



CITY OF BELMONT
ORDINARY COUNCIL MEETING
MINUTES
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22 JUNE 2004

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Attachment 1 – Item 14.1 refers

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 22 JUNE 2004, COMMENCING AT 7.31 PM

PRESENT

Cr P Passeri, JP, Mayor	West Ward
Cr A Richardson, JP, Deputy Mayor	West Ward
Cr R Rossi	West Ward
Cr G Grant	Central Ward
Cr M Blair	Central Ward
Cr P Marks	East Ward
Cr G Godfrey	East Ward
Cr J Powell	South Ward
Cr B Whiteley	South Ward
Cr E Teasdale	South Ward

IN ATTENDANCE

Mr N Hartley	Acting Chief Executive Officer
Mr N Deague	Director – Development
Mr R Lutey	Director – Engineering
Mr S Cole	Director – Corporate Services
Mr P Varris	Acting Director – Community and Executive Services
Mr M Ferialdi	Manager – Health Services

MEMBERS OF THE GALLERY

There were 21 attendees in the gallery.

1. OFFICIAL OPENING

The Mayor opened the meeting at 7.31pm and welcomed those in attendance.

2. APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Cr M Bass

2.2 LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST

In accordance with the City of Belmont's Code of Conduct, the Acting Chief Executive Officer, Mr Neil Hartley declared an interest that could give rise to a reasonable belief that his impartiality may be adversely affected. The interest is in Item 11.4 of this meeting (Item 10.1.1 of the Community and Executive Services Committee meeting held 9 June 2004 - Management and Operation Tender for the Belmont Oasis Leisure Centre). The nature of the interest being that he represents Council at the Belmont Community Recreation Association Inc. (the current Oasis lessee).

Councillor Passeri has declared a financial interest in Item 9.1. The nature of the interest being that on retirement from Council he is likely to be a recipient of the benefits associated with City of Belmont Policy C1.6.3 – Gifts to Departing Elected Members.

Note: The Department of Local Government and Regional Development advised in correspondence dated 17 June 2004, that Ministerial approval is granted under Section 5.69(3)a of the Local Government Act 1995, subject to the approval only being valid for the Ordinary Council Meeting to be held on 22 June 2004. The approval allows Councillor Passeri to preside at the meeting and to participate in debate and to vote on this matter.

Councillors Richardson, Rossi, Blair, Bass, Grant, Marks, Godfrey, Powell, Teasdale and Whiteley have declared a financial interest in Item 9.1. The nature of the interest being that on retirement from Council they are likely to be recipients of the benefits associated with City of Belmont Policy C1.6.3 – Gifts to Departing Elected Members.

Note: The Department of Local Government and Regional Development advised in correspondence dated 17 June 2004, that Ministerial approval is granted under Section 5.69(3)a of the Local Government Act 1995, subject to the approval only being valid for the Ordinary Council Meeting to be held on 22 June 2004. The approval allows Councillors Richardson, Rossi, Blair, Bass, Grant, Marks, Godfrey, Powell, Teasdale and Whiteley to participate in debate and to vote on this matter.

Councillor Teasdale declared a financial interest. The interest is in Item 10.7.9 of the Resources and Policy Committee Meeting held 15 June 2004 (2004-2005 Rate Setting Budget). The nature of the interest being that a Sister City Honorarium is paid to his wife from account 215.03.0.284.

Councillor Powell declared a financial interest. The interest is in Item 10.7.4 of the Resources and Policy Committee Meeting held 15 June 2004 (Request for Rates Exemption for 17-19 Belgravia Street, Belmont). The nature of the interest being that Cr Powell is employed by the Australian Red Cross.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

4.1 ANNOUNCEMENTS

4.1.1 Response to Recent Media Reports

The Mayor read aloud the following statement:

“Recent media reports have highlighted some concerns and comments from community members regarding the City’s actions to ensure the safety and security of the community, staff and Councillors at the City’s meetings.

I refer particularly to an article published in the Sunday Times on June 20 and comments made on radio the following morning. The inaccuracies in this report are of significant concern to me and, in light of what has been reported, I believe there is a need for clarification.

New security measures were introduced by the City of Belmont more than 12 months ago and in an environment where there were real concerns about security, safety and the ability for Council meetings to function effectively in the face of disruptions. I make no apology for Belmont City Council taking these steps to fulfil its duty of care. The safety and security of meeting attendees is of paramount importance to the City.

Council is pleased to have ratepayers attend and participate in meetings, and we welcome questions during Public Question Time. Members of the public are welcome to represent as many organisations as they wish during question time, however, so that everyone can be best served, the number of questions may be limited to two per person – no matter how many hats they are wearing. If time runs out – and remember, we offer double the question time to fit more in – we encourage our ratepayers to telephone or write to us with extra questions. All questions asked within the rules of question time are answered. Other questions can be written and answered in the days following the meeting.

The City’s rules for question time have been endorsed by the Department of Local Government through Mr Stephen Cole, who stated *“I am of the view that this is an excellent approach to reviewing the issues relating to Public question Time at the City of Belmont. The information gained from the survey of other Local Governments and the Departments guidelines on the subject have been used constructively to prepare an accountable, transparent, fair and practicable public question time process”*

Clearly, the City is not “flouting the Local Government Act”, quite the opposite, we are addressing questions time in an appropriate and fair manner. We welcome active members of the community to encourage their involvement during question time. It is a last resort to have a member of the public ejected from a Council meeting – and it is only undertaken for safety reasons or to enable the meeting to proceed with its business uninterrupted. On the occasions when the Police have been called to remove someone, the City’s position has always been vindicated. Indeed the Department of Local Government’s Stephen Cole noted that following ejection of one

Item 4.1.1 Continued

member of the public at the 27 October meeting, that “*Mayor Passeri had every right to take the action he did*”.

Despite claims that the security guards at our meetings are hired to intimidate electors, we have also been criticized for not having security guards present at some meetings. It is of interest to highlight that the Belmont Ratepayers & Residents Action Group – of which the critic in this case is a representative – at our last Council meeting, questioned whether not having security guards in attendance at a Special Electors Meeting was a serious breach of the Council’s responsibilities to all parties present.

Reports that the City of Belmont pays our security guards a rate of \$92 per hour are also untrue. In fact, security at council meetings costs only \$22.75 - \$26.50 per hour depending on the time of the evening the meeting is held. As a result, \$4000-\$4500 will be spent this financial year on security guards at the City’s meetings. The City also spends approximately \$430,000 on the City’s much appreciated 24 hour community security patrols. Even with the security patrols added to the equation, this is only \$435,000 – not \$800,000 as reported.

The City of Belmont takes a very serious and considered view of crime and anti-social behaviour in our community and I trust that our constituents value the investment we make in deterring vandals and criminals and others who may intimidate our residents and ratepayers. Similarly, I trust Councillors – and people who join us in the public gallery – respect and value our efforts to ensure that Council meetings are conducted in a safe and orderly manner.

I’m very sorry that the media was given incorrect information – and I am very sorry that the reporter in questions did not seek to have the information confirmed or corrected by the City of Belmont.

I hope that this statement tonight sets the record straight.”

4.1.2 International Council for Local Environmental Initiatives – Milestone 5 Achievement

The Mayor noted his receipt of a letter from the International Council for Local Environmental Initiatives which stated as follows;

“Congratulations! City of Belmont has completed Milestone 5 in the Cities for Climate Protection™ (CCP™) Australia campaign.

This is an outstanding achievement and Belmont should be congratulated for the commitment it has shown to Cities for Climate Protection™ and the significant greenhouse reductions achieved to date.

In Australia, 187 local governments, representing over 74% of the country’s population, have committed to reducing their emissions through the CCP™ Program. Local governments in Australia are supported by a strong national commitment through the Australian Greenhouse Office and our collective efforts are paying off.

Achieving this Milestone provides a great opportunity to create media interest within our local area about your efforts to reduce greenhouse gas emissions and if you can download a template media release for the CCP™ Australia website at:

<http://www3.iclei.org/ccp-au/guidelocalmedia.cfm>

If you require further assistance please contact Yolande Strengers, ICLEi Events and Communications Officer, on 03 9660 2210.

We would also like to take this opportunity to acknowledge the work of Maurice Ferialdi, Damon Wood and other City of Belmont staff in the preparation of this Milestone and look forward to recognising City of Belmont at our next recognition event.

We again congratulate you on completing Milestone 5 and we look forward to working with you and your Council further on greenhouse gas abatement.”

The Mayor led the meeting in congratulating the Manager – Health Services, Mr Maurice Ferialdi, and participating City of Belmont staff for assisting the City in this achievement.

4.1.3 Public Gallery – Council Agendas

The Mayor noted that the Council agendas provided in the public gallery are provided for information to assist gallery members in following the business of the Council meeting.

These agendas are required for later use by Council Officers and the Mayor requested that they not be removed from the Council Chamber, and thanked the gallery members for their co-operation.

4.1.4 Elected Members Council Chamber File

The Mayor drew the Councillors' attention to the new Elected Members Council Chamber File that has been prepared containing Standing Orders, Code of Conduct, declaration forms etc., and asked that Councillors please ensure that the files remain in the Chamber so that they can be updated as required.

4.1.5 Late Item Notification

The Mayor noted that a Late Item regarding a planning matter has been presented to Council this evening and the report was faxed to Councillors earlier today. The matter will be considered as Item 14.1 of tonight's agenda under 'Urgent Business Approved by the Person Presiding or by Decision'.

4.2 DISCLAIMER

No responsibility whatsoever is implied or accepted by the City of Belmont for any act, omission or statement or intimation occurring during Council or Committee meetings.

