



**City of Belmont**  
**ORDINARY COUNCIL MEETING**  
**MINUTES**  
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**30 NOVEMBER 2004**

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**ATTACHMENTS INDEX**

- \*\*Council Attachment 1 – Item 6.2 refers**
- \*\*PD Attachment 2 – Item 11.1.2 refers**
- \*\*PD Attachment 3A, B, C & D – Item 11.1.3 refers**
- \*\*PD Attachment 4 – Item 11.1.7 refers**
- \*\*WT Attachment 5 – Item 11.2.1 refers**
- \*\*WT Attachments 6 A, B, C & D – Item 11.2.3 refers**
- \*\*CS Attachment 7 – Item 11.4.5 refers**
- \*\*CS Attachment 8 – Item 11.4.6 refers**
- \*\*CS Attachment 9 – Item 11.4.7 refers**
- \*\*Confidential Separate Attachment 10 – Item 13.1 refers**
- \*\*Confidential Separate Attachment 11 – Item 13.2 refers**

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

**MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 30 NOVEMBER 2004, COMMENCING AT 7.00PM.**

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**PRESENT**

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

**IN ATTENDANCE**

Dr Shayne Silcox	Chief Executive Officer
Mr N Hartley	Deputy Chief Executive Officer
Mr N Deague	Director – Development
Mr R Lutey	Director – Engineering
Mr S Cole	Director – Corporate Services
Mr P Varris	Manager – Administrative Services

**OBSERVERS**

Nil.

**MEMBERS OF THE GALLERY**

There were 18 attendees in the gallery.

**1. OFFICIAL OPENING**

The Mayor opened the meeting at 7pm and welcomed those in attendance. The Mayor made the following statement –

*“On opening I would like to welcome my fellow Councillors, Officers and members of the public to the City’s first Ordinary Council Meeting under the new three weekly meeting cycle.*

*At Council’s October meeting, the new three weekly cycle of Council meetings was adopted, and last week the City held the first Agenda Briefing Forum, leading into this meeting. I am confident that this process will lead to better informed decision making, and a greater responsiveness to our customers.*

*Some of those in the gallery will have had the opportunity to have the process explained to them in more detail by the gallery briefing officer, and I trust that this helps outline the level of involvement available to the public at this meeting. Public participation at a Council meeting is in the form of a 30 minute question time period.*

*Unlike the Agenda Briefing Forum, tonight is Council’s formal decision-making forum, where matters can be debated and majority decisions made.*

*The three weekly cycle of meetings is new, we are trialling it, and if over time, it needs to be modified or improved, we will make changes in due course. If the success of the first Agenda Briefing Forum is a benchmark, I look forward to a very productive meeting this evening.”*

**2. APOLOGIES & LEAVE OF ABSENCE****2.1 APOLOGIES**

Nil.

**2.2 LEAVE OF ABSENCE**

Nil.

**3. DECLARATIONS OF INTEREST****3.1 FINANCIAL INTERESTS**

*A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.*

*Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.*

<b>Name</b>	<b>Item No.</b>	<b>Nature of Interest (and extent, where appropriate)</b>
Cr A Richardson	12.1	Information Bulletin dated 12/11/04 contains details of Subdivision Clearance (Appl. 52/2004) for which he and his spouse are applicants, and was subject to a determination under delegated authority.

**3.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY**

*Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision making procedure. The member / employee is also encouraged to disclose the nature of the interest.*

<b>Name</b>	<b>Item No.</b>	<b>Details of Interest</b>
Mr Neville Deague	11.1.3	Schedule of names reserved for Streets and Parks includes the name 'Deague' – being his grandfather.
Crs Passeri, Richardson, Rossi, Blair, Grant, Bass, Godfrey, Marks, Powell, Teasdale, Whiteley.	11.1.4	As Councillors, may use election signage in future elections.
Cr G Grant	11.1.5	Pindan Constructions is a client of Cr Grant's business.

**4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS****4.1 ANNOUNCEMENTS**

Nil.

**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 of 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.*

*The City of Belmont wishes to advise that any plans or documents contained within this agenda may be subject to copy right law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.*

**\*\*\*7.06pm      The Chief Executive Officer read aloud the disclaimer.**

The Mayor noted that he intends to review the requirement of having the disclaimer read aloud at Agenda Briefing Forums and Council Meetings, with the view of it simply being drawn to the attention of the gallery.

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

Nil.

## 5. PUBLIC QUESTION TIME

**\*\*\*7.08pm** The Mayor drew the public gallery's attention to the rules of Public Question Time as written in the agenda. In accordance with rule (I), the Mayor advised that he had registered four members of the public who had given prior notice to ask questions, these being – Mr Ray Harris, Mr Paul Hitt, Mr John Maguire and Mr Michael Ryan.

The Mayor invited the public gallery members, who had yet to register their interest to ask a question, to do so. No further registrations were forthcoming.

### 5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

The following questions were taken 'On Notice' at the Ordinary Council Meeting held 26 October 2004.

#### 5.1.1 Mr Michael Ryan, 60 Riversdale Road, Riverdale

Mr Ryan referred to Council's acquisition of 73 Gladstone Road and 74 Surrey Road, Rivervale for public open space with this being funded from proceeds of the sale of Orana Park. Mr Ryan further referred to valuations and property transactions in respect to the land acquired and asked:

1. In light of Council's resolution (of October 2003) have the Ratepayers of the City of Belmont been required to contribute an additional \$250,000 on these acquisitions.

*The Manager – Administrative Services advised that the Council resolved in August 2003 to reserve for Parks and Recreation under the City of Belmont Town Planning Scheme No.14, Lot 245 (74) Surrey Road and Lot 218 (73) Gladstone Road and seek market valuations.*

*It was reported in February 2004 that an estimated valuation for Orana Park in January 2003 was \$500,000. It was intended that any difference between the sale price of Orana Park and the purchase price of Lot 245 (74) Surrey Road and Lot 218 (73) Gladstone Road would be met from cash-in-lieu of public open space funds. Therefore, the ratepayers of the City of Belmont would not be required to pay for the short fall.*

2. Are Councillors aware that 73 Gladstone Road was sold privately on 16 September 2003 for \$125,000 less than for what Council acquired the property in March 2004?

*The Manager – Administrative Services advised, yes. This was reported in the February 2004 item to the REPOL Committee.*

**5.1.2 Mr Spencer Jones, 192 Keymer Street, Belmont**

Mr Jones asked two questions at the Ordinary Council Meeting held 26 October 2004, the first having been answered at that meeting.

2. Why did a letter advising residents that the proposed Child Care Centre would be considered at the Planning and Development Committee meeting last week and at the Council meeting this evening only go to the six residents immediately adjacent to the subject property and not to all those residents who had signed the petition?

*The Manager – Administrative Services advised that it has been the practice of Council's Planning Department that only those persons who lodged submissions would be advised to attend the Committee meeting. Those who signed a petition were not advised to attend the Committee meeting as this would present an unreasonable administrative requirement.*

**5.1.3 Mrs Gail Fitzpatrick, 131 Sydenham Street, Rivervale**

1. What price was paid per square metre for the Gladstone Road/Surrey Road properties and what valuation price per square metre is the Orana Park property valued at?

*The Manager – Administrative Services advised that Lot 245 (74) Surrey Road had a valuation price of \$526 per m<sup>2</sup> in February 2004. Lot 218 (73) Gladstone Road had a valuation price of \$552 per m<sup>2</sup> in February 2004. Reserve 27040 (197) St Kilda Road (Orana Park) had a valuation price of \$286 per m<sup>2</sup> in January 2003.*

**5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC****5.2.1 Mr Ray Harris, 481 Abernethy Road, Cloverdale**

1. Will the City do speed mounds (similar to that in Fern Road, Wilson in the City of Canning), on Kooyong Road, 50m from Campbell Street on the shop side?

*The Director – Engineering advised that the City is not aware of a speeding problem in Kooyong Road near the shops, but the location will continue to be routinely monitored and consideration may be given to treatments to supplement the existing roundabout at Francisco Street and slow point at Gerring Court if a problem develops at some time in the future.*

**5.2.2 Mr Paul Hitt, 14 McLachlan Way, Belmont**

Mr Hitt referred to the newly formed Belmont Business Advisory Group and asked –

1. Since the residents of Belmont will be affected by the flow on affects from advice presented by this business group to Council, why isn't there residential representation within this group?

*Item 5.2.2 Continued.*

*The Mayor advised that a number of members are residents as well as business owners.*

*The Chief Executive Officer advised that the Group acts in an advisory capacity only, it makes no decisions, with all matters being referred to Council for consideration in due course.*

2. What safeguards has Council in place to guarantee that the proposed Mixed Use Zone will not disadvantage the retailers within the smaller shopping precincts?

*The Director – Development advised that the on-going viability of the strip neighbourhood and local shopping centres was of concern to the Council. As a result, the Council has spent considerable funds on improving the streetscapes outside these shopping centres, anticipating that the shop owners would reciprocate by improving shop facades.*

*The Council has made a submission to the Western Australian Planning Commission as part of the 'Dialogue with the City' for a grant for the revitalization of these commercial centres. The retailing component in the 'Mixed Use' zone is mainly directed to the sale of bulky goods. A Report has been prepared by a Consultant engaged by Council that proposes the creation of 'Warehouse -Retail' for a specific area, which usually involves a stand-alone building that may sell discount department store items. This Report is open for public submissions. It is considered that this type of retailing will not adversely affect existing neighbourhood and local centres.*

### **5.2.3 Mr John Maguire, 11 Hillcrest Road, Kewdale**

Mr Maguire referred his previous questions in respect to problems with floor drainage and the general condition of the 'family change room' at the Belmont Oasis Leisure Centre and queried why has Council not undertaken any work to rectify these problems?

*The Deputy Chief Executive Officer noted that the 'family change room' is the disabled persons' change room and that the Oasis management had investigated a number of possible solutions to the problem, including the use of a 'drainage' mat. Notwithstanding this, the Oasis will shortly be undergoing some major refurbishment and this work could be programmed as a part of this project.*

*The Chief Executive Officer committed to meet with Mr Maguire onsite to discuss the issue further.*

Mr Maguire asked whether Council considers it appropriate for young children of a certain age to be using change rooms of the opposite gender, or whether they should be left to use a same gender change room on their own?

*The Chief Executive Officer advised he understood that there are legislative age provisions set for the use of opposite gender change rooms by children, and further that children under a certain age are not permitted within the Oasis without adult supervision.*

**5.2.4 Mr Michael Ryan, 60 Riversdale Road, Rivervale**

1. Mr Ryan queried why Council had not published in this agenda the responses to his questions taken on notice at the previous Council meeting, and why had he not been advised in writing within the City's customer service charter guidelines?

*The Manager – Administrative Services advised that as the Ordinary Council agenda is prepared between two to three weeks prior to the meeting it refers to, Council Officers had yet to completed their investigations into Mr Ryan's questions before the close of agenda. Unfortunately the response could only be made verbally tonight and will be recorded in the minutes (at item 5.1.1) accordingly. The response should also be confirmed in writing to Mr Ryan within the customer service charter guidelines and under normal circumstance this is normally the case.*

**5.2.5 Mr Paul Hitt, 14 McLachlan Way, Belmont**

1. Will Council re-instate Public Question Time at Agenda Briefing Meetings?

*The Mayor advised that Public Question Time has not been a part of the Agenda Briefing Forum however Public Submission Time is provided.*

*The Chief Executive Officer noted that the process adopted as a part of the three weekly meeting cycle has been developed in consultation with the Department of Local Government and Regional Development and is viewed as contemporary best practice. The Chief Executive Officer referred to the City of Joondalup Panel Inquiry recommendations in respect to Agenda Briefing Sessions which noted that the process could be improved by –*

- *Retaining public access but removing Public Question Time; and*
- *Public who have a specific interest be given an opportunity to address Council provided they make a written request to the CEO 24 hours prior to the session.*

*The City of Belmont provides for Public Submission Time without the need for earlier notification.*

**\*\*\*7.36pm** There being no further questions from members of the public, the Mayor declared Public Question Time closed.

**PROCEDURAL MATTERS TO BE RESOLVED AT THE CONCLUSION QUESTION TIME**

To facilitate Council's resolution of 26 October 2004 in respect to the implementation of the new three weekly cycle decision making process, some procedure matters need to be resolved prior to the formal consideration of matters at this meeting.

**RICHARDSON MOVED, WHITELEY SECONDED, -**

1. That in accordance with clause 3.2 of the City of Belmont Standing Orders Local Law, the order of Business for the holding any ordinary meeting of Council will be –

- a) *Official Opening*
- b) *Apologies and Leave of Absence*
- c) *Declarations of Interest*
- d) *Announcements by the Presiding Member (Without Discussion) and Declarations by Members*
- e) *Public Question Time*
- f) *Confirmation of Minutes / Receipt of Information Matrix*
- g) *Questions by members on which Due Notice has Been Given (Without Discussion)*
- h) *New Business of an Urgent Nature Approved by the Person Presiding or by Decision*
- i) *Business Adjourned from a Previous meeting*
- j) *Reports of Committees*
- k) *Reports of Divisions*
- l) *Reports by the Chief Executive Officer*
- m) *Matters for Which the Meeting may be Closed*
- n) *Closure*

2. That in accordance with clause 3.2 of the City of Belmont Standing Orders Local Law, the order of Business for the holding any Agenda Briefing Forum of Council will be –

- a) *Official Opening*
- b) *Apologies and Leave of Absence*
- c) *Declarations of Interest*
- d) *Announcements by the Presiding Member (Without Discussion)*
- e) *Public Submission Time*
- f) *Ordinary Council Meeting Agenda for Meeting to be held (date)*
- g) *Matters for Which the meeting may be Closed*
- h) *Closure*

**CARRIED 11 VOTES TO 0**

**6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX****6.1 ORDINARY COUNCIL MEETING  
HELD 26 OCTOBER 2004**

**GODFREY MOVED, POWELL SECONDED, that the minutes of the Ordinary Council Meeting held on 26 October 2004, as printed and circulated to all Councillors, be confirmed as a true and accurate record.**

**CARRIED 11 VOTES TO 0**

**6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM  
HELD 23 NOVEMBER 2004\*\***

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

**MARKS MOVED, POWELL SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 23 November 2004 as circulated in the attachment, be received and noted.**

**CARRIED 11 VOTES TO 0**

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

**DISCLAIMER:** Where the City's Administration has provided any assistance to a Councillor, with the framing and / or wording of any motion / amendment / question to the Council, who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion / amendment is solely that of the intended mover and not that of the officer / officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by the City's administration to the Council meeting considering the motion.

Nil.

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

Nil.

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

Nil.

**10. REPORTS OF COMMITTEES**

*NOTE: Regulation 11(da) of the Local Government (Administration) Regulations 1996 requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in the Local Government Act 1995 s5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).*

Nil.

**11. REPORTS OF DIVISIONS**

*NOTE: Regulation 11(da) of the Local Government (Administration) Regulations 1996 requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).*

**11.1 PLANNING AND DEVELOPMENT DIVISION**

***MARKS MOVED, POWELL SECONDED, that the reports of the Planning and Development Division as printed in the agenda, be received.***

***CARRIED 11 VOTES TO 0***

**WITHDRAWN ITEMS**

Items 11.1.1 and 11.1.4 were withdrawn at the request of Cr Godfrey.  
Items 11.1.2, 11.1.3 and 11.1.7 were withdrawn at the request of Cr Marks.

***RICHARDSON MOVED, WHITELEY SECONDED, that with the exception of Items 11.1.1 to 11.1.4, and 11.1.7 which are to be considered separately, Officer Recommendations in the Reports of the Planning and Development Division, specifically items 11.1.5 and 11.1.6, be adopted en bloc.***

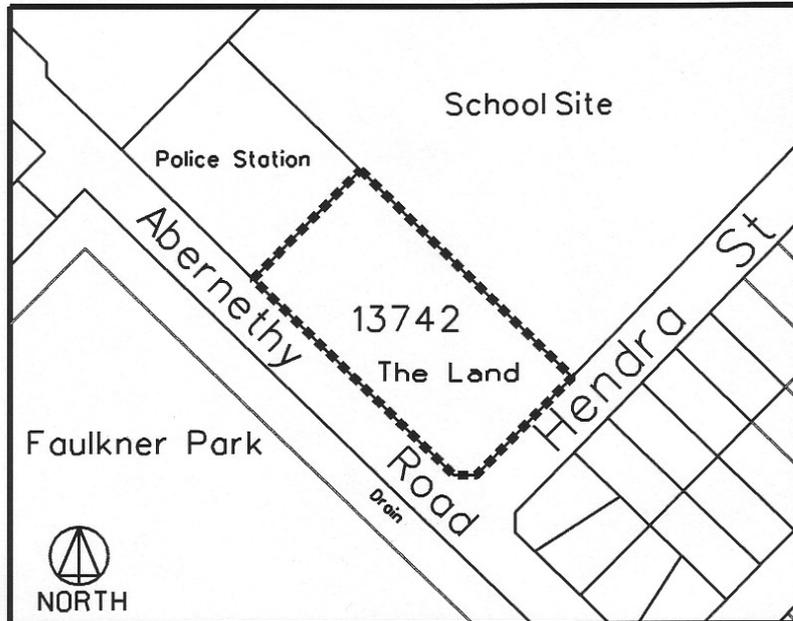
***CARRIED 11 VOTES TO 0***

**11.1.1 Tender 28-2004 – Construction of Youth and Family Centre**

Report by Planning and Development Division

**LOCATION**

Lot 13742 (275) Reserve 46237 Abernethy Road, Belmont.

**APPLICANT**

Not applicable.

**FILE REFERENCE**

114/120 28/2004 - Construction of the Proposed Youth & Family Services Centre

**DISCLOSURE OF INTEREST**

The Author has not needed to make a disclosure of interest in respect to this matter.

**DATE**

9 November 2004

**SUMMARY**

The advertising period for Tender 28/2004 (Construction of the Proposed Youth and Family Centre) has closed.

This report recommends that the tender received from Duwal Pty Ltd be accepted.

Item 11.1.1 Continued

## **BACKGROUND**

At the Ordinary Council meeting of 28 September 2004 (COMEX 14/9/04 Item 10.2.1) the Council resolved:

*“That:*

1. *Officers be authorised to advertise the Request for Tender for the proposed Youth and Family Services Centre.*
2. *The following tender selection criteria be used to evaluate the tender submissions for the proposed Youth and Family Services Centre.*

*Project Tender Price* 50%

- *Tender price shall be lump sum for the whole of the works*

*Experience in Similar Contracts* 20%

- *Demonstrate the firm/company's relevant experience by providing details of similar contracts completed in the past five years by listing the following for each project:*

- *Client name & location*
- *Description of the project*
- *Contract value*
- *Date of completion*
- *Client contact name*

- *Previous Local Government contract works will be highly regarded.*

*Company Profile* 15%

- *Including but not limited to: corporate organisational structure, core business, years in business, personnel, major clients.*
- *Indicate how the company will meet the needs of council in carrying out the work under this contract.*
- *Indicate staff availability to carry out this contract by indicating other concurrent commitments.*
- *Nominate the name and expertise of the person who will be the single point of contact with the City of Belmont for the full duration of the Contract.*
- *Financial details and references.*

*How the Project will be Time and Quality Managed* 15%

- *Provide information on the following systems:*
  - *Quality systems*
  - *Programming of the Works*
  - *Safety Management*
  - *Site Organisation and Control*
  -

*Item 11.1.1 Continued**- A List of Referees Relevant to this Project (Schedule E)*

-

*Provide the names of three referees able to comment on a recent project completed by the Contractor that is similar to the work required under this contract.*

*The selection panel will contact all of the referees to determine their overall satisfaction with the performance of the firm and their individual employees.*

*An adverse Referee comment may result in the tender being rejected on the grounds that it cannot be considered an advantageous tender.*

3. *Authorise officers to continue negotiations with the Gowrie (WA) Inc. regarding a lease for a portion of the Centre."*

The Architects, Holton Connor Architects, completed the tender documentation (working drawings and specification) and the Invitation to Tender was advertised on Saturday, 9 October 2004 with a closing date of 3 November 2004. Immediately after the closure the opening team consisting of Mr James Pol, Coordinator-Council Buildings and Mr Jim Stevens, Acting Purchasing Officer opened the tenders with a number of tenderers present. Tenders were received from all five tenderers who had requested and received the documents.

All tenders were to be assessed on the non-price Council adopted selection criteria noted above and scored accordingly. Then the Tendered Lump Sum was to be scored and added to the non-price score. The tenderers were then ranked, with the highest scorer being considered the most advantageous tenderer.

An alphabetical listing of the Tenders received and their GST exclusive prices are as follows:

Dalcon Construction Pty Ltd	\$5,806,100.00
Derwent Constructions	\$2,722,860.00
Duwal Pty Ltd	\$2,670,536.85
Highline Building Construction	\$2,881,000.00
Lakis Construction	\$2,860,060.00

**COMMENT**

The tenders received varied in the information they provided to address the required selection criteria. Each tender submission was assessed against the Council adopted criteria by a team of Council officers.

The table on the following page shows the results of the assessment in the **non-price score out of 50** and the corresponding calculated score based on the **submitted price out of 50**.

*Item 11.1.1 Continued*

<b>Company</b>	<b>Non-price Score</b>	<b>Price score</b>	<b>Total Score</b>
Dalcon Construction Pty Ltd	17.5	0	17.5
Derwent Constructions	35.5	49.02	84.52
Duwal Pty Ltd	43	50	93
Highline Building Constructions	33	46.06	79.06
Lakis Construction	33.5	46.45	79.95

The price score is calculated out of 50, based on the percentage price variation over and above the cheapest contractor. The percentage variation in price is calculated and then deducted from the maximum 50 points.

Legal precedent has established that local governments, as public bodies, have a responsibility to treat tenderers fairly. This obligation is based upon the terms and conditions of the tender having "contractual force"; with an implied duty on local governments to act fairly to all tenderers. Fair and appropriate processes must be followed and reasons given to justify decisions made on the awarding of tenders. To ensure a fair and appropriate process a Tenderer's submission can only be assessed on their response to the Selection Criteria.

The use of selection criteria for assessing tenders as adopted by the Council is to ensure that the selection process is not based on cost alone. This method aims to ensure that the selected tenderer is capable, efficient and has a record of delivering quality projects on time and within the tendered amount.

Duwal Pty Ltd (BRB No 9555) has provided a detailed response to the selection criteria in their tender submission. They are a company with a broad range of experience including significant local government work.

On the basis of the Council adopted criteria Duwal Pty Ltd, the highest ranked tenderer, with a total score of 93.0 out of a possible 100 is considered to be the most advantageous tenderer.

Previous referee checks carried out for Duwal Pty Ltd, based on the issues raised in the selection criteria above, resulted in complimentary comments in regard to the company's due diligence to the task, attention to programming and quality of finish.

The Project Architect, Holton Connor, have previously worked with Duwal Pty Ltd on a number of projects and concur with the comments above.

The above comments support Duwal Pty Ltd as the most advantageous tenderer.

### **CONSULTATION**

No further consultation was carried out.

### **STATUTORY ENVIRONMENT**

S3.57 (relating to tenders) of the Local Government Act 1995 is relevant, as the expected construction contracts cost will exceed the limit of \$50,000 that require tenders to be called.

*Item 11.1.1 Continued*

### **POLICY IMPLICATIONS**

The following policy applies in part:

C3.4.6 Financial Management – Major Land Transactions and Special Town Planning Schemes

#### **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) and Special Town Planning Schemes.

### **FINANCIAL IMPLICATIONS**

The cost of the construction will be costed to a budget allocation: Youth and Family Services Centre (815.10.7.279 B0302 \$2,645,000).

The tendered sum from Duwal Pty Ltd of \$2,670,536.85 plus a contingency of approximately 5% (\$130,000) will require a revised project budget of approximately \$2,800,000. This is an increase in the project budget allocation in the order of \$155,000.

Recent advice received regarding tendering in the construction industry has highlighted a number of issues that may have contributed to the excessive escalation of tendered prices. They include: the erratic nature of the tender market; minimal interest from prospective tenderers; spiralling cost and availability of structural steelwork and; scarcity of certain trades.

