



CITY OF BELMONT
ORDINARY COUNCIL MEETING
MINUTES
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24 AUGUST 2004

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Nil.

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN CITY OF BELMONT
CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 24 AUGUST
2004, COMMENCING AT 7.38 PM**

PRESENT

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

OBSERVERS

Nil.

MEMBERS OF THE GALLERY

There were 17 attendees in the gallery.

1. OFFICIAL OPENING

The Mayor opened the meeting and welcomed those in attendance.

2. APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Cr E Teasdale	South Ward
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2.2 LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST

Name	Type of Interest	Report Item No. Committee Date / Item No.	Nature / Extent of Interest
Cr G Grant	Financial	OCM - 11.3 24/08/04 (PDC 16/08/04 - 10.3.2)	Operates business in the zone.
Cr G Grant	Financial	OCM -11.3 24/08/04 (PDC 16/08/04 - 10.3.3)	Operates business in the zone.
Cr M Blair	Financial	10.1 – OCM 24/08/04	Extending stay after conference.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

4.1 ANNOUNCEMENTS

4.1.1 Sister City Relationship – Belmont and Adachi-Ku – 20th Anniversary

The Deputy Mayor, Cr Richardson advised that he was honoured to represent the Mayor at the recent functions celebrating the 20th Anniversary of the formation of a Sister City relationship between the City of Belmont and the Special Ward of Adachi, Japan.

Cr Richardson presented the Mayor with a gift from the Mayor of Adachi, Mayor Tsunetoshi Suzuki for safe keeping in the City.

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 in respect of that application.*

7.41pm The Acting Chief Executive Officer read aloud the disclaimer.

5. PUBLIC QUESTION TIME

7.43pm In accordance with rule (I), the Mayor advised that he had registered four members of the public who had given prior written notice to ask questions.

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

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5.2.1 Mrs Romana Pears - 207 Acton Avenue, Rivervale

1. Can Council rezone a WSD Reserve to a Residential Density Coding (eg R20) without consultation with the nearby residents?

The Presiding Member – Planning and Development Committee, Cr Phil Marks, advised - no. Consultation with affected landowners is dictated by the Town Planning and Development Act. In accordance with the Act, the proposed amendment was referred to 217 persons or organisations in close proximity to the land in question; signs were erected on site inviting comment; and advertisements were placed in the West Australian and the Southern Gazette newspapers.

2. What does “extensive consultation is a requirement” mean as stated in Section 10.3.4 of Council Minutes dated 18 August 2003?

Councillor Marks advised that the question refers to a Planning & Development Committee meeting of 18th August 2003 and as detailed previously, consultation consisted of 217 personalised letters, signs on site and notices in the papers. It is considered that this level of consultation fits comfortably with the comment included within 18th August 2003 Planning & Development Committee meeting minutes.

5.2.2 Mr Michael Pears - 207 Acton Avenue, Rivervale

1. What consultation took place for the rezoning of Orana Park (eg who was surveyed or which residents were informed etc)?

The Presiding Member – Planning and Development Committee, Councillor Phil Marks, advised that the proposed amendment to zone the drainage reserves to 'Residential' was referred to 217 nearby persons or organisations; signs were erected on site inviting comment; and advertisements were placed in the West Australian and the Southern Gazette newspapers. A separate process to invite comment on the possible disposal of Orana Park was also carried out. The same number of landowners were consulted, signs were erected on site and a notice placed in the local Southern Gazette newspaper.

2. Will we have access to the results of this consultation?

Councillor Marks advised, yes. When considering an amendment proposal following advertising, a summary and response is required to all submissions. The results will be included in the relevant Planning and Development Committee Agenda which is available in the City's Library and on its Web Page.

5.2.3 Mrs Michelle Stewart - 6 Laser Close, Ascot Waters

1. Is there scope for a reversal of decision based on our petition with over 150 signatures in favour of keeping and developing Orana Park?

The Presiding Member – Planning and Development Committee, Councillor Phil Marks advised that no decision has yet been made on this matter. Submissions are yet to be considered.

2. Is a Special Electors meeting the correct form to discuss our issues with regard to the rezoning, disposal and/or the further recreational development of Orana Park or is there some other mediated process?

Councillor Marks advised that the matter of zoning of the drainage reserves and the possible disposal of Orana Park will be discussed at a future Planning and Development Committee meeting and decided by the Council. Opportunities exist at Committee meetings for submissions and questions, and questions also to Council meetings. Notwithstanding the above, it is felt that the community has also had a reasonable opportunity to make a primary contribution to the decision making process via the rezoning procedure and the Orana Park community consultation period. In light of this, there does not appear to be, at least at this point in time, sufficient reason for the Council to initiate a special electors meeting on the subject. Councillors will no doubt though, be cognisant of this possibility when it considers the matter at its future meetings.