The City of Belmont disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation or approval made by any member or Officer of the City of Belmont during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Belmont.

*The City of Belmont warns that anyone who has any application lodged with the City of Belmont must obtain and should only rely on **written confirmation** of the outcome of the application, and any conditions attaching to the decision made by the City of Belmont on respect of that application.*

*****7.40pm The Acting Chief Executive Officer read aloud the disclaimer.**

5. PUBLIC QUESTION TIME

*****7.41pm** **The Mayor declared Public Question Time open**

In accordance with rule (I), the Mayor advised that he had registered 5 members of the public who had given prior written notice to ask questions.

The Mayor invited the public gallery members that have not already submitted questions in writing, to register their interest to ask a question. 4 gallery members registered their interest.

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Mr Peter Stewart, 275 Peet Road, Roleystone

At the 25 May 2004 Council Meeting, Mr Stewart referred to Item 12.3 regarding the Special Electors Meeting in respect to the Deed of Trust covering the Grove Farm land (Item 4.2.24 and Item 4.1.27 of the Special Electors Meeting minutes dated 28 April 2004); and asked will Council ask the Director General of Department of Local Government and Regional Development to inquire into, and report on, the financial interests of (former) Chief Executive Officer, Mr Bruce Genoni in regard to advice and report to Council, and the signing and affixing of the Council seal, when speaking on behalf of the Local Government, or any other duties according to Section 5.41 of the Act in regard to the Ascot Waters Project, and if not, why not and what alternate investigation, if any, is proposed.

The questions were taken on notice and were answered in correspondence to Mr Stewart on 4 June 2004 as follows:

The matters referred to in the substantive question will be investigated and acted on by the Acting Chief Executive Officer or as Council might alternatively best see as appropriate.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5.2.1 Pat Morgan, 8 Malvern Road, Rivervale

1. It is now over six months since the Minister for Planning and Infrastructure refused to approve Council's Town Planning Scheme No.13. As the proposed scheme is no longer applicable, and is now finalised, when will Council amend it's current Town Planning Scheme No.14, as is required by TPS Clause 10.8.2, to allow some certainty to residents and ratepayers in the precinct and a permitted use finally being designated for our land?

Item 5.2.1 Continued

The Planning and Development Presiding Member, Cr Marks advised that this question has been answered previously. The Council is not in a position to initiate an amendment to the City of Belmont Town Planning Scheme No. 14 until such time as the Western Australian Planning Commission has determined its position on the planning for 'The Springs' precinct and advised the Council accordingly.

The Minister for Planning and Infrastructure must approve all Town Planning Schemes and Amendments. At the request of landowners, she transferred responsibility for the planning of this area to the Commission. It would be inappropriate for the Council to interfere with the Minister's clear direction, by initiating any amendment to its Scheme that affects 'The Springs' precinct.

2. Why hasn't Council received a report on the negotiations that have taken place in April and May 2004 between the City's Planning Department and the Department of Planning and Infrastructure concerning landowners in The Springs?

The Planning and Development Presiding Member, Cr Marks advised that since the Minister's decision on 'The Springs' Scheme, there has been only one meeting with representatives from the Department for Planning and Infrastructure and Council Officers and that was held on Thursday 15th April 2004. The purpose of the meeting was to provide a brief background of the issues relevant to the area. There have been no further meetings involving Council Officers and certainly no negotiations as stated. Consequently, there has been nothing to report.

Council Officers will request the Department for Planning and Infrastructure to expedite matters, but it may be more productive if landowners themselves made contact with the Department.

5.2.2 Ross O'Neil, 12 Rowe Street, Rivervale

1. The 'West Australian' newspaper on Saturday 19th June 2004 reported the Acting Chief Executive Officer as advising that, and I quote..."We are continuing discussions but nothing has been finalised yet"... in regard to a cheque for \$90,000 from the City made out to Homestyle Pty Ltd. Aside from this \$90,000 payment, what other matters are to be finalised and what is the total cost, including legal costs of the matter?

The Resources & Policy Presiding Member, Cr Godfrey advised that in answering the question, it is warranted to clarify the Acting Chief Executive Officer's statements referred to. At the time the 'West Australian' journalist contacted the Acting Chief Executive Officer, he was not able to comment further than he did, as he would have been in breach of Section 5.93 of the Local Government Act and the City's Code of Conduct, which states that he could not use confidential information that caused harm or detriment to the City.

Item 5.2.2 Continued

At the point in time referred to, the Acting Chief Executive Officer was aware that the \$90,000 settlement agreement dealt with under confidential cover by Council on 25th May, had been referred to the Supreme Court, but had not been executed by it. It was anticipated at that time, that this task would not be completed for a few weeks. Execution of the agreement has now occurred. The matter of the dispute between BGC and the City has therefore now been concluded.

Legal Costs have accrued over the entire period and would amount to several thousands of dollars. Unless Council specifically resolves otherwise, it is not proposed to allocate the staff resources to research the exact dollar amount of legal expenses incurred.

2. The \$90,000 cheque is, according to the copy in the 'West Australian' newspaper, made out to Homestyle Pty Ltd and dated 27th May 2004 but does not appear in the "Authorised Cheque Listing" for May 2004 payments. Is this a breach of the Local Government Act Section 5.42, the Financial Management regulation 13(1) and to Section 3.1 of the Act?

*Resources & Policy Presiding Member, Cr Godfrey advised that no breach of the Act has occurred in either instance referred to in the question. In light of the legal issue prevailing at the time, as referred to in the previous question, the information referred to was reported directly to the Resources and Policy Committee on the evening of the meeting. This was highlighted in the Committee Agenda at page 33 with a note stating "***Note: Details of cheque No. 752706 will be provided at meeting". A similar note was also incorporated in the 'Authorised Cheque Listing' for May.*

5.2.3 Bill Elkes, Unit 3, 52 Gwentyfred Road, Kensington

1. Why is there not a single sign on the 16ha of Grove Farm trust land, declaring it to be either "Grove Farm", "Trust Land" or "Public Recreation", when, at the same time there are structures on the trust land, advertising the "Ascot Waters" project inferring that the trust land belongs to this project?

The Mayor stated that the signs referring to 'Ascot Waters' were authorised by Council, which is a party to the Better Cities Agreement that established the Ascot Waters Development. The signs do not infer that the Trust land belongs to that project. The matter of potential signage is one that the Trustees might like to consider at some future time.

Item 5.2.3 Continued

2. Why has the executive proposed recommendation 2 on page 21 of the Agenda that will delegate decision making by the trustees to the status of an executive forum under section 5.41 of the Local Government Act, according to the City's management policy M 1.3.7?

The Mayor advised that recommendation #2 does not propose what the question suggests. On the contrary, it offers City resources to assist the Trust in its independent role. Trustee meetings do not need to comply with the Local Government Act meeting provisions.

5.2.4 Mr Rob Greenwood, 151 Coolgardie Avenue, Redcliffe

1. What steps has Council taken to ensure that the contract and tendering processes are changed so that the practices referred to in the Belmont Inquiry report cannot occur again in the future?

The Mayor replied that every recommendation of the Belmont Inquiry has been dealt with by the City and approved by the Department of Local Government. This included the process for dealing with tenders and as a consequence of the Inquiry's recommendation number 11, "that the Council put in place suitable policies and procedures for the calling, assessment and acceptance of tenders to ensure efficiency, effectiveness and probity, to the satisfaction of the Minister" a new policy (C3.5.2) titled 'Tenders – Calling and Acceptance' was developed and adopted by Council.

The City's practices and procedures operate in line with this policy and the community can be confident that the City's tendering procedures meet appropriate contemporary performance and control standards.

5.2.5 Mr David Kaye, 9/198 St Kilda Road, Rivervale

1. I appreciate that Belmont City Council is primarily concerned with the residents of Belmont. However, there are international matters on which the Council can help raise public awareness.

One of my greatest concerns is Child Slavery. This obnoxious trade is wide spread through Africa, the Far East, Mid East and Near East and old Eastern Europe as well as several South American Countries.

These children are put to work in factories, mines, armies, prostitution, the drug trade, just to name some occupations.

Does the Council have a purchasing policy which excludes the practice of child enslavement? If no, will Council put such a policy into practice? I look forward to hearing your answer?

Item 5.2.5 Continued

The Mayor responded by stating: firstly I wish to note my personal abhorrence of child slavery and the forced employment of child labour, a view I'm sure I share with my fellow Councillors, staff and the community generally. I do not believe that the City's purchasing policy addresses the exclusion of those Countries or Companies or manufacturers that can be linked to this immoral practice, unfortunately I do not believe it is practical to have all the City's policies address the wide range of moral and ethical issues, and believe that Councillors need to consider these matters where and when appropriate. There are however a range of government, as well as national and international bodies who actively pursue the elimination of child slavery throughout the world, on the world community's behalf.

5.2.6 Mr Robert Birch, 195 Knutsford Avenue, Rivervale

1. Mr Birch asked what steps have been recently undertaken by Council to address the on-going problem of abandoned shopping trolleys and have any been impounded?

The Acting Director Community and Executive Services advised that the Rangers Section have had significant contact with both the major retailers at the Belmont Forum and the shopping trolley (collection) contractors and there are almost 50 trolleys currently impounded at the Operations Centre. The City will be letter-dropping the neighbourhood surrounding the Belmont Forum advising the penalties for abandoning shopping trolleys and also advising the telephone numbers of both the retailers and contractors for collection, should trolleys be seen abandoned.

