



**City of Belmont**  
**ORDINARY COUNCIL MEETING**  
**MINUTES**  
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25 October 2016

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#### **CONFIDENTIAL ATTACHMENTS INDEX**

- Confidential Attachment 1 – Item 12.1 refers
- Confidential Attachment 2 – Item 14.1 refers

**Councillors are reminded to  
retain the OCM Attachments for discussion with the Minutes**

## MINUTES

### PRESENT

Cr R Rossi, JP, Deputy Mayor (Presiding Member)	West Ward
Cr L Cayoun	West Ward
Cr P Hitt	West Ward
Cr M Bass	East Ward
Cr B Ryan	East Ward
Cr P Gardner ( <i>arr 7.01pm</i> )	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward

### IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr N Deague	Director Community and Statutory Services
Mr R Lutey	Director Technical Services
Mr R Garrett	Director Corporate and Governance
Mr J Olynyk, JP	Manager Governance
Mr J Hardison	Manager Property and Economic Development
Ms T Verhagen ( <i>dep 7.28pm &amp; did not return</i> )	Coordinator Property and Economic Development
Ms D Morton	Media and Communications Officer
Ms E Cashman	Senior Governance Officer
Ms S D'Agnone	Governance Officer

### MEMBERS OF THE GALLERY

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

**1. OFFICIAL OPENING**

The Presiding Member opened the meeting at 7.00pm, welcomed those in attendance and read the Acknowledgement of Country.

***It is important that we acknowledge the traditional owners of the land on which we are meeting today the Noongar Whadjuk people and pay respect to Elders both past and present.***

**7.01pm Cr Gardner entered the meeting.**

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

**Affirmation of Civic Duty and Responsibility**  
***I make this affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgement and ability. I will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.***

**2. APOLOGIES AND LEAVE OF ABSENCE**

Cr P Marks, Mayor (Apology)

East Ward

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

**3.1 FINANCIAL INTERESTS**

Nil.

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

Nil.

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

**4.1 ANNOUNCEMENTS**

Nil.

**4.2 DISCLAIMER**

**7.01pm The Presiding Member advised the following.**

*"I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting tonight, can be revoked, pursuant to the Local Government Act 1995.*

*Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received.*

*Any plans or documents in agendas and minutes may be subject to copyright. The express*

**4.3 DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING**

Nil.

**5. PUBLIC QUESTION TIME**

**5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

Nil.

**5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

7.02pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the A/Mayor advised that he had registered two members of the public who had given prior notice to ask questions.

**5.2.1 MR A GIBB, 4 WATERWAY CRESCENT, ASCOT**

1. When do we see plans of the proposed building at 2 Waterway Crescent and 52 Grandstand Road, Ascot?

**Response**

The Director Community and Statutory Services advised that if Item 12.1 is endorsed by Council, this will authorise the Chief Executive Officer to sign the Development Application form. The formal Development Application can then be lodged. As part of statutory advertising processes all residents and landowners will be informed and copies of the plans will be made available for comment.

**5.2.2 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE**

1. At the August OCM I sought understanding about the tendering process for Security and Youth Services. This question was taken on notice.

I received a comprehensive description of the Security tendering process for which I'm thankful. A minimal response was received for the Youth Services tender.

Can I be referred to a Councillor that might be able to explain the tender process for Youth Services?

**Response**

The Presiding Member advised that the Youth Services tender was an open tender and all this information was provided in the minutes of the relevant Ordinary Council Meeting.

*Item 5.2.2 Continued*

The information received on the Security tender included the number of tenders submitted and the process of how the successful tenderer was selected. These details were not included in the information provided for the Youth Services tender. It would be reassuring to know correct tender procedures were followed.

**Response**

**The Presiding Member advised that the correct process had been followed for the Youth Services tender selection.**

**The Director Community and Statutory Services advised that his recollection of the Youth Services tender was that an open tender was called and one tender was received.**

**The Director Community and Statutory Services reiterated that the City is required to comply with statutory tender processes.**

**The Director Community and Statutory Services further advised that he would take the question on notice and provide Mr Childs with a comprehensive response in relation to the Youth Services tender process.**

2. 52 Grandstand Road, Ascot. What's changed so that the motion at September OCM and the motion to be presented tonight have quite different sentiments to the motion of 24 May 2016?

**Response**

**The Manager Property and Economic Development advised that Council has the ability to change and revise motions. In this case, Council have listened to community concerns and Officers have acted on instructions from Council.**

3. Can we, the Belmont community, be assured that the procedure to find and appoint a new CEO be in accordance with the guidelines as given by the Ministry of Local Government?

**Response**

**The Presiding Member advised that the process for appointing a new Chief Executive Officer will be conducted by Council in accordance with the *Local Government Act 1995*.**

**7.10pm The Presiding Member invited the public gallery members who had yet to register their interest to ask a question to do so. No further registrations were forthcoming.**

**7.10pm As there were no further questions, the Presiding Member declared Public Question Time closed.**

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

**6.1 ORDINARY COUNCIL MEETING HELD 27 SEPTEMBER 2016**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**POWELL MOVED, WOLFF SECONDED,**

*That the minutes of the Ordinary Council Meeting held on 27 September 2016 as printed and circulated to all Councillors, be confirmed as a true and accurate record.*

**CARRIED 8 VOTES TO 0**

**6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 18 OCTOBER 2016**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**CAYOUN MOVED, BASS SECONDED,**

*That the Information Matrix for the Agenda Briefing Forum held on 18 October 2016 as printed and circulated to all Councillors, be received and noted.*

**CARRIED 8 VOTES TO 0**



**7. QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil.

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

Nil.

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

Nil.

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

Nil.

**11. REPORTS OF COMMITTEES**

Nil.

**12. REPORTS OF ADMINISTRATION**

**WITHDRAWN ITEMS**

Item 12.1 was withdrawn at the request of Cr Powell

**WOLFF MOVED, CAYOUN SECONDED,**

*That with the exception of Item 12.1 which will be considered separately, the Officer or Committee Recommendations for Items 12.2, 12.3, 12.4, 12.5 and 12.6 be adopted en bloc by an Absolute Majority decision.*

**CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0**

**12.1 PROPOSED DISPOSAL OF 52 GRANDSTAND ROAD, ASCOT**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 1 – Item 12.1 refers</b>	<a href="#"><u>Concept Drawings</u></a>
<b>Confidential Attachment 1 – Item 12.1 refers</b>	<a href="#"><u>Conditional Contract of Sale</u></a>

Voting Requirement	:	Simple Majority
Subject Index	:	68/004 – Council Land Acquisitions and Management
Location/Property Index	:	52 Grandstand Road, Ascot
Application Index	:	
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 27 September 2016 – Item 12.1 OCM 24 May 2016 – Item 12.5 OCM 22 July 2014 – Item 12.3 OCM 27 May 2014 – Item 12.1 OCM 25 February 2014 – Item 12.7
Applicant	:	Craigcare
Owner	:	City of Belmont
Responsible Division	:	Community and Statutory Services and Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

For Council to endorse an alternative development proposal by Craigcare in relation to 52 Grandstand Road, Ascot, which is aligned with Council's resolution of 27 September 2016.

