City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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26 May 2009

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CONFIDENTIAL ATTACHMENTS INDEX

****Confidential Attachment 1 – Item 12.1 refers**

ITEM SUBJECT HEADING PAGE

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY 26 MAY 2009, COMMENCING AT 7.00 PM.

MINUTES

PRESENT

Cr G Godfrey, Presiding Member	East Ward
Cr P Marks, Deputy Presiding Member	East Ward
Cr C Hanlon	East Ward
Cr R Rossi	West Ward
Cr B Martin	West Ward
Cr P Hitt	West Ward
Cr B Whiteley	South Ward
Cr S Wolff	South Ward
Cr G Dornford	Central Ward

IN ATTENDANCE

Mr N Deague	A/Chief Executive Officer
Mr R Garrett	Director Corporate & Governance
Mr T Stacey	A/Director Technical Services
Mr S Monks	Manager Finance
Ms L Gaspar	A/Manager Property & Economic Development
Ms S Johnson	Governance Officer

MEMBERS OF THE GALLERY

There were 19 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.00pm, welcomed those in attendance and invited Cr Martin to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Martin read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES & LEAVE OF ABSENCE

Cr B Brennan (Central Ward) (Refer Item 13.1)	Apologies
Cr J Powell (South Ward)	Apologies
Mr S Cole (Chief Executive Officer)	Apologies
Mr R Lutey (Director Technical Services)	Apologies
Mr J Olynyk (Manager Governance)	Apologies
Mr M Ridgwell (A/Manager Governance)	Apologies

3. DECLARATIONS OF INTEREST

7.02pm The Director Corporate & Governance read aloud the declarations of interest.

3.1 FINANCIAL INTERESTS

Name	Item No. & Title	Nature of Interest (and extent, where appropriate)
Cr Dornford	12.5 Consideration of Draft Business Plan – Acquisition Of Half Of Lot 451 Waterway Crescent, Ascot	Indirect
Cr Hanlon	12.6 Belmont Small Business Centre Funding	Direct

3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Name	Item No. & Title
Cr Dornford	12.2 Lot 111 (366-380) Great Eastern Highway, cnr Central Avenue and Boulder Avenue, Ascot – Proposed Eight Grouped Dwelling Development
Cr Marks	12.6 Belmont Small Business Centre Funding
Cr Rossi	12.6 Belmont Small Business Centre Funding
Cr Dornford	12.6 Belmont Small Business Centre Funding
Cr Brennan	12.7 Lyall Street – Road Closure Process

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcements:

1. *"I advise Elected Members and members of the public that a late item was tabled for Councils consideration at the 19 May 2009 Agenda Briefing Forum The item appears at 12.7 – Lyall Street – Road Closure Process and will be discussed later in the agenda."*

2. *"I was very disappointed to learn that as a result of the recent State Government Budget, the Landfill levy imposed on all Local Governments by the State was increased by 300% as from the 1 July 2009. This means the levy will increase from $7 per tonne to $28 per tonne – an increase of $21. The reasons given by the Minister for Environment and Youth, the Hon Donna Faragher in a letter to the EMRC Chairman were that this is a necessary step to reduce waste going to landfill and to increase rates of recycling particularly in the construction and demolition sector. Additional funds raised will also be used to fund other activities of the Department of Environment and Conservation beyond those relating to waste management.*

   This latest cost shifting measure by the State Government will result in an increase to the City of Belmont's rubbish charge of $15 or 7.1%. The City has been able to absorb some of the increase due to the recent tender for rubbish services that resulted in some very competitive pricing. It is extremely disappointing as the City was looking forward to having a zero increase in the rubbish charge in the forthcoming budget.

   This step has been taken by the State Government with no prior warning or no consultation. As a result of the measures, the EMRC will be writing to the Minister to express its concern about the timing and the complete lack of regard for Local Government through no consultation. The EMRC is also writing to all other regional groups to seek their support in raising this matter with the State Government."

3. *"As you are aware the Residential and Stables area (generally bounded by the Swan River, Tonkin Highway, Great Eastern Highway, Hardey Road, Matheson Road and Ascot Racecourse) is listed on the City's Municipal Heritage Inventory. Under the Inventory, the area is listed as having a high level of protection in order to conserve the significance of the area.*

   I am pleased to advise that this area has also been recognised by the National Trust of Australia (WA) to be a place of heritage significance. The National Trust has decided that the City's residential and stables precinct be entered in the National Trust's list of Classified Places."

4.2 DISCLAIMER

7.07pm The Presiding Member drew the public gallery's attention to the Disclaimer and the Director Corporate & Governance read the Disclaimer aloud.

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of a written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or any thing sought to be relied upon as a representation by the City should be sought in writing and should make clear the purpose of the request.

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

The following questions were taken on notice at the Ordinary Council Meeting of 28 April 2009.

5.1.1 Mr T Teasdale – on behalf of the Belmont Sports & Recreation Centre

"On the forthcoming trip to Adachi would Council consider requesting Mr Hardison to conduct a detailed analysis of Hanahata Park?"

Mr Teasdale was provided with a response on 6 May 2009. The response from the City is recorded accordingly –

The Council decision in relation to this item did not include the attendance of the Manager Property and Economic Development and therefore Mr Hardison will not be able to undertake an inspection of Hanahata Park.

Following the decision of Council not to send the Manager Property and Economic Development to Adachi as part of the 25th Anniversary delegation, the Mayor and the Chief Executive Officer will need to source as much information as possible on Hanahata Park.

5.1.2 Mr R Broinowski – 66 Armadale Road, Rivervale

"Was it true that the Co-ordinator of Crime Prevention & Ranger Services was assaulted by a group of youths whilst tracking graffiti culprits?"

Mr Broinowski was provided with a response on 5 May 2009. The response from the City is recorded accordingly –

A number of ongoing police investigations are continuing in relation to criminal damage and other matters.

5.1.3 Ms C Bylinski – 75 Norwood Road, Rivervale

"Can Council advise ratepayers what their (ratepayers) total expenditure for the Adachi Sister City Program has been since its inception?"

Ms Bylinski was provided with a response on 6 May 2009. The response from the City is recorded accordingly –

The recording of costs associated with the Sister City activity commenced in 1985. In this twenty four (24) year period (year to date as at 4 May 2009), the net cost incurred by the City in relation to the Sister City activities was $836,192.

5.1.4 Ms W Mitchell – 316 Epsom Avenue, Belmont

"I wish to raise the past issue of the London Plane Trees on Epsom Avenue. I present to Council two newspaper articles which supports the claim that London Plane Trees are hazardous to the community and can cause health problem with those who suffer from asthma and other allergies. When will Council take action on these trees?"

Ms Mitchell was provided with a response on 8 May 2009. The response from the City is recorded accordingly –

Residents who can substantiate that their health is being adversely affected by the presence of trees on City controlled land, can request the removal and replacement of the tree in writing.

5.1.5 Ms M Bass – on Behalf of BRRAG

"Why is Council paying out substantial amounts to the Department of the Attorney General Department for legal fees $22,162 in a handful of months?"

Ms Bass was provided with a response on 6 May 2009. The response from the City is recorded accordingly –

Payments made to the Department of the Attorney General relate to collection costs (issue of claims) for outstanding rate accounts. These costs are recoverable from the rate payer in most circumstances.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.08pm 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 (l), the Mayor advised that she had registered eight members of the public who had given prior notice to ask questions, these being Mr R Broinowski, Mr D Twynham, Mrs J Gee, Mrs J Mumme, Mrs S Lancaster, Mr P Oggelsby, Mr J Bass and Mrs M Bass.

The Presiding Member invited the public gallery members, who had yet to register their interest to ask a question, to do so. Four further registrations were forthcoming from the gallery these being from Mr G Haynes, Mr D Robb, Mr D Nissen, and Mr R Birch.

5.2.1 Mr R Broinowski, 66 Armadale Road, Rivervale

The upgrade at Kooyong Road Shopping Centre in Rivervale.

1. *As a concerned resident I hereby request the three West Ward Councillors arrange a daytime public meeting at an early date to hear public submissions and suggestions (of the public needs) for the style of the centre people would like.*

Response The Presiding Member advised that this was a matter for the relevant Councillors to decide.

2. *Also I would like to hear any plans the shop owners and investors may have to put forward.*

Response The Presiding Member advised that Council had not received any plans to date, of refurbishment or redevelopment.

3. *The Council are doing a really good job so far on the streetscape so let us try and find the other pieces in this jigsaw and build a picture.*

Response The Presiding Member thanked Mr Broinowski for his comments.