5.2.4 Mr Paul Hitt, Belmont Residents/Ratepayers Action Group, c/- 14 McLachlan Way, Belmont

1. Are any prior decisions to enter any agreement between council and the Ascot Waters consortium in relation to the sale or options to purchase the Trust Land rendered null and void, as Council/Councillors had not fulfilled their obligations as trustees to preserve this land “for public recreation and enjoyment and for those purposes only”?

The Mayor advised that firstly, it should be made clear that the role of the city of Belmont councillors is entirely separate from the role of the individual Trustees. The question appears to suggest that there is a direct link but this is not correct. In an effort to provide an answer to the general thrust of the question though, which is assumed to be “are any of the agreements entered into between the City and the Ascot Waters consortium null and void”, the answer is “no”.

2. At a previous Council meeting it was stated that a contract had been entered into between Council and the developer of Ascot Waters for the Ascot Waters Consortium (AWC) to obtain a part of land covered by the Deed of Trust covering Parry Field (Grove Farm). If Council’s continuing Supreme Court action to the area of the land or to vary the Deed of Trust is successful, what price will the land be sold for?

- a) At the price entered into in the original agreement; or
- b) At current day, land prices.

The Mayor advised that the price for the land will be at the price entered into in the original agreement.

5.2.5 Mr Ray Harris, 481 Abernethy Road, Cloverdale

1. Why does the City of Belmont employ a Deputy Chief Executive Officer as it would appear this in some part duplicates the role of the Chief Executive Officer?

The Acting Chief Executive Officer advised that the City’s Senior Management consists of a Chief Executive Officer and four Directors, each Director heading a specific Division; the Director – Corporate Services leads the Corporate Services Division; the Director Engineering heads the Works and Technical Services Division; the Director Development heads the Planning and Development Division; and the Deputy Chief Executive Officer (also known as the Director Community and Executive Services) heads the Community and Executive Services Division.

2. Why is the City sending three representatives to the National General Assembly of Local Government as noted in Item 10.5.1 of the Community and Executive Services Committee meeting minutes of 3 August 2004?

Item 5.2.5 Continued

The Mayor advised that the Community and Executive Services Committee resolved that the Mayor and Deputy Mayor attend (as per previous years) and that it would be beneficial for the new Chief Executive Officer to attend should it be possible. Notwithstanding this, the Committee Recommendation will be considered by Council later in tonight's agenda.

5.2.6 Mr John Maguire, 11 Hillcrest Road, Kewdale

1. What is Council's intentions in respect to the drainage problem currently existing in the carpark in front of the Reading Cinema?

The Director-Engineering advised that the drainage of the carpark was the responsibility of the Belmont Forum and he would direct the problem to their attention.

2. Mr Maguire noted that earlier this year he had raised with Council the poor condition of the change-room for disabled people at the Belmont Oasis Leisure Centre and queried why the facility has not been upgraded/refurbished to an acceptable standard?

The Acting Chief Executive Officer advised that some retiling and upgrade works for the change-room had been attempted to be organised prior to the conclusion of the 2003/2004 financial year, however, there had been some difficulty in engaging trades people to undertake the work. It is expected that the work will be now undertaken during the upgrade of the Oasis Centre.

5.2.7 Mr Michael Ryan, 60 Riversdale Road, Rivervale

1. Given holders of Pensioner Concession Cards, State Concession Cards, Seniors Cards and Commonwealth Seniors Health Cards are entitled to various rebates up to 50% on their Local Government Rates, as shown on the City's rate notices and these rates are not payable until 30 June 2005 under legislation to claim full entitlement to these rebates, why is this information not clearly shown as a payment option on the rate notices of those eligible for this benefit?

The Director Corporate Services took Mr Ryan's comments onboard and advised that he would look into the matter and advise Mr Ryan of the outcome in due course.

2. Will Council please publish this advice clearly on the face of future rate notices as a further payment option, as is done on the Water Corporation rate notices?

The Director Corporate Services advised that he would investigate the matter for Council consideration.

5.2.8 Mr Peter Stewart, 275 Peet Road, Roleystone

1. Mr Stewart referred to information he presented to the Mayor on 25 May 2004, in respect to the former Chief Executive Officer, Bruce Genoni and his alleged ownership of shares in Henry Walker Eltin, a partner in the Ascot Waters Consortium. The Acting Chief Executive Officer was to investigate and act upon the matter. What action has been undertaken by the Acting Chief Executive Officer to investigate the matter over the past three months?

The Acting Chief Executive Officer advised that Mr Genoni has been overseas during this period and as a consequence, he was only able to speak to Mr Genoni yesterday, not long after his return. The Acting Chief Executive Officer noted that he is now in contact with the City's legal advisor in respect to what action should be pursued.

2. When will the Acting chief executive Officer report on his investigation into the matter?

The Acting Chief Executive Officer advised that subject to what confidentiality requirements might be imposed by other parties, he would be in a position to consider a report to Council once his investigations had been completed.

