



**CITY OF BELMONT**  
**ORDINARY COUNCIL MEETING**  
**MINUTES**  
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28 APRIL 2003

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**\*\* Attachment 1 – Item 12.2 refers**

**\*\* Attachment 2 – Item 12.3 refers**

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE, ON MONDAY, 28 APRIL 2003, COMMENCING AT 7.35PM**

**PRESENT**

Cr P R Passeri, JP	West Ward
Cr M H Blair	Central Ward
Cr G Dornford	Central Ward
Cr M C Godsell	Central Ward
Cr G Doney	West Ward
Cr A T Richardson, JP	West Ward
Cr G J Godfrey	East Ward
Cr P Marks	East Ward
Cr A P Murfin, OAM, JP	South Ward
Cr E Teasdale	South Ward
Cr J Powell	South Ward

**IN ATTENDANCE**

Mr B Genoni	Chief Executive Officer
Mr N Hartley	Deputy Chief Executive Officer
Mr N Deague	Director – Development
Mr S Cole	Director – Corporate Services
Mr D Harris	Acting Director - Engineering
Mrs L Francis	Manager - Marketing

**MEMBERS OF THE PUBLIC**

There were 55 attendees in the gallery.

**1. OFFICIAL OPENING**

The Mayor opened the meeting and welcomed those in attendance.

**2. APOLOGIES & LEAVE OF ABSENCE**

**2.1 APOLOGIES**

Cr M M Bass	East Ward
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**2.2 LEAVE OF ABSENCE**

Nil.

### 3. DECLARATIONS OF INTEREST

Councillors Teasdale, Passeri and Richardson (Resources and Policy Committee members) and Councillors Blair, Doney, Godsell, Marks, Powell and Murfin declared a financial interest. The interest is in Item 11.4 (Item 10.8.1 of the Resources and Policy Committee meeting held on 15 April 2003), with the nature of the interest being that they are applicants for reimbursement of legal costs relative to legal expenses incurred by them for the first (2002) and second (2003) City of Belmont Inquiries.

Councillor Godfrey declared a financial interest. The interest is in Item 11.4 (Item 10.8.1 of the Resources and Policy Committee meeting held on 15 April 2003), with the nature of the interest being that she has incurred legal expenses for the first (2002) and the second (2003) City of Belmont Inquiries.

The Chief Executive Officer, Bruce Genoni declared a financial interest. The interest is in Item 11.4 (Item 10.8.1 of the Resources and Policy Committee meeting held on 15 April 2003), with the nature of the interest being that he had contributed to the report at Item 10.8.1.

Councillor Dornford declared a financial interest. The interest is in Item 11.4 (Item 10.1.2 of the Resources and Policy Committee meeting held on 15 April 2003), with the nature of the interest being the review of the policy "Equipment and Supplies to Councillors".

Councillor Dornford declared a financial interest. The interest is in Item 11.4 (Item 10.8.1 of the Resources and Policy Committee meeting held on 15 April 2003), with the nature of the interest being legal representation costs.

Councillor Dornford declared a financial interest. The interest is in Item 11.4 (Item 10.7.6 of the Resources and Policy Committee meeting held on 15 April 2003), with the nature of the interest being Debtor 25643.

Councillor Dornford declared a financial interest. The interest is in Item 11.4 (Item 10.7.7 of the Resources and Policy Committee meeting held on 15 April 2003), with the nature of the interest being Debtor B.C.C.

Councillor Godsell declared a financial interest. The interest is in Item 11.1 (Item 9.3.1 of the Works and Technical Services Committee meeting minutes dated 7 April 2003). The nature of the interest being that his family company has carried out contracts through Cooper and Oxley for 30 years.

Councillor Godsell declared a financial interest. The interest is in Item 11.5 (Item 8.1 of the Special Works and Technical Services Committee meeting minutes dated 28 April 2003). The nature of the interest being that his family company has carried out contracts through Cooper and Oxley for 30 years.

*Item 3 – Continued...*

Councillor Dornford declared a financial interest. The interest is in Item 11.1 (Item 9.1.1 of the Works and Technical Services Committee meeting minutes dated 7 April 2003). The nature of the interest being that he may use this Works Committee item as evidentiary material to defend the \$50,000 action by the City.

Councillor Dornford declared a financial interest. The interest is in Items 12.2 and 12.3 of tonight's agenda. The nature of the interests being that the Council Response and Comments are a product of legal advice, such legal advice is already subject to declarations of financial interest this evening as shown in the agenda. The extent of these interests includes the fact that he has incurred legal expenses in regard to the Inquiries and that he may claim reimbursement of costs and any subsequent losses.

Councillor Passeri declared a financial interest. The interest is in Item 12.1 of tonight's meeting. The nature of the interest being that Cr Passeri has shares and superannuation in AMP.

#### **4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

##### **4.1 ANNOUNCEMENTS**

The Mayor read the following statement:

"As everyone is now aware the Minister for Local Government, Hon Tom Stephens on the 10<sup>th</sup> April 2003 made public the result of the 14 month long Inquiry into the City of Belmont and whilst the Minister in his statement to the Southern Gazette of 22<sup>nd</sup> April stated "the Inquiry found that there was no evidence of failure to provide good government", the Inquiry has made some 13 recommendations for Council's consideration, which is an item on tonight's meeting agenda.

Unfortunately there are still people who continue to flog a dead horse in the media, and in the Sunday Times last week an article by the supposed Action Group spokesman called for the Belmont CEO to quit.

Firstly, the CEO, Mr Bruce Genoni, has not broken any laws of Australia, nor has he contravened the Local Government Act. There is no valid reason why Mr Genoni should resign for carrying out the job the City hired him to do in the very professional manner that got him the job in the first place.

Secondly, this small minority group of people are just using any section of the media to try to justify their involvement in a political witch hunt which has cost the Ratepayers of Belmont a large amount of money, over \$400,000 in Officers time and legal expenses during the six week Inquiry into the City that dragged out to 14 months, in an attempt to get members of their group elected in the coming elections.

*Item 4.1 – Continued...*

I personally condemn this small group for their actions, it is not easy to continue to cop a bagging from them with no right of reply, even now 15 months after the Inquiry was initiated mainly by these people, we still have not been told exactly what we have been accused of.

If anything should be questioned, it should be the motives of this action group and the two Councillors involved, that have cost our community a vast sum of money, not to mention the stress, continued aggravation and the valuable time of Council and Officers.

I quote from a media release and interview by Ricky Burgess, CEO of the WA Local Government Association on the 10<sup>th</sup> April:

*“This wasted Inquiry and its long term ramifications are the result of a Department that did not have the ability to separate vexatious complaints and dirty politics from legitimate community concern about Council operations.”*

The Inquiry has vindicated this Council, and from comments in the report and made by the Minister for Local Government, has found that this City is in fact providing good government.

The City of Belmont will continue to provide good governance and will no longer tolerate the vindictive self-interested barrage from the several people who have misled and manipulated others into supporting their personal self-interest.

I thank the majority of ratepayers in the City of Belmont for their support of the City and myself. Thanks also must go to the majority of Councillors and the staff led by Mr Genoni, who have continued to work hard and provide the City with good governance, a fact that is acknowledged by the Minister for Local Government and the Officer in charge of the Inquiry, Mr Quentin Harrington.

My belief is that the majority of our community can see through the vindictive and negative attempts that have been made to discredit our fine City, its Council and Officers.

I, along with the majority of my Councillors, now look forward to continuing to do the job that we have been elected to do, and that is to work in the best interests of the majority of our community and to keep our City of Opportunity at the forefront of local government in this state.”

Item 4 – Continued...

#### 4.2 DISCLAIMER

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

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

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

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

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

**\*\*\*7.41pm The Chief Executive Officer read aloud the disclaimer.**

**\*\*\*7.43pm For the benefit of the public present the Chief Executive Officer stated the rules of Question Time.**

## **5. PUBLIC QUESTION TIME**

### **5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING**

#### **5.1.1 Mr Peter Stewart, 275 Peet Road, Roleystone**

Mr Stewart asked several questions at the Ordinary Council meeting held on Monday 10 February 2003, which were taken on notice. Unfortunately, due to competing City priorities, our legal advisers have been unable to supply the City with information needed to conclude our answers to these questions. The questions have now been responded to (10<sup>th</sup> April 2003) and the details are reproduced below.

1. If, as Mr Harris responded, no written agreement exists to vary the terms of the Implementation Agreement for Ascot Waters which was made on 17 January 1998; will the CEO please table the Implementation Agreement contracts?

*The first part of the first question you asked at the Council meeting of 16 December 2002 was -*

*“Has the City of Belmont received written agreement from the Western Australian Planning Commission and other parties to the Ascot Waters Implementation Agreement ... ?”*

*That question was taken at face value and the answer was:-*

*“The written agreement of the parties to the Implementation Agreement was by their execution of the agreement.”*

*In order to try and better clarify your concern in respect of this answer can you please advise if you intended in the first part of question one to ask :-*

*“Has the City of Belmont received written agreement from the Western Australian Planning Commission and other parties to the Ascot Waters Implementation Agreement... ?*

*Or did you intend that the question should take some other, and if so, what form? Did you omit any, and if so, what words from that part of your question?*

*In regard to the second part of this question, the Ascot Waters Deed of Implementation is believed to contain information of a commercially sensitive nature potentially affecting the interests of other parties. The City has recently been contacted by the Freedom of Information Commissioner in respect of all FOI applications for access to this Deed and is aware that there are third party issues regarding its release.*

*In those circumstances, the City respectfully suggests that an FOI application may be the appropriate means of determining what, if any, of the Deed may be made available.*

2. If, as Mr Harris replied, the City does not require written agreements from all parties to vary the Implementation contracts, but required a Council decision to vary the Deed of the Charitable Trust through negotiation with the Crown Solicitors Office; then:-
  - (a) Why didn't the REPOL Item say that the Deed of Trust was to be reviewed?
  - (b) As Supreme Court Action would be required for any variation to the Deed of Trust, why didn't the REPOL Item explain this?
  - (c) Is the Implementation Agreement for Ascot Waters in conflict with the Deed of Trust?
    - (a) *It would have been quite incorrect for the REPOL item to say that the Deed of Trust was to be reviewed.*
    - (b) *The form of, and perhaps even the need for a Supreme Court action ultimately will depend upon a number of preliminary steps being taken, which are the focus of the present concern. It would not seem appropriate to jump forward to attempt an explanation of a matter which is not presently in issue.*
    - (c) *The City is not aware of conflict between the Ascot Waters Deed of Implementation and the "Deed of Trust".*
3. Why has Council committed to an Implementation Agreement that is open to be varied, without the need for the parties to reduce any variation to the written form?

*The point of the question does not readily emerge from the wording of the question which appears somewhat confused.*

*If it is intended to ask why the Council has committed to the Deed of Implementation that is open to be varied without the need for the parties to reduce any variation to a written form, then the simple answer is that the Council has not committed to such a document. Ultimately if there was agreement to vary a provision, the agreement would either be formalised in writing or at least evidenced in writing after the agreement has been reached.*

*Item 5.1.1 – Continued...*

4. Who are the parties committed to the Implementation Agreements and how are the interests of the beneficiaries of the Deed of Trust protected in the agreements?

*The parties to the Deed of Implementation are the WA Planning Commission, the City of Belmont, Ascot Fields Nominees Pty Ltd and the Ascot Fields Joint Venture.*

*The interests of the beneficiaries of the Charitable Trust are protected principally by the strong laws relating to charitable trusts and trusts generally.*

*A clause in the Deed of Implementation specifically relates to the obtaining of necessary approvals and makes direct reference to the sale of the Trust Land not yet having the necessary approvals.*

5. In answer to my previous question 5, regarding lots 5 and 49 Great Eastern Highway, Ascot and Supreme Court action 2080 of 1995, Mr Harris replied that the issues had not been put to the Supreme Court and that the more regular option of agreement of the Attorney General is still being explored. Is this option of negotiation based on the premise of initiation of the Supreme Court proceedings, and that the City is attempting to negotiate away the vast majority of the property of the Trust, claiming that it was placed in error over the entirety of lots 5 and 49? If not, what is the basis of the renegotiation of the scheme for the Deed of Trust?

*No. The basis of the negotiation relating to the Scheme of the Charitable Trust relates to the possibility of allowing the conversion into money of approximately one third of the Trust Land, and the charitable intent would remain that the Trust Funds be held for the initial purpose of the Trust.*

6. Why is the issue of the Deed of Trust and the sale of trust property so often covered in secrecy or confidentiality when the public are the beneficiaries for the purposes of recreation and enjoyment and for those purposes only?

*The City is not aware of any inappropriate confidentiality regarding the Trust.*

7. Mr Harris speaks in terms of “improper secrecy”; why are the ratepayers of the City, and the general public unaware that Council sold the trust property known as Grove Farm / Parry Fields under confidential cover in 1994?

*The initial tender award was by way of confidential item to Council because the other party to the tender, the then State Planning Commission, had not made any decision in respect of the tender at the time.*

## **5.2 QUESTIONS ON WHICH WRITTEN NOTICE HAS BEEN GIVEN PRIOR TO THE MEETING**

### **5.2.1 Rob Greenwood, 151 Coolgardie Avenue, Redcliffe**

The following questions are in relation to item 9.7.3 of the 17<sup>th</sup> March 2003 Planning and Development Committee meeting, regarding the proposed 'minor variation' to the Perth International Airport Master Plan -

1. Has Council been successful in gaining an extension of time beyond 28 March 2003 in which to make comment on the above proposed changes?

*The Mayor replied that no official response has been received by Council. However, it is understood that no extension in time has been granted. Notwithstanding that, in discussion with representatives of the Westralia Airports Corporation in early April 2003, he raised concerns regarding the length of time given to consider the proposal and the need for such proposals to be discussed by the PAMG.*

2. When were the changes advertised, and what consultation has taken place since the changes were advertised, between Westralia Airports Corporation (soon to be trading as Perth International Airport) and the local community, on those proposed changes?

*The Mayor advised that the change was advertised in The West Australian newspaper on 26 February 2003. A copy of the advertisement was faxed to Council on that date. Council is unaware of any additional consultation with the local community.*

3. What consultation has taken place on the proposed changes to the Perth International Airport Master Plan between Westralia Airports Corporation and the Perth Airports Municipalities Group and/or with the Eastern Metropolitan Regional Council, that is, between Councils and the Airport, on the proposed changes?