5.2.2 Mrs Shirley Lancaster, 7 Corser Street, Kewdale

We are concerned that there is a perception the Belmont Small Business Centre will not be affected by the withdrawal of State funding by the SBDC.

Are Council aware that without these funds services will be cut, the support that was previously provided to business operators of Belmont will cease and become fee for service.

Response The Presiding Member stated that the item would be discussed in the agenda tonight.

5.2.3 Mrs Jasmyn Mumme, Hurlingham Road, South Perth

As a representative (and Chair), the management committee all of whom provide their support in a voluntary capacity, we are concerned that the officer recommendation of Item 12.6 slightly misses the mark.

The Belmont Small Business Centre has helped thousands of local business operators, including over 3,800 from Belmont alone. The BSBC provides a level of service and support to business operators in need that is unmatched by any other local organisation, and particularly any other non for profit organisation.

Will the Council agree that preparation of correspondence to the SBDC include a direct reference to and reinstatement of funding as opposed to the generic request to support business services in Belmont as set out in the recommendation?

Response The Presiding Member stated that the item was being discussed on the agenda and a motion had been put forward by an Elected Member.

5.2.4 Mr J Bass, PO Box 73, Cloverdale

Storm water drains on Wicca/Knutsford smell very unpleasant and are choked with weeds. Does Council have a schedule for cleaning such drains.

Response The Presiding Member took the question on notice.

5.2.5 Mr P Oggelsby, On Behalf of a BRRAG Member

Could Council investigate why the willow trees in Centenary Park seem to be dying, also a large tree with a brown mark around its trunk looks like ring-barking?

Response The Presiding Member took the question on notice.

5.2.6 Mr D Twynham, 36 Kooyong Road, Rivervale

1. *On the north-east side of Kooyong Road, between Francisco St and Macey Close, Council has made a lovely new native garden with a meandering path of gravel. Unfortunately, this path is dangerous to pedestrians as it is easy to roll an ankle on such gravel. Could a more appropriate surface be put there?*

Response **The Presiding Member took the question on notice.**

2. *Does Council realise the importance of where possible, the need to do business and spend locally and equitably between local business operators? For example instead of purchasing predominantly from Belvidere IGA, will Council commit to spending equitably between all of them, particularly small local business, thereby supporting more local business within our City?*

Response **The Presiding Member replied that she believed the City was already doing this as much as is practicable.**

3. Will Council write to Minister for Housing and Works – The Hon Troy Buswell to congratulate him on his commitment to, not only, recognise the importance of, but to action, the equalisation of social housing mix to a maximum of 11% in any given suburb. Mr Buswell committed to reducing Homeswest residences in Rivervale, prior to the Federal and State elections, from 15% to 11% and has recently reiterated this commitment.

Response **The Presiding Member replied that she was appreciative of the comments made by the Minister for Housing and Works in regard to concentrations of public housing and undertook to write to the Minister as requested.**

5.2.7 Mr G Haynes, 1a/288 Great Eastern Highway, Ascot

Has the City conducted research or evidence into traffic accidents since the period of temporary and permanent closure of Lyall Street? Mr Haynes added that he was a regular user of this intersection and was concerned about the likelihood of accidents occurring.

Response **The A/Director Technical Services replied that he would obtain information from Main Roads Western Australia and advise Mr Haynes and Councillors.**

5.2.8 Ms Janet Gee, 44b Treave Street, Cloverdale

1. *At the last Council meeting Mrs Bass stated from the public gallery that the BRRAG group is a community group, which in my opinion it is not. It appears to work as a political lobbyist group which assist their members to get on Council as there are now five former members of BRRAG on Council. If what Mrs Bass said was true, why are BRRAG included in consultation with Council and do Council give the other community groups such as the Netball Assoc, Belmont Little Athletics or the Belmont Historical Society etc the same opportunities to have such input into Council strategies.*

Response The Presiding Member replied that the Ordinary Council Meeting Forum gave all residents an opportunity to express their opinions.

2. *Is Council aware of any investigations into the BRRAG group regarding charity money gathered from the Belmont Sunday markets?*

3. *Can the Council advise whether Rotary have taken any action against Mrs Bass regarding her position in Rotary and being President of BRRAG and the takings from the Belmont Rotary markets.*

4. *In response to residents asking questions at past Council meetings, has the Mayor any further information regarding the outcome of meetings held between Council and Rotary regarding allocation of the gate money and charities given these fund raising capabilities.*

Response (2-4) The Presiding Member in response to questions 2-4 quoted the following in reply to questions asked by Mr A Richardson, which were of a similar nature, at the 28 April 2009 Ordinary Council Meeting.

> **"The Presiding Member responded that her understanding is that BRAGG presents itself as a community organisation who act on behalf of particular Belmont Residents.**
>
> **Further to the response provided at the meeting, the Mayor and the Chief Executive Officer have met with the District Governor of Rotary to raise the concerns of the public expressed at question time. The District Governor advised that it was not appropriate for a politically based organisation to raise funds at the Rotary Mart and assured the Mayor and Chief Executive Officer that it would not happen again. The District Governor also undertook to further investigate the matter and the Chief Executive Officer undertook to write to the President of Belmont Rotary to advise him of the latest concerns and confirm the concerns the Mayor had raised with him on two previous occasions.**

Minutes of a previous BRAGG meeting were also provided to the District Governor highlighting the receipt of Rotary Mart monies and BRRAG's intention of using funds to support BRAGG endorsed candidates in a forthcoming Council election."

5. *In regards to the cleaning of graffiti in the City, has Council prepared a cost comparison in regards to using outside contractors or in house labour?*

Response **The Acting Chief Executive Officer replied that the City has found contractors to be very cost effective and timely in response to removing graffiti.**

The actual cost comparison will need to be taken on notice.

5.2.9 Mr D Robb

The Small Business Development Centre has stated that it will work closely with the City of Belmont to avoid an interruption of the services currently provided to Belmont businesses by the Small Business Development Centre.

Has Council received written information detailing how the Small Business Development Centre will be able to provide Belmont businesses with these services, which are provided free of charge?

Response **The Presiding Member took the question on notice.**

5.2.10 Mr D Nissen

Are all Councillors aware that the Belmont Small Business Centre is a lead agent for many other business support centres and that without State funding, the Belmont business owners who are seeking assistance with any aspect of their business will no longer have local access to free services unless replacement funds are found? If that is the case will Council therefore consider funding the centre for $90k to pay core operational costs?

Do Councillors realise that if Belmont citizens choose to attend the "Start A Business" workshops at SBDC in the City, they will pay a fee for the workshop which is free at Belmont SBC and will also pay parking costs, which is not the case in Belmont?

Response **The Presiding Member thanked Mr Nissen for providing information to the Elected Members.**

5.2.11 Mrs M Bass, PO Box 73, Cloverdale

1. *With $1.35m that Council will be borrowing for the purchase of WATC land, why does the business plan not stipulate what Council intends to do with the land and when?*

Response The A/Manager Property & Economic Development replied that the Business Plan, at Attachment 5, Item 12.5 refers, indicates the intention for the parcel of land to be acquired. The acquisition of the land is considered of strategic importance to support the long stated objective to encourage a 'landmark' development on site. The opportunity is to encourage a strong entry statement into the City of Belmont.

2. *Why did Council not have the valuation done on decommissioned road reserve which comprise of sections of Lot 650, Lot 66, Lot 67 owned by the WATC. It seems odd to get a valuation on both Council and WATC as one parcel of land and then estimate WATC land to be half the value of the City's land? WATC land should be valued separately and more than one valuation should be given to insure ratepayers and not paying too much.*

Response The Director Corporate & Governance replied that the valuation of the land was made on a single lot which is jointly owned by the City and the WATC.

Therefore, the relevant value is determined in accordance with the proportional ownership of the lot.

3. *Why did the City only obtain one valuation?*

Response The Director Corporate & Governance replied that it was the usual process to obtain one valuation from Council's Valuers, although other valuations may be provided by vendors as a part of the negotiation process.

4. *On behalf of a resident Mrs Worth, I would like to comment that carers and home visitors are unable to directly access Mrs Worth's home in Worth Street because of the closure of Lyall Street.*

Response Councillor Marks replied he was aware of the situation and added that a sign was going to be erected giving the public directions.

The Presiding Member added that when the proposed development of the area is completed, it will enable easier access to all roads.

5.2.12 Mr R Birch, 195 Knutsford Avenue, Kewdale

Have any funds been allocated in the City's current budget for expenditure at the Belmont Small Business Centre?

Response The Presiding Member replied that specific projects were being run in partnership with the City and the Belmont Small Business Centre.