This shortfall in the funding for this project has been discussed with the Director–Corporate Services. As this project will continue over two financial years the shortfall will need to be addressed during the 2005/2006 budget deliberations.

### **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

#### **Strategic Plan**

No Strategic Plan impacts are evident.

#### **Operational Plan**

*C1/1 To ensure that any development which is approved in the City of Belmont is of the highest possible standard.*

*C5/6 To provide community buildings and facilities throughout the City according to identified need.*

*(a) To identify needs and prepare construction programmes for community buildings throughout the City of Belmont, including where appropriate, remodelling current sporting facilities into multi-purpose community buildings.*

*Item 11.1.1 Continued*

**ENVIRONMENTAL IMPLICATIONS**

Energy Efficiency and Sustainability Principles have been incorporated into the final design where appropriate.

**VOTING REQUIREMENT**

Simple majority.

**RICHARDSON MOVED, GRANT SECONDED, that –**

- 1. *Tender 28-2004 received from Duwal Pty Ltd for the sum of \$2,670,536.85 plus GST for the Construction of the proposed Youth and Family Centre at 275 Abernethy Road, Belmont in accordance with the contract documentation be accepted.***
- 2. *The Chief Executive Officer be authorised to approve variations, in accordance with the contract, up to 5% of the contract value.***
- 3. *The budget shortfall be referred to the 2005/2006 budget deliberations for funding.***

**CARRIED 11 VOTES TO 0**

**11.1.2 Town of Victoria Park Fireworks Management Policy and Policy Procedure \*\*****\*\*PD Attachment 2 – Item 11.1.2 refers**

Report by Planning and Development Division

**LOCATION**

Not applicable.

**APPLICANT**

Town of Victoria Park

**FILE REFERENCE**

67/002 Inter Governmental Relations

**DISCLOSURE OF INTEREST**

The Author has not needed to make a disclosure of interest in respect to this matter.

**DATE**

8 November 2004

**SUMMARY**

The Town of Victoria Park at its Ordinary Council Meeting recommended adopting the final draft copy of their Fireworks Management Policy and Policy Procedure. The Town of Victoria Park has written to the City of Belmont, enclosing a copy of its policy provided in the attachment to this report requesting the City to indicate whether it will support, or will not support, its policy.

This report recommends that the City of Belmont approve of the policy, as the fireworks shells are of a type that is known as non-salutes and do not create excessive noise. The fireworks commonly used throughout Australia are either “salute shell” or “non-salute shell”.

The salute shell is the one commonly associated with the large explosion that is used to spread the fiery display. The other type is called a “non-salute shell” and this type of firework has been designed to be low noise, this means that the visual effect is the same, however, the noise impact is dramatically reduced.

It is unlikely that there will be an unreasonable impact on the residents of the City of Belmont as a result of this type of fireworks. The stipulation to only use non-salute fireworks is to remove the explosive sound that is typically associated with the more common salute type fireworks that are used at New Years Eve or the Australia Day celebrations.

*Item 11.1.2 Continued***BACKGROUND**

In August 2004, the Town of Victoria Park sought comments from the City of Belmont on a fireworks policy being considered for adoption by the Town of Victoria Park. Council's Health Department reviewed the policy and offered several comments as to how it would impact on the City of Belmont.

Although most of the Health Department's concerns related to the potential frequency of events throughout the Town of Victoria Park, the ultimate problem with any fireworks event is the associated noise of the explosion as the fireworks light up fifty metres above the ground. Given that The Town of Victoria Park has made it a condition in its policy that only non-salute shells are to be used, the concerns held by Council's Health Department about unreasonable impact on Belmont residents have been addressed.

**COMMENT**

The Council allowed the Baseball Association (Perth Heat) to use the non-salute shells after complaints were received from members of the Residential and Stables area that the loud bang was causing a problem with their horses.

This situation existed for a short time before Perth Heat relocated, however, during that time no further complaints about the fireworks were received.

Consideration was given to preparing a similar policy for the City of Belmont, but a policy was not considered necessary because of the conditions placed on such events by Council's Health Department. Fireworks displays must be approved by the local government before approval is given by the Department of Industry and Resources.

The conditions that this City places on such events, which are very infrequent in Belmont, are that all events are limited in duration; the fireworks are of the non salute type and generally are ground based low level not high aerial events. These conditions fall within the terms of the Noise legislation therefore eliminating the need for approval from neighbouring Local Authorities.

**CONSULTATION**

There has been no public consultation in respect to this matter.

**STATUTORY ENVIRONMENT**

Under the Environmental Protection (Noise) Regulations 1997, Regulation 18 (12) "An approval must not be granted unless the local government of each district in which noise emissions received from the event are likely to fail to comply with the standards prescribed under regulation 7 agrees to the proposed conditions applicable to the approval."

The policy and the procedure that the Town of Victoria Park has adopted is aimed at fast tracking the requirements of the above mentioned regulation, in that if the Council was to agree to the policy the obligation for the Town of Victoria Park to advise the City of Belmont would no longer be required.

*Item 11.1.2 Continued*

Without Council approval the Town of Victoria Park would be obligated under the said regulations to seek approval from the City of Belmont every time an event was organised. This process would be unnecessary and time consuming to both the Town of Victoria Park and the City of Belmont.

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**FINANCIAL IMPLICATIONS**

There are no significant financial implications evident at this time.

**STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS****Strategic Plan**

No Strategic Plan impacts are evident.

**Operational Plan**

Nil.

**ENVIRONMENTAL IMPLICATIONS**

This item deals with the issues of environmental noise.

**VOTING REQUIREMENT**

Simple majority.

**OFFICER RECOMMENDATION**

That Council:

1. Note the Town of Victoria Park Fireworks Management Policy and thank the Council for having regard to the amenity of Belmont residents.
2. Agree that the use of this policy for fireworks events within the Town of Victoria Park removes the need for the Town of Victoria Park to apply to the City of Belmont each time a fireworks event is proposed within the Town of Victoria Park.

Item 11.1.2 Continued

**MARKS MOVED, POWELL SECONDED, that to ensure that the community is kept appropriately informed, Council: -**

- 1. Note the Town of Victoria Park Fireworks Management Policy and thank the Council for having regard to the amenity of Belmont residents.**
- 2. Agree that the use of this policy for fireworks events within the Town of Victoria Park removes the need for the Town of Victoria Park to apply to the City of Belmont each time a fireworks event is proposed within the Town of Victoria Park.**
- 3. Require the Town of Victoria Park to inform the City of Belmont when they propose a fireworks display.**

**CARRIED 10 VOTES TO 1**

For: Passeri, Richardson, Blair, Grant, Bass, Godfrey,  
Marks, Powell, Teasdale, Richardson

Against: Rossi

**11.1.3 Consideration of Road Names for Inclusion in the Schedule of Names Reserved for Streets and Parks \*\*****\*\*PD Attachment 3A, B, C & D – Item 11.1.3 refers**

Report by Planning and Development Division

**LOCATION**

Not applicable.

**APPLICANT**

Not applicable.

**FILE REFERENCE**

117/008 Naming of Roads / Streets / Localities / Wards / Suburbs

**DISCLOSURE OF INTEREST**

In accordance with the City of Belmont's Code of Conduct, Mr Neville Deague declared an interest that could give rise to a reasonable belief that his impartiality on the matter may be adversely affected. The nature of the interest being that on the Schedule of Names Reserved for Streets and Parks it includes the name of 'Deague' who was his grandfather.

**DATE**

9 November 2004

**SUMMARY**

A review of the existing Schedule of Names Reserved for Streets and Parks is required. The basis of a draft policy on the selection of Street and Park Names has been included in the body of the report.

This report recommends that a policy on the selection of names be prepared based on criteria for recognition and exclusion of names and that the draft policy be advertised for public comment. The draft policy and revised Schedule of Names Reserved for Streets and Parks should be forwarded to the Geographic Names Committee for advice and comment.

**BACKGROUND**

The matter of road names was last considered by Council at its meeting of 25 May 2004. Item 10.7.2 of the Minutes of the Planning and Development Committee of 17 May 2004 refer. The Council resolved as follows.

*"A. That Council's Planning Department:*

- 1. Prepare a policy on road names and reserves for the consideration of Council.*

*Item 11.1.3 Continued*

2. *Compile a list of names for the future consideration of Council.*

- B. *That Council advise the owner of the Edessa Estate that it does not support the names of Zante Grove or Edessa Grove as such names have no connection with the history of Belmont or current themes."*

It was requested by the former Planning and Development Committee that information be sought from the Geographic Names Committee as to whether there was discretion to use a person's name after they reached a certain age, such as 75 years, rather than wait until they were deceased.

**COMMENT**

The approval authority for use of public road names in Western Australia is the Geographic Names Committee of the Department of Land Information. Their relevant guidelines are as follows.

**• Suitable Names**

Preferred sources of names include names from Aboriginal languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant community contribution, war casualty lists and thematic names (eg nautical, sporting etc). Ethnic and gender diversity is encouraged. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name.

**• Unsuitable Names**

Names characterised as follows are to be avoided - given/first names, corrupted, unduly cumbersome or difficult to pronounce names, obscene, derogatory, racist or discriminating names, company or commercialised names (unless in an historical context).

**• Name Duplication**

Name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10 km from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within similar sounding suburbs even if more than 10 km away. In rural areas the distance should be at least 50 km away.

**• Names of Living Persons**

The names of living persons are not normally suitable for road names, and if proposed will be subject to a more rigorous selection process. The proposal must be accompanied by comprehensive biographical details including details of community involvement, and also an indication of strong community support for the proposed name.

*Item 11.1.3 Continued*

Refer to **attachment 'A'** to this report for a description of the different road types.

In discussion with Mr Brian Goodchild, Secretary of the Geographic Names Committee, he advised that it would be unlikely for the Committee to accept a living person's name on the basis that an age of 75 or over had been reached. If the person was a Councillor, that person should be retired from office. The essential criteria include the extent of community service and community support to recognise that person whilst they are alive.

Mr Goodchild advised that a further consideration was whether the name would be duplicated. If that were to be the case, consideration could be given to including the *'first'* or *'given'* name.

This appears to be a reasonably common practice from perusal of the road names listed in 'StreetSmart' 2004 Street Directory, although it is recognised that some of the persons are now deceased. Examples are as follows.

- Andy Zuvella Place Beeliar
- Bernard Manning Drive Duncraig
- Bishop Hale Way Churchlands
- Bishop Riley Way Churchlands
- Blair Athol Street East Victoria Park
- Clarrie Mitchell Lane Jandakot
- Dick Perry Avenue Kensington
- Eddie Barron Drive Middle Swan
- Eva Lynch Way Warnbro
- Frances Gregory Drive Bedforddale
- Fred Burton Way City Beach
- Frederick Stirk Lane Kalamunda
- Friar John Way Coolbellup
- George Grey Place Edgewater
- George Wiencke Drive Perth Airport
- Graham Farmer Freeway Burswood
- Hayden Bunton Drive Subiaco
- Horrie Miller Drive Perth Airport
- Hughie Edwards Drive Merriwa
- Irene McCormack Way Queens Parks
- Jack Marks Lane Mt Lawley
- Jon Sanders Drive Herdsman
- etc

There is no policy of the Council on the naming of roads and reserves, but the practice carried out by the former Planning and Development Committee for the naming of roads and reserves was as follows:

1. All Councillor names were eligible and would be forwarded to the Geographic Names Committee for approval to use once a Councillor had passed away.

*Item 11.1.3 Continued*

2. As horse racing was a significant historical feature of Belmont, names associated with the horse racing industry were eligible.
3. Names of pioneering families and early road names from historical maps were considered.
4. Names of community members who voluntarily gave significant service to the community were considered.

This has resulted in the preparation of a list of names which are divided into two parts, names already used and names that could be used. In the past, the list of names that could be used has received the approval for general use by the Geographic Names Committee. Further approval is required from the Geographic Names Committee for a particular name to be applied to a road to ensure that it met all the criteria at the time.

- **Attachment 'B'** to this report is a document of Names that have been **used** for Streets, Suburbs, Perth Airport, Parks & Schools.
- **Attachment 'C'** to this report is a Schedule of Names Reserved for Streets and Parks that represents a reserve of names **that are yet to be used**.

Accordingly, there are 65 names that could be used, but 10 of these the Geographic Names Committee advise are duplicated within 10km of the City. Therefore, a 'first' or 'given' name would need to be added.

#### **Future Areas Where New Names Can be Applied**

It should be appreciated that limited potential exists for further subdivision to create new roads and parks, so very careful consideration needs to be given to the names and those selected for recognition.

The possible future areas are as follows:

- The re-naming of roads in the City that have been segmented. ***(This is not generally well received by the community and agreement unlikely)***. There are many streets within the district that have been assessed with respect to their segmentation for example Roberston Avenue, St Kilda Road, Wicca Street etc.

It has been estimated that there are 58 segmented road sections, which would require consideration of 40 new street names should they all be re-named.

- The subdivision of the Western Power site that has the potential for six roads and two public open space areas (parks).
- 'The Springs' redevelopment (a limited opportunity for additional roads).
- Subdivision of Australian Islamic College land and land at 84-9 Cohn Street that may have potential for three to five new roads.

**It is therefore considered necessary for the Schedule of Names Reserved for Streets and Parks to be re-examined with a view to deleting names and including new names, with perhaps a priority for their usage being indicated.**

*Item 11.1.3 Continued***Further Lists of Names**

Lists of names for the consideration of the Council have been suggested by the Historical Society and Mr Raymond Peake of 229 Daly Street, Belmont, who has provided names of past workers at the former Western Power Site. Mr Peake thought they may have application in the proposed subdivision of the former Western Power site (now known as Belgravia Parklands).

The list of Councillors' names has also been included.

**Names suggested by the Historical Society**

<b><u>Suggested Name</u></b>	<b><u>History</u></b>
Caisley	Caisley bus service 1920's: Depot in Redcliffe
Corlett	Bakery 1920 purchased from Portwine and Lovelock – now a restaurant
Doney	Milk vendor and dairy family. Delivered milk in cans by horse and cart until 1950. Glyn Doney Councillor 1987 – 2003.
Elliott*	Clive – Principal Belmay Primary School 1955-1981.
Lloyd*	Early pioneers – block in Sydenham Street. Ralph (dec) Member Historical Society (see Ever Flowing Forward).
Marshall*	Aino – founding member of City of Belmont Historical Society 1981. Former City Librarian.
Milne*	Mary Anne – opened first newsagency in Rivervale 1912. Henry Milne – Master builder – State half mile and mile title holder and fastest swimmer in annual swim through.
Mutard	Early settlers.
Mutzig	Charles – first Principal Kewdale Senior High School 1966.
Oliver*	Family of pioneers 1838. Perry Oliver – State and Australian open back stroke title holder and junior free style. State and Australian Champion 1934 Swim through. W Oliver Horse Owner. Oliver boys – Jockeys.
Rae*	Fred – First Mayor City of Belmont. Councillor 1979 – 87.
Riedel	First Principal of Belmont High School 1957.
Reeves	Colonel GM 1852 – Formed first West Australian Turf Club. First race meeting held 13 April 1853.

Unfortunately, the names marked with an asterisk are duplicated more than five times in the metropolitan region and the Council would need to give consideration to including the '*Given or First*' name.

*Item 11.1.3 Continued***Names Suggested by Mr R Peake**

<b><u>Suggested Name</u></b>	<b><u>History</u></b>
Kennedy*, Raymond (MM)	Killed while rescuing a fellow worker. Awarded Military Medal from World War II
Hicks*, Thomas P	Electrocuted (24 years old, father of two)
McDonald, Brian	Electrocuted (25 years of age)
Kemp*, George	Electrocuted (26 years old, father of two)
Derry*, Rodney	Died from later complications of electrical shock
Roberts*, David S	Died from later complications of electrical shock
Moran, Michael	Died from brain tumour (reputedly worked in high voltage areas)
Reddish*, Phillips	Died from brain tumour (reputedly worked in high voltage areas)
O'Rourke, William	Died from brain tumour (reputedly worked in high voltage areas)
Lingard, John	Died from brain tumour (reputedly worked in high voltage areas)
Starnes*, Robert	Died from cancer (reputedly worked in high voltage areas)
Cocks*, Ernest	Died from cancer (reputedly worked in high voltage areas)
Essex, Kenneth	Died from cancer reputedly (worked in high voltage areas)
Lincoln*, Frederick	Died from cancer (reputedly worked in high voltage areas)
Lidelow, Raymond	Died from cancer (reputedly worked in high voltage areas)
Liebl*, George	Died from Asbestosis (allegedly industry caused)
Peake*, Donald	Died from cancer (allegedly attributable to chemicals)
Iraci*, Larry	Died from cancer (allegedly attributable to chemicals)
Crispin*, Thomas	Died from cancer (allegedly attributable to chemicals)
Kruber*, William	Died from cancer (allegedly attributable to chemicals)
Morphew*, Frank	Pneumonia
Langford*, Alan	Pneumonia
Kolwalski, Ronald	Traffic accident (on duty)
Williams*, Leslie	Traffic accident (returning to duty)
Mace, Williams	Heart attack allegedly caused by over stress (Senior Engineer)



*Item 11.1.3 Continued*

Knizek, Ms F C	1994/1997 (Councillor)	
Carver, C	1995/1997 (Councillor)	
Bass, Mrs M M	1996/	still serving (Councillor)
Symonds, Mrs D J	1995/2001 (Councillor)	
Swann, R T	1996/2001 (Councillor)	
Quinn, G P	1995/1999 (Councillor)	
Murfin, A P	1997/2003 (Councillor)	
Godfrey, Mrs G J	1997/	still serving (Councillor)
Marks, P	1999/	still serving (Councillor)
Powell, Mrs J	2001/	still serving (Councillor)
Bettridge, B W	2003 (Councillor)	
Dornford, G	2001/2003 (Councillor)	
Whiteley, Mrs B A	2003/	still serving (Councillor)
Rossi, R	2003/	still serving (Councillor)
Grant, G	2003/	still serving (Councillor)

**Councillors Believed to be Deceased but not Included in Schedule**

Thick, T G H	1974/1976 (Councillor)
Wright, W H	1954/1960; 1961/1963 (Councillor)
Ring, J M	1966/1973; 1974/1983 (Councillor)
Ryder, V	1970/1972; 1973/1975 (Councillor)

**Review of Names**

There are a large number of names currently listed and it is necessary that criteria be established to review the number of possible names. The following criteria for **recognition** of names is suggested.

- **Criteria for Recognition**

1. Outstanding voluntary service to the community of the City of Belmont over an extended period.
2. Councillors who have retired and have completed a service to the community of approximately six years or more. (Corresponding to the original two terms of three years).
3. A current or former resident who through exceptional achievement has made a significant contribution to the prominence and standing of the City.
4. Encouragement of ethnic and gender diversity.
5. Horses that have been winners of two of more major racing events.

The above would provide the basis of a policy that could be drafted in the accepted format. General public input could then be invited in case details required verification or names having been inadvertently omitted.

If the above criteria were to be applied to the existing Schedule of Names Reserved for Streets and Parks and the other suggested lists of names in the report, the list provided in **Attachment 'D'** would result.

**Priority for Use of Names**

It would seem appropriate that the use of a name be determined by where the person resided. The horse names would obviously apply to Ascot. It is suggested that this be included in the draft policy.

*Item 11.1.3 Continued*

### **CONSULTATION**

It is proposed that if the draft policy is adopted by the Council that it be advertised for public comment.

### **STATUTORY ENVIRONMENT**

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

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **FINANCIAL IMPLICATIONS**

There are no significant financial implications evident at this time.

### **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

#### **Strategic Plan**

No Strategic Plan impacts are evident

#### **Operational Plan**

Nil.

### **ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

### **VOTING REQUIREMENT**

Simple majority.

Item 11.1.3 Continued

**MARKS MOVED, POWELL SECONDED, that :**

1. ***A policy on the selection of names for Street and Parks be prepared based on the following criteria.***

**Criteria for Recognition**

1. ***Outstanding voluntary service to the community of the City of Belmont over an extended period.***
2. ***Councillors who have retired and have completed a service to the community of approximately six years or more. (Corresponding to the original two terms of three years).***
3. ***A current or former resident who through exceptional achievement has made a significant contribution to the prominence and standing of the City.***
4. ***Encouragement of ethnic and gender diversity.***
5. ***Horses that have been winners of two of more major racing events.***

**Priority for Use of Names**

***The use of a name be determined by where the person resided. The horse names to apply to Ascot.***

2. ***The draft policy of the selection of names for Streets and Parks and the Schedule of Names Reserved for Streets and Parks be advertised for public comment.***
3. ***The policy and revised Schedule of Names Reserved for Streets and Parks be forwarded to the Geographic Names Committee for their advice and comment.***
4. ***The Schedule of Names Reserved for Streets and Parks be reviewed biennially for a report to the Council.***

**CARRIED 11 VOTES TO 0**

**11.1.4 Election Signs within the City of Belmont**

Report by Planning and Development Division

**LOCATION**

Not applicable.

**APPLICANT**

Not applicable.

**FILE REFERENCE**

115/001	Development / Subdivision / Strata – Applications / Application Correspondence
116/044	Local Planning Policy No. 12
105/002	Sign Enquiries and Information

**DISCLOSURE OF INTEREST**

The Author has not needed to make a disclosure of interest in respect to this matter.

**DATE**

12 November 2004

**SUMMARY**

The Town Planning Scheme and Local Planning Policy No. 12 control advertising signs on land zoned or reserved under the Scheme. Essentially, this is all land in the district except local roads.

The City's Local Laws Relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places control signs within Thoroughfares. There is an overlap between the Scheme and the Local Law with respect to thoroughfares which are also reserved under the Scheme (ie Major Distribution Roads).

A summary of proposed changes to the Local Planning Policy is as follows:

- Allow election signs on corner lots in the Mixed Use zone subject to specific criteria.
- Allow signs to be located near official polling places on Local, State and Federal election days.
- Allow election signs to be displayed in windows in the Town Centre zone and Commercial zone.
- Prevent advertising on trailers and vehicles, excluding candidates' cars parked on their own properties.

This report recommends that the Scheme requirement for advertising signs be examined as part of the Scheme review; the Local Planning Policy be amended to provide guidance for placement of election signs; and the Local Laws be amended.

*Item 11.1.4 Continued*

**There have been a number of suggested changes made by Councillors which require discussion and the Council has the option of amending the proposed policy.**

**BACKGROUND****Amendment No. 19**

In June 2001, the Council initiated Amendment No. 19 to its Town Planning Scheme No. 14 to prohibit election signs, except where they were contained within a building and not visible from a public place.

In October 2001, the Amendment was adopted by the Council for final approval. However, in May 2003, the Honourable Minister for Planning and Infrastructure advised that the Amendment would not be approved. The Minister advised that the Amendment would not be lawful as it burdens the freedom of communication about government and political matters. The Minister did not consider that it was reasonable to control election advertising as proposed by the Amendment.

As Amendment No. 19 was not approved by the Minister in 2003, it is unlikely that the Council will be able to prohibit electoral advertising altogether. Notwithstanding the above, the Council can decide how best to control the location of election signs.

**Council Consideration**

A Draft Policy was referred to the October 2004 Council meeting (refer PDC Item 10.3.1 – 18 October 2004). The Item on 'Election Signs within the City of Belmont' was deferred to a future meeting of the Council to allow Councillors additional time for input on this matter.

**Councillor Comments**

A memorandum was referred to Councillors on the 29 October 2004, requesting comments on the proposed controls for election signs to be lodged by the 10 November 2004.