5.2.9 Mr Robert Greenwood, 151 Coolgardie Avenue, Redcliffe

Mr Greenwood noted the increase of photocopy charges at the Ruth Faulkner Public Library from 20c to 30c and asked whether Council will restore the former rate?

The Acting Chief Executive Officer advised that the photocopy rate was set by Council as part of its Annual Budget. Further, the 20c charge had been in place for at least the last ten years to his knowledge.

The Mayor advised that he would leave this matter for Councillors to pursue if they chose.

5.2.10 Mr Roger Broinowski

1. Will Council consider a program for removing Box Trees from street verges due to the inconvenience they cause for pedestrians?

The Mayor advised that the City has a policy in place in respect to the Queensland Box Tree and a program is in place for their removal from under power lines.

2. Will Council advise residents that it is their responsibility to clean up the nuts and debris from Box Trees on verges adjacent to their homes?

The Director Engineering advised that the City will investigate the problem of debris on footpaths.

5.2.11 Mr Geoff Pinkus, Perron Group, c/- 5 Locke Street, Mt Pleasant

1. Given that the draft part one of the mixed use study now includes 'Retail', will Council readvertise the study prior to adoption?

The Mayor advised that there is a proposal before Council in respect to this very matter later this evening.

2. In respect to the advertising of the study, if this is for the purpose of seeking community comment and should it not be advertised again, how will people know that it has been modified?

The Mayor referred to his answer to the first question.

5.2.12 Mrs Bond, 66 Stockman Close, Byford

1. Mrs Bond advised that she is considering buying a retirement home in or near Ascot Waters and enquired whether Council will be selling all or part of - (a) Grove Farm, and, (b) Ascot Water Playground?

The Mayor advised that it is Council's desire to sell a portion of Grove Farm to generate funds to develop other recreational and public open space in the vicinity.

The Acting Chief Executive Officer advised that the Ascot Water Playground is subject to Council consideration for subdivision, rezoning and sale to fund the upgrade at the Belmont Oasis Leisure Centre and a Feature Playground in Faulkner Park.

2. Mrs Bond noted that, it was her understanding that there is a number of Councillors who are not supportive of the disposal of land and public open space in the City. Is this correct?

The Mayor noted that Councillors are entitled to have different views on those matters and invited Mrs Bond to speak to him and the Acting Chief Executive Officer after the meeting should she wish to discuss the matter further.

5.2.13 Mrs Ramona Pears, 207 Acton Avenue, Rivervale

In respect to the matter of the disposal of Orana Park, will Council accept a petition objecting to the sale of this land?

The Mayor advised that he understood that the petition is being considered later this evening at Item 8 on tonight's agenda.

8.13pm As the time allotted for members of the public to ask questions had expired, the Mayor declared Public Question time closed.

6. CONFIRMATION OF MINUTES**6.1 ORDINARY COUNCIL MEETING
HELD 27 JULY 2004**

GODFREY MOVED, BASS SECONDED, THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 27 JULY 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**8.1.1 Petition – Orana Park**

The Acting Chief Executive Officer noted the receipt of a petition from Michael and Romana Pears, containing approximately 150 signatures, objecting to the rezoning of the drainage reserve adjoining Reserve 27040, known as Orana Park, and any subsequent disposal of the two parcels of land. The petition has been earlier distributed to Councillors via a memorandum dated 20 August 2004.

BLAIR MOVED, GRANT SECONDED, THAT THE PETITION IN RESPECT TO ORANA PARK BE NOTED AND BE REFERRED TO THE NEXT PLANNING AND DEVELOPMENT COMMITTEE FOR CONSIDERATION.

CARRIED 10 VOTES TO 0

9. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

10. CORRESPONDENCE

8.16pm Having earlier declared an interest, Cr Blair departed the Chamber.

10.1 LEAVE OF ABSENCE

The following applications for Leave of Absence have been received: -

Cr M Blair	27 September 2004 to 9 October 2004 inclusive, and 17 October 2004 to 24 October 2004 inclusive.
Cr M Bass	25 August 2004 to 5 September 2004 inclusive.

The Acting Chief Executive Officer noted that he had also received a request for leave of absence from Cr Teasdale for the period 25 September 2004 to 30 September 2004 inclusive.

RICHARDSON MOVED, GRANT SECONDED, THAT THE FOLLOWING COUNCILLORS BE GRANTED LEAVE OF ABSENCE:

CR M BLAIR	27 SEPTEMBER 2004 TO 9 OCTOBER 2004 INCLUSIVE, AND 17 OCTOBER 2004 TO 24 OCTOBER 2004 INCLUSIVE.
CR M BASS	25 AUGUST 2004 TO 5 SEPTEMBER 2004 INCLUSIVE.
CR E TEASDALE	25 SEPTEMBER 2004 TO 30 SEPTEMBER 2004 INCLUSIVE.