*Item 12.1 Continued*

## **SUMMARY AND KEY ISSUES**

Consideration at the OCM 27 September 2016 of the resolution adopted at the Special Meeting of Electors held on 7 September 2016 resulted in the adoption of a Council resolution effectively restricting the contemplated development of 52 Grandstand Road to no more than five (5) storeys. An alternative development proposal is being promulgated by Craigcare which aligns with Councils resolution. This report is required to obtain Council's specific support to progress this new proposal and potential sale of 52 Grandstand Road, Ascot.

## **LOCATION**

52 Grandstand Road, Ascot.



## **CONSULTATION**

There has been significant community consultation in relation to the proposed sale and development of 52 Grandstand Road by way of advertising, direct mail, submission by the local community, 23 August 2016 Ordinary Council Meeting, 7 September 2016 Special Meeting of Electors, public submissions at the 20 September 2016 Agenda Briefing Forum and significant questions and answers at 27 September 2016 Ordinary Council Meeting, which has resulted in Council resolving a position that is closely aligned to the Ascot Waters community's expectations.

In addition, Craigcare have directly consulted with the City's community through a public forum held at Centenary Park Community Centre, the Special Meeting of Electors as well as a meeting with representatives of the Ascot Waters community following the Special Meeting of Electors to ascertain their precise expectations regarding any development on 52 Grandstand Road.

Some of this consultation related to the proposed sale, and some related to the proposed development.

*Item 12.1 Continued*

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

**Objective:** Achieve excellence in the management and operation of the local government.

**Strategy:** Ensure Council is engaged at a strategic level to enable effective decision making.

**Strategy:** Ensure community requirements drive internal policies and processes.

**Objective:** Apply sound and sustainable business management principles

**Strategy:** Operate Council's land and facilities portfolio as an efficient investment.

**Corporate Key Action:** Implement the City's Land Asset Management Plan.

In accordance with the Strategic Community Plan Key Result Area: Built Belmont

**Objective:** Achieve a planned City that is safe and meets the needs of the community.

**Strategy:** Encourage a wide choice and consistent implementation of development approaches.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time, however should the proposal progress to a development application, then all appropriate planning legislation and policy will apply.

### **STATUTORY ENVIRONMENT**

Relevant sale of property and planning legislation applies in the consideration of the actions recommended in this report in the same manner as previous related reports.

### **BACKGROUND**

In accordance with Council's resolution at its 24 May 2016 Ordinary Council Meeting, a development application was lodged which proposed the construction of a 15 storey retirement and aged care centre on 52 Grandstand Road, Ascot.

Community consultation in relation to this application resulted in significant negative feedback and concerns, most specifically related to the height and bulk of the proposed building as compared to the surrounding low rise residential developments.

*Item 12.1 Continued*

As a result of the feedback, and in the consideration of the resolution passed at the Special Meeting of Electors held on 7 September 2016, Council resolved the following position:

**CAYOUN MOVED, HITT SECONDED,**

***That Council immediately pause the process of disposing of 52 Grandstand Road to Craigcare and commit to recommence the process in the event that Craigcare agree to a development which is five storeys or less.***

**CARRIED 8 VOTES TO 1**

*For: Bass, Cayoun, Gardner, Hitt, Marks, Powell, Rossi, Ryan  
Against: Wolff*

**Reason:**

**To ensure that any development is in keeping with the current low rise residential nature of Ascot Waters, in line with the overwhelming desire of the Ascot Waters community who do not want a 15 storey high rise development.**

As a result of the community consultation outcomes, Craigcare's discussions with representatives of the Ascot Waters community, some technical issues with regard to other responsible authority's requirements and the above resolution, Craigcare are now proposing an alternative development model that aligns as closely as possible to all parties' expectations.

**OFFICER COMMENT**

City officers have been liaising with Craigcare in an attempt to understand Craigcare's intended approach to the impediments placed before the current process.

At a meeting on Friday, 7 October 2016, a way forward was discussed which requires Council support to progress further. Craigcare have confirmed that they are keen to continue the acquisition process for 52 Grandstand Road, and are now proposing to develop a five (5) storey aged care facility rather than pursue the 15 storey original proposal. Concept drawings relating to this new proposal are included at [Attachment 1](#).

In order to achieve this outcome, Craigcare have lodged a request to the Joint Development Assessment Panel (JDAP), through the City, for the current development application for an extension of time of eight (8) weeks to enable revision of the development plans. This has been approved by the JDAP with the due date for a Responsible Authority Report (RAR) to be lodged being 9 December 2016. Given that the amended proposal is significantly different, it is likely that it will necessitate the lodgement of a new development application to facilitate consideration of the modified design by the JDAP. Consequently, it is intended that Craigcare lodge a new development application once Council's resolved position is clear.

In the same manner as applied with the initial development application, the City will be required to co-sign the development application as owner to acknowledge that it is aware of the development application being lodged. In order for this to occur, Council's authorisation for the CEO to sign the development application is sought.

*Item 12.1 Continued*

Once lodgement of a new development application is authorised by Council, Craigcare will be able to withdraw the current development application prior to its consideration by the JDAP, and replace it with the revised development application for a five (5) storey development.

As would be expected, Craigcare are also keen to ensure that its own interests are protected in this process, and accordingly would like to continue the proposed signing of the conditional contract of sale already agreed by Council in May 2016. This would need further review prior to signing, but will continue to contain the very specific conditions which were adopted by Council in May 2016. A copy of the agreement in its current form is attached at [Confidential Attachment 1](#) for Council's information.

Consistent with the current approach, final authorisation for the actual disposal of the property will remain subject to any development approval by the JDAP and meeting all of Council's imposed conditions of sale. This will be the subject of a Council report for a decision to be made once JDAP approval is forthcoming, and should be made in full consideration of any changes which may be imposed by the JDAP.

It should be noted, however, that Council should be prepared to agree to sell the land if all conditions precedent are complied with. Although the conditional contract of sale, by necessity, provides clarity and protection to both parties, failure to comply with obligations under it may lead to litigation should either party consider themselves aggrieved and choose to pursue it.

### **FINANCIAL IMPLICATIONS**

In March 2014, 52 Grandstand Road, Ascot was valued at \$3.15M.