The Director Corporate and Governance added that an acquittal of funds allocated to the Centre is required.

7.50pm The Presiding Member announced that the time allotted for Question time had lapsed.

DORNFORD MOVED, ROSSI SECONDED, that Question Time be extended by five minutes.

CARRIED 9 VOTES TO 0

5.2.13 Mr R Broinowski, 66 Armadale Road, Rivervale

Mr Broinowski commented on the escalating increase in petty crime along Great Eastern Highway. He requested that Council liaise with the police and security patrol.

Response The Presiding Member stated that she would liaise with Neighbourhood Watch and the police.

7.46pm 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 28 APRIL 2009

(Circulated under separate cover)

WHITELEY MOVED, ROSSI SECONDED, That the minutes of the Ordinary Council Meeting held on 28 April 2009 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 19 MAY 2009**

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

HITT MOVED, WOLFF SECONDED, That the Information Matrix for the Agenda Briefing Forum held on 19 May 2009 as circulated in the attachment, be received and noted.

CARRIED 9 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.6 was withdrawn at the request of Cr Dornford.
Item 12.7 was withdrawn at the request of Cr Wolff.

WOLFF MOVED, MARTIN SECONDED, that with the exception of Items 12.6 and 12.7 which are to be considered separately, that the Officer Recommendations specifically for Items 12.1, 12.2, 12.3, 12.4 and 12.5 be adopted en bloc.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 TENDER 12/2009 TREE MAINTENANCE AND REMOVAL WITHIN THE CITY OF BELMONT**

Built Belmont

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.1 refers	Price Schedule
Confidential Attachment 2 – Item 12.1 refers	Price Comparison
Confidential Attachment 3 – Item 12.1 refers	Evaluation Matrix

Voting Requirement	:	Simple Majority
Subject Index	:	114/226
Location / Property Index	:	N/A
Application Index		N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Technical Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award Tender 12/2009 – Tree Maintenance and Removal within the City of Belmont.

12.1 Continued

SUMMARY AND KEY ISSUES

To seek Council approval to award Tender 12/2009 in accordance with the requirements of the Local Government Act 1995.

The tender is for Tree Maintenance and Removal within the City of Belmont commencing 1 July 2009 and covering two years ending 30 June 2011 with the option of a one year extension at the sole discretion of the City.

16 sets of tender documents were issued and 2 tenders were received as follows:

- Tree Craft Pty Ltd
- Beaver Tree Services

Both tenders submitted were conforming and were evaluated as per the submitted tender information.

Beaver Tree Services is the recommended supplier for Tree Maintenance and Removal within the City of Belmont.

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – *"Maintain public infrastructure in accordance with sound economic practices, taking into consideration the community's needs and expectations".*

POLICY IMPLICATIONS

Policy Manual, Section 3.57 – Tenders – Calling and Acceptance.

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states that "a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services".

12.1 Continued

BACKGROUND

An invitation to tender for Tree Maintenance and Removal within the City of Belmont was advertised in the West Australian on Saturday, 7 March 2009, closing on Tuesday, 24 March 2009 at 2.00 pm.

This contract includes the annual powerline pruning programme as well as other tree pruning or removal works as required throughout the year. Following the undertaking of the tender process in 2006 the services were originally split with the powerline pruning being offered to the current contractor at the time, Tree Craft Pty Ltd and all other tree works being awarded to Beaver Tree Services. Tree Craft declined the offer to undertake powerline pruning only and Beaver Tree Services took on the whole contract. However, in August 2008 Beaver Tree Services advised that they would be unable to complete the annual powerline pruning programme for 2009 and following the completion of a tender process, the contract was awarded to Geoff's Tree Service.

Mindful of the 2006 tender experience, it was decided that on this occasion the contract would not be split so that all tenderers would be fully aware of the requirements and could submit prices accordingly.

OFFICER COMMENT

Price Schedule

The Price Schedule, Confidential Attachment 1 shows the Tenderers' price submissions. The Price Comparisons, Confidential Attachment 2 is based on actual works completed in the last year and shows what those works would cost using these tendered prices. The total from this table has been used to calculate the score for the price criteria.

Evaluation Criteria

The Evaluation Committee consisted of the Coordinator Contract & Tenders, the Parks Coordinator and the Arboriculturalist.

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

	Criteria	***Weighting***
1.	Experience	20%
2.	Personnel	10%
3.	Methodology	10%
4.	Company Capacity	10%
5.	Safety	10%
6.	Price	40%
	Total	**100%**

Both tenderers have the capability of performing the requirements of the contract. Beaver Tree Services have submitted their tender as the principal contractor, subcontracting the powerline pruning to Geoff's Tree Service.

12.1 Continued

The Evaluation Criteria, as per Confidential Attachment 3 identifies Beaver Tree Services as the preferred supplier of the contract, being the highest scorer on the evaluation scorecard and the most economical.

FINANCIAL IMPLICATIONS

There is a sufficient funding allocated to tree pruning in the 2009 / 2010 budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That tender 12/2009 for Tree Maintenance and Removal within the City of Belmont be awarded to Beaver Tree Services for a two year period commencing 1 July 2009 to 30 June 2011, with the option of a one year extension at the sole discretion of the City, in accordance with the schedule of rates submitted.

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

12.2 LOT 111 (NO. 366 - 380) GREAT EASTERN HIGHWAY, CNR CENTRAL AVENUE AND BOULDER AVENUE, ASCOT – PROPOSED EIGHT GROUPED DWELLING DEVELOPMENT**

Built Belmont

ATTACHMENT DETAILS

Attachment No	Details
BB Attach 2 – Item 12.2 refers	Site Plan and Wall Elevation

Voting Requirement	:	Absolute Majority
Subject Index	:	202/2008DA
Location / Property Index	:	Lot 111 (No. 366 – 380) Great Eastern Highway, Ascot
Application Index		202/2008DA
Disclosure of any Interest	:	Staff Member C Forknall part owner of property
Previous Items	:	Nil
Applicant	:	R Forknall
Owner	:	Llankrof Pty Ltd
Responsible Division	:	Community and Statutory 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, town planning schemes & policies*
☐	**Review**	*When Council reviews decisions made by Officers*
☒	**Quasi-Judicial**	*When Council determines an application / matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal*

PURPOSE OF REPORT

To consider planning approval for this development due to a Council employee being a part owner of the property. Having regard to the City's Code of Conduct the application was required to be considered by an independent contractor and for presentation to Council for determination.

12.2 Continued

SUMMARY AND KEY ISSUES

In February 2008, the State Administrative Tribunal approved an R30 vacant survey strata on the site to enable the development of 8 grouped dwellings. The development complies with the R30 density standards and Local Planning Policy.

A solid brick 'block' wall is proposed along the 101m long Great Eastern Highway lot boundary and corner truncations (8.4m each) to address acceptable noise levels within the courtyard areas of the development which arise from traffic noise along Great Eastern Highway. The wall proposes a variety of colours and is staggered with recessed panels of 2.6m in length. Refer to BB Attachment 2.

The site is 'cut' by approximately 300mm and this sand will be placed as 'fill' on the Great Eastern Highway road reserve abutting the site. This 'cut and fill' enables the development to achieve a 2.34m Great Eastern Highway boundary wall height when viewed from the finished floor level of the buildings and which will maintain a 1.8m high wall when viewed from Great Eastern Highway. The 'cut and fill' and wall has been approved by Main Roads WA.

LOCATION

Lot 111 (No.366 - 380) Great Eastern Highway, corner of Boulder Avenue and Central Avenue, Ascot

CONSULTATION

Category C applications are those that need external referrals from third parties such as the Environmental Protection Authority, Western Australian Planning Commission, Swan River Trust, Heritage Council etc. Category C applications may also require statutory advertising, referral to neighbours or consideration by Council.

12.2 Continued

The application was referred to Main Roads WA (MRWA) due to the location of the property abutting Great Eastern Highway. MRWA advised that the development was acceptable and provided a list of standard conditions to apply to the development and in addition required a noise study to demonstrate that the planning and design of the development did not exceed specific decibel levels from traffic noise during the day (<60dB(A)) and night (<55 dB(A)).

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT - "*Encourage the upgrading and compatible redevelopment of the City*".

BUSINESS BELMONT – *"Maximise business development opportunities within the City."*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Deemed Refusal

Under Clause 5.5.1 of the City of Belmont Town Planning Scheme No. 14 an application is 'deemed to be refused' if it is not determined within a 60 day period.

