



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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27 September 2016

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<p>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</p>
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MINUTES

PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr L Cayoun	West Ward
Cr P Hitt	West Ward
Cr M Bass	East Ward
Cr B Ryan	East Ward
Cr P Gardner (<i>arr 7.08pm</i>)	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr R Lutey	Director Technical Services
Mr R Garrett	Director Corporate and Governance
Mr J Pol	A/Director Community and Statutory Services
Ms AM Forte	Human Resources Manager
Mr J Hardison	Manager Property and Economic Development
Mrs M Lymon	A/Manager Governance
Mr V Popescu	Project Management Coordinator - Building
Ms K Scannell	Coordinator Property and Economic Development
Ms E Cashman	Senior Governance Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

There were 94 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.08pm, welcomed those in attendance and read the Acknowledgement of Country.

7.08pm Cr Gardner entered the meeting.

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

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

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

2. APOLOGIES AND LEAVE OF ABSENCE

Mr N Deague (Apology)
Mr J Olynyk, JP (Apology)

Director Community and Statutory Services
Manager Governance

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Mr S Cole – Chief Executive Officer	Item 14.2	Direct Financial Interest
Mr S Cole – Chief Executive Officer	Item 14.3	Direct Financial Interest

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title
Cr R Rossi	Item 12.7 2016 Community Service Awards
Cr B Ryan	Item 12.8 TAB Privatisation – Notice of Motion (Cr Cayoun) – 22 March 2016 Ordinary Council Meeting
Cr L Cayoun	Item 12.1 Special Electors' Meeting Minutes – 7 September 2016: Proposed Development – 52 Grandstand Road, Ascot
Cr L Cayoun	Item 12.6 Domestic Violence Refuges – Notice of Motion (Cr Gardner) – 26 April 2016 Ordinary Council Meeting
Cr P Gardner	Item 12.1 Special Electors' Meeting Minutes – 7 September 2016: Proposed Development – 52 Grandstand Road, Ascot

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

7.10pm The A/Manager Governance entered the meeting.

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcements:

1. *I am proud to advise that the City of Belmont was one of only two metropolitan Councils to receive the “tick” for high level planning performance, specifically in the areas of strategic planning, statutory planning, delegation of approval to planning officers and timeliness of approvals. According to the Property Council of Australia’s independent assessment report published on 8 September 2016, the City of Belmont achieved an overall high score of 20.1 out of a possible 23 points.*

Whilst the report findings found a lack of consistency in many local governments’ planning performances, it is pleasing that Belmont was one of the two councils to receive accolades from the report outcomes.

7.11pm The Director Corporate and Governance and A/Manager Governance departed the meeting.

2. *I am proud to announce that the City of Belmont has been recognised nationally for providing excellence in the area of Customer Service. This comes following the Customer Services Institute of Australia announced the City as a finalist in the upcoming 2016 Australian Service Excellence Awards.*

The award criteria is largely based on the International Customer Service Standard, a framework of 27 specific measures that can be applied equally to government, not-for-profit and for-profit organisations. The Award Judges visited the City last Friday and assessed our customer service in action.

The City now eagerly awaits the outcome of the Awards ceremony next month.

4.2 DISCLAIMER

7.12pm The Presiding Member advised the following.

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

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

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

The following questions were taken on notice at the Ordinary Council Meeting of 23 August 2016. Mr Childs was provided with a response on 2 September 2016. The response from the City is recorded accordingly:

3. Is the Security Contract linked to any performance? What are the performance indicators?

Response

The City's Security contract is linked to performance criterion. The Community Watch Patrols have a number of Key Performance Indicators (KPIs) including:

- **Responding to customer requests within set timeframes**
- **Attending alarm activations**
- **Both Council and Alarm Assist customers within set timeframes**
- **Submission of online graffiti reports, damage to Council buildings and property, and**
- **Submitting Eyes on the Street/informational reports**

There have been no issues regarding the service achieving its KPIs to date.

4. Can we be informed of the Tender process applied to the Youth Services?

Response

The City's Youth Services contract/tender process adhered to the standard tender process as per all Council related contracts/tenders are required to follow.

Item 5.1.1 Continued

4a. What are the performance indicators?

Response

The City's Youth Services contract is linked to performance criterion. The City of Belmont Youth Strategic Plan 2015 and Beyond has 46 KPIs which the City's Youth Services contractor YMCA are required to achieve and report on, on a monthly basis. There have been no issues regarding the service achieving its KPIs to date.

5.1.2 MS A CEPEDA, 1 NORTHERLY AVENUE, ASCOT

The following question was taken on notice at the Ordinary Council Meeting of 23 August 2016. Ms Cepeda was provided with a response on 2 September 2016. The response from the City is recorded accordingly:

4. Will I receive a response from the City to confirm that they have received my submission?

Response

An email containing a letter of acknowledgement – receipt of submission, was sent to Ms Cepeda on Friday 26 August 2016.

7.12pm The Director Corporate and Governance returned to the meeting.

7.13pm The A/Manager Governance returned to the meeting.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.13pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered five members of the public who had given prior notice to ask a questions.

5.2.1 MS J GEE, 97 GABRIEL STREET, CLOVERDALE

15 Storey Building:

1. Re Claim 3 – we all appreciate the need for aged care accommodation.

- a) Would like to know who on Council agrees with 15 floors for aged age (when the lift can't be used who among us would be able to walk down – never mind up 15 floors of stairs – considering most of us are not of that age yet)?

Response

The Presiding Member advised that questions could not be asked of individual Councillors. Aged care/nursing home facilities will be on the first four floors. The levels above will be for 55s and over. The Presiding Member commented that at 65 he is capable of walking up and down 15 flights of stairs.

Item 5.2.1 Continued

- b) With uninterrupted views of the Swan River forever – once this is deemed aged care what will stop the apartments above the 4th floor being sold to other than aged care (premium price)?

Response

The Manager Property and Economic Development advised that a condition of the contract of sale will stipulate the purpose of the facility, being aged care accommodation.

The Director Corporate and Governance further advised that as an aged care facility, it is likely that the building will be protected under the *Retirement Villages Act 1992*. There may be a memorial over the property that restricts its use to the operation of a retirement village.

- c) Ratepayers have shown that they are opposed to this development (which if all the facts were in evidence could have happened sooner) so what is Council going to do to address this?

Response

The Presiding Member advised that Council is currently following the process set in place. A Special Electors' Meeting has been held and the next step is the JDAP meeting which will assess the development application. Following this, the matter will return to Council for determination on the sale of the land.

- d) Several ratepayers asked for Councillors that voted against the development to represent Council on the DAPS Panel – will Council fulfil this request?

Response

Council representatives on the Metro Central Joint Development Assessment Panel (JDAP) are Ministerial appointments. The two Councillors who voted against the development have the same conflict of interest as the two current JDAP representatives who have removed themselves from the panel. All Councillors would therefore be unable to represent Council at the JDAP meeting.

- 2. Claim 5 – A survey or submission can produce the required outcome if the right questions are asked or key pieces of information are not made public. At what point were ratepayers given all the information to enable a genuine submission?

Response

The Manager Property and Economic Development advised that Council has been consistent with all legislation and planning policies regarding consultation. The development has always been discussed in an open and accountable manner.

The Presiding Member advised that the developer has submitted a Development Application and is entitled to have the application assessed.

Item 5.2.1 Continued

3. Community Centre

- a) What is the total area designated to accommodate our seniors (noting that mobility devices take up a fair amount of room)?

Response

The A/Director Community and Statutory Services advised that the Senior Citizens space in the Community Building will be approximately 650m². Plans have not been finalised, however adequate space has been provided for the storage and use of mobility vehicles and frames.

The A/Director Community and Statutory Services further advised that the building will comply with Disability Access requirements and corridors, door frames etc. will be more than adequate to accommodate mobility devices.

- b) How do seniors access the ramp shown on A74, it is not really well documented on the design?

Response

The A/Director Community and Statutory Services advised that the ramp shown at the back of the building is for vehicular access only, however the building will have at least three access ramps from street level to the podium level providing for disability access.

- c) What is the total expenditure to date on the Community Centre?

Response

The Presiding Member advised that the figure is not currently available.

4. I hope that Council doesn't think that in the future we can use schools or any other building as part of our open space.

Response

The Presiding Member advised that there was an item on the agenda regarding Public Open Space.

5.2.2 Ms C FOOTE, 7 CLEARWATER WAY, ASCOT

1. Can you confirm that both 52 Grandstand Road and 2 Waterway Crescent zoning is in the Ascot Waters Special Development Precinct and governed by Local Planning Policy No. 6?

Response

The Manager Property and Economic Development confirmed this.

2. As per Local Planning Scheme 15, the local government must have due regard to the provisions and objectives of the Local Planning Policies. (LPS15 2.3)
3. Will the City include in its Responsible Authority Report (RAR) regarding the proposed 15 storey development, relevant criteria and objectives of Local Planning Policy No:6 (23/12/2014) which were not included in the Planning Assessment Report (15/4/2016), in particular the:

Policy Objective includes:

- “to facilitate a harmonious and attractive living environment which can be appreciated by both residents of the Precinct and the wider community” and
- “To provide a unifying identity for the Precinct”

Plot ratio may be varied in accordance with the character and intent of the Ascot Waters locality (LPS15 5.3.4) of which 52 Grandstand Road is shown as R100 in the Detailed Area Plan (LPP6 Figure 22) and 2 Waterway Crescent is listed as a maximum of 5 residential units.

In the Grandstand Road subdivision, the objectives of the building height for properties along Grandstand Road is “to achieve a consistent scale on the periphery of the estate” (LLP6 15.6). “To ensure an appropriate urban scale the maximum allowable height for single dwellings is three storeys with a fourth habitable level permitted within the roof space “(LLP6 15.11). According to the City’s Planning Department, 52 Grandstand Road, as R100, would be limited to 4 storeys.

Development on Landmark Locations as shown in the LPP6 Detailed Area Plan (Figure22), including 52 Grandstand Road, “should draw attention to a location whilst reinforcing the sense of architectural identity.” (LPP6 15.4). Figures 23 and 24 of LPP6, show minimal increase in height to allow for a landmark element of a 3.5 x 3.5m max plan dimension.

Response

The Manager Property and Economic Development advised that it was correct that Local Planning Policy 6 (LPP6) covers this area, however LPP6 relates to single residential or multi-residential properties. The proposed development is not classified as residential, therefore the LPP6 height restrictions do not apply to 52 Grandstand Road.

Item 5.2.2 Continued

4. Due regard to LPP6 objectives including the scale of height needs to be given. How is a 15 storey development consistent with LPP6 objectives?

Response

The Presiding Member advised that height issues will be considered by the JDAP.

5. Will the City include this information in the RAR going to the JDAP?

Response

The Manager Property and Economic Development advised that the RAR would include reference to LPP6. As this policy applies to residential properties and the proposed development at 52 Grandstand Road is consistent with Mixed Use, the Special Development Precinct guidelines are more applicable to residential development. In the same context, LPP6 would not apply to a proposed tavern or other development types on the site.

6. 52 Grandstand Road is zoned R100 with no mention of mixed use.

Response

The Manager Property and Economic Development confirmed that the property at 52 Grandstand Road is zoned Mixed Use within the Special Development Precinct area.

7. This is inconsistent.

Response

The Presiding Member advised that the property at 52 Grandstand Road is regarded as Mixed Use.

The Manager Property and Economic Development advised that LPP6 applies to residential development in Ascot Waters and this proposed development is outside the provisions for residential guidelines.

This property at 52 Grandstand Road and a number of properties in parts of Ascot Waters marina have been set aside for mixed use developments.

The RAR will reference LPP6, however LPP6 does not always apply.

5.2.3 MR J McCAMEY, 21 WATERWAY CRESCENT, ASCOT

1. At the May meeting when it was decided to sell the land to Craigcare, did Councillors go to the actual site?

Response

The Chief Executive Officer advised that this question provides an opportunity to clear up a misgiving that seems to be prevailing, which is that Council has already decided to sell the land. Council has not decided to sell the land, and this is an important point.

Council decided to commence a process after being approached by a developer who would like to develop a particular facility at the property at 52 Grandstand Road.

Council decided in May to consider whether previously imposed Council conditions had been satisfied. These conditions were required to be met before a Development Application could be lodged.

The Development Application has now been lodged, and must be determined by the JDAP.

If the Development Application is approved and the developer continues with the current design, the ultimate decision still rests with Council on whether it decides to sell the land to Craigcare. That decision has not been made.

2. Did Councillors attend the site?

Response

The Chief Executive Officer advised that although no official site visit was organised, it is a Council owned asset and Councillors are familiar with the site.

3. People visiting the area and seeing two storey buildings will not want to see a 15 storey building. I am presently dealing with this at the Town of Victoria Park. Building Surveyors would not visit the site. This is a typical example of a Council operating at 23 degrees inside with lots of paperwork and who haven't got a clue what is around the building, and making decisions without seeing the physical site.

Response

The Presiding Member advised that he has seen the site many times.

4. Before the meeting, did any of the Councillors go down to the site?

Response

The Presiding Member advised that he had been there many times and with the JDAP more recently. Councillors are aware of where the site is as they all live in the area, and are aware that there are two storey and in some cases four storey developments in the area.

Item 5.2.3 Continued

5. Council has an obligation of disclosure. 50 blocks on Grandstand Road have been sold recently. There is an R50 block on the corner near where the proposed development is located. As far as I know, in 2009 the blocks opposite were gazetted R100. When people were buying those 50 blocks that were subdivided, Council should have fully disclosed the potential for a 15 storey development. These blocks will be devalued. From 2009 onwards, when any person bought a block, Council should have disclosed to the purchaser that their block could be devalued.

Response

The Presiding Member advised that Council records are open for inspection for any prospective buyers doing their due diligence.

6. Why can't you write to everyone?

Response

The Presiding Member advised that with over 500 Development Applications annually, writing to all landowners is not physically possible or practical.

The Presiding Member further advised that Council would be unable to write to prospective buyers as their details are not available to Council before the property has been purchased.

7. Council should clarify mixed use. Nobody knows what mixed use is. Front counter staff should inform if a property is going to be mixed use or high rise.

Response

The Chief Executive Officer advised that all Council documentation containing this information is publicly available. Local Planning Scheme No. 15 (LPS15) is a published document which is very accessible and all members of the public are welcome to ask questions regarding LPS15. The City's front counter staff are constantly assisting members of the public who wish to carry out their due diligence before purchasing a property in the City. Prospective property buyers have a responsibility to understand what they are buying. All Council information is publicly available and well-advertised.

8. Council owns both blocks on both sides of the road. All those blocks will be devalued.

Response

The Presiding Member advised that this argument has been raised previously, however developments in the past have not shown that this is the case.

5.2.4 Ms L MCGUIRE, U3/152 LEAKE STREET, BELMONT AND MR A SHAHRIARI, U2/152 LEAKE STREET, BELMONT

1. Ms McGuire stated that she would like to know what is being done in relation to crime prevention in the City. She feels that not enough is being done in relation to crime prevention in her area.

Mr Shahriari advised that he is approaching Council as he does not know what else to do. My house has been broken into twice in the last 12 months and my car windows have also been smashed twice in that time. My family do not feel safe in our home. We have taken our issues to the Police; however they have not given us any security or advice. Our neighbours are very obviously dealing drugs and the Police are not doing anything about this.

Response

The Chief Executive Officer advised that the City's Community Safety and Crime Prevention Officers provide a range of free services and programs to assist residents with their security issues. He advised Mr Shahriari that a free security assessment of his property can be carried out and the City could assist if Department of Housing properties are involved. The City has a strong relationship with the Police and works closely with them to assist in resolving safety and security issues. Neighbourhood Watch is looking at these issues regularly. Drug dealing is unacceptable and this issue must always be followed up.

The Chief Executive Officer undertook to follow up on Mr Shahriari's issues with the City's Community Safety and Crime Prevention Officers and advised that the City will assist in all ways possible.

5.2.5 MR R GREENWOOD, 151 COOLGARDIE AVENUE, REDCLIFFE

1. When was the zoning of 52 Grandstand Road changed, was it 2009?

Response

The Presiding Member advised that this information will be obtained.

2. Were the residents of Ascot Waters that were likely to be affected contacted?

Response

The Chief Executive Officer advised that if the date coincided with the review of the City's Local Planning Scheme, when LPS15 was adopted, there was very significant public consultation and presentation over a considerable amount of time. Extensive advertising in 2011 and 2012 was carried out with some 150 submissions received. The Chief Executive Officer advised he was not certain that the new planning scheme dealt specifically with 52 Grandstand Road, however there was extensive consultation, advertising and Information Forums held at that time.

7.48pm HITT MOVED, CAYOUN SECONDED that question time be extended.

CARRIED 9 VOTES TO 0

5.2.6 DR M SARGENT, 11 LAKEWOOD AVENUE ASCOT

1. I notice in the document a price has been mentioned for the sale of this piece of land.

Response

The Presiding Member advised that the original sworn valuation commissioned by the City valued the property at \$3.15M.

2. This is a large parcel of land. Some 400m² parcels of land in Ascot Waters sell for \$400,000. Considering this, \$3.15M seems a small amount of money for the sale of this property. Do you have a comment on that?

Response

The Manager Property and Economic Development advised that the 52 Grandstand Road site was previously the Belmont Salvage Yards. The Geotechnical Report states that there is contamination on this site which will be required to be remediated prior to any development on the site. This will require additional work and expense. The clean-up cost of the site across the road was in excess of \$1M.

3. The Ascot Vale site was also highly contaminated and similar work was undertaken by the people who sold that land, however this did not appear to diminish the price.

Response

The Manager Property and Economic Development advised that sworn valuations have been obtained by the City from two independent valuation firms. These valuations are consistent, and the value of the land has increased slightly.

Contamination of the site has reduced the value of this land. The State Government has recently significantly increased waste disposal levies, which has had a direct effect on the valuations.

4. How much has the value of the land increased?

Response

The Manager Property and Economic Development advised that the property has increased in value by approximately \$300,000.

The Chief Executive Officer advised that the City is legislatively required to obtain a sworn valuation prior to the sale, which has been done. Two qualified independent valuers have provided sworn valuations on the property.

Council has resolved that the property cannot be sold below the sworn valuation amount. This is a directive from Council and Officers will operate accordingly.

5.2.7 MR M DE RUYTER, 37 WATERWAY CRESCENT, ASCOT

1. We have heard from Mr Cole that the land has not been sold and that this is yet to be decided. I would like to ask Council, has an agreement been signed by the City with certain conditions for the sale to go ahead?

Response

The Chief Executive Officer advised that an agreement has been drawn up, however it has not been signed by either party.

2. Are you suggesting this contract is not binding on Council?

Response

The Chief Executive Officer advised that the document is an intention to enter into a contract of sale, however numerous conditions are required to be met by the developer before Council will decide whether it will sell the property. Ultimately the final decision still rests with Council.

3. If the conditions in the agreement are met, is Council meeting at that point and then will the sale go through, or will Council assess the development again?

Response

The Chief Executive Officer advised that the role of determining the development lies with the Metro Central Joint Development Assessment Panel (JDAP). The JDAP will consider whether or not to issue planning approval and may attach certain conditions. When the JDAP have made their determination, Council will be required to decide on whether or not to sell the property.

4. If the conditions are met is Council obliged to go ahead with the sale?

Response

The Chief Executive Officer advised that Council can still decide not to sell the property.

5. Will there be any implications if Council do not agree to sell the property? Will there be a pecuniary cost to Council?

Response

If the applicant feels aggrieved by any part of the process, it would be his decision whether or not to pursue legal action. Council, however has its own decisions to make.

6. How do we have trust in Council if it cannot be upfront with us and goes to the trouble of making us believe that we have got a choice?

Response

The Director Corporate and Governance reiterated what the CEO had previously stated, that there is no signed agreement between Craigcare and the City.

Item 5.2.7 Continued

The City was approached by the developer and a process was developed where an agreement could be established. A document for a conditional sale was drafted but not signed by either party. Consequently there is no formal agreement in place.

If Council determines not to sell the property, the best information we have at this time is that there would be limited opportunity for Craigcare to take action against Council. This is not a guarantee, and if legal action is initiated by Craigcare, it will need to be dealt with at that time. Suffice to say there is no formal contract, there never has been, and the choice remains with Council.

7. Can we take it that Council will reassess the situation, discard the conditions and say we will relook at this whole thing again?

Response

The Presiding Member guaranteed that the process would be followed and a decision would be made.

8. Are you aware of the price Craigcare paid for 2 Waterway Crescent?

Response

The Manager Property and Economic Development advised that he was not aware of this figure.

9. The 2 Waterway Crescent property is 1386m² and sold for \$2.47M. Do we know the size difference between this block and the 52 Grandstand Road site? How big is 52 Grandstand Road?

Response

The Chief Executive Officer advised that 52 Grandstand Road is approximately 4,000m². The sale price of 2 Waterway Crescent will influence the sworn valuation of 52 Grandstand Road.

10. Is Council aware that the 2 Waterway Crescent block is one third the size of 52 Grandstand Road and sold for \$2.47M? With approximately \$500,000 worth of work required to clean up the site at 52 Grandstand Road site, is there something wrong with this picture?

Response

The Presiding Member asked Mr De Ruyter if he was suggesting that the sworn valuations received by the City on 52 Grandstand Road were incorrect.

Note:

The Chief Executive Officer advised that research had been carried out on Mr Greenwood's previously asked question at Item 5.2.5 and responded as follows:

The Chief Executive Officer advised that the property was created in 2009 as the result of amalgamation of several properties. It was zoned 'Mixed Use' at that time.

5.2.8 Ms C ROWE, 7 RUAN PLACE, KEWDALE

1. The fact that Council has decided that they believe there is a conflict of interest for two Councillors being selected for the JDAP is a major issue. What came through loud and clear was that residents are going to be without a voice at the JDAP. What is the Council going to do to rectify this?

Response

The Presiding Member advised that the City had received legal advice on this matter. Two independent consultants will assess the Development Application. These consultants are appointed to provide an independent view to the JDAP.

2. Will the two independent consultants have the residents who attended the Special Electors' Meeting and the 300 residents who signed the petition in mind?

Response

The Chief Executive Officer advised that this is a predicament Councillors often consider which can be difficult for the community to grasp. When a Development Application is assessed by a Planning Officer or an independent consultant, it is a requirement that they abide by planning law. Public consultation is an element that is always considered, however it is not the only element that must be considered.

If the community raise credible issues, these will be taken into account, however every application must be assessed in accordance with planning law.

Assessors must deal with all these elements in accordance with planning law and this is not discretionary. One element considered is community sentiment, however if residents do not like a proposal it does not necessarily follow that the application will not be approved.

3. Will the City of Belmont put anybody on the JDAP to represent the community?

Response

The Presiding Member advised the City cannot simply nominate a replacement representative to the JDAP. JDAP members require Ministerial approval.

4. Will the City consider lobbying the Minister for a community representative on the JDAP?

Response

The Chief Executive Officer advised that members of the community are encouraged to attend and make submissions at JDAP meetings where there are mechanisms in place to address community comments.

Item 5.2.8 Continued

5. We have been told that the outcome of the SEM will be included in the Responsible Authority Report (RAR) and that there will be a report from the SEM included in the RAR. I was horrified when I read the minutes of the Special Electors' Meeting to see there was absolutely no depth or substance to them. We were there for three hours and none of what happened was included in the minutes. What exactly will be in the RAR?

Response

The Director Corporate and Governance advised that this question has already been answered. The RAR will include the outcome of the Special Electors' Meeting and a copy of the minutes of the Special Electors' Meeting.

6. The minutes do not include any of the comments from the public, not a single statement was included. My closing statement was not included. Everything that Council said was included. Public comments were not included. It is horrifying that this is all that is going to the JDAP.

Response

The Director Corporate and Governance advised that minute taking processes in local government are clearly detailed by legislation. Questions from members of the public are recorded in Ordinary Council Meeting minutes. Debate and discussion on motions is not recorded, however voting results are recorded.