CARRIED 9 VOTES TO 0

8.17pm Cr Blair rejoined the meeting.

10.2 GENERAL

Nil.

10.3 LATE CORRESPONDENCE OF AN URGENT NATURE

10.3.1 Western Australian Local Government Association (WALGA) – State and Local Government Sustainability Partnership Agreement.

The Acting Chief Executive noted the receipt of correspondence from WALGA seeking representation on the following Groups (Committees) of the State Sustainability Round table: -

- Education, Community Awareness and Community Sustainability Partnership Group
- Sustainable Building and Land Development Partnership Group
- Regional Sustainability Partnership Group

A forum will be held on Monday 30 August 2004, 9.30am to 1.30pm to prioritise issues for the above groups and elected members are invited to attend. Nominations for the groups can be made via the WALGA website and email.

BLAIR MOVED, RICHARDSON SECONDED, THAT COUNCILLORS WISHING TO ATTEND EITHER THE FORUM OR TO NOMINATE FOR EITHER OF THE GROUPS LIAISE WITH THE MAYOR AND CHIEF EXECUTIVE OFFICER TO ARRANGE ATTENDANCE/NOMINATION.

CARRIED 10 VOTES TO 0

11. REPORTS OF COMMITTEES

11.1 WORKS AND TECHNICAL SERVICES COMMITTEE MEETING HELD 2 AUGUST 2004

Receipt of Minutes

BASS MOVED, POWELL SECONDED, THAT THE MINUTES OF THE WORKS AND TECHNICAL SERVICES COMMITTEE MEETING HELD ON 2 AUGUST 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

BLAIR MOVED, ROSSI SECONDED, THAT RECOMMENDATION ITEMS 8.1, 10.1.1, 10.4.1, AND 10.4.2 OF THE WORKS AND TECHNICAL SERVICES COMMITTEE MEETING HELD ON 2 AUGUST 2004, BE ADOPTED EN BLOC.

CARRIED 10 VOTES TO 0

11.2 COMMUNITY AND EXECUTIVE SERVICES COMMITTEE MEETING HELD 3 AUGUST 2004

Receipt of Minutes

WHITELEY MOVED, GRANT SECONDED, THAT THE MINUTES OF THE COMMUNITY AND EXECUTIVE SERVICES COMMITTEE MEETING HELD ON 3 AUGUST 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

RICHARDSON MOVED, ROSSI SECONDED, THAT RECOMMENDATION ITEMS 8.1, 10.1.1, 10.1.2 AND 10.5.1 OF THE COMMUNITY AND EXECUTIVE SERVICES COMMITTEE MEETING HELD ON 3 AUGUST 2004, BE ADOPTED EN BLOC.

CARRIED 10 VOTES TO 0

**11.3 PLANNING AND DEVELOPMENT COMMITTEE MEETING
HELD 16 AUGUST 2004**

Receipt of Minutes

POWELL MOVED, WHITELEY SECONDED, THAT THE MINUTES OF THE PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD ON 16 AUGUST 2004, AS PRINTED AND CIRCULATED TO ALL COUNCILLORS, BE RECEIVED.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Items 10.3.2, 10.3.3 and 10.3.4 were withdrawn at the request of Councillor Marks.
Item 10.4.1 was withdrawn at the request of Councillor Bass.

ADOPTION OF THE BALANCE OF THE REPORT

RICHARDSON MOVED, ROSSI SECONDED, THAT RECOMMENDATION ITEMS 8.1, 10.1.1 TO 10.1.5, 10.3.1, 10.4.2 TO 10.4.4 AND 10.6.1 OF THE PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD ON 16 AUGUST 2004, BE ADOPTED EN BLOC (I.E. WITH THE EXCEPTION OF ITEMS 10.3.2 TO 10.3.4 AND 10.4.1).

CARRIED 10 VOTES TO 0

8.27pm Having earlier declared an interest in the following two items,
Cr Grant departed the Chamber.

**11.3.1 Withdrawn Item 10.3.2 - Progress of the Retail Study for the Mixed Use
Zone**

MARKS MOVED, POWELL SECONDED, THAT TO FURTHER CLARIFY COUNCIL'S INTENTIONS, THE COMMITTEE RECOMMENDATION BE AMENDED AND ADOPTED TO READ AS FOLLOWS:

THAT COUNCIL RECEIVE THE 'STUDY INTO RETAIL USES WITHIN THE BELMONT CENTRAL MIXED USE ZONE' AND SUPPORT 'IN PRINCIPLE' THE CONCEPT OF CREATING A NEW PRECINCT OR ZONE TO ACCOMMODATE NEW RETAIL FORMS AND THAT PRECINCT SHALL GENERALLY BE BOUND BY FISHER STREET, ALEXANDER ROAD, BELMONT AVENUE AND ESTHER STREET/COWCHER PLACE.

