



# City of Belmont

## ORDINARY COUNCIL MEETING

### MINUTES

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8 November 2005

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### ATTACHMENTS INDEX

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

**\*\*Council Attachment 2 – Item 10.1 refers**

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- \*\*BB Attachment 3 – Item 11.1.1 refers**
- \*\*BB Attachment 4 – Item 11.1.2 refers**
- \*\*SB Attachment 5 – Item 11.2.1 refers**
- \*\*BEXB Attachment 6 – Item 11.5.1 refers**
- \*\*BEXB Attachment 7 – Item 11.5.2 refers**
- \*\*BEXB Attachment 8 – Item 11.5.3 refers**
- \*\*BEXB Attachment 9 – Item 11.5.4 refers**
- \*\*BEXB Attachment 10 – Item 11.5.5 refers**

**CONFIDENTIAL ATTACHMENTS INDEX - (Issued Under Separate Cover)\*\***

- \*\*Confidential Attachment 1 – Item 13.1 refers**
- \*\*Confidential Attachment 1.1 – Item 13.1 refers**
- \*\*Confidential Attachment 1.2 – Item 13.1 refers**
- \*\*Confidential Attachment 1.3 – Item 13.1 refers**
- \*\*Confidential Attachment 2 – Item 13.2 refers**
- \*\*Confidential Attachment 2.1 – 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 COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 8 NOVEMBER 2005, COMMENCING AT 7.04PM**

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**PRESENT**

Cr P Marks, Acting Mayor	East Ward
Cr M Bass	East Ward
Cr R Rossi	West Ward
Cr P Hitt	West Ward
Cr E Teasdale	South Ward
Cr B Whiteley	South Ward
Cr J Powell	South Ward
Cr G Dornford	Central Ward
Cr M Blair	Central Ward

**IN ATTENDANCE**

Mr R Lutey	A/Chief Executive Officer
Mr S Cole	Director – Corporate & Governance
Mr P Varris	Manager – Governance
Mr J Blanchard	Principal – Legal and Compliance Adviser
Ms AM Forte	Manager – Human Resources
Mrs N Jackson	Agenda & Minutes Officer

**MEMBERS OF THE GALLERY**

There were 15 attendees in the gallery.

**1. OFFICIAL OPENING**

The Acting Mayor opened the meeting at 7.04pm, welcomed those in attendance and invited Cr Powell to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Powell read aloud the affirmation.

**2. APOLOGIES & LEAVE OF ABSENCE**

**2.1 APOLOGIES**

Nil.

**2.2 LEAVE OF ABSENCE**

Cr Martin - 1 October 2005 to 13 November 2005 (endorsed OCM 27/9/05).

Cr Godfrey - 5 November 2005 to 12 November 2005 (endorsed OCM 18/10/05).

### **3. DECLARATIONS OF INTEREST**

*Councillors / Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the City's Code of Conduct.*

#### **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.*

**The Manager – Governance read aloud excerpts of correspondence from the Department of Local Government and Regional Development regarding Declarations and Conflict of Interest in respect to the Trust. It was noted that the Impartiality Interest Declarations and the Financial Interest Declarations made by Councillors in respect to the Trust are not required as no conflict of interest exists. The advice has been distributed to Councillors via memorandum immediately prior to the meeting. The Department of Local Government and Regional Development advice includes:**

**“A conflict of interest arises when the personal interest of a person interferes with the performance of his or her public duty. Interests Affecting Impartiality is similar in that an interest arises when a reasonable belief could be formed that the impartiality of the person with the interest would be adversely affected by the interest. Interests Affecting Impartiality do not include financial and proximity interests as defined in the Local Government Act 1995.**

**The Department holds the view that only when a Councillor or staff member has a relationship with a person or organisation that is requesting a decision of belief could be formed that a Councillor's impartiality would be adversely affected. Such relationships would include, but are not limited to, family, friends and membership or organisations.**

**In relation to your request for advice, the Department is of the view that Councillors should not be disclosing Interests Affecting Impartiality in matters pertaining to Trust Land, as no relationship exists that would give rise to a reasonable belief.**