*The Mayor replied that the proposed changes to the Masterplan were discussed at the April 2003 meeting of the PAMG. It was noted that in any case a major development plan would be required for any development over \$10 million in costs, and the Memorandum of Understanding dated 20 December 2000 between the WAC and the State also requires consultation for non-aeronautical developments costing \$2 million or more.*

*The PAMG was supportive of the modification proposed as it relates only to interim development and does not preclude further comment being made for larger developments at the development stage.*

**MURFIN MOVED, GODSELL SECONDED, that as Mr Greenwood was not in attendance at tonight's meeting, the questions and answers not be read, but that they be recorded in the minutes.**

**CARRIED 11 VOTES TO 0**

*Item 5.2.1 – Continued...*

4. What is the gist of the proposed changes and how are they likely to affect residential areas, and, which residential areas are in close proximity and/or most likely to be affected by changes to 'Consolidated Terminal Areas' and to Precincts 2B and 2C, as shown on the Perth International Airport Master Plan?

*The Mayor advised that the intent of the changes is stated as allowing for interim, non-aeronautical commercial uses in those areas designated 'Consolidated Terminal Area' on the Airport Land Use Plan where the proposed commercial development does not impact on or limit the future expansion of aeronautical operations.*

*The Consolidated Terminal Area is not in close proximity to residential areas.*

5. Why were the plans of 'Consolidated Terminal Areas' and 'Precincts 2B and 2C' of the Perth International Airport Master Plan mentioned but unable to be viewed in the internet version of Council minutes of this meeting?

*The Mayor replied that the plans referred to were included on the Internet version of the Planning and Development Committee minutes.*

6. Are Councillors and Electors satisfied that they have been fully informed and/or consulted about the proposed changes to the Perth International Airport Master Plan, and, that a satisfactory Public Consultation Process is in place and being using by WAC/Perth International Airport Corporation?

*The Mayor replied that Council has been disappointed in the manner by which Perth Airport has dealt with this proposed variation to the Perth Airport Master Plan, the form of consultation with Council and the limited time to respond. It also expressed its disappointment that Perth Airport had not invited the Perth Airports Municipalities Group (PAMG) to comment on the proposed variation. It is on this basis that an extension of time has been requested from Perth Airport to allow the Council and PAMG adequate time to consider the proposed variation.*

### **5.2.2 Mr S J Todd, 44/56 Riversdale Road, Rivervale**

Will Council give full costs of 'The Springs' (argumentative content removed) from 1993 to April 2003, including all payments to Urban Focus, legal costs and any other payments included in 'The Springs' development?

*Cr Alan Richardson, Chairman of the Planning and Development Committee advised that it should be noted that this information was provided in a report to Council (via Item 9.7.1 of the 17 March 2003 Planning and Development Committee meeting). The Committee recommendation was adopted by Council at its 24 March 2003 meeting and a copy of these minutes is available on the City's web page and at the Ruth Faulkner Public Library.*

*Mr Todd should take the time to study the abovementioned report, however by way of summary, the Council has accepted the scheme administration costs incurred to date for the proposed City of Belmont Town Planning Scheme No. 13 'The Springs', to be \$305,386 and further, has invited comment from landowners on this figure and related matters within a period of 21 days. A further report for Council's consideration will be prepared following this consultation period.*

### **5.2.3 Robert McDonald, 5/51 Riversdale Road, Rivervale**

What is the future of The Springs TPS13 and the future Springs development after the (argumentative content removed) [Inquiry]?

*Cr Alan Richardson, Chairman of the Planning and Development Committee advised that now that the Inquiry has been completed, as part of the statutory process it is our understanding that the Department for Planning and Infrastructure (DPI) will resume its assessment of Town Planning Scheme No. 13 'The Springs'. The DPI will then report to the Western Australian Planning Commission (WAPC), after which the WAPC will make a recommendation on the Scheme to the Hon. Minister for Planning and Infrastructure. Council trusts that Town Planning Scheme No. 13 'The Springs' development will ultimately proceed to completion.*

### **5.2.4 Mr David Moharich, PH3 Property Group Ltd, 3/12 Railway Road, Subiaco**

1. Is the Council aware of the Geotechnical Report for 28 Belmont Avenue, Belmont, drafted as part of the due diligence stage of the development application before the Council this evening?

*Cr Richardson, Chairman of the Planning and Development Committee, advised no, the Geotechnical report was only received on Thursday, 24 April 2003.*

*Item 5.2.4 – Continued...*

2. Is the Council aware that the results in that report show that there is no contamination on the site?

*Cr Richardson replied, no.*

3. Is the Council aware of the recommendation of the City of Belmont's Planning and Development Committee, which recommended a change to the town planner's report to approve the development application for 28 Belmont Avenue subject to a favourable response from the Department of Environmental Protection regarding whether the application should be environmentally assessed?

*Cr Richardson advised that the Planning and Development Committee noted that proposed Condition No. 14 of the Officer recommendation sought the requirement for an environmental assessment report, so that if any contamination existed on the site, remedial measures would be carried out prior to the issuance of a building licence.*

*It was considered by the Committee however that it would be preferable to refer the application to the Department for Environmental Protection (DEP) for its advice. If the DEP raised no objections then a formal planning approval would be issued.*

*The Council is entitled to consult with other authorities pursuant to Clause 5.4.1 of the City of Belmont Town Planning Scheme No. 14, which states:*

*"5.4.1 The Council may if it so desires, notwithstanding that it is under no obligation to do so, before determining any application, consult with any other statutory, public or planning authority and with any other party it deems fit."*

*There was no intention to make a referral to the DEP a condition of planning approval.*

4. If so, is the Council aware that such a condition is ambulatory in nature, and if appealed to the Town Planning Appeal Tribunal, is likely to be struck out, in that it leaves to another agency, the final decision on whether the development should go ahead?

*Cr Richardson replied yes, answered also under question 3.*

*Item 5.2.4 – Continued...*

5. In addition, is the Council aware that such a referral is not necessary, as there is no contamination on the site, and the development itself does not impact on the environment?

*Cr Richardson replied that Council would need to have the information contained in the Geotechnical Report confirmed by the DEP. To expedite the matter, Council's Planning Department advised the DEP of the application in a letter dated the 15 April 2003 (the day after the Planning and Development Committee meeting) and provided a copy of all details of the application.*

*The Geotechnical Report was sent by courier to the DEP on Monday, 28 April 2003 in order that immediate assessment could be undertaken. Council Officers will make every attempt to facilitate the application through the DEP.*

**5.2.5 Clive Coombs, 317 Wright St, Cloverdale**

1. With reference to Item 5.3.3 in the minutes of the Council Meeting held on the 24th March 2003. I once again ask that the exact amount expended on legal advice to Councillors, resulting directly from the recently Inquiry be published in the community newspaper. I also ask that the nature of the legal advice be provided. I believe that the ratepayers of the City of Belmont are entitled to this information as the funds were drawn from their rates.

*The Mayor advised that since Mr Coombs' question was asked in March, the City has publicly stated that the Inquiry has cost its ratepayers over \$400,000 of which a portion, (currently \$143,584) is in legal fees. It is not intended that the City will be specifically publicising its Inquiry legal fees, but it is not concerned if the news media wish to seek out this information when all of our legal accounts are to hand. Bearing in mind that the second Inquiry has not yet concluded and that other investigations as outlined in the report may still be pending, the City's legal fees are expected to be considerably more than the figure highlighted above.*

*The City agrees with Mr Coombs that "the ratepayers of the City of Belmont are entitled to this information as the funds were drawn from their rates" and in light of the fact that to date, the Inquiry has located no Councillor or officer corruption and has not referred any activities to any policing authorities, the fact that the Minister for Local Government in the Southern Gazette last week stated that "the Inquiry has found that there was no evidence of failure to provide good local government", the City's community should rightly be annoyed at the need for their rates to be expended in such a wasteful manner and that a very small minority of the community and a couple of Councillors have seen fit to cause this avoidable financial hardship.*

*Item 5.2.5 – Continued...*

2. I ask the Mayor, in the interest of the ratepayers, to authorise the community newspaper to publish the official summary of the report of the Inquiry, which has been issued by the WA Department of Local Government and Regional Development.

*The Mayor replied that the City cannot control what the Southern Gazette prints and neither does that body need any authority to publish excerpts from the public Inquiry Report. It is proposed tonight however, Council will consider making public, a consolidated version of the report which will contain the Department's Inquiry Report as well as the Council's responses to the various issues raised by the Inquiry.*

*The public is encouraged to read the consolidated report as this document will provide them with the benefit of a single publication that includes both the Inquiry issues and the City's response following each issue raised. Following Council's consideration of this issue tonight, it is expected that this document will be available on the City's Internet Web Page ([www.belmont.wa.gov.au](http://www.belmont.wa.gov.au)) and in hard copy at the Ruth Faulkner Library.*

3. Will the Mayor please inform the ratepayers how much it cost them to publish and distribute the newsletter/flyer, containing his comments on the findings of the report mentioned in the previous question?

*The Mayor advised that the cost for supply, printing and distribution of the 14,500 Mayor's 'special letter to the residents' was \$1,384.*

4. Will the Mayor please inform the ratepayers, the sum of monies that the City of Belmont has paid to the community newspaper, namely the Southern Gazette, for advertising and any solicited articles printed on its behalf, in the past financial year.

*The Mayor replied that it would be a considerable exercise to extract the specific costs for adverts places in just the Southern Gazette as the City's advertising costs are not recorded in this specific manner. For the financial year thus far (July 2002 – March 2003) the total advertising costs incurred by the City has been some \$78,000, which includes public notices, invitations for community input, meeting changes, situations vacant, tenders, statutory notices, etc.*

*The City does not pay for "solicited articles".*

5. While I am not a member of the action group that you Mr Mayor mentioned in your letter published in yesterday's Sunday Times, I ask you Sir, is it not hypocritical on your part, to complain about exploiting the media when you yourself are quoted by the media, refuting the findings of the report, without revealing to the less informed ratepayers, the actual contents of the report.

*Item 5.2.5 – Continued...*

Also, do you not think that it is hypocritical, that you should use your position to send your newsletter/flyer, a form of media information, to all households, at the expense of the ratepayers.

*The Mayor stated that the City would have had no need to respond to the Inquiry (which the Minister for Local Government has himself stated “found that there was no evidence of failure to provide good local government”), to expend funds on legal fees, to waste its officers valuable time, or to send out newsletters to our community, if the Inquiry had not been called in the first instance.*

*As Mayor, in accordance with the Section 2.8 of the Local Government Act, it is my role to “speak on behalf of the local government” and as Mr Coombs has pointed out in his first question, ‘the ratepayers are entitled to information’. It was considered that the information provided was relevant, warranted and timely.*

6. Lastly Mr Mayor, I ask you in hindsight, if the ratepayers would not have been better served by their Mayor, if he had used his position to inform the ratepayers of the findings, as detailed in the report, and then proceed to exonerate his council, based on the published findings.

*The Mayor replied that the arrogance of hindsight is a wonderful thing, but no, he did not believe the ratepayers would have been better served by the suggestion outlined. The City will tonight be considering making public, a ‘consolidated version’ of the report, which will contain the Department’s Inquiry Report as well as the Council’s responses to the various issues raised by the Inquiry.*

*The public is encouraged to read the consolidated report as this document will provide them with the benefit of a single publication that includes both the Inquiry issues and the City’s response following each issue raised.*

**5.2.6 Belmont Residents/Ratepayers Action Group Inc.  
c/- 14 McLachlan Way, Belmont**

1. Will Council undertake a vehicle count of vehicles entering Acton Avenue from Great Eastern Highway?

*Cr Godsell, Chairman of the Works and Technical Services Committee replied that Council will have a traffic count conducted in Acton Avenue between Great Eastern Highway and Newey Street.*

*Item 5.2.6 – Continued...*

2. Will Council undertake road modifications to reduce the number of heavy haulage vehicles using this road as a short cut to the Belmont light industrial area?

*Cr Godsell advised that from previous counts conducted in Acton Avenue, the City is unaware of an overuse of the street by large vehicles. A new traffic count will establish the percentage of large/commercial vehicles, which will assist in determining the need for any additional traffic management over and above the treatments that already exist in Acton Avenue.*

3. Will Council request the proprietors of the service station and car wash to remove the sign on their premises which gives directions to patrons to use Acton Avenue as an alternative route when leaving their premises.

*Cr Godsell replied that the car wash has a sign erected on the entry to the car wash which directs motorists who want to travel east of Great Eastern Highway when exiting the car wash, but are prevented from doing so due to the "No Right Turn" restriction on Acton Avenue at Great Eastern Highway. The sign would be of assistance to a small number of motorists and helps to prevent confusion for motorists unfamiliar with the restrictive nature of the median in Great Eastern Highway. It is not thought that removal of the sign is justified in light of this information.*

4. Has Council suggested that Middleton Park could or would be the site of a new skating/bike ramp?

*Cr Godsell stated that Council has not suggested the use of Middleton Park for a new skating/bike ramp.*

5. Has any community group suggested this site as a suitable venue?

*Cr Godsell replied, not to Council's knowledge.*

6. Has Council undertaken a comprehensive survey to ascertain the views of local residents regarding the development of a skating/bike ramp in the location of Middleton Park?

*Cr Godsell advised that in light of the answers to questions (4) and (5) above, no.*

*Item 5.2.6 – Continued...*

7. On approximately the 21<sup>st</sup> of April 2003 at 2.30pm in the afternoon the Belmont Security Patrol was requested to attend a call in Pratt Street, Belmont.

Did the patrol attend this call?

*Cr Doney, Chairman of the Community and Executive Services Committee replied that the security patrol officers regularly patrol the Pratt Street vicinity, however there is no record of a logged request for patrol attendance to Pratt Street, Belmont on 21<sup>st</sup> of April 2003.*

*If the person who apparently made the call to the Community Patrol could contact the City with details of the situation, officers would be pleased to further investigate.*

8. What was the response time from the request until the security patrol arrived on site?

*Cr Doney advised, refer to the answer at question (7).*

9. Did the Security Patrol personnel make contact with any of the residents in the vicinity of Pratt Street?

*Cr Doney advised, refer to the answer at question (7).*

### **5.3 QUESTIONS FROM THE FLOOR**

#### **5.3.1 Mrs Bonnie Anderton, 61 Stanton Road, Redcliffe**

Mrs Anderton asked the Mayor if she could present a question to Cr Bass, even though she was not present in the Chamber?

