</b>	40,000				<b>40,000</b>
Toilet Block Hardey Park (c/f)	<b>75,000</b>	75,000				<b>75,000</b>
Lighting Hardey Park (c/f)	<b>200,000</b>	200,000				<b>200,000</b>
Demolition Ascot Water Playground	<b>350,000</b>			350,000		<b>350,000</b>
Upgrade Operation Centre fence to Briggs St frontage	<b>35,000</b>	35,000				<b>35,000</b>
Major repairs Oasis tiered seating	<b>30,000</b>	30,000				<b>30,000</b>
Forster Park tiered seating upgrade	<b>30,000</b>	30,000				<b>30,000</b>
Oasis scheme water filtration	<b>20,000</b>	20,000				<b>20,000</b>
Shopping Centre Revitalisation	<b>150,000</b>	150,000				<b>150,000</b>
<b>TOTAL</b>	<b>5,123,910</b>	<b>3,309,800</b>	<b>90,000</b>	<b>390,000</b>	<b>1,334,110</b>	<b>5,123,910</b>

**FINANCIAL IMPLICATIONS**

The adoption of this report will ultimately drive the formal adoption of the budget as this report performs the role of the rate setting process. Whilst the actual rate calculation process is the subject of a separate report, the rate setting process settles the required income and expenditures that when combined with the rates levied results in a balanced budget.

*12.15 Continued*

The preparation of the City's Annual Budget continues to be a challenging process as the labour market continues to tighten, the community's expectations increase, the cost of legislative compliance soars and the desire to make Belmont a better place to live and work remains strong. Balancing the priorities and allocating sufficient funds to meet all the demands, requires a cohesive and co-operative approach. The preparation of the 2008-2009 Annual Budget has been no exception.

The following summary represents the 2008-2009 Rate Setting Budget as it stands now:

Estimated Opening Balance	(3,151,996)
Chief Executive Officer / Human Resources	494,527
Corporate and Governance	(20,014,146)
Statutory & Community Services	6,784,298
Technical Services	15,387,317
Closing Balance	500,000
	<hr/>
	0
	<hr/>

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**OFFICER RECOMMENDATION**

1. That the following accounts in the Rate Setting Budget as shown in BEXB Attachment 8 be endorsed;
  - Location B81199 Belmont Childcare Centre – Building Maintenance
  - Location 911902 Belmont Childcare Centre – Income
2. That the balance of the Rate Setting Budget as shown in BEXB Attachment 8 be endorsed noting the exclusions in recommendation 1 above.
3. That Reserve Accounts Budget as shown in BEXB Attachment 9 be endorsed.

**Notion**

Due to there being no requirement to extract any specific items from the Rate Setting Budget detailed by memorandum dated 13 June 2008, the Director Corporate & Governance proposed the following Revised Officer Recommendation.

**REVISED OFFICER RECOMENDATION**

**MARKS MOVED, WHITELEY SECONDED,**

1. ***That the Rate Setting Budget as shown in BEXB Attachment 8 be endorsed.***
2. ***That Reserve Accounts Budget as shown in BEXB Attachment 9 be endorsed.***

**CARRIED 10 VOTES TO 0**

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

**13.1 INFORMATION BULLETINS**

**HITT MOVED, BRENNAN SECONDED,** That the information circulated to all Councillors in the Elected Members Bulletin dated 30 May 2008 be noted and received.

**CARRIED 10 VOTES TO 0**

**13.2 REQUESTS FOR LEAVE OF ABSENCE**

A request was received from Cr Godfrey on the 28 May 2008 seeking Leave of Absence for the period 7 August 2008 to 8 September 2008.

**BRENNAN MOVED, HANLON SECONDED,** That Cr Godfrey be granted leave of absence for the period 7 August 2008 to 8 September 2008.

**CARRIED 10 VOTES TO 0**

A request was received from Cr Dornford on the 10 June 2008 seeking Leave of Absence for the period 17 June 2008 to 25 June 2008.

**ROSSI MOVED, BRENNAN SECONDED,** That Cr Dornford be granted leave of absence for the period 17 June 2008 to 25 June 2008.

**CARRIED 10 VOTES TO 0**

A request was received from Cr Dornford on the 17 June 2008 seeking Leave of Absence for the period 8 July 2008 to 19 August 2008.

**HITT MOVED, HANLON SECONDED,** That Cr Dornford be granted leave of absence for the period 8 July 2008 to 19 August 2008.