7. I request that the full minutes of the SEM, including questions and answers, be included in the RAR.

Response

The Presiding Member advised that the SEM was an open meeting where residents could voice their opinion. The 112 submissions received in response to the Development Application will be included in the RAR, and these will cover issues raised at the SEM.

8. Residents at the SEM say questions raised went unanswered or ignored.

Response

The Presiding Member advised that the A/Chief Executive Officer lost his voice towards the end of the meeting which is an indication of how many questions he answered. The Manager Planning Services was also available to answer further questions however residents were adamant that the A/Chief Executive Officer answer the questions.

Item 5.2.8 Continued

9. At the SEM, the CEO of Craigcare, Mr Gillett, advised that countless meetings had been held between Craigcare and the City. I cringed when I heard that. Ratepayers and residents have not had one single proper opportunity to meet and engage with Councillors. Do the Councillors think that is a good idea?

Response

The Presiding Member advised that Councillors could not answer the questions being directed to them.

The Presiding Member further advised that the City cannot consult with the community on every Development Application received. The City receives in excess of 500 Development Applications per year with many that do not progress to approval. It is not practical, and physically impossible to consult with all affected landowners at the early stages of every development application. Consultation needs to occur at the appropriate stage.

10. Major developments need to have genuine consultation with the public.

Response

The Chief Executive Officer advised that it is not true that the public has not had an opportunity to engage.

The City was first approached by Craigcare in November 2013 who were aware that Council owned the land at 52 Grandstand Road. A number of briefings and meetings were conducted to consider how serious Craigcare were about their proposal.

A resolution of Council on 25 February 2014 to issue Local Public Notice of Intent of Sale put the matter into the public domain. This process followed legislative requirements.

A subsequent report to Council resulted in an extension of the public consultation period and additional advertising. This was raised in the chamber by a Councillor who believed that it would be beneficial to ensure more members of the public were aware of the intent to sell the land and the potential development.

There have also been other public consultation opportunities, including a forum held at Centenary Park where the CEO of Craigcare invited people to attend and discuss what potentially could be developed on the site.

It is important that residents do not leave this meeting believing that there was no true consultation or opportunity for community engagement, as this is not true. The City has received many submissions and although the process is now part way through, there is further opportunity to engage.

8.23pm **ROSSI MOVED, HITT SECONDED**, that question time be extended.

CARRIED 9 VOTES TO 0

8.24pm The Coordinator Property and Economic Development departed the meeting.

5.2.9 MR R BLAKISTON, 75 WATERWAY CRESCENT, ASCOT

1. Has the Council been approached by Craigcare since the SEM, where there was overwhelming opposition to the sale of the property?

If the Council has no binding contract they are at full liberty to knock this sale back. This particular development is of interest to us. An aged retirement village and we all have an image of what that might be. Has Council been approached by Mr Gillett and had discussions? Can the residents be told the nature of those discussions?

8.29pm The Coordinator Property and Economic Development returned to the meeting.

Response

The Chief Executive Officer advised that Councillors were informed last week that City Officers had been informed that Mr Gillett had attended a meeting with Ascot Waters residents. It is understood that at that meeting, Mr Gillett made reference to considering reducing the scale of the development to a smaller aged care facility, however Council has not been formally advised of this.

Council cannot act until Craigcare submits a new or amended Development Application, which they may do at the JDAP meeting.

It was important to advise Councillors in writing as soon as this was known. Discussions were held, however Council is aware that no action can be taken until a new or amended Development Application is received. Mr Gillett is considering the development and Council will have to wait and see what is submitted.

2. My understanding of what Mr Gillett said was that if he did not have time to amend the application to meet the concerns of the residents, the Swan River Trust, Department of Water, Council etc, he would apply to the JDAP for an extension. Is that the case?

Response

The Chief Executive Officer advised it is important that the community have a clear understanding that the ultimate decision on the Development Application lies with the JDAP. If at the time of assessment, the Development Application is incomplete, the applicant can seek a deferral.

It is possible that at the time of the JDAP meeting, parties involved may not be ready and a deferral may be sought. If that is the path Craigcare choose to go, that is a likely outcome.

5.2.10 MR B VON KONSKY, 16 LAKEWOOD AVENUE, ASCOT

1. If Craigcare chooses to amend the application before the JDAP meeting, will the public see that application and how will they be advised?

Response

The Chief Executive Officer advised that the RAR submitted to the JDAP will be published on the Department of Planning website five days before the JDAP meeting, which will include any recommended deferral.

5.2.11 MS B ANGEL, 1 LAKEWOOD AVENUE, ASCOT

1. How many people are proposed to be in the building and what demographic will be catered for?

Response

The Manager Property and Economic Development advised that there would be 152 nursing home beds, 51 two bedroom units and eight three bedroom units. With every bed filled, that would be a total of 278 residents.

2. About 300 people plus staff, plus visiting loved ones. I live opposite the proposed development. When we purchased the property the whole concept was to have an open area with no fences, being able to see through into the park. What provision is Council making for people to be accommodated out of their units, in our parks, looking into our houses?
3. There is a little bend in the road, how will residents of the aged care complex get across to the park? Have Craigcare provided open spaces?

Response

The Manager Property and Economic Development advised that the majority of the adjoining property in Waterway Crescent is intended to be open space. Craigcare's primary reasons of purchasing this site was to provide open space and an underground carpark.

The 4th floor of the development is proposed to have open space, a swimming pool, and there are dual gathering rooms on several floors.

4. Is there going to be a crosswalk or walkways? Is the area going to turn into one big retirement village with them visiting our parks?

Response

The Manager Property and Economic Development advised that the 152 nursing home residents would be largely confined.

Item 5.2.10 Continued

5. Special police and security are required on race days to stop people parking in our streets and driveways. This happens one day a week. With the amount of workers, carers and family coming to visit, how are they going to get in and out of the area? I can't see it working for this amount of people.

Response

The Manager Property and Economic Development advised that 227 car parking bays will be provided, which is in excess of Local Planning Scheme and R Code requirements and is considered more than adequate. Nursing home residents are unlikely to have cars.

A movement strategy has been developed which will be included in the RAR submitted to the JDAP.

8.44pm 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 23 AUGUST 2016
(Circulated under separate cover)**

Note:

Cr Gardner put forward the following Councillor Motions:

COUNCILLOR MOTION

GARDNER MOVED, CAYOUN SECONDED,

1. That the following wording be included at Item 8:

Would the potential decisions by Council regarding the proposed development of 52 Grandstand Road following the JDAP hearing be quasi-judicial in nature?

Response

The A/CEO advised that legal advice would be requested in relation to future decisions of Council on this matter.

LOST 4 VOTES TO 5

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

Reason:

To correctly record the discussions – and decision record – of Council at the Ordinary Council Meeting of 23 August 2016.

COUNCILLOR MOTION

GARDNER MOVED, BASS SECONDED,

2. That the following wording be included at Item 8:

Can the Mayor show the evidence of that statement (made towards Cr Gardner)?

Response

Nil

LOST 4 VOTES TO 5

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

Reason:

Following debate on the urgency of Questions by Members without Notice, the Mayor stated that Cr Gardner 'attempted to K-O the debate on the Esperance bush fires, where people died'.

Item 6.1 Continued

COUNCILLOR MOTION

GARDNER MOVED, BASS SECONDED,

3. That the following wording be included at Item 9:

Cr Gardner sought to move a motion of an urgent nature – “Council opposes a development of significant height, such as 15 storeys, on the site of 52 Grandstand Road.”

Response

The Mayor declared that the proposed motion was not of an urgent nature and no further debate was heard.

LOST 4 VOTES TO 5

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

Reason:

To correctly record the discussions – and decision record – of Council at the Ordinary Council Meeting of 23 August 2016.

8.45pm The A/Manager Governance departed the meeting.

OFFICER RECOMMENDATION

POWELL MOVED, WOLFF SECONDED,

That the minutes of the Ordinary Council Meeting held on 23 August 2016 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 6 VOTES TO 3

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

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 20 SEPTEMBER 2016

(Circulated under separate cover)

OFFICER RECOMMENDATION

HITT MOVED, ROSSI SECONDED,

That the Information Matrix for the Agenda Briefing Forum held on 20 September 2016 as printed and circulated to all Councillors, 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

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 RESPONSES TO QUESTIONS TAKEN ON 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.

8.57pm The A/Manager Governance returned to the meeting.

11. REPORTS OF COMMITTEES

**11.1 STANDING COMMITTEE (COMMUNITY VISION) HELD 5 SEPTEMBER 2016
(Circulated under separate cover)**

OFFICER RECOMMENDATION

HITT MOVED, ROSSI SECONDED, That the Minutes for the Standing Committee (Community Vision) meeting held on 5 September 2016 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

**11.2 STANDING COMMITTEE (ENVIRONMENTAL) HELD 19 SEPTEMBER 2016
(Circulated under separate cover)**

OFFICER RECOMMENDATION

HITT MOVED, WOLFF SECONDED, That the Minutes for the Standing Committee (Environmental) meeting held on 19 September 2016 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Gardner
Item 12.2 was withdrawn at the request of Cr Gardner
Item 12.3 was withdrawn at the request of Cr Hitt
Item 12.4 was withdrawn at the request of Cr Rossi
Item 12.6 was withdrawn at the request of Cr Gardner
Item 12.8 was withdrawn at the request of Cr Cayoun
Item 12.9 was withdrawn at the request of Cr Rossi

HITT MOVED, WOLFF SECONDED,

That with the exception of Items 12.1, 12.2, 12.3, 12.4, 12.6, 12.8 and 12.9, which are to be considered separately, the Officer or Committee Recommendations for Items 12.5, 12.7, 12.10, 12.11, 12.12, 12.13, 12.14, 12.15, 12.16, and 12.17 be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 SPECIAL ELECTORS' MEETING MINUTES – 7 SEPTEMBER 2016: PROPOSED DEVELOPMENT – 52 GRANDSTAND ROAD, ASCOT

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	Request for Special Meeting of Electors
Attachment 2 – Item 12.1 refers	Special Electors' Meeting Minutes – 7 September 2016
Attachment 3 – Item 12.1 refers	Information Report – Proposed Development for 52 Grandstand Road, Ascot and Electors' Motion

Voting Requirement	:	Simple Majority
Subject Index	:	32/012, 68/004
Location/Property Index	:	52 Grandstand Road, Ascot
Application Index	:	65/2016/PRELIM
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 24 May 2016 – Item 12.5 OCM 22 July 2014 – Item 12.3 OCM 27 May 2014 – Item 12.1 OCM 25 February 2014 – Item 12.7
Applicant	:	Craigcare
Owner	:	City of Belmont
Responsible Division	:	Community and Statutory Services and Corporate and Governance

COUNCIL ROLE

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

Item 12.1 Continued

PURPOSE OF REPORT

For Council to consider the decision made at the Special Electors' Meeting held on Wednesday, 7 September 2016 (refer [Attachment 2](#)).

SUMMARY AND KEY ISSUES

In accordance with section 5.33 of the *Local Government Act 1995*, Council are to consider the decisions made at an electors meeting.

The following decision was made at the Special Electors' Meeting held on Wednesday, 7 September 2016.

MS CASSIE ROWE MOVED, MR WARREN CAMPBELL SECONDED

That Council revoke the decision to sell 52 Grandstand Road, Ascot, to Craigcare; On the grounds that the process has been fundamentally flawed, the residents have been misled and the proposed development, which is not in the resident's best interest, is completely unacceptable.

Furthermore, we believe there has not been genuine engagement from the Belmont City Council with residents and the consultation process has been inadequate.'

CARRIED 138 VOTES TO 1

LOCATION

52 Grandstand Road, Ascot.



Item 12.1 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Strategy: Ensure community requirements drive internal policies and processes.

Objective: Apply sound and sustainable business management principles

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

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

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

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 5.28 of the *Local Government Act 1995* requires that a special meeting of electors be held on the request of 100 electors, no more than 35 days after the day on which the request was received.

5.28. Electors' special meetings

- (1) *A special meeting of the electors of a district is to be held on the request of not less than —*
 - (a) *100 electors or 5% of the number of electors —whichever is the lesser number; or*
 - (b) *1/3 of the number of council members.*
- (2) *The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.*
- (3) *The request is to be sent to the mayor or president.*

Item 12.1 Continued

- (4) *A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request.*

Section 5.32 of the *Local Government Act 1995* requires that the minutes of the Special Electors' Meeting be kept and made available for public inspection before the Council Meeting at which decisions made at the electors' meeting are first considered. Section 5.33 of the *Local Government Act 1995* requires all decisions made at electors' meetings be considered at the next available Ordinary Council Meeting or, if not possible, at a Special Council Meeting called for that purpose, whichever happens first. The reasons for a decision made at a Council Meeting in response to a decision made at an electors' meeting are to be recorded in the minutes of the Council Meeting.

BACKGROUND

A request for a special meeting of electors was provided to the Mayor on Tuesday, 16 August 2016 (refer [Attachment 1](#)).

Public notice of the Special Electors' Meeting was placed in the West Australian on Saturday, 27 August 2016 and the Southern Gazette on Tuesday, 23 August 2016, Tuesday, 30 August 2016 and Tuesday, 6 September 2016.

Public notice was also placed on the notice boards at the Ruth Faulkner Public Library and the City of Belmont Civic Centre and was available on the City of Belmont website.

In accordance with section 5.33 of the *Local Government Act 1995*, all decisions made at an electors' meeting are to be considered at the next Ordinary Council Meeting, or should this not be possible, at a Special Council Meeting called for that purpose.

The Special Electors' Meeting was held on Wednesday, 7 September 2016 at the City of Belmont Civic Centre, 215 Wright Street, Cloverdale.

Refer [Attachment 3](#) for an information report providing background information on the process undertaken by the City in relation to the proposed sale and development of 52 Grandstand Road, Ascot.

There were 145 members of the public in attendance being:

Ms Erika Acuna	Ms Sharon King
Mr Robert Angel	Ms Lorna Knight
Ms Diane Appleton	Mr Michael Knight
Ms Leanne Appleton	Mr Alan Konning
Mr Juan Arhancetbehene	Ms Susan Konning
Ms Susan Arrowsmith	Ms Shiva Kumar
Mr Andrew Bickley	Ms Sandra Lancashire
Ms Naomi Bickley	Mr Tri Le
Ms Cheryl Birkholz	Ms Debra Lenane
Mr Robert Richard Birkholz	Mr Gerard Liew
Mr Robert Blakiston	Mr Paul Linehan
Ms Samantha Bland	Ms Carol Logue
Mr Mel Bland	Mr Brian Logue
Ms Debra Bloxham	Ms Diane Looffen
Mr Nick Brajkovich	Mr John Mackay
Mr Mel Brown	Ms Marrea Mackenzie

Item 12.1 Continued

Ms	Yvette Brown	Ms	Gail Martin
Mr	Warren Campbell	Ms	Julie Matheson
Ms	Adriana Cepeda	Mr	Allan Mayger
Mr	Colin Chamberlain	Ms	Nereda Mayger
Mr	Bill Childs	Mr	John McCamey
Ms	Ann Clancy	Ms	Margaret Mead
Mr	John Clancy	Mr	Richard Moreton
Mr	John Clark	Ms	Mano Nakker
Ms	Fredericka Congdon	Mr	Ben Nakker
Ms	Susan Cotton	Mr	Helmut Nebel
Mr	Mike De Ruyter	Ms	June Nebel
Ms	Lykke De Ruyter	Mr	Norman Nicholson
Ms	Lynette Doble	Ms	Lesley Oliver
Mr	Stephen Doherty	Mr	Domenic Pelle
Ms	Danuta Doherty	Ms	Lynne Perrella
Mr	Jeremy Dunnette	Mr	Gino Perrella
Ms	Jillian Dunnette	Mr	Stephen Phelan
Ms	Barbara Edwards	Ms	Jacqueline Preston
Mr	Mark Edwards	Ms	Jadwiga Ptak
Ms	Vicki Edwards	Mr	Tom Quinlivan
Mr	Nick Edwards	Ms	Jacqueline Quinlivan
Ms	Johanna Ellison	Mr	Angelo Ranauro
Ms	Cheryl Fancourt	Ms	Anna Marie Reed
Ms	Barbara Farrugia	Mr	David Reed
Ms	Christine Foote	Mr	Robert Roach
Mr	Roberto Foote	Mr	Terry Rowcroft
Ms	Janet Gee	Ms	Jo Rowcroft
Mr	Andrew Gibb	Ms	Cassie Rowe
Ms	Donna Gibb	Ms	Sam Rowe
Mr	John Gillett	Ms	Kristyn Ryan
Mr	John Gladwell	Mr	John Ryan
Ms	Glenys Godfrey	Ms	Margaret Sargent
Mr	Kenneth Gregson	Mr	Desmond Seah
Ms	Helen Gregson	Mr	George Sekulla
Ms	Margaret Gwynne	Mr	L Sherlen
Mr	John Hall	Ms	Karen Sherriffs
Ms	Janet Hall	Mr	Andrew Simons
Mr	Ross Hall	Ms	Twan Smeets
Ms	Jeanette Hatch	Mr	Dorien Smeets
Mr	Ian Havenstein	Mr	Peter Spencer
Mr	Denis Hegarty	Ms	Sandra Sutton-Mattocks
Mr	John Hilton	Mr	Donald Sutton-Mattocks
Ms	Hilda Ho	Ms	Lilly Tan
Dr	Michael Hobman	Ms	Linda Taylor
Mr	Thomas Hodgkins	Mr	Scott Thompson
Mr	Alan Hodson	Ms	Kim Vanderslik
Ms	Dennae Holt	Ms	Jenny West
Ms	Sharren Holt	Ms	Brenda Whiteley
Ms	Jeanette Hopcraft	Mr	Stephen Williamson
Mr	Victor Humann	Ms	Patricia Williamson
Ms	Penelope Humann	Mr	Andre Witte
Mr	Bob Humell	Ms	Manuela Witte
Mr	Norman Johnston	Ms	Poppy Wolff
Ms	Suzan Jones	Mr	Hyden Woods

Item 12.1 Continued

Ms Kriti Kaura
Mr James Kent
Ms Joyce Keong

Ms Jeanette Woods
Mr Lee Yean Soo

Councillor and Officer attendance at this Special Electors' Meeting is listed within the attached meeting minutes.

The following decision was made:

MS CASSIE ROWE MOVED, MR WARREN CAMPBELL SECONDED

That Council revoke the decision to sell 52 Grandstand Road, Ascot, to Craigcare; On the grounds that the process has been fundamentally flawed, the residents have been misled and the proposed development, which is not in the resident's best interest, is completely unacceptable.

Furthermore, we believe there has not been genuine engagement from the Belmont City Council with residents and the consultation process has been inadequate.'

CARRIED 138 VOTES TO 1

Electors were invited to make comment and ask questions on the Purpose of the Meeting only.

In excess of 20 people present spoke for the motion, made comment and asked questions.

At the conclusion of the meeting, the Mayor advised that in accordance with the *Local Government Act 1995*, all decisions made at the Special Electors' Meeting would be considered by Council at the 27 September 2016 Ordinary Council Meeting.

OFFICER COMMENT

The purpose of the Special Electors' Meeting raised several points:

- A contention that the process is fundamentally flawed
- The residents have been misled
- The proposed development is completely unacceptable
- No genuine community engagement
- Consultation has been inadequate.

Item 12.1 Continued

The above points are responded to as follows:

Claim 1: Process Fundamentally Flawed

As the City of Belmont is the owner of the land, there are two stages to the matter, governed by separate pieces of legislation.

These are:

- (a) The land disposal process pursuant to the *Local Government Act 1995*
- (b) The development approval process pursuant to the *Planning and Development Act 2005*.

The City has exceeded the disposal local public notice requirements in accordance with Section 3.58(3) and (4) of the *Local Government Act 1995*. The required Notices were advertised on the 25 March 2014 (date corrected as advised to the Electors at the meeting of 7 September 2016) and the 10 June 2014.

It was stated that the intended purpose at that time was for the '*establishment of a mid-rise aged care facility and apartment complex*'. It should be noted that this disclosure is not a requirement of the *Act*.

The interpretation of mid-rise is subjective and depends on the context. There is no generally accepted definition of mid-rise, but it can mean from five to 10 stories. The actual height of the building was not definitely decided and concept images were shown confidentially to Councillors.

The development approval is the subject of planning legislation and in this case must be determined by the JDAP as the value exceeds \$10 million.

At the 24 May 2016 Ordinary Council Meeting, Council resolved the following:

ROSSI MOVED, POWELL SECONDED,

That Council:

Agree to lodge a formal Development Application for a residential aged care/apartment complex at 52 Grandstand Road which addresses all the criteria outlined in Council's recommendation of 22 July 2014 including the requirement for public consultation.

- 1. Enter into a Contract of Sale for 52 Grandstand Road, for an amount no lower than the previous valuation, conditional upon all criteria outlined in Council's recommendation of 22 July 2014 being met.***
- 2. Authorise the Mayor and Chief Executive Officer to sign all necessary documentation, including the affixing of the Common Seal, to effect these recommendations.***

CARRIED 6 VOTES TO 2

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

Item 12.1 Continued

The City consulted all ratepayers/residents of Ascot Waters in a letter dated 29 June 2016 inviting comments on the development proposal. The proponents, Craigare, hosted a public question and answer session on the 9 July 2016 at the Centenary Park Community Centre. Ratepayers/residents were advised of this session in the mail merge letter dated 29 June 2016 which stated:

*"In addition to the above, you may wish to visit the **Centenary Park Community Centre** (multi-purpose room) at 105 Daly Street, Belmont **anytime between 9.30am and 11.30am on Saturday 9th July 2016** to view the development plans. Representatives of the developer will be present to answer your questions."*

A total of 113 submissions were received during the consultation period. These submissions will be assessed by the City and presented for consideration by the JDAP.

The City has arranged for the proposed development to be assessed by two independent planning/urban design Consultants, whose reports will specifically address the height and bulk of the building and its potential impact on nearby housing. The aesthetics and building design will be other elements to be addressed.

The City is required to prepare a Responsible Authority Report (RAR).

This will include:

- A schedule of submissions with comments by the City on those submissions
- A report and recommendation from the City
- Reports from the Consultants
- The resolution of the Special Electors' Meeting of the 7 September 2016 and other relevant information.

It should be noted that the Council **does not** consider the RAR or make a recommendation to the JDAP.

Claim 2: Residents Have Been Misled

The residents have been informed in accordance with the relevant legislation.

Claim 3: Proposed Development Unacceptable

There is a significant need for aged care accommodation in the City of Belmont, but also in the Perth metropolitan area, as the baby-boomers have entered retirement age and people generally are living longer.

Claim 4: No Genuine Engagement

The Council must make decisions for the benefit of the entire community of the City of Belmont, now and for future generations. There is a view that engagement of the community should provide for opportunities to determine development outcomes. The difficulty always is ensuring a fair cross section of those who do represent the community. Those who are directly affected by a development proposal cannot be given the power of veto.

Item 12.1 Continued

Claim 5: Consultation Inadequate

The consultation carried out has been extensive as evidenced by the number of submissions.

As the property is partially within the Swan and Canning Rivers Development Control Area, the Department of Planning is also required to prepare a RAR for the JDAP. The due date for the City to submit the RAR was to be 9 September 2016, however, the City has been recently advised that the date for submission of the RAR has been extended to 14 October 2016 to allow additional time for the Department of Planning to receive comments from the Department of Water.

Revoking a Council Decision

As advised to all those present at the Special Electors Meeting a meeting of this nature is legally incapable of revoking a Council decision.

The process associated with revoking or changing a Council decision is stipulated under the provisions of the *Local Government Act 1995*, *Local Government (Administration) Regulations 1996*, Regulation 10 and the *Standing Orders Local Law 2012* Part 16.