*The Mayor advised in the affirmative.*

Mrs Anderton asked Councillor Bass if she thought it was appropriate to send lawyers' letters to old age pensioners with the intention of intimidating them and trying to stop them from using their democratic right to free speech?

*The Mayor advised that as Councillor Bass was an apology, the question would be taken on notice.*

### **5.3.2 Mr Peter Stewart, 275 Peet Road, Roleystone**

Mr Stewart asked if the Mayor would suspend Standing Orders at this point in the meeting, to have Council debate and resolve:

- (a) That this meeting confirms the Mayoral Media Release of 10 April 2003 as the considered position adopted by the Council.
- (b) That this meeting confirms the Mayoral letter to all residents around 17 April 2003, distributed via special issue of the Belmont Bulletin, as the considered position adopted by the Council.
- (c) That this meeting confirms the Mayoral letter to the Editor of the Sunday Times published yesterday, Sunday 27 April 2003, as the considered position by Council and that the CEO has the full confidence of this Council.

*The Mayor advised that as he had outlined earlier this evening in his answer to Mr Coombs' question [vis. Item 5.2.5 (5)] in accordance with Section 2.8 of the Local Government Act, he was the Council spokesperson.*

### **5.3.3 Mr Mick Ryan, 60 Riversdale Road, Rivervale**

The Inquiry report at recommendation 12 suggests Council adopt a policy on tenders. Has the earlier Works and Technical Services Committee item been undertaken legally?

*The Mayor read the portion of the Works and Technical Services Minutes of 28 April on page 7 that stated "During discussion on this item, members clarified that it was the Committee's understanding that there is no legal impediment to the awarding of the tender".*

### **5.3.4 Mr Paul Hitt, 14 McLachlan Way, Belmont**

1. Is it Council's intention to implement all of the Inquiry recommendations?

*The Mayor advised that this would be dealt with later this evening by Council at item 12.2.*

2. Will Council respond to all of the Inquiry recommendations in writing?

*The Mayor advised that Council will respond (in writing to the Department of Local Government) to all of the Inquiry recommendations.*

3. Does Council intend to retain the services of the current Chief Executive Officer?

*The Mayor advised that the Chief Executive Officer had broken no laws and Council had no intention of dispensing with his services.*

**5.3.5 Mr Clive Coombs, 317 Wright Street, Cloverdale**

Will Council take steps to remove the Chief Executive Officer this evening?

*The Mayor advised, no.*

**\*\*\*8.12pm As there were no further questions, the Mayor declared Public Question Time closed.**

**6. CONFIRMATION OF MINUTES****6.1 ORDINARY COUNCIL MEETING  
HELD 24 MARCH 2003****OFFICER RECOMMENDATION**

That the minutes of the Ordinary Council Meeting held on 24 March 2003, as printed and circulated to all Councillors, be confirmed as a true and accurate record.

**GODSELL MOVED, RICHARDSON SECONDED, that the minutes of the Ordinary Council Meeting held on 24 March 2003, as printed and circulated to all Councillors, be confirmed as a true and accurate record, subject to the Councillors *for against* the resolution at item 5.3 (requesting an extension of Question Time) reading Councillors ~~“Passeri, Doney and Bass”~~. **‘Bass, Teasdale, Blair, Godsell, Marks, Murfin, Powell, Richardson’** and those Councillors *‘against’* reading **“Passeri, Doney, Godfrey”**.**

REFER ITEM 6.1 OCM 26/05/03 – AC 11/06/03

**CARRIED 10 VOTES TO 1**

*For: Godfrey, Blair, Godsell,  
Powell, Richardson  
Passeri, Doney, Marks  
Teasdale, Murfin*

*Against: Domford*

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

Nil.

**8. PETITIONS AND MEMORIALS**

Nil.

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

Nil.

**10. CORRESPONDENCE****10.1 LEAVE OF ABSENCE**

Nil.

**10.2 GENERAL****10.2.1 Mrs Bonnie Anderton, 61 Stanton Road, Redcliffe**

The Chief Executive Officer read out the following letter from Mrs Bonnie Anderton:

*"I am a resident of the East Ward of the City of Belmont and the manager of the Redcliffe Neighbourhood Watch.*

*I am writing to complain about a letter sent to me by Cr Margaret Bass' legal representative. This letter, which is enclosed, claiming defamation of Cr Bass is an attempt to stifle my work in the community and to affect the outcome of the present elections.*

*I completely deny all of the accusations made by her lawyer and I am asking you to take action against her to stop this intimidation of the elderly within the community. It is my democratic right to free and open speech at any time without Cr Bass interfering with her legal intimidation of the public.*

*If Cr Bass thinks there is a rumour circulating in the community she has the right to reply directly to the people, not by threatening pensioners. Surely this style of electioneering is against the democratic process.*

*I have also received complaints from several elderly people complaining that they have been visited by Margie Bass and a male companion who attempted to pressure them in to voting for her.*

*On the evening of Thursday 24 April I rang Lyn Wilson of Epsom Avenue in reply to a message left on our answering service. Lyn advised me that two weeks ago she came home from work and was furious to find Margie Bass election material attached to her front screen door. Lyn leaves her house secure when she leaves for work and feels that these flyers on her door were telling everyone that the house is unoccupied, so she was most unhappy. Lyn immediately rang Margie Bass and the phone was answered by her partner who said he would give her the message. Lyn still has not been contacted by Margie Bass.*

*Lyn said she was very pleased to read that Margie Bass was asked to resign from Neighbourhood Watch because of her non-performance. She also thanked me for my very prompt reply and attention."*

**GODFREY MOVED, MURFIN SECONDED, that the letter be received and referred to the appropriate Council officer.**

**CARRIED 11 VOTES TO 0**

**10.3 LATE CORRESPONDENCE OF AN URGENT NATURE**

Nil.

**11. REPORTS OF COMMITTEES****11.1 WORKS AND TECHNICAL SERVICES COMMITTEE MEETING  
HELD 7 APRIL 2003****Receipt of Minutes**

**GODSELL MOVED, TEASDALE SECONDED, that the minutes of the Works and Technical Services Committee meeting held on 7 April 2003, as printed and circulated to all Councillors, be received.**

**CARRIED 11 VOTES TO 0****WITHDRAWN ITEMS**

Items 9.1.1 and 9.3.1 were withdrawn at the request of Councillor Teasdale.  
Item 9.4.2 was withdrawn at the request of Councillor Godsell.

**ADOPTION OF THE BALANCE OF THE REPORT**

**RICHARDSON MOVED, GODSELL SECONDED, that recommendation items 7.1, 9.1.2, 9.2.1 – 9.2.4 and 9.4.1 of the Works and Technical Services Committee meeting held on 7 April 2003, be adopted en bloc (i.e. with the exception of items 9.1.1, 9.3.1 and 9.4.2).**

**CARRIED 11 VOTES TO 0**

**\*\*\*8.21pm** Having earlier declared an interest in the following item, Cr Dornford departed the Chamber.

**11.1.1 Withdrawn Item 9.1.1 – Removal of Street Tree  
Adjacent to 122 Knutsford Avenue, Rivervale**

**TEASDALE MOVED, GODSELL SECONDED, that the Committee Recommendation be adopted without amendment or modification.**

**CARRIED 10 VOTES TO 0**

**\*\*\*8.22pm** Cr Dornford returned to the Chamber.

**\*\*\*8.22pm** Having earlier declared an interest in the following item, Cr Godsell departed the Chamber.

**11.1.2** Withdrawn Item 9.3.1 – Tender 5/2003 – Civic Centre Consolidation and Renovation – Stage 1

**TEASDALE MOVED, RICHARDSON SECONDED, that the Committee Recommendation be adopted without amendment or modification.**

**CARRIED 10 VOTES TO 0**

**\*\*\*8.23pm** Cr Godsell returned to the Chamber.

**11.1.3** Withdrawn Item 9.4.2 – Bushfire – Perth Airport – Tonkin Highway

**GODSELL MOVED, POWELL SECONDED, that the Committee Recommendation be adopted without amendment or modification.**

**CARRIED 11 VOTES TO 0**

**11.2** COMMUNITY AND EXECUTIVE SERVICES COMMITTEE MEETING  
HELD 8 APRIL 2003

**Receipt of Minutes**

**DONEY MOVED, TEASDALE SECONDED, that the minutes of the Community and Executive Services Committee meeting held on 8 April 2003, as printed and circulated to all Councillors, be received.**

**CARRIED 11 VOTES TO 0**

**WITHDRAWN ITEMS**

Item 9.5.3 was withdrawn at the request of Councillor Marks.

**ADOPTION OF THE BALANCE OF THE REPORT**

**DONEY MOVED, GODFREY SECONDED, that recommendation items 7.1, 7.2, 9.1.1 – 9.1.4, 9.5.1 and 9.5.2 of the Community and Executive Services Committee meeting held on 8 April 2003, be adopted en bloc (i.e. with the exception of item 9.5.3).**

**CARRIED 11 VOTES TO 0**

Item 11.2 – Continued...

**11.2.1 Withdrawn Item 9.5.3 – City of Belmont Code of Conduct**

**MARKS MOVED, MURFIN SECONDED, that the Committee Recommendation be adopted without amendment or modification.**

**CARRIED 10 VOTES TO 1**

*For: Godfrey, Blair, Godsell,  
Powell, Richardson  
Passeri, Doney, Marks  
Teasdale, Murfin*

*Against: Domford*

**11.3 PLANNING AND DEVELOPMENT COMMITTEE MEETING  
HELD 14 APRIL 2003**

**Receipt of Minutes**

**RICHARDSON MOVED, POWELL SECONDED, that the minutes of the Planning and Development Committee meeting held on 14 April 2003, as printed and circulated to all Councillors, be received.**

**CARRIED 11 VOTES TO 0**

**WITHDRAWN ITEMS**

Nil.

**ADOPTION OF THE REPORT**

**RICHARDSON MOVED, BLAIR SECONDED, that recommendation items 7.1, 9.1.1, 9.3.1 – 9.3.3, 9.4.1, 9.6.1 – 9.6.6, 9.7.1 – 9.7.3, 10.1 and 11.1 of the Planning and Development Committee meeting held on 14 April 2003, be adopted en bloc.**

**CARRIED 11 VOTES TO 0**

**(Absolute Majority)**

**11.4 RESOURCES AND POLICY COMMITTEE MEETING  
HELD 15 APRIL 2003**

**Receipt of Minutes**

**GODFREY MOVED, BLAIR SECONDED, that the minutes of the Resources and Policy Committee meeting held on 15 April 2003, as printed and circulated to all Councillors, be received.**

**CARRIED 11 VOTES TO 0**

**WITHDRAWN ITEMS**

Items 10.1.2, 10.7.6, 10.7.7 and 10.8.1 were withdrawn at the request of Councillor Godfrey.

**ADOPTION OF THE BALANCE OF THE REPORT**

**GODFREY MOVED, BLAIR SECONDED, that recommendation items 8.1, 10.1.1, 10.1.3, 10.1.4, 10.2.1, 10.2.2, 10.4.1, 10.4.2, 10.5.1, 10.5.2, 10.7.1 – 10.7.5, 10.7.8 and 11.1.1 of the Resources and Policy Committee meeting held on 15 April 2003, be adopted en bloc (i.e. with the exception of items 10.1.2, 10.7.6, 10.7.7 and 10.8.1).**

**CARRIED 11 VOTES TO 0**

**(Absolute Majority)**

**\*\*\*8.43pm** Having earlier declared a financial interest in the following items, Cr Dornford departed the Chamber.

**11.4.1 Withdrawn Item 10.1.2 – Review of Policy – Provision of Communications Equipment and Supplies to Councillors**

**GODFREY MOVED, RICHARDSON SECONDED, that the Committee Recommendation be adopted without amendment or modification.**

**CARRIED 10 VOTES TO 0**

**11.4.2 Withdrawn Item 10.7.6 – Outstanding Rates as at 7 April 2003**

**GODFREY MOVED, TEASDALE SECONDED, that the Committee Recommendation be adopted without amendment or modification.**

**CARRIED 10 VOTES TO 0**

Item 11.4 – Continued...

**11.4.3 Withdrawn Item 10.7.7 – Sundry Debtors Outstanding Over 90 Days for the Period Ended 31 March 2003**

**GODFREY MOVED, BLAIR SECONDED, that the Committee Recommendation be adopted without amendment or modification.**

**CARRIED 10 VOTES TO 0**

**\*\*\*8.45pm Cr Dornford returned to the Chamber.**

**11.4.4 Withdrawn Item 10.8.1 – Legal Representation Costs – Recovery Application**

The Deputy Chief Executive Officer advised that as the Minister for Local Government has still not been able to supply Councillors with a Section 5.69 exemption, the matter would need to be deferred.

The Mayor advised that an additional agenda item would be introduced at this point, namely, item 11.5 (Special Works and Technical Services Committee meeting held on 28 April 2003).

**\*\*\*8.47pm Having earlier declared an interest in the following item, Cr Godsell departed the Chamber.**

**11.5 SPECIAL WORKS AND TECHNICAL SERVICES COMMITTEE MEETING HELD ON 28 APRIL 2003**

**Receipt of Minutes**

**RICHARDSON MOVED, MARKS SECONDED, that the minutes of the Special Works and Technical Services Committee meeting held on 28 April 2003, as printed and circulated to all Councillors in attendance at tonight's meeting, be received.**

**CARRIED 9 VOTES TO 1**

*For: Godfrey, Blair,  
Powell, Richardson  
Passeri, Doney, Marks  
Teasdale, Murfin*

*Against: Dornford*

**WITHDRAWN ITEMS**

Nil.

*Item 11.5 – Continued...*

**ADOPTION OF THE REPORT**

**TEASDALE MOVED, RICHARDSON SECONDED, that recommendation item 8.1 of the Special Works and Technical Services Committee meeting held on 28 April 2003, be adopted.**

**CARRIED 9 VOTES TO 1**

*For: Godfrey, Blair,  
Powell, Richardson  
Passeri, Doney, Marks  
Teasdale, Murfin*

*Against: Domford*

**\*\*\*9.02pm Cr Godsell returned to the Chamber.**

**12. REPORTS OF OFFICERS****12.1 INFORMATION ONLY ITEMS**

Report by Chief Executive Officer

**APPLICATION**

Council's acknowledgment of receipt of information of general interest.