2. Mr Birch enquired whether the City will be undertaking any lobbying to have broadband internet access made more readily available in the City.

The Director Corporate Services advised that the City, through the Manager Business Development and a number of local businesses, have been lobbying Telstra for the extension of the broadband service. The advice has been that the Ascot telephone exchange needs to be upgraded and the Federal Member of Swan, Kim Wilke MHR, has undertaken to pursue this matter on the City's behalf.

5.2.7 Mr Peter Stewart, 295 Peet Road, Roleystone

Mr Stewart commenced a lengthy preamble in respect to the Special Electors Meeting held 28th April 2004 regarding the Grove Farm Deed of Trust and Item 12.2 of the agenda.

The Mayor noted that Mr Stewart had made a statement and not asked a question and so ruled in accordance with Council Meeting Public Question Time Rule (d).

*****8.55pm** Due to interjections by Mr Peter Stewart in a manner that it impeded the progress of the meeting, the Mayor requested Mr Stewart to refrain from interrupting the meeting, otherwise he would be asked to leave the Chambers.

5.2.8 Mrs Lorraine Hitt, 14 McLachlan Way, Belmont

1. Mrs Hitt asked whether the Mayor could confirm that he had requested a membership list for the Belmont Residents/Ratepayers Action Group Inc.?

The Mayor advised that he had some months ago, in the role of a private citizen, requested the membership details of the Group.

5.2.9 Mr Paul Hitt, 121 McLachlan Way, Belmont

1. It is my understanding that the City of Belmont requested a copy of the Belmont Resident/Ratepayers Action Groups' constitution from the Department of Consumer and Employment Protection, Lodgement No. 16191406 receipt dated 26/05/04. Cheque 7529606.

Can you please advise who authorised this payment?

The Acting Chief Executive Officer advised that he authorised the payment.

2. For what purpose was this information required?

The Acting Chief Executive Officer advised that it was in the interest of the City to better understand Community Groups that are active in their communication with the City so that it can better service their needs and develop harmonious relationships with them.

5.2.10 Mr Robert Greenwood, 151 Coolgardie Avenue, Redcliffe

1. Mr Greenwood asked whether the Mayor would restate the figures on security costs that he gave in his announcement earlier this evening?

The Mayor advised that the figures would be recorded in the Minutes.

2. Mr Greenwood asked whether he could be provided with a written response to his question from earlier this evening.

The Mayor advised that the response would be recorded in the Minutes.

5.2.11 Mr Peter Stewart, 295 Peet Road, Roleystone

1. Mr Stewart asked will Council withdraw from the Supreme Court Action it has in respect to the Grove Farm Deed of Trust prior to considering Part 2 of the Officers Recommendation for agenda Item 12.2 of tonight's meeting?

The Mayor took the question on notice.

*****8.06pm** Due to repeated interjections by Mr Peter Stewart to the extent that it impeded the progress of the meeting, the Mayor again warned Mr Stewart that should he do so again he will be removed from the Chambers.

*****8.06pm** As there were no further questions, the Mayor declared Public Question Time closed.

6. CONFIRMATION OF MINUTES

**6.1 ORDINARY COUNCIL MEETING
HELD 25 MAY 2004**

GODFREY MOVED, POWELL SECONDED, THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 25 MAY 2004, AS PRINTED AND CIRCULATED TO ALL COUNCILLORS, BE CONFIRMED AS A TRUE AND ACCURATE RECORD.

CARRIED 10 VOTES TO 0

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

Nil.

8. PETITIONS AND MEMORIALS

Nil.

9. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

9.1 REVIEW – POLICY C1.6.3 – GIFTS TO DEPARTING ELECTED MEMBERS

Report by Community and Executive Services Division

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

32/015 Corporate Management / Council Policy Manual

DISCLOSURE OF INTEREST

The authors have not needed to make a disclosure of interest in respect to this matter.

Councillor Passeri has declared a financial interest in this item. The nature of the interest being that on retirement from Council he is likely to be a recipient of the benefits associated with City of Belmont Policy C1.6.3 – Gifts to Departing Elected Members.

Note: The Department of Local Government and Regional Development advised in correspondence dated 17 June 2004, that Ministerial approval is granted under Section 5.69(3)a of the Local Government Act 1995, subject to the approval only being valid for the Ordinary Council Meeting to be held on 22 June 2004. The approval allows Councillor Passeri to preside at the meeting and to participate in debate and to vote on this matter.

Councillors Richardson, Rossi, Blair, Bass, Grant, Marks, Godfrey, Powell, Teasdale and Whiteley have declared a financial interest in this item. The nature of the interest being that on retirement from Council they are likely to be recipients of the benefits associated with City of Belmont Policy C1.6.3 – Gifts to Departing Elected Members.

Note: The Department of Local Government and Regional Development advised in correspondence dated 17 June 2004, that Ministerial approval is granted under Section 5.69(3)a of the Local Government Act 1995, subject to the approval only being valid for the Ordinary Council Meeting to be held on 22 June 2004. The approval allows Councillors Richardson, Rossi, Blair, Bass, Grant, Marks, Godfrey, Powell, Teasdale and Whiteley to participate in debate and to vote on this matter.

Item 9.1 Continued

DATE

17 June 2004

SUMMARY

This report presents for Council's consideration a review of City of Belmont Policy C1.6.3 – Gifts to Departing Members, which outlines the value of gifts to be made to retiring elected members, and now includes advice provided by the Department for Local Government and Regional Development.

BACKGROUND

Council considered a redraft of several policies relating to fees, allowances and support provided to elected members at its February 2004 meeting (refer ComEx - 10/02/04 - 10.5.2; RePol – 17/02/04 - 10.1.4 and OCM - 24/02/04 - 11.2). Council's consideration of this matter also required consideration of minor adjustments in re-numbering and terminology of several other policies from within the same section of the City of Belmont Policy Manual.

In considering the report to the Community and Executive Services Committee, members resolved to amend the recommendation by the inclusion of the following point #3: -

- 3. In addition to the changes noted at recommendation #2, the value of gifts provided for in Policy C1.6.3 – Gifts to Departing Elected Members be amended as follows:**

0-4 years of service	\$200
>=4 years of service	\$375-\$500
≥8 years of service	\$500-\$1000
≥12 years or more	\$750-\$1500

Following consultation with the Department of Local Government and Regional Development however, this part of the committee recommendation was not referred to Council for consideration, as the matter was deferred pending Ministerial approval under s5.69 of the Local Government Act 1995.

COMMENT

The original amendments proposed to policy C1.6.3 – Gifts to Departing Elected Members, effectively deletes the provision for a gift for elected members who have served less than four-years, and increases the value for gifts in each category equal to or above four-years service, etc.

Item 9.1 Continued

The Department for Local Government and Regional Development in examining the City's request for Ministerial exemption under s5.69 of the Local Government Act 1995, referred the matter to the Crown Law Department and has subsequently advised the City that the Policy should clearly outline [in accordance with s5.98(6) of the Local Government Act] a limitation that the gift may not be made in a monitory manner.

Additionally, the words '(no more than)' have been added to accommodate the Department of Local Government and Regional Development's advice and provide clarity, and the last sentence of the original policy has been amended to improve the readability. Originally this sentence read as follows: -

Also to ensure that the above values are adjusted in line with the CPI, (last set on 1/9/01).

The proposed amended sentence now reads: -

The above values are to be adjusted in line with the CPI, (values last set on 22/06/04).

Policy C1.6.3 – Gifts for Departing Elected Members has therefore been further amended to include the departmental recommendation and improved wording.

CONSULTATION

The Department of Local Government and Regional Development has provided advice regarding the requirements for Declarations of Interest and Ministerial approval for members to participate in considering this matter. In addition, the Department has provided the City with a recommendation for inclusion in the proposed policy amendment.

STATUTORY ENVIRONMENT

Section 5.65 of the Local Government Act 1995 outlines that: a member who has an interest relating to a matter for consideration by Council and will be attending the meeting at which it is to be considered the member must declare that interest.

The City of Belmont Standing Orders 1998 clause 6.2 outlines that if a quorum is lost through members who have declared a financial interest leaving the meeting then the matter must be adjourned until either a quorum is present or Ministerial approval is achieved.

Section 5.69 of the Local Government Act 1995 outlines that the Minister may provide approval to members who have disclosed interests under s5.65 to participate in meetings if there would not otherwise be a sufficient number of members to deal with the matter; or the Minister is of the opinion that it is in the interests of the electors or ratepayers to do so.

Item 9.1 Continued

Section 5.98(6) of the Local Government Act 1995 outlines that a local government cannot make any payment to an elected member unless the payment or reimbursement is in accordance with the provisions of s5.98.

POLICY IMPLICATIONS

Council's considerations on this matter will affect City of Belmont Policy C1.6.3 – Gifts to Departing Elected Members.

FINANCIAL IMPLICATIONS

In budget preparations for election years, additional allowance would be required in account reference 215.00.0.399 – Governance – Miscellaneous, to make adequate provision for the potential retirement of members standing for election or planning to retire.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**Strategic Plan**

There are no Strategic Plan implications.

Operational Plan

Organisational Strategy 5/1(d) "Review and, where appropriate, amend existing administrative and other organisational procedures".

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident.

VOTING REQUIREMENT

Simple majority required.