A summary of comments are included below:

Comments	Response
<p>The Policy allows signs to be erected after a Local, State or Federal election are announced.</p> <p>The Policy may need to be altered unless Local Elections are officially announced.</p>	<p>This is an important point. Local Elections are not 'announced' as such.</p> <p>Elections are held in accordance with the Local Government Act on the first Saturday of May.</p> <p>There is a process where nominations are called, however this is not an official announcement of the election.</p> <p>There is also a nomination day where ballot positions are drawn and nominations are finalised. Under the current Local Government Act requirements, nominations can be finalised between 44 days to 30 days before an election. There is a new Bill proposing that nominations be finalised up to 38 days before an election.</p>

Item 11.1.4 Continued

Comments	Response
	<p>Rather than allow advertising after the official announcement of a local government election, the Policy has been modified so that advertising can occur the day after nominations have been finalised. As nomination days may change, the Policy refers to the Local Government Act.</p>
<p>Clause 1 (ii) of the Policy tries to prevent trailers and vehicles with large signs being parked throughout the City of Belmont.</p> <p>The wording of the clause is unclear and shouldn't prohibit candidates from having advertising on their own cars, and being able to park their cars on their own properties.</p>	<p>The wording of the policy has been changed and checked by the City's solicitors to address this matter. The City's solicitors have suggested that the following wording be used;</p> <p><i>"Zoned land is not permitted to be used for advertising purposes through the display of a sign or signs on a parked vehicle, trailer or caravan."</i></p> <p>Each case will be dealt with on its individual merits, and the main objective is to prevent candidate advertising on trailers being parked throughout the City. The Policy is not trying to prevent candidates from parking their own vehicles on their own residential properties. McLeods have advised that where a candidate's vehicle is parked on their own residential property, advertising is not a separate use to the residential use, and the City can simply allow this to continue.</p>
<p>Points 1 and 2 of the recommendation are supported.</p> <p>Clause 1 and 1 (i) of the Policy should be amended to allow election signs in all zones, and not restrict election signs to corner lots within the Mixed Use zone.</p> <p>Clause 1 (ii), (iii), (v) and (vi) should be deleted. The requirements are restrictive and election signs should be able to locate in all areas, with no time limitation prior to an election.</p> <p>Election signage assists to raise election awareness. Candidates should be able to have a longer lead in time to display election signs before an election.</p> <p>The size of signs should be limited in accordance with Clause 1 (iv) and signs should be removed within 14 days after an election as proposed by Clause 1 (vii).</p> <p>Clause 1 (vii) and Clause 3 (vi) should only refer to removal of signs after 14 days, and should not limit approval to only a two month period as it is too</p>	<p><b>For Council Discussion.</b></p> <p><b>This submission proposes significant changes to the Draft policy requirements for Election signs and proposes to allow election signs in all zones. The proposed changes should be considered and discussed by Council.</b></p>

*Item 11.1.4 Continued*

Comments	Response
<p>restrictive. There should be more flexibility.</p> <p>It is agreed that one sign should be allowed per property in most zones, however the Policy needs to be broadened for the Town Centre zone, which is made up of several large properties.</p> <p>Clause 2 (i) should be clarified to ensure that signs are not erected across the street from polling places.</p> <p>Clause 3 should be amended to allow more flexibility so window signs can be displayed in all zones. This can be achieved by deleting reference to the Town Centre and Commercial zones.</p> <p>Clause 3 (iii) should be deleted as there are a number of transparent signs and signs that allow light through, that can take up whole windows. Window signs should not be limited to 50% of the window area.</p> <p>Clause 3 (iv) and (v) should be deleted to allow more flexibility, and allow election signs to be erected for longer time periods leading up to an election.</p> <p>Clause 4 should be deleted – election signs on vehicles has not been an extensive issue in the City.</p>	<p>Agreed. Clause 2 (i) has been amended to state “They are located on the same property and in the immediate vicinity of an official polling booth”.</p>

**COMMENT****Town Planning Scheme No. 14 and Local Planning Policy No. 12 – Current Controls**

The Town Planning Scheme No. 14 deals with signs on private property. The current situation in regard to election signs is as follows:

- All signs on land zoned or reserved under the Scheme require planning approval under Town Planning Scheme No. 14 unless the particular sign in question falls under the category of an ‘exempted sign’.
- Schedule No. 4 of the Scheme lists signs that are effectively ‘exempted’ from the need for planning approval. For example, the Scheme allows a maximum of two advertising signs for industrial and warehouse properties. Those advertising signs do not require planning approval as long as they are not more than 5 metres high above ground level and have an area less than 10m<sup>2</sup> in aggregate.

*Item 11.1.4 Continued*

- Local Planning Policy No. 12 does not have a specific section dealing with 'election' signs, however has specific requirements for sizes and locations of signs, based on the sign type (eg. pylon sign, wall sign etc).
- Local Planning Policy No. 12 provides guidelines only. A decision contrary to the policy can be made, if it is justified.

The City has received legal advice in regard to advertising signs. The City's solicitors have advised that planning approval is required for election signs on land subject to the Scheme, unless the sign is specifically exempted under Schedule No. 4.

In practice, there are likely to be few election signs that fall under any of the 'exempted' categories.

The following options to control election signs are available for consideration.

- **Option 1 – Amend the City of Belmont Town Planning Scheme No. 14**  
The Council can initiate an amendment to its Town Planning Scheme No. 14 to achieve one or more of the following:
  1. If the Council wishes all election signs to be subject to planning approval, it can amend the Scheme so that an election sign cannot be an exempted advertisement.
  2. The Scheme can be amended so that it has specific requirements and provisions controlling election signs.
  3. The Scheme can be amended to exempt election signs from requiring planning approval where they meet specific requirements as decided and set by the Council.

Having regard to the fact that the Minister has already refused an amendment proposing to prohibit electoral signs in the City, the Council would need to allow some election signs.

As a review of the City's Town Planning Scheme No. 14 is due to commence next year, it is not considered worthwhile to initiate an amendment to the current Scheme. In any event, the majority of election signs currently require approval under the Scheme, therefore the Council already has a high level of control over electoral signs. Option 1 is not recommended.

- **Option 2 – Amend Local Planning Policy No. 12**  
There is an existing local planning policy which is not a statutory document, however, provides certainty for applicants by providing guidelines for the size, dimensions, and location of signs.

The Council can amend the local planning policy to provide definitive guidelines for election signs.

It is recognised that election signs provide a valuable tool to:

- promote individual parties and candidates;
- increase public awareness of elections;
- allow for some freedom of political communication.

*Item 11.1.4 Continued*

By their very nature election signs are temporary advertisements usually erected in times leading up to a Local, State or Federal election. From a planning perspective, there is a valid need to control the location of election signs to protect the amenity of the locality, ensure that there is not excessive sign proliferation and examine appropriate locations for election signs.

It is recommended that the Council pursue Option 2.

**Suggested Amendments to Local Planning Policy No. 12**

A new definition would need to be included in the Policy for election signs, as follows:

*“Election Sign: means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election, any political party and any candidate associated with a Federal, State or Local Government election.”*

This definition is consistent with the definition of election signs under the Local Laws.

The following additions to the local planning policy are proposed:

1. An Election Sign may be supported in the Mixed Use zone if the sign meets the following criteria:
  - (i) Signs only to be located on corner lots fronting the higher hierarchy street (such as Great Eastern Highway);
  - (ii) Signs are not to be located on properties used for residential purposes, or on vehicles, trailers or caravans parked on such properties;
  - (iii) Signs are not to face onto residential zoned properties;
  - (iv) Signs should have maximum dimensions of 1 metre by 2 metres;
  - (v) Signs relating to State and Federal Elections can only be erected after a State or Federal Election has been formally announced and this may be imposed as a condition of any planning approval;
  - (vi) Signs relating to Local Elections can only be erected the day after the last day nominations can be made (under Section 4.49 (a) of the Local Government Act);
  - (vii) Signs will be approved only for a temporary period, not exceeding two months and will be required to be removed within 14 days after the relevant Local, State or Federal election day;
  - (viii) There be a maximum of one election sign per property;
  - (ix) The sign to comply with the safety requirements under Clause 3.2 of Local Planning Policy No. 12 with the exception of point C.
  
2. On a Local, State or Federal Election Day signs will be supported where:
  - (i) They are located on the same property and in the immediate vicinity of an official polling booth;
  - (ii) All signs are temporary and are removed at the end of the election day;
  - (iii) The signs comply with the Electoral Act 1907 (Section 192).

*Item 11.1.4 Continued*

3. An election sign may be supported inside a building within the 'Town Centre' and 'Commercial' zones of the City of Belmont Town Planning Scheme No. 14 where:
  - (i) It is fully contained within the building, but may be displayed on windows and be visible from a public street or place;
  - (ii) The sign has maximum dimensions of 1 metre by 2 metres;
  - (iii) In the case of a window sign, it does not cover more than 50% of the glazed area of any one window or in combination with any other window sign/s exceed 10.0m<sup>2</sup> in area in aggregate per tenancy on a lot;
  - (iv) Signs relating to State and Federal Elections can only be erected after a State or Federal Election has been formally announced and this may be imposed as a condition of any planning approval;
  - (v) Signs relating to Local Elections can only be erected the day after the last day nominations can be made (under Section 4.49 (a) of the Local Government Act);
  - (vi) Signs will be approved only for a temporary period, not exceeding two months, and will be required to be removed within 14 days after the relevant Local, State or Federal Election day.
4. Zoned land is not permitted to be used for advertising purposes through the display of a sign or signs on a parked vehicle, trailer or caravan.

The proposed changes are recommended as they will allow some flexibility for election signs to be erected in appropriate zones; signs are supported on a temporary basis only and not a permanent fixture; the majority of signs will be subject to gaining planning approval and any controversial sign or sign proposing a variation of the Policy can still be referred to the Council for consideration.

The benefit of amending the Local Planning Policy is that the new requirements can be trialled and then re-considered as part of a future Scheme review.

**Local Laws**

The Local Laws Relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places were gazetted on 13 September 2001. These Local Laws allow for placement of election portable signs on thoroughfares subject to granting of a permit and specific conditions.

**Conclusion**

**As a starting point, Council's Planning Department has recommended new Policy requirements for election signs. The main objective of the Policy is to try and allow some flexibility for election signs. This is however offset by a need to prevent potential election sign proliferation.**

**There are some significant changes suggested by Councillors which are detailed in the table included in this report and guidance from the Council is needed as to how much flexibility or control should be afforded to election signs.**

*Item 11.1.4 Continued*

### **CONSULTATION**

There has been no public consultation in respect to this matter. There has been liaison with the City's solicitors in regard to current controls.

### **STATUTORY ENVIRONMENT**

If the Council chooses to pursue Option 1, which is to amend the current Town Planning Scheme, a separate report would need to be referred to a future Committee meeting to initiate an Amendment.

Clause 2.5 of the City of Belmont Town Planning Scheme includes procedures for amending a Local Planning Policy, including advertising requirements.

### **POLICY IMPLICATIONS**

The Policy implications are discussed in this report.

### **FINANCIAL IMPLICATIONS**

There are no significant financial implications evident at this time. As legal advice on this matter has been obtained, legal costs have already been borne by the City.

### **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

#### **Strategic Plan**

No Strategic Plan impacts are evident.

#### **Operational Plan**

Community Strategy # C1/1 of the Operational Plan states an objective to "*ensure that any development which is approved in the City of Belmont is of the highest possible standard.*"

### **ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

### **VOTING REQUIREMENT**

Simple majority.

### **OFFICER RECOMMENDATION**

That:

1. The Scheme provisions relating to advertising signs and election signs be reassessed as part of a future review of Town Planning Scheme No. 14.
2. The Local Laws relative to "Activities on Thoroughfares and Trading in Thoroughfares and Public Places" be amended in the next review of the Local Laws adopted by the Council with the purpose of including a definition for election signs in the appropriate section, as election signs are only described under Section 3.1 (Interpretations).

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*Item 11.1.4 Continued*

3. The proposed changes to Local Planning Policy No. 12 be adopted for the purpose of initiating public advertising as detailed below:

(a) A new definition be included in the Policy for election signs, as follows:

*“Election Sign: means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election, any political party and any candidate associated with a Federal, State or Local Government election.”*

(b) The following additions be included in the Sign Policy:

1. An Election Sign may be supported in the Mixed Use zone if the sign meets the following criteria:

- (i) Signs only to be located on corner lots fronting the higher hierarchy street (such as Great Eastern Highway);
- (ii) Signs are not to be located on properties used for residential purposes, or on vehicles, trailers or caravans parked on such properties;
- (iii) Signs are not to face onto residential zoned properties;
- (iv) Signs should have maximum dimensions of 1 metre by 2 metres;
- (v) Signs relating to State and Federal Elections can only be erected after a State or Federal Election has been formally announced and this may be imposed as a condition of any planning approval;
- (vi) Signs relating to Local Elections can only be erected the day after the last day nominations can be made (under Section 4.49 (a) of the Local Government Act);
- (vii) Signs will be approved only for a temporary period, not exceeding two months and will be required to be removed within 14 days after the relevant Local, State or Federal election day;
- (viii) There be a maximum of one election sign per property;
- (ix) The sign to comply with the safety requirements under Clause 3.2 of Local Planning Policy No. 12 with the exception of point C.

2. On a Local, State or Federal Election Day signs will be supported where:

- (i) They are located on the same property and in the immediate vicinity of an official polling booth;
- (ii) All signs are temporary and are removed at the end of the election day;
- (iii) The signs comply with the Electoral Act 1907 (Section 192).

*Item 11.1.4 Continued*

3. An Election Sign may be supported inside a building within the 'Town Centre' and 'Commercial' zones of the City of Belmont Town Planning Scheme No. 14 where:
  - (i) It is fully contained within the building but may be displayed on windows and be visible from a public street or place;
  - (ii) The sign has maximum dimensions of 1 metre by 2 metres;
  - (iii) In the case of a window sign, it does not cover more than 50% of the glazed area of any one window or in combination with any other window sign/s exceed 10.0m<sup>2</sup> in area in aggregate per tenancy on a lot;
  - (iv) Signs relating to State and Federal Elections can only be erected after a State or Federal Election has been formally announced and this may be imposed as a condition of any planning approval;
  - (v) Signs relating to Local Elections can only be erected the day after the last day nominations can be made (under Section 4.49 (a) of the Local Government Act);
  - (vi) Signs will be approved only for a temporary period, not exceeding two months, and will be required to be removed within 14 days after the relevant Local, State or Federal Election day.
4. Zoned land is not permitted to be used for advertising purposes through the display of a sign or signs on a parked vehicle, trailer or caravan.
5. Once the policy has been in operation for a reasonable period and has proven to be satisfactory, that consideration be given to including penalties for non-compliance.

Item 11.1.4 Continued

**GODFREY MOVED, MARKS SECONDED, that due to a view that the sign policy on election signs is too prescriptive, the Officer Recommendation not be adopted and that: -**

1. **The Scheme provisions relating to advertising signs and election signs be reassessed as part of a future review of Town Planning Scheme No. 14.**
2. **The Local Laws relative to “Activities on Thoroughfares and Trading in Thoroughfares and Public Places” be amended in the next review of the Local Laws adopted by the Council with the purpose of including a definition for election signs in the appropriate section, as election signs are only described under Section 3.1 (Interpretations).**
3. **The proposed changes to Local Planning Policy No. 12 be adopted for the purpose of initiating public advertising as detailed below:**
  - (a) **A new definition be included in the Policy for election signs, as follows:**

**“Election Sign: means a sign or poster which advertises any aspect of a forthcoming Federal, State or Local Government election, any political party and any candidate associated with a Federal, State or Local Government election.”**
4. **Once the policy has been in operation for a reasonable period and has proven to be satisfactory, that consideration be given to including penalties for non-compliance.**

**LOST 0 VOTES TO 11**

**GODFREY MOVED, TEASDALE SECONDED, that the Officer Recommendation not be adopted and that the matter be deferred for further consultation with Elected Members in respect to Clause 3(b) and 4.**

**CARRIED 10 VOTES TO 1**

**For: Passeri, Richardson, Blair, Grant, Bass, Godfrey,  
Marks, Powell, Teasdale, Richardson**

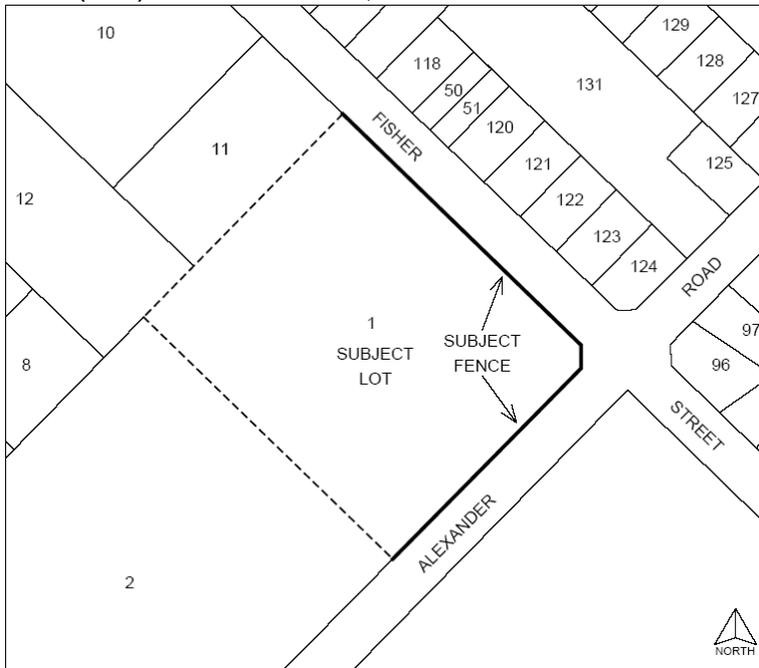
**Against: Rossi**

### 11.1.5 Lot 1 (275) Alexander Road, Belmont – Retrospective Approval of Cyclone Link Mesh Fence and Green Shade Cloth

Report by Planning and Development Division

#### LOCATION

Lot 1 (275) Alexander Road, Belmont



#### APPLICANT

Not applicable.

#### FILE REFERENCE

115/006      Complaints on Developments (not for development applications)  
Property      275 Alexander Road, Belmont

#### DISCLOSURE OF INTEREST

The Author has not needed to make a disclosure of interest in respect to this matter.

#### DATE

3 November 2004

#### SUMMARY

It has been brought to the City's attention that a cyclone mesh link fence with shade cloth has been erected along the property boundaries of Alexander Road and Fisher Street. The fence was erected in order to secure the site during demolition works and to contain dust on-site. The fence is also required for future development on the site. In that regard, the Council has received an application for 54 dwellings.

*Item 11.1.5 Continued*

The applicant is seeking a retrospective temporary planning approval of the fence, which is intended to remain in place until development of the site has been completed.

This report recommends that the Council grant retrospective temporary planning approval to the proposed fencing.

**BACKGROUND**

<b>Owner:</b>	Primebase Enterprises P/L	<b>Ward:</b>	Central
<b>Lodgement Date:</b>	18 October 2004	<b>Use Class:</b>	N/A
<b>Lot Area:</b>	1.6187m <sup>2</sup>	<b>TPS Zoning:</b>	Mixed Use
<b>Estimated Value:</b>	\$4,000	<b>MRS:</b>	Urban

**COMMENT****Description of Proposal**

The fence is an 1800mm high chain link mesh wire fence with green shade cloth attached and it has four pairs of gates for access. The applicant has advised that the fence will be required for the duration of the proposed development, which is likely to be in the order of 12 to 18 months.

The fence as it is does not comply with Scheme No. 14 requirements, but it should be appreciated that this fencing is only temporary in order to secure the site.

**Scheme Requirements**

Clause 10.5.7 of the City of Belmont District Zoning Scheme No. 14 includes specific fencing requirements. Clause 10.5.7 states:

*“It is the Council’s intention that in the Mixed Use Zone, fencing within the front setback area should be kept to a minimum. In circumstances where security cannot be provided by any other means the Council may allow fencing within the front setback provided it is of a high quality and constructed of wrought iron, masonry or similar materials.”*

However, as the application seeks retrospective temporary planning approval, Clause 5.13.1 of the Scheme applies. It states:

*“Notwithstanding any other Provision of the Scheme to the contrary, if the Council considers that any use should be permitted on any land temporarily, it may give Planning Approval strictly limited in time as a temporary use.”*

**Fencing Issues**

It is common practice for builders and demolition companies to erect temporary fencing as a safety measure to secure demolition and building sites without planning approval. Further, many building and demolition companies do not realise that planning approval is required for temporary security fencing.

*Item 11.1.5 Continued***Options available to the Council****• Option 1 – Approve for a Temporary Period**

The Council could resolve to grant retrospective temporary approval to the application due to the benefits it will provide, namely:

- increasing the safety of the site which is across the road from Belmont City College,
- improving security of the existing building which has been subject to vandalism,
- act as protection from dust and during the demolition and anticipated construction process.

In terms of the development application for 54 dwellings that is currently being considered, if approved, it will be required to have high quality fencing under the provisions of the Scheme.

In terms of a time limit, the applicant has advised that the period of installation will be for the duration of the proposed development, which is likely to be in the order of 12 to 18 months.

Therefore it is recommended that retrospective planning approval be given for a period of 18 months for the temporary fence.

This is the preferred option.

**• Option 2 – Serve a direction for the removal of the fencing**

As the fencing was erected without planning approval, the Council could determine that a direction be served for the removal of the fencing. However, these matters can involve a lengthy timeframe as well as a cost in terms of resources.

In addition, in this instance, it is recognised that some type of safety fencing is required on site. Therefore, it is considered that the fencing is a practical solution in terms of the security, safety (the site is across the road from Belmont City College) and dust management on-site.

**CONSULTATION**

There has been no public consultation in respect to this matter.

**STATUTORY ENVIRONMENT****Scheme Requirements**

This has been discussed in the Comment section.

**Retrospective Planning Approval**

The applicant has constructed some of the fencing on site. It is important to note that the Council has the ability to grant planning approval retrospectively under Clause 5.11 of the City of Belmont Town Planning Scheme No. 14.

*Item 11.1.5 Continued*

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **FINANCIAL IMPLICATIONS**

There will be legal costs if a Written Direction needs to be issued. These are compiled by the Planning Department but checked by Council's solicitors.

### **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

#### **Strategic Plan**

No Strategic Plan implications are evident.

#### **Operational Plan**

Community Strategy # C1/1 of the Operational Plan states an objective to "ensure that any development which is approved in the City of Belmont is of the highest possible standard."

### **ENVIRONMENTAL IMPLICATIONS**

The fence is located in the front setback area and impacts on visual amenity.

### **VOTING REQUIREMENT**

Simple majority.

### **OFFICER RECOMMENDATION**

***That Council retrospectively approve the existing 1.8 metre high fencing and shade cloth erected along the frontage of Lot 1 (275) Alexander Road, subject to the following condition:***

- 1. All fencing as marked on the stamped and approved plans to be removed within 18 months from the lodgement date.***

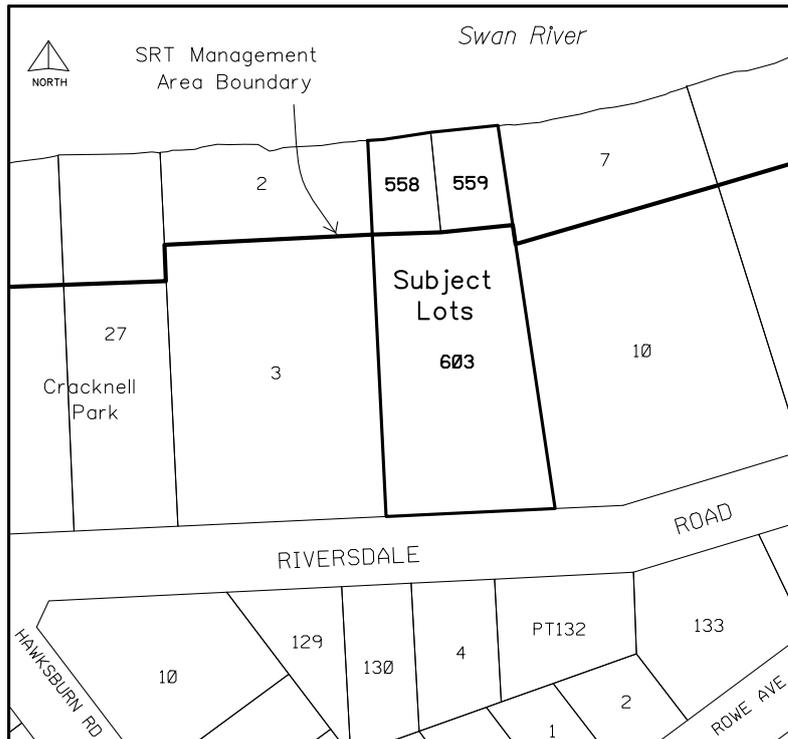
***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 11.1***

**11.1.6 Lot 603 (60-62) Riversdale Road and Swan River Foreshore Lots 558 and 559, Rivervale – Retaining Wall and Re-Contouring**

Report by Planning and Development Division

**LOCATION**

Lot 603 (60-62) Riversdale Road, Rivervale and Swan River Foreshore Lots 558 and 559

**APPLICANT**

K A Adam and Associates

**FILE REFERENCE**

115/001	Development / Subdivision / Strata – Applications / Application Correspondence
Property	60-62 Riversdale Road, Rivervale
349/2004/DA	Development Application Folder

**DISCLOSURE OF INTEREST**

The Author has not needed to make a disclosure of interest in respect to this matter.