IS THIS PROPOSAL CONSISTENT WITH COUNCIL'S CORPORATE PLAN?	YES
<i>"Operational Plan 01/1(c) - To keep Councillors informed of relevant industry and officer activities, regular update reports be presented to the respective committees".</i>	

**BACKGROUND**

This item relates to information circulated by the Chief Executive Officer which may be of general interest to Councillors.

**COMMENT**

General information and memorandums:

<b>DATED</b>	<b>SUBJECT</b>
26 March 2003	Memo – Legal Representation Costs – Recovery Application (Faxed to Councillors)
26 March 2003	WALGA Media Release – Prostitution Bill Redraft
28 March 2003	Linking Councils and Communities – Edition 14
28 March 2003	Local Government News: Issue 12.03 – 21/3/03
28 March 2003	Local Government News: Wednesday 26/3/03
28 March 2003	City of Belmont Inquiry Submission
28 March 2003	Telecommunications Facility – Readings Cinema
28 March 2003	Comparison Between Full-Length Runway Departure and Intersection Runway Departure Procedures – Proposed Trial
31 March 2003	Lot 1 (268) Belmont Avenue, Cloverdale
04 April 2003	Local Government News: Issue 13.03 – 28/3/03
04 April 2003	This Week at ALGA – 28 March 2003
04 April 2003	Local Government News: Wednesday 2/4/03
04 April 2003	Information Reports for Councillors – ComEx <ul style="list-style-type: none"> <li>• Manager Library Services – Monthly Report</li> </ul>
04 April 2003	Special Council Meeting – Tuesday 15 April 2003
04 April 2003	Letter from Sandra Maynard (25 March 2003)
08 April 2003	Proposed Town Planning Scheme No. 13 – 'The Springs' Scheme Administration Costs
08 April 2003	Low Emissivity Glass

*Item 12.1 – Continued...*

<b>DATED</b>	<b>SUBJECT</b>
09 April 2003	Local Government News: Wednesday 9/4/03
11 April 2003	This Week at ALGA – 4 April 2003
11 April 2003	Local Government News: Issue 14.03 – 4/4/03
11 April 2003	Manager – Planning Services, Adrian Oats
11 April 2003	WALGA Vacancies <ul style="list-style-type: none"> <li>• Fire &amp; Emergency Services Authority Board</li> <li>• Peel Harvey Catchment Council Board</li> <li>• Visitor Centre Association of WA Executive Committee</li> <li>• Community, Affordable and Sustainable Housing Standing Committee</li> <li>• Department of Justice Advisory Council</li> <li>• Emergency Services Levy Capital Grants Committees–Re-advertised</li> </ul>
11 April 2003	Cancellation of Special Council Meeting 15 April 2003
11 April 2003	Information Reports for Councillors – Corporate Services <ul style="list-style-type: none"> <li>• Appointments and Resignations 15/3/03 to 11/4/03</li> <li>• Marketing and Promotions Update – March 2003</li> <li>• Monthly Update on Donations – March 2003</li> <li>• Analysis of Investments as at 28 February 2003</li> <li>• Management Report – Quarterly</li> <li>• Pictorial Cash Flow Statement for quarter ending 31/3/03</li> </ul>
11 April 2003	Resignation of Dave Harris
15 April 2003	Local Government Act Regulations - Review
15 April 2003	Council's Consideration for Submission of Motions to the WALGA and Local Government Association Annual General Meetings
15 April 2003	Proposed Redevelopment of Ascot Inn, 1-13 Epsom Avenue, Ascot
16 April 2003	Local Government News: Wednesday 16/4/03
17 April 2003	Local Government News: Issue 15.03 – 11/4/03
17 April 2003	WALGA Bulletin – Proposal for a Local Government Disciplinary Tribunal
17 April 2003	This Week at ALGA – 11 April 2003
17 April 2003	Information Reports for Councillors – Planning & Development <ul style="list-style-type: none"> <li>• Manager – Building Services – Report for 1/3/03 to 31/03/03</li> <li>• Details of Items Determined Under Delegated Authority from 1/3/03 to 31/3/03</li> <li>• Outstanding Items</li> </ul>
17 April 2003	Special Meeting of Works and Technical Services Committee – New Time 5.30pm
24 April 2003	Neighbourhood Watch/Datadots Demonstration – 28 April 2003
24 April 2003	Local Government News: Issue 16.03 – 17/4/03
24 April 2003	Linking Councils and Communities – Edition 15
24 April 2003	Local Government News: Wednesday 23/4/03
24 April 2003	Australian Sister Cities Association Inc. Newsletter

Item 12.1 – Continued...

**OFFICER RECOMMENDATION**

1. That the information provided to all Councillors and listed in this “Information Only Items” report (excluding the Analysis of Investments section of the Corporate Services Information Reports) be noted and received.

***BLAIR MOVED, DONEY SECONDED, that the information provided to all Councillors and listed in this “Information Only Items” report (excluding the Analysis of Investments section of the Corporate Services Information Reports) be noted and received.***

**CARRIED 11 VOTES TO 0**

**\*\*\*9.04pm** Having earlier declared an interest in the following item, Cr Passeri departed the Chamber.

**Cr Blair assumed the chair as Acting Mayor.**

2. That the Analysis of Investments section of the Corporate Services Information Reports be noted and received.

***GODFREY MOVED, RICHARDSON SECONDED, that the Analysis of Investments section of the Corporate Services Information Reports be noted and received.***

**CARRIED 10 VOTES TO 0**

**\*\*\*9.05pm** Cr Passeri returned to the Chamber and resumed the chair.

**\*\*\*9.06pm** Having earlier declared an interest in the following item, Cr Dornford departed the Chamber.

**12.2 REPORT OF THE INQUIRY INTO THE CITY OF BELMONT – COUNCIL RESPONSE\*\***  
**\*\* Attachment 1 – Item 12.2 refers**

Report by Chief Executive Officer

**APPLICATION**

To provide a response on the *'Report of the Inquiry into the City of Belmont'* to the Minister for Local Government and Regional Development.

IS THIS PROPOSAL CONSISTENT WITH COUNCIL'S CORPORATE PLAN?	N/A
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**BACKGROUND**

The *'Report of the Inquiry into the City of Belmont'* has been concluded and in accordance with S8.14(3) of the Local Government Act "*within 35 days after receiving the report or such longer period as the Minister allows, the local government is to give the Minister written advice setting out the things that it has done or proposes to do to give effect to the recommendations of the authorised person.*" A copy of the Department letter relative to the above direction, is attached.

The response from Council will be considered by the Minister and in accordance with S8.15, and Council must consider that "*the Minister may...order the local government ...to give effect to any one or more of the recommendations...*" and if the Minister's order is not complied with, the Minister may suspend the Council (S8.15[2]).

Section 8.15 is clear as to its authority and the potential repercussions, however it is not anticipated that the Minister would 'order' to City to undertake an alternative activity to that which was specifically provided for in the Act or endorsed by the Department (for example, to have open committees) or to adopt practices that were not otherwise compulsory (for example, to adopt without exception, the Departments *Minutes and Agenda Guide* model format).

The report contains 13 recommendations. Each recommendation is reproduced hereunder, with officer comments incorporated.

*Item 12.2 – Continued...*

### **INQUIRY RECOMMENDATION 1**

That Council amend its committee and council meeting processes to ensure that these adequately address the need for openness, accountability and public participation, to the satisfaction of the Minister.

**Officer Comment** – The recommendation relates specifically to Council's (previous) position in closing all its Standing Committee meetings (which is provided for in section 5.23 of the Local Government Act and is supported by the Department of Local Government). Notwithstanding, Council at its meeting 10<sup>th</sup> February 2003 (via the 4<sup>th</sup> February Community and Executive Services Committee meeting) agreed to introduce open committees. Open committees have been operating at the City of Belmont since March 2003. It is considered that this change of procedure will fully satisfy the Minister.

### **INQUIRY RECOMMENDATION 2**

To improve accountability, the Council amends its minute and agenda format to ensure that it gives consideration to the recommended standards of the Minutes and Agenda Guide, to the satisfaction of the Minister.

**Officer Comment** - The recommendation relates to Council considering amending its minute and agenda format to the recommended standards of the *Minutes and Agenda Guide*. As is outlined in the comment to *Recommendation 3* below, the City has already adjusted its Officer Report format. It is understood that this particular issue was the matter of most concern to the Inquiry, further though, it is suggested that the Minister be provided with a copy of the City's Standing Orders and a set of minutes/agendas to enable the Minister to be personally satisfied with the City's present practices.

### **INQUIRY RECOMMENDATION 3**

To improve accountability and openness, the Council amends its officer reporting format, to ensure that it adopts a means of recording the report author(s) and gives consideration to the format recommended in the Minutes and Agenda guide, to the satisfaction of the Minister.

**Officer Comment** - Council at its meeting of 24<sup>th</sup> March 2003 (via the 11<sup>th</sup> March Community and Executive Services Committee meeting) agreed to adopt the *Minutes and Agenda Guide* officer report format, adding the heading of 'Environmental Implications' but not incorporating the headings of 'Author', 'Signature of Author', and 'Senior Officer/Signature of Senior Officer', noting the budget implications of the additional staff resources required to implement this. The City's reasons for not incorporating these headings were outlined in the abovementioned meeting report but are again repeated hereunder –

*Item 12.2 – Continued...*

- 1. Author – There are a number of issues that arise that could complicate perceptions or ‘trap’ an officer if this title is included. For example,**
  - **what happens if a number of staff contribute to the report, do they all have their names listed?**
  - **what happens if some of those that contribute do not agree with information provided by others (or the recommendation) should they highlight this fact against their name in some way?**
  - **what happens if the Director or CEO just reads the report, substantially agree with it, but make only subtle changes, should they include their names?**
  - **what happens if an officer contributes information to a currently existing draft report that results in a different officer who had previously assisted with the report then having an interest (where none previously existed). How can the original officer defend himself against a future claim of non-declaration of financial interest, if their name is highlighted on the top of the report, but in actual fact they had no knowledge of the inclusion of the added part of the report subsequent to their involvement, that ‘gives them the interest’?**
  - **if the secretarial staff assist with grammar or spelling do they add their names also?**

***Further to the above, it is unfortunate that local government officers are required to work in an environment that regularly places them in conflict with members of the public. The CEO feels very strongly that one of his important duties is to protect, insofar as is possible, staff members from physical and verbal abuse. It can be persuasively argued that to identify an officer as the author of a report is unnecessary, and adds an element of danger that could readily be avoided. There is potential for some liability to flow from the naming of officers in reports. The City’s insurers have acknowledged that an increased risk may prevail from the inclusion of officer names in Council/Committee reports outlining in correspondence to the City that “if personal details on Council reports were to be introduced, this could potentially result in a higher exposure of risk factor than does the current procedure. If these new reporting requirements were to be introduced and workers compensation claims were to be incurred, the MWS could take a stronger approach to this issue from an Occupational Safety and Health perspective.”***

***Whilst on the face of it, the inclusion of the officer name has merit, until advice on the above issues is received from the Department, it is considered that for the time being, the divisional name is satisfactory to highlight the area the report emanated from.***

Item 12.2 – Continued...

***If the reason for incorporating the officer name is to highlight possible 'interests' of relevant officers, then this is considered to be addressed by the inclusion of the report title 'Disclosure of Interest'.***

- 2. Signature of Author – It would be impractical to develop a procedure to arrange for the signing of individual agenda pages prior to photocopying (for example, what if the officer is unavailable on the day the agendas are printed?) and to have individual agenda items printed as they are prepared and then separately collated into the agenda would result in formatting and indexing problems.***
- 3. Senior Officer/Signature of Senior Officer – Clearly the senior officer needs to endorse the report before it is presented to Council. A signature is one way of 'proving that endorsement', but for the reasons outlined in (2) above, the inclusion of this signature on the agenda is impractical.***

Whilst the officer reports do not incorporate all of the suggested headings, it is considered that the Minister will be satisfied that Council has given due consideration to the matter (which is all the Inquiry Recommendation asks the City to do). It is considered that the abovementioned reasoning is sound and it must not be forgotten, that the guide produced by the Department is not compulsory. This fact is outlined in the guide itself, and has also been confirmed by the Director General of the Department (the person responsible for the Inquiry into the City of Belmont).

The City should also draw to the attention of the two peak local government bodies (Western Australian Local Government Association and Local Government Managers Australia [WA]) this issue as it relates directly to their members.

#### **INQUIRY RECOMMENDATION 4**

That the Council adopts a policy that requires that all legal advice be reported to it, together with the details of the instruction upon which the advice was sought, and that an adequate record be kept of this information, to the satisfaction of the Minister.

**Officer Comment** - It is not believed that the Inquiry fully appreciated the level of legal advice sought in the day-to-day running of a City local government (and in light of the Inquiry Report, this is certain to increase), the heavy workloads of Councillors, or the fact that the majority of legal advices received are already reported to Council via individual Officer Reports. In the 12 months to 31<sup>st</sup> March 2003, there have been 864 recorded transactions between the City and McLeods (the City's legal advisors) however it is not considered that the Minister will wish for all of these to be defined as "advice" (and for them also, to be provided to Councillors). Notwithstanding, a policy has been developed that accommodates the spirit of the recommendation and adequately protects the City's legal professional privilege, namely -

*Item 12.2 – Continued...*

## **REPORTS ON LEGAL ADVICE TO COUNCILLORS**

### **Policy Objective:**

**To ensure that Elected Members are informed of all legal advice received by the City, including the instructions upon which the legal advice was sought, and this be undertaken in a manner that does not compromise the City's Legal Professional Privilege.**

### **Policy Statement:**

**The Local Government Act provides for Elected Members to have access to any information held by the City that is relevant to the performance of those Elected Members in their role as Councillor.**

**Legal advice received by the City will, in certain circumstances, impact upon the performance of an Elected Member, and as such the Chief Executive Officer will cause a report to be provided regularly to Councillors to inform them of all substantive requests for legal advice, and the legal advice given in response to such requests.**

**The report is to be provided in a format that protects the City's Legal Professional Privilege. Legal Professional Privilege is a rule of law that protects the confidentiality of communications between a lawyer and client. The privilege belongs to the client and may only be waived by the client. The waiver or loss of Legal Professional Privilege can be caused through the conveying of a summary of that advice to an interested party or through publication in Council's meeting agendas and minutes.**

**An Elected Member who subsequently wishes to peruse the full details of legal advice identified in related report items presented to Committee / Council or the regular legal advice report, shall make an appointment with the Chief Executive Officer or Deputy Chief Executive Officer, who will give the Elected Member a reasonable opportunity to view the details, without taking copies or notes.**

### **This Policy Supported by:**

Head of Power:  
Register of Delegations  
Management Policy/Procedures  
Corporate Plan Links

Loc. Gov. Act Part 5, Division 7  
N/A  
Reference No:  
Organisational Strategy 05/1(b)

### **Amendment Status:**

Amendment No:  
Date of Amendment:  
Minute Item Reference:  
Brief details of amendment:

**It is considered that this new policy will completely satisfy the Minister.**

Item 12.2 – Continued...