Section 3.58 (4) of the *Local Government Act 1995* requires Council to consider:

- (c) *the market value of the disposition —*
  - (i) *as ascertained by a valuation carried out not more than 6 months before the proposed disposition;*

A new valuation will be undertaken and reported to Council as part of any recommendation.

### **ENVIRONMENTAL IMPLICATIONS**

There are no specific environmental implications at this time.

### **SOCIAL IMPLICATIONS**

Progress of the proposed development will provide for aged care, accommodation and associated services for the community.

*Item 12.1 Continued*

**OFFICER RECOMMENDATION**

That subject to Craigcare withdrawing the current development application for a 15 storey development, and in accordance with its resolution at the Ordinary Council Meeting of 27 September 2016, Council:

1. Agree to receive a substitute development application from Craigcare for an aged care development of not more than 5 storeys on the property at 52 Grandstand Road, Ascot.
2. Progress the execution of a conditional contract of sale once a development application for a development of not more than five (5) storeys that meets the City's conditions of sale determined at its Ordinary Council Meeting of 24 May 2016 is received by the City.
3. Authorise the Chief Executive Officer to sign the development application and conditional contract of sale, and any other documents incidental to their implementation.

**Note:**

**Cr Powell put forward the following Alternative Councillor Motion**

**ALTERNATIVE COUNCILLOR MOTION**

**POWELL MOVED, WOLFF SECONDED,**

***That subject to Craigcare withdrawing the current development application for a 15 storey development, and in accordance with its resolution at the Ordinary Council Meeting of 27 September 2016, Council:***

1. ***Agree to receive a substitute development application from Craigcare for an aged care development of not more than 5 storeys on the property at 52 Grandstand Road, Ascot.***
2. ***Progress the execution of a conditional contract of sale once a development application for a development of not more than five (5) storeys that meets the City's conditions of sale determined at its Ordinary Council Meeting of 24 May 2016 is received by the City.***
3. ***Authorise the Chief Executive Officer to sign the development application and conditional contract of sale, and any other documents incidental to their implementation.***
4. ***Write to the residents of Ascot Waters and update/inform them of the new recommendation.***

**CARRIED 8 VOTES TO 0**

**Reason:**

To ensure that the residents are kept up to date with the latest recommendation and action of the City of Belmont.

7.28pm The Manager Property and Economic Development departed the meeting.

7.28pm The Coordinator Property and Economic Development departed the meeting and did not return.

**12.2 CITY OF BELMONT WATER EFFICIENCY ACTION PLAN 2016-2021**

**NATURAL BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 2 – Item 12.2 refers</b>	<a href="#"><u>City of Belmont Water Efficiency Action Plan 2016-2021</u></a>

Voting Requirement : Simple Majority  
Subject Index : 30/017  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : 19 September 2016 Standing Committee  
(Environmental) - Item 11.1  
Applicant : N/A  
Owner : N/A  
Responsible Division : Technical Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To present the City of Belmont Water Efficiency Action Plan to Council for endorsement (refer [Attachment 2](#)).

**SUMMARY AND KEY ISSUES**

The Water Efficiency Action Plan outlines the City's commitment to water efficiency actions across different business units being coordinated by Parks and Environment. This action plan does not duplicate actions from other corporate strategies rather consolidates them into one reporting platform.

The Draft Water Efficiency Action Plan was considered at the 19 September 2016 Standing Committee (Environmental) meeting.



*Item 12.2 Continued*

**LOCATION**

N/A

**CONSULTATION**

N/A

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the Strategic Community Plan Key Result Area: Natural Belmont.

**Objective:** Enhance the City's environmental sustainability through the efficient use of natural resources and minimise the City's carbon footprint.

**Strategy:** Manage water use with a view to minimising consumption.

**Corporate Key Action:** Corporate Business Plan 2016 to 2020 – Action 227 - Meet requirements for 2016 Waterwise Council Program accreditation.

**POLICY IMPLICATIONS**

The Water Efficiency Action Plan supports the City's Environment and Sustainability Policy NB3, with direct relevance to the following policy commitments:

- I. Undertake continual improvement of the Environmental Management System in order to enhance environmental performance of City operations.
- IV. Efficient use of energy, water, paper and other resources, reducing waste generated and implementing renewable energy technologies to minimise the City's carbon footprint.
- V. Planning for and implementing measures to 'future proof' City operation against the predicted impacts of climate change.

The City's Environmental Purchasing Policy NB1 supports actions being implemented through this plan, in particular, provide for the purchase of specific environmentally preferable goods and services.

**STATUTORY ENVIRONMENT**

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

**BACKGROUND**

The City has been an endorsed Waterwise Council since 2010 and through the Strategic Community Plan and Corporate Business Plan remains committed to maintaining this accreditation.

*Item 12.2 Continued*

This commitment represents our promise to the community to maintain our facilities and public open spaces to be as water efficient as possible. In a drying climate and with increased pressure to conserve water resources, participation in the Program can assist the City in continuing to provide its community with high quality services (ie facilities, irrigated public open space, events).

In 2016, the Water Corporation changed the criteria for the program and now requires all participants to develop and implement a Water Efficiency Action Plan (WEAP), based on the Department of Water's template. In order to meet requirements for 2016 Waterwise Council Program accreditation, the WEAP is required to be submitted to the Water Corporation by 31 October 2016.

**OFFICER COMMENT**

The WEAP includes actions focused on maintaining and advocating water efficiency, education and best practices in potable and non-potable water use (scheme and groundwater use). The implementation of the plan does not introduce actions or objectives which are not currently covered in other associated plans, for example the Environment and Sustainability Strategy. Rather, this plan consolidates these actions to better enable the City to report on water consumption and efficiencies during a water year (equivalent to financial year).

The overall objective of the WEAP is to ensure that Waterwise actions implemented in our facilities and public open spaces are being monitored and the water savings or efficiencies are being reported against. As per the Waterwise Council Program requirements, the City will submit to the Water Corporation an annual report to demonstrate its commitment to conserving potable and non-potable water and to demonstrate achievements as a Waterwise Council.

The Draft Water Efficiency Action Plan was considered at the 19 September 2016 Standing Committee (Environmental) meeting.

As noted in the minutes of the 19 September 2016 Standing Committee (Environmental) meeting:

**HITT MOVED, MARKS SECONDED,**

***That Council endorse the City of Belmont Water Efficiency Action Plan 2016-2021, as detailed in Attachment 5.***

**CARRIED 4 VOTES TO 0**

Since the 19 September 2016 Standing Committee (Environmental) meeting, the Water Efficiency Action Plan 2016-2021 has been amended with the inclusion of the following disclaimer on Page i:

**“DISCLAIMER**

This document has been published by the City of Belmont in good faith. Data contained within is accurate as of the date of publishing. Notwithstanding this, water consumption data may vary in the future as accounts are verified by the Water Corporation and Planet Footprint. Data for 2015/16 may include some estimated accounts.”