Item 9.1 Continued

RICHARDSON MOVED, GODFREY SECONDED, THAT COUNCIL ENDORSE AMENDMENTS TO POLICY C1.6.3 – GIFTS TO DEPARTING ELECTED MEMBERS AND THAT THE POLICY TO SUBSEQUENTLY READ AS FOLLOWS:

-

C1.6.3 – GIFTS TO DEPARTING ELECTED MEMBERS

POLICY OBJECTIVE:

TO SET REASONABLE LIMITS ON THE VALUE OF GIFTS TO RETIRING ELECTED MEMBERS.

POLICY STATEMENT:

COUNCIL SHALL MAKE A PRESENTATION, GENERALLY AT THE ANNUAL CIVIC DINNER, TO DEPARTING ELECTED MEMBERS IN RECOGNITION OF THEIR SERVICE TO THE CITY AND AS A LASTING MEMENTO OF THE PERIOD SERVED AS AN ELECTED MEMBER. THE VALUE OF THE GIFT TO BE (NO MORE THAN) AS FOLLOWS:

≥4 YEARS OF SERVICE	\$500
≥8 YEARS OF SERVICE	\$1000
≥12 YEARS OR MORE	\$1500

THE CHIEF EXECUTIVE OFFICER IS TO LIAISE WITH EITHER THE MAYOR OR THE ELECTED MEMBER CONCERNED AND ARRANGE THE PURCHASE OF A SUITABLE GIFT (AS PART OF THE ARRANGEMENTS FOR THE ANNUAL CIVIC DINNER), NOTING THAT EXCLUDING A GIFT VOUCHER, THE GIFT MUST NOT BE MADE IN A MONETARY FORM. THE ABOVE VALUES ARE TO BE ADJUSTED IN LINE WITH THE CPI, (VALUES LAST SET ON 22/06/04).

CARRIED 9 VOTES TO 1

**For: Passeri, Richardson, Godfrey, Grant,
Blair, Teasdale, Whiteley, Marks, Powell**

Against: Rossi

10. CORRESPONDENCE

10.1 LEAVE OF ABSENCE

The following application for Leave of Absence has been received: -

Cr P Passeri 24 June 2004 to 6 July 2004 inclusive; and
 17 August 2004 to 23 August 2004 inclusive.

OFFICER RECOMMENDATION

That the following Leave of Absence application be approved: -

Cr P Passeri 24 June 2004 to 6 July 2004 inclusive; and
 17 August 2004 to 23 August 2004 inclusive.

The Acting Chief Executive Officer advised that he was in receipt of an application for leave of absence from Cr Grant for the period 1 July to 4 July 2004 inclusive.

TEASDALE MOVED, POWELL SECONDED, THAT THE FOLLOWING LEAVE OF ABSENCE APPLICATIONS BE APPROVED: -

***CR P PASSERI 24 JUNE 2004 TO 6 JULY 2004 INCLUSIVE; AND
 17 AUGUST 2004 TO 23 AUGUST 2004 INCLUSIVE.***

CR G GRANT 1 JULY TO 4 JULY 2004 INCLUSIVE

CARRIED 10 VOTES TO 0

10.2 GENERAL

Nil.

10.3 LATE CORRESPONDENCE OF AN URGENT NATURE

Nil.

11. REPORTS OF COMMITTEES

11.1 SPECIAL RESOURCES AND POLICY COMMITTEE MEETING HELD 1 JUNE 2004

Receipt of Minutes

GODFREY MOVED, MARKS SECONDED, THAT THE MINUTES OF THE SPECIAL RESOURCES AND POLICY COMMITTEE MEETING HELD ON 1 JUNE 2004, AS PRINTED AND CIRCULATED TO ALL COUNCILLORS, BE RECEIVED.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Nil.

ADOPTION OF THE BALANCE OF THE REPORT

GODFREY MOVED, TEASDALE SECONDED, THAT RECOMMENDATION ITEM 8.1.1 OF THE RESOURCES AND POLICY COMMITTEE MEETING HELD 1 JUNE 2004 BE ADOPTED.

CARRIED 10 VOTES TO 0

11.2 SPECIAL PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD 1 JUNE 2004

Receipt of Minutes

MARKS MOVED, WHITELEY SECONDED, THAT THE MINUTES OF THE SPECIAL PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD ON 1 JUNE 2004, AS PRINTED AND CIRCULATED TO ALL COUNCILLORS, BE RECEIVED.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Item 8.2 was withdrawn at the request of Cr Marks.

ADOPTION OF THE BALANCE OF THE REPORT

MARKS MOVED, POWELL SECONDED, THAT RECOMMENDATION ITEM 8.1 OF THE SPECIAL PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD ON 1 JUNE 2004, BE ADOPTED (I.E. WITH THE EXCEPTION OF ITEM 8.2).

CARRIED 10 VOTES TO 0

11.2.1 Withdrawn Item 8.2 – Proposal For Town Centre Clock

MARKS MOVED, TEASDALE SECONDED, THAT THE COMMITTEE RECOMMENDATION BE ADOPTED WITHOUT AMENDMENT OR MODIFICATION.

CARRIED 6 VOTES TO 4

*For: Richardson, Blair, Marks, Godfrey,
Teasdale, Whiteley*

Against: Passeri, Rossi, Grant, Powell

**11.3 WORKS AND TECHNICAL SERVICES COMMITTEE MEETING
HELD 8 JUNE 2004**

Receipt of Minutes

GRANT MOVED, BLAIR SECONDED, THAT THE MINUTES OF THE WORKS AND TECHNICAL SERVICES COMMITTEE MEETING HELD ON 8 JUNE 2004, AS PRINTED AND CIRCULATED TO ALL COUNCILLORS, BE RECEIVED.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Item 10.2.2 was withdrawn at the request of Cr Godfrey.

ADOPTION OF THE BALANCE OF THE REPORT

BLAIR MOVED, POWELL SECONDED, THAT RECOMMENDATION ITEMS 8.1, 10.1.1, 10.2.1, 10.3.1, 10.3.2 AND 10.4.1 OF THE WORKS AND TECHNICAL SERVICES COMMITTEE MEETING HELD ON 8 JUNE 2004, BE ADOPTED EN BLOC (I.E. WITH THE EXCEPTION OF ITEM 10.2.2).

CARRIED 10 VOTES TO 0

11.3.1 Withdrawn Item 10.2.2 – Tonkin Highway Interchanges – Metropolitan Regional Scheme Amendment

GODFREY MOVED, MARKS SECONDED, THAT THE COMMITTEE RECOMMENDATION NOT BE ADOPTED AND TO FURTHER DEFINE COUNCIL'S SUPPORT OF THE MATTER, THAT COUNCIL:

- 1. ENDORSE IN PRINCIPLE THE TONKIN HIGHWAY INTERCHANGES METROPOLITAN REGIONAL SCHEME.**
- 2. NOT SUPPORT THE CONTINUITY OF BREARLEY AVENUE BETWEEN SECOND STREET TO THE PERTH AIRPORT BOUNDARY AS PER THE MASTER PLAN.**

LOST 4 VOTES TO 6

For: Rossi, Godfrey, Marks, Whiteley

*Against: Passeri, Teasdale, Richardson,
Powell, Blair, Grant*

TEASDALE MOVED, RICHARDSON SECONDED, THAT THE COMMITTEE RECOMMENDATION BE ADOPTED WITHOUT AMENDMENT OR MODIFICATION.

CARRIED 6 VOTES TO 4

*For: Passeri, Teasdale, Richardson,
Powell, Blair, Grant*

Against: Rossi, Godfrey, Marks, Whiteley

11.4 COMMUNITY AND EXECUTIVE SERVICES COMMITTEE MEETING HELD 9 JUNE 2004

Receipt of Minutes

POWELL MOVED, RICHARDSON SECONDED, THAT THE MINUTES OF THE COMMUNITY AND EXECUTIVE SERVICES COMMITTEE MEETING HELD ON 9 JUNE 2004, AS PRINTED AND CIRCULATED TO ALL COUNCILLORS, BE RECEIVED.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Item 10.5.1 was withdrawn at the request of Cr Blair.

ADOPTION OF THE BALANCE OF THE REPORT

RICHARDSON MOVED, GRANT SECONDED, THAT RECOMMENDATION ITEMS 8.1, 10.1.1 TO 10.1.5, 10.2.1, 10.3.1, 10.5.2 AND 10.5.3 OF THE COMMUNITY AND EXECUTIVE SERVICES COMMITTEE MEETING HELD ON 8 JUNE 2004, BE ADOPTED EN BLOC (I.E. WITH THE EXCEPTION OF ITEM 10.5.1).

CARRIED BY ABSOLUTE MAJORITY 10 VOTES TO 0

11.4.1 Withdrawn Item 10.5.1 – Local Government Week WA 2004 Convention – 7th to 10th August 2004

BLAIR MOVED, RICHARDSON SECONDED, THAT THE COMMITTEE RECOMMENDATION BE AMENDED TO EXPAND THE NUMBER OF CONFERENCE ATTENDEES, AND IT BE ADOPTED TO READ AS FOLLOWS:

- 1. COUNCILLORS PASSERI, POWELL, GRANT, MARKS, WHITELEY, RICHARDSON, TEASDALE, BLAIR AND THE (ACTING) CHIEF EXECUTIVE OFFICER, BE NOMINATED TO ATTEND THE LOCAL GOVERNMENT WEEK 2004 CONVENTION AND THAT CONFERENCE EXPENSES BE DEBITED TO THE RELEVANT CONFERENCE EXPENSE ACCOUNTS.**
- 2. COUNCIL'S TWO VOTING DELEGATES FOR THE WA LOCAL GOVERNMENT ASSOCIATION AGM BE THE (ACTING) CHIEF EXECUTIVE OFFICER AND COUNCILLOR BLAIR.**

CARRIED 10 VOTES TO 0

**11.5 PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD 14 JUNE 2004**

Receipt of Minutes

MARKS MOVED, GRANT SECONDED, THAT THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD ON 14 JUNE 2004, AS PRINTED AND CIRCULATED TO ALL COUNCILLORS, BE RECEIVED.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Items 10.6.3 and 10.6.5 were withdrawn at the request of Cr Marks.