**CARRIED 10 VOTES TO 0**

### 13.3 COUNCILLOR MOTION

#### ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
Council Attach 12	Town Planning Scheme Amendment 18

Voting Requirement	:	Simple Majority
Subject Index	:	117/013
Location / Property Index	:	Nil
Application Index	:	Nil
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Cr Hitt
Owner	:	Nil
Responsible Division	:	Community & Statutory

#### COUNCIL ROLE

- |                                     |                       |  |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i>  |
| <input type="checkbox"/>            | <b>Executive</b>      | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i>   |
| <input checked="" type="checkbox"/> | <b>Legislative</b>    | <i>Includes adopting local laws, town planning schemes &amp; 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 affects 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 town 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

On the 11 June 2008 a Notice of Motion was received from Cr Hitt in regards to the implications of the Prostitution Amendment Act 2008.

#### CONSULTATION

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

#### STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

13.3 *Continued*

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY ENVIRONMENT**

The Prostitution Amendment Act 2008.

**BACKGROUND**

Proposed Town Planning Scheme Amendment No. 18 (Attachment 12) was initiated by the City of Belmont in 2001. This amendment was not accepted by the Department for Planning & Infrastructure because at that time there was talk of there being prostitution legislation enacted and there was opposition to a blanket prohibition of the sex related use.

The Bill gives effect to the State Governments policy commitment to reform prostitution laws. To reflect this change, the Prostitution Act will be renamed the Prostitution Reform Act.

The purpose of the Bill is to provide a framework for addressing the regulation of prostitution in a manner that is conducive to public health, protects sex workers from exploitation and protects children from being involved in or exposed to prostitution.

**FINANCIAL IMPLICATIONS**

There are minimal administrative cost implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

13.3 *Continued*

**COUNCILLOR MOTION**

That as a result of 'The Prostitution Amendment Act 2008', Council Officers determine the implications for the City of Belmont and also review proposed Amendment No. 18 to the City of Belmont Town Planning Scheme No. 14, which defined 'sex related use', ensuring that such a use is prohibited within the 'Residential' zone.

**Notation**

The A/Chief Executive Officer recommended to delete the sentence "which defined 'sex related use', ensuring that such a use is prohibited within the 'Residential' zone." He stated that is intended that research and legal advice be sought on what would be an appropriate amendment to the City of Belmont Town Planning Scheme No. 14 bearing in mind of possible anomaly that the uses of 'Home Occupation' and 'Home Industry' are permitted as of right in the 'Residential' Zone and that one or two persons can apparently offer sex related uses under the new legislation in the 'Residential' zone.

It would be premature to commit the Council to a course of action in a proposed amendment in the absence of clear advice as to its position, recognising however that the Council had expressed its view in the past that it did not want brothels to operate from a 'Residential' zone. This would be acknowledged in a proposed amendment.

**HITT MOVED, ROSSI SECONDED,** *That as a result of 'The Prostitution Amendment Act 2008', Council Officers determine the implications for the City of Belmont and also review proposed Amendment No. 18 to the City of Belmont Town Planning Scheme No. 14.*

**CARRIED 10 VOTES TO 0**

8.32pm Cr Powell and Cr Martin departed the meeting and did not return.

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

The Presiding Member advised in accordance with Section 5.23(2) of the Local Government Act 1995 - if there were any questions or debate on Confidential Item 14.1, then Council will need to go behind closed doors.

***BRENNAN MOVED, WOLFF SECONDED***, that Council proceed behind closed doors to discuss Confidential Item 14.1 and 14.2.

**CARRIED 8 VOTES TO 0**

8.32pm The Manager Governance, Cr Brennan and Cr Whiteley departed the meeting and returned at 8.33pm with Mr McLeod.

**14.1 REQUEST FOR FUNDING– LEGAL REPRESENTATION APPLICATION**

**ATTACHMENT DETAILS**

**Attachment No.      Details**

Conf Attach 4 – Item 14.1 Refers

Conf Attach 5 – Item 14.1 Refers

Conf Attach 6 – Item 14.1 Refers

(Confidential Matter in accordance with Local Government Act 1995 Section 5.23 (2)(b) (d) this item is considered as one of a confidential nature.)

At 8.33pm, ***MARKS MOVED, WHITELEY SECONDED***, that Council suspend Standing Orders to discuss item 14.1.

**CARRIED 8 VOTES TO 0**

At 9.02pm, ***HITT MOVED, ROSSI SECONDED***, that Council resume Standing Orders.