The deemed refusal date for this application passed on 29 June 2008, and the applicant already has deemed refusal rights. The reason for the delay is explained under the 'Progress of this application' section.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

The applicant / owner may appeal a planning approval / planning refusal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act 2005. Appeals must be lodged with SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

BACKGROUND

Lodgement Date:	29 April 2008 25 July 2008 – Additional Plans and Noise Study/(study revised November 2008), 19 March 2009 - Front Fence Details	**Use Class:**	'Grouped Dwelling' – 'D' Use – Not permitted unless Council has exercised discretion.
Lot Area:	2,749m2	**TPS Zoning:**	Residential R20
Estimated Value:	$1.1 million	**MRS:**	Lot 111 – 'Urban' Great Eastern Highway – 'Primary Regional Roads'

12.2 Continued

Site Description
The site is a relatively flat site and currently vacant.

History of Site

Creation of Lot 111
The site originally comprised six single residential lots, which were owned by Main Road WA. Lot 111 was created as a result of the excision of a portion of road widening along the Great Eastern Highway frontage from each of the six lots and the subsequent amalgamation of the balance of the six, single residential lots. The amalgamated site was subsequently sold to the current owner.

At the time of the amalgamation/subdivision for road widening purposes and at the time of the property enquiry about the site, prior to the sale of the land, MRWA was advised that an R20 density only would apply to the site. The settlement enquiry details to the current landowner also identified the applicable R20 density code for the site. Each time the current and prospective owner was advised that the Scheme provision to enable an R30 for a corner lot did not apply in this case, due to the creation of this lot from an amalgamation of abutting land. The site therefore did not comply with Clause 10.2.2.2. and 10.2.2.3 of the Scheme and an R30 density would not apply.

State Administrative Tribunal approves an R30 (8 lot) Survey Strata
The current owner subsequently submitted a survey strata application to the WA Planning Commission (WAPC) to subdivide the land into eight, survey strata lots at an R30 density. A separate vehicular access was taken from Boulder Avenue to four survey strata lots, with a separate vehicular access way from Central Avenue to four survey strata lots. The survey strata application was refused by the WAPC due to its non compliance with the City of Belmont Scheme provisions and the R20 coding of the site.

The applicant submitted to the State Administrative Tribunal (SAT) an 'Application for Review' of the refusal to the eight lot survey strata issued by the WAPC. The review was subsequently allowed by SAT and consequently the eight (8) survey strata lots (272m2 – 304m2) at the R30 density was created with the vehicular access way from each secondary street.

The SAT decision has determined the location and size of access ways and proposed lots and has necessitated the application of the R30 Residential Design Code standards and Local Planning Policy No. 21 'Building Guidelines for Lots 450m2 and Less' in the consideration of the development proposal.

Progress of this application
This application has been protracted due to;

- May 2008 referral to Main Roads WA.
- June 2008 referral to Development Control Group (DCG) meeting which identified the inadequacy of plans/elevations submitted, requested the submission of a Noise Study as requested by MRWA and requested sections of open infill panels to be considered in the proposed solid wall along Great Eastern Highway in the interest of streetscape amenity and surveillance.
- July 2008 Additional plans submitted. Noise Study recommended a 2.34m high solid wall (above the finished floor level of the dwellings) to be located along the Great Eastern Highway boundary.

12.2 Continued

- August 2008 DCG further considered additional information and advised the applicant that the plans and recent noise study did not address the City's request to consider open infill panels in the solid wall.
- September 2008 application considered by external independent planning consultant who advised on the general compliance of the application and in relation to the proposed 2.34m solid wall along Great Eastern Highway, acknowledged the potential traffic noise and therefore supported a solid fence which incorporated design features in the wall and landscaping to soften the wall. A 1.8m high wall was recommended.
- November 2008 revised Noise Study submitted which identifies that open panels in the wall would not address the required acceptable noise levels required for the external areas of the dwelling.
- Applicant advised by the City that a solid wall would be further considered if details were provided to demonstrate a high standard of colour and materials and a height limit of the wall to 1.8m above the Great Eastern Highway road reserve.
- December 2008 MRWA advised the City it would not support 'gaps' in the wall as it would not satisfy acceptable external noise criteria. A height of 2.34m was reiterated.
- March 2009 applicant provided modified plans to 'cut' the site, lower the finished ground levels and finished floor levels of the development to achieve a 2.34m wall height for the wall along the Great Eastern Highway boundary. The colours, materials and brick formation for the proposed wall had been designed by an 'Interior design consultant'.

Consideration of Application by Independent Planning Consultant

In accordance with the City's Code of Conduct the application was referred to an Independent Planning Consultant. The consultant advised on the general compliance of the application. In relation to the proposed 2.34m solid wall along Great Eastern Highway, the consultant acknowledged the potential traffic noise and therefore supported a solid fence and suggested design features in the wall with landscaping to soften the wall. A height of 1.8m was recommended for compliance with the R Codes.

Proposal

The development comprises eight, single storey grouped dwellings that are oriented towards the two, separate vehicular access ways, which are located parallel to the north western boundary of the lot and take access from Boulder Avenue and Central Avenue. The main courtyard for each unit is located abutting the Great Eastern Highway boundary. Each dwelling is provided with a two bay garage. Two onsite visitor car bays are provided. (one visitor bay abuts each secondary street)

A solid brick wall is proposed along the Great Eastern Highway boundary and the corner truncation with Boulder Avenue and Central Avenue. The solid wall has a variety of texture and colours (light and dark brown panels with grey colour at the base), panels of 2.6m length are staggered/recessed and the brick 'blocks' are layed in a 'stacked' formation or 'stretcher' formation.

12.2 Continued

The March 2009 plans demonstrate a solid wall of 2.34m in height from the finished floor level of the building, which satisfies the requirements of the noise study and also achieves a 1.8m wall height from the finished ground level of the Great Eastern Highway road reserve, which satisfies the R Code requirements. The wall height is achieved by the site being 'cut' by approximately 300mm and this fill be placed in the abutting road reserve to maintain a 1.8m height of wall when viewed from the road reserve. This has been approved by MRWA.

There is no fencing along the secondary street frontages.

Power Supply

This site has underground power. Power poles are located on Great Eastern Highway opposite the site.

OFFICER COMMENT

The solid wall along the Great Eastern Highway lot boundary and corner truncations has been the main issue with regard to the consideration of this proposal and the aim is to ensure a high quality of presentation to the Great Eastern Highway streetscape.

Due to the MRWA requirement for a solid wall to address traffic noise and the constraints on development due to the SAT decision on the survey strata development, it is considered that there is limited ability to continue to pursue any aspect of an 'open style' fence along the Great Eastern Highway boundary, or to successfully defend an 'open style' fence in any potential SAT appeal. Therefore, the solid fence as proposed is accepted. The applicant's design consultant identifies that the wall design is proposed to create variety, reduce the visual impact of the wall on the street and minimize the attraction of the wall for graffiti. The wall satisfies the MRWA requirement to address noise levels for the development by providing a 2.34m wall height from the finished floor level of the development and will also maintain an acceptable 1.8m wall height when viewed from Great Eastern Highway road reserve level.

All other aspects of the development area acceptable. The development complies with the provisions of the R Codes and relevant Local Planning Policies.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

As of the 1 July 2003 Energy Efficiency requirements have been implemented via the Building Code of Aust Volume 2 and all residential buildings need to comply with the 'deemed to satisfy' requirements or alternatively an Energy Audit Report can be submitted by an accredited person.

SOCIAL IMPLICATIONS

There are no social implications at this time.

12.2 Continued

OFFICER RECOMMENDATION

That Council:

A. Approve planning application 202/2008DA as detailed in plans dated 14 October 2008 (site plans, floor plans, elevations), 26 September 2008 elevations and 19 March 2009 (wall) submitted by R Forknall on behalf of the owner Llankroff Pty Ltd for eight single storey grouped dwellings at Lot 111 (No.366 - 380) Great Eastern Highway, Ascot subject to the following conditions/reasons:

1. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.

2. A landscaping and reticulation plan is to be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the City for approval prior to the issue of a building licence, unless otherwise agreed to by the City in writing. The plan will be a minimum size of A3, and is to contain a north point and a scale. The plan must show by numerical code, the botanical name of each plant species, proposed pot size, quantity and must also include the proposed treatments of:

(a) all areas of the property visible from the street; and

(b) the street verge; and

(c) the landscaping abutting the driveway shall include dense planting to screen the communal driveway from the major openings (lounge) of Units 2, 3, 6 and 7.

3. Landscaping, plants and reticulation are to be installed and thereafter maintained in accordance with the approved landscaping and reticulation plan for the duration of the approved development. The plants are to be nurtured until they reach their typical mature dimensions, and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.

4. Vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed and kerbed in accordance with the approved plan (two spaces per dwelling unit measuring 2.5 metres by 5.5 metres) and shall be designed, paved (brick) and clearly marked in accordance with Council's engineering requirements and design guidelines.

5. Prior to occupation or use of the development, vehicle crossovers shall be constructed in coloured concrete or brick paving in accordance with the City of Belmont specifications for the construction of concrete or brick paved crossovers for residential properties.

12.2 Continued

6. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's Engineering Requirements and Design Guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from any thing.

7. The development shall be connected to the reticulated sewerage system.

8. The provision of fencing along the Great Eastern Highway boundary and corner truncation of the site shall comply with the materials and colour of the fencing as shown of the approved plans, unless otherwise approved by the Manager Planning Services.

9. The external surface of the fence along Great Eastern Highway shall be treated with an anti-graffiti coating on the elevations facing all road reserves.

10. The provision of fencing along the Great Eastern Highway boundary and corner truncation shall not exceed a height of 1.8 metres above the finished ground level of the road reserve immediately abutting the site.

11. The provision of approximately 300mm of fill within the Great Eastern Highway road reserve immediately abutting the site to be undertaken as directed by Main Roads Western Australia.

12. The applicant / owner shall provide certification from a structural engineer to the satisfaction of the Manager Building Services and/or Senior Building Surveyor about the structural capacity of the retaining wall in association with the fencing along the Great Eastern Highway lot boundary and corner truncations.

13. No earthworks shall encroach onto the Great Eastern Highway reserve.

14. No stormwater drainage shall be discharged onto the Great Eastern Highway reserve.

15. No vehicle access shall be permitted onto the Great Eastern Highway reserve.

16. The applicant shall make good any damage to the existing verge vegetation within the Great Eastern Highway reservation.

17. Redundant driveways shall be removed and the verge and its vegetation made good at the applicant's cost.

12.2 Continued

B. Pursuant to Clause 9.10 of Town Planning Scheme No. 14 delegate to the Director-Community & Statutory Services or Manager-Planning Services the authority to deal with any minor amendments to the application for Planning Approval for application number 202/2008DA as detailed in plans dated 14 October 2008 (site plans, floor plans), 26 September 2008 (elevations) and 19 March 2009 (wall) submitted by R Forknall on behalf of the owner Llankroff Pty Ltd for eight single storey grouped dwellings at Lot 111 (No.366 - 380) Great Eastern Highway, Ascot.

(Notes:
- ***Absolute Majority required.***
- ***A delegation of authority made by the Council pursuant to subclause 9.10.1 shall have effect for the period of 12 months following the resolution, unless the Council stipulates a greater or lesser period in the resolution.)***

******ABSOLUTE MAJORITY REQUIRED***

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

12.3 ACCOUNTS FOR PAYMENT**

Business Excellence Belmont

ATTACHMENT DETAILS

Attachment No	Details
BEXB Attach 3 – Item 12.3 refers	Accounts for payment listing

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

12.3 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

> *"If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared.*
> *(a) the payee's name;*
> *(b) the amount of the payment;*
> *(c) the date of the payment; and*
> *(d) sufficient information to identify the transaction."*

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	780617-780702	$205,664.21
Municipal Fund EFTs	EF007751-EF008150	$2,293,098.72
Trust Fund Cheques	905287	$13,541.16
Trust Fund EFT	EF0007837	$1,842.50
Total Payments for April 2009		$2,514,146.59

12.3 Continued

A copy of the Authorised Payment Listing is included as BEXB Attachment 3 to this item.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Authorised Payment Listing as provided under BEXB Attachment 3 be received.

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

12.4 FINANCIAL REPORT AS AT 30 APRIL 2009**

Business Excellence Belmont

ATTACHMENT DETAILS

Attachment No	Details
BEXB Attach 4 - Item 12.4 refers	Monthly Financial Activity Statement as at 30 April 2009.

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

COUNCIL ROLE

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

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

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

12.4 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Key Result Area: Business Excellence - "Improve knowledge management and ensure organisational compliance to statutory record keeping obligations*".*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

The Local Government (Financial Management) Regulations 1996 require that financial statements are presented on a monthly basis to Council. In August 2008, Council adopted 10 percent of the budgeted closing balance as the materiality threshold.

OFFICER COMMENT

The statutory monthly financial report is to consist of a Statement of Financial Activity reporting on sources and applications of funds as set out in the Annual Budget. It is required to include:

- Annual budget estimates;
- Budget estimates to the end of the reporting month;
- Actual amounts to the end of the reporting month;

12.4 Continued

- Material variances between comparable amounts; and
- Net current assets as at the end of the reporting month.

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

The monthly financial report is to be accompanied by:

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

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

** *Assets which are restricted by way of externally imposed conditions of use eg tied grants.*

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

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

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

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

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

In order to provide more details regarding significant variations in Attachment BEXB 4, the following summary is provided.

12.4 Continued

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
Applications of Funds – Capital			
Computing	580,249	387,643	Business applications and equipment not yet purchased.
Financing Activities	144,380	293,477	All loan repayments made. Variance is a timing issue.
Crime Prevention & Comm Safety	100,000	31,875	CCTV Alarm project not yet commenced.
Technical Services	389,638	273,140	Some Environmental projects commenced later than anticipated.
Road Works	3,763,671	3,199,671	Some projects commenced later than anticipated.
Streetscapes	123,590	67,789	Landscaping & Goodwood Pd Boat ramp commenced later than anticipated.
Operations Centre	1,238,811	1,315,561	Some plant purchased earlier than anticipated.
Applications of Funds – Operating			
Finance Department	1,060,919	968,149	Salary related costs below budget.
Marketing & Communications	867,561	783,254	Timing issues with budget spread.
Transfer to Reserve	95,681	37,500	Most transfer to reserve occurs at the end of year.
Executive Services	1,250,260	1,040,294	Salary related costs below budget.
Human Resources	723,653	629,228	Salaries & Other Consultants costs below budget.
Governance	1,475,680	1,551,641	ABC Allocation high than anticipated.
Financial Activities	78,627	153,718	All loan repayments made. Variance is a timing issue.
Belmont Community Watch	454,010	371,858	Not all invoices received for Security Services.
Criminal Damage	388,368	201,839	Salaries & related costs below budget.
Crime Prevention & Comm Safety	131,637	206,471	Project Management Services not commenced.
Belmont HACC Services	1,603,534	1,413,740	Salaries and related costs below budget.
Youth Services General	556,833	443,653	Salaries below budget, other minor timing issues.
Town Planning	1,134,120	1,013,306	Consultancy costs lower than anticipated
Sanitation Charges	2,975,961	2,559,014	Reduced price negotiated for Waste Removal service.
Ruth Faulkner Library	1,327,874	1,016,874	Distribution of 'Finding my Place' grants below budget.
Grounds Operations	3,048,202	2,644,384	Slight timing issues with some projects.
Road Works	552,585	656,700	Street Maintenance costs higher

12.4 Continued

Report Section	YTD Budget	YTD Actual	Comment
			than anticipated.
Streetscapes	1,025,427	860,212	Street Tree Maintenance works commenced later than anticipated.
Drainage Works	280,984	126,327	Maintenance for Ascot Lakes & Marina commenced later than anticipated.
Grounds Operations	94,880	28,694	Ascot Water Marina maintenance not yet commenced.
Public Works Overheads	885,593	956,735	Insurance premium fully recognised. Over-estimated time supervisors allocate to jobs.
Plant Operating Costs	691,798	639,596	Overhead lower than anticipated.
Technical Services	1,362,707	1,096,460	Salaries & Services below budget.
Other Public Works	612,099	791,631	Street Lighting tariff fully paid yet costs budgeted evenly.
Sources of Funds – Capital			
Computing	(112,230)	(267)	Transfers not yet processed.
Road Works	(415,075)	(173,274)	Grant funding only received upon completion of project.
Operations Centre	(1,161,750)	(559,662)	Sale of Plant replacement not yet occurred.
Building Operations	(192,864)	(376,046)	Grant for Belmont Sport & Recreation Centre not budgeted.
Sources of Funds – Operating			
Finance Department	(1,161,906)	(968,149)	ABC Allocation lower than anticipated.
Computing	(1,072,446)	(898,404)	ABC Allocation lower than anticipated.
Transfer to reserve	(381,394)	(255,418)	Transfers not yet processed.
Executive Services	(56,709)	5,620	Advertising income relates to last year & will be adjusted
Human Resources	(730,790)	(629,228)	ABC Cost Recovery lower than anticipated
Rates	(28,027,869)	(28,103,053)	Rates slightly higher than anticipated due to interim rates etc.
Financing Activities	(740,525)	830,335	Interest on Reserve Investments lower than anticipated.
Belmont HACC Services	(1,849,474)	(1,766,786)	Internal allocations and grants lower than anticipated
Youth Services General	(259,450)	(176,871)	Lower than anticipated other agency income.
Town Planning	(440,879)	(502,146)	ABC Cost recovery higher than anticipated.
Grounds Overheads	(1,056,624)	(949,374)	Recoveries lower than

12.4 Continued

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
			anticipated.
Road Works	(437,903)	(328,055)	Grant Funding lower than anticipated at this point of the year.
Building Overheads	(89,155)	(143,950)	Overhead recoveries higher than anticipated. Rate has been reduced
Public Works Overheads	(887,023)	(990,366)	Overhead recoveries higher than anticipated.
Plant Operating Costs	(1,177,948)	(988,763)	Recovery from Plant usage lower than anticipated.
Technical Services	(61,625)	(166,423)	ABC Cost Recovery higher than anticipated.
Other Public Works	(87,837)	(293,905)	Reimbursements for private works higher than anticipated.