**The Department believes that Councillors should not be discouraged from disclosing genuine interest, however, disclosures for non-existent interests may in the long term trivialise the requirements of the Code.”**

*Item 3.1 continued*

<b>Name</b>	<b>Item No.</b>	<b>Nature of Interest (and extent, where appropriate)</b>
Cr Dornford	5.1.2	Is a Trustee of the Trust.
Cr Bass	11.5.2	Is a Trustee of the Trust.
Cr Hitt	11.5.2	Is a Trustee of the Trust.
Cr Dornford	11.5.2	Is a Trustee of the Trust.
Cr Bass	11.5.4	Is a Trustee of the Trust.
Cr Hitt	11.5.4	Is a Trustee of the Trust.
Cr Dornford	11.5.4	Is a Trustee of the Trust.
Cr Dornford	11.5.4	Lessee of Belmont Child Care Centre.(Submitted at ABF)
Cr Dornford	11.5.5	Owner of property nearby. (Submitted at ABF)
Dr Shayne Silcox	13.1	Item pertains to his performance/remuneration review as CEO.
Cr Dornford	13.2	Owner of Belmont Child Care Centre. (Submitted at ABF)

**3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT**

*Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The member / employee must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.*

<b>Name</b>	<b>Item No.</b>	<b>Details of Interest</b>
Cr Bass	11.5.2	Is a Trustee of the Trust.
Cr Bass	11.5.4	Is a Trustee of the Trust. (Submitted at ABF)
Cr Hitt	11.5.4	Is a Trustee of the Trust. (Submitted at ABF)
Cr Dornford	11.5.4	Is a Trustee of the Trust. (Submitted at ABF)

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

##### **4.1 ANNOUNCEMENTS**

##### **4.1.1 Petition for a temporary road link – Tanunda Drive, Rivervale**

The Acting Mayor announced that he was in receipt of a petition of 60 signatories that states:

*“We the residents of Arum and Samphire Apartments, of Tanunda Drive, Rivervale respectfully request that the City of Belmont Council proceed immediately with the construction of a temporary road link within the existing Tanunda Drive Road Reservation, so that we can gain safe right turn movements off and onto the highway using the traffic signals at Belmont Avenue. The limitations of the existing access arrangement onto Great Eastern Highway are unsatisfactory in that they encourage inefficient and unsafe traffic movements.”*

The Acting Mayor advised that he had directed the petition to the Acting Chief Executive Officer for investigation and advice to Council.

##### **4.2 DISCLAIMER**

##### **7.11pm The Acting Mayor drew the public gallery’s attention to the Disclaimer and the Manager Governance read the Disclaimer aloud.**

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

*The City of Belmont disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person’s or legal entity’s own risk.*

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

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

*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.*

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

Nil.

**4.4 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 12.1**

Nil.

**5. PUBLIC QUESTION TIME**

**7.15pm** The Acting 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 Acting Mayor advised that he had registered five members of the public who had given prior notice to ask questions, these being Mr Harris, Mr Ryan, Mr Maguire, Mr Birch and Mrs Podinic.

The Acting Mayor invited the public gallery members, who had yet to register their interest to ask a question, to do so. One further registration was forthcoming from Mr Broinowski.

**5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE****5.1.1 Mr Rob Greenwood, 151 Coolgardie Avenue, Redcliffe**

At the Ordinary Council Meeting of 27 September 2005, the following questions from Mr Greenwood were taken on notice. Responses have been prepared and are included below:

- 1) Are aircraft emissions likely to be one of the major factors adversely affecting the health of all who live and work in Belmont? In line with Council's duty of care I ask Council to either commission an independent study of air quality including aircraft emissions in the City, and/or insist that the Department of Environment extends the present scope of air quality monitoring to include aircraft fuel and exhaust emissions, and to report particularly on their likely synergies with brickworks emissions.