**CARRIED 8 VOTES TO 0**

***MARKS MOVED, HANLON SECONDED***, That Council in accordance with the Councillor's application for legal representation funding made on 15 May 2008 approve the provision of funding for legal representation with the firm advised to the City subject to –

***(a) the Councillor signing the City of Belmont's Legal Costs Deed; and***

***(b) setting a limit on the amount of legal representation funding at \$5,000 excluding GST.***

**CARRIED 6 VOTES TO 2**

*Against: Cr Brennan  
Cr Wolff*

**14.2 REQUEST FOR FUNDING– LEGAL REPRESENTATION APPLICATION**

**ATTACHMENT DETAILS**

**Attachment No.      Details**

Conf Attach 7 – Item 14.2 Refers  
Conf Attach 8 – Item 14.2 Refers  
Conf Attach 9 – Item 14.2 Refers  
Conf Attach 10 – Item 14.2 Refers

(Confidential Matter in accordance with Local Government Act 1995 Section 5.23 (2)(b) (d) this item is considered as one of a confidential nature.)

At 9.03pm, **MARKS MOVED, ROSSI SECONDED**, that Council suspend Standing Orders to discuss item 14.2.

**CARRIED 8 VOTES TO 0**

At 9.26pm, **ROSSI MOVED, BRENNAN SECONDED**, that Council resume Standing Orders.

**OFFICER RECOMENDATION**

That Council –

1. Ceases funding pursuant to the applicant's original application for legal representation funding that was granted in accordance with resolution 13.2 made at its ordinary meeting dated 26 September 2006;
2. In accordance with the applicant's new application for legal representation funding made on 20 December 2007 the City will make the provision of funding for legal representation for the Councillor with the Firm and Barrister as advised to the City only when the proceedings have ceased and the applicant has been acquitted and subject to;
  - a) a limit on the amount of legal representation funding at \$50,000 excluding GST;
  - b) the applicant being found not guilty and acquitted by a duly convened court of law; and
  - c) the charge against the applicant being withdrawn or dismissed.

**Notation**

Advice was given by Council's Lawyers at the Agenda Briefing Forum 10 June 2008 to amend the Officer Recommendation to read with more clarity. The words "the applicant has been acquitted and" have been deleted from point 2, "and either" has been added to the end of point 2(a) and "and" replaced with "or" at the end of point 2(b).

**REVISED OFFICER RECOMENDATION**

***That Council –***

- 1. Ceases funding pursuant to the applicant's original application for legal representation funding that was granted in accordance with resolution 13.2 made at its ordinary meeting dated 26 September 2006;***
- 2. In accordance with the applicant's new application for legal representation funding made on 20 December 2007 the City will make the provision of funding for legal representation for the Councillor with the Firm and Barrister as advised to the City only when the proceedings have ceased and subject to;***
  - a) a limit on the amount of legal representation funding at \$50,000 excluding GST; and either***
  - b) the applicant being found not guilty and acquitted by a duly convened court of law; or***
  - c) the charge against the applicant being withdrawn or dismissed.***

**TIED 4 VOTES TO 4**

*Against: Cr Brennan  
Cr Wolff  
Cr Hitt  
Cr Hanlon*

The Presiding Member exercised her casting vote in favour of the Alternate Motion.

**MARKS MOVED, WHITELY SECONDED, That Council –**

- 1. Ceases funding pursuant to the applicant's original application for legal representation funding that was granted in accordance with resolution 13.2 made at its ordinary meeting dated 26 September 2006;***
- 2. In accordance with the applicant's new application for legal representation funding made on 20 December 2007 the City will make the provision of funding for legal representation for the Councillor with the Firm and Barrister as advised to the City only when the proceedings have ceased and subject to;***
  - a) a limit on the amount of legal representation funding at \$50,000 excluding GST; and either***
  - b) the applicant being found not guilty and acquitted by a duly convened court of law; or***
  - c) the charge against the applicant being withdrawn or dismissed.***

**CARRIED 5 VOTES TO 4**

*Against: Cr Brennan  
Cr Wolff  
Cr Hitt  
Cr Hanlon*

At 9.28pm, ROSSI MOVED, BRENNAN SECONDED, that Council reopen the meeting to the meeting.

CARRIED 8 VOTES TO 0

9.28pm Four members of the public returned to the public gallery and one press representative.

The Manager Governance read aloud the resolutions for items 14.1 and 14.2.

## 15. CLOSURE

There being no further business to discuss, the Presiding Member declared the meeting closed at 9.30pm.

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### MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 17 June 2008 were confirmed as a true and accurate record at the Ordinary Council Meeting held 15 July 2008.

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

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

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