*Item 12.2 Continued*

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

The implementation of this Action Plan will assist the City in reducing water use in some facilities and remain water efficient in its public open spaces.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**COMMITTEE RECOMMENDATION**

*That Council endorse the City of Belmont Water Efficiency Action Plan 2016-2021 as detailed in [Attachment 2](#).*

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

**12.3 2016-2017 OCTOBER BUDGET REVIEW**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 3 – Item 12.3 refers</b>	<a href="#"><u>2016-2017 October Budget Review</u></a>
<b>Attachment 4 – Item 12.3 refers</b>	<a href="#"><u>Statement of Budget Review</u></a>
<b>Attachment 5 – Item 12.3 refers</b>	<a href="#"><u>Reserve Accounts 30 June 2017</u></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

This report is prepared to conduct the first review of the Budget and recommend adjustments to the 2016-2017 Adopted Budget.

**SUMMARY AND KEY ISSUES**

In keeping with sound financial management practices, a review of the 2016-2017 Adopted Budget has been conducted. The Budget remains in balance with all carried forward issues from 2015-2016 addressed.

*Item 12.3 Continued*

### **LOCATION**

N/A

### **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter other than internal staff. Community consultation is not required.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the Strategic Community Plan Key Result Area: Business Belmont.

**Objective:** Achieve excellence in the management and operation of the local government.

**Strategy:** Ensure Council is engaged at a strategic level to enable effective decision making.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires a local government to carry out a review of its Budget between 1 January and 31 March each year, report it to Council and then report the outcome of the review to the Department of Local Government. The City of Belmont has for many years now conducted two budget reviews, one in October and one in March. A further review will be conducted and reported to Council and also the Department of Local Government and Communities (the Department) in March 2017.

Attached is a 'Statement of Budget Review' ([Attachment 4](#)) which compares the proposed October Budget Review to the current Authorised Budget as requested by the Department.

### **BACKGROUND**

In keeping with Council's ongoing budget control and financial management, a number of adjustments are required to ensure the City's Budget continues to reflect an accurate position. As it is now some five months since the detailed Budget was prepared and the carried forward figure was estimated, many estimates can now be accurately confirmed. For statutory reporting purposes, the adopted Budget is used, however, for sound management purposes, the adjusted Budget will be used on a day to day basis in the Management Reports.

*Item 12.3 Continued*

The October Budget Review process is predominantly aimed at addressing the following issues:

- Carried Forward Figure as at 30 June 2016 (to be confirmed by Council's Auditors as part of the end of year Audit)
- Decisions of Council requiring funding
- Confirmation of various Government Grants
- Confirmation of expenses (e.g. tenders)
- Building, Grounds and Engineering Carry Forward Works.

**OFFICER COMMENT**

The following summary lists the Divisional adjustments from the Summary of Income and Expenditure Variances.

*(brackets indicate increased income/reduced expenditure)*

• Opening Balance-Surplus	(512,003)
• Chief Executive Officer Section	192,000
• Corporate and Governance Division	(709,364)
• Technical Services Division	341,874
• Community and Statutory Services Division	687,493
• Closing Balance	0
	<hr/>
	Net Cost
	0

As has been the case in previous October Budget Reviews, one of the issues to be addressed relates to the 1 July opening balance. The opening balance is predicted early in the budget process to enable budget preparation and rate modelling to proceed.

The Opening Balance of \$3,507,003 exceeded the estimate of \$2,995,000. The variance relates to the carry forward of capital projects, particularly Road and Building projects. These particular projects are noted in [Attachment 3](#).

A detailed listing of all budget adjustments can be found in [Attachment 3](#). It should be noted that the report includes only those line items that have changed during the review process, all other line items remain as per the Adopted Budget. Those noteworthy adjustments are further explained in the summary that follows.

- An additional \$130k for the (CEO's) Consultants budget to complete the Faulkner Park precinct's hydrological and flora/fauna assessment (\$90k) and to undertake the review of the Belmont Sports and Recreation Club (BSRC) (\$40k).
- An additional \$62k has been allocated within Human Resources to fund the CEO recruitment process.
- Net funding of \$41.5k (\$50k loan less repayments) has been allocated as a loan to the BSRC.

*Item 12.3 Continued*

- Net budget adjustments have allowed for an increase (\$695k) in the transfer to the Property Development Reserve.
- Ex gratia (Airport) rates have increased by \$1.5M of which approx. \$0.5M relates to back/interim rates. This increase is associated with completion of works at the Airport in the prior year including commercial carparks and the Virgin pier.
- Budget adjustments in regards to Roads, Drainage, and Footpaths relate to a carried forward of funds from 2015-2016 and re-prioritising and re-scoping of certain projects. It should also be noted that National Stronger Regions Fund grant income has been centrally budgeted within the one account line rather than across projects.
- An additional net budget of \$56k has been allocated to the Belmont Oasis to complete the Oasis Masterplan and replace various plant and equipment.
- Building Construction projects have received an additional allocation of \$509k with \$282k relating to the carry forward of funds for the new Faulkner Park Community Centre and Miles Park Community Centre. Other significant budget allocations relate to bollard lighting replacement at Ascot Waters (\$55k), roof cover replacement at the RSL Club (\$58k) and minor works at the Belmont Oasis (\$70k) including partial floor replacement.
- In addition to those above mentioned building projects \$39k has also been allocated to replace wiring to the lighting at Belmont Oval.
- A net budget increase of \$27k for the Local History Project which relates mainly to the purchase of packing materials for the museums artefacts and the expected grant funding received has decreased \$10k.
- Additional funding of \$48.5k to support a Domestic Violence Advocate position to be located at the Belmont Police Station. The budget is based on having that position filled for the final 8 months of 2016-2017.
- Additional grant funding of \$46k is expected from the Department of Child Protection to support the City's youth programs.

[Attachment 5](#) provides an updated estimate of reserve balances for the 2016-2017 year with reserve balances expected to increase in 2016-2017 to \$47.6M.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

The effective management of the City's Annual Budget ensures that the community has access to the services and facilities it needs now and into the future.