The essential elements are covered in Regulation 10 which states:

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
 - (b) in any other case, by at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least 1/3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
 - (b) in any other case, by an absolute majority.*
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]

Item 12.1 Continued

Further limitations are provided from the *Standing Orders Local Law 2012* as follows:

Part 16 – Making, revoking or changing decisions

16.1 Limitations on powers to revoke or change decisions

The Council or a committee is not to consider a motion to revoke or change a decision

–

- (a) where, at the time the motion is moved or notice is given, any action has been taken under section 16.2 to implement the decision; or*
- (b) where the decision is procedural in its form or effect.*

16.2 Implementing a decision

(1) In this section –

authorisation means a licence, permit, approval or other means of authorising a person to do anything;

implement, in relation to a decision, includes –

- (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and*
- (ii) take any other action to give effect to the decision; and*

valid notice of revocation motion means a notice of a motion to revoke or change a decision that complies with the requirements of the Act, Regulations and these Standing Orders and may be considered, but has not yet been considered, by the Council or a committee as the case may be.

(2) Applicants and the public should be made aware that a decision made at a Council meeting regarding any application for authorisation should not be relied upon as effective until formal notification in writing has been received by the applicant.

(3) Subject to subsection (5), and unless a resolution is made under subsection (4), a decision made at a meeting is not to be implemented by the CEO or any employee until the afternoon of the first business day after the commencement of the meeting at which the decision was made.

(4) The Council or a committee exercising a relevant delegated power may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.

(5) A decision made at a meeting is not to be implemented by the CEO or any employee –

- (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and*
- (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.*

Item 12.1 Continued

The intent of section 16.1 (a) and 16.2 (1) **“implement”** (i)..... is to protect the Council from considering a revocation or change to a decision which may expose the City to legal claim or liability in respect of that attempted revocation or change. This is supported by section 16.2 (3) where a restriction is imposed upon the CEO or any employee to not implement any action until the afternoon of the first business day after the meeting where the decision was made. Further section 16.2 (5) provides that a decision made at a meeting is not to be implemented by the CEO or any employee if before commencing any implementation action the CEO or that person is given a valid notice of revocation motion.

Although a contract of sale has not yet been signed, substantial work towards that outcome has occurred by the City and Craigcare, and their respective solicitors. Any attempt to revoke or change the Council decisions relative to the 52 Grandstand Road matter will place the Council in breach of its *Standing Orders Local Law 2012* Part 16 on the basis that action has been taken by Officers in accordance with the resolution and communication by way of notice of the decision to the person affected by, or with an interest in, the decision has already occurred.

Therefore Council should not consider a revocation motion even if submitted in accordance with Regulation 10 of *Local Government (Administration) Regulations 1996*.

Further, the Electors' Recommendation fails to appropriately identify the motion to be revoked. The City has not to this point irrevocably resolved to sell the property at 52 Grandstand Road, rather, it has resolved to enter into a conditional contract of sale, with the ultimate decision to sell not occurring until after the Metro Central Joint Development Assessment Panel (JDAP) decision is made.

Revoking the City's decision to enter into a contract of sale, apart from breaching the City's own *Standing Orders Local Law 2012*, does not of itself obviate the need to consider the potential sale of 52 Grandstand Road once the JDAP decision is determined. There has been sufficient process to date that a final decision will be required once the full details of the application's approval or otherwise become available to Council.

FINANCIAL IMPLICATIONS

In March 2014, 52 Grandstand Road was valued at \$3.15M. Section 3.58 (4) of the *Local Government Act 1995* requires Council to consider:

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

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.1 Continued

SOCIAL IMPLICATIONS

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

SUMMARY

The above report covers a range of factors that must be considered by the Council in relation to the outcome of the Electors' Meeting. The salient points are:

- Electors' meetings are legally incapable of revoking Council decisions and its decision, even if subsequently resolved by Council, cannot be implemented due to the legislated process associated with revoking or changing a Council decision.
- The *Standing Orders Local Law 2012*, Part 16 prohibits a motion to revoke on the basis that action has been taken by Officers in accordance with the resolution.
- An attempt by Council to revoke its decision as it stands on this matter will be in breach of the *Standing Orders Local Law 2012*.
- The reasons forming a part of the Electors Motion are subjective and do not take into account the legislative responsibilities of the Council in planning matters.
- A final decision by Council on the sale of the land is yet to be made and is pending the decision of the Metro Central Joint Development Assessment Panel.

9.52pm The Director Technical Services departed the meeting.

9.55pm The Director Technical Services returned to the meeting.

10.11pm The A/Director Community and Statutory Services departed the meeting.

10.14pm The A/Director Community and Statutory Services returned to the meeting.

Item 12.1 Continued

Note:

Cr L Cayoun and Cr P Gardner declared an interest that may affect impartiality in Item 12.1 Special Electors' Meeting Minutes – 7 September 2016: Proposed Development – 52 Grandstand Road, Ascot.

ELECTORS RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED,

That Council revoke the decision to sell 52 Grandstand Road, Ascot, to Craigcare; On the grounds that the process has been fundamentally flawed, the residents have been misled and the proposed development, which is not in the resident's best interest, is completely unacceptable.

Furthermore, we believe there has not been genuine engagement from the Belmont City Council with residents and the consultation process has been inadequate.

LOST 4 VOTES TO 5

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

Item 12.1 Continued

Note:

Cr Wolff foreshadowed the following motion. Cr Rossi suggested an amendment to the motion which Cr Wolff and Cr Powell agreed to.

FORESHADOWED MOTION

WOLFF MOVED, POWELL SECONDED,

- 1. That Council note the Electors Motion from the Special Electors Meeting of Wednesday 7 September 2016 dealing with 52 Grandstand Road, Ascot.**
- 2. That Council acknowledge the views for a low rise development and opinions of all those in attendance at the Special Electors Meeting on Wednesday 7 September 2016.**
- 3. That the Mayor on behalf of the Council write to all residents of Ascot Waters thanking them for their significant interest in the proposal situated at 52 Grandstand Road Ascot Waters and encourage their attendance at the Metro JDAP Meeting scheduled for October 2016 in order to express their opinions.**
- 4. That Council further consider the outcome of the JDAP decision at the appropriate time.**

LOST 4 VOTES TO 5

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

Reason:

In case the Elector's Recommendation is lost, to nevertheless acknowledge and thank the elector's for their interest and contribution.

Item 12.1 Continued

Note:

Cr Gardner foreshadowed the following motion.

FORESHADOWED MOTION

GARDNER MOVED, CAYOUN SECONDED,

That Council withdraw its formal Development Application for 52 Grandstand Road and all related Contracts of Sale.

Reason:

To address the concerns raised by residents at the Special Electors' Meeting on 7 September 2016.

Note:

Following debate and discussion of the motion, Cr Gardner withdrew the foreshadowed motion.

Note:

Cr Cayoun foreshadowed the following motion.

FORESHADOWED MOTION

CAYOUN MOVED, HITT SECONDED,

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

CARRIED 8 VOTES TO 1

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

Reason:

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

Note:

The Presiding Member requested that the 27 September 2016 Ordinary Council Meeting be adjourned due to the time as there were still a number of items to consider.

10.48pm HITT MOVED, BASS SECONDED, that the meeting be adjourned and reconvened at 7.00pm Wednesday 28 September 2016.

CARRIED 9 VOTES TO 0

10.48pm The Presiding Member adjourned the meeting to reconvene at 7.00pm Wednesday 28 September 2016.

The Presiding Member reconvened the Ordinary Council Meeting of the 27 September 2016 at 7.00pm on Wednesday 28 September 2016 and welcomed those in attendance.

The Presiding Member stated that in accordance with section 11.7(4) of the City of Belmont *Standing Orders Local Law 2012*, a meeting adjourned under subsection (3) is to continue from the point at which it was adjourned, unless the Presiding Member or Council determines otherwise.

PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr L Cayoun	West Ward
Cr P Hitt	West Ward
Cr M Bass (<i>dep 8.37pm & did not return</i>)	East Ward
Cr B Ryan	East Ward
Cr P Gardner	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward

IN ATTENDANCE

Mr S Cole (<i>dep 9.31pm & did not return</i>)	Chief Executive Officer
Mr R Lutey (<i>dep 9.31pm & did not return</i>)	Director Technical Services
Mr R Garrett (<i>dep 9.31pm & did not return</i>)	Director Corporate and Governance
Mr J Pol (<i>dep 9.31pm & did not return</i>)	A/Director Community and Statutory Services
Ms AM Forte (<i>arr 9.30pm</i>)	Human Resources Manager
Mrs M Lymon	A/Manager Governance
Mr V Popescu (<i>dep 7.27pm & did not return</i>)	Project Management Coordinator - Building
Ms E Cashman (<i>dep 9.31pm & did not return</i>)	Senior Governance Officer
Ms S D'Agnone (<i>dep 9.31pm & did not return</i>)	Governance Officer

MEMBERS OF THE GALLERY

There was one member of the public in the gallery and no press representative.

The meeting continued at Item 12.2 Faulkner Civic Precinct – Community Centre.

12.2 FAULKNER CIVIC PRECINCT – COMMUNITY CENTRE

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 4 – Item 12.2 refers	<u>Faulkner Civic Precinct – Community Centre</u>
Attachment 5 – Item 12.2 refers	<u>Ecologically Sustainable Design Initiatives</u>
Attachment 6 – Item 12.2 refers	<u>Social Impact Assessment</u>
Attachment 7 – Item 12.2 refers	<u>Economic Evaluation</u>
Confidential Attachment 1 – Item 12.2 refers	<u>Cost Estimate Comparison</u>

Voting Requirement : Simple Majority
Subject Index : 125/026–Faulkner Park Revitalisation
Location/Property Index : Lot 33 (215) Wright Street, Cloverdale
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 28 July 2015 Ordinary Council Meeting Item 10.4
15 December 2015 Ordinary Council Meeting Item 12.2
26 April 2016 Ordinary Council Meeting Item 12.3
Applicant : Nil
Owner : City of Belmont
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, local planning schemes and policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☐ **Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

Item 12.2 Continued

PURPOSE OF REPORT

For Council to:

- (a) Endorse the Developed Concept Design for the Faulkner Civic Precinct Community Centre building as prepared by Bollig Design Group (refer [Attachment 4](#));
- (b) Endorse the Ecologically Sustainable Design (ESD) initiatives to be considered for the Faulkner Civic Precinct Community Centre, as compiled by Full Circle Design Services (refer Attachment 5), to achieve a minimum 5 Star Green Star certification utilising the Green Building Council of Australia's Design and As Built rating tool; and, subject to the above; and
- (c) Authorise the Chief Executive Officer to instruct Bollig Design Group to proceed to the Detailed Design and Documentation stages, inclusive of a Value Management Review.

SUMMARY AND KEY ISSUES

The design of the Faulkner Civic Precinct Community Centre has been progressed from the preliminary concept design prepared by GHD Woodhead into a developed concept design prepared by Bollig Design Group through consultation with the City's project stakeholder groups.

A key element of the developed concept design involves selecting ESD initiatives for the purpose of achieving a minimum 5 Star Green Star certification by the Green Building Council of Australia using their Design and As Built rating tool. Full Circle Design Services along with Bollig Design Group have worked together and in consultation with the City's project stakeholder groups to identify a range of ESD initiatives that can be incorporated into the Community Centre development.

Both the developed concept design and selection of ESD initiatives are fundamental aspects of the project that require endorsement by Council to allow the project to progress to the detailed design and documentation stages. The detailed design stage is critical for fully defining all aspects of the building and associated works, and includes conducting a value management review to optimise the value for money benefits of the project within the City's funding capacity.

Item 12.2 Continued

LOCATION



The Faulkner Civic Precinct Community Centre will be located at Lot 33 (215) Wright Street, Cloverdale.

CONSULTATION

Extensive community consultation was undertaken in 2015 for the Faulkner Civic Precinct Master Plan which included the initial planning concepts for the Community Centre. This was augmented with specific consultations with the Senior Citizens Club and staff of the Library and Museum regarding the location and components for the Community Centre, all of which received favourable and positive responses.

Upon appointment of Bollig Design Group in May 2016 as the Design Architect for the development, a series of stakeholder working groups were established for the purpose of briefing Bollig Design Group on the detailed planning requirements for the various components of the building and to provide feedback on building, planning and design concepts. These consultations have continued over the past four months and covered the developed concept planning for the Library and Digital Hub, Museum, Senior Citizen Centre, future tenancies for Not-for-Profit service providers, Crèche and Café, as well as general site planning and landscape design.

An updated concept plan was presented to Council by Mr Edwin Bollig, from Bollig Design Group, at the 5 July 2016 Information Forum. Feedback was received and adjustments made to the building design as part of the design process, which have resulted in the developed concept design as described in [Attachment 4](#).

A necessary component on the development includes the extension of Robinson Avenue from Wright Street to provide vehicular access to the Community Centre and existing staff car-parking west of the Civic Centre. This work would occur wholly within an existing Road Reserve that runs between the City's property and five adjacent properties that are in private ownership. Consultation will be undertaken with the property owners in relation to the proposed extension of Robinson Avenue.

Item 12.2 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Maintain Public Infrastructure in accordance with sound Asset Management practices.

Strategy: Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.

Corporate Key Action: Further develop the concept for a new multi-purpose building for the Faulkner Precinct so various funding opportunities can be sought. Award the tender for Architectural Services, select Café operators through a Tender process, appoint Project Manager and prepare/call Tenders for Construction.

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

Objective: Apply sound and sustainable business management principles.

Strategy: Operate the City's land and facilities portfolio as an efficient investment.

Corporate Key Action: The City will continue to be receptive to opportunities for the co-location of appropriate commercial activities in public facilities.

In accordance with the Strategic Community Plan 2016-2036 Key Result Area: Natural Belmont.

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

Strategy: Manage energy use and waste generation and implement renewable energy technologies to minimise the City's carbon footprint.

Corporate Key Action: Operational activities which support predominantly this 'Energy Use' strategy.

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

Corporate Key Action: Operational activities which support predominantly this water use strategy.

Objective: Ensure future resilience to a changing climate.

Strategy: Plan for the predicted impacts of a changing climate to 'future proof' City operations.

Corporate Key Action: Operational activities which support predominately this 'future-proofing' strategy.

Item 12.2 Continued

POLICY IMPLICATIONS

Council Policy – Environment and Sustainability (NB3).

The City of Belmont is committed to:

- iv. Efficient use of energy, water, paper and other resources, reducing waste generated and implementing renewable energy technologies to minimise the City's corporate carbon footprint.
- v. Planning for and implementing measures to 'future proof' City operations against the predicted impacts of climate change.

STATUTORY ENVIRONMENT

As a development proposal, the Faulkner Civic Precinct Community Centre will require an application for Development Approval to be assessed once detailed design is finalised.

The development will ultimately require a Building Permit to be issued by the City. However, as the City is the owner of the land, the City's Building Services Officers cannot certify the building construction documentation. To facilitate this process, Bollig Design Group has engaged a registered Building Surveying Contractor to review the construction documentation to provide a Certificate of Design Compliance. The successful Building Contractor will use the Certificate of Design compliance to apply for a Certified Building Permit prior to any construction commencing on-site.

BACKGROUND

The development of a multi-purpose Community Centre within the Faulkner Civic Precinct has been on Council's agenda since 2005 and the site at the corner of Wright Street and Robinson Avenue was confirmed as the preferred location in 2012. In 2015 the City engaged GHD Woodhead to prepare an architectural concept plan for the Community Centre building, which was supplemented with work undertaken by Full Circle Design Services to broadly scope the requirements for Green Star certification of the development. Following presentations at several Information Forums, the Community Centre plans and recommendations for progressing the project were presented to the 15 December 2015 Ordinary Council Meeting (Item 12.2), where it was resolved:

ROSSI MOVED, POWELL SECONDED.

That Council:

1. ***Authorise the Chief Executive Officer to seek tenders from suitable experienced and qualified Architects for the supply of Architectural Design Services, including all necessary sub-consultants, for the Faulkner Civic Precinct Community Centre building project.***

Item 12.2 Continued

- 2. Authorise the Chief Executive Officer to engage the services of a Green Star Accredited Professional to assist the City in seeking 'Green Star' certification for the Community Centre. The target certification under the Green Building Council of Australia's 'Green Star – Design and As Built v1' rating tool to be 5 Star.**
- 3. Authorise the Chief Executive Officer to engage the services of a Project Management professional to assist the City in the efficient implementation of the Community Centre building project.**
- 4. Authorise the Chief Executive Officer to commence the tender process for a potential operator for the café within the Community Centre.**
- 5. Request the Chief Executive Officer to provide Councillors with progress reports as appropriate.**

CARRIED 6 VOTES TO 2

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

Subsequent to the above resolution, the City sought tenders from suitably experienced and qualified Architects for the supply of Architectural and Engineering Design Services for the Community Centre building. Nine responses were received and assessed against the selection criteria included within the Invitation to Tender. The assessment of the responses and recommendations were presented to the 26 April 2016 Ordinary Council Meeting (Item 12.3), where it was resolved:

ROSSI MOVED, POWELL SECONDED.

That Council:

- 1. Accept the tender submitted by Bollig Design Group for Consultancy for Architectural and Engineering Design Services – Community Centre Faulkner Civic Precinct for the sum of \$1,252,875.00 excluding GST as the most advantageous.**
- 2. Include an allocation in the 2016-2017 financial year budget for the balance of the required funds as required by this tender and the subsequent contract.**

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

Upon their appointment in May 2016, Bollig Design Group commenced work to progress the design of the Community Centre, starting with the preliminary concept design prepared by GHD Woodhead and supplementing this with additional briefing information gain through detailed consultation with project stakeholders.

Concurrent to the above, the City invited quotations from five consultants that provide Green Star Accredited Professional services. All five consultants submitted a response and these were assessed against the selection criteria included in the Invitation to Quote. The quotation submitted by Full Circle Design Services was assessed to be the most advantageous and a letter of award was issued on 29 June 2016.

Item 12.2 Continued

An updated concept plan was presented to Council by Mr Edwin Bollig, from Bollig Design Group, at the 5 July 2016 Information Forum. Feedback was received and adjustments made to the building design as part of the design process, which have resulted in the developed concept design as described in [Attachment 4](#).

OFFICER COMMENT

The preliminary concept design prepared by GHD Woodhead was completed to provide the City with sufficient project information, including indicative cost estimates, to apply for available funding grants. This process resulted in funding being pledged by the Federal Government and Lotterywest.

The current Design Stage has been structured to provide a series of milestone checkpoints for the purpose of confirming the scope and design of the development, and to provide correspondingly more detailed and accurate estimates of cost to undertake the project. The first of these milestone checkpoints is a 'developed concept design', which represents the progression of the building design by Bollig Design Group in consultation with the City project stakeholders, along with input from Full Circle Design Services in relation to achieving a 5 Star Green Star certification for the building.

The above process has resulted in the design for the Community Centre being adjusted and refined to the point where a well-integrated, developed concept design has been established that meets the City's accommodation requirements, and one that should achieve a 5 Star Green Star certification. Additionally, the investigations and analysis undertaken as part of the design process have identified several aspects that were either not fully known or resolved in the preliminary concept design, with the most significant being the following:

- **Groundwater**
To mitigate construction risks associated with the presence of groundwater, Bollig Design Group propose the foundations for the building and basement floor be configured as a raft-type floor slab, which is substantially more highly engineered than the conventional footing/floor slab arrangement scoped in the preliminary concept design.
- **Basement Ventilation**
Due to limited opportunity to establish opening to the full perimeter of the building at ground level, the basement would need to be partially mechanically ventilated rather than fully naturally ventilated as proposed in the preliminary concept design.
- **Basement Storage Space**
In order to meet functional requirements, the store rooms for the Library and Museum are significantly greater than that nominated in the preliminary concept design.
- **Floor-to-Floor Height**
In order to provide adequate room height within the Museum and Library spaces, the floor-to-floor height for the ground and first floors have been increased from 4 metres and 3.7 metres to 4.5 metres and 4.5 metres respectively.

Item 12.2 Continued

- **Roof Deck for Plant**
A concrete deck has been incorporated into the design, which will accommodate the variety of mechanical plant and equipment needed to service the building, and provide effective and efficient service access.
- **External Works and Landscaping**
The scope of external works has increased to provide a greater level of landscape integration across the complete site.
- **Internal Building Fit-out**
The requirements for internal fit-out of the building are cumulatively greater than that nominated in the preliminary concept design, particularly in relation to wet areas amenities.

In relation to increasing the basement store rooms for the Library and Museum, and maintain the opportunity to establish a future secondary vehicle ramp into the basement, Bollig Design Group recommended increasing the size of the basement rather than reducing the available car-parking area. This approach would mean increasing the overall size of the basement by approximately 600 square meters, which has also yielded an increase in the amount of car-parking bays from 96 to 109.

The developed concept design has been completed by Bollig Design Group and reflects the detailed brief and requirements provided by the City's project stakeholders through detailed consultation, as well as the specific context of the site and effective building design principles. A core feature of the developed concept design is that it incorporates a range of ESD initiatives that will provide a strong foundation for achieving a 5 Star Green Star certification.

The developed concept design prepared by Bollig Design Group and the ESD initiatives compiled by Full Circle Design Services require endorsement by Council as a prerequisite for Council to allow the project to progress to the detailed design and documentation stages. The detailed design stage is critical for fully defining all aspects of the building and associated works, and includes conducting a value management review to optimise the value for money benefits of the project. This stage is therefore important to enable the City to financially plan and budget for the project, and to achieve a value-for-money outcome. The table below sets out the nominal steps and broad timeframe for the detailed design stage up to and including the Procurement Phase.

Progress Stage	Indicative Timing
Value Management Review and Updated Cost Estimate	October 2016
Advise Council – Value Management Review and Updated Cost Estimate	November 2016
Continue Detailed Design and Documentation	November 2016
90% Detailed Design and Documentation Pre-Tender Cost Estimate	March 2017
Council Report – Approval to Tender and Development Application Approval	March 2017
Tender Period and Assessment	May-June 2017
Council Report – Tender Outcome and Acceptance	July 2017

Item 12.2 Continued

FINANCIAL IMPLICATIONS

The current 2016-2017 financial year budget includes an amount of \$1,250,000 (Account BB1410) for the Architectural and Engineering Design Services being provided by Bollig Design Group and the Green Star Accredited Professional Services being provided by Full Circle Design Services.

In June 2015 the project was estimated at \$28,062 million (excluding GST) based on the preliminary concept design prepared by GHD Woodhead. This estimate specifically excluded internal building fit-out and loose furniture and equipment. Additionally, while the estimate included an allowance for basic ESD initiatives, the type of ESD initiative required to achieve a 5 Star Green Star rating was separately estimated at \$938,000 (excluding GST) in a Green Star Feasibility Assessment prepared by Full Circle Design Services in September 2015 and presented to Council at the 10 November 2015 Information Forum (Item 6.1).

The preliminary concept design and estimate was utilised by the City for the purpose of applying for grant funding. This has resulted in the City being successful in securing \$9,675,081 from Federal Funding and \$3,837,557 from Lotterywest.

A current estimate for the developed concept design by Bollig Design Group and the ESD initiatives scoped by Full Circle Design Services has been prepared by the same Quantity Surveyor (RBB) that prepared the June 2015 estimate. A table setting out a comparison between the July 2015 cost estimate and the current September 2016 cost estimate is provided at [Confidential Attachment 1](#) (*Local Government Act 1995*, section 5.23(2)(e)).

The main points of comparison between the two estimates relate to items that were either excluded or not fully known and resolved in preliminary concept design prepared GHD Woodhead, specifically:

- Increased sub-structure to mitigate construction risks associated with groundwater.
- Partial mechanical ventilation of the basement.
- Larger basement store rooms for the Library and Museum achieved by increasing the overall size of the basement in-lieu of reducing car bays.
- Increased floor-to-floor height to suit Library and Museum spaces.
- Inclusion of a concrete deck to support rooftop plant and provide appropriate service access.
- Increased scope of external works to establish hard and soft landscaping to the complete site.
- Inclusions of internal building fit-out and loose furniture fit-out.