**DATE**

12 November 2004

*Item 11.1.6 Continued***SUMMARY**

An application has been received for a retaining wall, pathway and seat, and re-contouring and landscaping of the foreshore area to the rear of 60 Riversdale Road, Rivervale.

The application has been referred to the Western Australian Planning Commission (WAPC) for determination.

The application has been referred to the Council as the Director-Development, Manager-Planning Services and Senior Planning Officer do not have delegation for determining development on reserved land within the care and control of the Council. This report recommends that the Council advise the WAPC that it recommends approval of the application subject to conditions.

**BACKGROUND**

<b>Owner:</b>	M Ryan and WAPC	<b>Ward:</b>	West
<b>Lodgement Date:</b>	10 August	<b>Use Class:</b>	N/A
<b>Lot Area:</b>	3720m <sup>2</sup>	<b>TPS Zoning:</b>	Special Development Precinct
<b>Estimated Value:</b>	\$35,000	<b>MRS:</b>	Parks and Recreation; Urban

**Application**

An application has been received for the rear portion of 60 Riversdale Road, Rivervale and the Swan River foreshore area behind. The application proposes:

- The re-contouring (fill) of the area of parks and recreation (Lots 558 and 559) lying between the dual access path and the boundary with Lot 603;
- The re-contouring (fill) up to RL 9.500 and construction of steps on the rear of Lot 603;
- Construction of a low retaining wall (0.3m high) alongside part of the dual access path within the foreshore reserve;
- Construction of a new pathway across the reserve, providing access from either side of Lot 603 to the dual use path;
- Landscaping of the re-contoured area with indigenous vegetation;
- Installation of a public seat adjacent to the new pathway; and
- Construction of a retaining wall on Lot 603 at the common boundary with the foreshore reserve. The wall is proposed to vary in height from nil on the western side of the property, to 1.5m at the eastern side of the property.

The applicant has prepared the application in liaison with Officers from the Swan River Trust and the Department for Planning and Infrastructure (DPI). In support of the development the applicant has advised that:

*Item 11.1.6 Continued*

- *“The contours of the land on either side of the common boundary are not completely original or natural and are such that an uneasy contour relationship exists along and across that boundary. As the interface between the foreshore and adjoining private land is very important to both, a prime purpose of this application is to provide a more amenable relationship between the public foreshore and future private development.”*
- *“The proposed re-contouring has taken into account the desirability of blending the new levels into the adjoining sections of foreshore as naturally as possible.”*
- *“The proposed development includes access to the Reserve from Lot 603, at both ends of the common boundary. This will involve paths crossing the reserve at an angle to the contours and meeting near the centre of the area before descending to join the main pathway. The paths will be eased into the contours, with low raked steps where required to minimise cut and fill.”*

**Determination Process**

The City is not the determining authority for development partially within the Swan River Trust Management Area. The application has been referred to the WAPC as discussed in ‘Statutory Environment’. The Council is required to provide a recommendation to the WAPC in respect of the application. The application has been referred to the Council as the Director-Development, Manager-Planning Services and Senior Planning Officer do not have delegation for determining development on reserved land within the care and control of the Council.

**COMMENT****Maintenance**

Foreshore reserve Lots 558 and 559 are grassed and are currently maintained by the Council. It is therefore anticipated that the Council will retain responsibility for the maintenance of the landscaping and new infrastructure subsequent to development.

In respect of development on reserves maintained by the Council, it is the Council’s general practice for the responsibility of maintaining the new landscaping and infrastructure to remain with the developer for a period of 24 months from practical completion. After this time the responsibility for maintenance will return to the Council provided that the works have been maintained to the satisfaction of the Director-Engineering. A developer maintenance period ensures that landscaping is hardy enough to survive, and that any infrastructure is of sound construction.

This is a similar scenario to the landscaping and parks infrastructure which occurred on 132-148 Great Eastern Highway (then Lot 712) adjacent to the Ascot Quays development. In that instance the landscaping and parks infrastructure on the reserve is required to be maintained by the developer for 12 months after practical completion, after which responsibility will transfer back to the Council.

More recent developments, such as the Belgravia Parklands estate, have had a 24 month maintenance period imposed to ensure that landscaping is capable of surviving throughout all seasons.

*Item 11.1.6 Continued***Disabled Access**

The steepness and steps of the proposed pathway on the reserve does not provide for disabled access along the path down to the existing dual access path. It should be noted however that disabled access is currently available via Cracknell Park which is located approximately 60m west along the dual access path.

**Public Access**

The proposed pathway will provide pedestrian access from Lot 603 (60-62) Riversdale Road to the existing dual access path. As the proposed path is to be provided on a reserve, it should be recognised that public access must be maintained at all times over the path. Therefore the adjacent strata property owners at Lots 3 and 10 Riversdale Road have the opportunity to make an application to construct a connection to the proposed path in the future.

**Landscaping**

DPI has made several recommendations in respect of the proposed landscaping for the foreshore reserve. Any approval issued for the proposal should be conditioned to require a landscaping and reticulation plan to be submitted for the approval of Council's Manager-Parks and Gardens and Parks Environmental Officer. At this time issues regarding species, spacing of plants and pot size will be considered.

**Irrigation**

The City's Parks and Gardens Department have advised that it is the responsibility of the developer to obtain the necessary approvals from the Department of Environment for irrigating the proposed landscaping with bore water. Should reticulation be proposed the applicant must apply to the Department of Environment for a groundwater bore licence and an allocation of groundwater. The licence and the allocation would then be transferred to the City at the time of handover after the 24 month maintenance period.

**Public Seating**

The low retaining wall adjacent to the dual use foreshore path will provide the additional function of acting as a public seat. It is also proposed to provide a public seat adjacent to the new path. The provision of public seating is supported, and will increase public access to the natural pond, which is the namesake of "The Springs".

**Future Development of Lot 603**

The application anticipates the future redevelopment of Lot 603 (60-62) Riversdale Road, Rivervale. This would be considered as a separate development application. Support of the subject application for re-contouring and parks infrastructure should not be construed by the applicant as support for redevelopment of Lot 603.

**CONSULTATION**

There has been no public consultation undertaken by the Council in respect to this matter.

The Swan River Trust will advertise its determination recommendation in respect of the application on the Trust website for two weeks once a decision has been made. It is anticipated that the application will be considered at the Trust's Board Meeting to be held 15 November 2004 and the decision will be advertised after this time.

Item 11.1.6 Continued

### **STATUTORY ENVIRONMENT**

The City is not the determining authority for the subject application as it falls within the Swan River Trust Management Boundary and the Metropolitan Region Scheme 'Parks and Recreation' foreshore reserve.

When development is located partially within the Management Area the processes of Clause 30A(1)a(i) of the Metropolitan Region Scheme apply. The Council is required to forward the application to the WAPC who then forwards the application to the Swan River Trust for recommendation. The Minister for Water Resources and the Minister for Planning and Infrastructure issue a joint notice to the WAPC specifying how the application is to be determined. A determination is then issued by the WAPC.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **FINANCIAL IMPLICATIONS**

The maintenance costs of the landscaping and parks infrastructure will become the responsibility of the City's Parks and Gardens Department 24 months from practical completion of the development.

### **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

#### **Strategic Plan**

No Strategic Plan impacts are evident.

#### **Operational Plan**

Community Strategy # C1/1 of the Operational Plan states an objective to "ensure that any development which is approved in the City of Belmont is of the highest possible standard."

### **ENVIRONMENTAL IMPLICATIONS**

Council's Environmental Officer has advised that there are no Environmental Implications in respect of the proposal. The re-contouring of the embankment is within the existing levels and will have a minimal impact on flow of nutrients towards the river.

### **VOTING REQUIREMENT**

Simple majority.

### **OFFICER RECOMMENDATION**

***That Council advise the Western Australian Planning Commission that it recommends that the application lodged by K Adam and Associates on behalf of M Ryan and the Department for Planning and Infrastructure for a retaining wall, pathway and seat, and re-contouring and landscaping of Lot 603 (60-62) Riversdale Road and foreshore Lots 558 and 559 be approved subject to the following conditions:***

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*Item 11.1.6 Continued*

- 1. A landscaping and reticulation plan acceptable to the City shall be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the City of Belmont prior to the commencement of works. The plan shall show by numerical code, the species, quantity and anticipated mature dimensions of all plant types to be planted and shall include indigenous species suitable for a riverine environment.**
- 2. Landscaping, plants and reticulation shall be installed in accordance with a landscaping and reticulation plan to be submitted to the city and approved by the Manager-Parks and Gardens and the landscaping and reticulation shall be maintained and the plants shall be nurtured and maintained until they reach their mature dimensions and shall thereafter be maintained at those mature dimensions for a period of 24 months from practical completion unless the Council approves otherwise in writing. The Council takeover of the maintenance is subject of a compliance inspection.**
- 3. A Groundwater Bore Licence and an Allocation of Groundwater shall be obtained from the Department of Environment prior to the commencement of works. The Licence and the Allocation shall be transferred to the City of Belmont 24 months from practical completion of the development.**
- 4. The footpath, 0.3m retaining wall and fill on Lots 558 and 559 shall be designed, constructed and installed in accordance with Council's engineering requirements and design guidelines.**
- 5. The footpath, 0.3m retaining wall and fill on Lots 558 and 559 shall be maintained to the satisfaction of the Director-Engineering for a period of 24 months from practical completion. If not so maintained, the Director-Engineering or Manager-Technical Services may require by notice, in writing that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. without limitation, the notice may require that pot holes be repaired, damaged kerbs be replaced, fill be re-compacted and degraded access be resurfaced generally in accordance with Council's engineering requirements and design guidelines. The Council takeover of the maintenance is subject of a compliance inspection.**

**Advice to Applicant:**

- i. The applicant is advised that a planning consent is not an approval to commence any works. A building licence must be obtained for all works. An application for a building licence will not be accepted unless proof of payment of all bonds and guarantees accompanies the application documents.**
- ii. The applicant is advised that the proposed path is not suitable for disabled access due to the steep grade of the path.**
- iii. The applicant is advised that the proposed path is a public facility and can be utilised by the general public at all times. Therefore the adjacent strata property owners at Lots 3 and 10 Riversdale Road have the opportunity to make an application to construct a connection to the proposed path in the future.**

*Item 11.1.6 Continued*

- iv. The applicant is advised that detailed design drawings are required to be submitted to Council's Engineering Department for approval prior to the commencement of works. Council's Engineering Requirements and Design Guidelines contains detailed specifications which must be adhered to in the preparation of plans submitted for approval in respect of such matters as drainage, paving, parking, accessways, crossovers, land fill and retaining.**

**OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 11.1**

**11.1.7 Orrong Road Superblock – Proposed Three Grouped Dwelling Applications – 14 Units on Lot 1286 (194) & Lot 1287 (196), 14 Units on Lot 1290 (198) & Lot 1291 (200) and 14 Units on Lot 1294 (202) & Lot 1295 (204) Surrey Road, Rivervale\*\***

**\*\*PD Attachment 4 – Item 11.1.7 refers**

Report by Planning and Development Division

**LOCATION**

Lot 1286 (194), Lot 1287 (196), Lot 1290 (198), Lot 1291 (200), Lot 1294 (202) and Lot 1295 (204) Surrey Road, Rivervale



**APPLICANT**

Carl Aloï

**FILE REFERENCE**

- 115/001 Development / Subdivision / Strata – Applications / Application Correspondence
- 515/2004 Development Application folder
- 516/2004 Development Application folder
- 517/2004 Development Application folder
- Property 194, 196, 198, 200, 202 & 204 Surrey Road

**DISCLOSURE OF INTEREST**

The Author has not needed to make a disclosure of interest in respect to this matter.

*Item 11.1.7 Continued*

## **DATE**

15 November 2004

## **SUMMARY**

The Council has resolved to cease its involvement in the redevelopment of the Orrong Road superblock and dispose of its land holdings. However, the Council still requires land within the superblock to be developed in a coordinated manner.

Three separate applications have been lodged for grouped dwellings to be developed on the above mentioned lots, contained in the Orrong Road Superblock, one of these lots is owned by the Council in fee simple.

This report recommends that the applications be approved.

## **BACKGROUND**

<b>Owner:</b>	Lot 1286 – L,M & G Iannantuoni Lot 1287 – Integrity Developments Lot 1290 – A & JA Hamer Lot 1291 – City of Belmont Lot 1294 – PF Twiss Lot 1295 – SL Lowden	<b>Ward:</b>	West
<b>Lodgement Date:</b>	2 November 2004	<b>Use Class:</b>	Discretionary
<b>Lot Area:</b>	12, 264m <sup>2</sup> – each lot is 2044m <sup>2</sup>	<b>TPS Zoning:</b>	R20-40
<b>Estimated Value:</b>	4.2 Million	<b>MRS:</b>	Urban

A detailed history of the Orrong Road Superblock and a previous proposal for Lots 1287 and 1290 is provided in the attachment to this report.

In March 2004 (PDC Item 10.4.1 – 15 March 2004), the Council resolved as follows:

- “1. *Thank Brian Hunt and Midland Project Management for the work done on facilitating redevelopment options and costings for the superblock.*
2. *Advise landowners and Midland Project Management that Council is ceasing its involvement in directly facilitating the redevelopment of the superblock, however Council maintains its requirement for a coordinated development of all lots within the superblock.*
3. *Refer the disposal of Council’s land assets within the superblock to Council’s Business Development Manager for investigation.*
4. *The following information should be provided to all landowners:*
  - *That the summary and copies of the CGT advice from Norton & Smalles be made available to landowners so that they may consider any CGT implications on their property.*

*Item 11.1.7 Continued*

- *Landowners should be provided with a copy of the latest figures and values as it may assist them with coordinating their own redevelopment proposal.*
  - *That a copy of the notes of the meeting dated 21st August 2003 be forwarded to landowners for their information.*
5. *Advise the Hon Minister for Planning and Infrastructure, the Department for Planning and Infrastructure and the Department of Local Government of Council's decision and provided with a full copy of the supporting report."*

**Sale of Existing Council Land Holdings (Lots 1293 & 1296)**

Lots 1293 and 1296 are owned by the Council. The owners of Lot 1300 (15 Sydenham Street) offered to purchase a portion of Council's land holdings for amalgamation with Lot 1300, and prepared a structure plan to demonstrate the proposed form of development.

The Structure Plan was endorsed by the Council for consultation purposes (Item 10.6.4, 14/06/2004 PDC minutes refers) in July 2004. The Structure Plan was adopted by the Council on the 24 August 2004, subject to conditions.

**COMMENT****Coding and Density**

The properties are coded 'R20-40' under the City of Belmont District Planning Scheme No. 14. A base coding of R20 applies, however Council has the discretion to consider densities up to a maximum density of R40, where the applicant demonstrates that a development has a high level of compliance with Council's Local Planning Policy No. 1 - 'Performance Criteria for Medium Density Residential Development'.

The applicants propose an R35 density of development.

**Description of Developments**

The City has received three separate development applications as follows:

- 14 units on Lots 1286 and 1287;
- 14 units on Lots 1290 and 1291; and
- 14 units on Lots 1294 and 1295.

The land area and dimensions of each development site are identical, and the development designs for each application have been designed by the same company.

Only one report item on all three applications has been compiled for Council consideration because:

- The development layout for each application is similar;
- The land area and number of units for each site are identical;
- All three applications are contained within the Orrong Road Superblock;
- All three applications are proposed by the same developer; and

*Item 11.1.7 Continued*

- By considering all proposals at one time, the developments can be viewed in the context of each other and effectively forms a structure plan for all the remaining lots on Surrey Road.

The inclusion of one report item on all three applications was considered beneficial in this case as the applications are related, and it gives the Council an opportunity to consider them concurrently.

**Local Planning Policy No. 1**

Any development exceeding an R20 density in the flexible coded area must demonstrate a high level of compliance with Local Planning Policy No. 1. Compliance with the Policy is summarised below:

<b>Criteria</b>	<b>Assessment</b>	<b>Comment</b>
Combination of two storey and loft development above R35	Complies	All units are two storey or incorporate substantial lofts.
Rear unit addresses the street and can see one habitable room window from street	Complies.	The front elevations clearly demonstrate that the rear units are highly visible from the street.
6 metre side boundary clearance	Complies.	A view corridor ranging from 9 – 13 metres has been provided.
Shade provision for densities over R20	Complies.	A shaded alfresco area has been provided using the upper storey roofline for each courtyard area.
Variation to elevation facades	Complies	Substantial variation has been provided with 6 different elevation styles being incorporated in the development. The developer also proposes variation in colours and materials.

**Residential Design Codes**

The applications comply with the requirements of the Residential Design Codes, with the exception of some minor rear setback variations. Compliance with the Codes is summarised on the following page:

<b>Criteria</b>	<b>Assessment</b>	<b>Comment</b>
Minimum lot size of 235m <sup>2</sup> for R35 density	Complies	Minimum lot sizes dictate the area required for the exclusive use of each unit. The site areas provided range from 235m <sup>2</sup> – 283m <sup>2</sup> .
Average lot size of 260m <sup>2</sup> for R35 density	Complies.	Each development has an average of 292m <sup>2</sup> .

*Item 11.1.7 Continued*

<b>Criteria</b>	<b>Assessment</b>	<b>Comment</b>
Setbacks	Generally Complies.	All setbacks comply with the exception of a minor rear setback variation. The rear units have been setback 1 metre in lieu of 1.1 metres. In light of the minor nature of the variation (10 centimetres) and that the variation will not adversely impact on the adjacent lots, it is not proposed to refer the variation for public comment. Variations only have to be referred under the Codes, where they have potential to adversely affect adjoining properties.
Garage locations	Complies	Garages are required to be setback behind the front setback line (4 metres). All garages comply.
Open Space	Complies	The Codes require 45% open space at an R35 density – 51% has been provided for each application.
Outdoor Living Area / Courtyards	Complies	All courtyards exceed the required area of 24m <sup>2</sup> .
Driveways	Complies	The R Codes require driveways not to exceed 40% of the width of the frontage. The driveway widths comply and do not exceed 35% of the frontage for each development.
Privacy	Complies	The Codes include minimum distances between upper storey windows and the adjacent boundaries. All upper storey windows comply.
Storerooms	Complies.	A 4m <sup>2</sup> storeroom has been provided to all units.

**Design and Elevations**

The developer has provided a series of different styles of units labelled Types 'A' through to 'F' on the plans submitted.

All elevations have a two storey appearance, include substantial variation through both architectural design and materials and are considered to be of a high quality.

**Parking**

Under the Residential Design Codes, each unit is required to be provided with two car parking bays. In this case, each unit has been provided with a double garage.

Visitor parking is required at a ratio of 1 bay per every four dwellings sharing a driveway. <sup>1</sup>Two car parking bays are required respectively for each development on Lots 1294 and 1295, Lots 1290 and <sup>2</sup>1291m<sup>2</sup>, and Lots 1286 and <sup>3</sup>1287m<sup>2</sup>.

*Item 11.1.7 Continued*

In all cases, the developer has provided three visitor car parking spaces, <sup>4</sup>in excess of the two visitor bays required by the Codes.

**Supporting Information by Applicant**

The applicant has lodged the following information in support of the application:

- The amalgamation of lots will provide larger land areas and a higher quality design and layout can be achieved;
- Each development is proposed at a density of R35 resulting in 14 unit sites instead of the 18 units which could be sought at R40.
- Extensive view corridors have been provided within each development to provide amenity, landscaping and an imaginative design layout;
- The distance between the units fronting the common driveway ranges between 9 and 13 metres, in excess of the 6 metres required by the City;
- A high standard of development has been achieved with a combination of two storey and loft designs, individual identities for each unit, variation in design, colours and materials;
- All dwellings fronting Surrey Road have individual facade designs providing a varied and interesting streetscape;
- Each development will have a different landscaping theme to create three separate entry statements. Different brick paving for each development will also enhance individuality;

It is recognised that the lots have a depth of over 100 metres and there will be an extensive internal driveway length to service each development.

Notwithstanding the above, the length of the internal driveways has been balanced and enhanced by the following design features;

- The wide view corridor ranging from 9 to 13 metres means that there is clear view of the units from the street, and creates a more 'open' corridor;
- The driveways are not straight and meander centrally through each development site, which will be visually appealing;
- All developments include extensive, curved landscaping areas either side of the central driveways providing visual interest and effectively minimising the impact of the driveway length;
- All elevations are of a high quality and extensive variation in design has been provided through use of different architectural styles, colours and materials, and even different landscaping/brickpaving themes.

**Conclusion**

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<sup>1</sup> 'Two' should read 'Three'.

<sup>2</sup> '1291m2' should read '1291'.

<sup>3</sup> '1287m2' should read '1287'.

<sup>4</sup> Delete 'in excess of the 2 visitor bays required by the Codes' and replace with 'in accordance with the Codes'.

*Item 11.1.7 Continued*

As detailed in this report, the applications are considered to comply with the Residential Design Codes, Local Planning Policy No. 1 and are supported.

**CONSULTATION**

There has been no public consultation in respect to this matter.

**STATUTORY ENVIRONMENT**

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

**POLICY IMPLICATIONS**

Compliance with Local Planning Policy No. 1 has been explained in this report.

Under Local Planning Policy No. 11 – Orrong Road Policy, an overall subdivision plan was required for land within the Orrong Road superblock. Circumstances have now changed, and an overall subdivision is not being pursued. Development is supported as the three applications provide an integrated development plan showing how each development relates to surrounding lots.

**FINANCIAL IMPLICATIONS**

The City of Belmont intends to dispose of Lot 1291 which forms part of one of the development applications being considered. This disposal was encompassed within a business plan which was the subject of an extensive public consultation process.

The City is in receipt of an offer to purchase Lot 1291 Surrey Road for an amount of \$600,000. This is a significant result and a much greater financial return than would have been achieved under the original structure plan. The statutory advertising and additional consultation with adjoining owners has been completed.

A separate Item on the disposal of the subject land will be referred to the November 2004 Council meeting by Council's Corporate Services Division. There will be a significant impact in additional rates income which is estimated to be eightfold.

Potential rates and monetary benefits to the Council are not a planning consideration, and do not impact on assessment of the development applications on their individual planning merits.

**STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS****Strategic Plan**

No Strategic Plan impacts are evident.

**Operational Plan**

Community Strategy # C1/1 of the Operational Plan states an objective to "ensure that any development which is approved in the City of Belmont is of the highest possible standard."

*Item 11.1.7 Continued*

### **ENVIRONMENTAL IMPLICATIONS**

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

### **VOTING REQUIREMENT**

Simple majority.