ADOPTION OF THE BALANCE OF THE REPORT

WHITELEY MOVED, POWELL SECONDED, THAT RECOMMENDATION ITEMS 8.1, 8.2, 10.1.1, 10.2.1, 10.4.1, 10.6.1, 10.6.2, 10.6.4, 10.6.6, 10.6.7 AND 10.7.1 OF THE PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD ON 14 JUNE 2004, BE ADOPTED EN BLOC (I.E. WITH THE EXCEPTION OF ITEMS 10.6.3 AND 10.6.5).

CARRIED 10 VOTES TO 0

11.5.1 Withdrawn Item 10.6.3 – Proposed change of Non-Conforming Use (Boat and Marine Equipment Sales/Display and Servicing) – Lot 502-504 (238-246) Great Eastern Highway, Ascot

MARKS MOVED, WHITELEY SECONDED, THAT THE COMMITTEE RECOMMENDATION BE ADOPTED WITHOUT AMENDMENT OR MODIFICATION.

CARRIED 10 VOTES TO 0

11.5.2 Withdrawn Item 10.6.5 – Easement Ownership for Ascot Quest – Lot 441 (308-318) Great Eastern Highway, Ascot

MARKS MOVED, BLAIR SECONDED, THAT THE COMMITTEE RECOMMENDATION BE ADOPTED WITHOUT AMENDMENT OR MODIFICATION.

CARRIED 10 VOTES TO 0

**11.6 RESOURCES AND POLICY COMMITTEE MEETING
HELD 15 JUNE 2004**

Receipt of Minutes

POWELL MOVED, GODFREY SECONDED, THAT THE MINUTES OF THE RESOURCES AND POLICY COMMITTEE MEETING HELD ON 15 JUNE 2004, AS PRINTED AND CIRCULATED TO ALL COUNCILLORS, BE RECEIVED.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Items 10.7.2, 10.7.4, 10.7.9 and 11.2 were withdrawn at the request of Cr Godfrey.

ADOPTION OF THE BALANCE OF THE REPORT

GODFREY MOVED, WHITELEY SECONDED, THAT RECOMMENDATION ITEMS 8.1, 8.2, 10.1.1, 10.1.2, 10.3.1, 10.5.1, 10.7.1 10.7.3, 10.7.5 TO 10.7.8, 10.7.10 AND 11.1 OF THE RESOURCES AND POLICY COMMITTEE MEETING HELD ON 15 JUNE 2004, BE ADOPTED EN BLOC (I.E. WITH THE EXCEPTION OF ITEMS 10.7.2, 10.7.4, 10.7.9 AND 11.2).

CARRIED BY ABSOLUTE MAJORITY 10 VOTES TO 0

*****8.45pm** Having earlier declared an interest, Cr Teasdale departed the Chamber.

11.6.1 Withdrawn Item 10.7.2 – Accounts for Payment

GODFREY MOVED, POWELL SECONDED, THAT THE COMMITTEE RECOMMENDATION BE ADOPTED WITHOUT AMENDMENT OR MODIFICATION.

CARRIED 9 VOTES TO 0

*****8.46pm** Cr Teasdale rejoined the meeting.

***8.46pm Having earlier declared an interest, Cr Powell departed the Chamber

11.6.2 Withdrawn Item 10.7.4 – Request for Rates Exemption for 17-19 Belgravia Street, Belmont

GODFREY MOVED, RICHARDSON SECONDED, THAT THE COMMITTEE RECOMMENDATION BE ADOPTED WITHOUT AMENDMENT OR MODIFICATION.

CARRIED 9 VOTES TO 0

***8.47pm Cr Powell rejoined the meeting.

***8.47pm Having earlier declared and interest, Cr Teasdale departed the Chamber.

11.6.3 Withdrawn Item 10.7.9 – 2004-2005 Rate Setting Budget

GODFREY MOVED, MARKS SECONDED, THAT PART 1 OF THE COMMITTEE RECOMMENDATION BE ADOPTED WITHOUT AMENDMENT OR MODIFICATION.

CARRIED 9 VOTES TO 0

***8.48pm Cr Teasdale rejoined the meeting.

GODFREY MOVED, WHITELEY SECONDED, THAT PARTS 2 TO 4 OF THE COMMITTEE RECOMMENDATION BE ADOPTED WITHOUT AMENDMENT OR MODIFICATION.

CARRIED 10 VOTES TO 0

11.6.4 Withdrawn Item 11.2 – Confidential Item – Staff Matter (Contract)

GODFREY MOVED, TEASDALE SECONDED, THAT IN LIGHT OF LEGAL CLARIFICATION RECEIVED THAT WHILST THE LOCAL GOVERNMENT ACT PROVISIONS DO NOT DETRACT FROM COUNCIL'S ABILITY TO DEBATE SUCH MATTERS UNDER ITS GENERAL RESPONSIBILITY FOR GOOD GOVERNMENT UNDER SECTION 5.2, OR TO CONVEY ITS VIEWS TO THE CHIEF EXECUTIVE OFFICER, THE FACT THAT IT IS UNNECESSARY FOR ANYTHING OTHER THAN THE SIGNATURE OF THE CHIEF EXECUTIVE OFFICER TO BE AFFIXED TO EMPLOYMENT CONTRACTS, THE EXECUTION OF THE CONTRACT SHOULD BE PERSONALLY DEALT WITH BY THE CHIEF EXECUTIVE OFFICER. THE RECOMMENDATION SHOULD THEREFORE BE AMENDED TO READ:-

"THE CITY ENDORSE THE OFFER OF A FIVE YEAR EMPLOYMENT CONTRACT AT A SALARY OF \$66,445, TO TAKE EFFECT FROM 1 JULY 2004, TO THE MANAGER PARKS & GARDENS, MR JOHN CHRISTIE."

CARRIED 10 VOTES TO 0

12. REPORTS OF OFFICERS

12.1 INFORMATION ONLY ITEMS

Report by Community and Executive Services Division.

LOCATION

Not Applicable.

APPLICANT

Not Applicable.

FILE REFERENCE

35/006 Information Material to/from Councillors

DISCLOSURE OF INTEREST

The author has not needed to make a disclosure of interest in respect to this matter.

DATE

18 June 2004

SUMMARY

The City delivers a variety of information items to Councillors, including internal memorandums, Local Government industry information, newsletters, notices and publications. These items do not require a formal decision by Council, however are provided to assist Councillors in being informed of a range of Council and Local Government related activities.

BACKGROUND

The following is a summary of the general information only items and memorandums delivered to Councillors for the period 21/05/04– 18/06/04.

COMMENT

Nil.

Item 12.1 Continued...

DATED	SUBJECT
21/05/04	<ul style="list-style-type: none"> • Memo – Black Swan (Kuljak) Island • Memo – Charitable Trust • Memo – Heritage Status of Ascot Inn • Memo – Plan Proposed Development Aviary Gardens • Memo – Fencing at 100 Belmont Avenue • Memo – PDC Special Budget Meeting Change of Date • Memo – Change of Non-Conform Use • Memo – 2004 Belmont & Districts Community Directory - Replacement Pages • Memo – Use of Forster Park – Golf Day • Memo – Faulkner Park playground Concept Design • Agenda & Attachments – Ordinary Council Meeting - 25 May 2004
28/05/04	<ul style="list-style-type: none"> • LG News Issue 20.04 - 21 May 2004 • LG Focus Newspaper Vol 20 No.5 - May 2004 • Memo – Presentation by Denis McLeod – 2 June 2004 • Brochure – Making Perth the City We Want • Memo – Amendment No.40 – Re-zoning Lot 2 (122) Epsom Avenue from ‘Public Purpose – Civil Defence’ to ‘Residential ‘R20’ • Memo – Development Application – Lot 85 (329) Orrong Rd, Kewdale – Rear Access for Jehovah’s Witness Church • Memo – PDC Item 10.6.7/ Proposed Change of Non-conforming Use (Boat & Marine Equipment Sales/Display and Servicing) – Lot 502-504 (238-246) Great Eastern Highway, Ascot. • Memo – Artwork – Coca-Cola Amatil Wall Project • Information Report – Community & Executive Services - 28 May 2004 • Agenda and Attachments – Resources and Policy Committee - Special Meeting 1 June 2004 • Agenda & Attachments - Planning & Development Committee Special Meeting 1 June 2004
04/06/04	<ul style="list-style-type: none"> • LG News Issue 21.04 - 28 May 2004 • 3-monthly Calendar June – September 2004 • Memo – 2004 LGMA National Congress • Memo – Planning Department Projects – Status Report • Memo – City of Belmont (Standing Orders) Local Law - Amendment • Memo – Ref Memorandum 20 May 2004 – Faulkner Park Playground Consultation Concept, 3D Imaging • Belmont Business Talk Vol 4 Issue 4 Winter 2004 • Agenda & Attachments - Works & Technical Services Committee 8 June 2004 • Agenda & Attachments – Community and Executive Services Committee 9 June 2004

Item 12.1 Continued...