CARRIED 9 VOTES TO 0

11.3.2 Withdrawn Item 10.3.3 - Mixed Use Study Part 1 Draft

MARKS MOVED, ROSSI SECONDED, THAT TO FUTHER CLARIFY COUNCIL'S INTENTION, THE COMMITTEE RECOMMENDATION BE AMENDED AND ADOPTED TO READ AS FOLLOWS:

- 1. THE COUNCIL NOTE THE AMENDED VISION PLAN FORMING ATTACHMENT NO 3B FOR THE PURPOSE OF PROGRESSING TO PART 2 OF THE STUDY.**
- 2. PART 1 OF THE STUDY BE MODIFIED TO REFLECT THE PRECINCT BOUNDARY CHANGES SHOWN IN ATTACHMENT NO 3B AND THE MATTERS ARISING FROM ASSESSMENT OF SUBMISSIONS RECEIVED ON PART 1 OF THE STUDY, AND BE RESUBMITTED FOR PUBLIC CONSULTATION.**
- 3. DETAILED CONSIDERATION OF THE APPROPRIATENESS OF MOTOR VEHICLE AND MARINE SALES AND HIRE BE GIVEN DURING DEVELOPMENT OF PART 2 OF THE MIXED USE STUDY. THE INVESTIGATION SHOULD EXAMINE WHETHER THE USE CAN BE CONSIDERED APPROPRIATE SUBJECT TO STRICT DEVELOPMENT CONTROLS.**
- 4. THE MODIFIED PART 1 OF THE STUDY AND DRAFT PART 2 OF THE STUDY BE REFERRED BACK TO COUNCIL ON COMPLETION FOR CONSIDERATION PRIOR TO FURTHER CONSULTATION.**

CARRIED 9 VOTES TO 0

8.37pm Cr Grant rejoined the meeting

11.3.3 Withdrawn Item 10.3.4 - Orrong Road Superblock Proposed Structure Plan – Lots 1299 and 1300 (11 & 15) Sydenham Street and Lots 1293 and 1296 (241 & 243) Orrong Road, Cloverdale

MARKS MOVED, POWELL SECONDED, THAT DUE TO THE RECEIPT OF ADVICE OF SUPPORT FROM THE PARTIES PREVIOUSLY OBJECTING TO THE PROPOSAL, THE COMMITTEE RECOMMENDATION NOT BE ADOPTED AND THE ORIGINAL OFFICER'S RECOMMENDATION BE ADOPTED AS FOLLOWS:

Item 11.3.3 Continued

THAT COUNCIL

1. **ADOPTED THE STRUCTURE PLAN SUBMITTED BY DEVELOP PLUS FOR LOTS 1299, 1300 AND PART LOTS 1293 AND 1296 SUBJECT TO:**
 - I. **A LEGAL AGREEMENT BEING ENTERED INTO BETWEEN LOTS 1299 AND 1300 PROVIDING LEGAL ACCESS OVER LOT 1300 TO LOT 1299, AND DETAILING COST SHARING ARRANGEMENTS;**
 - II. **STRATA LOTS 10, 11 AND 12 BEING DESIGNED TO FRONT THE REMAINING PORTIONS OF PART LOTS 1293 AND 1296;**
 - III. **THE VISITORS CAR PARKING BAYS ABUTTING LOT 1 BEING FULLY RECESSED INTO THE LOT;**
 - IV. **WHERE MINIMUM LOT SIZES ARE BELOW 270M², DWELLINGS BEING DESIGNED TO INCORPORATE TWO STOREYS OR MEZZANINES IN ACCORDANCE WITH LOCAL PLANNING POLICY NO.1.**
2. **ADVISE THOSE THAT MADE SUBMISSIONS OF THE ADOPTION OF THE STRUCTURE PLAN SUBMITTED BY DEVELOP PLUS FOR LOTS 1299, 1300 AND PART LOTS 1293 AND 1296. FURTHER, THAT COUNCIL ADVISE THOSE IN OBJECTION TO THE PLAN OF THE BASIS ON WHICH IT WAS SUPPORTED AND THE SHORTFALLS OF THE BALE AND BLAKE HOLDINGS PLAN.**

CARRIED 10 VOTES TO 0

11.3.4 Withdrawn Item 10.4.1 - City of Belmont Town Planning Scheme No. 14 – Amendment No. 35 (Lots 21 (100) and 24 (98) Great Eastern Highway)

BASS MOVED, MARKS SECONDED, THE COMMITTEE RECOMMENDATION NOT BE ADOPTED AND COUNCIL REQUEST THE WESTERN AUSTRALIAN PLANNING COMMISSION FOR AN EXTENSION OF TIME IN RESPECT TO AMENDMENT NO 35 TO OBTAIN ADVICE ON THE WILLINGNESS OR OTHERWISE OF THE COMMISSION TO ACQUIRE THE LAND IN QUESTION.