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

Reconciliation of Net Current Assets to Statement of Financial Activity		
Current Assets as at 30 April 2009	$	Comment
Cash and investments	22,758,303	Includes municipal, reserves & deposits
- less non rate setting cash	-10,956,447	Reserves and deposits held
Receivables	1,846,605	Mostly rates levied yet to be received
- less non rate setting receivables	-284,778	ESL levied and GST payable
Stock on hand	191,301	
Total Current Assets	**$13,554,984**	
Current Liabilities		
Creditors and provisions	-6,660,015	Includes deposits
- less non rate setting creditors & provisions	3,090,915	ESL, GST and deposits held
Total Current Liabilities	**-$3,569,100**	
Net Current Assets 30 April 2009	$9,985,884	
Net Current Assets as Per Financial Activity Report	$9,985,884	
Less Restricted Assets	-279,176	Finding My Place unspent grants held for specific purposes
Less Committed Assets	-$9,186,708	All other budgeted expenditure
Estimated Closing Balance	**520,000**	

12.4 Continued

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 April 2009 as included in Attachment BEXB Attach 4 be received.

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

12.5 CONSIDERATION OF DRAFT BUSINESS PLAN – ACQUISITION OF HALF OF LOT 451 WATERWAY CRESCENT, ASCOT NOTE ITEM WITHDRAWN AND DEFERRED – REFER PAGE 44**

Note

Item 12.5 was withdrawn and deferred after Item 12.6. Refer Page 44.

7.50pm Having previously declared a Direct Financial Interest in Item 12.6, Cr Hanlon departed the meeting.

12.6 BELMONT SMALL BUSINESS CENTRE FUNDING**

Original attachment archived in Confidential Minute Book 2009

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 5 – Item 12.6 refers	Correspondence seeking support for Belmont Small Business Centre

Voting Requirement	:	Simple Majority
Subject Index	:	22/003 – Belmont Business Enterprise Centre – Funding – Donations & Sponsorship
Location / Property Index	:	7 Fairbrother Street, Cloverdale
Application Index		N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Chief Executive
Internal Consultation		N/A

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council's support for correspondence to be prepared to the Small Business Development Corporation seeking the continuation of Small Business Centre services for businesses in Belmont.

12.6 Continued

SUMMARY AND KEY ISSUES

The Belmont Business Enterprise Centre/Small Business Centre (BSBC) has been operating in Belmont since 1994. The BSBC has always received an operational grant as funding support from the Western Australian Government through the Small Business Development Corporation (SBDC). There has always been an expectation from SBDC that a BSBC will also source additional funding to supplement their operational grants. The Belmont Small Business Centre has a long history of securing additional funds. During 2008 the BSBC was successful in securing $250,000 per annum funding from the Federal Government for additional small business services.

The BSBC has recently been advised that SBDC will no longer be providing an operational grant. This decision is to take affect at the beginning of the 2009/10 financial year. Correspondence has been received from the Management Committee of the BSBC requesting a letter of support from Belmont City Council for the Belmont Small Business Centre.

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Objective	Strategy
Maximise business development opportunities within the City	Attract and support high-quality high employment businesses to the City of Belmont

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

The Belmont Business Enterprise Centre/Small Business Centre (BSBC) has been operating in Belmont since 1994. Since that time the BSBC has received an operational grant from the Western Australian Government, through the Small Business Development Corporation (SBDC), to provide local business with:

- Free practical business assistance
- Referral to specialist advisers (Accountants, lawyers, etc.)

12.6 Continued

- Help through the maze of government departments and regulations
- Business workshops
- Business information
- Problem solving

During 2004/2005 SBDC conducted a review of the Business Enterprise Centre program. A recommendation of this review was that "the Belmont BEC will have an emphasis on the Textile, Clothing and Footwear (TCF) industries; however it will still provide the full range of BEC services to clients within the Belmont area." Another outcome of this review was the rebadging of the BEC network as Small Business Centres. Since that time there has been a steady increase in activities undertaken by the BSBC in support of the TCF industries.

The BSBC originally received additional operational grant funding from the City of Belmont. This was in the form of an untied grant. This grant was provided to assist the BSBC to provide support to the broad range of businesses within Belmont. Subsequent to the outcomes of the SBDC review, and the increased focus on TCF industries, the City ceased to provide untied operational grant funding and in 2005 moved to the provision of funds for specific projects that were considered to provide services to the broad range of businesses within Belmont. These grants have been provided as: support for the annual Small Business Awards; a business mentoring program; a small business training needs analysis; and a business support program targeting the equine industry. Funding support has also been provided to the BSBC from the City's Community Development area for the Indigenous Modelling program at Belmont College.

During 2008 the BSBC was one of 36 Business Enterprise Centres across Australia that was selected by the Federal Government's Small Business Minister for annual funding of $250,000 for a 4 year program to strengthen and expand their capacity to help small business intenders and those already in operation through the assistance already provided by the organisation. This additional funding is to be used to provide: access to legal and accounting services to eligible new business operators; business mentoring; writing better business plans and simple marketing plans; guidance on loans and banking products; invitations to business networking events; specialist workshop topics; and access to national referrals.

The BSBC has recently been advised that SBDC will no longer be providing an operational grant. This decision is to take affect at the beginning of the 2009/10 financial year. Correspondence has been received from the Management Committee of the BSBC requesting a letter of support from Belmont City Council for the Belmont Small Business Centre.

OFFICER COMMENT

The City has always been supportive of efforts and activities designed to provide assistance to local small businesses. As such, the aims and objectives of the SBDC funding program, as listed above, are endorsed. However, the City has also wanted to ensure that support is provided to the full range of small business in Belmont. Concerns have been held, and expressed to the Management of the BSBC, that a focus on the TCF industries was only going to support a relatively small portion of local business. This is the primary reason why the City chose to move away from providing the BSBC with an untied operational grant to providing specific project funding.

12.6 Continued

The City needs to ensure that the full range of SBDC funded services, as listed above, continue to be provided for the full range of local businesses.

Comments have been made in the attached correspondence (Refer Confidential Attachment 5) that the loss of the SBDC funding will threaten the ongoing provision of Federal funds. At this stage this is not certain. It should be noted that the Welshpool Business Enterprise Centre also receives Federal funding, despite being defunded by the SBDC as part of the 2005 BEC Review.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There will be negative implications for businesses in Belmont if they are no longer able to access SBDC programs and support.

OFFICER RECOMMENDATION

That Council endorse the preparation of correspondence to the Small Business Development Corporation seeking assurance that businesses in Belmont will continue to be able to readily and easily access traditional Small Business Centre services, advice and support.

Notation

Cr Dornford withdrew the Item to put forward an Alternative Motion.

MOTION

DORNFORD MOVED, MARKS SECONDED, That Council endorse the preparation of correspondence to the Small Business Development Corporation in support of the Belmont Small Business Centre and seeking assurance those businesses in Belmont will continue to be able to readily and easily access State financial support and traditional services, advice and support currently provided by the Belmont Small Business Centre.

CARRIED 8 VOTES TO 0

Reason

Cr Dornford considered it necessary to strengthen the arguments in support for the Belmont Small Business Centre to the Small Business Development Corporation and the Federal Minister Small Business.

7.55pm **Cr Hanlon returned to the meeting.**

Notation

Cr Dornford requested the withdrawal of Item 12.5 as he wished to put forward a motion to defer the Item.