A key step in the next phase of the Design Stage work by Bollig Design Group involves conducting a value management review that will consider all aspects of the building design and scope to identify opportunities to reduce the estimated cost of the project.

Item 12.2 Continued

ENVIRONMENTAL IMPLICATIONS

A geotechnical investigation was undertaken through Bollig Design Group in June 2016 as part of Design Stage due diligence work, which identified an existing groundwater level of RL 11.40 (23 June 2016). A groundwater monitoring well established at the same time to enable monthly monitoring up to June 2017 to identify the peak and low groundwater levels for the site.

The proposed level for the basement is RL 11.20, which has been established to achieve a ground floor level of RL 14.40 in order to match the ground floor level of the existing Civic Centre building.

It is likely that dewatering will be required in the early construction phase of the project, hence Bollig Design Group's recommendation to incorporate a raft slab foundation into the design of the building. The full extent of dewatering requirements will be determined at completion of the groundwater monitoring.

The Green Star certification component of the project provides a pathway for the City to apply its commitment to environmental sustainability in both practicable and demonstrative ways including reducing energy and water use, waste reduction, supporting alternative transport modes and preservation of trees. The scope of the project is targeting a minimum 5 Star Green Star certification, which equates to achieving Australian Excellence.

SOCIAL IMPLICATIONS

Prior to submitting an application for funding under Round 3 of the National Stronger Regions Fund the City engaged Creating Communities Pty Ltd to undertake a Social Impact Assessment. The whole report can be found in [Attachment 6](#). The Summary of Social Impacts stated:

"Creating Communities' assessment is that the proposed Belmont Community Centre and Library will have significant positive social impacts, which will be felt across the broader community and will be over and above the current positive impacts from the existing facilities.

The positive impacts will be felt strongly by disadvantaged people and the groups that represent them, due to the identification and targeting of these 'communities of interest'. The hard and soft infrastructure, as well as the proposed monitoring regime has been developed to ensure benefits for these disadvantaged groups.

Figure 1 below summarises the key findings of the assessment, including showing the impacts, factors which enhance these impacts and the external verification findings gathered by Creating Communities."

Item 12.2 Continued

Social Impacts	Factors enhancing the benefit	External verification
<p>Reduced disadvantage, including:</p> <ul style="list-style-type: none"> • Education • Economic • Unemployment • Community cohesion and connectedness (social capital) • Wellbeing and health <p>Negative impacts (well managed)</p>	<p>Precinct currently well utilised (including by disadvantaged)</p> <p>Development targeted to communities of interest</p> <p>Additional functions/facilities over existing</p> <p>Co-locating services is best practice</p> <p>Growing, coherent town centre</p> <p>Increasing visitor numbers expected</p> <p>Evaluation framework encourages constant improvement</p>	<p>Unmet need from current and future users</p> <p>Stakeholders are supportive</p> <p>Disadvantage demonstrated</p> <p>Case studies indicate benefit</p> <p>Economic assessment quantifies impact</p>

Figure 1: Summary of Findings

Also, prior to submitting an application for funding under Round 3 of the National Stronger Regions Fund the City engaged RPS Australia East Pty Ltd to undertake an Economic Evaluation of the project. The whole report can be found in [Attachment 7](#). The findings of the evaluation found that:

“Based on an assessment of the expected economic impacts of the proposed project, RPS found that one of the major quantifiable economic benefits is increased visitation to the region. The assessment revealed that visitation expenditure will increase in the order of \$2.8 million per annum. This level of expenditure would directly support 17 full-time ongoing roles.

The project is also expected to increase economic activity by encouraging business, household and property development investment decisions. The most notable impact of the improvements is expected to be on the potential to improve the desirability of an area to residents, visitors and businesses equivalent to \$15.2 million. This uplift is expected to encourage new developments to proceed earlier than they would otherwise due to improved sales prices and sales rates.

Additionally, the multi-purpose space for not-for-profit service providers is expected to have a profound, albeit unknown, impact on levels of employment and resident health.

The ongoing economic impacts have been assessed using a cost benefit analysis approach and the results (which excluded benefits unable to be robustly monetised) have demonstrated that the project is likely to provide a positive economic return. The project is expected to provide net benefits in the order of \$27.3 million at a discount rate of 4%.

The measured direct, ongoing impacts are expected to manifest themselves as greater expenditure within the region and the wider Australian economy which will support ongoing employment opportunities. Employment generation was estimated at equivalent to an average of 31.0 ongoing full-time equivalent roles.”

Item 12.2 Continued

OFFICER RECOMMENDATION

GARDNER MOVED, ROSSI SECONDED,

That Council:

- 1. Endorse the Developed Concept Design for the Faulkner Civic Precinct Community Centre building as prepared by Bollig Design Group (refer [Attachment 4](#)); and***
- 2. Endorse the Ecologically Sustainable Design initiatives to be considered for the Faulkner Civic Precinct Community Centre, as compiled by Full Circle Design Services (refer [Attachment 5](#)), to achieve a minimum 5 Star Green Star certification utilising the Green Building Council of Australia's Design and As Built rating tool; and, subject to the above; and***
- 3. Authorise the Chief Executive Officer to instruct Bollig Design Group to proceed to the Detailed Design and Documentation stages, inclusive of a Value Management Review.***

CARRIED 6 VOTES TO 3

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

**12.3 PUBLIC OPEN SPACE – NOTICE OF MOTION (CR HITT) – 27 OCTOBER 2015
ORDINARY COUNCIL MEETING**

BUILT BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	32/002 – Notice of Motion
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	27 October 2015 Ordinary Council Meeting – Item 11.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider land designated as Public Open Space under the ownership of the Department of Education and Training that is not accessible by the public on a 24 hour basis being excised from the City of Belmont's Public Open Space register, as originally submitted to Council through a Notice of Motion prepared by Councillor Hitt.

SUMMARY AND KEY ISSUES

Exclusion of land in the ownership of the Department of Education and Training, that is not accessible by the public on a 24 hour basis, from the City of Belmont's Public Open Space register.

Item 12.3 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: The City will take a key leadership role to ensure access to services and facilities and developing collaborative partnerships that enable greater accessibility for a changing community.

Strategy: Provide leisure, recreation, arts and lifestyle programs and resources to address existing and future community needs.

Objective: Create a city that leads to feelings of wellbeing, security and safety.

Strategy: Activate public spaces as a means to improving community spirit and sense of belonging.

Corporate Key Action: Identify opportunities and spaces within the City that can encourage place activation and community participation.

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

Objective: Protect and enhance our natural environment.

Strategy: Develop quality public open space in accordance with community needs.

Corporate Key Action: Conduct a parks functionality review and develop a revised Public Open Space Development Strategy that recognises the diminishing availability of natural resources, considers the changing expectations of the community and the need to innovate to produce inventive methods of delivery.

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.

Item 12.3 Continued

BACKGROUND

At the 27 October 2015 Ordinary Council Meeting, Council considered a Notice of Motion submitted by Cr Hitt and resolved the following recommendation:

COUNCILLOR RECOMMENDATION

That land designated as Public Open Space by the City of Belmont that falls under the ownership of the Department of Education and Training and is not accessible by the public on a twenty four hour basis, be excised from the City of Belmont's Public Open Space register.

Reason:

To obtain more accurate statistics of land designated as Public Open Space that can be accessed by the public on an unimpeded twenty four hour basis.

Note:

Cr Hitt put forward the following amendment to the Councillor Recommendation.

AMENDED COUNCILLOR RECOMMENDATION

HITT MOVED, CAYOUN SECONDED

From this date (26 October 2015) any land that falls under the ownership of the Department of Education and Training is not to be included in the City of Belmont's Public Open Space Register.

Reason:

To safeguard the long term integrity of our Public Open Space and to minimise any loss of Public Open Space when Department of Education and Training land assets, are sold or transferred.

Item 12.3 Continued

Note:

Cr Powell put forward the following amendment motion.

COUNCILLOR AMENDMENT MOTION

POWELL MOVED, RYAN SECONDED,

That Council refers the motion as indicated below to the next available Information Forum for further discussion to allow all Councillors to have some input, followed by a further report to Council.

‘From this date (26 October 2015) any land that falls under the ownership of the Department of Education and Training is not to be included in the City of Belmont’s Public Open Space Register.’

CARRIED 5 VOTES TO 4

*For: Marks, Powell, Ryan, Wolff
Against: Bass, Cayoun, Gardner Hitt
(In accordance with s5.21 of the Local Government Act 1995,
the Mayor used his casting vote in the affirmative)*

Reason:

That further research is required to enable Councillors to make a decision.

COUNCILLOR MOTION, AS AMENDED

HITT MOVED, CAYOUN SECONDED,

That Council refers the motion as indicated below to the next available Information Forum for further discussion to allow all Councillors to have some input, followed by a further report to Council.

‘From this date (26 October 2015) any land that falls under the ownership of the Department of Education and Training is not to be included in the City of Belmont’s Public Open Space Register.’

CARRIED 5 VOTES TO 4

*For: Marks, Powell, Ryan, Wolff
Against: Bass, Cayoun, Gardner, Hitt
(In accordance with s5.21 of the Local Government Act 1995,
the Mayor used his casting vote in the affirmative)*

Following the Council resolution, Councillors were presented with additional information and discussed the matter at a Special Information Forum held on 7 December 2015 (Item 5.2).

Item 12.3 Continued

OFFICER COMMENT

It has never been the practice to include land that falls under the ownership of the Department of Education and Training to be included in the City of Belmont's Public Open Space Register.

The land that is included in the Register is land that under Local Scheme No. 15 (LPS15) is reserved for 'Parks and Recreation'. This is why for example, Faulkner Park is not included in the calculation, because it is reserved for 'Civic and Cultural Purposes'.

Similarly, existing and proposed public open space areas within Perth Airport are excluded.

In the past, drainage reserves were indicated as 'Public Purpose' reserves, often remaining as fenced unusable areas.

The 1991 Public Open Space Rationalisation Report that involved extensive work by Councillors, Officers and a representative from the Department of Housing, identified the possibility of many of these drainage reserves being also used for recreation.

Credit must be given to former Councillor Ted Teasdale, who championed the idea of using cash-in-lieu of public open space to develop these drainage reserves. The first success, (which he suggested), was for Lot 20 (52) Fulham Street, known as the Fulham Street Sump, which now has the dual function of a compensating basin and a recreation area. Initially, the Western Australian Planning Commission (WAPC) and the Water Corporation were opposed to the idea, but with perseverance by the City, the WAPC policy was changed.

This 'Public Purpose' reserve was subsequently changed to 'Parks and Recreation' under LPS15 and is included in the public open space Register.

Public School sites are reserved for 'Public Purposes' and therefore any space that could be used for recreational purposes cannot be included in the Register or any public open space calculation.

It should be appreciated that from time to time, as schools become more prepared to allow some space for general community recreational purposes, that this will be highlighted. From a practical point of view such spaces will fulfil a community recreational need, as does the Faulkner Civic Precinct (historically called Faulkner Park), but they cannot be regarded as 'parks and recreation'.

The 1955 Stephenson Hepburn report recommended that 10% of subdivisible land should be set aside for public open space. In recent times, this has been translated to 3.36 hectares per 1000 people. The WAPC is the sole determining body as to whether it will require the full 10%, a lesser figure, or a combination of land and cash-in-lieu.

Item 12.3 Continued

As part of the preparation of the Local Planning Strategy for LPS15, a number of supporting documents were produced. One such document was the Public Open Space Local Planning Strategy (updated 25 November 2008). The Strategy set out:

- Minimum standards of land area provision, based on then best practice;
- Ease of accessibility to available open space; and
- Current and proposed maintenance standards that should apply.

Open Space provision within the Strategy was assessed on the basis of Open Space providing for 'Residential' and 'Non Residential' areas.

The Strategy briefly examined the State and local context of Open Space provision, and, using the accepted standards of provision (quantity of open space); it provided an overview of each residential suburb based on existing and forecast population figures. Also detailed for existing reserves were the following:

- Accessibility
- Standard of maintenance
- Their nature (passive, active, conservation).

On that basis, an analysis was provided for each residential suburb. The provision of public open space has never been based on 24 hour access, as that is a management issue.

Reiterating, no school sites were included in the calculations, as they were based only on land reserved and available for public open space.

The Department of Education has entered into hundreds of agreements with local governments on different aspects pertaining to school sites. Some recent examples are in the urban growth corridor in the City of Swan where co-location of playing fields will occur in six locations.

There is no such agreement in place over any school in the City of Belmont.

In regard to access to public open space being accessible on a 24 hour basis, there are several sites reserved for 'Parks and Recreation' which are not accessible on a 24 hour basis (but which do not relate to school sites). These include but may not be limited to:

- **Volcano Park**
Rangers lock up the gates and restrict access daily, from the evening to the morning.
- **Belmont Sports and Recreation**
The whole area is gated, and the assumption is access is restricted outside of normal hours.

Item 12.3 Continued

- **Gerry Archer Reserve**

The whole main reserve is gated and locked when not in use. There are pedestrian access gates on Robinson Avenue, but these are generally controlled by the Athletics Club.

As can be seen from the above examples, a guarantee of 24 hour access does not have a direct correlation with the useability of grounds and facilities.

The Councillor Recommendation is not considered to be relevant for the reasons as explained above.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COUNCILLOR RECOMMENDATION

HITT MOVED, ROSSI SECONDED,

From this date (27 September 2016) any land that falls under the ownership of the Department of Education and Training is not to be included in the City of Belmont's Public Open Space Register.

CARRIED 9 VOTES TO 0

Reason:

To safeguard the long term integrity of our Public Open Space and to minimise any loss of Public Open Space when Department of Education and Training land assets, are sold or transferred.

7.27pm The Project Management Coordinator – Building departed the meeting and did not return.

**12.4 RIGHT OF WAY CLOSURE BOUNDED BY ARTHUR STREET, TOWERS STREET,
DIXON AVENUE AND SCOTT STREET, KEWDALE**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 8 – Item 12.4 refers	<u>Aerial Plan with Cadastral Boundaries</u>
Attachment 9 – Item 12.4 refers	<u>List of Current Landowners</u>
Attachment 10 – Item 12.4 refers	<u>Proposed Right of Way Subdivision</u>
Attachment 11 – Item 12.4 refers	<u>Land Administration Act 1997 and Land Administration Regulations 1998</u>

Voting Requirement	:	Simple Majority
Subject Index	:	102/007–Permanent Road Closure
Location / Property Index	:	Right of Way Bounded by Arthur Street, Towers Street, Dixon Avenue and Scott Street, Kewdale
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	28 August 1995 Ordinary Council Meeting
Applicant	:	N/A
Owner	:	Various
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider the required statutory process for the closure of a private right of way (ROW) bounded by Arthur, Scott, Towers and Dixon Streets, Kewdale and the associated expenditure.

Item 12.4 Continued

SUMMARY AND KEY ISSUES

A request for the closure of the private right of way (ROW) was originally made in September 2014. Council is required to adopt a resolution whereby it seeks to request the Minister for Lands to acquire the private ROW. This is pursuant to section 52 of the *Land Administration Act 1997 (LAA)*.

LOCATION

Right of way bounded by Arthur Street, Towers Street, Dixon Avenue and Scott Street, Kewdale.



Item 12.4 Continued

BACKGROUND

In November 2014, it was brought to the City's Planning Department that a landowner sought a building permit for a garage that would have been partially located on the subject private ROW. The City could not issue a building permit for a building when it covers land owned by another.

The said landowner had approached the Department of Lands and also the Local Member Glenys Godfrey MLA seeking advice as to how the problem could be resolved. There is evidence of at least two attempts to close the ROW.

In 1967, there was a willingness by the City's administration at the time to commence the process of closure of the ROW, subject to availability of staff and resources. Nothing, it would appear, proceeded.

In 1995, the matter was again raised. A landowner at that time claimed that approximately 26 years ago, landowners presented a petition to the Council of the day requesting the closure of the ROW. This would have brought it near to 1967. The landowner claimed that the Council approved the ROW closure and consequently, all affected landowners relocated their fences.

The City then carried out a research at State Archives, but no record could be located of the petition, a Council resolution to proceed with the closure process of the ROW, or a notice in the Government Gazette giving effect to the ROW closure.

Accordingly, the matter was formally put to the Council at its meeting of the 28 August 1995. The following resolution was adopted:

"That Council approve the closure of the Right of Way bounded by Towers Street, Dixon Avenue, Arthur Street and Scott Street subject to all lot owners agreeing to pay an equal proportion of all costs incurred."

There were 27 separate lots at the time, which is still the case today and landowners were asked to contribute \$220 per lot. This included surveying and administrative costs to change Certificates of Title. At that time, landowners were advised that the land was to be given free of cost. All landowners in 1995 were contacted and asked to make the required contribution. Regrettably, some landowners did not wish to pay, as many were of the opinion apparently that it had already been closed, so therefore the closure process did not proceed.

The original Certificate of Title showing the subject ROW and surrounding lots was issued in 1897. Since that time, lots were sold and transferred from that Certificate of Title until approximately 1914. The Department of Lands has stated that the ROW is freehold land, which has remained at all times since 1897.

The problem of the ROW will not go away until it is formally closed, the land subdivided and legally amalgamated with adjoining lots. Until that time, landowners cannot legally build anything on the land. It would appear there are already some illegal improvements, which could become a liability issue for landowners on a future sale of the land.

Item 12.4 Continued

[Attachment 8](#) is a copy of an aerial plan with cadastral boundaries.

[Attachment 9](#) is a list of all the current landowners.

OFFICER COMMENT

The City is responsible for initiating the closure of the private Right of Way (ROW) that is within the street-block of Arthur Street, Towers Street, Dixon Avenue and Scott Street, Kewdale.

The Department of Lands and the City's Lawyers were consulted and from that advice, it was considered that the preferred approach would be to convert the ownership of the private ROW to the Crown and then the subject land being subdivided and amalgamated with each lot.

Council must formally resolve, pursuant to section 52 of the *LAA*, to request the Minister for Lands to acquire the private ROW. It is proposed that the private ROW be subdivided in accordance with [Attachment 10](#), as this evenly divides the ROW into equal portions.

The relevant sections of the *LAA* are Sections 52 and 87, as well as Regulations 6 and 7 of the *Land Administration Regulations 1998 (LAR)*. Section 87 is concerned with the sale of Crown land for amalgamation with adjoining land. [Attachment 11](#) is a copy of relevant legislation.

The process requires a number of actions.

1. The City had to arrange its own current valuation by a Licensed Valuer of the portions of land to be amalgamated with adjoining lots. The Department of Lands would as part of their process seek valuation advice from the Valuer General's Office (VGO).

The valuation advice states that the parcels of land have nil value. If this were to be different from the VGO valuation, then special Ministerial approval would be required to not accept the VGO valuation.

2. Local History Consultant, Eddie Marcus of 'History Now' was requested to research the ownership of the private ROW.
3. The Western Australian Planning Commission (WAPC) have been requested to support the subdivision proposal as shown on [Attachment 10](#).
4. A Licensed Surveyor was requested to provide a quotation to effect the subdivision as shown on [Attachment 10](#) and to prepare a Deposited Plan(s).
5. A descendant of the original owner, Richard Luscombe, has been contacted and informed of the situation and seeking comments from him and others who may have an interest in the land.

If Council were to formally resolve pursuant to section 52 of the *LAA*, to request the Minister for Lands to acquire the private ROW, the descendants need to be provided with a formal notice.

Item 12.4 Continued

Council need to also determine whether it should absorb all the costs, or a proportion be met by landowners.

To date the City has paid a total of \$7,164.86.

The most recent quotation for the cost of preparing the required survey documentation is \$5,143.60 inclusive of GST.

It is considered that the City should pay for this cost, as there has been clearly misunderstanding in the past. The cost can be accommodated in the Planning Services consultancy budget. There is a need for Council to seek a final resolution of this matter.

FINANCIAL IMPLICATIONS

Property Consultant Valuers, Pember Wilson and Eftos provided a valuation report costing \$1,925.00.

The cost for Local History Consultant, Eddie Marcus of 'History Now' to research the ownership of the private ROW is \$2,860.00.

The legal fees incurred to date from McLeods Barristers and Solicitors is \$2,379.86.

The quotation for the survey documentation is \$5143.60.

This means that the combined cost will be \$12,308.46.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

1. Request the Minister for Lands to acquire the private right of way bounded by Arthur, Scott, Towers and Dixon Streets, Kewdale pursuant to section 52 of the Land Administration Act 1997.
2. Authorise City Officers to serve the required Notice to the original owner's descendant(s).

Item 12.4 Continued

Note:

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, POWELL SECONDED,

That Council:

- 1. Request the Minister for Lands to acquire the private right of way bounded by Arthur, Scott, Towers and Dixon Streets, Kewdale pursuant to section 52 of the Land Administration Act 1997.***
- 2. Authorise City Officers to serve the required Notice to the original owner's descendant(s).***
- 3. When the costs are known, refer the costs back to Council.***

CARRIED 9 VOTES TO 0

Reason:

There has been clearly a misunderstanding in the past and landowners should not be penalised because of this.

12.5 NAMING OF A PRIVATE ROAD LOCATED AT LOT 801 (152) GREAT EASTERN HIGHWAY, ASCOT

BUILT BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	117/008–Naming of Roads/Streets/Localities/Wards/ Suburbs
Location / Property Index	:	Lot 801 (152) Great Eastern Highway, Ascot
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Strata Alliance
Owner	:	Various
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider initiating public advertisement to apply the name 'Kulbardi Close' to the private road located at Lot 801 (152) Great Eastern Highway, Ascot.

Item 12.5 Continued

SUMMARY AND KEY ISSUES

A request has been received to apply the name 'Kulbardi Close' to the private road located within the strata scheme for 152 Great Eastern Highway, Ascot.

The name 'Kulbardi' is currently included in the City's Schedule of Names Reserved for Streets and Parks and is considered to be a suitable name for the private road by the City's Planning Department.

Advertising of the proposed name is recommended.

LOCATION



Figure 1 – Private Road Proposed to be Named

The private road is shown highlighted red on the plan above. The road provides access to Ascot Quays (150 Great Eastern Highway), Ascot Centre (152 Great Eastern Highway) and the townhouses to the rear of Ascot Centre.

Item 12.5 Continued



Figure 2 – Configuration of Strata Scheme at 152 Great Eastern Highway, Ascot

CONSULTATION

Direct consultation has not been undertaken yet in relation to this matter. Should the name be considered for adoption, it will be advertised to the stakeholders (landowners and occupants of the properties at 150 and 152 Great Eastern Highway).

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Ensure that the cultural and historical significance of the City is identified and captured.

Strategy: Recognise all aspects of historical significance within the City.

Item 12.5 Continued

POLICY IMPLICATIONS

City of Belmont Policy Manual Social Belmont 3 (SB3) 'Naming or Renaming of Streets, Parks and Reserves':

The objective of this policy is *to ensure the naming or renaming of streets, parks and reserves within the City conform to accepted criteria.*

The policy statements are:

- *The Policy is to be read in conjunction with the requirements listed in Landgate's Geographic Names Committee (GNC) Policies and Standards for Geographical Naming in Western Australia.*
- *The Planning Department will be responsible for recommendations to the Council that relate to the naming or renaming of all streets, parks and reserves within the City. Such recommendations shall have regard to the Landgate's GNC Policies and Standards for Geographical Naming in Western Australia or justification be provided for any exception to the guidelines that is likely to be acceptable to the GNC.*
- *Unless otherwise determined by resolution of the Council, names may include: Aboriginal names of places, flora and fauna, as well as their locally understood names. The flora and fauna to have been, or currently existing in the City of Belmont.*
- *In regard to the renaming of streets:*
 1. *To enable the process to continue and be completed there is to be 75 percent support from the affected owners for the proposed change.*
 2. *The Council will not be responsible for the costs associated with stationery changes relating to the business name and address.*
 3. *The Council will provide three months' notice prior to the installation of street signage to enable the correction of stationary and business advertisement signage.*
 4. *Where Council has in its opinion sufficient community or government emergency services agencies requests for the rectification of problems associated with segmented sections of a street, the Council may coordinate the re-naming of the segmented portions after seeking comments from all property owners within the affected street sections.*

Where a street is to be renamed, the original street name shall be applied to the longest segmented length(s) of road(s).