### **OFFICER RECOMMENDATION**

That Council granted planning approval to the three separate applications for 14 grouped dwelling units on Lot 1286 (194) and Lot 1287 (196), Lot 1290 (198) and Lot 1291 (200), Lot 1294 (202) and Lot 1295 (204) Surrey Road, Rivervale respectively subject to the following conditions:

1. The lots subject of this application shall be amalgamated and:
  - (a) A new Certificate of Title obtained for the amalgamated lot prior to the issue of a building licence; or
  - (b) The owner shall enter into a legal agreement with the City prepared by the City's solicitors by which the owner covenants to the required amalgamation of the land within a specified period and agrees to the registration of an absolute caveat against the Certificate/s of Title to the land. The owner is to bear all costs associated with the preparation and stamping of the agreement and the registration of the caveat.
2. A landscaping and reticulation plan acceptable to the City shall be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the City prior to the issue of a building licence. The plan shall show by numerical code, the species, quantity and anticipated mature dimensions of all plant types to be planted and shall include:
  - (a) open space areas in accordance with the requirements of Table 1 of the Residential Design Codes;
  - (b) the street verge.
3. Landscaping, plants and reticulation shall be installed in accordance with a landscaping and reticulation plan to be submitted to the city and approved by the Manager-Planning Services, the Senior Planning Officer or the Planning Officer and the landscaping and reticulation shall be maintained and the plants shall be nurtured and maintained until they reach their mature dimensions and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.
4. Any relocation or removal of street trees is to be undertaken by the owner, at the owner's cost, with the prior approval of the Manager-Parks and Gardens or Horticultural Technical Officer and in accordance with any direction contained in or given with that approval.

*Item 11.1.7 Continued*

5. Vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed and kerbed in accordance with the approved plan (2 spaces per dwelling unit measuring 2.5 metres by 5.5 metres and 3 clearly marked visitor parking bays) and shall be designed, paved (brick) and clearly marked in accordance with Council's engineering requirements and design guidelines.
6. All access ways, parking areas and hard stand areas shall be maintained to the satisfaction of the Director-Engineering or Manager-Technical Services. If not so maintained, the Director-Engineering or Manager-Technical Services may require by notice, in writing that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. without limitation, the notice may require that car bays be reline marked, pot holes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with Council's engineering requirements and design guidelines.
7. Vehicle crossovers shall be constructed in coloured concrete/brick paving in accordance with the City's specifications for the construction of concrete/brick paved crossovers for residential properties. A separate application for the construction of any new crossover must be lodged with the City's Engineering Department for the approval of the Engineering Administration Officer or Project Engineer.
8. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with Council's engineering requirements and design guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from any thing.
9. All existing buildings and structures shall be removed prior to the issue of a building licence.
10. For residential unit development all fencing visible from the street or an internal accessway shall be constructed in brick and timber, or brick and see through wrought iron, or other materials which match the units and which are acceptable to the Director-Development, Manager-Planning Services or Senior Planning Officer.
11. Pergolas or an alternative shade structure satisfactory to Director-Development, Manager-Planning Services or Senior Planning Officer, with minimum dimensions of 3.0 metres x 3.0 metres, shall be provided to the courtyard areas of each unit.
12. Each dwelling unit is to be provided with a courtyard area in accordance with the requirements for grouped dwellings under the Residential Design Codes. The courtyard is to comply with the minimum outdoor living area size under Table 1 of the Residential Design Codes for the applicable density coding, and have a minimum width of 4 metres.
13. Each dwelling unit is to be provided with either:
  - (i) a 4m<sup>2</sup> storeroom in colours and materials which match the units; or
  - (ii) a storeroom incorporated in the garage acceptable to the Director-Development, Manager-Planning Services or Senior Planning Officer.

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*Item 11.1.7 Continued*

14. No clothes drying devices shall be erected or clothes dried outside any private courtyard, which is visible from a street or public place.
15. All boundary walls shall be finished in face brick, or rendered and painted, or painted brick work to the satisfaction of the Director-Development, Manager-Planning Services, Manager-Building Services or Senior Planning Officer.
16. The development shall be connected to the reticulated sewerage system.
17. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.

**MARKS MOVED, RICHARDSON SECONDED, that to clarify matters in respect to street trees and fencing, the Officer Recommendation be amended and adopted to read –**

***That Council grant planning approval to the three separate applications for 14 grouped dwelling units on Lot 1286 (194) and Lot 1287 (196), Lot 1290 (198) and Lot 1291 (200), Lot 1294 (202) and Lot 1295 (204) Surrey Road, Rivervale respectively subject to the following conditions:***

1. ***The lots subject of this application shall be amalgamated and:***
  - (a) ***A new Certificate of Title obtained for the amalgamated lot prior to the issue of a building licence; or***
  - (b) ***The owner shall enter into a legal agreement with the City prepared by the City's solicitors by which the owner covenants to the required amalgamation of the land within a specified period and agrees to the registration of an absolute caveat against the Certificate/s of Title to the land. The owner is to bear all costs associated with the preparation and stamping of the agreement and the registration of the caveat.***
2. ***A landscaping and reticulation plan acceptable to the City shall be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the City prior to the issue of a building licence. The plan shall show by numerical code, the species, quantity and anticipated mature dimensions of all plant types to be planted and shall include:***
  - (a) ***open space areas in accordance with the requirements of Table 1 of the Residential Design Codes;***
  - (b) ***the street verge.***

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*Item 11.1.7 Continued*

- 3. Landscaping, plants and reticulation shall be installed in accordance with a landscaping and reticulation plan to be submitted to the city and approved by the Manager-Planning Services, the Senior Planning Officer or the Planning Officer and the landscaping and reticulation shall be maintained and the plants shall be nurtured and maintained until they reach their mature dimensions and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.**
- 4. Any relocation or removal of street trees is to be undertaken by the owner, at the owner's cost, with the prior approval of the Manager-Parks and Gardens or Horticultural Technical Officer and in accordance with any direction contained in or given with that approval.**
- 5. Vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed and kerbed in accordance with the approved plan (2 spaces per dwelling unit measuring 2.5 metres by 5.5 metres and 3 clearly marked visitor parking bays) and shall be designed, paved (brick) and clearly marked in accordance with Council's engineering requirements and design guidelines.**
- 6. All access ways, parking areas and hard stand areas shall be maintained to the satisfaction of the Director-Engineering or Manager-Technical Services. If not so maintained, the Director-Engineering or Manager-Technical Services may require by notice, in writing that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. without limitation, the notice may require that car bays be reline marked, pot holes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with Council's engineering requirements and design guidelines.**
- 7. Vehicle crossovers shall be constructed in coloured concrete/brick paving in accordance with the City's specifications for the construction of concrete/brick paved crossovers for residential properties. A separate application for the construction of any new crossover must be lodged with the City's Engineering Department for the approval of the Engineering Administration Officer or Project Engineer.**
- 8. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with Council's engineering requirements and design guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from any thing.**
- 9. All existing buildings and structures shall be removed prior to the issue of a building licence.**
- 10. For residential unit development all fencing visible from the street or an internal accessway shall have a maximum height of 1.8 metres and shall be constructed in brick and timber, or brick and see through wrought iron, or other materials which match the units and which are acceptable to the Director-Development, Manager-Planning Services or Senior Planning Officer.**

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*Item 11.1.7 Continued*

- 11. Pergolas or an alternative shade structure satisfactory to Director-Development, Manager-Planning Services or Senior Planning Officer, with minimum dimensions of 3.0 metres x 3.0 metres, shall be provided to the courtyard areas of each unit.**
- 12. Each dwelling unit is to be provided with a courtyard area in accordance with the requirements for grouped dwellings under the Residential Design Codes. The courtyard is to comply with the minimum outdoor living area size under Table 1 of the Residential Design Codes for the applicable density coding, and have a minimum width of 4 metres.**
- 13. Each dwelling unit is to be provided with either:
  - (i) a 4m<sup>2</sup> storeroom in colours and materials which match the units; or**
  - (ii) a storeroom incorporated in the garage**acceptable to the Director-Development, Manager-Planning Services or Senior Planning Officer.**
- 14. No clothes drying devices shall be erected or clothes dried outside any private courtyard, which is visible from a street or public place.**
- 15. All boundary walls shall be finished in face brick, or rendered and painted, or painted brick work to the satisfaction of the Director-Development, Manager-Planning Services, Manager-Building Services or Senior Planning Officer.**
- 16. The development shall be connected to the reticulated sewerage system.**
- 17. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.**
- 18. If during the course of the development a street tree is damaged or destroyed the owner / applicant shall:
  - (a) replace the street tree with a tree of a similar type and maturity, in accordance with the written direction of the Manager – Parks and Gardens; and**
  - (b) maintain the replacement tree for a period of 12 months, to the satisfaction of the Manager –Parks and Gardens.****

**CARRIED 11 VOTES TO 0**

**11.2 WORKS AND TECHNICAL SERVICES DIVISION**

***ROSSI MOVED, POWELL SECONDED, that the reports of the Works and Technical Services Division as printed in the agenda, be received.***

**CARRIED 11 VOTES TO 0**

**WITHDRAWN ITEMS**

Item 11.2.1 was withdrawn at the request of Cr Godfrey.

***GRANT MOVED, RICHARDSON SECONDED, that with the exception of Item 11.2.1 which is to be considered separately, Officer Recommendations in the Reports of the Works and Technical Services Division, specifically items 11.2.2 and 11.2.3, be adopted en bloc.***

**CARRIED 11 VOTES TO 0**

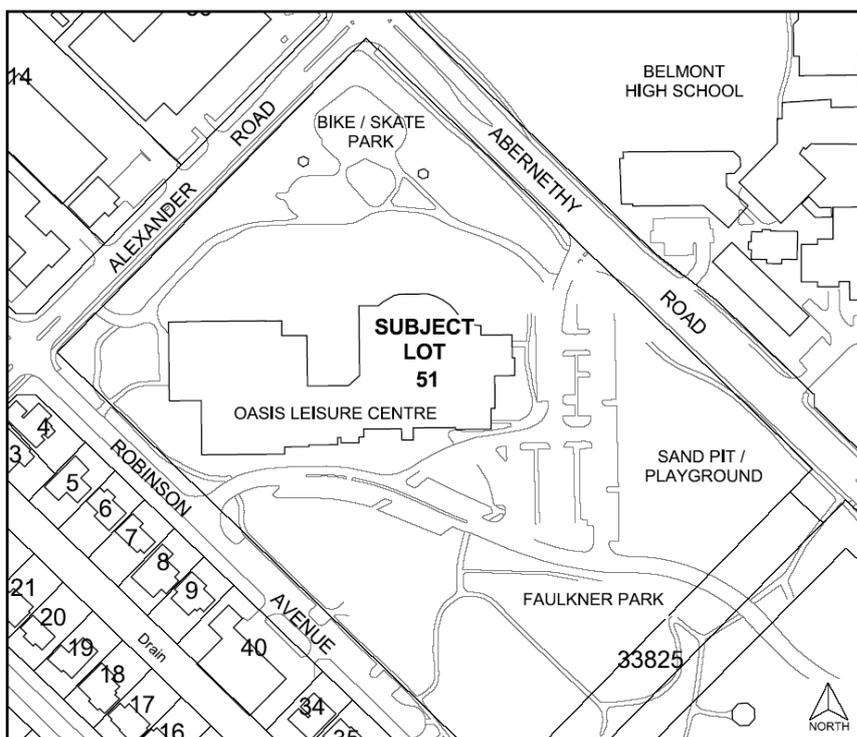
**11.2.1 Faulkner Park Feature Playground\*\***

**\*\*WT Attachment 5 – Item 11.2.1 refers**

Report by Parks and Gardens Division

**LOCATION**

Faulkner Park – Lot 51 (No.220) Abernethy Road, Cloverdale.



Item 11.2.1 Continued

### **APPLICANT**

Not applicable

### **FILE REFERENCE**

125/019          Faulkner Park Playground Construction

### **DISCLOSURE OF INTEREST**

The author has not needed to make a disclosure of interest in respect to this matter.

### **DATE**

10 November 2004

### **SUMMARY**

Tenders for the construction of the Faulkner Park Feature playground have been called but the tender result represents an increase of some \$300,000 above budgeted limits. A number of options have been investigated in order to provide Council with a range of alternatives to resolve the situation.

Intrinsically linked, is the matter of funding, which is to be sourced from the sale of the Ascot Water Playground land and utilised for both this project and the Oasis Leisure Centre upgrade. Delays in the sale of this land are anticipated and alternative funding source options are provided within the report for Councillors consideration.

### **BACKGROUND**

At the Special Council Meeting held 13 September 2004 Council resolved in relevant part, that:

- 3. COUNCIL AUTHORISE OFFICERS TO ADVERTISE THE REQUEST FOR TENDER FOR THE CONSTRUCTION OF FAULKNER PARK FEATURE PLAYGROUND.**
- 4. THE FOLLOWING TENDER ELIGIBILITY AND SELECTION CRITERIA BE USED TO EVALUATE THE TENDER SUBMISSIONS FOR THE CONSTRUCTION OF FAULKNER PARK FEATURE PLAYGROUND.**

#### **ELIGIBILITY CRITERIA**

**TO BE ELIGIBLE TO SUBMIT A TENDER, THE TENDERER MUST HAVE CONSTRUCTED A MAJOR PLAYGROUND FACILITY IN THE LAST FIVE YEARS, WHERE THE TOTAL CONTRACT VALUE EXCEEDED \$250,000.**

Item 11.2.1 Continued

**SELECTION CRITERIA****PROJECT TENDER PRICE (FORM OF TENDER – PART 5) 50%**

- **TENDER PRICE SHALL BE LUMP SUM FOR THE WHOLE OF THE WORKS**

**EXPERIENCE IN SIMILAR CONTRACTS 20%**

- **DEMONSTRATE THE FIRM/COMPANY'S RELEVANT EXPERIENCE. TENDERERS WILL NEED TO PROVIDE DETAILS OF SIMILAR CONTRACTS COMPLETED IN THE PAST FIVE YEARS BY LISTING THE FOLLOWING FOR EACH PROJECT:**
  - **CLIENT NAME & LOCATION**
  - **DESCRIPTION OF THE PROJECT**
  - **CONTRACT VALUE**
  - **DATE OF COMPLETION**
  - **CLIENT CONTACT NAME**

**COMPANY PROFILE 10%**

- **INCLUDING BUT NOT LIMITED TO: CORPORATE ORGANISATIONAL STRUCTURE, CORE BUSINESS, YEARS IN BUSINESS, PERSONNEL, MAJOR CLIENTS.**
- **INDICATE HOW THE COMPANY WILL MEET THE NEEDS OF COUNCIL IN CARRYING OUT THE WORK UNDER THIS CONTRACT.**
- **INDICATE STAFF AVAILABILITY TO CARRY OUT THIS CONTRACT, INCLUDING HIGHLIGHTING OTHER CONCURRENT COMMITMENTS.**
- **NOMINATE THE NAME AND EXPERTISE OF THE PERSON WHO WILL BE THE SINGLE POINT OF CONTACT WITH THE CITY OF BELMONT FOR THE FULL DURATION OF THE CONTRACT.**
- **FINANCIAL DETAILS AND REFERENCES.**

**HOW THE PROJECT WILL BE TIME AND QUALITY MANAGED 20%**

- **PROVIDE INFORMATION ON THE FOLLOWING SYSTEMS:**
  - **QUALITY SYSTEMS**
  - **PROGRAMMING OF THE WORKS**
  - **SAFETY MANAGEMENT**
  - **SITE ORGANISATION AND CONTROL**

**A LIST OF REFEREES RELEVANT TO THIS PROJECT**

**PROVIDE THE NAMES OF THREE REFEREES ABLE TO COMMENT ON A RECENT PROJECT COMPLETED BY THE CONTRACTOR THAT IS SIMILAR TO THE WORK REQUIRED UNDER THIS CONTRACT.**

*(It is important to note the original Special Council Meeting resolution of 13 September 2004 had nine elements, the above details only two which are deemed relevant to this report)*

*Item 11.2.1 Continued*

Tenders were advertised on Saturday 25 September 2004 for the Construction of Faulkner Park Feature Playground, for a period of 17 days. Tenders closed on Wednesday 13 October 2004 at 4pm and immediately after closure, opening took place attended by Mr John Christie, Manager - Parks and Gardens, Mr James Pol, Coordinator – Council Buildings and Mr Tom Stacey, Manager of Works. There was one tender received, and it conformed to the eligibility criteria and tender specifications. The schedule of rates is provided in the attachment to this report.

The Faulkner Park Feature Playground project is adjacent to the Oasis Leisure Centre and the funding source, namely the sale of the Ascot Water Playground land, was agreed to be utilised for both projects, being the construction of Faulkner Park feature playground and the capital upgrade at the Oasis. Background on this 'linked' project is that in February 2004 tenders were invited from qualified contractors for the Management and Operation of the Belmont Oasis Leisure Centre.

Detailed within the tender documentation was the City's commitment towards significant Capital Works at the Centre during the initial contract term. These works included the following key elements:

- Relocation and expanded kiosk facility.
- Expanded office accommodation.
- Introduction of outdoor water playground features.
- Expansion of the gymnasium / health club.
- Development of a significant playground facility in the contiguous park area.

The capital works proposed were designed to extract from tenders, the most competitive tenders for the 15 year contract - thus providing Council with the lowest possible tender price, yet providing the community with the highest possible standard of facility.

The financial arrangement throughout the term of the contract was developed to include three distinct phases, being Pre-works, Works, and Ongoing. As such contractors were asked to submit tender documentation and financial forecasts based on these three phases. The 'Pre-works period' includes the term up until Capital Works commence, the 'Works period' will be for the total term of the works, while the 'Ongoing arrangement' will commence from the time of commissioning of the redeveloped Centre.

The tender documents provided contractors with information and concept sketches of the capital works proposed to be undertaken at the Belmont Oasis Leisure Centre. Contractors were also informed that the 'fit out' of the new areas to be developed in the Capital Works proposal will be to a minimum requirement in consultation with the Contractor and at the City's cost. The cost of the Capital works was listed at approximately \$1.5 million and timelined for completion in the 2005 / 2006 financial year – albeit that with today's building costs, this would more likely be around \$2+ million if tendered out today.

The City, having made a (legal) commitment to the upgrade of the Belmont Oasis Leisure Centre, may be open to recourse from the current operators of the facility should the works not proceed as detailed.

*Item 11.2.1 Continued*

Further to the above capital upgrade requirement, a facility audit was undertaken in July 2004 to coincide with the new management of the Oasis. The audit was designed to identify items that required Council's attention as part of its lease obligations. It was thought that the most appropriate manner in which to deal with the more significant items, would be to have them incorporated into the capital works project scheduled for 2005/06. The items have not been fully costed at this point in time (investigations are however, underway) but it is believed that total costs would be several hundreds of thousands of dollars.

Discussions and investigations into similar facilities have begun in relation to the capital works project and were noted at the August Belmont Oasis Management Focus Group meeting. The Coordinator – Council Buildings is currently developing a consolidated base plan of the existing Oasis facility. This will form the base of future design works, currently scheduled for completion by early December 2004.

It is proposed to seek Council approval for the calling of a tender for architectural services in January 2005. Tenders for the capital works are scheduled to be called in June 2005.

As outlined above, funds for both the Faulkner Park Feature Playground and the Oasis Leisure Centre upgrade are to be sourced from the sale of Ascot Water Playground. The disposal of Ascot Water Playground is dependent on the required amendment to the City of Belmont Town Planning Scheme No. 14, that is, the exclusion of the subject land from the 'Parks and Recreation' reservation and including it in the 'Residential and Stables' zone.

The proposed amendment was initiated by Council at its meeting of 28 September 2004 and is now completed and the statutory process has commenced.

It is intended that the streamlined amendment process will be followed with the approval of the Environmental Protection Authority being immediately sought and then the amendment be advertised, rather than seeking consent for advertisement of the amendment from the Western Australian Planning Commission. A considerable saving of time will result, but it is anticipated that the Minister for Planning and Infrastructure will not be making a decision for at least 12 months.

It should be appreciated that the Commission may take the view that local open space is required in the locality, so therefore protracted discussions may eventuate. This could extend the time taken before the Minister makes a decision for up to a further 12 months.

Those amendments that are reasonably straight forward are expected to take between 12-18 months to finalise.

There will be a need to prepare a Business Plan when the Council carries out the subdivision in accordance with the agreed subdivision plan (Option 7B).

*Item 11.2.1 Continued***COMMENT**

Four sets of tender documents were collected by contractors for Tender 18/2004 - Construction of Faulkner Park Feature Playground however only one submission was received that being from EarthCare Pty Ltd. The lump sum rate tendered by EarthCare totals \$931,029 (excluding GST) which represents an increase of \$285,921 on the pre-tender estimate of \$645,108 as supplied by Blackwell and Associates.

In preparing the October Budget Review, this amount was used as a base, however in light of increases in tender prices of several recent City building tenders, and in anticipation of a less favourable tender outcome, officers increased the Faulkner Park Feature Playground budget to \$750,000. This increase included architect and consultancy fees and the linkage between the Oasis Leisure Centre and the playground.

Discussions with the Director of Corporate Services subsequent to the close of the tender have identified that the additional funds required to fund the tendered costs are not available and the increase could not be funded through the October Budget Review process.

The tendered rate is significantly higher than expected and there are a number of possible reasons for the high tendered rate:

- The short time frame in which construction is expected to be completed.
- The large amount of work currently available to Landscape Contractors and the awareness of this busy period.
- The complexity of the project.
- The release of the new Australian Playground Standards.
- A limited number of contractors able to meet the eligibility criteria.

Whatever factors may have contributed to the submitted price, the fact remains that the City must now decide on how the project is to proceed.

As discussed at the Councillor Information Session on 3 November 2004, for the project to proceed in its present form there are three options available to Council. It is therefore important that serious consideration is given to the following options:

1. Defer the project until the sale of Ascot Water Playground.
2. Commit to loan borrowing to fund the project.
3. Stage the project over 2 financial years.

**Option 1 – Deferral**

Council has on occasion proceeded with major projects before all funding sources were established. Reserve Accounts have been used where appropriate and while Loan Funds have come under consideration, they have not been used for several years. Funding of major projects prior to having all funding sources in place does put pressure on Council's cash flow which in turn impacts on Councils revenue raising capacity from Investments.

It is therefore important that Council consider the deferral of the project until the sale of Ascot Water Playground.

*Item 11.2.1 Continued***Option 2 – Loan Borrowing**

Should Council resolve to fund the project via Loan Funds there are a number of scenarios available. If the entire project was funded i.e. \$1.1m over 10 years, the annual commitment would be \$143,000 from Municipal Funds and a total of \$388,530 would be paid in interest. If Council wanted to borrow \$350,000 over five years to complete the project in this financial year repayments would be approximately \$80,000 per year with a total of \$60,000 paid in interest.

It is therefore important to note, that the cost of interest should be considered as an 'opportunity cost', or an opportunity lost, the resulting effect being that money will not be available for future City projects if spent on interest.

**Option 3 – Staging**

The other alternative available to Council is to stage the project over two financial years. This option, while perhaps not ideal, is the most effective manner in which to proceed without Council having to commit to loan borrowing. This option would allow the playground to be constructed as per the final design, there would be no need to re-tender the works, construction would commence mid January 2004, stage one could be complete and open for use by the end of April 2005, with stage two commencing in July 2005.

Should Council resolve to stage the project over two financial years, the following option is recommended.

Deferral of all feature furniture items, all water features, the linkage to the Oasis, the artworks and plantings, which would result in the following cost reduction in the current financial year.

• Reduction of feature fencing by 16 metres	\$ 14,444
• Defer installation of 3 litter bins	\$ 7,045
• Defer lighting to BBQ units	\$ 14,996
• Defer installation of timber benches	\$ 9,662
• Defer installation of tables	\$ 51,223
• Defer installation of BBQ units	\$ 42,510
• Defer installation of shade sails to BBQ areas	\$ 32,492
• Defer linkage to Oasis	\$ 50,000
• Defer artwork	\$ 50,000
• Defer shrub and tree planting	\$ 53,724
• Defer/remove Water Features	\$ 52,650
<b>Total Cost Reduction for Stage One</b>	<b>\$378,746</b>
<b>Total Project Cost</b>	<b>\$1,120,876</b>
<b>Revised Project Cost for Stage One</b>	<b>\$ 742,130</b>

While the revised project cost shows a potential underspend to the budgeted \$750,000, there are essential infrastructure components that must be installed to allow stage two to progress (i.e. service connections and conduits for water and electricity supply to the water features and barbeque units). The costs associated with these infrastructure components are difficult to extract from the schedule of rates contained within the

*Item 11.2.1 Continued*

tender document. While these costs are unknown at this stage there are a number of options still available to Council which would assist with funding of stage one of the project from Municipal Funds within this financial year and allow these essential infrastructure components to be installed.