CARRIED 10 VOTES TO 0

**11.4 RESOURCES AND POLICY COMMITTEE MEETING
HELD 17 AUGUST 2004****Receipt of Minutes**

GODFREY MOVED, POWELL SECONDED, THAT THE MINUTES OF THE RESOURCES AND POLICY COMMITTEE MEETING HELD ON 17 AUGUST 2004, AS PRINTED AND CIRCULATED TO ALL COUNCILLORS, BE RECEIVED.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Item 10.3.1 was withdrawn at the request of Cr Bass.

ADOPTION OF THE BALANCE OF THE REPORT

ROSSI MOVED, POWELL SECONDED, THAT RECOMMENDATION ITEMS 8.1, 10.7.1, 10.7.2 AND 10.7.3 OF THE RESOURCES AND POLICY COMMITTEE MEETING HELD ON 17 AUGUST 2004, BE ADOPTED EN BLOC (I.E. WITH THE EXCEPTION OF ITEM 10.3.1).

CARRIED 9 VOTES TO 1

For: Passeri, Richardson, Rossi, Grant, Powell, Whiteley, Godfrey, Marks, Blair

Against: Bass

**11.4.1 Withdrawn Item 10.3.1 - Disposal of Council Owned Land within the
Orrong Road Superblock**

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

CARRIED 9 VOTES TO 1

For: Passeri, Richardson, Rossi, Grant, Powell, Whiteley, Godfrey, Marks, Blair

Against: Cr Bass

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

20 August 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 23/07/04 – 13/08/04.

COMMENT

Nil.

 Item 12.1 Continued

DATED SUBJECT

- 23/07/04
- Heritage Value of Ascot Inn
 - City of Belmont – Information Report – Corporate Services
 - Memo – McLeods – Client Bulletin
 - Memo – Brand Repositioning Workshop
 - City of Belmont – Information Report – Works and Technical Services
 - Memo – Tomato Lake Reticulation
 - Memo – Item 10.3.2 – Works and Technical Services – 12 July 2004
Construction of Concrete Vehicle Crossovers
 - Avon Descent Community Day
 - Memo – 1 Peacock Street, Cloverdale – Over Height Link to Mesh Fence
 - Memo – Binding Machine
 - Confidential Attachments – Resources and Policies Services
-

- 30/07/04
- Memo – Passing of Former Cr Terry Thick
 - Memo – Cr Information Session – Presentation by Denis McLeod
 - Memo – WALGA Best Practice Awards
 - Memo – Meal Following WTS
 - Memo – Letters of Appreciation
 - Local Government News Issue No 29.04
 - Information Report – PDC 30 July 2004
 - Three Monthly Calendar
 - Memo – Grants Commission Visit to Belmont
-

- 06/08/04
- Invitation – Improving the Safety of Roads in Your Community
 - Newsletter – Cycling in the West
 - Local Government News – WALGA – Issue No. 30.04
 - Memo – Institute of Engineers Society 2004 Lighting Awards
 - Local Government State Election Platform
 - Memo – Staff Farewell – 25 August 2004 – Maureen Leo
 - Western Australian Electoral Commission – Local Government News – August 2004
 - Local Government News August 2004 (Electoral Commission)
 - Memo – Alexander Road Resurfacing
 - Memo – Focus Groups Report
 - Grants Commission Visit
 - Memo – Liability Arising From Smoking In Enclosed Public Places
 - Information Report – Comex – July 2004
 - Memo – Illegal Fence – Ms McLaughlin – Legal Advice
-

- 13/08/04
- DLGRD – Local Government Update – Number 52 – August 2004
 - WALGA Newsletter – Issue No. 31.04, 6 August 2004
 - WALGA President's Annual Report
 - Memo - WALGA AGM Minutes of Sunday 8 August 2004
 - Charitable Trust Minutes of 4 August 2004
-

Item 12.1 Continued

DATED	SUBJECT
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- Memo – Staff Farewell – Adrian Oats
 - Memo – 2004 Community Services Awards
 - Memo & CD attachment – Study Into Retail Uses Within the Belmont Centre Mixed Use Zone
 - Memo to Cr Bass – Response to Memo Dated 5 August 2004 - 63 & 79 Fautleroy Avenue and 28 Belvidere Street
-

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.

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.*

Item 12.1 Continued

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.

RICHARDSON MOVED, BLAIR SECONDED, THAT THE INFORMATION PROVIDED TO ALL COUNCILLORS AND LISTED IN THIS 'INFORMATION ONLY ITEMS' REPORT BE NOTED AND RECEIVED.

CARRIED 10 VOTES TO 0

13. REPORTS OF DELEGATES

13.1 CR BLAIR – WALGA CONFERENCE 2004

Cr Blair provided the following report.

“The theme of the conference this year was **ONE VOICE UNITED FOCUSED COMMITTED**.