Item 12.5 Continued

STATUTORY ENVIRONMENT

Landgate's GNC 'Policies and Standards for Geographical Naming in Western Australia' (Version 01:2015) includes the following parameters for selection of road names:

Section 1 - General Naming Policies and Standards

Names in General Use

Preference shall be given to the names with extensive usage on official maps, to names in government records and names which have been proven to be direct historical and/or local significance. Where long-established forms of maps and in records conflict with extensive, preferred local usage, the matter shall be referred to the GNC for resolution.

Section 2 - Roads

Within Western Australia road naming is standardised to facilitate the application of correct address information and to ensure that a consistent approach is undertaken to benefit emergency services, transport and goods delivery. If established policies for road naming were not applied, the provisions of emergency services, utilities and postal deliveries would be compromised.

In Western Australia the following shall applied:

- *All roads shall be named, including private roads which are open to public access or for the delivery of services. This includes but is not limited to:*
 - *Major state roads, highways, motorways and freeways*
 - *Roads within complexes such as universities, hospitals and retirement villages*
 - *Roads within conservation reserves, state forest, water reserves and any other government administrated land*
 - *Pedestrian-only roads such as paths trails, malls or steps.*
- *All road naming proposals shall be submitted to Landgate for approval.*

Any proposal to name, rename or extend a road shall clearly indicate the full extent of the road to which the name will apply. The extent of a road is considered to be its start and end points. This includes bends, divided carriageway sections and curves which are included between those points.

A road name shall not be applied in a way that is ambiguous or could cause confusion for the road users. The road name should be applied to a single, unobscured and unobstructed roadway that leads from point A to point B, in a clear and logical manner.

Roads are not suitable for dual naming and approval will not be given to such proposals.

Item 12.5 Continued

Private Roads and Rights-of-Way

A private road is any road that is not a public road which is open to public access or for use by other services. Private roads and rights-of-way must be clearly identified and uniquely named to facilitate the application of standardised addressing to all parcels in Western Australia.

The delivery of emergency and other services to residents and businesses are often impeded when private road names are not officially recorded. To minimize confusion, standardise address allocation and support emergency service delivery, all road naming policies and addressing standards must be applied.

Private roads include but are not limited to:

- *Some roads or driveways to battle-axe blocks*
- *Roads indicated on community subdivision plans*
- *Roads in various cluster developments*
- *Roads on private property, for example, roads in caravan parks*
- *Other forms of 'rights of way'.*

Naming a road on private land does not mean that Landgate, the Secretariat, the GNC or the Minister is accepting responsibility for that road other than that of ensuring its name meets the required naming policies for Western Australia.

Name Element Requirements

- *Every road name shall consist of a single name element followed by a road type*
- *A single length of road shall have only one name*
- *Road names without a type shall not be used.*

Road Types

All road names shall include a road type

The road type must be selected from the list as shown in AS/NZS 4819:2011 Rural and urban addressing – Appendix A, Road Types – Australia.

The road type 'Close' is described as a cul-de-sac type, short and enclosed roadway.

The road type shall be chosen to convey the function and characteristics of the road as described in the 'description' field of the road type list. Road types may be chosen with the final configuration in mind, eg a road that is first constructed as cul-de-sac may be given an open-ended street type if it can be confirmed that the road structure will be modified and eventually become a through road.

Item 12.5 Continued

Existing Duplicated or Similar Sounding Names

Road names submitted for approval cannot be:

- *Homonymous eg similar in spelling to an existing road name.*
- *Similar in sound to an existing road name in the same locality as an existing road name.*
- *In the adjoining locality.*
- *In the same Local Government area.*
- *Duplicated more than six times in the metropolitan area, three north and three south of the Swan River.*
- *Duplicated more than fifteen times within Western Australia.*
- *Less than 10 kilometres from the existing duplication in the metropolitan area.*
- *Less than 50 kilometres from an existing duplication in rural areas.*

BACKGROUND

A request for naming a private road, located within the residential and commercial strata scheme (known as Ascot Cove), at 152 Great Eastern Highway, Ascot (SP-42070), was submitted by the strata management company on behalf of the owners.

The reasons given by the petitioner are that the emergency services, deliveries and visitors have difficulties finding the addresses within the complex; mainly due to the strata configuration, and also the duplication of the street name and number (152 Great Eastern Highway) in other parts of the metropolitan area, such as Midvale and South Guildford.

The complex (Strata Scheme) is comprised of:

- Twelve (12) commercial units, which have direct frontage to Great Eastern Highway (known as Ascot Centre).
- Fourteen (14) apartments located on top of the commercial units (second and third levels), which have pedestrian access from Great Eastern Highway and vehicular access from the internal private road.
- Twenty-four (24) townhouses located at the rear of the main building (Ascot Centre), with access from the internal private road only.

Refer to Figure 2.

Item 12.5 Continued

Description of the Private Road Proposed to be Named

The private road starts at a crossover from Great Eastern Highway and provides shared access to the properties located at 150 Great Eastern Highway (currently Ascot Quays Hotel), the commercial units (Ascot Centre) and the residential units on top of them. This road branches off creating a loop that extends to the back of the building (Ascot Centre) providing access to the townhouses. (Refer to Figure 1)

Extent of the Private Road to be Named

Landgate's Location Knowledge Services has confirmed that the private access road will need to be 'connected' to the road network (which is Great Eastern Highway) to form a continuous network, which means that the proposed name must be applied to the entire extension of the private road (starting at Great Eastern Highway).

OFFICER COMMENT

The need for the naming of the private street is appropriate for the following reasons:

- The subject street provides access to a complex which contains different types of properties (commercial premises, apartments and townhouses), all under the same property address (152 Great Eastern Highway) which creates confusion for visitors, deliveries and emergency services and therefore it needs to be differentiated.
- The configuration of the complex creates poor or no visibility of the 24 townhouses from the main road 'Great Eastern Highway', making them difficult to find.
- The address 152 Great Eastern Highway has been duplicated in the Midvale and South Guildford areas.

Street Name

'Kulbardi' (pronounced 'cool-bard-ee') is a Noongar word meaning 'Magpie'. It has been selected from the City's Schedule of Names Reserved for Streets and Parks, which is part of the City of Belmont's *'Policy Manual SB3 Naming of Streets, Parks and Reserves'*.

This name is consistent with the abovementioned policy statement relating to the use of aboriginal names, flora and fauna existing in the City.

The name 'Kulbardi' has not been duplicated within the City of Belmont or within the metropolitan area according to the parameters included in the *'Landgate's GNC Policies and Standards for Geographic Naming in Western Australia'*. Likewise, the proposed road type 'Close' is consistent with the configuration of the road (cul-de-sac type - short, enclosed roadway), and has been recommended by Landgate's Location Knowledge Services Officers.

Item 12.5 Continued

Change of Street Numbering

As a consequence of the naming of the road, it is proposed that the unit numbering of the 24 townhouses be modified, for example:

- *1/152 Great Eastern Highway would become 1 Kulbardi Close.*

This will provide clarity as currently, the townhouses located at the rear of the commercial units have similar numerations, which creates confusion, for example:

- *T1/152 Great Eastern Highway (numeration for commercial premises)*
- *1/152 Great Eastern Highway (numeration for townhouses).*

The street name and numbering of the commercial units (Ascot Centre) and the residential apartments on top of them, as well as the property at 150 Great Eastern Highway (Ascot Quays Hotel) would remain unchanged, as they have a direct frontage to Great Eastern Highway. They have previously advised that they do not want their addresses modified (*refer to Figure 3*).

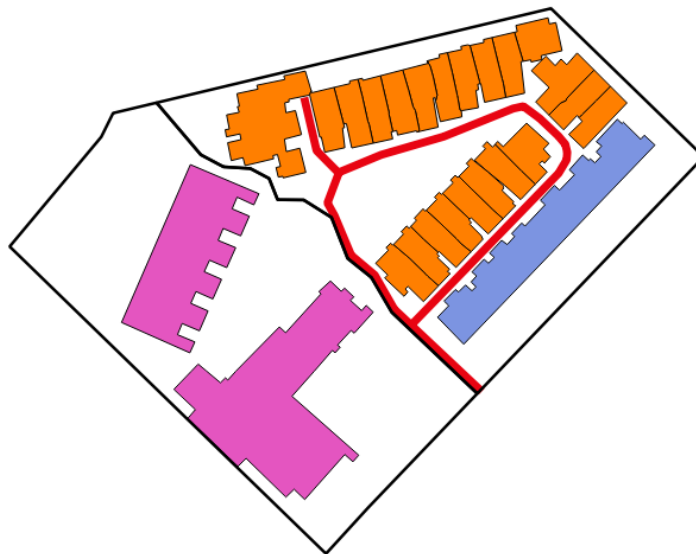





Figure 3 – Proposed Change of Street Name or Numbering

-  Commercial premises and Residential apartments will not change the street name or numbering.
(152 Great Eastern Highway)
-  The Ascot Quays Hotel will not change the street name or numbering.
(150 Great Eastern Highway)
-  Townhouses will change street name and numbering
(Currently 152 Great Eastern Highway)

Having regard to the abovementioned policies, the proposed name 'Kulbardi Close' is considered to be appropriate for the private road by the City's Planning Department.

Item 12.5 Continued

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

- 1. Initiate advertising to seek comment on the proposal to apply the name 'Kulbardi Close' to the private road located at Lot 801 (152) Great Eastern Highway, Ascot; by writing to the landowners and occupants of the properties at 150 and 152 Great Eastern Highway.***
- 2. Following the closure of the advertising period:***
 - If objections are received, then the matter shall be referred to a future Council meeting for formal consideration; or***
 - If no objections are received, authorise Officers to seek approval from Landgate's Geographic Names Committee.***

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

**12.6 DOMESTIC VIOLENCE REFUGES – NOTICE OF MOTION (CR GARDNER) –
26 APRIL 2016 ORDINARY COUNCIL MEETING**

SOCIAL BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 2 – Item 12.6 refers	<u>Costs for a Belmont Specific Domestic Violence Advocate Position</u>

Voting Requirement : Simple Majority
Subject Index : 35/002–Notices of Motions
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 26 April 2016 Ordinary Council Meeting Item 13.3
Applicant : N/A
Owner : N/A
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, local planning schemes and policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☐ **Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To consider the matter of allocating funds through a Memorandum of Understanding (MOU) for a Belmont specific Domestic Violence Advocate position based at Belmont Police Station in response to a Notice of Motion originally prepared by Councillor Gardner.

SUMMARY AND KEY ISSUES

For Council to consider providing funding through a MOU for a Belmont specific Domestic Violence Advocate position based at Belmont Police Station. The Domestic Violence Advocate position is to be fully employed and managed by either Ruah Community Services or Starick Services as part of the MOU.

Item 12.6 Continued

LOCATION

N/A

CONSULTATION

Following the 26 April 2016 Council resolution, the following key stakeholders and organisations in the Domestic Violence sector were consulted with:

- Western Australian (WA) Police
- Ruah Community Services
- Women's Council for Domestic and Family Violence Services
- White Ribbon Foundation
- Starick Services
- Nardine Wimmins Refuge
- Swan Emergency Accommodation
- Michael Wood (consultant).

The following local governments were also consulted with:

- City of Armadale
- City of Cockburn
- City of Fremantle
- City of Rockingham
- City of Stirling
- City of Swan
- Town of Victoria Park

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Create a City that leads to feelings of wellbeing, security and safety.

Strategy: The City will continue to design and implement programs which enhance safety, security and wellbeing in the community.

Key Action: Continue to develop and enhance ongoing sustainable partnerships with service providers and other key local stakeholders to address the needs of the local community.

Objective: The City will take a key leadership role to ensure access to services and facilities and developing collaborative partnerships that enable greater accessibility for a changing community.

Strategy: Identify and assist those in need by connecting them with appropriate internal or external service providers.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 12.6 Continued

STATUTORY ENVIRONMENT

There are no specific statutory requirements in respect to this matter, however regard should be had to the requirements found in section 3.18(2)(b) of the *Local Government Act 1995* which states:

3.18. Performing executive functions

- (1) A local government is to administer its local laws and may do all other things that are necessary or convenient to be done for, or in connection with, performing its functions under this Act.*
- (2) In performing its executive functions, a local government may provide services and facilities.*
- (3) A local government is to satisfy itself that services and facilities that it provides:*
 - (a) integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body; and*
 - (b) do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and*
 - (c) are managed efficiently and effectively.*

BACKGROUND

At the 26 April 2016 Ordinary Council Meeting (OCM), Council considered a Notice of Motion submitted by Councillor Gardner and endorsed the following recommendation:

COUNCILLOR RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED,

That Council allocate funding for a feasibility study to be conducted to investigate the potential for the City of Belmont in supporting, funding or managing refuges for victims of domestic violence.

Reason:

Domestic violence is Australia's largest social problem and requires all levels of government to commit to education and eradication of its scourge. Overwhelmingly the victims of domestic violence are women and children, with consequences that are severe and inter-generational. A feasibility study and subsequent recommendations will provide Council with an understanding of the potential range of measures that can be pursued by a local government authority to combat Domestic Violence and care for its victims.

Item 12.6 Continued

Note:

Cr Powell put forward the following amendment motion.

COUNCILLOR AMENDMENT MOTION

POWELL MOVED, ROSSI SECONDED,

That Council refer the matter below to an Information Forum for further discussion and future reference to Council for consideration:

Allocate funding for a feasibility study to be conducted to investigate the potential for the City of Belmont in supporting, funding or managing refuges for victims of domestic violence.

CARRIED 9 VOTES TO 0

Reason:

So that Councillors are able to give their opinion.

COUNCILLOR MOTION, AS AMENDED

GARDNER MOVED, CAYOUN SECONDED

That Council refer the matter below to an Information Forum for further discussion and future reference to Council for consideration.

Allocate funding for a feasibility study to be conducted to investigate the potential for the City of Belmont in supporting, funding or managing refuges for victims of domestic violence.

CARRIED 9 VOTES TO 0

Following the Council resolution, Councillors were presented with additional information and discussed the matter at the 9 August 2016 Information Forum, where the City's Coordinator Community Projects and Manager Community Development detailed the consultation that had occurred and subsequent findings. Council were provided with a PowerPoint presentation which included Belmont specific Domestic Violence related statistics provided by WA Police and recommendations from key organisations working in the Domestic Violence sector.

Stakeholders recommended that Council consider one or more of the following:

1. Providing funding for a Belmont specific Domestic Violence Advocate position based at Belmont Police Station. Employed by Ruah or Starick Services.
2. Providing funding for a Belmont specific Men's Behavioural Change Group. Facilitated by Ruah or Starick Services.
3. In partnership with WA Police, host and facilitate community and stakeholder forum raising awareness of domestic violence issues in Belmont.
4. In partnership with White Ribbon, host and facilitate annual event raising awareness of domestic violence issues in Belmont.

Item 12.6 Continued

After further investigation related to stakeholder recommendation two; the possibility of funding a Belmont specific Men's Behavioural Change Group is not a realistic option at this time. This is primarily due to the providers being unable to deliver a refined model that can be easily replicated locally, without the need to rely on other agencies' involvement and expertise, including potential multiple sub-contracting agreements. Neither option three or four drew considerable discussion during the 9 August 2016 Information Forum.

OFFICER COMMENT

The City's Community Development Department supports the need for a greater focus and range of intervention measures to address the direct and indirect consequences and costs to Belmont residents of domestic violence.

Such large scale complex societal interventions are the responsibility of both State and Federal Governments, partnering with the non-government, not-for-profit sector that have the expertise, experience and resources to provide best practice, evidence based support services.

The City sees its role in the context of domestic violence as a facilitator of such partnerships, connecting community with much needed support services and capacity building initiatives. As a result, the City will continue to allocate adequate funding to fulfil this role, recognising its important, but indirect part in addressing the wider complexities and challenges of domestic violence facing Australia as a whole.

Following the 26 April 2016 Council resolution, Officers undertook extensive research and consultation with key stakeholders in the Domestic Violence sector. These key stakeholders made a number of recommendations which Council discussed and considered at the 9 August 2016 Information Forum. Pursuant to this extensive research, consultation and discussion with Councillors at the 9 August 2016 Information Forum, Officers make the following recommendations:

1. That Council do not allocate funding for a feasibility study to be conducted to investigate the potential for the City of Belmont in supporting, funding or managing refuges for victims of domestic violence.
2. That Council consider allocating funds through a MOU for a Belmont specific Domestic Violence Advocate position based at Belmont Police Station. The Domestic Violence Advocate position is to be fully employed and managed by Ruah Community Services or Starick Services as part of the MOU.

Should a MOU be established, the likely cost to Council of such a resource is detailed in [Confidential Attachment 2](#).

The City's Community Development Department is also supportive of considering any proposals that support awareness raising of domestic violence and any behavioural change initiatives for perpetrators of domestic violence.

Item 12.6 Continued

FINANCIAL IMPLICATIONS

There is currently \$5,000 budgeted annually for the support and facilitation of domestic violence initiatives. The costs associated with supporting the Alternative Councillor Recommendation are detailed in [Confidential Attachment 2](#) and will need to be considered in relation to the October Budget Review process.

Depending on the length of the MOU and associated annual costs.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are numerous positive social implications for the City of Belmont, including:

- Individualised support for victims of domestic violence;
- Reduced burden on the Belmont Police to deal with victims of domestic violence;
- Contributes to an environment where residents are safe and feel safe.

Note:

Cr Cayoun declared an interest that may affect impartiality in Item 12.6 Domestic Violence Refuges – Notice of Motion (Cr Gardner) – 26 April 2016 Ordinary Council Meeting.

COUNCILLOR RECOMMENDATION

That Council allocate funding for a feasibility study to be conducted to investigate the potential for the City of Belmont in supporting, funding or managing refuges for victims of domestic violence.

Reason:

Domestic violence is Australia's largest social problem and requires all levels of government to commit to education and eradication of its scourge. Overwhelmingly the victims of domestic violence are women and children, with consequences that are severe and inter-generational. A feasibility study and subsequent recommendations will provide Council with an understanding of the potential range of measures that can be pursued by a local government authority to combat domestic violence and care for its victims.

Item 12.6 Continued

Note:

Cr Gardner put forward the following Alternative Councillor Recommendation.

ALTERNATIVE COUNCILLOR RECOMMENDATION

GARDNER MOVED, POWELL SECONDED,

1. *That given the findings from an internal research study, Council does not allocate further funding for an external feasibility study to be conducted, to investigate the potential for the City of Belmont in supporting, funding or managing refuges for victims of domestic violence.*
2. *That Council provide funding for a Belmont-specific Domestic Violence Advocate position, to be employed by a relevant community sector organisation.*
3. *That Council reiterates its support for ongoing awareness and behavioural change programs in relation to domestic violence.*

CARRIED 9 VOTES TO 0

Reason:

To provide funding to address the prevalence and impacts of Domestic Violence.

12.7 2016 COMMUNITY SERVICE AWARDS

SOCIAL BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 12 – Item 12.7 refers	<u>Community Service Awards – List of Previous Recipients</u>
Confidential Attachment 3 – Item 12.7 refers	<u>2016 Community Service Awards Nominations</u>
Confidential Attachment 4 – Item 12.7 refers	<u>2016 Community Service Awards Recommended Winners</u>

Voting Requirement	:	Simple Majority
Subject Index	:	52/013–Community Services Award
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	28 July 2015 Ordinary Council Meeting Item 10.2 13 July 2015 Standing Committee (Community Vision) Item 11.1 5 September 2016 Standing Committee (Community Vision) Item 11.1
Applicant	:	City of Belmont
Owner	:	City of Belmont
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

Item 12.7 Continued

PURPOSE OF REPORT

To receive the nominations for the 2016 Community Service Awards and for Council to endorse the Standing Committee (Community Vision) choice of recipients.

SUMMARY AND KEY ISSUES

Council's consideration of nominations for the 2016 Community Service Awards.

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Develop community capacity and self-reliance.

Strategy: A 'whole of community' inclusive approach is adopted emphasizing the intrinsic value of committing time and resources to relationship building amongst the City and the community.

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 Community Service Award was initiated in 1977 to recognise and acknowledge services performed by community members/organisations, with five people receiving the inaugural Award. From 1977 to 2015, there have been 95 awards presented with four recipients receiving the award twice.

The majority of the awards have been presented to individuals with only two organisations receiving the Award, those being Nulsen Haven (1982) and Belmont Community Food Centre (2000).

Item 12.7 Continued

The following award categories have been defined to include people working in the separate areas of:

- **Aged**
This category applies to an individual/community group who contributes within the aged sector (ie pensioner groups, activities and services for Seniors).
- **Community Service**
This category applies to an individual/community group who contributes within community (ie emergency service volunteer, support personnel, religious organisations, culturally diverse communities, charity groups, schools).
- **People Who Make a Difference**
This category applies to an individual/community group who has made an exceptional impact, by going above and beyond their duties and making a significant difference in their local community by assisting another or others.
- **Sport and Recreation (Including Arts and Culture)**
This category applies to an individual/community group who contributes to organisations such as sporting and recreational clubs as well as arts and culture clubs and organisations.
- **Youth**
This category applies to an individual/community group who supports organisations such as girl guides, scouts, youth clubs, youth centre(s), schools etc.

The awards are intended to acknowledge the outstanding service given to the community by individual persons and community groups using the following selection criteria:

1. The contribution made should be of benefit to the citizens of the City of Belmont (must have provided services to the residents of the City of Belmont).
2. Remuneration of an incidental nature will not exclude a nominee from eligibility.
3. Nominations can be made in more than one category for any one nominee. Each nomination has to be specific to the category for which the nomination has been submitted.

OFFICER COMMENT

The 2016 Community Service Awards were conducted using the selection criteria as resolved by the Council at its 28 July 2015 Ordinary Council Meeting.

The Selection Panel comprised of the Mayor, the Presiding Member of the Standing Committee (Community Vision), the Chief Executive Officer, Director Community and Statutory Services and the Manager Community Development.

A total of 12 individual and one community group nominations were received. Copies of the nominations received are provided under [Confidential Attachment 3](#). A list of the previous recipients is provided under [Attachment 12](#).

Item 12.7 Continued

The Standing Committee (Community Vision)'s recommendation for the 2016 Community Service Awards is provided under [Confidential Attachment 4](#).

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The Community Service Awards recognise those who assist and develop community capacity and support community groups within the City of Belmont.

Note:

Cr Rossi declared an interest affecting impartiality in Item 12.7 2016 Community Service Awards

COMMITTEE RECOMMENDATION

That:

- 1. Council endorse recipients nominated by the Standing Committee (Community Vision) as detailed in [Confidential Attachment 4](#).***
- 2. The decision by the Council on the recipients of the 2016 Community Service Awards remain confidential until the Annual Civic Dinner to be held on Saturday, 3 December 2016.***
- 3. Council invite the recipients of the 2016 Community Service Awards and their respective guest to the Annual Civic Dinner 2016.***

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

**12.8 TAB PRIVATISATION – NOTICE OF MOTION (CR CAYOUN) – 22 MARCH 2016
ORDINARY COUNCIL MEETING**

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	35/002
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 22 March 2016 – Item 13.4
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider the matter of the City's opposition to TAB privatisation as originally submitted to Council through a Notice of Motion prepared by Councillor Cayoun.

SUMMARY AND KEY ISSUES

For Council to consider the matter of opposing TAB privatisation on the grounds that it will have an adverse impact upon the racing industry.