*The issue regarding aircraft emissions is not in the scope of the City of Belmont. This is a state issue as it affects more than just the City of Belmont.*

*Therefore, the City suggests that any concerns be directed to the Department of Environment or Health Department of WA. Any requests to increase the number of air quality parameters measured by the State should be directed to the Department of Environment.*

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*Item 5.1.1 continued*

- 2) What steps can Council take to have non aviation related development land at Perth Airport excised from the airport lease so that it comes under State and Local Government jurisdiction, planning laws and regulations?

*The airport's legal status as being exempt from State and local regulatory controls is a result of section 52 of the Australian Constitution and the Commonwealth Places (Application of Laws) Act 1970. There is no High Court authority as to whether land that was used for a public purpose but is now used for a private purpose is exempt from section 52 of the Australian Constitution.*

*On this basis, the only options available to the City are to:*

- *lobby for Constitutional change,*
  - *mount a High Court challenge with uncertain prospects of success,*
  - *lobby the Commonwealth to sell Airport land not used for the Airport purpose, or*
  - *maintain its existing working relationship with the Airport Corporation. On this basis the City considers that the last option is the only reasonable option available to the City.*
- 3) Are Councillors aware that cane toads have already turned up at the Woolworths Distribution Centre (that receives some 700 trucks a day from inter and intra state) and we believe is inappropriate sited on Perth Airport land, with easy access via the airport southern main drain into the Swan and Canning river system and our Cities? In view of the serious damage and loss of amenity caused by cane toads across Australia and the State Government's objective to prevent their introduction into WA; Will Council make strong and urgent representations to State and Federal government to take immediate steps to prevent the introduction of cane toads into WA via the present Woolworths and the proposed Coles distribution centres?

*The City supports the State and Federal Governments in any prevention activities that will stop the cane toad entering WA and becoming a threat to our native flora and fauna.*

*However, as this issue extends far beyond the City of Belmont and its jurisdiction, it is the State and Federal Governments that need to take the lead on cane toad eradication.*

*The City of Belmont will not be making a representation to the State and Federal Government as they are already dealing with the issue as a matter of urgency and priority.*

- 4) What is the City's position in relation to the proposed brickworks including the environmental impact of the brickworks and given that we are already 30 days into the public submission period, what progress has the City made towards preparing a submission?

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*Item 5.1.1 continued*

*The City has prepared a submission which will be presented to the Environmental Committee (14<sup>th</sup> November 2005) and Council (29<sup>th</sup> November 2005) for endorsement prior to the closing date of 30<sup>th</sup> November 2005. The City has responded to the environmental issues that have the potential to impact on the City of Belmont. A copy of the City's submission will be made available to the Federal Minister when he reviews the proposal and then will be publicly available.*

*After reviewing the submission documents, the management strategy commitments made by WAC and BGC appear sufficient to have minimal impact on the City of Belmont and its residents. The DoE are providing their own independent study to audit the air quality monitoring methods and results.*

*The City of Belmont supports sustainable economic development, as long as economic advancement is not at the expense of social and environmental protection.*

### **5.1.2 Mr Michael Ryan, 60 Riversdale Road, Rivervale**

At the Ordinary Council Meeting of 18 October 2005, the following questions from Mr Ryan were taken on notice. Responses have been prepared and are included below:

- 1) At the 11 October 2005 Agenda Briefing Forum, Cr Bass had asked whether the land was being used by the Ascot Water Consortium? The answer given was that it was for all of the community. Mr Ryan referred to the access road from Memorial Drive into the Ascot Waters Estate and asked the following:

Has this section as I believe is a boardwalk, been dedicated as a road reserve?

*The Director - Engineering replied that the section of "The Boardwalk" within the Trust land has not been dedicated as a road reserve.*

- 2) Mr Ryan asked replied if not - why not?

*The Director - Engineering replied that the land is subject of the Trust.*

- 3) Mr Ryan asked when would this section of road be ready?