DATED SUBJECT

- | | |
|----------|---|
| 11/06/01 | <ul style="list-style-type: none"> • LG News Issue 22.04 - 4 June 2004 • Cycling In The West Vol 11 No.4 June-July 2004 • WALGA NRM Update for Local Government Vol 1, 9 June 2004 • Memo – 2004 LGMA National Congress – Internet Access to Papers • Memo – Grove Farm Deed of Trust Information Request • Memo – Presentation by Mills Wilson • Memo – Proposed Change to the Consideration of Parking Restrictions • Memo – Invitation Belmont Business Enterprise Centre’s 10th Birthday • Memo – Faulkner Park Playground Workshop 23 June 2004 • Memo – Sister City Student Delegation Farewell Function – Request to hold function at Rivervale Community Centre • Memo – Sister City Accounts • Memo – Agenda Attachments – Numbering of Pages • Agenda & Attachments – Resources & Policy Committee 15 June 2004 • Confidential Attachments - Resources & Policy Committee 15 June 2004 • Agenda & Attachments - Planning & Development Committee 14 June 2004 |
| 18/06/04 | <ul style="list-style-type: none"> • LG News Issue 23.04 - 11 June 2004 • LG Focus Newspaper Vol 20 No.6 - June 2004 • Memo – WALGA – Vacancies • Memo – Grove Farm Deed of Trust – Maps/Plans • Memo – Spare Keys to Units – Aged Housing Complexes • Memo – Councillors’ Information Session - July |
-

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Notwithstanding there might be some legislative implications contained within the various items detailed above, Section 5.92 and 5.93 of the Local Government Act 1995 have a general application in respect to the provision of information to Councillors.

POLICY IMPLICATIONS

Whilst there might be some policy implications contained within the various items detailed above, none are apparent for the purpose of this report.

Item 12.1 Continued...

FINANCIAL IMPLICATIONS

Whilst there might be some financial implications contained within the various items detailed above, none are apparent for the purpose of this report.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

Whilst there might be some Strategic Plan implications contained within the various items detailed above, none are apparent for the purpose of this report.

Operational Plan

Organisational Strategy O5/1 (c) – *“To keep Councillors informed of relevant industry and officer activities, regular update reports be presented to Council and the respective committees.*

ENVIRONMENTAL IMPLICATIONS

Whilst there might be some environmental implications contained within the various items detailed above, none are apparent for the purpose of this report.

VOTING REQUIREMENT

Simple majority required only.

OFFICER RECOMMENDATION

That the information provided to all Councillors and listed in this “Information Only Items” report be noted and received.

BLAIR MOVED, RICHARDSON SECONDED,

- 1. THAT THE INFORMATION PROVIDED TO ALL COUNCILLORS AND LISTED IN THIS “INFORMATION ONLY ITEMS” REPORT BE NOTED AND RECEIVED.**
- 2. THAT COUNCIL ENDORSE THE NOMINATION OF CR BLAIR AS A MEMBER OF THE LOCAL GOVERNMENT HOUSE BOARD OF TRUST.**

CARRIED 10 VOTES TO 0

12.2 SPECIAL ELECTORS' MEETING – GROVE FARM DEED OF TRUST

Report by Community and Executive Services Division

LOCATION

Not Applicable.

APPLICANT

Not Applicable.

FILE REFERENCE

32/012 Annual / Special Electors' Meetings

DISCLOSURE OF INTEREST

The author has not needed to make a disclosure of interest in respect to this matter.

DATE

18 June 2004

SUMMARY

As a consequence of receiving a petition dated 5 April 2004 pursuant to Section 5.28 of the Act, a Special Electors' meeting was convened on 28 April 2004 to discuss issues relating to the Deed of Trust and other matters in relation to the land generally known as 'Grove Farm'. In meeting the requirements of Section 5.33 of the Local Government Act 1995, where all decisions made at an Electors' meeting are to be considered at the next ordinary Council meeting, Council at its May 2004 meeting resolved that the matter be deferred pending the provision of additional information of matters pertaining to the Deed of Trust. This supplementary information has subsequently been distributed to Councillors and the resolution from the Special Electors' meeting is again presented for Council deliberation.

BACKGROUND

The matter of the Special Electors' meeting held 28 April 2004 was previously considered at the 25 May 2004 Council meeting, with the following resolution resulting –

***“GODFREY MOVED, POWELL SECONDED, THAT THE OFFICER RECOMMENDATION NOT BE ADOPTED AND TO PROVIDE ADDITIONAL TIME FOR COUNCILLORS TO CONSIDER THEIR OBLIGATIONS AS TRUSTEES, THE ITEM BE DEFERRED AND THAT COUNCILLORS BE PROVIDED WITH COPIES OF MAPS OF THE AREA FROM 1950 AND 1960; A COPY OF THE DEED OF TRUST; AND A COPY OF THE TRUSTEES ACT.*”**

CARRIED 10 VOTES TO 0”

Item 12.2 Continued...

As a consequence of the above resolution, Councillors were provided with the information requested and in addition Councillors also had the opportunity to hear a presentation by Council's senior legal advisor, Mr Denis McLeod, who highlighted a number of matters in respect to Charitable Trusts and Trustees.

To recap the history of this matter, the Director – Engineering, Mr Ric Lutey, made a presentation at the Special Electors' Meeting held 28 April 2004, which outlined the history of the land in question, noted the background of the adjoining Ascot Waters development, and addressed the issues raised in the initiating petition for the Electors' meeting. A range of questions were asked and responded to by representatives of the City. The minutes of the Electors' meeting have been previously distributed as an attachment for the May 2004 Ordinary Council meeting.

Notwithstanding the explanations presented by the City to the Electors' meeting, the following resolution was passed at that forum: -

Moved Mr Ryan, Seconded Mrs Morgan, that there be a vote of no confidence in the Mayor and Councillors in regard to the discharge of their obligations as Trustee of the Trust Deed over the Grove Farm/Parry Field in that the subject land has not been available for recreation and enjoyment for the last decade.

Accordingly, the above resolution was presented to the May 2004 Council meeting for consideration, and as highlighted earlier, Council deferred consideration of the matter. Given that Councillors have been provided additional time and information to consider the matter, the matter is again presented for deliberation. In accordance with Section 5.33(2) of the Local Government Act 1995, if Council makes a decision in response to a decision made at an Electors' meeting; the reasons for the decision are to be recorded in the minutes of the Council meeting.

COMMENT

As summarised in the earlier report on this matter, it is not clear why the Council was unaware of the Trust from after it was put in place in 1954 until 1995, when its existence was discovered while doing a title search in relation to the Ascot Waters project. However several possible explanations as to how this oversight may have occurred were presented, including the change-over of staff since 1954, the absence of a formal process to keep the Trust from being forgotten over the ensuing forty years, and the Trust not being recorded on the Certificates of Titles (even those issued in 1986 and 1987).

In taking into account the resolution from the Electors' meeting, it is appropriate to consider whether it is fair and reasonable to fault Councillors in their performance as Trustee in not making a portion of the Trust Land available for public access.

Item 12.2 Continued...

In forming their resolution the electors present at the special meeting have unfairly failed to recognise several important issues, and these were highlighted in the May 2004 report. In summary these were –

- Only a small portion of the Trust land has not been available for recreation since the closure of the baseball stadium;
- The area contained within the stadium and the Bowling Club was not generally available for public recreation prior to it being closed. Access was limited both in respect to time and type of usage;
- There being no recognition of the difference between having the land held in trust for recreation and an obligation to develop the land for that purpose, nor acknowledgement of the development of other recreation opportunities on the trust land and in the immediate vicinity; and
- The absence of available funds to make the Trust land within the old baseball stadium safe, and resultant liability risks of allowing unrestricted access.

Also noted in the earlier report, legal advice was being sought as to what specific obligations Councillors may have as Trustee. Council has, and will continue to act in the best interests of the broader community when making decisions as Local Government elected representatives and Trustees of the land.

Legal advice has since been received from Mr Denis McLeod of Council's solicitors, McLeods, and this is noted as follows -

"In this case the Council as the executive body of the City as trustee in my opinion has not made any commitment that detrimentally affects the Trust land, or that is contrary to the charitable purpose. What the public meeting has clearly not understood is that:

- (a) While the Council has been considering the most appropriate course to adopt, all of the Trust land has been significantly increased in value, and much of it has been improved consistently with the charitable purpose.*
- (b) What the Council has been considering is not any possible breach of the Trust, but whether it would be appropriate to apply to the Supreme Court for a variation of the Trust Scheme within the confines of discussions with the State Solicitor's Office, and since the discussions started, there has been no suggestion that the Council would take any action to seek a Supreme Court variation of the Trust Deed unless the State Solicitor's Office supports such action.*

I cannot see that the Council has breached the Trust."

Accordingly, it is not considered that the current Mayor or Councillors can be found to have inadequately discharged their obligations as Trustees, and the resolution should be dismissed.

Item 12.2 Continued...

CONSULTATION

Notwithstanding the direct consultation delivered as a consequence of the Special Electors' meeting, and the consultation with Council's solicitors, there is no need to seek any further consultation in the compliance of Section 5.33 of the Local Government Act 1995.

STATUTORY ENVIRONMENT

Part 5, Division 2, Subdivision 4 'Electors' Meetings' directly related to the procedures for holding and determining the outcomes of Electors' meetings.

POLICY IMPLICATIONS

There are no specific policy implications that need to be addressed in respect to this matter.

FINANCIAL IMPLICATIONS

There are no specific financial implications that need to be addressed in respect to the Special Electors' Meeting resolution being addressed.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

Nil.

Operational Plan

Community Strategy C7/1(c) – *"To promoted redevelopment of the land adjacent toGrove Farm, etc."*

ENVIRONMENTAL IMPLICATIONS

There are no specific environmental implications that need to be addressed in respect to this matter.