Item 12.8 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Strategy: Ensure community requirements drive internal policies and processes.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

At the 22 March 2016 Ordinary Council Meeting, Council considered a Notice of Motion submitted by Councillor Cayoun and endorsed the following recommendation:

COUNCILLOR RECOMMENDATION

CAYOUN MOVED, BASS SECONDED,

That Council opposes any privatisation of the TAB on the grounds that it will have an adverse impact upon the racing industry. As such, the City will write to the Minister for Racing and Gaming;

- a) Expressing support for the racing industry in Ascot; and
- b) Asking the Minister not to proceed with any privatisation.

Item 12.8 Continued

Reason:

The lifestyles and livelihoods of many residents and ratepayers who depend upon the racing industry will be adversely affected by any decision to privatise the TAB in order to pay down state debt.

Note:

Cr Rossi put forward the following amendment motion.

COUNCILLOR AMENDMENT MOTION

ROSSI MOVED, POWELL SECONDED,

That Council:

- 1. Defer the matter relating to privatisation of the TAB to an Information Forum to examine all the facts on the grounds that it will have an adverse impact upon the racing industry.*
- 2. Invite appropriate stakeholders to provide an update to Council in relation to this matter.*

CARRIED 6 VOTES TO 3

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

Reason:

To present the full facts to Councillors.

COUNCILLOR MOTION, AS AMENDED

CAYOUN MOVED, BASS SECONDED,

That Council:

- 1. Defer the matter relating to privatisation of the TAB to an Information Forum to examine all the facts on the grounds that it will have an adverse impact upon the racing industry.*
- 2. Invite appropriate stakeholders to provide an update to Council in relation to this matter.*

CARRIED 6 VOTES TO 3

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

Item 12.8 Continued

Following the Council resolution, Councillors were presented with additional information and discussed the matter at the 9 August 2016 Information Forum.

OFFICER COMMENT

Western Australia is the last State in Australia to consider the sale of its TAB with all other States having already sold their TAB's. The long term effect or benefits of the sales in other States is not clear.

The State Government of Western Australian has been discussing the potential sale of the TAB for some time as part of the Government's long term asset sales plan, designed to cut state debt. The current status of the possible WA TAB sale is unknown.

The Department of Treasury has stated that, "The Government is currently consulting with the racing industry to develop an agreed solution for a sale and industry funding structure that will enable the Government to realise the value of the TAB, but also ensure the racing industry remains strongly supported into the future".

The City is aware that a number of stakeholders in this review are currently looking at options available to address the issue and come to an appropriate solution; however there is no clear position available to date, and no evidence that the privatisation will have an adverse impact upon the racing industry.

The City's Chief Executive Officer has had discussions with the Chief Executive Officer of Racing and Wagering WA. Racing and Wagering WA are currently undertaking negotiations with the State Government in relation to the potential sale of the TAB. At this point there is no proposed "deal on the table". Once a proposal has been made, and there is an understanding of the proposal, the Chief Executive Officer of Racing and Wagering Western Australia is prepared to brief Council on the proposal.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.8 Continued

Note:

Cr Ryan declared an interest that may affect impartiality in Item 12.8 TAB Privatisation – Notice of Motion (Cr Cayoun) – 22 March 2016 Ordinary Council Meeting

COUNCILLOR RECOMMENDATION

CAYOUN MOVED, GARDNER SECONDED,

That Council opposes any privatisation of the TAB on the grounds that it will have an adverse impact upon the racing industry. As such, the City will write to the Minister for Racing and Gaming;

- a) Expressing support for the racing industry in Ascot; and**
- b) Asking the Minister not to proceed with any privatisation on the basis that it may have a negative impact on the racing industry.**

LOST 4 VOTES TO 5

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

Reason:

The lifestyles and livelihoods of many residents and ratepayers who depend upon the racing industry will be adversely affected by any decision to privatise the TAB in order to pay down state debt.

Note:

Cr Ryan foreshadowed the following motion.

FORESHADOWED MOTION

RYAN MOVED, CAYOUN SECONDED,

That Council:

- (a) Express support for the Racing Industry in Western Australia.***
- (b) Support the Racing Industry on any decision they make on privatisation that they feel is in the best interests of WA Racing.***

CARRIED 8 VOTES TO 1

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

Reason:

For the Council to act in the best interest of the Racing Industry.

12.9 2016 POLICY MANUAL REVIEW

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 13 – Item 12.9 refers	Policy Manual

Voting Requirement	:	Simple Majority
Subject Index	:	32/015 Council Policy Manuals / Code of Conduct
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	OCM 22 September 2015 – Item 10.7
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council endorsement of the reviewed, amended and deleted policies for the City of Belmont (City) (refer [Attachment 13](#)).

SUMMARY AND KEY ISSUES

In accordance with section 2.7(2)(b) of the *Local Government Act 1995*, Council is to determine the local government's policies.

Council endorsement is sought for the 2016 review of the City's Policy Manual.

The 2016 review of the Policy Manual includes a number of policies that are required to be reviewed annually, those scheduled for review in 2016 and the review of any other policies as required by operational or legislative changes.

Item 12.9 Continued

LOCATION

N/A

CONSULTATION

Consultation was undertaken with relevant policy owners, the Belmont Leadership Team and the Senior Management Group.

The 2016 Policy Manual Review was presented to the 9 August 2016 Information Forum to discuss the proposed amendments and seek input from Councillors.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Council adoption of the reviewed and amended policies will necessitate amendment of the current City of Belmont Policy Manual.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* provides the basis for many of the City's policies, therefore consistency with this legislation has been reflected in the review, assessment and amendments proposed.

Section 2.7 of the *Local Government Act 1995* outlines the Role of Council.

Section 2.7(2)(b) requires the Council to determine the local governments policies.

BACKGROUND

All policies in the City's Policy Manual have been allocated a risk classification. The 2016 review of the Policy Manual includes a number of policies that are required to be reviewed annually, those scheduled for review in 2016 and the review of any other policies as required by operational or legislative changes.

The 2016 review also considered the entirety of the Policy Manual in relation to the standardisation of terms used.

Item 12.9 Continued

OFFICER COMMENT

The table below outlines the proposed amendments for each of the policies reviewed.

Policy	Title	Officer Comments
BUSINESS EXCELLENCE BELMONT		
BEXB1	Elected Members – Contact with Employees	Minor Amendments
BEXB2	Items Submitted by Elected Members	Minor Amendments
BEXB3	Correspondence from Members of the Public	Minor Amendments
BEXB4	Swearing In Ceremony – First Meeting After Election	Minor Amendments
BEXB5	Deputations at Meetings of Council	Minor Amendments
BEXB6	Procedure for Submission of Amended/ Alternative Recommendations	Minor Amendments
BEXB7	Council Meeting Schedule	Minor Amendments
BEXB8	Appointment as Committee Members, Representatives and Delegates	Minor Amendments
BEXB9	Western Australian Local Government Association (WALGA) – Requests for Nominations for State Government Committees	Minor Amendments
BEXB10	Council Delegates – Roles and Responsibilities	Minor Amendments
BEXB11A	Elected Members Fees, Allowance and Support	Minor Amendments
BEXB11B	Elected Member Professional Development and Authorised Travel	Minor Amendments
BEXB12	Provision of Governance Services to Elected Members	Minor Amendments
BEXB13	Gifts to Departing Elected Members	Minor Amendments
BEXB14	Council Refreshment Facilities	Minor Amendments
BEXB15	Rates and Other Debt Recovery – Elected Member	Minor Amendments
BEXB16	Legal Representation for Elected Members and Employees	Minor Amendments
BEXB17	Reports on Legal Advice to Elected Members	Minor Amendments
BEXB18	Official Council Photograph	Minor Amendments
BEXB19	Councillor's Lounge	Minor Amendments
BEXB20	Gratuity Payments and Gifts to Employees	Minor Amendments
BEXB21	Occupational Safety and Health	Minor Amendments
BEXB22	Collection of Rates	Major Amendments
BEXB23	Pensioner's Outstanding Refuse Charges	No Amendments Proposed
BEXB24	Refuse Charges	Minor Amendments
BEXB25	Pensioner/Senior Rates Arrears	Minor Amendments
BEXB26	Rounding Down of Account for Payment	Minor Amendments
BEXB27	Financial Management – Major Land Transactions	Minor Amendments
BEXB28	Purchasing	Major Amendments
BEXB29	Organisational Record Keeping	Minor Amendment

Item 12.9 Continued

BEXB29.1	Roles and Responsibilities – Elected Members	No Amendments Proposed
BEXB29.2	Roles and Responsibilities - Employees	No Amendments Proposed
BEXB30	Responsibility for Matters Associated with the Organisational Structures of Council	Minor Amendments
BEXB31	Compliance Management	No Amendments Proposed
BEXB32	Decision Making Policy	Minor Amendments
BEXB33	Quasi-Judicial Role	Minor Amendments
BEXB34	Risk Management	Minor Amendments
BEXB35	Investment of Funds	Major Amendments
BEXB36	Elected Member Attendance and Participation at Community Workshops	Minor Amendments
BEXB37	Corporate Credit and Debit Cards	Minor Amendments
BEXB38	Business Improvement Policy	Major Amendments
BEXB39	Business Continuity	Minor Amendments
BEXB40	Attendance by Dignitaries at Civic Functions, Ceremonies and Reception	Minor Amendments
BEXB41	Publicly Available Registers	Proposed to be Deleted
BEXB42	Elected Member Disclosure of Interests Register	Renumbered No Amendments Proposed
BEXB43	Elected Member Registers - Other	Renumbered No Amendments Proposed
SOCIAL BELMONT		
SB1	Council Authority to Apply for Grants	Minor Amendments
SB2	Donations – Financial Assistance	Major Amendments
SB3	Naming or Renaming of Streets, Parks and Reserves	Major Amendments
SB4	Naming of Council Facilities	Minor Amendments
SB5	Honorary Freeman of the City	Minor Amendments
SB6	Civic Dinner – Community Guests	Minor Amendments
SB7	Memorials in Public Open Space	Minor Amendments
SB8	Communication and Consultation – Community and Stakeholders	Minor Amendments
SB9	Donation of Disused Equipment, Machinery and Other Materials	Minor Amendments
SB10	Subsidised Organised Sport for Juniors in the City of Belmont	Minor Amendments
SB11	Personalisation of Council Owned Buildings by Users	No Amendments Proposed
SB12	Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups	Minor Amendments
SB13	Community Clothing Collection Bins	No Amendments Proposed
SB14	Temporary Caravan Accommodation	No Amendments Proposed
SB15	Library Borrowing - Restrictions	No Amendments Proposed
SB16	Community Facilities – Time Limit on Hiring	Minor Amendments
SB17	Hire – Priority Bookings	Minor Amendments
SB18	Commercially Run Temporary and Mobile Food Business Applying to Operate within the City	Minor Amendments
SB19	Applications for Council Assistance	No Amendments Proposed

Item 12.9 Continued

SB20	Dogs – Keeping of Three Dogs	No Amendments Proposed
SB21	City of Belmont Art Collection Policy	No Amendments Proposed
BUILT BELMONT		
BB1	Asset Management	Minor Amendments
BB2	Street and Civic Lighting	Minor Amendments
BB3	Streetscape Policy	Minor Amendments
BB4	Manholes and Stormwater Connections	Minor Amendments
BB5	Private Contributions to Drainage Works	Minor Amendments
BB6	Improvements to Become the Property of the City	Minor Amendments
BB7	Private Works	Minor Amendments
BB8	Fees – Subdivision Works	Minor Amendments
BB9	Authorised Person to Act in Relation to Provisions Relating to Land	No Amendments Proposed
NATURAL BELMONT		
NB1	Environmental Purchasing Policy	Minor Amendments
NB2	Storm Water Disposal from Private Properties	Minor Amendments
NB3	Environment and Sustainability Policy	Minor Amendments
NB4	Dangerous Trees	Major Amendments
BUSINESS BELMONT		
BSB1	Local Business Purchase Preference	No Amendments Proposed
BSB2	Belmont Business Innovation Grants	Major Amendments

A number of minor amendments have been made throughout the Policy Manual. These amendments include updates to formatting, spelling and grammar, rewording of sections to increase clarity, standardisation of terms used, updates to legislation references and updates to figures in line with Consumer Price Index (CPI) increases. These amendments are considered to be minor as they do not alter the purpose or objective of the policy.

During the 2016 review, the Policy Manual in its entirety was reviewed for the standardisation of terms used. Where appropriate, 'Councillor' was replaced by 'Elected Member', 'staff' or 'Officer' was replaced by 'employee' and 'Council' was replaced by 'the City'.

Policies identified as having major amendments are discussed in further detail below:

BEXB22 Collection of Rates

Amendments have been made to reference the availability of direct debit payments if an extension of time is granted and in relation to pre-payments. Further amendments have been made to clarify that refunds for payments received in advance or in excess of the amount due for rates through the direct debit process will only be made in extenuating circumstances.

BEXB28 Purchasing

Amendments have been made and further information has been included to clarify the intent and requirements of the policy. These include additional information being included in the Policy Detail section in relation to the specific classes for Advertising, Graphic Design, Printing and Marketing, Specifically Associated Hardware and Banking Services.

Item 12.9 Continued

BEXB35 Investment of Funds

Amendments have been made to clarify investments involving the Trust or Belmont Trust (Reserve) accounts. Further amendments have been made to include reference to Environmental Impacts (specifically fossil fuel exposure).

BEXB38 Business Improvement Policy

This policy was reviewed by the City's Business Improvement Team and amendments have been made with additional information included to clarify the intent and requirements of the policy. These include the refinement of the Policy Statement and Objectives, and the inclusion of reference to associated documents (Standards).

SB2 Donations – Financial Assistance

Amendments have been made and additional information has been included to clarify the 'specific donations' and 'in-kind donations' provided by the City.

SB3 Naming or Renaming of Streets, Parks and Reserves

This policy has been reviewed in conjunction with the requirements listed in Landgate's Geographic Names Committee Policies and Standards for Geographical Naming in Western Australia. Amendments have been made and additional information has been included to clarify the intent and requirements of the policy. This includes the Schedule of Names Reserved for Streets and Parks being updated to include possible uses and considerations for each name, in accordance with the policy.

NB4 Dangerous Trees

Amendments have been made to include additional information regarding consideration of approvals required for the removal of trees under State and Federal legislation.

BSB2 Belmont Business Innovation Grants

Amendments have been made and further information has been included to clarify the intent and requirements of the policy. Additional information included references the content of the Belmont Business Innovation Grant Guidelines and associated documents.

BEXB41 Publicly Available Registers

Policy BEXB41 Publicly Available Registers is proposed for deletion as amendments to the *Local Government Act 1995* and relevant regulations by the *City of Perth Act 2016* now cover these obligations, and therefore the policy is no longer required.

FINANCIAL IMPLICATIONS

There are no significant financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

Those policies which have environmental implications are aimed at improving the City's ability to protect and enhance the natural environment.

Item 12.9 Continued

SOCIAL IMPLICATIONS

A number of policies are aimed at supporting community groups, ensuring community access to required services and facilities, assisting in developing community capacity, enhancing a sense of community and contributing to an environment where residents are safe and feel safe.

OFFICER RECOMMENDATION

That Council:

1. Adopt the policy amendments outlined within [Attachment 13](#), specifically in reference to the following policies:

- BEXB1 Elected Members – Contact with Employees
- BEXB2 Items Submitted by Elected Members
- BEXB3 Correspondence from Members of the Public
- BEXB4 Swearing In Ceremony – First Meeting After Election
- BEXB5 Deputations at Meetings of Council
- BEXB6 Procedure for Submission of Amended/Alternative Recommendations
- BEXB7 Council Meeting Schedule
- BEXB8 Appointment as Committee Members, Representatives and Delegates
- BEXB9 Western Australian Local Government Association (WALGA) – Requests for Nominations for State Government Committees
- BEXB10 Council Delegates – Roles and Responsibilities
- BEXB11A Elected Members Fees, Allowance and Support
- BEXB11B Elected Member Professional Development and Authorised Travel
- BEXB12 Provision of Governance Services to Elected Members
- BEXB13 Gifts to Departing Elected Members
- BEXB14 Council Refreshment Facilities
- BEXB15 Rates and Other Debt Recovery – Elected Member
- BEXB16 Legal Representation for Elected Members and Employees
- BEXB17 Reports on Legal Advice to Elected Members
- BEXB18 Official Council Photograph
- BEXB19 Councillor's Lounge
- BEXB20 Gratuity Payments and Gifts to Employees
- BEXB21 Occupational Safety and Health
- BEXB22 Collection of Rates
- BEXB24 Refuse Charges
- BEXB25 Pensioner/Senior Rates Arrears
- BEXB26 Rounding Down of Account for Payment
- BEXB27 Financial Management – Major Land Transactions
- BEXB28 Purchasing
- BEXB29 Organisational Record Keeping
- BEXB30 Responsibility for Matters Associated with the Organisational Structures of Council
- BEXB32 Decision Making Policy
- BEXB33 Quasi-Judicial Role
- BEXB34 Risk Management
- BEXB35 Investment of Funds

Item 12.9 Continued

- BEXB36 Elected Member Attendance and Participation at Community Workshops
- BEXB37 Corporate Credit and Debit Cards
- BEXB38 Business Improvement Policy
- BEXB39 Business Continuity
- BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Reception
- SB1 Council Authority to Apply for Grants
- SB2 Donations – Financial Assistance
- SB3 Naming or Renaming of Streets, Parks and Reserves
- SB4 Naming of Council Facilities
- SB5 Honorary Freeman of the City
- SB6 Civic Dinner – Community Guests
- SB7 Memorials in Public Open Space
- SB8 Communication and Consultation – Community and Stakeholders
- SB9 Donation of Disused Equipment, Machinery and Other Materials
- SB10 Subsidised Organised Sport for Juniors in the City of Belmont
- SB12 Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups
- SB16 Community Facilities – Time Limit on Hiring
- SB17 Hire – Priority Bookings
- SB18 Commercially Run Temporary and Mobile Food Business Applying to Operate within the City
- BB1 Asset Management
- BB2 Street and Civic Lighting
- BB3 Streetscape Policy
- BB4 Manholes and Stormwater Connections
- BB5 Private Contributions to Drainage Works
- BB6 Improvements to Become the Property of the City
- BB7 Private Works
- BB8 Fees – Subdivision Works
- NB1 Environmental Purchasing Policy
- NB2 Storm Water Disposal from Private Properties
- NB3 Environment and Sustainability Policy
- NB4 Dangerous Trees
- BSB2 Belmont Business Innovation Grants

2. Adopt the following policies with no amendments:

- BEXB23 Pensioner's Outstanding Refuse Charges
- BEXB29.1 Roles and Responsibilities – Elected Members
- BEXB29.2 Roles and Responsibilities - Employees
- BEXB31 Compliance Management
- BEXB42 Elected Member Disclosure of Interests Register
- BEXB43 Elected Member Registers - Other
- SB11 Personalisation of Council Owned Buildings by Users
- SB13 Community Clothing Collection Bins
- SB14 Temporary Caravan Accommodation
- SB15 Library Borrowing - Restrictions
- SB19 Applications for Council Assistance
- SB20 Dogs – Keeping of Three Dogs

Item 12.9 Continued

- SB21 City of Belmont Art Collection Policy
- BB9 Authorised Person to Act in Relation to Provisions Relating to Land
- BSB1 Local Business Purchase Preference

3. Delete the following policy:

- BEXB41 Publicly Available Registers

Note:

Cr Rossi put forward the following Alternative Councillor Motions:

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, POWELL SECONDED,

1. That SB2 Donations be amended as follows:

Donations for sporting/cultural activities are limited to:

- a) a maximum of ~~\$350~~ \$400 per individual travelling interstate per annum***
- b) a maximum of ~~\$750~~ \$800 per individual travelling internationally per annum.***

CARRIED 9 VOTES TO 0

Reason:

To reflect the increased costs associated with travel.

8.37pm Cr Bass departed the meeting and did not return.

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, GARDNER SECONDED,

2. That SB6 Civic Dinner – Community Guests be amended as follows:

Elected Members may nominate up to four people to be invited to the annual Civic Dinner. The persons nominated should have contributed to the wellbeing of the district and nominations are to include a summary of that contribution, a brief precis of which is to be included in an attendee list provided to Councillors prior to the function.

CARRIED 8 VOTES TO 0

Reason:

This would lead to better networking and understanding of why people are there.

Item 12.9 Continued

9.21pm The A/Director Community and Statutory Services departed the meeting.

9.24pm The A/Director Community and Statutory Services returned to the meeting.

9.25pm Cr Ryan departed the meeting.

Note:

Cr Hitt put forward a procedural motion. Following further discussion and debate, Cr Hitt withdrew the procedural motion.

Cr Hitt put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

HITT MOVED, CAYOUN SECONDED,

3. That BEXB43 Elected Member Registers – Other be deleted.

Reason:

BEXB43 Elected Member Registers – Other is not a sound policy, impossible to police and may place Councillors inadvertently in contentious situations.

LOST 1 VOTE TO 6

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

9.28pm Cr Ryan returned to the meeting.

Item 12.9 Continued

ROSSI MOVED, WOLFF SECONDED,

That Council:

4. Adopt the policy amendments outlined within amended Attachment 13, specifically in reference to the following policies:

- ***BEXB1 Elected Members – Contact with Employees***
- ***BEXB2 Items Submitted by Elected Members***
- ***BEXB3 Correspondence from Members of the Public***
- ***BEXB4 Swearing In Ceremony – First Meeting After Election***
- ***BEXB5 Deputations at Meetings of Council***
- ***BEXB6 Procedure for Submission of Amended/Alternative Recommendations***
- ***BEXB7 Council Meeting Schedule***
- ***BEXB8 Appointment as Committee Members, Representatives and Delegates***
- ***BEXB9 Western Australian Local Government Association (WALGA) – Requests for Nominations for State Government Committees***
- ***BEXB10 Council Delegates – Roles and Responsibilities***
- ***BEXB11A Elected Members Fees, Allowance and Support***
- ***BEXB11B Elected Member Professional Development and Authorised Travel***
- ***BEXB12 Provision of Governance Services to Elected Members***
- ***BEXB13 Gifts to Departing Elected Members***
- ***BEXB14 Council Refreshment Facilities***
- ***BEXB15 Rates and Other Debt Recovery – Elected Member***
- ***BEXB16 Legal Representation for Elected Members and Employees***
- ***BEXB17 Reports on Legal Advice to Elected Members***
- ***BEXB18 Official Council Photograph***
- ***BEXB19 Councillor's Lounge***
- ***BEXB20 Gratuity Payments and Gifts to Employees***
- ***BEXB21 Occupational Safety and Health***
- ***BEXB22 Collection of Rates***
- ***BEXB24 Refuse Charges***
- ***BEXB25 Pensioner/Senior Rates Arrears***
- ***BEXB26 Rounding Down of Account for Payment***
- ***BEXB27 Financial Management – Major Land Transactions***
- ***BEXB28 Purchasing***
- ***BEXB29 Organisational Record Keeping***
- ***BEXB30 Responsibility for Matters Associated with the Organisational Structures of Council***
- ***BEXB32 Decision Making Policy***
- ***BEXB33 Quasi-Judicial Role***
- ***BEXB34 Risk Management***
- ***BEXB35 Investment of Funds***
- ***BEXB36 Elected Member Attendance and Participation at Community Workshops***
- ***BEXB37 Corporate Credit and Debit Cards***
- ***BEXB38 Business Improvement Policy***
- ***BEXB39 Business Continuity***

Item 12.9 Continued

- ***BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Reception***
- ***SB1 Council Authority to Apply for Grants***
- ***SB2 Donations – Financial Assistance***
- ***SB3 Naming or Renaming of Streets, Parks and Reserves***
- ***SB4 Naming of Council Facilities***
- ***SB5 Honorary Freeman of the City***
- ***SB6 Civic Dinner – Community Guests***
- ***SB7 Memorials in Public Open Space***
- ***SB8 Communication and Consultation – Community and Stakeholders***
- ***SB9 Donation of Disused Equipment, Machinery and Other Materials***
- ***SB10 Subsidised Organised Sport for Juniors in the City of Belmont***
- ***SB12 Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups***
- ***SB16 Community Facilities – Time Limit on Hiring***
- ***SB17 Hire – Priority Bookings***
- ***SB18 Commercially Run Temporary and Mobile Food Business Applying to Operate within the City***
- ***BB1 Asset Management***
- ***BB2 Street and Civic Lighting***
- ***BB3 Streetscape Policy***
- ***BB4 Manholes and Stormwater Connections***
- ***BB5 Private Contributions to Drainage Works***
- ***BB6 Improvements to Become the Property of the City***
- ***BB7 Private Works***
- ***BB8 Fees – Subdivision Works***
- ***NB1 Environmental Purchasing Policy***
- ***NB2 Storm Water Disposal from Private Properties***
- ***NB3 Environment and Sustainability Policy***
- ***NB4 Dangerous Trees***
- ***BSB2 Belmont Business Innovation Grants***

Item 12.9 Continued

6. Adopt the following policies with no amendments:

- ***BEXB23 Pensioner's Outstanding Refuse Charges***
- ***BEXB29.1 Roles and Responsibilities – Elected Members***
- ***BEXB29.2 Roles and Responsibilities - Employees***
- ***BEXB31 Compliance Management***
- ***BEXB42 Elected Member Disclosure of Interests Register***
- ***BEXB43 Elected Member Registers - Other***
- ***SB11 Personalisation of Council Owned Buildings by Users***
- ***SB13 Community Clothing Collection Bins***
- ***SB14 Temporary Caravan Accommodation***
- ***SB15 Library Borrowing - Restrictions***
- ***SB19 Applications for Council Assistance***
- ***SB20 Dogs – Keeping of Three Dogs***
- ***SB21 City of Belmont Art Collection Policy***
- ***BB9 Authorised Person to Act in Relation to Provisions Relating to Land***
- ***BSB1 Local Business Purchase Preference***

7. Delete the following policy:

- ***BEXB41 Publicly Available Registers***

CARRIED 8 VOTES TO 0

12.10 CONTINUATION OF RATE EXEMPTION REVIEW PROCESS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	Listed below
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	25 August 2015
Applicant	:	As listed in report
Owner	:	As listed in report
Responsible Division	:	Corporate & Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

This report presents the final group in the City's review of rate exempt property status for Council's endorsement.