*The Director - Engineering replied that the meaning of the question was not clear, however, if the question relates to the timing of some future dedication of a road reserve, then the answer is, that this is unknown.*

- 4) Mr Ryan referred to page 8 of the Agenda Briefing Forum Notes of the 11 October 2005 at Item 11.1.4 and asked what context the word 'courteous' was used in the response to Cr Mark's question and could that be explained?

*The Mayor advised that an explanation would be given to Mr Ryan once the matter was investigated further.*

*Item 5.1.2 continued*

*After further investigation into the matter, the use of the word 'courteous' was in fact used in error and the first part of that particular sentence should be omitted and should now read: " We need to look out for the best interests associated for all ratepayers".*

## **5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

### **5.2.1 Mr Ray Harris, 481 Abernethy Road, Cloverdale**

- 1) Mr Harris referred to the recent tender awarded for lawn mowing which took in some of the Trust land and noted that the Belmont Resident Ratepayers Action Group (BBRAG) submits that the Council pays into a trust a weekly lease of the trust land, to cover the use they have made of it and are still making, including the canal they have created and renamed as the Ascot Waters Marina, and that this money be banked in yet another trust (through hopefully BBRAG) and asked; would the City consider paying for the free use of Trust land?

*The Acting Chief Executive Officer replied that it would be up to Council to determine if any such action needed to be taken. It is not something that Council has considered before and is unlikely to be supported as the City has to-date maintained the land at its cost and at no cost to the Trust.*

- 2) Mr Harris referred to the support given by the Member for Belmont to the proposal sale of Orana Park and asked if the Council would officially thank Hon Eric Ripper accordingly?

*The Acting Mayor replied that this is a matter for Council to consider should the request be brought before it.*

- 3) Mr Harris asked would Council state, why does the ex-baseball park funded under Better Cities still look like a field of wild oats?

*The Acting Chief Executive Officer advised that no Better Cities funds were used for the former baseball facilities; however as the issue of the Trust has not yet been resolved no work has been carried out. Should it be necessary, Council will ensure bushfire requirements are undertaken by the due date.*

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

- 1) Mr Ryan refers to Item 11.5.4 on tonight's Agenda regarding the October Budget Review, particularly Attachments A52 regarding the Belmont Trust Account 216.00.1.075 and asked:

The current budget details an amount of \$5,000 owing to the City from the trustees of the Belmont Trust for legal advice, the amended budget brings that debt to zero, with the budget variation costing ratepayers \$5,000.

Mr Ryan notes that some Councillors have declared an impartiality interest in this item due to their trusteeship; would the Mayor please allow Councillors the courtesy of separating the vote on the Budget Review without the Belmont Trust accounts, and then deliberate on the Trust items separately?

*The Acting Mayor noted that as has been advised at previous meetings, there is no amount owing to the Trust, it is simply a method of recording what funds are expended on the Trust land. No decision has been made to recover any money from the Trust. That being said, as earlier noted in this meeting by the Manager – Governance, there is no need for Councillors to declare an interest in respect to the Trust.*

- 2) The proposed budget variation to account 216.00.1.075 amounts to a forgiveness of a debt of \$5,000 currently owed by the trustees of the Belmont Trust to the City. Would it be appropriate to defer this part of the budget, pending specific advice, given the implications of financial interest as defined at section 5.60A of the Local Government Act?

*The Acting Chief Executive Officer said there is no debt to the trust nor is there any suggested forgiveness of debt., merely recognition that it is not expected that any funds will be received by the City. No deferral is required as advice has now been received that no declaration by Councillors is needed to be made.*

- 3) If a deferral on the monies owing from the trustees is deemed inappropriate, would the Mayor please afford all Councillors who are trustees of the Belmont Trust the opportunity to consider the lodgement of declarations of financial interest according to section 5.65 of the Local Government Act; before the matter is discussed and decided this evening?

*The Acting Mayor replied that this answer had already been answered. The Manager Governance replied that Councillors do not have a impartially interest to declare, which extends to a financial interest.*

- 4) Mr Ryan notes from the Council minutes of meeting of May 26, 2004 that all Councillors present submitted declarations of an impartiality interest, in their individual capacity as trustees of the Belmont Trust, at that time known as the Grove Farm Trust and asked:

Has there been any change to the make up of the trustees of the trust and when will the Trust meetings and the minute be open to the public, that is, the people who are the beneficiaries of the Trust?