*Item 12.3 Continued*

**OFFICER RECOMMENDATION**

***That Council:***

- 1. In accordance with Local Government (Financial Management) Regulations 1996 Regulation 33A, adopt the amendments contained in the 2016-2017 Budget Review (Attachments [3](#) and [4](#)), including the descriptions of variations and closing fund amendments.***
- 2. Authorise the Director Corporate and Governance to amend the 2016-2017 Budget in accordance with all resolved variations.***

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



## 12.4 RATE EXEMPTION REQUEST – COMMUNITY HOUSING LIMITED

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	Listed Below
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	Community Housing Limited
Owner	:	Housing Authority
Responsible Division	:	Corporate & Governance

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

To consider a request for rate exemption on the following properties:

<b>Parcel details</b>	<b>Property known as</b>
Lot 11 on Plan 7661	130 Knutsford Avenue, Rivervale
Lot 81 on Plan 6060	86A Toorak Road, Rivervale
Strata Lot 2 on Strata Plan 58825	383A Wright Street, Cloverdale

#### SUMMARY AND KEY ISSUES

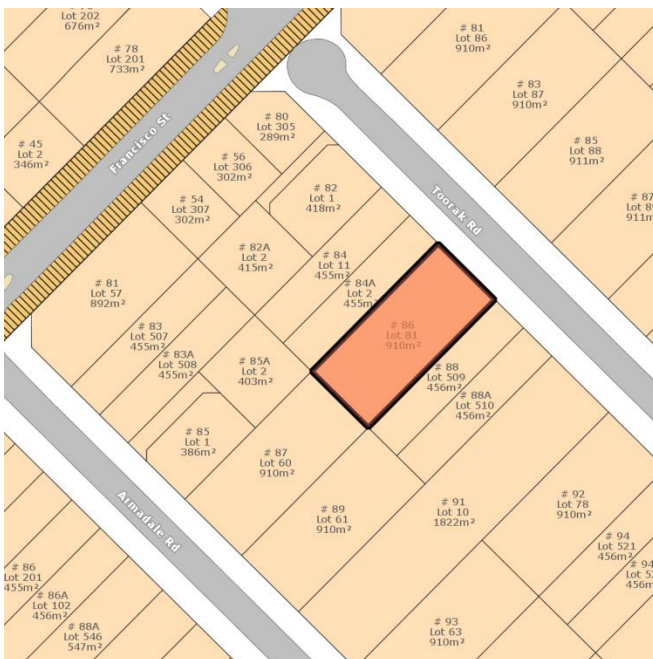
Community Housing Limited (CHL) have made an objection under section 76 of the *Local Government Act 1995* (the *Act*) to the Rate Book and provided documentation to support their claim.

Item 12.4 Continued

**LOCATION**



Lot 11 on Plan 7661 known as 130 Knutsford Avenue, Rivervale.



Lot 81 on Plan 6060 known as 86A Toorak Road, Rivervale (front house only).

*Item 12.4 Continued*



Strata Lot 2 on Strata Plan 58825 known as 383A Wright Street, Cloverdale.

**CONSULTATION**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

There is no specific strategy associated with rating practices; however the consideration of this report is consistent with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

**Objective:** Apply sound and sustainable business management principles.

**Strategy:** Ensure competitive and sustainable financial performance through effective modelling, financial management and reporting practices which underpin capacity building.

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

*Item 12.4 Continued*

### **STATUTORY ENVIRONMENT**

The relevant sections of the *Act* that apply are:

1. Section 6.26 of the *Act* states:

*“Except as provided in this section all land within a district is rateable land.*

- (2) The following land is not rateable land*
- (g) land used exclusively for charitable purposes;”*

2. Section 6.53 of the *Act* states:

*“Land becoming or ceasing to be rateable land:*

*Where during a financial year -*

- (a) land that was not rateable becomes rateable land; or*
- (b) rateable land becomes land that is not liable to rates,*

*the owner of that land -*

- (c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or*
- (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land, as the case requires”*

3. Section 6.76 of the *Act* states:

*“(1) A person may, in accordance with this section, object to the rate record of a local government on the ground —*

- (a) that there is an error in the rate record —*
  - (ii) on the basis that the land or part of the land is not rateable land;*
- (3) An objection under subsection*
  - (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.”*

### **BACKGROUND**

On 6 December 2010, the Housing Authority signed a Community Housing Agreement with CHL. The community housing lease advises that the Housing Authority wishes to partner with community housing organisations to increase the supply of community housing in WA and manage the risk and optimise the benefit to the wider community associated with the proposed devolution of management and / or ownership of community housing.

On 26 March 2012 the Department of Housing signed a community housing lease with CHL for 383A Wright Street, Cloverdale for the property to be used for Disability Housing.

Although the Disability Housing property is not fitted out for persons with physical disabilities, the current tenant has been referred to CHL by the Disability Services Commission to ensure that the property is suitable to accommodate tenants with other forms of disabilities.

*Item 12.4 Continued*

During early 2013, the Housing Authority signed two separate community housing lease with CHL for 86A Toorak Road, Rivervale and 130 Knutsford Avenue, Rivervale for the properties to be used for Social Housing.

Eligible tenants of these two properties (Managed by the Housing Authority Joint Wait List) are charged up to a maximum of 25% of their household income allowed under the Commonwealth Rental Assistance Scheme (CRA).

CHL Constitutions advises that –

*The object for which the Company is established is to be a non profit Corporation that:-*

*(a) acquires on its own behalf, or manages or holds as trustee on behalf of any public, government, semi or local government or charitable person, association, bodies, funds, institutions or organizations, land and buildings so that:*

*(i) shelter is provided to persons in crisis and/or who have inadequate access to safe and secure housing;*

*(ii) housing may be provided to low income persons including members from ethnic groups, young people (single, dependent or otherwise), people with disabilities, people who are aged, childless couples, single parent families, families and/or other households in need;*

*(b) provides housing advice and referral services which may assist homeless persons into stable and long term housing;*

**OFFICER COMMENT**

CHL has provided copies of the following documents:

- Individual applications for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation);
- Statutory Declaration confirming each current property use and confirmation that the City will be advised immediately if the use of the properties change;
- Individual Lease agreements;
- Constitution/Rules or Organisation;
- 2015 Audited Financial report;
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office; and
- Australian Charities and Not for Profit Commission Certification.

*Item 12.4 Continued*

### **FINANCIAL IMPLICATIONS**

Section 6.26(2)(g) of the *Act* states that the property must be used exclusively for charitable purposes. Section 6.53 of the *Act* defines the property as being non-rateable effective from the date of the lease or 1 July of the year the application is being made. The rate exemption request is therefore effective from 1 July 2016.

All of the above mentioned properties are rated residential. The loss of revenue for the current financial year on each property is as follows:

130 Knutsford Avenue, Rivervale	\$818.39
86A Toorak Road, Rivervale	\$790.00
383A Wright Street, Cloverdale	\$998.92
<b>2016/2017 LOSS OF REVENUE</b>	<b>\$2,607.31</b>

The Emergency Fire Services levy is still applicable to each property and is required to be paid in full with the payments forwarded to the Department of Fire and Emergency Services as per their legislative requirements.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

### **SOCIAL IMPLICATIONS**

The organisation assists in the development and sustainability of strong communities with social diversity by fostering community building initiatives to improve the health and wellbeing of disadvantaged people in the municipality.