Consideration has to be given to the deferral of the Belmont Avenue Urban Design Project. Currently contained within the Parks and Gardens Capital Improvement Budget is an allocation of \$100,000 for the Belmont Avenue Urban Design Project. Discussions with the Director Engineering have indicated that he now believes that the project is unlikely to be progressed in the current financial year.

It is therefore recommended that this budget allocation be transferred to the Faulkner Park Feature Playground Account to allow for contingency costs, the installation of infrastructure services and the possibility of including deferred equipment, (depending on budget availability) with the first preference being the water features.

It is also recommended that the Manager – Parks and Gardens and Blackwell and Associates enter into discussions with EarthCare Pty Ltd to review the material costs associated with the project in an attempt to further reduce project costs.

Should Council resolve to stage the project as detailed above it will be necessary to budget for the deferred items in the 2005/2006 Parks and Gardens Capital Improvement Budget. The resultant effect will be a reduction in capital projects within the Parks and Gardens Department for the next financial year. Bearing this in mind Council may consider staging stage two over more than one financial year. This could be achieved by perhaps installing one barbeque unit and the associated feature furniture each year over three years, thereby ensuring that the normal capital improvements can continue, at least in part, on other parks and reserves.

It is important to note that originally Blackwell and Associates had quoted a fee of \$39,000 for the design, consultation, tender documentation and project administration for the proposed Faulkner Park Feature Playground, however due several variations and modifications to the original design of the playground required by Council, the additional work required to investigate, prepare presentations, design, specify and manage the new playground construction, their fee request has risen to \$62,447. The level of the fee increase is not considered to be excessive in light of the additional work undertaken.

The Manager Parks and Gardens has discussed the increase in Blackwell & Associates fees in relation to the City's position regarding the Local Government (Functions and General) Regulations Part 4 – Tenders for providing Good and Services, under section 3.57 of the Local Government Act with McLeods Barristers and Solicitors and the following comments are provided by McLeods.

*The City asks whether "Functions and General Regulation 11(2)(f) is applicable, as it would now seem unrealistic in the context of financial implications, project timeframes and project knowledge and understanding, to now via a tender process potentially engage a consultant other than Blackwell & Associates to complete the project in whatever format decided by the Council from this point."*

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*Item 11.2.1 Continued***ADVICE**

- 1.1 *The obligation on a local government to invite tenders arises from Section 3.57(1) of the Local Government Act 1995 ("the Act"), which provides that tenders must be invited before a local government enters into a contract of a prescribed kind under which another person is to supply goods or services. Section 3.57(2) provides that regulations may make provisions about tenders.*
- 1.2 *As the City has indicated, the relevant regulations are the Local Government (Functions and General) Regulations 1996. Regulation 11(1) obliges a local government to invite tenders before entering into a contract for another person to supply goods or services "if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000". The obligation to invite tenders is subject to a number of exceptions not presently relevant.*
- 1.3 *In the present case when the contract was initially contemplated, the consideration under the contract was not, nor was it expected to be, more or worth more, than \$50,000.*
- 1.4 *In our view it is clear the City did not have any obligation to invite tenders for the work initially contemplated.*
- 1.5 *No obligation to invite tenders arises pursuant to the Regulations in a case where it happens that the total cost of the provision of goods or services exceeds \$50,000, but where it was not initially expected it would do so.*
- 1.6 *However an obligation to invite tenders could arguably arise if, during the course of a matter, the scope of the services, or the nature of the goods, required is altered, and the altered consideration or cost still to be incurred is in excess of \$50,000.*
- 1.7 *According to our instructions, the design and tender documentation work that the architect undertook at the request of the City which was beyond the scope of the original quotation, was not contemplated until a relatively late stage of the process.*
- 1.8 *By the time the Council requested the further design and tender documentation work, the architects had completed the design work initially quoted for (\$6,600 including GST, excluding disbursements). It may be assumed that the architects had also by that time carried out a significant proportion, if not the whole of, the tender documentation work initially quoted for (\$19,180 including GST, excluding disbursements).*
- 1.9 *It seems reasonable to conclude that had the City inquired at the time it requested the additional design and tender documentation work, about the total cost of the further work yet to be done by the architects (including design, tender documentation, contract administration and post completion administration), the cost would have been significantly less than \$50,000, most likely in the vicinity of \$35,000 to \$40,000.*
- 1.10 *Had the provision of architectural services been reviewed at the point additional work was requested, it seems apparent the total cost of the future services to be provided would not have exceeded \$50,000, and hence it could not reasonably be argued that an obligation to invite tenders for the future work had arisen.*

*Item 11.2.1 Continued*

1.11 *As it happens, the architects have completed all works required of them, save for the contract and post contract administration work valued at \$23,081.30 (inclusive of GST, excluding disbursements). In the circumstances we do not think any obligation to invite tenders for that further work arises.*

1.12 *Regulation 11(2)(f) is not pertinent unless an obligation to invite tenders otherwise arises, and therefore is not relevant in the present case.*

In summary, McLeods have indicated that as the original quote provided from Blackwell and Associates was below \$50,000 and at that time, the City did not anticipate the fees to exceed \$50,000, the City was therefore under no obligation to call tenders for this service.

The additional works undertaken by Blackwell and Associates as a result of numerous changes to the original brief by Council are deemed to be variations to the original proposal and therefore the City is not considered to be in breach of the Local Government (Functions and General) Regulations Part 4 section 3.57 of the Local Government Act.

## **CONSULTATION**

There has been no public consultation in respect to this matter. However there has been extensive consultation between Officers and Councillors and between Officers, McLeods Barristers and Solicitors and Blackwell and Associates in regard to this matter.

## **STATUTORY ENVIRONMENT**

Local Government Act 1995, S3.57 – Tenders for Providing Goods and Services.

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.

Section 3.18 of the *Local Government Act 1995* provides that a Local Government is to satisfy itself that services and facilities it provides are necessary or desirable for the good government of persons in the district, and;

- Integrate and co-ordinate with other public services and facilities;
- Not inappropriately duplicate services or facilities with other public or private services or facilities; and
- Will be managed efficiently and effectively.

Local Government Act 1995 - Section 6.8 Expenditure from Municipal Fund not included in Annual Budget, provides that -

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure-
- (c) is authorised in advance by resolution\*;

\* *Absolute majority required*

*Item 11.2.1 Continued*

## **POLICY IMPLICATIONS**

Policy Manual, Section C3.5.2 – Tenders – Calling and Acceptance.

This report is consistent with Council's policy for the calling and acceptance of tenders.

## **FINANCIAL IMPLICATIONS**

There are a number of funding options available to Council that depend on what direction Council takes with this project. Council does however, need to consider the broader budget implications and not look at major issues like this in isolation. The 2004 October Budget Review proved more difficult to balance than first anticipated from the point of view of not depleting Council's Reserve Accounts.

As detailed previously in Option 1, Council has for some years been proceeding with major projects before all funding sources are established. Reserve Accounts have been used where appropriate and whilst Loan Funds have come under consideration, they have not been used for several years. Funding major projects prior to having all funding sources in place does put pressure on Council's cash flow which in turn impacts on Council's revenue raising capacity from Investments.

Projects such as Underground Power where property owners are given 3 years to pay their contribution, building a new Operations Centre prior to receiving the proceeds from land sales and purchasing land for Public Open Space before other land is sold all contribute to this problem. Council has not always been able to avoid these issues but has managed to use interim funding arrangements to bridge the gap.

The current Building Programme as contained in the adopted 2004-2005 Budget is presenting funding challenges when projects have been put to tender. This has resulted thus far in having to increase funding for the building of Redcliffe Park Hall Stage 2, postpone the building of a new SES facility and review the project, alter the funding sources for the Youth and Family Centre and increase the funding for the Civic Centre Refurbishment. These changes to funding arrangements are putting pressure on Council's Reserves but have been resolved as part of the October Budget Review.

A review of Council's Reserve Accounts has been undertaken in light of the changes contained in the October Budget Review. The estimated balance of the Land Acquisition Reserve at the 30 June 2005 as per the adopted budget was \$748,400. With the various changes listed in the Budget Review this is now estimated to be \$700,982 as at 30 June 2005. Given that the Land Acquisition Reserve is currently funding some of Council's major projects such as the Civic Centre and the Youth and Family Centre, it is not prudent to fund this project beyond the current commitment of \$750,000.

Some Loan Fund modelling has been undertaken with some different scenarios being looked at. As detailed previously in Option 2, if Council wanted to fund the whole project via Loan Funds – ie \$1.1m over 10 years, the annual commitment would be \$143,000 per year from the Municipal Fund and a total of \$388,530 would be paid in interest. If Council wanted to borrow \$350,000 to finish the whole project it would cost approx \$80,000 per year for 5 years with a total interest amount of \$60,000.

*Item 11.2.1 Continued*

Of course the cost of interest should be looked upon as an 'opportunity cost', being money that will not be available for other City projects if spent on loan interest.

Given that Council may need to borrow to meet its contractual obligations to the Oasis lessee, which may be in the order of \$2.5 - 3 million (capital upgrade and audit maintenance) and potentially borrow for the relocation of the SES facilities, only borrowing \$350,000 for the Faulkner Park Project would be advisable.

As Council made a conscious decision several years ago to minimise borrowings, the current liability is only \$1.3m. This does offer some capacity to borrow, however it should be remembered that all loan repayments are funded from the Municipal Fund. This would pave the way for any funds that are generated from the sale of Ascot Water Playground being transferred to the Land Acquisition and restore that Reserve's balance back to a significant level and provide the flexibility that is needed when opportunities arise to make strategic land acquisitions.

## **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

### **Strategic Plan**

#### **Living Belmont – Parks and Recreation Facilities**

- Progressively upgrade sporting and community recreation facilities.
- Prepare an integrated Plan for the Faulkner Park Precinct.

### **Operational Plan**

Community Strategy C1/5 – 'To promote the use of sporting and recreational facilities within the City of Belmont.'

Community Strategy C1/5 (b) – 'To market our active recreation reserves and investigate the potential of an extended range of sporting/leisure activity options. Focusing on encouraging families to live in Belmont.'

## **ENVIRONMENTAL IMPLICATIONS**

The use of scheme water for lawn and garden reticulation and also the water features are adverse to the City's commitment to environmental water management and the City's Environmental Plan, however Council has previously agreed that the use of scheme water in these instances was justified as the relatively minor amount used in the children's water features and the bore water stain removal costs was considered to exceed the benefits of overall water savings.

## **VOTING REQUIREMENT**

Absolute majority required (if Council commits to loan borrowing).

Item 11.2.1 Continued

## **OFFICER RECOMMENDATION**

That Council:

1. Stage the Construction of Faulkner Park Feature Playground by deferring all feature furniture items; all water features, the linkage to the Oasis, the artworks and plantings until the 2005/2006 financial year as detailed below.

• Reduction of feature fencing by 16 metres	\$ 14,444
• Defer installation of 3 litter bins	\$ 7,045
• Defer lighting to BBQ units	\$ 14,996
• Defer installation of timber benches	\$ 9,662
• Defer installation of tables	\$ 51,223
• Defer installation of BBQ units	\$ 42,510
• Defer installation of shade sails to BBQ areas	\$ 32,492
• Defer linkage to Oasis	\$ 50,000
• Defer artwork	\$ 50,000
• Defer shrub and tree planting	\$ 53,724
• Defer <sup>5</sup> /remove Water Features	\$ 52,650

**Total Cost Reduction for Stage One** **\$378,746**

2. Award Tender 18/2004 – Construction of Faulkner Park Feature Playground to EarthCare Pty Ltd.
3. Authorise the Manager Parks and Gardens to enter into discussions with EarthCare Pty Ltd to review the material costs associated with the project in an attempt to further reduce project costs.
4. Assign a budget allocation of \$385,000 (that incorporates Consumer Price Indexing) for Stage 2 of the Faulkner Park Feature Playground as part of the 2005/2006 Parks and Gardens Capital Improvement Budget.
5. Defer the Belmont Avenue Urban Design Project 905.20.7.279. Project Code S0508 and transfer the budget allocation of \$100,000 to the Parks and Gardens - Capital Improvement Account 960.20.7.279. Project Code G0413 to allow for contingency costs, the installation of infrastructure services, the possibility of including deferred equipment (depending on budget availability - with the first preference being the water features).

***GODFREY MOVED, BASS SECONDED, that due to concerns regarding the project funding, the Officer Recommendation not be adopted, and that Council defer the Faulkner Park Feature Playground project until the sale of the Ascot Water Playground site.***

**LOST 2 VOTES TO 9**

*For: Godfrey, Bass*

*Against: Passeri, Richardson, Rossi, Blair, Grant,  
Marks, Powell, Teasdale, Whiteley*

<sup>5</sup> 'Defer/remove' included in error, should read 'Defer'.

Item 11.2.1 Continued

**MARKS MOVED, RICHARDSON SECONDED, that Council:**

1. **Stage the Construction of Faulkner Park Feature Playground by deferring all feature furniture items; all water features, the linkage to the Oasis, the artworks and plantings until the 2005/2006 financial year as detailed below.**

• <b>Reduction of feature fencing by 16 metres</b>	<b>\$ 14,444</b>
• <b>Defer installation of 3 litter bins</b>	<b>\$ 7,045</b>
• <b>Defer lighting to BBQ units</b>	<b>\$ 14,996</b>
• <b>Defer installation of timber benches</b>	<b>\$ 9,662</b>
• <b>Defer installation of tables</b>	<b>\$ 51,223</b>
• <b>Defer installation of BBQ units</b>	<b>\$ 42,510</b>
• <b>Defer installation of shade sails to BBQ areas</b>	<b>\$ 32,492</b>
• <b>Defer linkage to Oasis</b>	<b>\$ 50,000</b>
• <b>Defer artwork</b>	<b>\$ 50,000</b>
• <b>Defer shrub and tree planting</b>	<b>\$ 53,724</b>
• <b>Defer Water Features</b>	<b>\$ 52,650</b>
<b>Total Cost Reduction for Stage One</b>	<b>\$378,746</b>

2. **Award Tender 18/2004 – Construction of Faulkner Park Feature Playground to EarthCare Pty Ltd.**
3. **Authorise the Manager Parks and Gardens to enter into discussions with EarthCare Pty Ltd to review the material costs associated with the project in an attempt to further reduce project costs.**
4. **Assign a budget allocation of \$385,000 (that incorporates Consumer Price Indexing) for Stage 2 of the Faulkner Park Feature Playground as part of the 2005/2006 Parks and Gardens Capital Improvement Budget.**
5. **Defer the Belmont Avenue Urban Design Project 905.20.7.279. Project Code S0508 and transfer the budget allocation of \$100,000 to the Parks and Gardens - Capital Improvement Account 960.20.7.279. Project Code G0413 to allow for contingency costs, the installation of infrastructure services, the possibility of including deferred equipment (depending on budget availability - with the first preference being the water features).**

**CARRIED 9 VOTES TO 2**

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

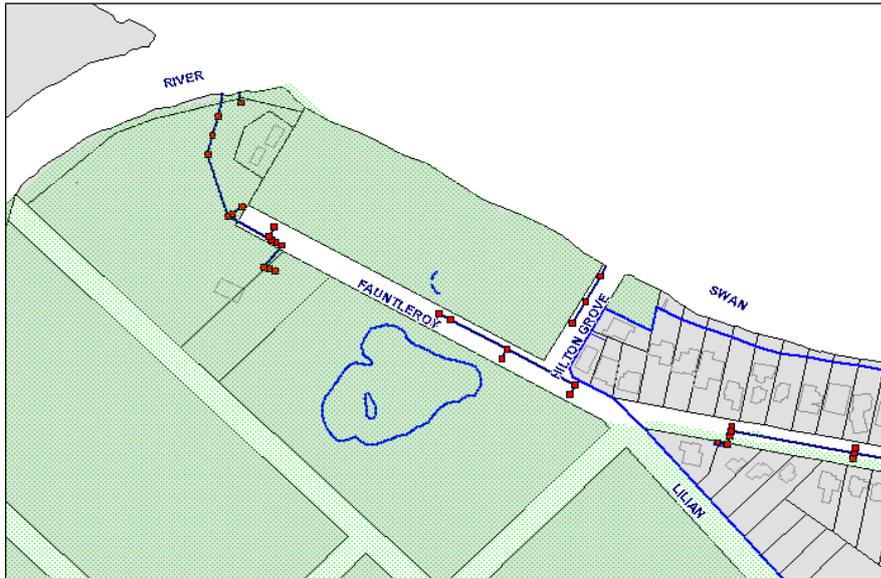
Against: Godfrey, Bass

## 11.2.2 Tender 26-2004 - Proposed Garvey Park Sewer Pump Station And Pressure Main, Water Main And Gas Main Extension Works

Report by Engineering Department

### LOCATION

Lot 8594, Reserve No. 36441, Garvey Park, off Fauntleroy Avenue, Ascot



### APPLICANT

Not applicable

### FILE REFERENCE

125/007 – Garvey Park Redevelopment

### DISCLOSURE OF INTEREST

The Author has not needed to make a disclosure of interest in respect to this matter.

### DATE

9 November 2004

### SUMMARY

To seek Council's approval to award Tender 26-2004 for the construction of the Proposed Garvey Park Sewer Pump Station and Pressure Main, Water Main And Gas Main Extension Works.

*Item 11.2.2 Continued*

## **BACKGROUND**

At the Ordinary Council meeting of 23 June 2003 (ComEx 3/6/03 Item 9.1.2) Council resolved to endorse the allocation of funds for the redevelopment of Garvey Park in the 2003/2004 budget. Some of the proposed works have been delayed and as such the development project and the relevant budgets have been re-allocated this financial year.

To facilitate the redevelopment of Garvey Park, the services have to be improved or upgraded to serve the proposed facilities on the park. This resulted in the design and contract administration for the proposed services improvement works being awarded to Shawmac Consulting Engineers.

The final design and documentation was completed by the consultants, and the Invitation to Tender was advertised in the West Australian on 13 October 2004., During the tender period a mandatory site inspection was held. The tender closing date was Thursday, 28 October 2004 at 2.00 pm. Immediately after the tender closure, the tenders were opened by a team consisting of Mr James Pol, Coordinator Council Buildings, Mr Geoff Alcock, Purchasing Officer and Mr Patrick Tan, Project Engineer in the presence of Shawmac's Mr Bob Garton and two tenderers. Ten tender documents were picked up but only six tender submissions were received.

The evaluation of the tenders were undertaken together with Shawmac's Engineer, Mr Bob Garton, and Council's Officers, Mr James Pol and Patrick Tan. The following criteria adopted by Council for Construction Projects was used in the evaluation process.

### **Project Tender Price 50%**

***Tender price shall be lump sum for the whole of the works***

### **Experience in Similar Contracts 20%**

***Demonstrate the firm/company's relevant experience by providing details of similar contracts completed in the past five years by listing the following for each project:***

***Client name & location***  
***Description of the project***  
***Contract value***  
***Date of completion***  
***Client contact name***

***Previous Local Government contract works will be highly regarded.***

### **Company Profile 15%**

***Including but not limited to: corporate organisational structure, core business, years in business, personnel, major clients.***  
***Indicate how the company will meet the needs of council in carrying out the work under this contract.***  
***Indicate staff availability to carry out this contract by indicating other concurrent commitments.***

*Item 11.2.2 Continued*

**Nominate the name and expertise of the person who will be the single point of contact with the City of Belmont for the full duration of the Contract.**

**Financial details and references.**

**How the Project will be Time and Quality Managed 15%**

**Provide information on the following systems:**

**Quality systems**

**Programming of the Works**

**Safety Management**

**Site Organisation and Control**

**A List of Referees Relevant to this Project**

**Provide the names of three referees able to comment on a recent project completed by the Contractor that is similar to the work required under this contract.**

**The selection panel will contact all of the referees to determine their overall satisfaction with the performance of the firm and their individual employees.**

**An adverse Referee comment may result in the tender being rejected on the grounds that it cannot be considered an advantageous tender.**

An alphabetical listing of the Tenders received and their GST exclusive prices are as follows:

ATA Construction	\$159,180.78
Civil and Construction	\$111,267.00
Georgiou Group	\$157,337.04
Mainline Water & Drainage	Rejected
Triple T Contracting	\$130,160.00
Underground Services Australia	\$128,569.00

All tenders are assessed on the non-price Council adopted selection criteria noted above and scored accordingly. Then the Tendered Lump Sum is scored and added to the non-price score. The tenderers are then ranked, with the highest scorer being considered the most advantageous tenderer.

**COMMENT**

The tenders received varied in the information they provided to address the required selection criteria. Each tender submission was assessed against the Council adopted criteria by the opening team. The tender submitted by Mainline Water and Drainage was rejected because they did not attend the site inspection, which is mandatory for the submission to be considered.

*Item 11.2.2 Continued*

The following table shows the results of the assessment in the **non-price score out of 50** and the corresponding calculated score based on the **submitted price out of 50**.

<b>Company</b>	<b>Non-Price Score</b>	<b>Price Score</b>	<b>Total Score</b>
ATA Construction	34.0	28.47	62.5
Civil and Construction	20.5	50.00	70.5
Georgiou Group	32.5	29.30	61.8
Mainline Water & Drainage	Rejected	Rejected	Rejected
Triple T Contracting	25.5	41.51	67.0
Underground Services Australia	38.5	42.23	80.7

The price score is a calculated out of 50, based on the percentage price variation over above the cheapest contractor. The percentage variation in price is calculated and then deducted from the maximum 50 points.

Legal precedent has established that Local Governments, as public bodies, have a responsibility to treat tenderers fairly. This obligation is based upon the terms and conditions of the tender having "contractual force"; with an implied duty on Local Governments to act fairly to all tenderers. Fair and appropriate processes must be followed and reasons given to justify decisions made on the awarding of tenderers. To ensure a fair and appropriate process a Tenderer's submission can only be assessed on their response to the Selection Criteria.

The use of selection criteria for assessing tenders as adopted by Council is to ensure that the selection process is not based on cost alone. This method aims to ensure that the selected tenderer is capable, efficient and has a record of delivering quality projects on time and within the tendered amount.

Underground Services Australia has provided a detailed response to the selection criteria in their tender submission. They are a company with a broad range of experience including significant Local Government work.

When comparing the other tender submissions with the one received from Underground Services Australia it is obvious that the other tenderers, to varying degrees, lack the detailed information that is required to address the Selection Criteria.

On the basis of the Council adopted criteria, Underground Services Australia, the highest ranked tenderer, with a total score of 80.7 out of a possible 100 is considered to be the most advantageous tenderer.

Subsequent referee checks were then carried out for Underground Services Australia and assessed on the basis of the referees response to the issues raised in the selection criteria above. The referees contacted had complimentary comments in regards to the company's dedication to the task, attention to programming and quality of finish.

These comments support Underground Services Australia as the most advantageous tenderer.

*Item 11.2.2 Continued*

### **CONSULTATION**

No further consultation was carried out.

### **STATUTORY ENVIRONMENT**

S3.57 (relating to tenders) of the Local Government Act 1995 is relevant, as the expected construction contracts cost will exceed the limit of \$50,000 that require tenders to be called.

### **POLICY IMPLICATIONS**

There are no policy implications to Council relating to this item.

### **FINANCIAL IMPLICATIONS**

The cost of the project will be costed to a budget allocation: Garvey Park Improvements (815.10.7.279 B0413 - \$800,000). This budget allocation is for the replacement Kayak facility which includes public toilets and kiosk, and the provision of upgraded services. There are other aspect of minor services connection to facilities on the parkland and the proposed Kayak Club facility, which will be undertaken separately by relevant specialist contractors. These include gas connection to proposed gas barbeque stations, power and water points at a number of locations.

The tendered sum from Underground Services Australia of \$128,569.00 is within this budget allocation.

### **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

Community Strategy C1/1 - To ensure that any development which is approved in the City of Belmont is of the highest possible standard.

Community Strategy #C5/7 – To rationalise and maintain the City's Parks and Gardens according to reasonable community expectation, recognising appropriate standards of public safety and environmental needs.