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*Item 5.2.2 continued*

*The Acting Chief Executive Officer replied that it has been clarified that the Council is the Trustee and any change in elected members will correspondingly alter the membership of the Trust. On advice to-date, future meetings of the Trust will be open to the public provided they do not deal with confidential matters.*

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

Mr Maguire referred to the Faulkner Park Feature Playground and asked about the problems that were occurring with anti social behaviour and asked if the Council would be proceeding with any court action and if so will ratepayer's money be used?

*The Acting Mayor advised he was aware that the Mayor has been involved in attempting to resolve this matter and committed to find out what action has occurred and advise Mr Maguire accordingly.*

**5.2.4 Mr Robert Birch, 195 Knutsford Avenue, Kewdale**

- 1) Mr Birch referred to the communications with the Operations Centre in Carlisle and the related budget and asked does the Tender cover the installation of fibre optic cable and the telecommunications equipment?

*The Director Corporate and Governance replied that the project that had been tendered would be installing fibreoptic cable between The Civic Centre and the Operations Centre.*

- 2) Mr Birch asked if Councillors or officers were aware of any other problems related to the relocation of the Operations Centre that would cause additional money to be spent?

*The Acting Chief Executive Officer replied that he was not aware of any such issues.*

**5.2.5 Mrs Liliana Podinic, 46 McGuigan Circle, Redcliffe**

- 1) Mrs Podinic asked if Council would be doing anything about the London Plane trees which were making a mess on Epsom Avenue and expressed concerns regarding the potential health risks posed by these trees?

*The Acting Mayor replied that the Manager Parks, Leisure and Environment would be making a report to Council on the issue.*

- 2) Mrs Podinic asked if the Council could send someone from the Health Department to inspect the trees?

*The Acting Mayor advised that this possibility could be looked at in the forthcoming report from the Manager Parks, Leisure and Environment.*

### 5.2.6 Mr Roger Broinowski, 66 Armadale Road, Rivervale

- 1) Mr Broinowski queried why the Parks and Gardens Department had not sent out letters to say that they were removing the plants from the roundabout near his residence and asked what the cost would have been to take the plants out and replace with native plants?

*The Acting Chief Executive Officer replied that he could not provide the budgeted cost associated with the replacement of plants at the Armadale Road slow point as the cost is included in the general budget allocation for the upgrade of roundabouts, verges and other roadside gardens.*

- 2) Mr Broinowski asked if Council would consider seeking the advice of a horticulturist in regards to the planting in his area, once again asked about the cost and suggested that roses could be planted as they were now classed as a water wise plant? Were Council's horticulturists up to date with the latest information?

*The Acting Chief Executive Officer advised that he did not see a need to seek advice and believed Council staff are conversant with contemporary information.*

- 3) Mr Broinowski asked if the Acting Chief Executive Officer could advise him in writing that Council would consider adding more gardens in his area?

*The Acting Mayor advised that for a decision to be made it would have to be put to Council.*

- 4) Mr Broinowski spoke about the possibility of a Bird Flu Epidemic and asked if Council could put out a bulletin for the public advising not to feed wild birds?

*The Mayor advised that he did not see this as necessary and advised that Question Time would need to conclude as 30 minutes had elapsed.*

### 5.2.7 Mr Michael Ryan, 60 Riversdale Road, Rivervale

- 1) Mr Ryan asked what time does Council open its doors on the nights it has meetings and the notice on the door states 6.30pm?

*The Manager of Governance replied that unfortunately the public notices were incorrect and he would arrange for them to be corrected. He advised that the doors will be open to the public at 6.40pm and apologised for the incorrect information and the late opening of the door this evening.*

- 2) Mr Ryan asked if a copy of the advice from the Department of Local Government and Regional Development in respect to the interest in the Trust would be available, and could he obtain a copy from Council?