### **INQUIRY RECOMMENDATION 5**

That the Council adopts appropriate complaint handling processes and procedures, to the satisfaction of the Minister.

**Officer Comment** – The City has a formal Complaints Handling Procedure. The City included a requirement in its 1999 Certified Agreement (adopted by Council on 9<sup>th</sup> June 1999) that the staff "...develop [an] organisational complaints register...". The Complaints Handling Procedure was subsequently developed and has been in place since August 2001. The City of Belmont Complaints Handling Procedure is reviewed as required. The Chief Executive Officer has instructed that a further review be undertaken, with specific regard to ensuring that the Procedure is well known to all officers and it is considered that this review and organisational distribution will completely satisfy the Minister. A copy of the Complaints Handling Procedure should be provided to the Minister for his reference.

### **INQUIRY RECOMMENDATION 6**

The Council reviews its Code of Conduct to ensure that the Code adequately addresses probity and conduct issues identified in this report, particularly in respect of the position of Chief Executive Officer, to the satisfaction of the Minister.

**Officer Comment** – There are no specific Inquiry 'findings' that appear to directly support this recommendation. Notwithstanding, the City's Code is reviewed annually (as per Section 5.103 of the Local Government Act) and its latest review is due to be considered by Council this evening (via a review undertaken through the April 2003 Community and Executive Services Committee meeting). Several changes to the Code are suggested that relate specifically to the abovementioned recommendation and it is considered that these changes will completely satisfy the Minister. A copy of the amended Code should be provided to the Minister for his reference.

### **INQUIRY RECOMMENDATION 7**

The Council ensures its contractual arrangements with consultants adequately address probity and conduct issues identified in this report, to the satisfaction of the Minister.

**Officer Comment** – This recommendation relates to the Inquiry's concerns that the Urban Focus contract did not incorporate 'appropriate probity controls'. A copy of the current contract with Urban Focus (the consultant for *The Springs*) is being reviewed by McLeods (Council's Solicitors) to ensure that it does in fact "*adequately address probity and conduct issues*". Upon completion of the review, it will be forwarded to the Minister to ensure that he is completely satisfied with the document.

Item 12.2 – Continued...

### **INQUIRY RECOMMENDATION 8**

That the Council develop and introduce a policy to provide probity controls over issues such as incompatible activities, particularly related to the position of Chief Executive Officer and senior employees, and that this policy covers issues such as involvement in land, other than the principal place of residence in the City, to the satisfaction of the Minister.

**Officer Comment** – The City's latest Code of Conduct review is due to be considered by Council this evening (via a review undertaken through the April 2003 Community & Executive Services Committee). A change to the Code was suggested that related specifically to the abovementioned recommendation (vis. advising Council of the purchase of any land in the City).

With the modifications proposed to the City's Code of Conduct and the complementary statutory requirements regarding Financial Interest Disclosures, it is considered that these changes will completely satisfy the Minister. A copy of the amended Code should be provided to the Minister for his reference.

### **INQUIRY RECOMMENDATION 9**

Council amends its rules, processes and procedures for all its committees and working groups to ensure that they observe all relevant aspects of the Local Government Act 1995 including disclosure requirements, to the satisfaction of the Minister.

**Officer Comment** – The Inquiry was concerned as to the availability of Council resolutions to the public. It must be repeated that there has never been a Council resolution that was not available to the public, notwithstanding, in order to improve community access, the Chief Executive Officer has instructed staff to incorporate all "*decisions of Council*" within the publicly distributed minute books.

The Inquiry was also confused as to the rules for the Executive Committee. It is suggested that these rules be clarified (via the 5<sup>th</sup> May 2003 Special Council meeting) to make it is clear that this Committee has a role to play beyond the (January recess authority to act) delegation provided to it by Council.

The Inquiry has drawn to the City's attention, the fact that the minutes of the 9<sup>th</sup> July 2001 Executive Committee minutes were not confirmed at that committee's 'next meeting'. The next scheduled meeting of the Executive Committee will include the adoption of the 9<sup>th</sup> July 2001 Executive Committee minutes.

It is considered that the above positions will fully satisfy the Minister.

Item 12.2 – Continued...

### **INQUIRY RECOMMENDATION 10**

That the Department of Local Government and Regional Development considers taking action against Mr Evans for not complying with the obligations placed on him in regard to financial interest provisions of the Local Government Act 1995.

**Officer Comment** – This recommendation will be referred to the Department of Local Government and Regional Development (directly by the Inquiry) for its consideration. No Council action is required.

**Note:** It should be noted that the CEO referred the issue to the Department of Local Government on 30<sup>th</sup> November 2000 and, on their advice, referred the issue by way of telephone advice on 4<sup>th</sup> December 2000 and a substantive written report on 8<sup>th</sup> December 2000, to the Anti-Corruption Commission. The ACC is yet to advise Council on the outcome of its investigation. The 'Public Sector Investigation Unit' (PSIU) of the Police Department also investigated this issue and has not reported the outcome to Council.

### **INQUIRY RECOMMENDATION 11**

That the Council put in place suitable policies and procedures for the calling, assessment and acceptance of tenders to ensure efficiency, effectiveness and probity, to the satisfaction of the Minister.

**Officer Comment** – This recommendation has resulted from Inquiry findings relating to the appointment of Urban Focus (the Inquiry took no evidence or submissions on any other Tenders). The original appointment of Urban Focus and the subsequent Tender process have been the subject of extensive submissions from the City.

The City follows the current Local Government Tender Regulations 1995 (as amended) and also the Australian Standard Code of Tendering AS 4120 – 1994. Adherence to the Tender Regulations should ensure that the calling, assessment and acceptance of tenders meet the expectations of the Minister.

It is suggested that in order to ensure clarity of the City's tender process, that Council Policy C 3.5.2 is amended as follows (refer to hachured area): -

**C 3.5.2 TENDERS – CALLING, ASSESSMENT AND ACCEPTANCE**  
**Policy Objective:**

To ensure that tenders are called, assessed and accepted in an efficient and effective manner by ensuring compliance with the relevant Local Government tender regulations and to delegate authority to the Chief Executive Officer to accept certain tenders for budgeted items.

**Policy Statement:**

It is the role of the Council to oversee the allocation of the local government's finances and resources. In doing so Council adopts a budget each year which indicates the level of spending and the need to acquire and replace assets. It is the operational responsibility of the Chief Executive Officer to manage this process. In doing so it is understood that the Chief Executive Officer will authorise the calling of tenders where the approved budget expenditure falls within or above an amount specified in the Tender Regulations.

**The Chief Executive Officer shall ensure that there is an accountable, efficient, and effective process in place in regard to the assessment of tenders and that in addition to the relevant Local Government tender regulations, the Australian Standard Code of Tendering AS 4120 – 1994 (as amended) is to be used as a guide in this respect.**

In addition the Local Government Act makes provision for the Council to delegate to the Chief Executive Officer the acceptance of tenders where the amount falls within limits set by Council. Council adopts the view that there are a number of tenders called each year which could be accepted by the Chief Executive Officer where they are tenders for annual supplies of a routine operational nature, where they are for replacement items and where the expenditure is not considered to be significant.

The Chief Executive Officer is delegated the power to accept tenders where there is a Council budget.

It is considered that the Minister will be completely satisfied with this arrangement.

**INQUIRY RECOMMENDATION 12**

That a copy of Part 2 of this report dealing with proposed Town Planning Scheme 13 is referred the Department of Planning and Infrastructure for consideration of appropriate action.

**Officer Comment** – The Director-Development in fact, made this very suggestion to the Inquiry as part of his contact with them during the course of the Inquiry. A copy of Part 2 of this report (dealing with proposed Town Planning Scheme 13) should be referred to the Department of Planning and Infrastructure for consideration of appropriate action. It is considered that the Minister will be completely satisfied with this arrangement.

Item 12.2 – Continued...

### **INQUIRY RECOMMENDATION 13**

The Council needs to develop appropriate policy and procedures in relation to the financial management of town planning schemes and developments.

**Officer Comment** – Recommendation 13 has resulted from the Inquiry findings relating to the financial management of *The Springs* Project. The costs incurred to date relate to consultants costs associated with consultation with Spring's landowners (these payments being made from Council's planning consultants budget as adopted by Council). The Project itself has not yet 'commenced', to enable Council's financial management model to be enacted.

Council has in the past, conducted a number of major projects and developments that have required specific financial management. The procedure employed has been to construct a spreadsheet that is 'broken down' into all key components of income and expenditure and the agreed budget further broken down to a monthly figure. The actual income and expenditure is then 'tracked' against the monthly budget. These reports are presented to Council at least quarterly if the project is running over an extended period of time, and monthly if the project is relatively short term.

Examples of project based financial management were the construction and sale of the Faulkner Park Retirement Village and the development and sale of the Orrong Road Superblock. Both these projects were reported to Council regularly, including copies of the relevant spreadsheet for that point in time.

Had *The Springs* project emerged out of the consultation phase, this method would have been employed to ensure the project was tracking to budget and in the event that *The Springs* project proceeds in the future, the same method will be engaged.

Notwithstanding current practice, a new Council Policy could be adopted to reinforce the City's desire for sound financial management for all major projects.

#### **Financial Management – Major Land Transactions**

##### **Policy Objective:**

To ensure specific financial management is applied to Major Land Transactions (a Major Land Transaction would be defined as per S3.59 the Local Government Act, and as a consequence, be the subject of the preparation of a Business Plan).

Item 12.2 – Continued...

### **Policy Statement:**

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

**Where a City project team has been appointed, financial management reports are to be provided at least monthly. The process of this specific financial management is not to replace the requirement to record all income and expenditure transactions in Council's Accounting System.**

**It is considered that this change of procedure will completely satisfy the Minister.**

### **COMMENT**

The inquiry into the City has created a great deal of 'industry interest' and the City has received a number of contacts from other local governments, the two peak local government bodies (vis. the Western Australian Local Government Association, and the Local Government Managers Australia [WA]) and the Department of Local Government itself, in regard to the 'process' and the 'administration' of the current inquiry system. It is suggested that a separate report could be prepared, outlining concerns with the Inquiry 'process' and 'administration', and providing options as to stakeholders that might be able to assist in reviewing the current Department of Local Government inquiry system.

Belowmentioned are recommendations specific to the 13 specific Inquiry recommendations - for Council's individual consideration.

### **OFFICER RECOMMENDATION**

1. In regard to the Inquiry recommendation #1, *"that Council amend its committee and council meeting processes to ensure that these adequately address the need for openness, accountability and public participation, to the satisfaction of the Minister"*, Council advise the Inquiry that Council at its meeting 10<sup>th</sup> February 2003 (via the 4<sup>th</sup> February Community and Executive Services Committee meeting) agreed to introduce open committees. Open committees have been operating at the City of Belmont since March 2003.

*Item 12.2 – Continued...*

2. In regard to the Inquiry recommendation #2, that *“to improve accountability, the Council amends its minute and agenda format to ensure that it gives consideration to the recommended standards of the Minutes and Agenda Guide, to the satisfaction of the Minister”*, Council advise the Inquiry that as is outlined in the comment to Recommendation 3 below, the City has already adjusted its Officer Report format. Further though, the Minister be provided with a copy of the City’s Standing Orders and a set of minutes/agendas to enable him to be personally satisfied with the City’s present practices.
- 3(a) In regard to the Inquiry recommendation #2, that *“to improve accountability and openness, the Council amends its officer reporting format, to ensure that it adopts a means of recording the report author(s) and gives consideration to the format recommended in the Minutes and Agenda guide, to the satisfaction of the Minister”*, Council advise the Inquiry that Council at its meeting of 24<sup>th</sup> March 2003 (via the 11<sup>th</sup> March Community and Executive Services Committee meeting) agreed to adopt the *Minutes and Agenda Guide* officer report format, adding the heading of ‘Environmental Implications’ but not incorporating the headings of ‘Author’, ‘Signature of Author’, and ‘Senior Officer/Signature of Senior Officer’, noting the budget implications of the additional staff resources required to implement this. The City’s reasons for not incorporating these headings were outlined in the abovementioned meeting report but are again repeated hereunder –
- *Author – There are a number of issues that arise that could complicate perceptions or ‘trap’ an officer if this title is included. For example,*
    - *what happens if a number of staff contribute to the report, do they all have their names listed?*
    - *what happens if some of those that contribute do not agree with information provided by others (or the recommendation) should they highlight this fact against their name in some way?*
    - *what happens if the Director or CEO just read the report, substantially agree with it, but make only subtle changes, should they include their names?*
    - *what happens if an officer contributes information to a currently existing draft report that results in a different officer who had previously assisted with the report then having an interest (where none previously existed). How can the original officer defend himself against a future claim of non-declaration of financial interest, if their name is highlighted on the top of the report, but in actual fact they had no knowledge of the inclusion of the added part of the report subsequent to their involvement, that ‘gives them the interest’?*
    - *if the secretarial staff assist with grammar or spelling do they add their names also?*

*Item 12.2 – Continued...*

*Further to the above, it is unfortunate that local government officers are required to work in an environment that regularly places them in conflict with members of the public. The CEO feels very strongly that one of his important duties is to protect, insofar as is possible, staff members from physical and verbal abuse. It can be persuasively argued that to identify an officer as the author of a report is unnecessary, and adds an element of danger that could readily be avoided. There is potential for some liability to flow from the naming of officers in reports. The City's insurers have acknowledged that an increased risk may prevail from the inclusion of officer names in Council/Committee reports outlining in correspondence to the City that "If personal details on Council reports were to be introduced, this could potentially result in a higher exposure of risk factor than does the current procedure. If these new reporting requirements were to be introduced and workers compensation claims were to be incurred, the MWS could take a stronger approach to this issue from an Occupational Safety and Health perspective."*

*Whilst on the face of it, the inclusion of the officer name has merit, until advice on the above issues is received from the Department, it is considered that for the time being, the divisional name is satisfactory to highlight the area the report emanated from.*

*If the reason for incorporating the officer name is to highlight possible 'interests' of relevant officers, then this is considered to be addressed by the inclusion of the report title 'Disclosure of Interest'.*

- *Signature of Author – It would be impractical to develop a procedure to arrange for the signing of individual agenda pages prior to photocopying (for example, what if the officer is unavailable on the day the agendas are printed?) and to have individual agenda items printed as they are prepared and then separately collated into the agenda would result in formatting and indexing problems.*
- *Senior Officer/Signature of Senior Officer – Clearly the senior officer needs to endorse the report before it is presented to Council. A signature is one way of 'proving that endorsement', but for the reasons outlined in (2) above, the inclusion of this signature on the agenda is impractical.*

3(b) That the City also draw to the attention of the two peak local government bodies (Western Australian Local Government Association and Local Government Managers Australia (WA)) this issue as it relates directly to their members.