There were development sessions, presentations, workshops, and field trips.

In the development sessions they were many and varied from relationships with your fellows, risk management, and thriving on the challenge of change, and community renewal.

Ivan Deveson OA former Mayor of Melbourne spoke about understanding your role as a community leader and the benefits of training and learning and how this can add value to your Local Government career. He asked what are your leadership skills, our media image responsibilities, commitment to continuous learning, and finding a better way of doing it, get rid of finger pointers.

At the AGM the President spoke on the increase of Library funding over the next four years with an additional \$10.3 million, encouraging the State Government to reinstate \$12 million that was slashed last year from road funding. There was a win with the State Records Act with reversing the intended application of this legislation; he also spoke on self insurance, the environment and waste.

An important issue facing Local Governments in 2003, was the significant public liability exposure created by the High Court decisions. After extensive lobbying by the Association, the State Government agreed to legislate to close the loophole and councils now have a conditioned form of nonfeasance immunity.

In order to support the crucial role of Local Government in building and maintaining strong communities, the Association is seeking policy commitments from State political parties in the lead up to the state election. The Association has developed a Local Government State Election Platform which seeks to highlight Local Government’s position on a broad range of priority issues impacting on Councils and their communities and he asked all Mayors and Presidents to take the time to read the Platform and advocate the various positions at the local level.

The AGM motions presented to the forum were many, they ranged from transferring to another zone to ensuring medical specialist visiting country regions be preserved and allowing Councils to conduct their own postal vote elections instead of the sole authority of the State Electoral Commission.

The Premier, the Minister for Local Government, and the Opposition Spokesman for Local Government all spoke about what they plan to do in the next year for Local Government.

Item 13.1 Continued

There were four keynote speakers on Monday - Fabian Datter on Envisioning the Future, Graham Maybury on Creating Community Synergy, Ivan Deveson on Leverage from Learning and Joshua Owen on Strategic Management.

Tuesday we were treated to hearing Steve Waugh, he spoke on his involvement in the Australia Day honours as part of his role as Australian of the year. There were five field trips and three workshops. The field trips were New Metro Rail, Midland Redevelopment, Regional Resource Recovery Centre, Mindarie Regional Council, and Renewable Energy Options for Communities.

The workshops were Business Growth, - The key to economic development in your region, Visitor Servicing in WA – Understanding gateways and iconic landscapes and the Green Panel – Leadership and knowing your responsibilities in the game plan.

This year's conference was busy and very enjoyable as the programme had something for everyone.

I would like to say thank you to the City of Belmont for allowing myself and other Councillors to participate in this worthwhile and informative conference”.

BASS MOVED, MARKS SECONDED, THAT THE REPORT BY COUNCILLOR BLAIR ON THE WALGA CONFERENCE 2004 BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

13.2 CR BLAIR – EAST ZONE REPORT

Councillor Blair provided the following report.

“There were a few items withdrawn from the agenda for discussion at the last meeting of the East Zone – they were:

1. Review of the Corporate Governance Charter for the State Council.
2. Public Access Ways.
3. Network City - Community Planning Strategy for Perth and Peel. Consideration of Draft Partnership Agreement between State and Local Government.
4. Review of the Dog Act 1976 – Proposed Amendments.
5. Local Government (Official Conduct) Amendment Bill.

Item 13.2 Continued

In General Business, the Zone moved:

1. That the WA Local Government Association in conjunction with the Local Government Managers Australia continue making strong representations to the Minister for Local Government and Regional Development seeking his reconsideration of the Local Government Act Amendment Bill in relation to employment of Chief Executive Officers that will be a retrograde step for all Local Governments of WA and the communities they serve.
2. That this position is strenuously presented to Opposition parties for adoption in their positions on the Local Government Act Amendment Bill.

The next meeting of East Zone will have a deputation of representatives from the South West Aboriginal Land and Sea Council at the September meeting of the Zone to discuss the process of negotiating agreements for native title and related issues with Zone Delegates. This will be very interesting to listen and learn how a consultation protocol for heritage, employment, training, and business opportunities for aboriginal people was set up”.

GODFREY MOVED, WHITELEY SECONDED, THAT THE REPORT BY COUNCILLOR BLAIR ON EAST ZONE BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

13.3 CR GRANT - THE ADACHI STUDENT DELEGATION

Councillor Grant presented the following report.

“The Adachi Student Delegation, consisting of 20 students and eight adults, arrived in Perth on Tuesday, 27 July for a five day visit.

Upon arrival, they were taken to the Rivervale Community Centre for breakfast, where they were officially welcomed by the Belmont Mayor, Belmont Councillors and the Sister City Committee.

As part of the visit, on Wednesday 28 July, their itinerary included a one night stay at the Swan Valley Retreat in the Swan valley. This was also attended by me, the ten Belmont students and two chaperones that will be travelling to Japan in January 2005. We had a fun barbecue night which was followed by a demonstration of aboriginal culture by local aboriginal people.