*The Manager – Governance replied that he would make sure the relevant content of the letter is included in the minutes.*

**7.52pm As the time for questions from members of the public had elapsed, the Acting Mayor declared Public Question Time closed.**

**6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX****6.1 ORDINARY COUNCIL MEETING  
HELD 18 OCTOBER 2005**

***POWELL MOVED, TEASDALE SECONDED, that the minutes of the Ordinary Council Meeting held on 18 October 2005 as printed and circulated to all Councillors, be confirmed as a true and accurate record.***

**CARRIED 9 VOTES TO 0**

**6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM  
HELD 1 NOVEMBER 2005\*\***

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

Note: The Manager Governance referred to a note to Councillors regarding two corrections to the Information Matrix which have been reflected on the internet, gallery and public copies of the documents, but not in Councillors version. Replacement pages were included with the note.

***HITT MOVED, BLAIR SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 1 November 2005 as circulated in the amended attachment, be received and noted.***

**CARRIED 9 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).*

*NOTE: Council in receiving and noting the Minutes of Standing Committee are not adopting or in anyway endorsing the recommendations or comments contained therein. Committee Recommendations will be the subject of separate reports to Council at this or a future Council Meeting, at which time Council will consider the matter.*

**10.1 STANDING COMMITTEE (EXECUTIVE) MEETING  
HELD 10 OCTOBER 2005\*\***

**\*\*Council Attachment 2 – Item 10.1 refers**

**WHITELEY MOVED, HITT SECONDED, that the Minutes of the Standing Committee (Executive) Meeting held 10 October 2005 be received and noted.**

**CARRIED 9VOTES TO 0**

## 11. REPORTS OF ADMINISTRATION

*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 BUILT BELMONT

#### **WITHDRAWN ITEMS**

Item 11.1.1 was withdrawn at the request of Cr Rossi.

Item 11.1.3 was withdrawn at the request of Cr Bass.

***BLAIR MOVED, TEASDALE SECONDED, that with the exception of Items 11.1.1, and 11.1.3, which are to be considered separately, the Officer Recommendation in the Built Belmont Key Result Area Report, specifically Item 11.1.2, be adopted en bloc.***

**CARRIED 9 VOTES TO 0**

#### 11.1.1 Gabriel Street – Streetscape and Road Resurfacing\*\*

**\*\*BB Attachment 3 – Item 11.1.1 refers**

Report by Technical Services Division

#### **DATE**

18 October 2005

#### **PURPOSE OF REPORT**

To consider the traffic analysis and results of the community consultation in relation to street scaping works and road resurfacing in Gabriel Street, from Hardey Road to Belgravia Street, Cloverdale.

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#### **SUMMARY AND KEY ISSUES**

##### **Summary and Key Issues**

Council has budgeted to undertake pavement repairs and traffic management treatments in Gabriel Street this financial year. Officers believe that there is an opportunity to improve the road geometry and create a more suitable road layout which is consistent with its environment. To this end, 3 options were developed and distributed to the community for feedback.

*Item 11.1.1 Continued*

### **Officer Recommendation Summation**

That Council adopt Option B - road narrowing (ie. increase verge width by .....m each side), edge line to facilitate cyclists, indented bus embayment and 'at grade' median as (if a verge width increase of 1.5m or less is agreed) its preferred treatment for the upgrade of Gabriel Street between Hardey Road and Belgravia Street and advised the residents accordingly.

### **LOCATION**

Gabriel Street – between Hardey Road and Belgravia Street, Cloverdale

### **APPLICANT**

Not applicable

### **FILE REFERENCE**

102/025 – Council Works Programme Notification

### **DISCLOSURE OF INTEREST**

Name	Position	Type of Interest	Nature / Extent of Interest

### **VOTING REQUIREMENT**

Simple Majority required.