*Item 12.2 – Continued...*

4. In regard to the Inquiry recommendation #4, *“that the Council adopts a policy that requires that all legal advice be reported to it, together with the details of the instruction upon which the advice was sought, and that an adequate record be kept of this information, to the satisfaction of the Minister”*, Council advise the Inquiry that a policy has been adopted that accommodates the spirit of the recommendation and adequately protects the City’s legal professional privilege, namely -

**REPORTS ON LEGAL ADVICE TO COUNCILLORS****Policy Objective:**

**To ensure that Elected Members are informed of all legal advice received by the City, including the instructions upon which the legal advice was sought, and this be undertaken in a manner that does not compromise the City’s Legal Professional Privilege.**

**Policy Statement:**

**The Local Government Act provides for Elected Members to have access to any information held by the City that is relevant to the performance of those Elected Members in their role as Councillor.**

**Legal advice received by the City will, in certain circumstances, impact upon the performance of an Elected Member, and as such the Chief Executive Officer will cause a report to be provided regularly to Councillors to inform them of all substantive requests for legal advice, and the legal advice given in response to such requests.**

**The report is to be provided in a format that protects the City’s Legal Professional Privilege. Legal Professional Privilege is a rule of law that protects the confidentiality of communications between a lawyer and client. The privilege belongs to the client and may only be waived by the client. The waiver or loss of Legal Professional Privilege can be caused through the conveying of a summary of that advice to an interested party or through publication in Council’s meeting agendas and minutes.**

*Item 12.2 – Continued...*

**An Elected Member who subsequently wishes to peruse the full details of legal advice identified in related report items presented to Committee / Council or the regular legal advice report, shall make an appointment with the Chief Executive Officer or Deputy Chief Executive Officer, who will give the Elected Member a reasonable opportunity to view the details, without taking copies or notes.**

**This Policy Supported by:**

Head of Power:  
Division 7  
Register of Delegations  
Management Policy/Procedures  
Corporate Plan Links  
05/1(b)

Loc. Gov. Act Part 5,

N/A

Reference No:  
Organisational Strategy**Amendment Status:**

Amendment No:  
Date of Amendment:  
Minute Item Reference:  
Brief details of amendment:

5. In regard to the Inquiry recommendation #5, *“that the Council adopts appropriate complaint handling processes and procedures, to the satisfaction of the Minister”*, Council advise the Inquiry that the City has a formal Complaints Handling Procedure, which has been in place since August 2001, further, that a copy be provided to the Minister.
6. In regard to the Inquiry recommendation #6, that *“the Council reviews its Code of Conduct to ensure that the Code adequately addresses probity and conduct issues identified in this report, particularly in respect of the position of Chief Executive Officer, to the satisfaction of the Minister”*, Council advise the Inquiry that the City’s Code was last reviewed on 28<sup>th</sup> April 2003 and that several changes to the Code have been made that relate specifically to the abovementioned recommendation. Further, that a copy of the amended Code be provided to the Minister for his reference.
7. In regard to the Inquiry recommendation #7, that *“the Council ensures its contractual arrangements with consultants adequately address probity and conduct issues identified in this report, to the satisfaction of the Minister”*, Council advise the Inquiry that a copy of the current contract with Urban Focus (the consultant for *The Springs*) is being reviewed by McLeods (Council’s Solicitors) to ensure that it does in fact *“adequately address probity and conduct issues”*. Upon completion of the review, it will be forwarded to the Minister to ensure that he is completely satisfied with the document.

*Item 12.2 – Continued...*

8. In regard to the Inquiry recommendation #8, *“that the Council develop and introduce a policy to provide probity controls over issues such as incompatible activities, particularly related to the position of Chief Executive Officer and senior employees, and that this policy covers issues such as involvement in land, other than the principal place of residence in the City, to the satisfaction of the Minister”*; Council advise the Inquiry that the City’s Code was last reviewed on 28<sup>th</sup> April 2003 and that a change to the Code have been made that related specifically to the abovementioned recommendation (vis. advising Council of the purchase of any land in the City). Further, that a copy of the amended Code be provided to the Minister for his reference.
9. In regard to the Inquiry recommendation #8, that *“Council amends its rules, processes and procedures for all its committees and working groups to ensure that they observe all relevant aspects of the Local Government Act 1995 including disclosure requirements, to the satisfaction of the”*, Council advise the Inquiry that –
  - the Chief Executive Officer has instructed staff to incorporate all *“decisions of Council”* within the publicly distributed minute books;
  - the operational ‘rules’ for the Executive Committee be clarified (via the 5<sup>th</sup> May 2003 Special Council meeting) to make it clear that this Committee has a role to play beyond the (January recess authority to act) delegation provided to it by Council; and
  - at the next scheduled meeting of the Executive Committee, it will include the adoption of the 9<sup>th</sup> July 2001 Executive Committee minutes.
10. In regard to the Inquiry recommendation #10, *“that the Department of Local Government and Regional Development considers taking action against Mr Evans for not complying with the obligations placed on him in regard to financial interest provisions of the Local Government Act 1995”*; Council note that this recommendation will be referred to the Department of Local Government and Regional Development (directly by the Inquiry) for its consideration and that no Council action is required.

*Item 12.2 – Continued...*

11. In regard to the Inquiry recommendation #11, *“that the Council put in place suitable policies and procedures for the calling, assessment and acceptance of tenders to ensure efficiency, effectiveness and probity, to the satisfaction of the Minister”*, Council advise the Inquiry that in order to ensure clarity of the City’s tender process, that Council Policy C 3.5.2 has been amended to read as follows: -

**“C 3.5.2 TENDERS – CALLING, ASSESSMENT AND ACCEPTANCE****Policy Objective:**

To ensure that tenders are called, assessed and accepted in an efficient and effective manner by ensuring compliance with the relevant Local Government tender regulations and to delegate authority to the Chief Executive Officer to accept certain tenders for budgeted items.

**Policy Statement:**

It is the role of the Council to oversee the allocation of the local government’s finances and resources. In doing so Council adopts a budget each year which indicates the level of spending and the need to acquire and replace assets. It is the operational responsibility of the Chief Executive Officer to manage this process. In doing so it is understood that the Chief Executive Officer will authorise the calling of tenders where the approved budget expenditure falls within or above an amount specified in the Tender Regulations.

The Chief Executive Officer shall ensure that there is an accountable, efficient, and effective process in place in regard to the assessment of tenders and that in addition to the relevant Local Government tender regulations, the Australian Standard Code of Tendering AS 4120 – 1994 (as amended) is to be used as a guide in this respect.

In addition the Local Government Act makes provision for the Council to delegate to the Chief Executive Officer the acceptance of tenders where the amount falls within limits set by Council. Council adopts the view that there are a number of tenders called each year which could be accepted by the Chief Executive Officer where they are tenders for annual supplies of a routine operational nature, where they are for replacement items and where the expenditure is not considered to be significant.

The Chief Executive Officer is delegated the power to accept tenders where there is a Council budget.”

*Item 12.2 – Continued...*

12. In regard to the Inquiry recommendation #12, *“that a copy of Part 2 of this report dealing with proposed Town Planning Scheme 13 is referred the Department of Planning and Infrastructure for consideration of appropriate action”*, Council advise the Inquiry that we will refer a copy of Part 2 of the City of Belmont Inquiry Report (dealing with proposed Town Planning Scheme 13) to the Department of Planning and Infrastructure for its consideration of appropriate action.
13. In regard to the Inquiry recommendation #13, that *“the Council needs to develop appropriate policy and procedures in relation to the financial management of town planning schemes and developments”*, Council advise the Inquiry that a new Council Policy has been adopted to reinforce the City’s desire for sound financial management for all major projects, namely:

**Financial Management – Major Land Transactions****Policy Objective:**

To ensure specific financial management is applied to Major Land Transactions (a Major Land Transaction would be defined as per S3.59 the Local Government Act, and as a consequence, be the subject of the preparation of a Business Plan).

**Policy Statement:**

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

Where a City project team has been appointed, financial management reports are to be provided at least monthly. The process of this specific financial management is not to replace the requirement to record all income and expenditure transactions in Council’s Accounting System.

14. That a report, outlining concerns with the Inquiry ‘process’ and ‘administration’ be referred to the relevant stakeholders in order to assist with a review of the current Department of Local Government inquiry procedures.

Item 12.2 – Continued...

**BLAIR MOVED, RICHARDSON SECONDED, that -**

1. ***In regard to the Inquiry recommendation #1, “that Council amend its committee and council meeting processes to ensure that these adequately address the need for openness, accountability and public participation, to the satisfaction of the Minister”, Council advise the Inquiry that Council at its meeting 10<sup>th</sup> February 2003 (via the 4<sup>th</sup> February Community and Executive Services Committee meeting) agreed to introduce open committees. Open committees have been operating at the City of Belmont since March 2003.***
2. ***In regard to the Inquiry recommendation #2, that “to improve accountability, the Council amends its minute and agenda format to ensure that it gives consideration to the recommended standards of the Minutes and Agenda Guide, to the satisfaction of the Minister”, Council advise the Inquiry that as is outlined in the comment to Recommendation 3 below, the City has already adjusted its Officer Report format. Further though, the Minister be provided with a copy of the City’s Standing Orders and a set of minutes/agendas to enable him to be personally satisfied with the City’s present practices.***
- 3(a) ***In regard to the Inquiry recommendation #3, that “to improve accountability and openness, the Council amends its officer reporting format, to ensure that it adopts a means of recording the report author(s) and gives consideration to the format recommended in the Minutes and Agenda guide, to the satisfaction of the Minister”, Council advise the Inquiry that Council at its meeting of 24<sup>th</sup> March 2003 (via the 11<sup>th</sup> March Community and Executive Services Committee meeting) agreed to adopt the Minutes and Agenda Guide officer report format, adding the heading of ‘Environmental Implications’ but not incorporating the headings of ‘Author’, ‘Signature of Author’, and ‘Senior Officer/Signature of Senior Officer’, noting the budget implications of the additional staff resources required to implement this. The City’s reasons for not incorporating these headings were outlined in the abovementioned meeting report but are again repeated hereunder –***

*Item 12.2 – Continued...*

- **Author – There are a number of issues that arise that could complicate perceptions or ‘trap’ an officer if this title is included. For example,**
  - **what happens if a number of staff contribute to the report, do they all have their names listed?**
  - **what happens if some of those that contribute do not agree with information provided by others (or the recommendation) should they highlight this fact against their name in some way?**
  - **what happens if the Director or CEO just read the report, substantially agree with it, but make only subtle changes, should they include their names?**
  - **what happens if an officer contributes information to a currently existing draft report that results in a different officer who had previously assisted with the report then having an interest (where none previously existed). How can the original officer defend himself against a future claim of non-declaration of financial interest, if their name is highlighted on the top of the report, but in actual fact they had no knowledge of the inclusion of the added part of the report subsequent to their involvement, that ‘gives them the interest’?**
  - **if the secretarial staff assist with grammar or spelling do they add their names also?**

**Further to the above, it is unfortunate that local government officers are required to work in an environment that regularly places them in conflict with members of the public. The CEO feels very strongly that one of his important duties is to protect, insofar as is possible, staff members from physical and verbal abuse. It can be persuasively argued that to identify an officer as the author of a report is unnecessary, and adds an element of danger that could readily be avoided. There is potential for some liability to flow from the naming of officers in reports. The City’s insurers have acknowledged that an increased risk may prevail from the inclusion of officer names in Council/Committee reports outlining in correspondence to the City that “If personal details on Council reports were to be introduced, this could potentially result in a higher exposure of risk factor than does the current procedure. If these new reporting requirements were to be introduced and workers compensation claims were to be incurred, the MWS could take a stronger approach to this issue from an Occupational Safety and Health perspective.”**

**Whilst on the face of it, the inclusion of the officer name has merit, until advice on the above issues is received from the Department, it is considered that for the time being, the divisional name is satisfactory to highlight the area the report emanated from.**

Item 12.2 – Continued...

***If the reason for incorporating the officer name is to highlight possible 'interests' of relevant officers, then this is considered to be addressed by the inclusion of the report title 'Disclosure of Interest'.***

- ***Signature of Author – It would be impractical to develop a procedure to arrange for the signing of individual agenda pages prior to photocopying (for example, what if the officer is unavailable on the day the agendas are printed?) and to have individual agenda items printed as they are prepared and then separately collated into the agenda would result in formatting and indexing problems.***
- ***Senior Officer/Signature of Senior Officer – Clearly the senior officer needs to endorse the report before it is presented to Council. A signature is one way of 'proving that endorsement', but for the reasons outlined in (2) above, the inclusion of this signature on the agenda is impractical.***

***3(b) That the City also draw to the attention of the two peak local government bodies (Western Australian Local Government Association and Local Government Managers Australia (WA)) this issue as it relates directly to their members.***

***4. In regard to the Inquiry recommendation #4, "that the Council adopts a policy that requires that all legal advice be reported to it, together with the details of the instruction upon which the advice was sought, and that an adequate record be kept of this information, to the satisfaction of the Minister", Council advise the Inquiry that a policy has been adopted that accommodates the spirit of the recommendation and adequately protects the City's legal professional privilege, namely -***

#### **REPORTS ON LEGAL ADVICE TO COUNCILLORS**

##### **Policy Objective:**

**To ensure that Elected Members are informed of all legal advice received by the City, including the instructions upon which the legal advice was sought, and this be undertaken in a manner that does not compromise the City's Legal Professional Privilege.**

*Item 12.2 – Continued...***Policy Statement:**

**The Local Government Act provides for Elected Members to have access to any information held by the City that is relevant to the performance of those Elected Members in their role as Councillor.**

**Legal advice received by the City will, in certain circumstances, impact upon the performance of an Elected Member, and as such the Chief Executive Officer will cause a report to be provided regularly to Councillors to inform them of all substantive requests for legal advice, and the legal advice given in response to such requests.**

**The report is to be provided in a format that protects the City's Legal Professional Privilege. Legal Professional Privilege is a rule of law that protects the confidentiality of communications between a lawyer and client. The privilege belongs to the client and may only be waived by the client. The waiver or loss of Legal Professional Privilege can be caused through the conveying of a summary of that advice to an interested party or through publication in Council's meeting agendas and minutes.**

**An Elected Member who subsequently wishes to peruse the full details of legal advice identified in related report items presented to Committee / Council or the regular legal advice report, shall make an appointment with the Chief Executive Officer or Deputy Chief Executive Officer, who will give the Elected Member a reasonable opportunity to view the details, without taking copies or notes.**

**This Policy Supported by:**

Head of Power:  
Division 7  
Register of Delegations  
Management Policy/Procedures  
Corporate Plan Links  
05/1(b)

Loc. Gov. Act Part 5,  
N/A  
Reference No:  
Organisational Strategy

**Amendment Status:**

Amendment No:  
Date of Amendment:  
Minute Item Reference:  
Brief details of amendment:

Item 12.2 – Continued...