The Presiding Member stated that Council would need to revoke its resolution at Item 12 in order to withdraw Item 12.5 and suggested an adjournment for five minutes.

7.58pm ***HITT MOVED, HANLON SECONDED to adjourn the meeting for five minutes.***

CARRIED 9 VOTES TO 0

7.58pm **Cr Rossi departed the meeting.**

8.08pm **The Presiding Member readjourned the meeting.**

8.09pm **Cr Rossi returned to the meeting.**

MARKS MOVED, HITT SECONDED That Council revoke its resolution at Item 12 that with the exception of Items 12.6 and 12.7. which are to be considered separately, that the Officer Recommendations specifically for Items 12.1, 12.2, 12.3, 12.4, and 12.5 be adopted en bloc.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

Reason

To provide for item 12.5 to be considered separately in accordance with the requirements of the Standing Orders.

WHITELEY MOVED DORNFORD SECONDED, That with the exception of Items 12.5, 12.6 and 12.7. which are to be considered separately, that the Officer Recommendations specifically for Items 12.1, 12.2, 12.3, and 12.4 be adopted en bloc

CARRIED 9 VOTES TO 0

12.5 CONSIDERATION OF DRAFT BUSINESS PLAN – ACQUISITION OF HALF OF LOT 451 WATERWAY CRESCENT, ASCOT NOTE ITEM WITHDRAWN AND DEFERRED – REFER PAGE 43**

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 4 – Item 12.5 refers	A Valuation Report of Lot 451 Waterway Crescent, Ascot – Pember Wilson & Eftos.
BEXB Attachment 5 – Item 12.5 refers	Draft Business Plan – Acquisition of Lot 451 Waterway Crescent, Ascot.

Voting Requirement	:	Simple Majority
Subject Index	:	116/007 – Ascot Waters
Location / Property Index	:	Lot 451 Waterway Crescent, Ascot
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	Joint ownership – City of Belmont & Western Australian Turf Club
Responsible Division	:	Corporate & Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council's approval to give state-wide public notice stating that the City of Belmont proposes to purchase the Western Australian Turf Club's portion of Lot 451 Waterway Crescent, Ascot and that a business plan associated with this acquisition may be obtained from the City.

12.5 Continued

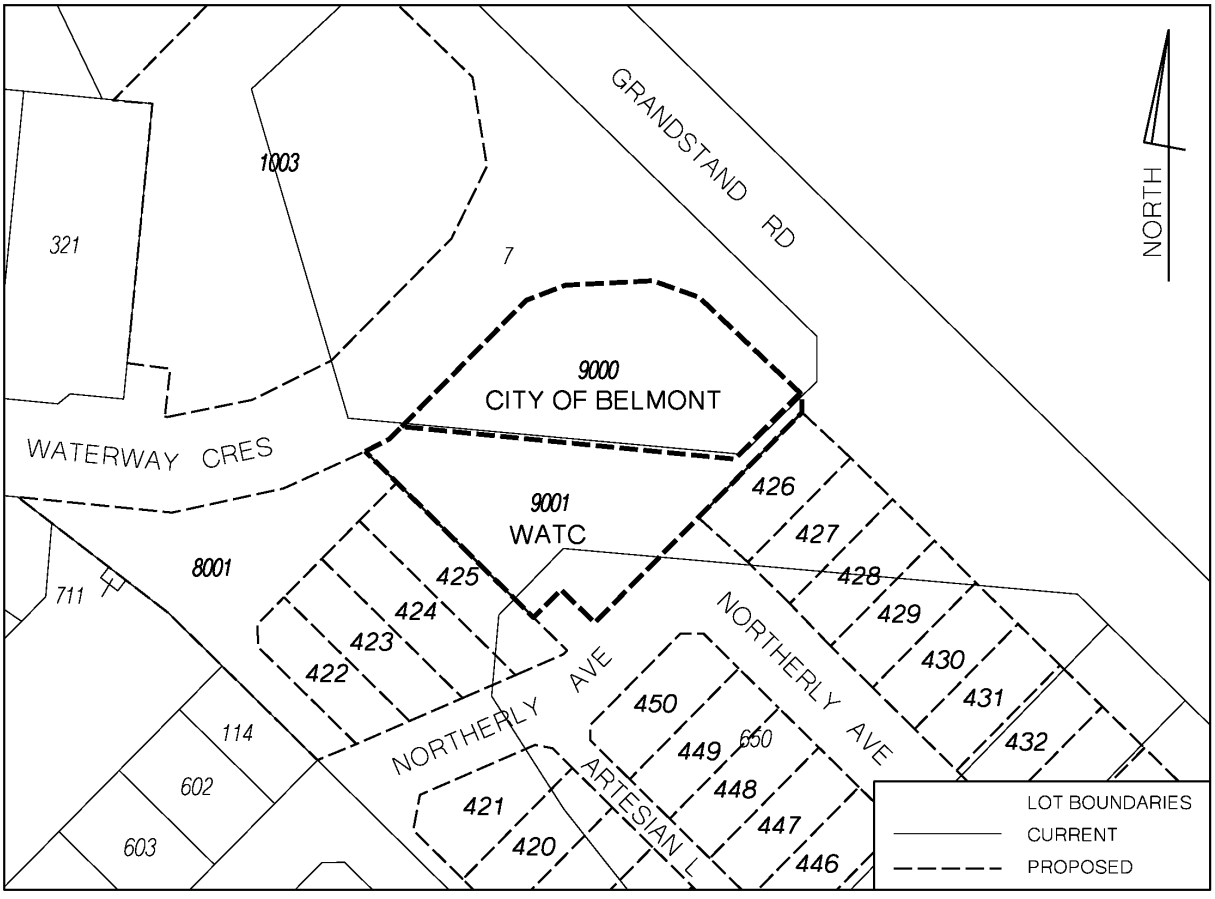
SUMMARY AND KEY ISSUES

Lot 451 Waterway Crescent, Ascot, is one of two properties on either side of the roundabout opposite Ascot Race Course and is one of the first properties anyone driving over Garratt Road Bridge sees upon entering Belmont. Lot 451 Waterway Crescent, Ascot, is jointly owned by the City of Belmont and the Western Australian Turf Club (WATC). The City wants to ensure that there are "landmark" buildings on this site which promote Belmont as a progressive location for residence and business.

Officers have been advised that the WATC wishes to sell their half of Lot 451 Waterway Crescent, Ascot, to the City. It is felt that this is a purchase that should be made. The City would then own both properties on either side of the roundabout, which provides greater opportunity to benefit in the longer term from the coordinated development of the two sites.

A recent valuation of Lot 451 Waterway Crescent, Ascot, indicates that the total property is worth $2,700,000.00. As such, the WATC half of the land would be worth $1,350,000.00. As this is over the value threshold of $1,000,000.00 the *Local Government Act 1995* requires that a business plan be prepared for the proposed acquisition and that state-wide public notice be given of the City's intent to acquire the property.

LOCATION



Proposed Lot 451 Waterway Crescent, Ascot

12.5 Continued

CONSULTATION

There has been consultation with the WATC. If approved by Council, there will be state-wide public notice of the intent to purchase, which will provide opportunities for increased consultation.

STRATEGIC PLAN IMPLICATIONS

Strategy	Agreed Action
Land Asset Management Plan	The City will selectively acquire or retain sufficient interest in property to support the development of the necessary service, social and community infrastructure as well as property seen as strategically vital to the achievement of good urban design outcomes.

POLICY IMPLICATIONS

C3.4.6 FINANCIAL MANAGEMENT – MAJOR LAND TRANSACTIONS, SPECIAL TOWN PLANNING SCHEMES AND SPECIAL PROJECTS

Policy Objective:

To ensure specific financial management is applied to Major Land Transactions (a Major Land Transaction would be defined as per S3.59 the Local Government Act, and as a consequence, be the subject of the preparation of a Business Plan), Special Town Planning Schemes and special Projects as determined by the Chief Executive Officer.

Policy Statement:

Council supports the principle that all Major Land Transactions and Special Town Planning Schemes as defined in the Local Government Act are subjected to specific financial management. The Chief Executive Officer is to ensure that the level of financial management is to include no less than a detailed monthly analysis of income and expenditure against budgeted incomes and expenditures and that it be reported to Council at least quarterly, or more frequently if required.

STATUTORY ENVIRONMENT

The value of the WATC half of Lot 451 Waterway Crescent, Ascot, is greater than the $1,000,000.00 threshold by which it is considered to be a major land transaction pursuant to Section 7 of the *Local Government (Functions and General) Regulations 1996*. Because of this, it will be necessary to adhere to Section 3.59 of the *Local Government Act 1995*. In this section it is stated:

(2) Before it —
(b) enters into a major land transaction; a local government is to prepare a business plan.