### **OFFICER RECOMMENDATION**

***That the properties known as 130 Knutsford Avenue, Rivervale, 86A Toorak Road, Rivervale and 383A Wright Street, Cloverdale be granted rate exemption under section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from 1 July 2016.***

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

## 12.5 ACCOUNTS FOR PAYMENT - SEPTEMBER 2016

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6 – Item 12.5 refers	<a href="#">Accounts for Payment – September 2016</a>

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

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

#### SUMMARY AND KEY ISSUES

A list of payments is presented to the Council each month for confirmation and endorsement in accordance with the *Local Government (Financial Management) Regulations 1996*.

*Item 12.5 Continued*

**LOCATION**

N/A

**CONSULTATION**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY ENVIRONMENT**

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

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

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

**BACKGROUND**

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

**OFFICER COMMENT**

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

Municipal Fund Cheques	787084 to 787130	\$268,236.09
Municipal Fund EFTs	EF046158 to EF046644	\$4,559,739.23
Municipal Fund Payroll	September 2016	\$1,558,546.92
Trust Fund EFTs	EF046225, EF046226 and EF046290	\$157,933.41
Total of Payment for September 2016		<u>\$6,544,455.65</u>



*Item 12.5 Continued*

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER RECOMMENDATION**

*That the Authorised Payment Listing for September 2016 as provided under [Attachment 6](#) be received.*

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

**12.6 MONTHLY ACTIVITY STATEMENT AS AT 30 SEPTEMBER 2016**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 7 – Item 12.6 refers	<a href="#"><u>Monthly Activity Statement as at 30 September 2016</u></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To provide Council with relevant monthly financial information.

**SUMMARY AND KEY ISSUES**

The following report includes a concise list of material variances and a Reconciliation of Net Current Assets at the end of the reporting month.

**LOCATION**

N/A

*Item 12.6 Continued*

### **CONSULTATION**

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

### **STRATEGIC PLAN IMPLICATIONS**

There are no Strategic Plan implications evident at this time.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

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

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

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

### **BACKGROUND**

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

### **OFFICER COMMENT**

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

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

*Item 12.6 Continued*

Previous amendments to the *Local Government (Financial Management) Regulations 1996* fundamentally changed the reporting structure which requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based.

The monthly financial report is to be accompanied by:

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

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

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

*\*\*\*Based on a materiality threshold of 10 percent of the budgeted closing balance as previously adopted by Council.*

In order to provide more details regarding significant variations as included in [Attachment 7](#) the following summary is provided.

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure - Capital</b>			
Computing	152,663	Nil	Capital purchases are on order.
Road Works	1,169,987	1,097,456	Budget spread issue regarding certain projects.
Operations Centre	256,247	159,350	Fleet/Plant is currently on order.
Building Operations	153,000	203,177	Community Centre Design work ahead of budget spread.
<b>Expenditure - Operating</b>			
Finance Department	524,053	456,563	Variance relates to the budget spread of employee costs.
Executive Services	473,264	388,390	Employee, postal and consulting costs currently under budget.
Governance	914,445	824,360	ABC Allocations are under budget.
Belmont Community Watch	329,194	223,701	Contractor invoices are paid one month in arrears.
Health	329,713	244,021	Employee costs currently under budget.
Community Services	241,161	172,635	Employee costs, Agency Staff are under budget.
Belmont HACC Services	674,657	622,573	Variance relates to the budget spread of employee costs.
Youth Services General	174,993	105,577	Contractor invoices are paid one month in arrears.
Ascot Close Housing	74,641	10,726	Management fees not yet paid.
Town Planning	927,559	637,794	Various consultants engaged but invoices yet to be received.

Item 12.6 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Sanitation Charges	1,114,985	1,005,545	Contractor invoices are paid one month in arrears.
Building - Active Reserves	196,980	261,014	Major wiring upgrade on Belmont Oval lighting to address safety concerns.
Grounds Operations	1,344,718	1,266,233	Variance relates to the budget spread of employee costs.
Streetscapes	374,197	195,942	Contractor invoices are paid one month in arrears.
Technical Services	647,637	540,159	Variance relates to the budget spread of employee costs.
Other Public Works	209,325	149,236	Variance relates to the budget spread of street lighting costs.
<b>Revenue - Capital</b>			
Property and Economic Development	(7,524,000)	Nil	Budget spread issue regarding land sales.
Road Works	(737,149)	(1,221,688)	Capital grants received earlier than anticipated.
<b>Revenue - Operating</b>			
Insurance	(906,198)	(828,272)	Insurance premiums (and recovery) were less than anticipated.
Rates	(44,021,032)	(45,550,643)	Interim ex-gratia rates.
Town Planning	(429,114)	(253,989)	Less Application fee income than expected.
Community and Recreation Service	(23,352)	(117,412)	Club Development Seminars & Kidsport funding received earlier than budgeted.

*Item 12.6 Continued*

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

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 30 September 2016</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	78,498,006	Includes municipal and reserves
- less non rate setting cash	(40,697,356)	Reserves
Receivables	12,521,517	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(3,117,262)	ESL Receivable
Stock on hand	238,547	
<b>Total Current Assets</b>	<b>47,443,453</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(14,194,786)	Includes ESL and deposits
- less non rate setting creditors and provisions	10,039,803	Cash Backed LSL, current loans & ESL
<b>Total Current Liabilities</b>	<b>(4,154,983)</b>	
<b>Nett Current Assets 30 September 2016</b>	<b>43,288,470</b>	
<b>Nett Current Assets as Per Financial Activity Report</b>		
Nett Current Assets as Per Financial Activity Report	43,288,470	
Less Restricted Assets	(348,750)	Unspent grants held for specific purposes
Less Committed Assets	<b>(42,439,720)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

**OFFICER RECOMMENDATION**

***That the Monthly Financial Reports as at 30 September 2016 as included in [Attachment 7](#) be received.***

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

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

**13.1 REQUESTS FOR LEAVE OF ABSENCE**

Nil.

**13.2 NOTICE OF MOTION (CR HITT) – AUDIO RECORD / RECORDING OF OPEN COUNCIL MEETINGS**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 8 – Item 13.2 refers	<a href="#"><u>Draft Policy – BEXBXX - Council Meetings – Recording and Access to Recorded Information</u></a>

Voting Requirement : Simple Majority  
Subject Index : 35/002 Notices of Motion  
32/015 Council Policy Manuals / Code of Conduct  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil.  
Previous Items : OCM 24 June 2014 – Item 13.5  
OCM 22 March 2016 – Item 12.4  
Applicant : N/A  
Owner : N/A  
Responsible Division : Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To consider a Notice of Motion prepared by Councillor Hitt for the adoption of Council policies and procedures relating to the audio record / recording of open Council meetings.