5. ***In regard to the Inquiry recommendation #5, “that the Council adopts appropriate complaint handling processes and procedures, to the satisfaction of the Minister”, Council advise the Inquiry that the City has a formal Complaints Handling Procedure, which has been in place since August 2001, further, that a copy be provided to the Minister.***
6. ***In regard to the Inquiry recommendation #6, that “the Council reviews its Code of Conduct to ensure that the Code adequately addresses probity and conduct issues identified in this report, particularly in respect of the position of Chief Executive Officer, to the satisfaction of the Minister”, Council advise the Inquiry that the City’s Code was last reviewed on 28<sup>th</sup> April 2003 and that several changes to the Code have been made that relate specifically to the abovementioned recommendation. Further, that a copy of the amended Code be provided to the Minister for his reference.***
7. ***In regard to the Inquiry recommendation #7, that “the Council ensures its contractual arrangements with consultants adequately address probity and conduct issues identified in this report, to the satisfaction of the Minister”, Council advise the Inquiry that a copy of the current contract with Urban Focus (the consultant for The Springs) is being reviewed by McLeods (Council’s Solicitors) to ensure that it does in fact “adequately address probity and conduct issues”. Upon completion of the review, it will be forwarded to the Minister to ensure that he is completely satisfied with the document.***
8. ***In regard to the Inquiry recommendation #8, “that the Council develop and introduce a policy to provide probity controls over issues such as incompatible activities, particularly related to the position of Chief Executive Officer and senior employees, and that this policy covers issues such as involvement in land, other than the principal place of residence in the City, to the satisfaction of the Minister”, Council advise the Inquiry that the City’s Code was last reviewed on 28<sup>th</sup> April 2003 and that a change to the Code have been made that related specifically to the abovementioned recommendation (vis. advising Council of the purchase of any land in the City). Further, that a copy of the amended Code be provided to the Minister for his reference.***

Item 12.2 – Continued...

9. ***In regard to the Inquiry recommendation #9, that “Council amends its rules, processes and procedures for all its committees and working groups to ensure that they observe all relevant aspects of the Local Government Act 1995 including disclosure requirements, to the satisfaction of the”, Council advise the Inquiry that –***
- ***the Chief Executive Officer has instructed staff to incorporate all “decisions of Council” within the publicly distributed minute books;***
  - ***the operational ‘rules’ for the Executive Committee be clarified (via the 5<sup>th</sup> May 2003 Special Council meeting) to make it clear that this Committee has a role to play beyond the (January recess authority to act) delegation provided to it by Council; and***
  - ***at the next scheduled meeting of the Executive Committee, it will include the adoption of the 9<sup>th</sup> July 2001 Executive Committee minutes.***
10. ***In regard to the Inquiry recommendation #10, “that the Department of Local Government and Regional Development considers taking action against Mr Evans for not complying with the obligations placed on him in regard to financial interest provisions of the Local Government Act 1995”, Council note that this recommendation will be referred to the Department of Local Government and Regional Development (directly by the Inquiry) for its consideration and that no Council action is required.***
11. ***In regard to the Inquiry recommendation #11, “that the Council put in place suitable policies and procedures for the calling, assessment and acceptance of tenders to ensure efficiency, effectiveness and probity, to the satisfaction of the Minister”, Council advise the Inquiry that in order to ensure clarity of the City’s tender process, that Council Policy C 3.5.2 has been amended to read as follows: -***

**“C 3.5.2 TENDERS – CALLING, ASSESSMENT AND ACCEPTANCE**

**Policy Objective:**

**To ensure that tenders are called, assessed and accepted in an efficient and effective manner by ensuring compliance with the relevant Local Government tender regulations and to delegate authority to the Chief Executive Officer to accept certain tenders for budgeted items.**

*Item 12.2 – Continued...*

**Policy Statement:**

**It is the role of the Council to oversee the allocation of the local government's finances and resources. In doing so Council adopts a budget each year which indicates the level of spending and the need to acquire and replace assets. It is the operational responsibility of the Chief Executive Officer to manage this process. In doing so it is understood that the Chief Executive Officer will authorise the calling of tenders where the approved budget expenditure falls within or above an amount specified in the Tender Regulations.**

**The Chief Executive Officer shall ensure that there is an accountable, efficient, and effective process in place in regard to the assessment of tenders and that in addition to the relevant Local Government tender regulations, the Australian Standard Code of Tendering AS 4120 – 1994 (as amended) is to be used as a guide in this respect.**

**In addition the Local Government Act makes provision for the Council to delegate to the Chief Executive Officer the acceptance of tenders where the amount falls within limits set by Council. Council adopts the view that there are a number of tenders called each year which could be accepted by the Chief Executive Officer where they are tenders for annual supplies of a routine operational nature, where they are for replacement items and where the expenditure is not considered to be significant.**

**The Chief Executive Officer is delegated the power to accept tenders where there is a Council budget."**

- 12. *In regard to the Inquiry recommendation #12, "that a copy of Part 2 of this report dealing with proposed Town Planning Scheme 13 is referred the Department of Planning and Infrastructure for consideration of appropriate action", Council advise the Inquiry that we will refer a copy of Part 2 of the City of Belmont Inquiry Report (dealing with proposed Town Planning Scheme 13) to the Department of Planning and Infrastructure for its consideration of appropriate action.***

Item 12.2 – Continued...

13. ***In regard to the Inquiry recommendation #13, that “the Council needs to develop appropriate policy and procedures in relation to the financial management of town planning schemes and developments”, Council advise the Inquiry that a new Council Policy has been adopted to reinforce the City’s desire for sound financial management for all major projects, namely:***

**Financial Management – Major Land Transactions**

**Policy Objective:**

To ensure specific financial management is applied to Major Land Transactions (a Major Land Transaction would be defined as per S3.59 the Local Government Act, and as a consequence, be the subject of the preparation of a Business Plan).

**Policy Statement:**

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

Where a City project team has been appointed, financial management reports are to be provided at least monthly. The process of this specific financial management is not to replace the requirement to record all income and expenditure transactions in Council’s Accounting System.

14. ***That a report, outlining concerns with the Inquiry ‘process’ and ‘administration’ be referred to the relevant stakeholders in order to assist with a review of the current Department of Local Government inquiry procedures.***

**CARRIED 9 VOTES TO 1**

***For: , Blair, Godsell,  
Powell, Richardson  
Passeri, Doney, Marks  
Teasdale, Murfin***

***Against: Godfrey***

Item 12.2 – Continued...

**RICHARDSON MOVED, MURFIN SECONDED, that –**

- 1. Council acknowledge the extra workload undertaken on behalf of the people of the City of Belmont, by the Chief Executive Officer, Directors, Managers and all staff to respond to the 2002-2003 Local Government Inquiry.**
- 2. Due to his leadership and example through the Inquiry process, that Council re-affirms its support for the Chief Executive Officer.**
- 3. Council extends a vote of confidence and appreciation to all the organisations and persons who supported the City of Belmont during the Inquiry.**

**CARRIED 10 VOTES TO 0**

**12.3 REPORT OF THE INQUIRY INTO THE CITY OF BELMONT  
– COUNCIL COMMENTS AND PUBLICITY\*\***

**\*\* Attachment 2 – Item 12.3 refers**

Report by Chief Executive Officer

**APPLICATION**

To endorse the City's comments to the *'Report of the Inquiry into the City of Belmont'* and to make public these comments.

IS THIS PROPOSAL CONSISTENT WITH COUNCIL'S CORPORATE PLAN?	N/A
--	-----

**BACKGROUND**

The *'Report of the Inquiry into the City of Belmont'* has been concluded and the previous item dealt with the recommendations contained within that report.

Over the term of the Inquiry, Councillors, officers and the City's solicitors have contributed to developing responses to the various draft reports' content. Officers have co-ordinated both from previous submissions to the two draft Inquiry reports, as well as added information as a result of the availability of the final report, 'City Comments' to the various 'paragraphs', 'findings' and 'recommendations' of the final version of the City of Belmont Inquiry Report.

The attached 'consolidated' document would be extremely valuable to any person interested in interpreting and understanding the report as they would have the advantage of being able to read the Inquiry's report segments and directly below each 'segment' have the advantage of also being appraised of the City's comments.

The attached report could be made available to the community of the City of Belmont, other local governments in Western Australia and any other interested parties via the City of Belmont Web Page and the Ruth Faulkner Library.

**COMMENT**

The inquiry into the City has created a good deal of community and industry interest and provision of the attached report will greatly assist all concerned in being able to peruse the report content, as well as Council's 'formal response' to that content.

*Item 12.3 – Continued...*

**OFFICER RECOMMENDATION**

That Council make the attached report publicly available, primarily via the City of Belmont Web Page and the Ruth Faulkner Library.

***BLAIR MOVED, TEASDALE SECONDED, that Council make the attached report publicly available, primarily via the City of Belmont Web Page and the Ruth Faulkner Library.***

**CARRIED 10 VOTES TO 0**

**\*\*\*9.21pm Cr Dornford returned to the Chamber.**

### **13. REPORTS OF DELEGATES**

#### **13.1 CR PASSERI - EMRC – CELEBRATION OF 20 YEARS**

On Saturday evening 29th March 2003 during their Annual Dinner, the Eastern Metropolitan Regional Council celebrated the 20<sup>th</sup> year of their formation. I, together with Councillors Blair and Richardson, attended as the City of Belmont Delegates to the EMRC, together with Officers from the City who are involved with EMRC processes, also attended. The evening was a great success with current and past Councillors and Officers enjoying videos of the past, present and future presentations. Mr Brian Bushby received an award for 20 years of service. For those who are not aware Brian also worked at Red Hill from 1981 to 1983 for the Eastern Refuse Zone prior to the EMRC being formed.

As the current Chairman I gave a brief history of the EMRC from its inception to the present and I thought a summary of this may be of interest to some of you.

The Eastern Metropolitan Regional Council (EMRC) was established in 1983. The forerunner to the EMRC was the Eastern Refuse Disposal Zone which was formed under the Health Act and comprised of the Town of Bassendean, City of Belmont and the then Shires of Bayswater and Swan and the Shire of Mundaring. The purpose of the Zone was to discuss common problems and examine joint solutions for waste disposal which at that time was commonly literally dumped in low lying areas along the Swan River.

As I had been the Deputy delegate to the Eastern Zone from 1982 and to the EMRC from 1983 to 1993, then the delegate from 1994 to the present and having the privilege of Chairing the EMRC from 1996 to the present, I have observed and been involved with the development of the EMRC from a small beginning to the dynamic organisation which it is today I would like to share some of its history with you.

The zone was involved only in the disposal of refuse. Bassendean and Bayswater shared a tip on the Swan River foreshore near Garratt Road Bridge, Swan had a site at West Midland on the river, and Belmont a site near Ascot on the river, whilst Mundaring had its own site in the hills.

Members of the Zone recognised that with the environmental movement of the 1970s it would no longer be acceptable to dispose of waste along the Swan River and developed a plan to provide for joint disposal through a Regional Council. It was found that it was not possible to form a Regional Council under the provisions of the Local Government Act 1961 and Zone members were instrumental in having appropriate amendments enacted which made this possible. The amendments became effective on 13th October 1983.

*Item 13.1 – Continued...*

The inaugural meeting of the Eastern Metropolitan Regional Council was held at Local Government House, then at 134 St George's Terrace, Perth on 2nd November 1983 at 3.00pm. Those present were:

Councillors	Neville Davies, City of Bayswater Daryl Ferguson, City of Belmont John Paterson, Town of Bassendean Tom Broz, Shire of Mundaring Carl Aloj, Shire of Swan
Observers	Cr Peter Passeri, City of Belmont Mr Eddie Burton, Town Clerk, City of Belmont Mr Kevin Lang, Town Clerk, City of Bayswater Mr Ken Park, Chief Health Surveyor, City of Bayswater Mr Clarry McCreed, Town Clerk, Town of Bassendean Mr Laurie Piggott, Engineer, Shire of Mundaring Mr Ron Coffey, Shire Clerk, Shire of Swan

A technical committee comprising a regional Councillor as Chairman and technical officers from each of the member Councils was established. The first meeting of that committee was attended by the following members:

Cr Daryl Ferguson, City of Belmont. (Chairman)  
Mr Ken Park, City of Bayswater. (Secretary)  
Mr Eddie Burton, City of Belmont  
Mr Ray Christiansen, City of Belmont  
Mr Laurie Piggot, Shire of Mundaring  
Mr Ted Bromfield, Shire of Mundaring  
Mr Gordon Florence, Shire of Swan  
Mr Gavin Watters, Shire of Swan  
Mr Rob Milne, Town of Bassendean  
Mr Neil Flood, Town of Bassendean

Prior to the formation of the Regional Council a 25.7 hectare site at Red Hill owned by the City of Bayswater was officially opened as the refuse disposal site for members of the Zone on 23rd October 1981.

The site was managed and operated by the City of Bayswater, with staff being Brian and Heather Bushby.

Following constitution of the Regional Council each of the member Councils contributed loan capital to purchase the land from the City of Bayswater and the other assets which had been constructed or acquired to maintain and operate the refuse disposal site. The loans were repaid through charges at the weighbridge into the Red Hill Disposal Site.