12.5 Continued

(3) The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —

(a) its expected effect on the provision of facilities and services by the local government;
(b) its expected effect on other persons providing facilities and services in the district;
(c) its expected financial effect on the local government;
(d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56;
(e) the ability of the local government to manage the undertaking or the performance of the transaction; and
(f) any other matter prescribed for the purposes of this subsection.

(4) The local government is to —

(a) give Statewide public notice stating that —

(i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction;
(ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
(iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and

(b) make a copy of the business plan available for public inspection in accordance with the notice.

(5) After the last day for submissions, the local government is to consider any submissions made and may decide to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.

BACKGROUND

As part of the larger Ascot Waters development the City of Belmont and the WATC, together with the Department for Planning & Infrastructure, are joint applicants for approval to subdivide land within the Ascot Waters Special Development Precinct for the creation of the Ascot Vale subdivision. The subdivision process is guided by a Landowners Deed signed by the WATC and the City of Belmont. The subdivision involves, in part, the amalgamation of separate parcels of land owned by the City of Belmont and WATC respectively to form a new Lot 451 Waterway Crescent with a total area of approximately 3 160m2. That Landowners Deed stipulates that the City of Belmont and the WATC are joint owners of Lot 451. Further, Clause 6 of the Landowners Deed states that:

"6. Upon the issue of a certificate of title for Lot 451 and subject to the requirements of the Local Government Act 1995, the City of Belmont and WATC shall:

6.1 At the election of either party, negotiate the sale to the other party of the first party's ownership interest in Lot 451; or

12.5 Continued

> *6.2 Should neither party elect to sell its interest to the other pursuant to clause 6.1, or should no agreement be reached between the parties for the sale by one party to the other, the parties shall provide full cooperation each to the other in order to achieve the sale of Lot 451 for cash consideration on an arms length basis on the open market at the best price reasonably achievable and otherwise in accordance with the standard City of Belmont guidelines for the disposal of surplus property."*

The WATC have recently advised the City that they wish to exercise clause 6.1 of the Landowners Deed. It should be noted that if the City does not purchase the WATC portion of Lot 451 clause 6.2 would be enacted and the property would be sold on the open market.

A valuation was commissioned in March 2009, which indicates that the property is now worth $2,700,000.00. (Refer Confidential Attachment 4).

OFFICER COMMENT

The City currently enjoys freehold ownership of the property on the northern side of the roundabout, Lot 1003 Waterway Crescent. The acquisition of the WATC half of Lot 451 will ensure that the City has control over the future development of this significant and strategic land holding. It has always been an intention of the City that there be "landmark" buildings at this location which promote Belmont as a progressive location for residence and business. Concerns are held that if the City doesn't purchase the WATC portion of Lot 451, and it is subsequently sold on the open market, the potential for ensuring the development of a landmark building would be diminished.

As shown, the value of the property has dropped by 15% in the last 6 months. Whilst it is possible that there may be a future drop in the value of the property it is unlikely to go much further down. As such it is felt that this is a good time to begin the process of acquiring the property.

FINANCIAL IMPLICATIONS

If the final sale price of the WATC half of Lot 451 Waterway Crescent reflects the valuation of $2,700,000.00, the cost to the City of Belmont will be $1,350,000.00. The City will need to borrow this amount. The current rate of interest for State Treasury loans is 5%. If the City were to borrow $1,350,000.00 at 5% over a period of 10 years, the final amount paid for the property, in today's dollars, will be $1,745,033.00. This equates to an annual repayment of $168,972.00.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

12.5 Continued

OFFICER RECOMMENDATION

1. Endorse the draft business plan as detailed in BEXB Attachment 5.

2. Authorise City Officers to give State-wide public notice stating that the City of Belmont proposes to enter into a major land transaction for the purpose of acquiring the Western Australian Turf Clubs portion of Lot 451, Waterway Crescent, Ascot.

Revised Motion

DORNFORD MOVED, HITT SECONDED, that Council defer the item.

LOST 2 VOTES TO 7

Against: Dornford, Hitt

Reason

To enable further discussion.

MARKS MOVED, WHITELEY SECONDED, that Council

1. Endorse the draft business plan as detailed in BEXB Attachment 5.

2. Authorise City Officers to give State-wide public notice stating that the City of Belmont proposes to enter into a major land transaction for the purpose of acquiring the Western Australian Turf Clubs portion of Lot 451, Waterway Crescent, Ascot.

CARRIED 7 VOTES TO 2

Against: Dornford, Hitt

12.7 LATE ITEM: - LYALL STREET – ROAD CLOSURE PROCESS

Built Belmont

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	102/046 – Lyall Street Road Closure
Location / Property Index	:	Lyall Street, Ascot
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	OCM Item 12.1.10 – 11 December 2007 OCM Item 12.5 – 16 December 2008
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Technical Services Division
Internal Consultation		Manager – Governance & Principal – Governance & Compliance Advisor

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, town planning schemes & policies.*
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PURPOSE OF REPORT

To seek Council approval to continue the temporary road closure of Lyall Street, Ascot until such time as the Minister for Lands has considered the City's application for permanent road closure and advised the City accordingly.

12.7 Continued

SUMMARY AND KEY ISSUES

Further to the resolution of Council at the Ordinary Council Meeting held on 16 December 2008, approval is sought by Council to continue the temporary road closure of Lyall Street, Ascot until the permanent closure of the road has been considered by the Minister for Lands.

LOCATION

Lyall Street, Ascot.

CONSULTATION

Consultation has been undertaken with the City's Compliance and Governance section in order to comply with the requirements of Section 3.50 of the Local Government Act 1995. A summary of this consultation process is as follows:

- Petition received by Council – 2006.
- Investigation/letters to stakeholders – 2007.
- Public consultation, including correspondence and public meetings – 2007.
- Council agree to trial closure – OCM 11 December 2007.
- Trial closure advertised in Southern Gazette – 16 September 2007.
- Trial closure conducted 15 September 2008 to 15 December 2008.
- Report to Council – 16 December 2008.

STRATEGIC PLAN IMPLICATIONS

To provide and maintain safe transport infrastructure.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Provisions of Section 3.50 of the *Local Government Act 1995* and Section 58 of the *Land Administration Act 1997* apply.

BACKGROUND

In order to finalise the permanent closure of Lyall Street, approval is to be sought from the Minister of Lands. As this process may take some time, the road closure of Lyall Street is to remain as a temporary closure until such time that the Minister responds.

There has been a delay in the commencement of the next phase of seeking a permanent closure. This was an oversight in the road closure process.

12.7 Continued

The City does not regard the road as permanently closed but rather a temporary closure until such time as the Minister for Lands considers a request for closure.

For clarification purposes, the City will be reconfirming the temporary nature of the closure to Lyall Street at the Ordinary Meeting of Council on 26 May 2009, prior to this the matter will be discussed at the Agenda Briefing Forum of the 19 May 2009.

OFFICER COMMENT

The process of permanent closure in this case follows two identifiable parts, that being;

1. Council is to approve the temporary closure of Lyall Street, Ascot during the deliberation of the permanent closure of the subject road.

2. Once local public notice has been undertaken on the temporary closure of Lyall Street, Ascot, then the City will advertise the closure for 35 days from June 2009 in accordance with Section 58 of the Land Administration Act 1997 and follow this with a further report to Council having given consideration to the submissions received, before requesting Ministerial approval. A further item to consider the submissions will be referred to Council in July 2009.

Following the delay identified in this process, a system improvement has been initiated to avoid any future delays.

FINANCIAL IMPLICATIONS

Council has previously approved budgeted treatment works at Lyall Street for $40,000 should the permanent closure be approved. This work has been re-budgeted in the 2009/2010 budget for consideration by Council.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

Contribute to an environment where residents are safe and feel safe.

OFFICER RECOMMENDATION

WOLFF MOVED, ROSSI SECONDED, that Council in accordance with Section 3.50 of the Local Government Act 1995 approve the continuation of the temporary road closure of Lyall Street, Ascot, until such time that the Minister for Lands has considered the City's application for permanent closure.

CARRIED 7 VOTES TO 2
Against: Dornford, Hitt

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

MARKS MOVED, ROSSI SECONDED, That Cr Brennan be granted leave of absence for the period 23 May 2009 – 1 June 2009, inclusive.

CARRIED 9 VOTES TO 0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business the Presiding Member closed the meeting at 8.26pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 26 May 2009 were confirmed as a true and accurate record at the Ordinary Council Meeting held 23 June 2009:

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____