SUMMARY AND KEY ISSUES

The group of properties reviewed are those that have previously been granted rate exemption for Educational and Religious purposes.

This review has resulted in all properties continuing as not being rateable.

Item 12.10 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Apply sound and sustainable business management principles.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The relevant sections of the *Local Government Act 1995* (the Act) that apply are:

1. Section 6.26 of the Act states:

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

(2) *The following land is not rateable land*

- (d) *land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and*
- (e) *land used exclusively by a religious body as a school for the religious instruction of children; and*

2. Section 6.53 of the Act states:

Land becoming or ceasing to be rateable land:

Where during a financial year –

- (a) land that was not rateable becomes rateable land; or*
- (b) rateable land becomes land that is not liable to rates, the owner of that land –*
- (c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or*
- (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,*

as the case requires.

Item 12.10 Continued

3. Section 6.39 of the Act states:

- (2) *A local government -
(b) may amend the rate record for the 5 years preceding the current financial year.*

4. Section 6.76 of the Act states:

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

(a) *that there is an error in the rate record —*

(ii) *on the basis that the land or part of the land is not rateable land;*

(3) *An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.*

BACKGROUND

In June 2013 Council staff commenced the process of reviewing all properties that had been granted rate exemptions previously to ensure they were being used for that same purpose as for which the exemption was originally granted. The list has been broken down to three main categories:

- Charitable Use Exemption
- Aged and Crisis Accommodation
- Religious Purposes

This report focuses on the properties in the Religious Purposes group with only a small number of properties across all categories still under review which will result in a final report to Council.

OFFICER COMMENT

The properties reviewed are detailed in the following list and based on visual inspections all continue to be clearly used for religious purposes (e.g. schooling and places of worship).

ORIGINAL EXEMPTION GRANTED TO	PROPERTY ADDRESS	USE OF PROPERTY	RATE TYPE
Nations Church Incorporated	240-242 Epsom Avenue, Belmont	Church and Office	Com
Ascot Christadelphian Ecclesia	236 Epsom Avenue, Belmont	Church	Com
Australasian Conference	6 Paterson Road, Kewdale	Church	Res
Christian & Missionary Alliance Australasia	6 Belmont Avenue, Belmont	Church	Com

Item 12.10 Continued

ORIGINAL EXEMPTION GRANTED TO	PROPERTY ADDRESS	USE OF PROPERTY	RATE TYPE
Christian & Missionary Alliance Australasia	324 Belmont Avenue, Kewdale	Church	Com
The Churches of Jesus Christ of Latter Day Saints	267 Hardey Road, Belmont	Church and Hall	Com
Islamic Council of WA	9A Rowe Avenue, Rivervale	Mosque	Com
New Apostolic Church	179 Armadale Road, Rivervale	Church	Res
New Life City Church Incorporated	329 Orrong Road, Kewdale	Church	Com
Roman Catholic Archbishop of Perth	11 Hehir Street, Belmont	St Anne's School and Church	Com
Roman Catholic Archbishop of Perth	36-38 Gladstone Road, Rivervale	Church	Com
St Augustine's Primary School	22-34 Gladstone Road, Rivervale	School - Private with Church	Com
St Barnabas Church	237-239 Orrong Road, Rivervale	Church	Res
Perth Diocesan Trustee	121-123 Arlunya Avenue, Cloverdale	All Saints Anglican Church & Rectory	Res
Australian Islamic College	147-159 President Street, Kewdale	School	Com
Kewdale Primary School	264 Kew Street, Kewdale	School	Com
Roman Catholic Archbishop of Perth	354-360 Daly Street, Cloverdale	School – Church (Notre Dame)	Com
Salvation Army	99 Keymer Street, Belmont	Manse	Res
Perth Diocesan Trustee	64 Morrison Street, Redcliffe	St Maria Gorettis Primary School and Church	Com

FINANCIAL IMPLICATIONS

Section 6.53 of the Act defines the property as being non-rateable effective from the date of the lease or 1 July of the year the application is being made.

These properties will continue to be rates exempt.

Item 12.10 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council approve the properties listed below to continue to receive rate exemption under section 6.26 (2)(d) and (e) and section 6.53 of the Local Government Act 1995 effective from 1 July 2016 until such time as their status changes:

ORIGINAL EXEMPTION GRANTED TO	PROPERTY ADDRESS	USE OF PROPERTY	RATE TYPE
Nations Church Incorporated	240-242 Epsom Avenue, Belmont	Church and Office	Com
Ascot Christadelphian Ecclesia	236 Epsom Avenue, Belmont	Church	Com
Australasian Conference	6 Paterson Road, Kewdale	Church	Res
Christian & Missionary Alliance Australasia	6 Belmont Avenue, Belmont	Church	Com
Christian and Missionary Alliance Australasia	324 Belmont Avenue, Kewdale	Church	Com
The Churches of Jesus Christ of Latter Day Saints	267 Hardey Road, Belmont	Church and Hall	Com
Islamic Council of WA	9A Rowe Avenue, Rivervale	Mosque	Com
New Apostolic Church	179 Armadale Road, Rivervale	Church	Res
New Life City Church Incorporated	329 Orrong Road, Kewdale	Church	Com
Roman Catholic Archbishop of Perth	11 Hehir Street, Belmont	St Anne's School and Church	Com
Roman Catholic Archbishop of Perth	36-38 Gladstone Road, Rivervale	Church	Com
St Augustine's Primary School	22-34 Gladstone Road, Rivervale	School - Private with Church	Com

Item 12.10 Continued

ORIGINAL EXEMPTION GRANTED TO	PROPERTY ADDRESS	USE OF PROPERTY	RATE TYPE
St Barnabas Church	237-239 Orrong Road, Rivervale	Church	Res
Perth Diocesan Trustee	121-123 Arlunya Avenue, Cloverdale	All Saints Anglican Church and Rectory	Res
Australian Islamic College	147-159 President Street, Kewdale	School	Com
Kewdale Primary School	264 Kew Street, Kewdale	School	Com
Roman Catholic Archbishop of Perth	354-360 Daly Street, Cloverdale	School – Church (Notre Dame)	Com
Salvation Army	99 Keymer Street, Belmont	Manse	Res
Perth Diocesan Trustee	64 Morrison Street, Redcliffe	St Maria Gorettis Primary School and Church	Com

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

12.11 QUOTATION Q20/2016 – SERVER AND STORAGE UPGRADE

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 5 – Item 12.11 refers	<u>Q20/2016 Evaluation Matrix</u>
Confidential Attachment 6 – Item 12.11 refers	<u>Q20/2016 Price Schedule</u>

Voting Requirement : Simple Majority
Subject Index : 135/2016-20
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award Quotation Q20/2016 - Server and Storage Upgrade.

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate quotations for the upgrade of the City's server and storage systems in accordance with the requirements of the *Local Government Act 1995* and the City's policies.

Item 12.11 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

Strategy: Ensure information systems and technology support knowledge management in order to meet community and organisational requirements.

Corporate Key Actions:

- Manage information and technology to meet the requirements of the City's Information Technology Disaster Recovery Plan and Business Continuity Plan.
- Maintain the enterprise content and knowledge management systems.
- Maintain a dynamic Information & Communication Technology infrastructure.

POLICY IMPLICATIONS

BEXB28–Purchasing

POLICY OBJECTIVE

This policy aims to deliver a high level of accountability whilst providing a flexible, efficient and effective procurement framework.

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government (Functions and General) Regulations 1996*, in particular Regulations 11(2)(b) and 11(2)(e) which allow an exemption to publicly invite tenders if the purchase is obtained from a pre-qualified supplier under the WALGA Preferred Supply Program or State Government Common Use Arrangement.

Item 12.11 Continued

BACKGROUND

The City of Belmont has two data centres 4.5 km apart:

- Production
- Disaster Recovery

The current storage and server technology infrastructure is five years old. The performance and administration of the network, storage devices, databases and application servers are becoming more challenging and time consuming. The ability of the City to manage its IT disaster recovery processes is becoming more difficult due to effective data storage size requirements.

The past three years have seen a dramatic change in business requirements and the technologies used to meet them. Technology continues to improve at an exponential rate with more powerful computing, flash-based storage, faster networking, and workload optimization radically changing the IT landscape.

The City is seeking a Hyper Convergent Solution with flash-based storage which is more efficient, agile and adaptable than traditional technology. The City is currently operating in a virtualized environment, however the complexity, speed and storage requirements continue to increase. Convergence provides more automated system management and significantly reduces the management overheads associated with maintaining an effective and efficient IT infrastructure. This is achieved through the implementation of reliable, matched, tested and validated hardware and software management systems that integrate effectively with network and data management tools to streamline the storage, processing and management requirements of the systems.

A statement in a UBM Plc white paper, *Converged Infrastructure Architectural Confidence in an Uncertain World*, perhaps best places a context around the issue:

“Converged infrastructure complements virtualization, creating pooled server capacity that is ideal for supporting VMs with as much CPU, I/O, storage, and network throughput as they need for their associated applications at any given time.”

Quotations were sought from members of the West Australian Local Government Association's preferred supplier panel for ICT and Related Services and the State Government's Common Use Arrangement for Information and Communication Technology Services, namely:

- Cirrus Networks Pty Ltd
- Data#3 Ltd
- Dell Australia Pty Ltd
- Saxxon IT Pty Ltd.

Item 12.11 Continued

OFFICER COMMENT

The Evaluation Committee consisted of Manager Information and Technology, System Administrator and System Support Officer.

The responses were assessed on the following criteria:

	CRITERIA	WEIGHTING
1	Design Suitability	10%
2	Equipment Suitability	25%
3	Save and Recovery Plan	20%
4	Methodology	15%
5	Ease of Operational and Technical Management	15%
6	Price	15%
	TOTAL	100%

Cirrus and Data#3 both offered two alternative solutions:

1. the Cisco HyperFlex system which stores data on spinning disks rather than the required flash based storage where data is stored electronically and transfers the data much faster
2. a flash array which, whilst being a cheaper option, does not meet the hyper convergent requirement which doesn't reduce management overheads.

Neither solution fully meets the City's requirements.

The solution proposed by Saxxon, whilst meeting the specification, would involve a significant change in the back up procedures currently operated by the IT department.

Dell's proposal addresses both the required elements; ie a hyper convergent system with flash based storage. The proposed disaster recovery appliance is a fully functional device that does away with the current VMWare licensing and requires simple management with back up on the production site replicated at the disaster recovery site. This system will work well with the City's current processes, and there is the potential that it could lead to the elimination of the costly tape infrastructure and data vaulting services that are currently in use.

Dell does not act as a vendor for a third party supplier but rather provide their own hardware. The City already uses many Dell products and has found them to be of good quality with few, if any, issues encountered.

As can be seen on the Evaluation Matrix (refer [Confidential Attachment 5](#)), Dell has achieved the highest score and is therefore the recommended supplier.

Item 12.11 Continued

FINANCIAL IMPLICATIONS

The use of the Hyper-Converged server and storage management software greatly simplifies the storage management and significantly increases the future savings in operating overheads.

The price quoted by Dell (refer [Confidential Attachment 6](#)) includes five year's support services for hardware and software 24/7. This support provides a dedicated technical account manager, monthly health check and performance recommendations and system maintenance. It also includes a five year licence for the all-flash device with deduplication and compression which provides a greater capacity for data storage. A significant discount is obtained by paying for the five year licence in advance rather than on an annual basis. The capital cost for this implementation is marginally over provided for in the IT budget (\$358,000). Software licensing is for a five year period and represents a significant (approximately 65%) annual saving over the term of the agreement. Licensing is funded through operational accounts. .

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council accept Quotation Q20/2016 submitted by Dell Australia Pty Ltd for the upgrade of the server and storage system for the sum of \$461,566.58 excluding GST as the most advantageous.

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

**12.12 TENDER 18/2016 - ALTERATIONS AND EXTENSIONS TO THE MILES PARK
COMMUNITY CENTRE**

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 7 – Item 12.12 refers	<u>Tender 18/2016 Elevation Matrix</u>
Confidential Attachment 8 – Item 12.12 refers	<u>Tender 18/2016 Price Schedule</u>

Voting Requirement : Simple Majority
Subject Index : 114/2016-18
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 : Community & 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, local planning schemes and policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☐ **Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To seek Council approval to award Tender 18/2016 - Alterations and Extensions to the Miles Park Community Centre.

Item 12.12 Continued

SUMMARY AND KEY ISSUES

This report outlines the tender process undertaken to invite and evaluate tenders and includes a recommendation to award Tender 18/2016 in accordance with the requirements of the *Local Government Act 1995*.

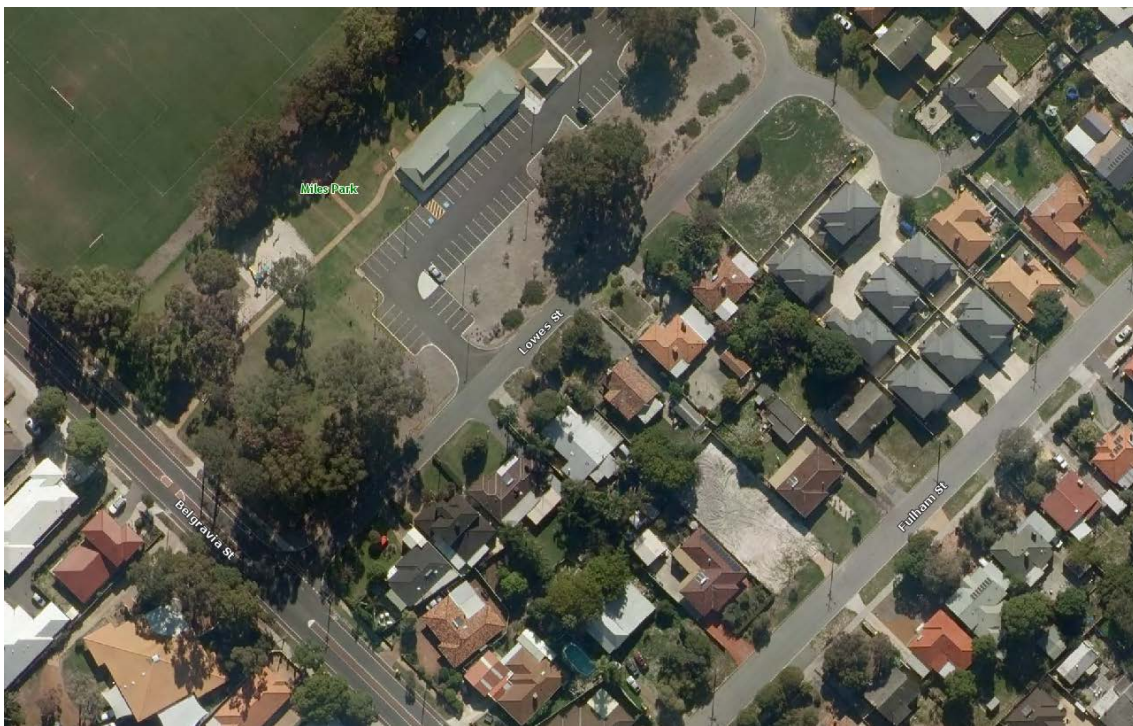
The tender is for alterations and extensions to the Miles Park Community Centre.

Thirty four sets of tender documents were issued to prospective tenderers and six responses were received from:

- Classic Contractors Pty Ltd
- Clinton Long Project Management Pty Ltd
- Connolly Building Company
- Metrocon Pty Ltd
- Palace Home and Construction Pty Ltd
- Solution 4 Building Pty Ltd.

LOCATION

Miles Park Community Centre, Corner Belgravia/Lowes Streets, Cloverdale.



CONSULTATION

City of Belmont Community Wellbeing Officers met and consulted with all Miles Park Community Centre stakeholder groups prior to finalising the design for the upgrade to the Community Centre. Where practicable, the Architect has incorporated the stakeholder suggestions into the final design and documentation that was tendered.

Item 12.12 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Maintain Public Infrastructure in accordance with sound Asset Management practices.

Strategy: Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.

Corporate Key Action: Maintain Assets in accordance with Asset Management Strategy and associated Plans.

POLICY IMPLICATIONS

BEXB28–Purchasing

POLICY OBJECTIVE

This policy aims to deliver a high level of accountability whilst providing a flexible, efficient and effective procurement framework.

STATUTORY ENVIRONMENT

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

BACKGROUND

An invitation to tender for Extensions and Alterations for Miles Park Community Centre was advertised in the West Australian on Wednesday, 3 August 2016. A compulsory site inspection was held on Tuesday, 10 August 2016 with 12 firms represented and the tender closed on Tuesday, 23 August 2016 at 3pm with six responses submitted.

OFFICER COMMENT

The Tender Evaluation Committee consisted of Coordinator Contracts and Tenders, Coordinator Building Operations and Building Technical Officer.

Item 12.12 Continued

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

	CRITERIA	WEIGHTING
1	Company Profile	15%
2	Experience	25%
3	Company Capacity	25%
4	Methodology	25%
5	Safety	10%
	TOTAL	100%

All the tenderers demonstrated that they have the ability to perform the required works, with most of them having undertaken alterations and extensions to other community facilities for local governments.

The response submitted by Solution 4 Building was the most comprehensive received, demonstrating that not only do they have the experience, but also the capacity and that they fully understood the requirements of the contract.

As Solution 4 Building has scored highest on the Evaluation Matrix (refer [Confidential Attachment 7](#)) they are the recommended supplier.

FINANCIAL IMPLICATIONS

Price was not included in the weighted criteria. Once the initial assessment was completed the Evaluation Committee examined the tendered prices and considered which tenderers offered the best value for money.

As can be seen from the Price Schedule (refer [Confidential Attachment 8](#)), the price tendered by Solution 4 Building was the most competitive. The lump sum figure is close to the pre-tender quantity surveyor estimate received for construction and falls within the overall 2016/17 budget of \$860,000, which also includes, the remaining project professional fees and a construction contingency.

ENVIRONMENTAL IMPLICATIONS

The building specifications include energy efficient fittings and fixtures throughout, including the external security lighting. Plumbing fixtures and fittings will meet Water Efficiency Labelling and Standards.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council accept the tender submitted by Solution 4 Building Pty Ltd for Alterations and Extensions to the Miles Park Community Centre for the lump sum of \$752,009.59 excluding GST as the most advantageous.

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

12.13 TERMS OF REFERENCE FOR THE EXECUTIVE COMMITTEE

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 14 – Item 12.13 refers	<u>Revised Terms of Reference – Executive Committee</u>

Voting Requirement	: Simple Majority
Subject Index	: 154/007 – Standing Committees
Location/Property Index	: NJ/A
Application Index	: N/A
Disclosure of any Interest	: Nil
Previous Items	: 15 August 2016 Executive Committee – Item 11.1
Applicant	: N/A
Owner	: N/A
Responsible Division	: Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To present revised Terms of Reference for the Executive Committee (refer [Attachment 14](#)) to Council for endorsement.

SUMMARY AND KEY ISSUES

To revise and update the Terms of Reference for the Executive Committee.

Item 12.13 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

Strategy: Ensure decision making is supported by effective information and knowledge management.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The Executive Committee assists Council to undertake its duties in relation to sections 5.38 and 5.39 of the *Local Government Act 1995* and Regulations 18C and 18D of the *Local Government (Administration) Regulations 1996*.

Local Government Act 1995

5.38. Annual review of certain employees' performances

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

5.39. Contracts for CEO and senior employees

(1) *Subject to subsection (1a), the employment of a person who is a CEO or a senior employee is to be governed by a written contract in accordance with this section.*

(1a) *Despite subsection (1) —*

(a) *an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting; and*

(b) *a person may be employed by a local government as a senior employee for a term not exceeding 3 months, during any 2 year period, without a written contract.*

Item 12.13 Continued

- (2) *A contract under this section —*
- (a) *in the case of an acting or temporary position, cannot be for a term exceeding one year;*
 - (b) *in every other case, cannot be for a term exceeding 5 years.*
- (3) *A contract under this section is of no effect unless —*
- (a) *the expiry date is specified in the contract; and*
 - (b) *there are specified in the contract performance criteria for the purpose of reviewing the person's performance; and*
 - (c) *any other matter that has been prescribed as a matter to be included in the contract has been included.*
- (4) *A contract under this section is to be renewable and subject to subsection (5), may be varied.*
- (5) *A provision in, or condition of, an agreement or arrangement has no effect if it purports to affect the application of any provision of this section.*
- (6) *Nothing in subsection (2) or (3)(a) prevents a contract for a period that is within the limits set out in subsection 2(a) or (b) from being terminated within that period on the happening of an event specified in the contract.*
- (7) *A CEO is to be paid or provided with such remuneration as is determined by the Salaries and Allowances Tribunal under the Salaries and Allowances Act 1975 section 7A.*
- (8) *A local government is to ensure that subsection (7) is complied with in entering into, or renewing, a contract of employment with a CEO.*

[Section 5.39 amended by No. 49 of 2004 s. 46(1)-(3); No. 2 of 2012 s. 13 (correction to reprint in Gazette 28 Mar 2013 p. 1317).]

Local Government (Administration) Regulations 1996

18C. Selection and appointment process for CEOs

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

[Regulation 18C inserted in Gazette 31 Mar 2005 p. 1038.]

18D. Performance review of CEO, local government's duties as to

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

[Regulation 18D inserted in Gazette 31 Mar 2005 p. 1038.]