*Item 13.2 Continued*

### **SUMMARY AND KEY ISSUES**

Councillor Hitt has submitted a Notice of Motion to be presented to the 25 October 2016 Ordinary Council Meeting for Council to resolve the following:

1. That a policy relating to the audio record/recordings of Open Council meetings be fast tracked through Councils policies and procedures and on completion of this: point 2 be implemented
2. The audio equipment be purchased and installed as soon as possible
3. That audio record/recordings of all Council Meetings be kept and these records be made available to all Councillors and the public on request.

### **LOCATION**

N/A

### **CONSULTATION**

Consultation with Councillors was undertaken at the 15 February 2016 Special Information Forum. A similar item was considered by Council at its 22 March 2016 Ordinary Council Meeting.

Relevant internal staff, the Senior Management Group and other local governments have also been consulted.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

**Objective:** Achieve excellence in the management and operation of the local government.

**Strategy:** Ensure Council is engaged at a strategic level to enable effective decision making.

**Strategy:** Ensure community requirements drive internal policies and processes.

### **POLICY IMPLICATIONS**

Potential Council endorsement of a policy relating to audio record / recordings of Open Council meetings will necessitate amendment to the City of Belmont Policy Manual.



*Item 13.2 Continued*

## **STATUTORY ENVIRONMENT**

The *Local Government Act 1995* states –

### **5.22. Minutes of council and committee meetings**

- (1) *The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.*
- (2) *The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.*
- (3) *The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.*

### **5.25. Regulations about council and committee meetings and committees**

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
  - (a) *the matters to be dealt with at ordinary or at special meetings of councils; and*
  - (b) *the functions of committees or types of committee; and*
  - (ba) *the holding of council or committee meetings by telephone, video conference or other electronic means; and*
  - (c) *the procedure to be followed at, and in respect of, council or committee meetings; and*
  - (d) *methods of voting at council or committee meetings; and*
  - (e) *the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and*
  - (f) *the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings; and*
  - (g) *the giving of public notice of the date and agenda for council or committee meetings; and*
  - (h) *the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings; and*
  - (i) *the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and*
  - (j) *the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —*
    - (i) *tabled at a council or committee meeting; or*
    - (ii) *produced by the local government or a committee for presentation at a council or committee meeting,*

*are to be made available for inspection by members of the public.*

*Item 13.2 Continued*

- (2) *Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.*

*[Section 5.25 amended by No. 64 of 1998 s.28.]*

The *Local Government (Administration) Regulations 1996* detail the requirements for the content of the minutes of a Council or Committee meeting and the requirement that unconfirmed minutes are available for public inspection.

### **11. Minutes, content of (Act s. 5.25(1)(f))**

*The content of minutes of a meeting of a council or a committee is to include —*

- (a) *the names of the members present at the meeting; and*
- (b) *where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and*
- (c) *details of each motion moved at the meeting, the mover and the outcome of the motion; and*
- (d) *details of each decision made at the meeting; and*
- (da) *written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and*
- (e) *a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and*
- (f) *in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.*

*[Regulation 11 amended in Gazette 23 Apr 1999 p. 1717.]*

### **13. Unconfirmed minutes, public inspection of (Act s. 5.25(1)(i))**

*A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —*

- (a) *in the case of a council meeting, within 10 business days after the meeting; and*
- (b) *in the case of a committee meeting, within 5 business days after the meeting.*

There is no legislative requirement for the recording of Council meetings.

Parliamentary Privilege is legal immunity enjoyed by members of certain legislatures which are granted protection from civil or criminal liability for actions undertaken or statements made related to one's duties. This immunity is not afforded to Local Government Elected Members in Western Australia and recordings of meetings could be used as evidence in any legal proceedings.

*Item 13.2 Continued*

## **BACKGROUND**

A Notice of Motion by Councillor Hitt reads as follows:

*“Motion:*

- 1. That a policy relating to the audio record/recordings of Open Council meetings be fast tracked through Councils policies and procedures and on completion of this; point 2 be implemented.*
- 2. The audio equipment be purchased and installed as soon as possible.*
- 3. That audio record/recordings of all Council Meetings be kept and these records be made available to all Councillors and the public on request.*

*Reason:*

*To provide an accurate record of proceeding’s, debate and to alleviate any misunderstandings for all parties concerned. The motion will also help to provide transparency of Local Government proceedings, to residents and ratepayers.”*

At the 24 June 2014 Ordinary Council Meeting, Cr Cayoun put forward a Notice of Motion for Council consideration of electronic recordings of Council meetings.

## **COUNCILLOR RECOMMENDATION**

***That a proposal be prepared for consideration by Council at the July 2014 Ordinary Council Meeting outlining the costs and equipment installation timeframes for the immediate implementation of voice record processes for Ordinary Council Meetings.***

**LOST 4 VOTES TO 4**

***The Presiding Member used his casting vote in the negative and the Recommendation was lost.***

*For: Cayoun, Hitt, Gardner, Wolff  
Against: Marks, Powell, Rossi, Ryan*

**Reason:**

**Ordinary Council Meetings should be recorded to capture a permanent and accurate record of proceedings and ensure greater transparency of meeting processes.**

During January 2016, the audio visual equipment in the Council Chamber was upgraded. The upgraded audio equipment now enables the recording of Council meetings if required by Council.

Consultation with Councillors regarding a draft policy relating to Council Meetings – Recording and Access to Recorded Information was undertaken at the 15 February 2016 Special Information Forum.

*Item 13.2 Continued*

Council considered the draft policy at the Ordinary Council Meeting held on 22 March 2016 where an alternative motion was put forward by Cr Gardner as follows:

**ALTERNATIVE COUNCILLOR MOTION**

**GARDNER MOVED, CAYOUN SECONDED,**

***That:***

- 1. Council adopt policy BEXB42 Council Meetings – Recording and Access to Recorded Information as detailed in Attachment 5 with an amendment to allow for open access to twelve months of recordings via the City of Belmont website.**
- 2. Council note that commencement of recording will occur once all supporting systems and processes are established by the City.**

**LOST 4 VOTES TO 5**

*For: Bass, Cayoun, Gardner, Hitt  
Against: Marks, Powell, Rossi, Ryan, Wolff*

**Reason:**

**To improve accessibility to Council recordings.**

**OFFICER COMMENT**

The *Local Government Act 1995* provides that minutes are to be kept of a Council or committee meeting's proceedings but is not prescriptive regarding the manner of the minute keeping.

The City complies with all legislative and departmental requirements. In addition, Elected Members have the opportunity to address any areas of concern in the accuracy of the minutes, during the confirmation of minutes.

There will be benefits and risks involved in the audio recording of Council meetings.