### **ENVIRONMENTAL IMPLICATIONS**

An acid sulfate soil investigation was undertaken by a geotechnical consultant, Douglas Partners, and an acid sulfate soil management plan is a requirement of the tender.

### **VOTING REQUIREMENT**

Simple majority.

*Item 11.2.2 Continued*

**OFFICER RECOMMENDATION**

***That it be recommended to Council that:***

- 1. Tender 26-2004 received from Underground Services Australia for the sum of \$128,569.00 plus GST for the Construction of the Proposed Garvey Park Sewer Pump Station and Pressure Main, Water Main And Gas Main Extension Works in accordance with the Contract documentation be accepted.***
- 2. That the Chief Executive Officer be authorised to approve variations, in accordance with the contract, up to 10% of the contract value.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 11.2***

**11.2.3 Modifications to Road Network – Barry Street and Gladstone Road****\*\*WT Attachments 6 A, B, C & D – Item 11.2.3 refers**

Report by Engineering Division

**LOCATION**

Road network including Orrong Road, Barry Street and Gladstone Road.

**APPLICANT**

Not applicable

**FILE REFERENCE**

118/002 – Traffic Enquiries / Information

**DISCLOSURE OF INTEREST**

The author has not needed to make a disclosure of interest in respect to this matter.

**DATE**

3 December 2004

**SUMMARY**

This report aims to address the configuration of the road network at Barry Street and Gladstone Road taking into consideration the origin and destination of traffic generated from Orrong Road. Barry Street largely services the senior units referred to as “Chamberlain Gardens” and provides direct access to the surrounding residential area in Rivervale however increased traffic is being generated as a result of ‘rat running’ particularly in the afternoon peak.

The Recommendation proposed is as follows:

*That Council :-*

1. *Support modifying the traffic flow through Barry Street and Gladstone Road in principle subject to community consultation;*
2. *Endorse a consultation process which details the traffic analysis completed and presents the three options outlined in this report;*
3. *Seeks feedback on the proposal from the surrounding community to be lodged with the City by the end of January 2005;*
4. *Consider a further report on the matter at the completion of the consultation phase.*

*Item 11.2.3 Continued***BACKGROUND**

The City has received a number of requests from residents from both Barry Street and Gladstone Road seeking a review of the intersection of Barry Street and Orrong Road. The concerns are largely derived from the 'rat running' of peak afternoon traffic as they try to avoid the signals at Orrong Road and Francisco Street. A majority of traffic appear to divert through Barry Street and Gladstone Road back to Francisco Street to avoid the delays at the signals.

A traffic analysis has been conducted as a result of these requests in an effort to quantify the issue. The following report details the results of the analysis and presents a number of alternatives for Councils consideration.

**COMMENT**

Traffic classifiers have been utilised to gauge the volume, speeds and direction of traffic to enable officers to analyse the data and draw conclusions on the source and impact of the traffic. Counts were conducted in February and September of this year and reviewed against data collected previously. The results are as follows:

<b>DATE</b>	<b>LOCATION</b>	<b>DESCRIPTION</b>	<b>COUNT vpd</b>	<b>SPEED km/hr</b>
15/10/2004	Barry Street	Gladstone - Orrong	1055	42.1
06/02/2004	Barry Street	Gladstone - Orrong	1146	41
15/10/2004	Gladstone Street	Francisco - Barry	1049	56.9
06/02/2004	Gladstone Street	Francisco - Barry	1238	53
15/10/2004	Gladstone Street	Barry - Newey	651	47.2

Barry Street provides the first and most direct access to the greater Rivervale area from either Orrong Road or Great Eastern Highway. The statistics show that over 1,000 vehicles per day utilise Barry Street. The peaks are generally between 8.00am - 9.00am and 5.00pm – 6.00pm with the afternoon peak generating approximately three times the level of traffic as the morning peak. Almost 50% of the average weekly traffic occurs between the afternoon hours of 3.00pm and 6.00pm.

The statistics for Gladstone Road between Barry Street and Francisco Street are largely consistent with those generated for Barry Street.

The traffic volume and speeds for Gladstone Road between Barry Street and Newey Street is largely consistent with normal residential traffic with little evidence of increased volumes due to 'rat running'. The peaks identified are between 8.00am - 9.00am and 3.00pm - 4.00pm with traffic volumes remaining reasonably constant throughout the day. The peaks can probably be attributed to the primary school in the area.

*Item 11.2.3 Continued*

The data suggests that the predominant movement is from Barry Street right into Gladstone Road and travelling south to Francisco Street. It is estimated that approximately 350 vehicles per day in this traffic stream are travelling between Orrong Road and Francisco Street thus are not from the adjoining residential area.

Barry Street provides access to Chamberlain Gardens. Residents of the units have difficulty accessing and egressing their complex particularly during the afternoon peak. A number of options are available to Council to resolve the problem.

A map of the area is provided as Attachment 'A' to this report for ease of reference and provides an appreciation of the road network which services the Rivervale area.

*Option 1 - Maintain left in left out at Barry (Status Quo)*

Since the connection of Orrong Road to the Mitchell/Kwinana Freeway through the tunnel (Graham Farmer Freeway) was established in 2001, traffic in Barry Street has doubled from 550 vpd to in excess of 1,100 vpd. The data has shown that Barry Street is regularly used by afternoon peak traffic as an easy link to Francisco Street to avoid delays at the signals. Officers can see no real advantage for motorists to divert into Barry Street as the cycle time of the signals at Francisco Street and Orrong Road is not excessive. Recent works to increase the size of the slip lane into Francisco Street have also reduced the potential for delays.

Council has also purchased lot 245 Surrey Street and lot 218 Gladstone Road which abuts the intersection of Barry Street and Gladstone Road. The current proposal is to develop the area for more passive recreation uses. As the land will attract more family oriented activities, it would make sense to remove additional traffic not necessarily generated from the residential area.

Both Barry Street and Gladstone Road service residential housing and it is recommended that some action be taken to alleviate the additional traffic. The current intersection configuration is provided as Attachment 'B' to this report.

*Option 2 - Modify the Intersection to make it left out only*

This option is probably the easiest and more economical to establish. It would effectively remove the afternoon peak traffic however still permit access onto Orrong Road for residents in the surrounding area. The configuration of this option is provided as Attachment 'C' to this report. Barry Street does however, provide a relatively easy link to the Rivervale community from Orrong Road and the residents may prefer to retain that ability.

*Option 3 – Close Gladstone Road at Barry Street*

By cul-de-sacing Gladstone Road as shown as Attachment 'D' to this report, the link between Orrong Road and Francisco Street would effectively be removed. This option retains the current access to the residential area or Rivervale through Barry Street providing an alternative that will supplement access from Francisco Street or Great Eastern Highway. As a result of the modification, afternoon peak traffic may initially divert through more of the residential area than at present (ie. by diverting through Newey Street) however, it is unlikely and will not persist as the travel times would be greater. Whilst this option may provide the least disruption to the community, it will be more expensive than option 2.

*Item 11.2.3 Continued***Summary**

In looking for a solution to this problem, the City needs to be conscious not to set a precedent. It is however equally as important to solve a problem where one can be quantified. When analysing traffic data it is not often as easy to separate residential traffic from those that are 'rat running'. This has made it easier to identify the problem and develop appropriate solutions.

As a general rule, modifications to the network would not normally be considered unless residential streets carried in excess of 3,000 vpd. The situation at Barry Street is unique however in that 50% of traffic (or 500 vpd) is generated between the hours of 3.00pm to 6.00pm in the afternoon and of this traffic, only 150 vpd can be attributed to the surrounding residential area. There would not be too many residential streets in the City of Belmont which could attribute 35% of all traffic and 70% of traffic in the afternoon peak to 'rat running'. Conversely if we were to extrapolate traffic generated in the afternoon peak to a total traffic volume, it would be consistent with an estimated 2,600 vpd. Whilst this volume on its own is marginally below the threshold, the other factors identified supports seeking input from the community on the matter.

Other options considered include modifying the intersection of Gladstone Road to allow only right turn into Barry Street, closing Barry Street at Orrong Road and closing Barry Street at Gladstone Road however these were not believed to be as suitable as the three options presented.

**CONSULTATION**

No formal consultation has taken place with the community. Officers have met with representatives of Chamberlain Gardens and other residents of Gladstone Road to discuss traffic problems experienced.

If Council supports in principle, modifying the traffic flow through this area, it is recommended that we undertake a consultation process which seeks feedback from the surrounding community on all three options considered in the report.

**STATUTORY ENVIRONMENT**

Responsibility for managing the road network rests with the City.

**POLICY IMPLICATIONS**

There are no significant policy implications are evident at this time.

Item 11.2.3 Continued

### **FINANCIAL IMPLICATIONS**

Whilst formal cost estimates have not yet been prepared, officers have sought to provide an indication of the likely associated costs for either option.

Option 2 is estimated to cost approximately \$10,000 with the majority of costs associated with traffic management on Orrong Road.

Option 3 is estimated to cost approximately \$20,000 and includes linking the footpath access in the general vicinity.

### **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

#### **Strategic Plan**

Not applicable.

#### **Operational Plan**

Community Strategy # C5/2 – To maintain a safe and efficient road system within the City of Belmont

### **ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

### **VOTING REQUIREMENT**

Simple majority required.

### **OFFICER RECOMMENDATION**

*That Council:-*

- 1. Support modifying the traffic flow through Barry Street and Gladstone Road in principle subject to community consultation;**
- 2. Endorse a consultation process which details the traffic analysis completed and presents the three options outlined in this report;**
- 3. Seeks feedback on the proposal from the surrounding community to be lodged with the City by the end of January 2005;**
- 4. Consider a further report on the matter at the completion of the consultation phase.**

**OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 11.2**

**11.3 COMMUNITY AND EXECUTIVE SERVICES DIVISION**

**MARKS MOVED, POWELL SECONDED, that the report of the Community and Executive Services Division as printed in the agenda, be received.**

**CARRIED 11 VOTES TO 0**

**WITHDRAWN ITEMS**

Nil.

**MARKS MOVED, POWELL SECONDED, that the Officer Recommendation in the Report of the Community and Executive Services Division, specifically item 11.3.1 be adopted en bloc.**

**CARRIED 11 VOTES TO 0**

**11.3.1 Confirmation of Standing Committee Minutes**

Report by Community and Executive Services Division

**LOCATION**

Not Applicable

**APPLICANT**

Not Applicable

**FILE REFERENCE**

32/010 Council Reports

**DISCLOSURE OF INTEREST**

The Author has not needed to make a declaration of interest in respect to this matter.

**DATE**

11 November 2004

**SUMMARY**

This Report addresses some procedural formalities required to complete the business of the Standing Committees, subsequent to their suspension by Council on 26<sup>th</sup> October 2004, in particular the confirmation of Committee minutes.

Item 11.3.1 Continued

## **BACKGROUND**

At its October meeting, Council resolved to suspend the following Standing Committees:

- Works and Technical Services Committee
- Community and Executive Services Committee
- Planning and Development Committee

and further renamed the Resources and Policy Committee to that of the Audit and Risk Committee.

To finalise the suspension of the three Committees, and also to facilitate the evolution of the Audit and Risk Committee, it is necessary for the Confirmation of the October Committee Minutes to be formalised, without causing a Committee Meeting to be held in doing so.

## **COMMENT**

In investigating this matter, it is suggested that the most effective way of achieving the confirmation of the Committee minutes, is by way of Council resolution. This would enable the Committees to be formally suspended without any outstanding business, and enable the Audit and Risk Committee to be established without having to deal with business of the former Resources and Policy Committee. The former Presiding Members will need to certify the confirmation accordingly, in the normal practice.

It is anticipated that the Standing Committee (Audit and Risk) and Standing Committee (Executive) will meet at sometime in December 2004 to consider their respective Terms of Reference, with a view of these being presented at the February round of Council meetings for consideration.

## **CONSULTATION**

No public consultation is considered necessary in respect to this matter.

## **STATUTORY ENVIRONMENT**

Section 5.22 of the Local Government Act 1995 specifies that *“the minutes of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.”*

## **POLICY IMPLICATIONS**

There are no specific policy implications evident in respect to this matter.

## **FINANCIAL IMPLICATIONS**

There are no financial implications evident in respect to this matter.

## **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

There are no Strategic or Operational Plan implications evident in respect to this matter.

*Item 11.3.1 Continued*

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident in respect to this matter.

### **VOTING REQUIREMENT**

Simple majority only.

### **OFFICER RECOMMENDATION**

- 1. *That the Minutes of the Works and Technical Services Committee meeting held on the 11 October 2004 be confirmed as a true and accurate record.***
- 2. *That the Minutes of the Community and Executive Services Committee meeting held on the 12 October 2004 be confirmed as a true and accurate record.***
- 3. *That the Minutes of the Planning and Development Committee meeting held on the 18 October 2004 be confirmed as a true and accurate record.***
- 4. *That the Minutes of the Resources and Policy Committee meeting held on the 19 October 2004 be confirmed as a true and accurate record***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 11.3***

**11.4 CORPORATE SERVICES DIVISION**

***WHITELEY MOVED, BASS SECONDED, that the report of the Corporate Services Division as printed in the agenda, be received.***

**CARRIED 11 VOTES TO 0**

**WITHDRAWN ITEMS**

Item 11.4.1 was withdrawn at the request of Cr Marks.

Item 11.4.2 was withdrawn at the request of Cr Bass.

Item 11.4.6 was withdrawn at the request of Cr Godfrey.

***ROSSI MOVED, GRANT SECONDED, that with the exception of Items 11.4.1, 11.4.2 and 11.4.6 which are to be considered separately, Officer Recommendations in the Reports of the Corporate Services Division, specifically items 11.4.3 to 11.4.5, be adopted en bloc.***

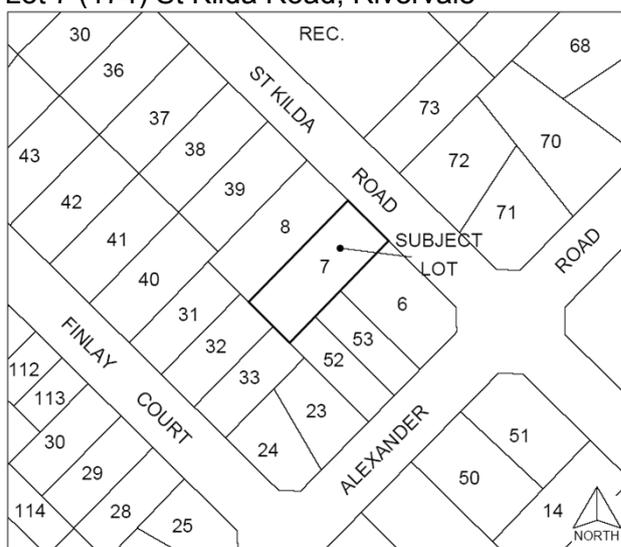
**CARRIED 11 VOTES TO 0**

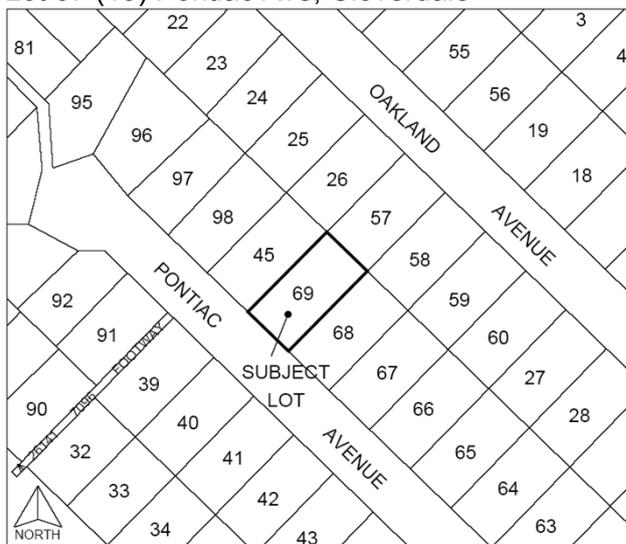
**11.4.1 Consultation on Council Owned Property**

Report by Corporate Services Division

**LOCATION**

Lot 7 (174) St Kilda Road, Rivervale



*Item 11.4.1 Continued***Lot 67 (19) Pontiac Ave, Cloverdale****APPLICANT**

Not Applicable

**FILE REFERENCE**

70/003 – Documents – Sale/Purchase Council Land/Buildings

**DISCLOSURE OF INTEREST**

The Author has not needed to make a disclosure of interest in respect to this matter.

**DATE**

2 November 2004

**SUMMARY**

Consideration by Council of the proposed disposal of Lot (174) St Kilda Road, Rivervale and Lot 67 (19) Pontiac Avenue, Cloverdale and the further consideration of Council of the initiation of consultation mechanisms with affected adjoining landowners prior to any such disposal process being initiated.

**BACKGROUND**

The 2004/2005 budget gave approval for the closure and reinstatement of two drainage sumps, located at Lot 7 (174) St Kilda Road, Rivervale and Lot 67 (19) Pontiac Place, Cloverdale.

Council's Engineering Department provided the following comment with respect to the need to close these sumps;

*Item 11.4.1 Continued*Lot 7 St Kilda Road, Rivervale

This land has, for many years, been used as a stormwater drainage sump for the surrounding catchment. The maximum capacity of the sump is reached almost every winter and there are indications that the existing capacity is not sufficient to cater for major storms. With no room for enlargement of the sump capacity, investigations were undertaken to look at rationalisation of the surrounding drainage system. As a result, the drainage system on Alexander Road was upgraded and the runoff to the St Kilda Road sump diverted to this system, which discharges into a Water Corporation Main Drain. The upgrading of the drainage system at Alexander was completed last year and the sump at St Kilda Road is no longer required. Currently the sump is being filled in and compacted in a manner suitable for building development.

Lot 67 (#19) Pontiac Ave, Cloverdale

This land is currently used as a stormwater drainage sump serving the surrounding catchment. Investigations have revealed that drainage works were undertaken several years ago to divert the stormwater runoff from the sump catchment to the Water Corporation's Keane St Branch Drain at Keane Street. As a result, the sump at Pontiac Avenue is therefore no longer required. The filling in of the sump with clean compacted fill will be undertaken in the current Works Budget.

The Engineering Department further advised that the removal of these two sumps will reduce the Council's long term sump maintenance costs.

**COMMENT**

Whilst the subject properties have been deemed by Council's Engineering Department to be surplus to current and future drainage requirements, Council must now consider how these properties will be used in the future.

Both properties are currently reserved for Parks and Recreation in accordance with the City of Belmont Town Planning Scheme No. 14 which provides sufficient scope for their current use as drainage sumps.

Whilst it would appear logical to undertake rezoning of these lots now that their use has been changed, the initiation of rezoning may be considered by affected residents as a clear indication of future Council intent with respect to these lots, despite no consultation, other than that statutorily required in accordance with the Town Planning and Development Act, having been undertaken.

It is suggested that Council undertake initial consultation with nearby residents to provide those likely to be directly affected by this use change to play a key role in the decision making process with respect the future use of these lots.

Whilst the Parks and Recreation reservation may imply that the lots could be used for general recreational purposes, this is highly unlikely due to both the size of the lots (1012sqm – Lot 7 St Kilda Road, 794sqm – Lot 67 Pontiac Avenue) and the proximity of other residential development.

Notwithstanding this, it is considered appropriate that any decision to rezone and ultimately dispose of the subject lots only be considered after the completion of an initial consultation process with nearby residents.

*Item 11.4.1 Continued*

It is suggested that initial contact will be made by mail, with interested persons able to contact nominated Council officers to obtain further information.

Whilst further consultation processes are not anticipated at this stage, it is considered pertinent if the level of consultation is reconsidered whilst the initial consultation process is being undertaken.

Once this consultation process has been completed, an item will be presented to Council for the consideration of both the property zoning and long term usage of the subject lots.

**CONSULTATION**

Following the completion of this initial consultation process any consideration of either rezoning or disposal of the subject lots will require substantive consultation in accordance with the Local Government Act 1995 and the Town Planning and Development Act 1928.

**STATUTORY ENVIRONMENT**

Disposal of property - Section 3.58 of the Local Government Act 1995.

Rezoning of Property – Town Planning and Development Act 1928.

**POLICY IMPLICATIONS**

No specific policy implications are evident.

**FINANCIAL IMPLICATIONS**

The decommissioning of the drainage sumps currently operated from the subject lots will reduce drainage sump maintenance costs to Council.

The Disposal of the lots in addition to providing an income not provided for within the 2004/2005 financial year, will provide an increase in property rates the subject lots become rateable as a consequence of such disposal.

**STRATEGIC PLAN / OPERATIONAL PLAN IMPLICATIONS****Strategic Plan**

No Strategic Plan implications are evident.

**Operational Plan**

No Operational Plan implications are evident.

**ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident.

**VOTING REQUIREMENT**

Simple Majority

*Item 11.4.1 Continued*

**OFFICER RECOMMENDATION**

That

1. Council authorise the undertaking of initial consultation with those landowners likely to be affected by any proposal to rezone and/or dispose of Lot 7 St Kilda Road, Rivervale and Lot 67 Pontiac Place, Cloverdale
2. The outcomes of the consultation, undertaken as a consequence of this process, be reported to Council for its consideration.

**MARKS MOVED, POWELL SECONDED, that to gain some clarification of the proposed disposal, the Officer Recommendation not be adopted, and the matter be deferred for a further Officer presentation at a future Information / Strategy Concept Forum.**

**CARRIED 10 VOTES TO 1**

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

Against: Teasdale

**11.4.2 Disposal of Council Owned Property**

Report by Corporate Services

**LOCATION**

Lot 1291 Surrey Road, Rivervale.

**APPLICANT**

Not Applicable

**FILE REFERENCE**

- 115/001 Development/Subdivision/Strata – Applications & Application Correspondence  
 116/002 Orrong Road Superblock Development

**DISCLOSURE OF INTEREST**

The Author has not needed to make a disclosure of interest in respect to this matter.

**DATE**

16 November 2004

**SUMMARY**

Consideration by Council of the disposal of Lot 1291 (200) Surrey Road, Rivervale following close of submissions on the advertised intent to dispose.

Item 11.4.2 Continued

## **BACKGROUND**

Council at its Ordinary Meeting held on 24 August 2004 resolved that;

*“Following consideration of submissions as received, Council decide to proceed with the Major Land Transaction for the development of the disposal of lots 16,17,1285,1293 and 1296 Orrong Road and Lot 1291 Surrey Road, Rivervale, subject to;*

- *Council being informed regularly with respect to the status of the property disposals in accordance with Policy C3.4.6.”*

Whilst this resolution provided Council authority for the matter to proceed as a Major Land Transaction in accordance with Section 3.58 of the Local Government Act 1995, Section 3.59 of the Local Government Act 1995 further required that each subsequent disposal of property be made subject to statutory advertising periods and the consideration of Council of any submissions received from any person during such periods.

Following resolution of Council, an offer was received for the purchase of Lot 1291 Surrey Road, Rivervale as follows;

Seller: City of Belmont of 215 Wright Street, Cloverdale WA 6985  
Purchaser: Aloï Holdings Pty Ltd of 47 The Crescent, Midland WA 6056  
Offer: \$600,000  
Valuation: \$600,000 - Pember Wilson Eftos Valuers dated April 6,2004.

Aloï Holdings Pty Ltd have already entered into contract of sale with the current landowners of adjacent lots and as such, they meet the needs of the Council as outlined within the business plan for lots only to be sold to adjacent or relevant property owners.

In accordance with Section 3.58 of the Local Government Act 1995, statewide advertising was undertaken with one submission being received at the close of submissions on November 15, 2004.

Additionally, and in accordance with the prior business plan, correspondence was forwarded to all adjacent landowners advising of the receipt of the offer to purchase the subject lot and of Council’s intent to dispose.

Copies of business plans were forwarded to affected landowners and each landowner was encouraged to obtain further information and make a submission during the advertised period.

Council Policy C3.4.6 requires that “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 income and expenditure and that it be reported to Council at least quarterly, or more frequently if required.”