VOTING REQUIREMENT

Simple majority only required.

Item 12.2 Continued...

MARKS MOVED, RICHARDSON SECONDED, THAT COUNCIL:

1. **NOTE THE MINUTES OF THE SPECIAL ELECTORS' MEETING HELD 28 APRIL 2004, AND DUE TO THE REASONS NOTED IN THIS REPORT AND THOSE CONTAINED IN THE REPORT TO THE MAY 2004 COUNCIL MEETING (ITEM 12.3 OCM 25/05/04), DISMISS THE VOTE OF NO CONFIDENCE IN THE MAYOR AND COUNCILLORS IN RESPECT TO THE DISCHARGE OF THEIR OBLIGATIONS AS TRUSTEE OF THE TRUST DEED OVER 'GROVE FARM'; AND**
2. **AUTHORISE THE ACTING CHIEF EXECUTIVE OFFICER TO PROVIDE SUFFICIENT ASSISTANCE AND RESOURCES TO THE TRUSTEES FOR THE 'GROVE FARM' DEED OF TRUST, TO ENABLE THE INVESTIGATION INTO, AND ESTABLISHMENT OF, AN APPROPRIATE DECISION MAKING FORUM AND PROCESS TO MANAGE THE TRUST.**

*****8.52pm** Due to the continued interjections from Mr Peter Stewart, to the extent that they impeded the progress of the meeting, the Mayor warned Mr Stewart that in accordance with Clause 8.6 of the City of Belmont's Standing Orders, he would be asked to leave the meeting should he continue his interjections.

*****8.55pm** Due to Mr Stewart's continued interjections, the Mayor, in accordance with Clause 8.6 of the City of Belmont standing Orders, requested Mr Stewart to leave the meeting,

The Acting Chief Executive Officer advised Mr Stewart that in accordance with Section 82B of the Police Act 1892 and Section 2.54 of the Criminal Code, Mr Stewart was to leave the Council Chambers immediately. Mr Stewart subsequently departed the meeting.

Mr Cole departed the meeting.

*****8.57pm** Mr Cole rejoined the meeting.

The motion was put and

CARRIED 10 VOTES TO 0

13. REPORTS OF DELEGATES

13.1 CR BRENDA WHITELEY – BELMONT YOUTH SERVICES ARTWORK COCA-COLA AMATIL

Cr Whiteley submitted the following report.

“On Thursday 3rd June 2004, the Deputy Mayor Cr Alan Richardson representing the Mayor, accompanied Cr Marion Blair and myself as committee members, and staff from the Belmont Youth Services, Arlene Hand, Danielle Tilbrook and Jeff Brown, attended afternoon tea at Coca-Cola Amatil at Miles Road in Kewdale.

It was with great pleasure and pride that we viewed the urban wall which consists of panels of artwork on the roadside fence of Coca-Cola on Miles Road.

The General Manager of Coca-Cola Amatil, James Lane, said that since completion of the project they have received numerous compliments from local residents who agree that the unique artwork has significantly enhanced the look of the area.

27 young people and staff from Belmont Youth Services, who both designed and created the mural, together with graphic artist Lawry Halden who assisted the students in the production of their artwork.

It was interesting to learn that most of the students had never done graffiti art before, and by the way they showed us their work, they really enjoyed the experience and it has provided a positive image to the wider community.

The students had their photos taken and received a certificate and gift from Coca-Cola Amatil and a thank you for the General Manager.

It was a great afternoon with a special cake, Cola and stories of how the panels were created.”

Cr Richardson supported Cr Whiteley’s comments.

BLAIR MOVED, ROSSI SECONDED, THAT THE REPORT OF COUNCILLORS WHITELEY AND RICHARDSON ON THE COCA-COLA AMATIL ARTWORK PROJECT BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

13.2 CR GLENYS GODFREY – WALGA – EAST ZONE

Cr Godfrey provided the following report.

“As the City of Belmont delegate to this forum it gives me great pleasure to deliver this report.

On 27th May 2004, together with the Acting Chief Executive Officer, Mr Neil Hartley, I attended the East Metropolitan Zone of the Western Australian Local Government Association meeting.

The annual elections took place and the following motions were passed:

- Cr Maria Haynes JP be elected as Zone chair for 2004/2005
- Mayor Lou Magro and President Elizabeth Taylor be elected as representatives to the State Council.

An amendment to the Dog Act 1976 was discussed and the following resolution carried:

‘That the Department of Local Government and Regional Development be requested as a matter of urgency to amend the Dog Act 1976 so as to give effect to:

- the number of dogs on a property being limited to two as a standard provision of the Act, without the need for local laws, unless otherwise permitted by a local law;
- Council approval being required for more than two dogs and not more than 6 dogs, without the need for local laws, unless otherwise permitted by a local law; and
- Prohibition on kennels, unless otherwise permitted by a local law and/or under the Council’s Planning Scheme.
- Council’s having the ability via a local law to limit the number of dogs’

On behalf of the City of Belmont I congratulate the newly elected East Zone delegates to State Council and look forward to their continued voice on behalf of the East Zone Local Authorities to the State Government.”

WHITELEY MOVED, ROSSI SECONDED, THAT CR GODFREY’S REPORT ON THE WALGA EAST ZONE BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

13.3 CR ALAN RICHARDSON – BANNERS IN THE TERRACE COMPETITION

Cr Richardson presented a report on the City of Belmont 'Banners in the Terrace' Competition, in which he assisted judging with Mr Andrew Murfin and the Manager of Belmont Forum.

The judging was held at the Forum where all the competition entries were displayed. The winning banner was entered by the Kewdale Primary School, with the Australian Islamic College and Cloverdale Primary School being awarded second and third places respectively.

Cr Richardson noted that the winning banner will be displayed in St George's Terrace/Adelaide Terrace during Local Government Week and encourages all schools within the City to participate in the competition next year.

ROSSI MOVED, BLAIR SECONDED, THAT THE REPORT BY COUNCILLOR RICHARDSON ON THE 'BANNERS IN THE TERRACE' COMPETITION BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

13.4 CR GIL GRANT – 2004 CITY OF BELMONT STUDENT DELEGATION

Cr Grant provided the following report.

“The 2004 City of Belmont Student Delegation, in which I am Tour Leader, will consist of myself, two female chaperones and 10 students, comprising four girls and six boys.

One of the boys has decided not to go and the replacement was informed on Friday.

The group meets every Sunday for two hours between 3 and 5pm where they are all learning the Japanese language and their culture.

Most of the students are home-hosting the Japanese students when they come down in July.

This weekend they will head down to Adachi Park for a history lesson about the Sister City Relationship.

The tour leader, chaperones and students will all be home-hosted from the very first night.

Tour:

Leave for Japan on 4th January 2005

Return on 12th January 2005.”

POWELL MOVED, BLAIR SECONDED, THAT COUNCILLOR GRANT’S REPORT ON THE 2004 CITY OF BELMONT STUDENT DELEGATION BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

13.5 CR GIL GRANT – BUSINESS WATCH UPDATE – JUNE 2004

Cr Grant provided the following report.

“There are 71 confirmed businesses participating in the Business Watch Programme within the City of Belmont, with registrations still coming in.

Media exposure has been generated through an article in a recent Southern Gazette publication on a page dedicated to business. Myself, an employee of the Belmont Security Watch (Tongia) and the coordinator of the City’s Business Watch (Graham Wilson) were also present.

Partnership in the E-mail Crime Alert programme with the Belmont Police is starting to bear results with e-crime alerts going out to the businesses that signed up to the programme. The Business Watch Coordinator, Graham Wilson, is conducting regular meetings with the Police and offering support in the production of enrolment forms.

At a recent shopping centre display for Neighbourhood Watch held at the Belmont Forum Shopping Centre, the E-crime Alert programme was also displayed.

The Business Watch Coordinator is receiving enquiries from other Councils about the City’s Business Watch Programme. Several packs have been delivered to those Councils with the most interest being generated from our close neighbouring Councils.

Other Neighbourhood Watch Coordinators have also contacted this Council showing interest in our combined crime initiatives for the City.

On-going liaison with Peter Schifferli, Manager of Business Development, will produce an article in one of the upcoming Business Bulletins. This will involve information on the City’s Business Watch and also the E-crime Alert Programme in conjunction with the local Police.

The Coordinator of the Business Watch Programme is currently developing a brochure, which will show the City and the local Police working together. This brochure, when completed, will have information on the E-crime Programme, its benefits to the community and the participation of the City.”