**Benefits**

- Increased accessibility of Council Meeting procedures to a broader audience
- Enhance community perceptions relating to the transparency and accountability of Council decisions
- Educates members of the public regarding the purpose, role and operations of Council
- Accurate record of meetings, i.e. the audio recording supports minutes
- Community engagement
- Enable review of processes and decisions.

*Item 13.2 Continued*

**Risk Assessment**

The City's Risk and Business Continuity Officer has risk assessed the draft policy based on the risk consequence, likelihood and risk rating.

The main risks identified are:

1. Councillors are personally responsible for comments made at council meetings; and do not enjoy the absolute privilege enjoyed by members of parliament
2. The Council is not protected under liability protection for libel and slander and does not cover claims arising from publication or utterance of libel and slander made by or at the direction of the member - No parliamentary privilege.
3. Accessibility to the audio recordings.

Taking the current controls into consideration the risk associated with implementation of the policy is considered as low as reasonably achievable.

In line with previous discussions at Council, the proposed policy (refer [Attachment 8](#)) has been modified to provide for free access to the recordings through the City's website for a period of 12 months after the relevant meeting.

It must be noted that the provision of uncontrolled access to copies of recordings of Council meetings removes any ability of the City to manage how many copies of the recordings exist and how they are used. Although "conditions" would be imposed prior to access as part of the process, the potential transfer and manipulation of these recordings will be completely outside the City's control and could only be dealt with following the disclosure of any occurrence.

There is no consensus in the local government sector regarding the recording of Council meetings, and a number of different practices are undertaken, these include:

- No recording of Council meetings
- Council meetings are recorded during public question time only to assist in minute taking procedures
- Council meetings are recorded only to assist in minute taking procedures
- Council meetings are recorded and made available to the public upon request
- Council meetings are recorded and made available on the local government website
- Council meetings are recorded and live-streamed via the local government website.

If a policy is implemented, supporting systems and processes will be established for the recording at the meetings, providing access to the recordings and recordkeeping.

**FINANCIAL IMPLICATIONS**

There will be minor costs involved in the storage of recordings.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications at this time.

**SOCIAL IMPLICATIONS**

There are no social implications at this time.

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*Item 13.2 Continued*

**COUNCILLOR RECOMMENDATION**

**HITT MOVED, CAYOUN SECONDED,**

1. That a policy relating to the audio record/recordings of Open Council meetings be fast tracked through Councils policies and procedures and on completion of this: point 2 be implemented.
2. The audio equipment be purchased and installed as soon as possible.
3. That audio record/recordings of all Council Meetings be kept and these records be made available to all Councillors and the public on request.

**Reason:**

To provide an accurate record of proceeding's, debate and to alleviate any misunderstandings for all parties concerned. The motion will also help to provide transparency of Local Government proceedings, to residents and ratepayers.

**7.30pm The Manager Property and Economic Development returned to the meeting.**

**Note:**

**Cr Hitt put forward the following Amended Councillor Recommendation.**

**AMENDED COUNCILLOR RECOMMENDATION**

**HITT MOVED, CAYOUN SECONDED,**

1. ***That the draft policy relating to the audio record/recording be adopted as in [Attachment 8](#).***
2. ***That audio record/recordings of all Council Meetings be kept and these records be made available to all Councillors and the public on request.***

**4 VOTES TO 4**

*For: Bass, Cayoun, Gardner, Hitt  
Against: Powell, Rossi, Ryan, Wolff*

*(In accordance with s5.21 of the Local Government Act 1995,  
the A/Mayor used his casting vote in the negative)*

**LOST 4 VOTES TO 5**

**Reason:**

To provide an accurate record of proceeding's, debate and to alleviate any misunderstandings for all parties concerned. The motion will also help to provide transparency of Local Government proceedings, to residents and ratepayers.

*Item 13.2 Continued*

**Note:**

**Cr Powell put forward the following foreshadowed motion.**

**FORESHADOWED MOTION**

**POWELL MOVED, WOLFF SECONDED,**

***That the matter of audio recording of Council meetings be referred to an Information Forum.***

**4 VOTES TO 4**

*For: Powell, Rossi, Ryan, Wolff  
Against: Bass, Cayoun, Hitt, Gardner*

*(In accordance with s5.21 of the Local Government Act 1995,  
the A/Mayor used his casting vote in the affirmative)*

**CARRIED 5 VOTES TO 4**

**Reason:**

**I am foreshadowing this motion to go back to an Information Forum as I have just come across different information and feel the Councillors can make a more informed decision after reading the documents.**

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

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

8.15pm ***POWELL MOVED, WOLFF SECONDED, that in accordance with Section 5.23(2)(b) of the Local Government Act 1995, the meeting proceed behind closed doors to discuss Confidential Item 14.1 Disposal – Matheson Road Subdivision.***

**CARRIED 8 VOTES TO 0**

8.15pm Members of the public departed the meeting.

**14.1 DISPOSAL – MATHESON ROAD SUBDIVISION – CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2)(E)(II)**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Confidential Attachment 2 – Item 12.1 refers	<a href="#"><u>Report Item - Disposal Matheson Road Subdivision - Confidential Matter in accordance with Local Government Act 1995 Section 5.23(2)(e)(ii)</u></a>

8.15pm The Director Corporate and Governance departed the meeting.

8.15pm The Manager Governance departed and returned to the meeting.

8.16pm The Director Corporate and Governance returned to the meeting.



**OFFICER RECOMMENDATION**

**HITT MOVED, POWELL SECONDED,**

***That Council:***

- 1. *Accept the offer to purchase the Matheson Road Subdivision, Ascot, for the amount shown in the Financial Implications section of the confidential report and authorise the Chief Executive Officer to sign all necessary documentation.***
  
- 2. *Place the net proceeds from the disposal of the Matheson Road Subdivision into a new reserve for the purpose of assisting in the refurbishment of the Belmont Oasis Leisure Centre.***

**4 VOTES TO 4**

*For: Powell, Rossi, Ryan, Wolff  
Against: Bass, Cayoun, Gardner, Hitt*

*(In accordance with s5.21 of the Local Government Act 1995,  
the A/Mayor used his casting vote in the affirmative)*

**CARRIED 5 VOTES TO 4**

**Note:**

The notation 'Absolute Majority Required' was removed as the decision did not require an 'Absolute Majority' decision.

8.45pm The meeting came out from behind closed doors and no members of the public returned to the meeting.

**15. CLOSURE**

There being no further business the Presiding Member thanked everyone for their attendance and closed the meeting at 8.45pm.

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**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these minutes of the Ordinary Council Meeting held 25 October 2016 were confirmed as a true and accurate record at the Ordinary Council Meeting held 22 November 2016.

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



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

*Philip Marks*

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