Item 12.13 Continued

BACKGROUND

At the 27 July 2010 Ordinary Council Meeting, Council undertook a review of the City of Belmont Committee structure. As part of the review, the Standing Committee (Community Capacity), now referred to as the Standing Committee (Community Vision) was created and as a result of the creation of the Standing Committee (Community Capacity), the scope of the Terms of Reference and membership structure of the Executive Committee was amended. Council resolved:

MARKS MOVED, ROSSI SECONDED

2. *That membership of the Executive Committee be amended to include the Mayor as the Presiding Member, the Deputy Mayor as Deputy Presiding Member and also consist of the Presiding Members of each of the three Standing Committees (With their respective Deputy Presiding Members acting as Proxy's).*
3. *That the Terms of Reference be modified to read as follows;*

Terms of Reference:

- *The Executive Committee is responsible for making recommendations to Council on Chief Executive Officer appointments/performance reviews.*
- *Assessment and actioning of complaints against the Chief Executive Officer, Councillors and the Mayor as prescribed in Council's Complaints Management Procedure.*

CARRIED 10 VOTES TO 1

Against: Hitt

The current Executive Committee Terms of Reference are:

The Executive Committee is responsible for making recommendations to Council on Chief Executive Officer appointments/performance reviews and assessment and actioning of complaints against the Chief Executive Officer, Councillors and the Mayor as prescribed in Council's Complaints Management Procedure.

The revised Executive Committee Terms of Reference are included in [Attachment 14](#).

Terms of Reference for all City of Belmont Standing Committees are currently being reviewed and updated to ensure consistency.

A revision to the Executive Committee Terms of Reference is pertinent to ensure consistency with the Terms of Reference of all City of Belmont Standing Committees and to provide guidance on the purpose and objectives of the Executive Committee.

Item 12.13 Continued

The Executive Committee considered the revised Terms of Reference at its meeting on 15 August 2016, with the following recommendation made:

CAYOUN MOVED, POWELL SECONDED,

That Council endorse the revised Terms of Reference for the Executive Committee (refer Attachment 1).

CARRIED 5 VOTES TO 0

OFFICER COMMENT

The revised Terms of Reference provide clear guidance on the purpose and objectives of the Executive Committee and the duties and responsibilities of Committee members.

The content has been significantly expanded from the current Terms of Reference, however it does not substantively change the current role performed by the Committee.

The key inclusions to the Terms of Reference are:

- The description of the Committee as a formally appointed Committee of Council and the subsequent legislative role of the Committee
- The Duties and Responsibilities section which outlines the scope and expectations of the Committee
- Guidelines on Committee membership, staff, invitees/attendees and meeting frequency.

These aspects have been included in the revised Terms of Reference to formalise what is currently undertaken by the Executive Committee.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COMMITTEE RECOMMENDATION

That Council endorse the revised Terms of Reference for the Executive Committee (refer [Attachment 14](#)).

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

12.14 TERMS OF REFERENCE FOR THE STANDING COMMITTEE (AUDIT AND RISK)

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 15 – Item 12.14 refers	Revised Terms of Reference – Standing Committee (Audit and Risk)
Attachment 16 – Item 12.14 refers	Terms of Reference – Standing Committee (Audit and Risk)
Attachment 17 – Item 12.14 refers	Local Government Operational Guideline Number 9 – Audit in Local Government

Voting Requirement : Simple Majority
Subject Index : 154/007 – Standing Committee
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 25 July 2016 Standing Committee (Audit and Risk) – Item 11.2
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To present revised Terms of Reference for the Standing Committee (Audit and Risk) (refer [Attachment 15](#)) to Council for endorsement.

Item 12.14 Continued

SUMMARY AND KEY ISSUES

To revise and update the Terms of Reference for the Standing Committee (Audit and Risk).

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

Strategy: Ensure decision making is supported by effective information and knowledge management.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Part 7 of the *Local Government Act 1995* details the audit of the financial accounts of the local government. Section 7.1A states –

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*
** Absolute majority required*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*
- (4) An employee is not to be a member of an audit committee.*

Item 12.14 Continued

The *Local Government (Audit) Regulations 1996* detail the role and requirements of local government audit committees, in particular, Regulation 16 outlines the functions of the audit committee –

16. Audit committee, functions of

An audit committee —

- (a) is to provide guidance and assistance to the local government —*
 - (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and*
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;*
- and*
- (b) may provide guidance and assistance to the local government as to —*
 - (i) matters to be audited; and*
 - (ii) the scope of audits; and*
 - (iii) its functions under Part 6 of the Act; and*
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management; and*
- (c) is to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —*
 - (i) report to the council the results of that review; and*
 - (ii) give a copy of the CEO's report to the council.*

[Regulation 16 inserted in Gazette 31 Mar 2005 p. 1043; amended in Gazette 8 Feb 2013 p. 867.]

BACKGROUND

The City of Belmont's Standing Committee (Audit and Risk) first met on 22 December 2004 and continues today.

The current Standing Committee (Audit and Risk) Terms of Reference are detailed in [Attachment 16](#).

The Department of Local Government and Communities developed Local Government Operational Guideline Number 9 – Audit in Local Government (refer [Attachment 17](#)) in July 2005, which was revised in September 2013 and outlines the appointment, function and responsibilities of Audit Committees. This document has been used for guidance as the Terms of Reference were reviewed and amended.

A revision to the Standing Committee (Audit and Risk) Terms of Reference is pertinent to ensure consistency with amended legislation and the expanded responsibilities of the Standing Committee (Audit and Risk).

Terms of Reference for all City of Belmont Standing Committees are currently being reviewed and updated to ensure consistency.

The revised Standing Committee (Audit and Risk) Terms of Reference are included in [Attachment 15](#).

Item 12.14 Continued

The Standing Committee (Audit and Risk) considered the revised Terms of Reference at its meeting on 25 July 2016, with the following comments and recommendation made:

Committee Notes

The Manager Governance provided an update as follows:

- The main differences in the revised Terms of Reference are outlined in the report item
- Local Government Operational Guideline No. 9 – Audit in Local Government was referenced and referred to in updating the Terms of Reference
- The Duties and Responsibilities section has been broken down into sub-sections for clarity
- The requirement for the Chief Executive Officer to review and report on risk management, internal controls and legislative compliance in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996* has been included
- Minor amendments have been made to the membership section, removing information that is prescribed in the *Local Government Act 1995*.

A series of questions were asked and responded to as follows:

- There is a requirement for staff to attend meetings to provide advice and guidance to the Standing Committee (Audit and Risk)
- The Director Corporate and Governance undertook to include the wording ‘as required’ to the attendance of the Manager Finance and the Manager Governance at Standing Committee (Audit and Risk) meetings as detailed in the revised Terms of Reference. Where there are no applicable items on the agenda, approval for the relevant Manager to not attend the meeting will be sought
- The revised Terms of Reference will be presented to Council for endorsement
- Invitees/Attendees at Standing Committee (Audit and Risk) meetings will be discussed and agreed upon by the Director Corporate and Governance and the Presiding Member. It is not anticipated that there will be disagreements in relation to Invitees/Attendees
- There is no requirement for the revised Terms of Reference to be reported to the Department of Local Government and Communities. It is the responsibility of individual Councils to decide on the Terms of Reference for Standing Committees, in accordance with legislation.

BASS MOVED, BACK SECONDED,

That Council endorse the revised Terms of Reference for the Standing Committee (Audit and Risk) (refer Attachment 1).

CARRIED 4 VOTES TO 0

Item 12.14 Continued

OFFICER COMMENT

The revised Terms of Reference provide clear guidance on the purpose and objectives of the Standing Committee (Audit and Risk) and the duties and responsibilities of Committee members.

The content has been amended from the current Terms of Reference, and includes updates reflecting legislative amendments, however the changes do not substantively change the current role performed by the Committee.

The key changes to the Terms of Reference include:

- The inclusion of legislative compliance and risk management in the Duties and Responsibilities section, in accordance with Regulation 17 of the *Local Government (Audit) Regulations 1996*
- The Duties and Responsibilities section being divided into four categories – internal and external audit planning and reporting; financial management; legislative compliance; and risk management
- The removal of information pertaining to quorum, terms of membership and the election of the Presiding Member and Deputy Presiding Member in the Membership section that is detailed in the *Local Government Act 1995*
- Clarification to the Staff and Invitees/Attendees Section
- Inclusion of the requirement to receive and report to Council the result of the CEO's review of the appropriateness and effectiveness of the City's systems and procedures in the Meetings section.

The revised Terms of Reference clarify the scope of the Standing Committee (Audit and Risk) and expectations for Committee Members. Guidelines are have been updated to reflect current practices for Committee membership, Staff, Invitees/Attendees and Meetings.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COMMITTEE RECOMMENDATION

That Council endorse the revised Terms of Reference for the Standing Committee (Audit and Risk) (refer [Attachment 15](#)).

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

12.15 TERMS OF REFERENCE FOR THE STANDING COMMITTEE (COMMUNITY VISION)

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 18 – Item 12.15 refers	<u>Revised Terms of Reference – Standing Committee (Community Vision)</u>

Voting Requirement	:	Simple Majority
Subject Index	:	154/007- Standing Committees
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	5 September 2016 Standing Committee (Community Vision) – Item 11.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To present revised Terms of Reference for the Standing Committee (Community Vision) (refer [Attachment 18](#)) to Council for endorsement.

SUMMARY AND KEY ISSUES

To revise and update the Terms of Reference for the Standing Committee (Community Vision).

Item 12.15 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

Strategy: Ensure decision making is supported by effective information and knowledge management.

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 City of Belmont's Standing Committee (Community Vision) first met on 27 July 2010, as the Standing Committee (Community Capacity) and continues today. The original Terms of Reference for the Standing Committee (Community Capacity) were:

"To examine, consider and recommend to Council on matters of strategic importance and relevance to the City of Belmont that relate to Community Development (now referred to as Community Capacity Building).

The Committee will act as a catalyst for social change that is driven by the community and designed to foster resilience and sustainability.

Through the Community Capacity Committee, Council's Community Development Department works with State Government and community organisations to identify opportunities to assist the community to develop services and structures to produce long term, sustainable improvements to enhance the quality of life of its community, taking into account the following areas:

Item 12.15 Continued

Library Services, Leisure, Arts & Culture, Youth & Family Services, Community Wellbeing Crime Prevention, Seniors Services, Disability Access & Inclusion, Aboriginal Strategies Cultural and Linguistic Diversity (CALD) strategies, Affordable Housing Strategies, Community Capacity Building Strategies.”

The current Standing Committee (Community Vision) Terms of Reference are:

“To examine, consider and recommend to Council on matters of strategic importance and relevance to the City of Belmont that relate to Community Development, Community Lifestyle and Learning and Community Safety and Crime Prevention (formerly referred to as Community Capacity Building).

The Committee will act as a catalyst for social change that is driven by the community and designed to foster resilience and sustainability.

Through the Community Vision Committee, Council’s Community Development, Community Lifestyle and Learning and Community Safety and Crime Prevention Departments work with State Government and community organisations to identify opportunities to assist the community to develop services and structures to produce long term, sustainable improvements to enhance the quality of life of its community, taking into account the following areas:

Community Development, Library and Heritage services, Youth and Family Services, Early Years, Community Wellbeing, Crime Prevention, Seniors Services, Disability Access and Inclusion, Aboriginal Strategies Cultural and Linguistic Diversity (CALD) Strategies, Affordable Housing Services, Community Capacity Building Strategies.”

The revised Standing Committee (Community Vision) Terms of Reference are included in [Attachment 18](#).

Terms of Reference for all City of Belmont Standing Committees are currently being reviewed and updated to ensure consistency.

A revision to the Standing Committee (Community Vision) Terms of Reference is pertinent to ensure consistency with the Terms of Reference of all City of Belmont Standing Committees and to provide clear guidance on the purpose and objectives of the Standing Committee (Community Vision).

The Standing Committee (Community Vision) considered the revised Terms of Reference at its meeting on 5 September 2016, with the following recommendation made:

MARKS MOVED, ROSSI SECONDED,

That Council endorse the revised Terms of Reference for the Standing Committee (Community Vision) (refer Attachment 1).

CARRIED 4 VOTES TO 0

Item 12.15 Continued

OFFICER COMMENT

The revised Terms of Reference provide clear guidance on the purpose and objectives of the Standing Committee (Community Vision) and the duties and responsibilities of Committee members.

The content has been significantly expanded from the current Terms of Reference, however it does not substantively change the current role performed by the Committee.

The key inclusions to the Terms of Reference are:

- The description of the Committee as a formally appointed Committee of Council and the subsequent legislative role of the Committee
- The Duties and Responsibilities section which outlines the scope and expectations of the Committee
- Guidelines on Committee membership, staff, invitees/attendees and meeting frequency.

These aspects have been included in the revised Terms of Reference to formalise what is currently undertaken by the Standing Committee (Community Vision).

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The primary objective of the Standing Committee (Community Vision) is to act as a catalyst for social change that is driven by the community and designed to foster resilience and sustainability as outlined in the revised Terms of Reference.

The added Duties and Responsibilities section of the revised Terms of Reference reflects the important role of Committee members in communicating Council social policies, strategies and plans to the community.

COMMITTEE RECOMMENDATION

That Council endorse the revised Terms of Reference for the Standing Committee (Community Vision) (refer [Attachment 18](#)).

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

12.16 ACCOUNTS FOR PAYMENT – AUGUST 2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 19 – Item 12.16 refers	<u>Accounts for Payment – August 2016</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.16 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	787046 to 787083	\$167,570.34
Municipal Fund EFTs	EF045676 to EF046157	\$3,480,517.89
Municipal Fund Payroll	August 2016	\$1,461,250.77
Trust Fund EFTs	EF045673 to EF045675	\$61,303.57
Total of Payment for August 2016		<u>\$5,170,642.57</u>

Item 12.16 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for August 2016 as provided under [Attachment 19](#) be received.

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

12.17 MONTHLY ACTIVITY STATEMENT AS AT 31 AUGUST 2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 20 – Item 12.17 refers	<u>Monthly Activity Statement as at 31 August 2016</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

Item 12.17 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

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

Item 12.17 Continued

Previous amendments to the Regulations fundamentally changed the reporting structure which requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based.

The monthly financial report is to be accompanied by:

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

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

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

****Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards.*

AASB108 discusses the principles to be applied in determining if a variance is material. AASB108 states that:

Information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively, to influence the economic decisions of users taken on the basis of the financial statements or affect the discharge of accountability by the management or governing body of the entity. In deciding whether an item or an aggregate of items is material, the size and nature of the omission or misstatement of the items usually need to be evaluated together.

In the case of Council’s Annual Budget (and related monthly Statement of Financial Activity), it is felt that the potential impact on the estimated closing balance should determine if an item is material or not. For this reason, Council has previously adopted 10 per cent 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 the Accounting Standards 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 as included in [Attachment 20](#) the following summary is provided.

Item 12.17 Continued

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Computing	101,775	Nil	Capital purchases are on order.
Road Works	625,252	741,348	Budget spread issue regarding certain projects.
Operations Centre	135,737	29,255	Fleet/Plant is currently on order.
Expenditure - Operating			
Computing	402,807	460,132	Annual software maintenance and support costs are incurred early in the year.
Reimbursements	13,667	79,130	Reimbursable expenses are offset by income.
Executive Services	345,459	276,985	Employee, postal and consulting costs currently under budget.
Rates	480,145	375,174	Variance relates to the rates discount.
Belmont Community Watch	220,057	107,491	Contractor invoices are paid one month in arrears.
Belmont HACC Services	464,647	403,311	Variance relates to the budget spread of employee costs.
Youth Services General	116,672	46,555	Contractor invoices are paid one month in arrears.
Town Planning	626,886	422,846	Variance mainly relates to consulting costs.
Sanitation Charges	649,100	506,708	Contractor invoices are largely paid one month in arrears.
Building - Active Reserves	130,970	214,170	Variance mainly relates to maintenance costs regarding Belmont Oval lighting.
Grounds Operations	907,174	806,051	Variance relates to the budget spread of employee costs.
Streetscapes	249,890	122,671	Contractor invoices are paid one month in arrears.
Technical Services	447,486	382,135	Variance relates to the budget spread of employee costs.
Other Public Works	7,225	77,898	Variance relates to the budget spread of street lighting costs.
Revenue - Capital			
Property and Economic Development	(7,524,000)	(52,130)	Budget spread issue regarding land sales.
Road Works	(437,530)	(1,060,000)	Budget spread issue regarding significant capital grants.
Revenue - Operating			
Computing	(379,086)	(460,132)	ABC recoveries are above budget.
Insurance	(891,135)	(828,272)	Insurance premiums were less than anticipated.

Item 12.17 Continued

Report Section	Budget YTD	Actual YTD	Comment
Rates	(43,722,320)	(44,774,910)	Variance relates to interim ex-gratia rates.
General Purpose Income	Nil	(206,293)	Financial Assistance Grant received earlier than expected.
Financing Activities	(321,152)	(26,445)	Variance relates to the timing of the maturity of term deposits.
Faulkner Park Retirement Vill.	Nil	(99,580)	Income from unit sales is above budget.
Town Planning	(286,076)	(172,183)	Application fee income is below budget.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 August 2016	\$	Comment
Cash and investments	44,320,961	Includes municipal and reserves
- less non rate setting cash	(39,889,352)	Reserves
Receivables	49,445,906	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(8,590,046)	ESL Receivable
Stock on hand	209,731	
Total Current Assets	45,497,200	
Current Liabilities		
Creditors and provisions	(15,452,307)	Includes ESL and deposits
- less non rate setting creditors & provisions	11,382,921	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(4,069,386)	
Nett Current Assets 31 August 2016	41,427,814	
Nett Current Assets as Per Financial Activity Report	41,427,814	
Less Restricted Assets	(518,329)	Unspent grants held for specific purposes
Less Committed Assets	(40,409,485)	All other budgeted expenditure
Estimated Closing Balance	500,000	

Item 12.17 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 31 August 2016 as included in [Attachment 20](#) be received.

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

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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

9.29pm ***POWELL MOVED, WOLFF SECONDED, that in accordance with Section 5.23(2)(b) of the Local Government Act 1995, Council proceed behind closed doors to discuss Confidential Items 14.1, 14.2 and 14.3***

CARRIED 9 VOTES TO 0

- 14.1 AMENDMENT TO PLANNING APPROVAL FOR ADDITIONS TO PREMISES, FAÇADE REFURBISHMENT AND NEW CAR-PARK – LOT 1 (41-49) AND LOT 854 (64) ROBINSON AVENUE, BELMONT - CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2)(D) AND *STATE ADMINISTRATIVE TRIBUNAL ACT 2004* SECTION 54(6)**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 9 – Item 14.1 refers	<u>Report Item - Amendment to Planning Approval for Additions to Premises, Façade Refurbishment and New Car-Park – Lot 1 (41- 49) and Lot 854 (64) Robinson Avenue, Belmont - Confidential Matter in accordance with <i>Local Government Act 1995</i> Section 5.23(2)(d) and <i>State Administrative Tribunal Act 2004</i> Section 54(6)</u>
Confidential Attachment 10 – Item 14.1 refers	<u>Current Approval and Plans Dated 3 May 2016</u>
Confidential Attachment 11 – Item 14.1 refers	<u>Development Plans (Site Plan, Floor Plan, Elevation Plans)</u>
Confidential Attachment 12 – Item 14.1 refers	<u>Final Decision Plans</u>

OFFICER RECOMMENDATION

WOLFF MOVED, RYAN SECONDED,

That Council endorse the mediation position for Amendment to Planning Approval for Additions to Premises, Façade Refurbishment and New Car Park – Lot 1 (41-49) and Lot 854 (64) Robinson Avenue, Belmont as detailed in [Confidential Attachment 9](#).

CARRIED 6 VOTES TO 2

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

9.30pm The Human Resources Manager entered the meeting.

The Presiding Member requested that with the exception of the A/Manager Governance and the Human Resources Manager that all Officers depart the meeting for Confidential Items 14.2 and 14.3.

9.31pm The Chief Executive Officer, Director Technical Services, Director Corporate and Governance, A/Director Community and Statutory Services, Senior Governance Officer and the Governance Officer departed the meeting and did not return.

14.2 STAFF MATTER – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL 2015-2016 – CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2)(B)(E)

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 13 – Item 14.2 refers	<u>Report Item – Staff Matter – Chief Executive Officer Performance Appraisal 2015-2016 – Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(b)(e)</u>

Note:

The Chief Executive Officer declared a financial interest in Item 14.2 Staff Matter – Chief Executive Officer Annual Performance Appraisal 2015-2016

COMMITTEE RECOMMENDATION

ROSSI MOVED, POWELL SECONDED,

1. *That the Executive Committee's assessment of the Chief Executive Officer's performance for the period 23 September 2015 to 30 June 2016 be accepted.*
2. *That the Chief Executive Officer's performance Goals and Targets as determined for the next review period ending 31 December 2017 be accepted.*
3. *That the remuneration package for the Chief Executive Officer remains at the 4th Step with an increase as applied in the revised Mercer Pay Schedule for 2016, with effect from 1 July 2016.*

CARRIED 8 VOTES TO 0

14.3 STAFF MATTER – CHIEF EXECUTIVE OFFICER RECRUITMENT AND SELECTION PROCESS – CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(A)(B)(C)(E)

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 14 – Item 14.3 refers	<u>Report Item – Staff Matter – Chief Executive Officer Recruitment and Selection Process – Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(a)(b)(c)(e)</u>
Confidential Attachment 15 – Item 14.3 refers	<u>CEO Employment Contract</u>
Confidential Attachment 16 – Item 14.3 refers	<u>CEO Draft Job Description</u>
Confidential Attachment 17 – Item 14.3 refers	<u>Recruitment Agency Scoping Document</u>
Confidential Attachment 18 – Item 14.3 refers	<u>Local Government Operational Guideline Number 10 – Appointing a CEO (2012)</u>

Note:

The Chief Executive Officer declared a financial interest in Item 14.3 Staff Matter – Chief Executive Officer Recruitment and Selection Process

Item 14.3 Continued

OFFICER RECOMMENDATION

ROSSI MOVED, CAYOUN SECONDED,

1. *That Council appoint a Selection Panel for coordinating elements of the recruitment and selection process as outlined in this report consisting of a Selection Panel comprised of the full Executive Committee, the recruitment agency representative and one industry representative.*
2. *That Council approve the recruitment and selection process outlined in this report (refer [Confidential Attachment 14](#)).*
3. *That Council approve the contract of employment as attached to this report (refer [Confidential Attachment 15](#)).*
4. *The Mayor and the Human Resources Manager be given responsibility for undertaking contract negotiations with the preferred applicant, including the authority to accept minor amendments to the contract with any significant changes referred back to Council.*
5. *That Council approve the modified remuneration package outlined in this report to meet the requirements of the Salaries and Allowances Tribunal and advertise accordingly.*
6. *That Council approve modifications to the CEO annual remuneration and review process outlined in this report to align with the Salaries and Allowances Tribunal requirements and contractual obligations.*
7. *That Council authorise the Selection Panel to make reasonable variations to the recruitment and selection process to suit changing requirements as necessary and these are to be reported back to Council in the final report.*
8. *That Council acknowledges and agrees to maintain absolute confidentiality throughout the process to maintain the privacy of individuals and the integrity of the process.*

CARRIED 8 VOTES TO 0

9.52pm **POWELL MOVED, HITT SECONDED,** *that the Meeting again be open to the public.*

CARRIED 8 VOTES TO 0

9.52pm The Presiding Member reopened the meeting to the public. No members of the public returned to the gallery.

15. CLOSURE

There being no further business the Presiding Member thanked everyone for their attendance and closed the meeting at 9.52pm on Wednesday 28 September 2016.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 27 September 2016 were confirmed as a true and accurate record at the Ordinary Council Meeting held 25 October 2016.

Signed by the Person Presiding: _____



PRINT name of the Person Presiding: _____

ROBERT ROSSI