As such, it is anticipated that a quarterly report on the progress of the disposal of lots within the Orrong Road Superblock B1 as a Major Land Transaction will be undertaken in December, following the completion of the first 3 month period following resolution of Council.

*Item 11.4.2 Continued*

**COMMENT**

The submission as received raises the following questions with respect to the process undertaken;

1. The disposal of the subject lots within the area designated as Orrong Road Superblock B1, or more commonly known as Orrong Road Superblock II appears contrary to the expressed terms of s.3.58 of the Local Government Act (WA) 1995 as amended.
2. The disposal of the subject lots within the area designated as Orrong Road Superblock B1, or more commonly known as Orrong Road Superblock II appears contrary to the probity Recommendations of the Report of Inquiry into the City of Belmont.
3. The disposal of the subject lots within the area designated as Orrong Road Superblock B1, or more commonly known as Orrong Road Superblock II appears contrary to the expressed terms of the Business Plan adopted by Council on August 24, 2004.

In response to these issues, the following information is provided;

**The disposal of the subject lots within the area designated as Orrong Road Superblock B1, or more commonly known as Orrong Road Superblock II appears contrary to the expressed terms of s.3.58 of the Local Government Act (WA) 1995 as amended.**

Section 3.58(2) of the Local Government Act 1995 requires that "*a local government can only dispose of property to –*

- a) *The highest bidder at a public auction*
  - b) *The person who at a public tender called by the local government, makes what is in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) *The local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*
- a) *it gives Statewide public notice of the proposed disposition –*
    - (i) *describing the property concerned*
    - (ii) *giving details of the proposed disposition; and*
    - (iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given*
  - and*
  - b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the Council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include –*
- a) *the names of all other parties concerned*
  - b) *the consideration to be received by the local government for the disposition; and*
  - and*
  - c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition."*

*Item 11.4.2 Continued*

As such, the following checklist provides clarification of compliance with the requirements of Section 3.58.

S 3.58(2) – Method of Disposal

Auction

Or Tender

Or Another method YES

S 3.58(3) - Statewide Public Notice

Advert placed 27/10/2004

Noticeboards Library  
General

Submission period provided 27/10/2004 – 15/11/2004 (2 weeks + 3 working days)

S 3.58(3) and S 3.58(4) - Advertising Details Provided

Property Description YES

Details of Disposal YES

Inviting Submissions YES

Names of other parties YES

Consideration to be received YES

Valuation YES (Date of Valuation – April 8,2004 – Date of  
Contract September 13,2004, Period 5 months 5 days)

**The disposal of the subject lots within the area designated as Orrong Road Superblock B1, or more commonly known as Orrong Road Superblock II appears contrary to the probity Recommendations of the Report of Inquiry into the City of Belmont.**

No evidence can be found of any matter relevant to the disposal of lots 1291, 1293 and 1296 being contrary to probity issues as raised by the Report of Inquiry into the City of Belmont.

**The disposal of the subject lots within the area designated as Orrong Road Superblock B1, or more commonly known as Orrong Road Superblock II appears contrary to the expressed terms of the Business Plan adopted by Council on August 24, 2004.**

The disposal of these lots was originally outlined in the “MAJOR LAND TRANSACTION BUSINESS PLAN for Disposal of lots 16,17,1285,1293 and 1296 Orrong Road and Lot 1291 Surrey Road, Rivervale” dated May 2004.

This plan provided details of the City’s intent to;

- Dispose of identified lots within Orrong Road Superblock B1,
- Use of private treaty sale as method of disposal,
- Use of higher of two acquired valuations to be the basis of the required sale price,
- Need for disposal to be subject to further public comment in accordance with Section 3.58 of the Local Government Act.

The subsequent proposed disposal of lots 1291, 1293 an 1296 has been undertaken in accordance with this business plan and Section 3.58 of the Local Government Act 1995.

*Item 11.4.2 Continued*

Whilst Section 3.58 requires that a statutory advertising and submission period be undertaken, the prior completion of a business plan detailing the Council's intent to dispose of all land holdings within Orrong Road Superblock B1 and the undertaking of a substantial consultation process in conjunction with this business plan has ensured that all affected landowners and other interested persons are already aware of Council's intent with respect to this disposal.

Considering the prior resolution of Council and the extent of consultation undertaken with respect to the disposal of lots contained within Orrong Road Superlot B1, it is suggested that Council should proceed with this disposal and enable the coordinated redevelopment of lands within the Superblock to be undertaken.

**CONSULTATION**

Consultation with respect to Council's intent to dispose of lots within Orrong Road Superblock B1 has been extensive and has been required to satisfy both the advertising and consultation requirements of Section 3.58 of the Local Government Act 1995 as well as Section 3.59 of the Local Government Act 1995. Additionally, correspondence has been forwarded to all adjacent landowners advising of Council's intent and providing further opportunity for consultation with these owners.

**STATUTORY ENVIRONMENT**

Section 3.58 of the Local Government Act 1995, Disposing of Property

**POLICY IMPLICATIONS**

Council Policy C3.4.6 Financial Management - Major Land Transactions and Special Town Planning Schemes.

**FINANCIAL IMPLICATIONS**

The sale of Lot 1291 Surrey Road will realise \$600,000 to Council. The redevelopment of this lot will additionally provide an increase in general rates to the Council as a consequence of the higher density development to be undertaken.

**STRATEGIC PLAN / OPERATIONAL PLAN IMPLICATIONS**

Strategic Objectives – Housing Density and Quality (Living Belmont)

“Facilitate clusters of higher density housing in appropriate areas such as near shopping centres”

**ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident.

**VOTING REQUIREMENT**

Simple Majority

*Item 11.4.2 Continued*

**GODFREY MOVED, WHITELEY SECONDED, that Council, in accordance with Section 3.58 of the Local Government Act 1995 and following consideration of those submissions received, resolve to dispose of Lot 1291(200) Surrey Road, Rivervale as follows;**

**Seller: City of Belmont of 215 Wright Street, Cloverdale WA 6985**  
**Purchaser: Aloj Holdings Pty Ltd of 47 The Crescent, Midland WA 6056**  
**Offer: \$600,000**

**CARRIED 10 VOTES TO 1**

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

*Against: Bass*

### **11.4.3 Sponsorship Proposal – 2005 Autumn River Festival**

Report by Corporate Services

#### **LOCATION**

Garvey Park, Fauntleroy Avenue, Ascot.

#### **APPLICANT**

Campbell Management Services Pty Ltd. (CMS Events)

#### **FILE REFERENCE**

51/013 – Events/Functions - Autumn River Festival

#### **DISCLOSURE OF INTEREST**

The Author has not needed to make a disclosure of interest in respect to this matter.

#### **DATE**

8 November 2004

#### **SUMMARY**

Council to consider continued sponsorship of the Autumn River Festival and to become a Platinum Sponsor for 2005.

#### **BACKGROUND**

The City of Belmont is a founding sponsor of the Autumn River Festival and has supported the event since its inception in 2000. Council has traditionally held a community day at Garvey Park, with the popular “Fish Fest” as a major theme, along with various other entertainment and activities, aimed at promoting enjoyment of the river and its environment.

CMS Events have once again approached Council to consider sponsoring the event in 2005, for the sixth year running.

The following benefits are offered to the City of Belmont in return for sponsorship:

- Become a Festival Platinum Sponsor and assume Level 2 recognition. *The City of Belmont will be significantly recognised in all marketing material.*
- Appear with all television advertising (Total \$20,000 campaign). *The City’s logo will appear on the end credits of all television advertisements. The main location of Garvey park will also be mentioned.*

*Item 11.4.3 Continued*

- Main location inclusion with radio advertising (Total \$20,000 campaign). *Garvey Park – and other locations in the Council region will be mentioned in at least 30% of all radio commercials. Garvey Park will be mentioned in a further 20% of radio commercials.*
- Logo to appear in all press advertising (Total \$15,000 campaign). *The City of Belmont logo will appear in all press advertisements.*
- Belmont specific promotions to appear only in the following press advertisements (logos of other Councils and sponsors will also appear). *Southern Gazette and Midland Kalamunda Reporter (minimum 10cm x 3 column) March 8 and 15; (minimum 20cm x 4 column) March 22 and 29.*
- Press releases will be issued weekly from February 22 (6) to assist promotion specifically for the City of Belmont, based on stories supplied by Council and community groups. (Guarantees of running cannot be given).
- Logo to appear in Direct Mail promotion (60,000+ distribution). *The City of Belmont logo to appear significantly on brochure in at least 2 locations. Locality distribution – Bayswater, Bedford, Embleton, Kiara, Maylands, Morley, Noranda, Ascot, Belmont, Cloverdale, Kewdale, Redcliffe, Rivervale, Bellevue, Guildford, Hazelmere, Middle Swan, Midland, South Guildford, Stratton, Upper Swan, Viveash, Ashfield, Bassendean, Eden Hill, Lockridge. An additional 1,000 brochures will be made available for Council use.*
- All event locations and descriptions to be included with Direct Mail promotion. *All locations promoted within the Council boundaries will have its own listing and summary details of activities.*
- Logo to appear with print production (Newsletters, etc) *All miscellaneous production material will include the City of Belmont logo from time of signing.*
- Provision of equipment at Garvey Park. *(This includes marquees, stage, toilets, generators and other miscellaneous items as negotiated).*
- Provision of main act (90 minutes) at Garvey Park. *The organisers will provide a suitable lunch time entertainment act.*
- Assistance with the co-ordination and booking of other services required for all venues. *The organisers will co-ordinate and book equipment and needs at all venues as required by Council.*
- A representative of the organisers (Richard Campbell) to attend all meetings as required.
- Venue layout and co-ordination assistance. *The organisers will assist with the layout design and on site co-ordination of Garvey Park.*

The event organiser has already received confirmation of support from Swan River Trust, City of Bayswater and Network Ten with initial correspondence indicating the support of Community Newspapers and Mix94.5. The East Metropolitan Regional Council and LotteryWest are also being approached.

The support of LotteryWest is essential for this event and should funding not be available, then the event organiser has advised that some benefits may be re-evaluated.

**COMMENT**

The sixth Autumn River Festival is scheduled to take place on Sunday, 3 April 2005. The Festival is designed to be a community celebration of the Middle Swan River that includes key locations such as Garvey Park in the City of Belmont and Riverside Gardens in the City of Bayswater. Other areas are also used to provide a total river experience.

*Item 11.4.3 Continued*

In 2005, the organisers are continuing to grow the awareness and promotion of the river precinct on behalf of the City of Belmont.

The event is held as a significant regional festival highlighting the enjoyment of the river environment and parklands through this inner metropolitan district. People are encouraged to participate by boat, car, bicycle, with friends, as part of an organised package or by their own means. Food, music and fun celebrate autumn and the clean and fresh environment of the river.

The Festival will be supported by a strong media campaign across television, radio, press and direct mail. The event will be a strong community based project attracting visitors from throughout the metropolitan area to the eastern parts of the Swan River.

The Autumn River Festival is an important part of Council's overall Marketing Strategy as it emphasises our links to the River. It is also an integral part of the local and regional tourism strategy that needs to be built on each year, to raise the profile of the region.

As Council has conducted a very successful community day at Garvey Park in previous years, it is suggested that Council continue to build on many of the already established areas, with the following acting as a guide for some of the activities and promotions that could take place:

- City of Belmont Fish Fest
- Wine Tasting
- Entertainment and various stalls
- Sporting and Recreation activities with the support and involvement of our Recreation Services Section
- Afternoon concert
- Make-A-Wish Foundation Walk.

**CONSULTATION**

Not applicable

**STATUTORY ENVIRONMENT**

Not applicable

**POLICY IMPLICATIONS**

There are no Council policy implications evident.

**FINANCIAL IMPLICATIONS**

The total cost to participate as a sponsor is \$13,200 (exclusive of GST). An appropriate allocation has been made in the Marketing Budget for this sponsorship.

**STRATEGIC PLAN / OPERATIONAL PLAN IMPLICATIONS****Strategic Plan**

Marketing objective "Living Belmont" theme "continuing to promote the City of Belmont as a prime location in which to live, recreate, conduct business or invest".

*Item 11.4.3 Continued*

**Operational Plan**

Community Strategy C1/10(b) – “to continue to explore sponsorships that complement the ‘City of Opportunity’ marketing strategy.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident.

**VOTING REQUIREMENT**

Simple majority only required.

**OFFICER RECOMMENDATION**

***That Council agree to become a Platinum Sponsor and support the 2005 Autumn River Festival to be held on Sunday, 3 April 2005, by contributing an amount of \$13,200 (exclusive of GST) from the Marketing Budget, and that Council be advised of the activities and entertainment planned for the community day at Garvey Park, as various elements are finalised.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 11.4***

**11.4.4 Financial Reports as at 31 October 2004\*\*****\*\*CS Attachment 7 – Item 11.4.5 refers**

Report by Corporate Services Division

**LOCATION**

Not applicable

**APPLICANT**

Not applicable

**FILE REFERENCE**

32/009 – Financial Operating Statements

**DISCLOSURE OF INTEREST**

The author has not needed to make a disclosure of interest in respect to this matter.

**DATE**

8 November 2004

**SUMMARY**

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

**BACKGROUND**

The Local Government (Financial Management) Regulations 1996 require that financial statements are presented on a monthly and quarterly basis to Council.

**COMMENT**

The statutory monthly financial report consists of an operating statement, and the statutory quarterly report consists of an operating statement, together with a statement of other income and expenditure.

In order to provide more details regarding significant variations in the attached report, the following summary is provided.

*Item 11.4.4 Continued*

<b>Report Section</b>	<b>Budget</b>	<b>Actual</b>	<b>Comment</b>
<b>Operating Expenditure</b>			
120 - Donations and Grants	47,400	39,644	Chaplaincy Program 10,000; Constable Care 7,100 and ESL charges 21,861.35
145 – Insurance	-74,194	-105,443	Internal recovery processed
222-Alternative Youth Programs	45,355	21,412	VIP Plus Program 2004/05 council contribution
390 - Tennis Club	32,960	26,608	Annual contribution
965 - Grounds Overheads	-19,092	47,378	Timing difference
820 - Building Overheads	4,034	-5,958	Timing difference
866 - Carlisle Depot Development	0	14,137	Fees associated with sale of Lots 101/102 and 107 Cohn St
930 - Public Works Overheads	34,235	102,664	Timing difference
<b>Operating Revenue</b>			
100-Rates	-19,912,897	-19,597,764	Total Revenue brought to account in July
825 - Health	-60,800	-53,842	Annual Stable licenses and Eating House Registrations
680 - Aged Care & Housing Assistance	-56,364	-28,182	Dept of Health & Ageing 50% of funding received
830 - Sanitation Charges	-2,609,784	-2,577,970	Total Revenue brought to account in July
370 - Belmont Oasis	-107,000	-103,426	Advanced payments to Leisure Co. to be forwarded to Belgravia Leisure when invoiced
<b>Contributions</b>			
900 – Road Works	-2,391,224	-1,293,636	Invoiced MRWA for first 40% of works at Grandstand Rd
<b>Disposal of Assets</b>			
No significant variances to report			

In addition to the statutorily required reports, Council is provided quarterly with a complete copy of the Monthly Management Report utilised by officers for daily budget control over the Municipal Fund. This report is accumulated into cost Centres and reports at a detailed level within each of these cost centres.

**CONSULTATION**

No consultation has been required.

*Item 11.4.4 Continued*

### **STATUTORY ENVIRONMENT**

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

Regulation 34(1a) states – “A local government need not prepare a quarterly or triannual report for the period ending on 30 June in any year if, before that date, the council resolves\* that such a report is not necessary.

*\*Absolute majority required.”*

Council resolved to this effect at its Ordinary Council meeting of 28 July 1997.

### **POLICY IMPLICATIONS**

There are no Council policy implications evident.

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

#### **Strategic Plan**

No Strategic Plan implications are evident.

#### **Operational Plan**

No Operational Plan implications are evident.

### **ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident.

### **VOTING REQUIREMENT**

Simple majority only required.

### **OFFICER RECOMMENDATION**

***That the Monthly Financial Reports as at 31 October 2004, be received.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 11.4***

**11.4.5 Accounts for Payment****\*\*CS Attachment 8 – Item 11.4.6 refers**

Report by Corporate Services Division

**LOCATION**

Not applicable

**APPLICANT**

Not applicable

**FILE REFERENCE**

54/007 – Creditors – Payment Authorisations

**DISCLOSURE OF INTEREST**

The author has not needed to make a disclosure of interest in respect to this matter.

**DATE**

8 November 2004

**SUMMARY**

Confirmation of accounts paid and authority to pay unpaid accounts.

**BACKGROUND**

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

**COMMENT**

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

<b><i>Municipal Fund Cheques</i></b>	<b><i>754794 - 755310</i></b>	
<b><i>\$4,759,530.97</i></b>		
<b><i>Trust Fund Cheques</i></b>	<b><i>905134 - 905136</i></b>	<b><i>\$1,837.50</i></b>
<b><i>Property Development Fund Cheques</i></b>	<b><i>-</i></b>	<b><i>\$0</i></b>
	<b><i>Total of previous month's cheques</i></b>	
	<b><i>\$4,761,368.47</i></b>	

A copy of the Authorised Cheque Listing is included as an Attachment to this item.

**CONSULTATION**

No consultation has been required.

*Item 11.4.5 Continued*

### **STATUTORY ENVIRONMENT**

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

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

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

### **POLICY IMPLICATIONS**

There are no Council policy implications evident.

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**

#### **Strategic Plan**

No Strategic Plan implications are evident.

#### **Operational Plan**

No Operational Plan implications are evident.

### **ENVIRONMENTAL IMPLICATIONS**

Not applicable

### **VOTING REQUIREMENT**

Simple majority only required.

### **OFFICER RECOMMENDATION**

***That the Authorised Cheque Listing as included in the Attachments to this item be confirmed and endorsed.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 11.4***

**11.4.6 Adoption of the Annual Report 2003-2004****\*\*CS Attachment 9 – Item 11.4.7 refers**

Report by Corporate Services Division

**LOCATION**

Not Applicable

**APPLICANT**

Not Applicable

**FILE REFERENCE**

32/001 – Operational / Strategic Planning - Originals

**DISCLOSURE OF INTEREST**

The author has not needed to make a disclosure of interest in respect to this matter.

**DATE**

3 November 2004

**SUMMARY**

To adopt Council's Annual Report for 2003-2004.

**BACKGROUND**

Council is required to prepare, adopt and advertise its Annual Report, prior to the Elector's Meeting. The Annual General Meeting of Electors is scheduled to take place at 7.00pm on Wednesday, 15 December 2004.

**COMMENT**

The Annual Report contains:

- Reports from the Mayor and Chief Executive Officer together with reports from individual Committee Presiding Members.
- A copy of the Financial Statements including the Auditor's Report.
- Council's obligations under clause 7 (1) Agreement of the National Competition Policy.
- An overview of the Principal Activities commenced or completed during 2003/2004.
- A report on the performance measures adopted in the 2003/2004 Principal Activities Plan.
- An overview of the Principal Activities to be commenced or continued during 2004/2005.
- Report on Council's Disability Services Plan achievements.
- A Freedom of Information Statement.

*Item 11.4.6 Continued*

A copy of the Annual Report has been provided for the Agenda Briefing Meeting of 23 November 2004. A final "printed" version will be circulated to all Councillors when they become available.

The Annual Report will be available for members of the public at the Electors Meeting that will include a complete set of financial statements.

Council is also advised that arrangements have been made for the appropriate advertising to be carried out.

**CONSULTATION**

There are no consultation issues.

**STATUTORY ENVIRONMENT**

Section 5.53 (1) of the Local Government Act 1995 prescribes that a Local Government must prepare an Annual Report and Section 5.53 (2) prescribes what must be contained within the Annual Report.

Section 5.54 of the Local Government Act prescribes that the annual report needs to be accepted the Local Government by 31 December of that financial year.

Section 5.55 of the Local Government Act prescribes that local public notice is to be given as soon as practicable as to the availability of the Annual Report after acceptance of the Annual Report by the Local Government.

Section 29 (2) of the Disability Services Act requires a Local Government with a Disability Services Plan to report via its Annual Report on the implementation of its Disability Services Plan.

**POLICY IMPLICATIONS**

There are no Policy implications.

**FINANCIAL IMPLICATIONS**

There are no Financial Implications.

**STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS****Strategic Plan**

No Strategic Plan implications are evident.

**Operational Plan**

Community Objective #C4.1 – "To increase public awareness of the role of Local Government in the Community."

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications.

*Item 11.4.6 Continued*

**VOTING REQUIREMENT**

Simple Majority required.

**GODFREY MOVED, POWELL SECONDED,**

- 1. That Council adopt the 2003-2004 Annual Report as circulated.**
- 2. That the availability of the Annual Report be advertised in accordance with Section 5.55 of the Local Government Act 1995.**

**CARRIED 11 VOTES TO 0**

## 12. REPORTS BY THE CHIEF EXECUTIVE OFFICER

\*\*\*8.46pm Having earlier declared a financial interest, Cr Richardson departed the meeting.

### 12.1 INFORMATION BULLETINS

The following Elected Members Bulletins were distributed to Councillors:-

Elected Members Bulletin 12 November 2004.

***TEASDALE MOVED, POWELL SECONDED, that the information provided to all Councillors and listed in the following Elected Members Bulletins be noted and received –***

- ***Elected Members Bulletin 12 November 2004.***

**CARRIED 10 VOTES TO 0**

\*\*\*8.47pm Cr Richardson rejoined the meeting.

### 12.2 REQUESTS FOR LEAVE OF ABSENCE

Nil.

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

*NOTE: Section 5.23(2) of the Local Government Act 1995, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: - matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters, security matters, among others.*

**GODFREY MOVED, GRANT SECONDED, that in accordance with Section 5.23(2) of the Local Government Act 1995, Council proceed behind closed doors (including the presence of Council Officers).**

**CARRIED 11 VOTES TO 0**

**\*\*\*8.48pm** The Mayor advised those in attendance that the Council would be proceeding behind closed doors to discuss two items and asked the gallery to depart the meeting, and that they would be welcome to return to the meeting upon conclusion of these discussions.  
Mr Cole departed the meeting.

**\*\*\*8.49pm** The meeting resumed in the absence of the public Gallery.

**\*\*\*8.50pm** Mr Cole rejoined the meeting

**13.1 CONFIDENTIAL ITEM – RELOCATION OF BELMONT/VICTORIA PARK SES UNIT\*\***

**\*\*Confidential Separate Attachment 10 – Item 13.1 refers**

**Item Circulated under Separate Cover**

**13.2 CONFIDENTIAL ITEM - STAFF MATTER – REVIEW OF CHIEF EXECUTIVE OFFICER'S KEY PERFORMANCE INDICATORS\*\***

**\*\*Confidential Separate Attachment 11 – Item 13.2 refers**

**Item Circulated under Separate Cover**

**BLAIR MOVED, GRANT SECONDED, that the public be invited to return to the meeting and that the resolutions passed behind closed doors be read.**

**CARRIED 11 VOTES TO 0**

**\*\*\*8.58pm** The public were readmitted to the meeting and the Manager – Administrative Services read aloud the resolutions passed behind closed doors, namely -

13.1 Relocation of Belmont/Victoria Park SES Unit

TEASDALE MOVED, RICHARDSON SECONDED, the following actions are recommended: -

1. *That because of the excessively high prices, the insufficient budgeted funds and the lack of additional financial commitment from the Town of Victoria Park and FESA, no tender for the construction of the new SES Unit building be awarded.*
2. *That officers prepare a business case for options to house the SES unit including the lease of land at the Operations Centre.*
3. *That the City initiate discussions with FESA with a view to minimising the City's responsibility for the SES when the move out of their existing facility in Abernethy Road in approximately two years time.*

CARRIED 11 VOTES TO 0

13.2 Staff Matter – Review of Chief Executive Officer's Key Performance Indicators

GRANT MOVED, ROSSI SECONDED, that Council –

*Approve and adopt the reviewed draft Chief Executive Officer Performance Indicators.*

CARRIED 9 VOTES TO 2

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

Against: Bass, Marks

**14. CLOSURE**

There being no further business to discuss, the Mayor declared the meeting closed at 9.01pm.