*Item 13.1 – Continued...*

In those early days approximately 25,000 to 30,000 tonnes of waste were deposited per year. Currently the amount of waste varies from 200,000 to 300,000 tonnes per year depending upon the levels of contaminated soils generated in the metropolitan area.

In 1985 management of the site passed to the Shire of Swan. Technical and financial expertise was provided by the officers of the Shire of Swan with Mr Gavin Watters being appointed Regional Engineer and Mr Cliff Frewing the Regional Treasurer. A part time Secretary was also appointed.

In 1986 the late Bill Mann was appointed as Secretary on a part time basis and the EMRC acquired a further 78.5 hectares of land to the East of the original lot. The air space in this location is being rapidly consumed following environmental and development approvals in 1991.

In 1988 the EMRC employed an Occupational Health and Safety Officer to service the needs of the member Councils. There are now four officers in this section.

In 1991 in response to a request from member Councils and their growing need for Local Government to include environmental assessments in their development applications and work operations, an Environmental Officer was employed. There are now three to four full time officers providing consulting advice to member Councils and environmental monitoring at Red Hill and eight other officers involved in a range of other projects on behalf of member Councils funded through grants and member contributions.

Following a study and analysis of the operations of the EMRC in response to its growth, not only in tonnages of waste but increased environmental complexities and other diversifications, it was resolved to set up an independent administration. Subsequently Mr Gavin Watters was appointed as full time General Manager in 1992 with a small support staff in leased offices at 226 Great Eastern Highway, Belmont. This location was chosen after a full analysis of accessibility for member Councils and the many other developing stakeholders. At that time there was a total of approximately 10 to 12 employees with an annual operating income of approximately \$2 million.

In 1995 the Shire of Kalamunda became a member of the EMRC and in 1998 the Eastern Metropolitan Local Authorities Group (EMLAG) was amalgamated with the EMRC to form the Regional Development Unit. The amalgamation was provided for in the Establishment Agreement which replaced the EMRC Constitution in 1998.

In February 1997 the EMRC purchased an industrial property in Hazelmere as a possible site for waste management operations, this is still under consideration.

*Item 13.1 – Continued...*

In 1998 the EMRC purchased an additional 160 hectares on the eastern side of the current disposal site at Red Hill bringing the total amount of land at Red Hill to 272 hectares. A little later in 1998 the building in which we were renting a small office, a two storey office block (Ascot Place) was purchased for office accommodation and other adjoining properties have also been purchased since then to provide further car parking requirements.

To further assist the Council in decision making in addition to the Technical Advisory Committee, three more committees have been established -

- The Chief Executive Officers Advisory Committee. The CEO of each member Council and the CEO of the EMRC make up this committee.
- The Strategic and Secondary Waste Treatment Committee. A mixture of Council members and technical officers make up this committee.
- The Image Identity Review Committee. This committee also has Council members and officers as members.

The net result of this has placed the EMRC in a strong position to better serve its members and the region and has been achieved on the basis of strong strategic planning which has set a clear direction to provide a wide infrastructure for waste management into the future and accommodation for professional staff to provide services relating to:-

- Waste Management
- Risk Management
- The Environment
- Regional Development

Since 1992 turnover has grown from approximately \$2 million to \$11 million per annum, staff numbers have grown from 10 or 12 to 70 and the value of the organisation has grown from approximately \$5 million to \$30 million.

The major initiative currently is the EMRC's progress toward developing resource recovery to treat waste as a resource, and divert it from land fill.

I hope that those who took the time to read this now have some appreciation of the enormous capacity and planning for the future that the EMRC and the member Councils of which Belmont is one of the founding members, has achieved over the past 20 or so years.

**BLAIR MOVED, POWELL SECONDED, that the report of Cr Passeri be noted and received.**

**CARRIED 11 VOTES TO 0**

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

The Mayor invited all Councillors who are either retiring or standing for re-election to give a brief presentation.

Councillors Doney, Godsell, Marks, Murfin and Teasdale all gave presentations. Each spoke briefly on the progress they had seen in their various terms on Council. They thanked other Councillors and the staff of the City for their support and assistance.

The Mayor thanked all Councillors for their assistance and support during his term as Mayor.

The Chief Executive Officer responded on behalf of the City's staff, offering all Councillors best wishes for the future.

*Note: Presentations that were provided in writing, are attached.*

#### 15. MATTERS FOR WHICH MEETING MAY BE CLOSED

\*\*\*9.43pm

**GODFREY MOVED, MARKS SECONDED**, that in accordance with Section 5.2.3(2)(c), (d) and (e) of the Local Government Act, Council proceed behind closed doors to discuss item 15.1

**CARRIED 11 VOTES TO 0**

The Mayor requested all those present to depart, with the exception of Councillors and officers.

##### 15.1 TENDER – SALE OF LOT 500 (14) FAIRBROTHER STREET, BELMONT – (FORMER) CITY OF BELMONT WORKS DEPOT

In accordance with section 5.23 (2)(c), (d) and (e) of the Local Government Act 1995, this item is to be closed to the members of the public.

**MARKS MOVED, POWELL SECONDED**, that the public again be invited to return to the meeting and that the motion passed behind closed doors be read.

**CARRIED 11 VOTES TO 0**

Item 15.1 – Continued...

The Chief Executive Officer read aloud the motion passed behind closed doors, namely:

“GODFREY MOVED, TEASDALE SECONDED -

1. That Council reject the two tenders from Landvest Holding Nominees Pty Ltd and Station Square Pty Ltd and advise the tenderers accordingly;
2. That pursuant to Regulation 30 of the Local Government (Functions and General) Regulations 1996, Council place Lot 500 (14) Fairbrother Street, Belmont on the open market for sale by private treaty;
3. That subject to confirmation by, and the inclusion of any conditions recommended by Council’s solicitors, Council require a prospective purchaser, as a condition of sale, to enter into a Deed with the Council (protected by an absolute caveat) with the following terms: -
  - (a) Developments acceptable to the Council for the site in order of preference
    - *Offices – preferably a minimum of 4 storeys.*
    - *Medical or surgical type centre (similar to Perth Surgicentre, 38 Meadowvale Avenue, South Perth).*
    - *Predominately office with quality showrooms/warehouse.*
    - *Any acceptable quality development that demonstrates benefit to the whole community.*
    - *Preferably under croft car parking and attractive landscaping.*
  - (b) Proposals not permitted
    - *Residential Development.*
    - *Subdivision of land without an integrated development proposal acceptable to the Council.*
4. That Council will only consider offers to purchase Lot 500 (14) Fairbrother Street, Belmont that meet the following minimum criteria (subject to any other criteria or variation to criteria recommended by Council’s solicitors): -
  - (a) *Minimum Selling Price – (As set out in the report).*
  - (b) *Proposed development within Council guidelines (willingness to enter into Deed).*
  - (c) *Settlement within six months of acceptance.*

CARRIED 11 VOTES TO 0”

**16. CLOSURE**

There being no further business to discuss, the Mayor declared the meeting closed at 9.53pm.

## **PRESENTATION FROM COUNCILLORS ORDINARY COUNCIL MEETING 28 APRIL 2003**

Cr Peter Passeri, Mayor

As this is the last meeting before the Elections, I will take this opportunity to thank my colleagues, especially Cr Blair, Deputy Mayor and the Chairpersons of the various committees, Councillors Doney, Godfrey, Godsell and Richardson, and all of the staff and our officers led by our Chief Executive Officer, Bruce Genoni for their help and assistance during the course of the last two years during a difficult time for this City. I thank you for remaining forever aware that we were always under constant scrutiny and pressure to perform our duties and provide our community with good governance, and that we did, well done.

To those who have just spoken that are facing an election, good luck. To Councillors Godsell and Murfin who have chosen to retire, thank you for your efforts during the years spent as an elected member of this wonderful City, Mike and Jackie enjoy your new lifestyle at Dunsborough and to Andrew and Sharon in whatever you choose to do, also good luck and God bless you.

Thanks must also be given to my wife Lorraine, for without her understanding and patience during this term I would not have been able to carry out my duties, thanks love.

In closing, I consider it a privilege to have been your Mayor during this difficult time. I have enjoyed the support from you all and the community at large.

Yes, I will be seeking your support for re-election next week.

Thank you all.

## Cr Mike Godsell

Thank you Mr Mayor for giving me the opportunity to say a few words.

I was elected onto the Belmont City Council in 1989 (way back in the last century), which means that I have been a Councillor for 14 years.

This building has seen, including those Councillors present, 21 Councillors who each added or took away from the job at hand, which was to steer the City of Belmont forward in such a way as to not miss out on the unique opportunities that were about to unfold in the early 90's.

As we all well know now, there was a 'boom time' through the 90's, and through extremely careful planning and the 'vision' of many of the Councillors and staff of the day, we were able to ride the crest of the 'opportunity wave'. Never in the history of this City, has so much been achieved in so short a time.

I would like to point out a few examples:-

- The Bart Clayden outdoor swimming pool, built in 1971 is now our wonderful award winning 'Oasis Leisure Centre', attended by millions of people.
- The upgrading of Orrong Road to link with the Northbridge tunnel which has helped our real estate values to increase dramatically (among other things).
- The rezoning of our heavy industrial area in central Belmont to Business Enterprise, was a master stroke by our officers.
- We boast about 16% of hotels in the metro area along Great Eastern Highway.
- We have been working very hard to bring our 11kms of river foreshore back to the people. Garvey Park, Bristle Park, Adachi Park and Black Swan Island to name just a few.
- The unsightly smelly rubbish dump, next to the river, the 'Eastway Drive-In Cinema' and the Bristle Pipe Works, which with a great deal of 'vision' has now been transformed into the multi award winning, multi million dollar prestigious 'Ascot Waters' and marina – the jewel in Belmont's crown and recognised all over Australia as a unique project.
- Tomato Lake has been continually improved and is now a magnificent regional facility for all to use and enjoy.
- After long negotiations, we now have 10 cinemas, which of course are very necessary in any modern city.
- Over 14 years, the shopping centres have improved out of sight, which with multi million dollar upgrades to enhance the aesthetics of the centre of our city.

- The upgrading of Epsom Avenue to cater for the new suburbs of Flemington Chase and Ascot Gardens.
- Our well planned 'Faulkner Park Retirement Village', which of course is still owned by Council.
- 'The Springs' will be another of our prestigious areas with views to the city when completed.
- The 'Tibradden' housing estates stages one and two were a huge success.
- We now have a brand new works depot at no cost to the ratepayers, due to our fine management team, and will last for many years into the future.
- The St. John of God hospital site, the Hardey Park site, the Sandringham Hotel site and the Belmont Bowling Club site will all finish up with magnificent developments on them to bring us into the 21<sup>st</sup> century.
- Our City of Opportunity strategy was introduced at exactly the right time and has also been a huge success.
- Our rate increases and more importantly, our loan borrowings over the years have been kept to an absolute minimum, showing extremely clever management by our team of senior staff with the way they have each responsibly handled their allotted budgets.

Our city has been managed extremely professionally over these years which has enabled us to take advantage of the opportunities as they presented themselves. You must admit, it is quite an impressive list.

The slogan of my last conference was "Who Dares Wins", and as far as I am concerned, "we dared and we are winning".

Many people would not be aware of the fact that the Belmont Main Drain now runs through the lakes of the Ascot Racecourse which dramatically reduces the pollutants that used to escape into the Swan River – another Council initiative.

We now have two brand new community centres, one in Rivervale and one in Redcliffe, and both working very well.

Our parks and related facilities are second to none.

When our Administration Building has been refurbished, it will be one of the most efficient in Western Australia.

The Olympic Torch came through our city in the year 2000.

It has not been hard to show that over the last 14 years, the City of Belmont has come a heck of a long way and progress and a better way of living only comes from vision, forward planning, leadership and hard decisions.

I have been privileged to have served on the Belmont City Council and to have served with the many other people (Councillors and staff) who, through their vision, loyalty, determination and teamwork have transformed Belmont into an inner city address.

On Belmont's doorstep we have two racecourses, the International Airport, the WACA, Gloucester Park, the five star Burswood Hotel, the world class casino, convention centre and theatre, the Dome exhibition building, Burswood Golf Course, Trans Continental Railway Terminal and what will become the very prestigious address of Burswood Lakes, which is now a reality and will cost upwards of \$700,000,000 and house some 3000 people over a 17.1 hectare site. All of this is on our doorstep – we truly are the City of Opportunity.

Over the last 16 months or so, we have been subjected to an 'Inquiry' which has cost hundreds of thousands of dollars, and even though the Department's approach was one of 'presumed guilt', the Minister stated in Parliament that there was insufficient evidence to conclude that the Council had failed to provide good local government.

Ms Ricky Burges, CEO of the WA Local Government Association said that this 'wasted inquiry' did not have the ability to separate 'vexatious' complaints and 'dirty politics' from legitimate community concerns. She went on to say that the ratepayers at the City of Belmont should be outraged and the Minister should look at the internal workings of his own department and get that house in order before attempting any more 'inquiries'.

It should be strongly pointed out at this stage that the complaints from the community that caused this Inquiry only came from an extremely small vocal minority group of about 20 people.

The very lengthy report contains findings and recommendations only, but conveniently shows none of the responses sent to the Inquiry by the City to dispute many of their claims.

The City of Belmont, as you saw here tonight, has released a 'complete' report which contains 'both sides' of the arguments and until this document has been read in its entirety, and then only by people with a complete understanding of local government law and local government process, before being able to be in a position to comment on its contents in any way. To do so would get 10 out of 10 for ignorance.

It is interesting to note that the only two Councillors involved in calling this Inquiry, are the only two Councillors up for further investigation on possible breaches of the Local Government Act, and Cr Dornford has already been made to appear in the Court of Petty Sessions to answer charges put by the Electoral Commission for possible breaches of the Electoral Act.

This wonderful city of ours is too important to be bogged down by outsiders, so let's hope that we have appeased these people and that we can now all sensibly pull together as a team and truly make Belmont a wonderful place to work and live.

May I conclude by saying that it has been a very rewarding 14 years for me and I would like to thank Jackie, my wife, for her support and putting up with the late nights and my whole family for getting involved, especially at election time.

I want to thank my fellow Councillors, past and present, for allowing me to be part of that progressive team that has shaped this city and a very sincere 'thank you' to all of the senior staff, as without you over the years, I am convinced that the city would not be where it is today.

***He who dares wins – we dared and we are still winning!!!!***