POWELL MOVED, GODFREY SECONDED, THAT THE REPORT BY COUNCILLOR GRANT ON BUSINESS WATCH UPDATE – JUNE 2004 BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

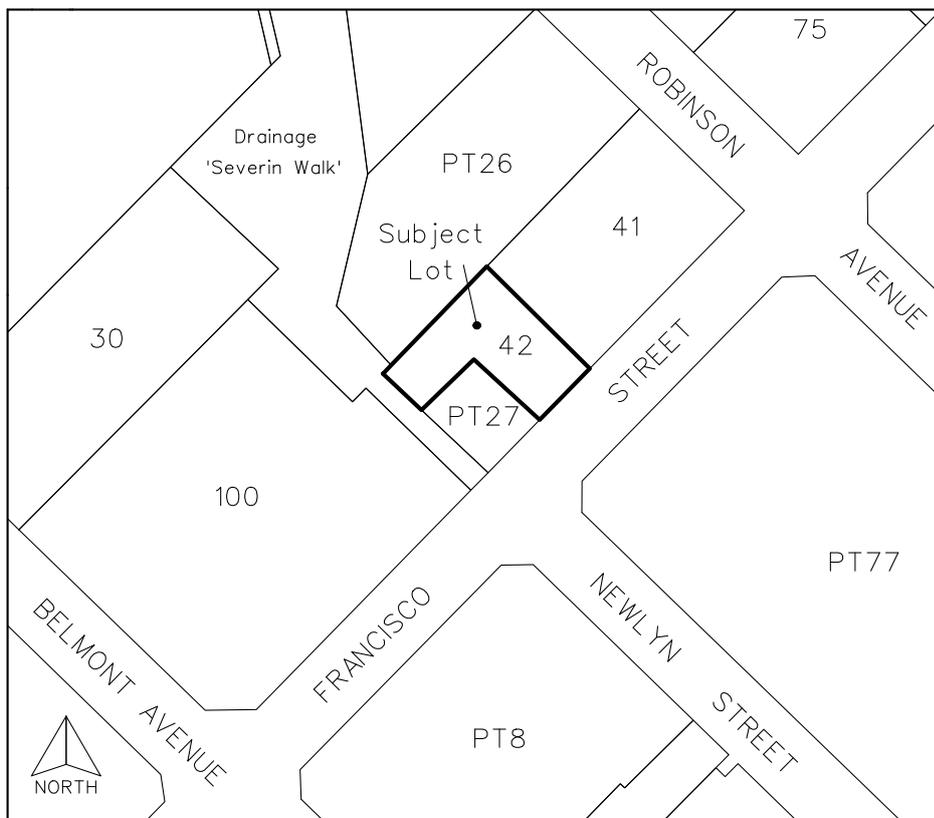
14. URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

14.1 LATE ITEM - CHANGE OF USE 133 FRANCISCO STREET, BELMONT

****Attachment 1 – Item 14.1 refers**

Report by Planning Department

LOCATION



APPLICANT

Downing and Associates

FILE REFERENCE

115/001, P/FRA.133

Item 14.1 Continued

DISCLOSURE OF INTEREST

The Author has not needed to make a disclosure of interest in respect to this matter.

DATE

22 June 2004

SUMMARY

A long term business, 'Perth Gearbox and Diff Centre' which currently operates from 3/137 Great Eastern Highway, Belmont, urgently seeks the Council approval to operate the business from 133 Francisco Street, Belmont.

Under the City of Belmont Town Planning Scheme No. 14, the business must be classified as 'Motor Vehicle Repair' which must be advertised for comment.

The business has been required to cease its operation from 3/137 Great Eastern Highway, Belmont.

This report recommends that provided there is no objection received, Council authorise the Director Development to determine the application following advertising of the proposal in accordance with the requirements of the Scheme.

If an objection is received the application will be referred to the Council for determination.

BACKGROUND

Owner:	C Genovese	Ward:	West
Lodgement Date:	21 June 2004	Use Class:	Motor Vehicle Repair - S
Lot Area:	1128m ²	TPS Zoning:	Mixed Use
Estimated Value:	NA – Change of Use	MRS:	Industrial

The property is currently included on the register of non conforming uses as 'Industry'.

The current condition of the boundary fence (1.8 metre high cyclone mesh), workshop and offices are relatively poor. Similarly, the existing landscaping along Francisco Street is considered to be inadequate.

Motor Vehicle Repair is defined under Town Planning Scheme No. 14 as "*any land or buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping but the term does not include a service station or motor vehicle wrecking*".

Item 14.1 Continued

The 'Perth Gearbox and Diff Centre' has operated from 137 Great Eastern Highway since 1987. They have advised that the building they are currently occupying has been sold and they are required to relocate by the end of June. They are currently facing a situation of being out of business for a time until approval is issued for the use to operate from new premises. A copy of the company's supporting letter forms Attachment 1.

The applicant has requested that until approval is granted to operate their business from the new premises they seek approval to store their machinery and goods on that site.

The applicant has advised verbally that as a RAC approved repairer the premises must present to a high standard. The proposed premises are currently in a run down state and presents poorly to the street. Any upgrading of the façade, parking area, landscaping and fencing would contribute positively to the streetscape.

COMMENT

There is no objection to the proposed landuse as it is less detrimental than previous landuses on site and it will formally remove the site from the non conforming use register. Upgrading of the site would improve the streetscape in general.

The 'WA Gearbox and Diff Centre' employs four (4) people, one of whom is a casual employee. Given that the premises currently provide for eight (8) car-parking bays in addition to the area required within the workshop to repair customer's vehicles, it is considered that there is sufficient car-parking on site to meet the demand of the proposed land use.

Had the landuse not been a 'S' use under the Scheme, it would not have been recommended to refer the application to adjoining landowners for comment. However, as Council is legally required to carry out consultation for S uses in accordance with clause 5.7 of the Scheme, it is recommended that the application be referred to the abutting landowners on either side of the site for the requisite period of 21 days.

In accordance with Clause 9.10 of the Scheme it is recommended that the Director Development be delegated authority to determine the application if no objection is received. If an objection is received, the application will be referred to Council for its decision.

In the meantime, it is recommended that the applicant be advised that there is no objection to the use of the new premises for the storage of machinery and goods as warehouse is a use that maybe approved in the Mixed Use zone.

CONSULTATION

The proposal has not been yet been referred to adjoining landowners for consultation.

Item 14.1 Continued

The application has been referred to the City's Environmental Officer and Manager - Health Services, who advise that it will be necessary to have the applicant inform the City as to the methods of disposing of oil and petro-chemicals generated by the work undertaken on site.

Council's Building Department has advised that they would require a Building Licence for any internal alterations.

Council's Engineering Department has advised that as the subject land abuts an ecologically sensitive area (and there have been drainage issues in the past) the applicant will need to submit a plan for approval of the Manager of Engineering Services within 3 months of the date of the approval demonstrating upgrading of the existing drainage system.

STATUTORY ENVIRONMENT

Clause 5.7 of Town Planning Scheme No 14 specifies requirements for dealing with 'S' uses. The relevant clauses are detailed below:

"5.7.1 Where an application is made for Planning Approval to commence or carry out development which involves an "S" use, the Council shall not grant approval to that application unless notice of the application is first given in accordance with the provisions of subclause 5.7.3.

5.7.3 Where the Council is required or decides to give notice of an application for Planning Approval the Council shall cause one or more of the following to be carried out:

- (a) Notice of the proposed development to be served on the owners and occupiers likely to be affected by the granting of Planning Approval stating that submissions may be made to the Council within twenty-one days of the service of such notice.*
- (b) Notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof.*
- (c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph (b) of this subclause.*

5.7.4 The notice referred to in subclause 5.7.3(a) and (b) shall be in the form contained in Schedule No. 6 with such modifications as circumstances require."

Clause 9.10 of Scheme 14 specifies *"The Council may, either generally or in a particular case by resolution passed by an absolute majority of the Council, delegate*

Item 14.1 Continued

to an officer or officers of the Council the authority to deal with an application for Planning Approval made under this Scheme, and to make any decision which can be made by the Council under the Scheme. The Council may in the same way delegate the same powers to a committee of the Council provided that the delegation will not result in that committee having power to determine matters under this Scheme which it does not have to determine matters of a similar kind delegated to the Council for determination under the Metropolitan Region Scheme.”

POLICY IMPLICATIONS

There are no policy implications to Council relating to this Item.

FINANCIAL IMPLICATIONS

There are no financial implications to Council relating to this Item.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Community Strategy # C1/1 of the Operational Plan states an objective to “*ensure that any development which is approved in the City of Belmont is of the highest possible standard.*”

ENVIRONMENTAL IMPLICATIONS

The proposal was discussed with the City’s Environmental Officer who advised that subject to appropriate controls on disposal of waste the landuse is appropriate.

Any upgrading of the façade, parking area, landscaping and fencing would contribute positively to the streetscape.

VOTING REQUIREMENT

Simple majority.

Item 14.1 Continued

MARKS MOVED, GRANT SECONDED, THAT

1. **UNDER CLAUSE 9.10 OF TOWN PLANNING SCHEME NO 14, COUNCIL DELEGATE TO THE DIRECTOR – DEVELOPMENT, AUTHORITY TO DETERMINE THE APPLICATION FOR MOTOR VEHICLE REPAIR ON LOT 42 (133) FRANCISCO STREET, BELMONT FOLLOWING REFERRAL OF THE PROPOSAL TO ADJOINING LANDOWNERS IN ACCORDANCE WITH CLAUSE 5.7 OF THE SCHEME IF NO OBJECTIONS ARE RECEIVED.**

IF AN OBJECTION IS RECEIVED, THE APPLICATION BE REFERRED TO COUNCIL FOR DETERMINATION.

2. **THAT THE APPLICANT BE ADVISED THAT PRIOR TO DETERMINATION OF THE APPLICATION TO OPERATE VEHICLE REPAIRS, THERE IS NO OBJECTION TO THE USE OF THE NEW PREMISES FOR THE STORAGE OF MACHINERY AND GOODS.**

CARRIED 9 VOTES TO 1

*For: Passeri, Richardson, Marks, Powell,
Blair, Grant, Rossi, Whiteley, Teasdale*

Against: Godfrey

15. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

16. CLOSURE

There being no further business to discuss, the Presiding Member declared the meeting closed at 9.20pm

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held Insert Minutes Date were confirmed as a true and accurate record at the Ordinary Council Meeting held Insert Confirmation Meeting Date:

Without amendment

With amendment

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____