Later in the evening, the Japanese students gave demonstrations of various cultural performances, which we were all to see again performed at their farewell dinner. We finished the evening with all the students from both delegations singing a few songs together and having a good deal of fun.

Item 13.3 Continued

After breakfast the following Friday morning, all the students and adults from both delegations departed for a day of visiting various exhibitions.

At 5.30pm on Friday evening, after a busy day, the students arrived back at Council where in the Chambers, each Japanese student was presented with an 'Aussie Pack' from the Mayor, and Federal Member for Swan, Kim Wilkie.

On the evening of Monday, 2 August, a farewell dinner was held for the Japanese Delegation, along with our Belmont Student Delegation, some host families, Belmont Councillors and Special guests. The evening was a great success as all the students had experienced a wonderful time together over a period of five days.

The children were presented with a small gift each and the adult delegation each received an Australian book, flag and a football scarf.

With many tears flowing all the students left hoping to catch up again in Adachi next year".

BLAIR MOVED, ROSSI SECONDED, THAT THE REPORT BY COUNCILLOR GRANT ON THE ADACHI STUDENT DELEGATION BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

13.4 CR RICHARDSON – ADACHI PARK DEDICATION CEREMONY

Councillor Richardson advised that he represented the Mayor at the Dedication of Adachi Park during the visit of the Adachi Citizen's Delegation on Thursday, 17 August 2004. Councillor Richardson extended his appreciation to the Councillors and staff who were involved in and also attended the dedication ceremony.

BLAIR MOVED, ROSSI SECONDED, THAT THE REPORT BY COUNCILLOR RICHARDSON ON THE ADACHI PARK DEDICATION CEREMONY BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

13.5 CR MARKS – LOCAL GOVERNMENT WOMEN’S ASSOCIATION

Councillor Marks noted that he attended a recent seminar developed by the Local Government Women’s Association. The seminar was also attended by the Mayor, Crs Blair and Whiteley, the Acting Chief Executive Officer and a number of staff members. Councillor Marks extended his congratulations to Councillor Blair for her dedication and involvement in the Association and for a very successful and informative event.

RICHARDSON MOVED, POWELL SECONDED, THAT THE REPORT BY COUNCILLOR MARKS ON THE LOCAL GOVERNMENT WOMENS ASSOCIATION BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

13.6 CR GODFREY – AVON DESCENT

Councillor Godfrey presented the following report.

“On the weekend of the 7-8 August 2004 it was my pleasure to represent the City of Belmont at the Multiplex 32nd Avon Descent.

Each of the functions hosted by the Town of Northam, Shire of Toodyay, City of Swan and the City of Bayswater were very enjoyable and successful. They had a good opportunity to network with other major sponsors such as Lotterywest. At each event the City of Belmont was acknowledged as a major sponsor of the Avon Descent by the organisers, the Northam’s Avon Descent Association.

Also the banner used at all major viewing points included our logo which was very prominent. The commentator at Extracts Weir and Bells Rapids announced the major sponsors throughout the day and also made mention of the new facility the City of Belmont were building at Garvey Park for kayaking.

The race commencing in Northam was late to start due to the fog not lifting. It was however, a spectacular sight to see a record number of 805 competitors start their 133km white water classic race to the finish line.

It was an enjoyable experience to witness the Avon Descent from start to finish and to know that the City of Belmont is participating and contributing to a world class event which promotes the region and I thank Council for arranging my attendance”.

BASS MOVED, ROSSI SECONDED, THAT THE REPORT BY COUNCILLOR GODFREY ON THE AVON DESCENT BE RECEIVED AND NOTED.

CARRIED 10 VOTES TO 0

13.7 CR PASSERI – AUSTRALIAN MAYORAL AVIATION COUNCIL (AMAC) CONFERENCE

The Mayor advised that he and Councillor Marks recently attended the AMAC Conference and noted that it was the best he has ever attended with world class speakers. Councillor Passeri briefly noted the various highlights at the Conference and stated that he and Councillor Marks will present a more formal report next month.

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

Nil.

15. MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

16. CLOSURE

Prior to closing the meeting the Mayor accepted a request from Cr Blair to accept a motion recognising Mr Neil Hartley for his excellent service to the City for the past 14 months whilst its ACEO.

MARKS MOVED, BLAIR SECONDED, THAT COUNCIL OFFER ITS SINCERE APPRECIATION TO MR NEIL HARTLEY FOR HIS VALUED SERVICE AND EFFORTS DURING THE EXTENSIVE PERIOD HE HAS ACTED IN THE CAPACITY OF CHIEF EXECUTIVE OFFICER FOR THE CITY OF BELMONT.

CARRIED 10 VOTES TO 0

There being no further business to discuss, the Mayor declared the meeting closed at 9.12pm.