### **CONSULTATION**

Initial consultation was sought from the affected community, namely;

- Gabriel Street (Hardey Road to Belgravia Street)
- Pearl Road (Keane Street to Gabriel Street)
- Whiteside Street (Keane Street to Gabriel Street)
- Kennerley Street (cul-de-sac to Gabriel Street)
- Patchett Street (Morris Street to Gabriel Street)

### **STRATEGIC PLAN IMPLICATIONS**

The relevant strategy identified in Councils Strategic Plan is as follows:

*Item 11.1.1 Continued*

*Building Belmont - 'Continue to monitor the performance of our road network with regards to its safety and serviceability.'*

**POLICY IMPLICATIONS**

There are no significant policy implications at this time.

**STATUTORY ENVIRONMENT**

There are no specific statutory requirements in respect to this matter

**BACKGROUND**

As part of the City's Works Programme, road resurfacing and general improvements to the streetscape have been proposed for Gabriel Street, between Hardey Road and Belgravia Street.

The initial concept proposed a traffic treatment similar to that established on Hardey Road however given the road geometry, officers believe that there is an opportunity to improve the general aesthetics of the area by considering alternative treatments.

3 proposals have been developed for Gabriel Street and distributed to the community for consideration and feedback.

**OFFICER COMMENT**

As part of the City's initial consultation process, a letter was forwarded on 22 September 2005 to some 214 owner/occupiers seeking feedback on the following three options for Gabriel Street (plans attached);

- Option A Nibbed parking bays, 'at grade' median and no cycle lane.
- Option B Road narrowing (ie. increase verge width by 1.5m each side), edge line to facilitate cyclists, indented bus embayment and 'at grade' median.
- Option C Nibbed parking bays, painted cycle lane and no median.

Funds for the works have been allocated in the 2005/2006 budget and it is envisaged that works will begin later in the year.

**Option A – Nibbed parking bays, 'at grade' median without a cycle lane**

Option A represents a configuration which replicates the treatments established in Hardey Road between Alexander Road and Gabriel Street. The parking nibs facilitate on-street parking and afford additional protection to vehicles when parked on the road side. An 'at grade' median, when incorporated with the parking areas, will reduce the physical width of the roadway in an effort to create a slower speed environment.

*Item 11.1.1 Continued**Option B – Narrowing, edge lines and ‘at grade’ median*

The Current road pavement width is 13.5m. It is understood Gabriel Street formed part of wider distributor road network which serviced the local business area of the day and the old Tonkin Highway/Hardey Road thoroughfare. Since the redevelopment of the Belmont Forum and the extension of Tonkin Highway on its current alignment, there is no need for a 13.5m pavement for Gabriel Street.

Whilst Gabriel Street takes a reasonable amount of traffic, its main purpose is to service the adjacent and surrounding residential area. As such, narrowing the road width and creating a residential road environment is proposed in this option. The treatment involves narrowing the roadway to approximately 10m in width and establishing an ‘at grade’ median to further reduce the available pavement to 8m. 1.2m edge lines would also be installed.

Increasing the verge width would enable additional trees to be established thus providing an avenue affect. It is preferable to establish trees in the verge area as opposed to a centre median as they are better maintained and afforded greater protection from vehicles. Officers believe that this presents a safer road environment. Trees are currently planted close to the existing kerb line which is affecting its alignment. Increasing the verge width will also overcome this problem.

An arguable further enhancement to the streetscape would be to further reduce the pavement width by removing the ‘at grade’ median island and increase each verge width by 2.5 metres rather than 1.5 metres. This is contemplated rather than plantings in the median because the number of crossovers means that no more than four trees could be planted over the length of the proposed works without impeding access.

Gabriel Street currently forms part of the Perth Bicycle Network and as such, providing some facility for bicycles would be preferred. This proposal recommends establishing edge lines which can facilitate the movement of cyclists along Gabriel Street.

*Option C - Nibbed parking bays, painted cycle lane and no median*

This option was developed to give the community the opportunity to provide feedback on the median proposed in the other 2 options. Whilst this option also narrows the roadway, it does little to break up the excessive width of the pavement with a median.

*Statistics*

Of the 214 letters distributed Council received 55 responses ie. a 26% response rate.

Of the total catchment the following represents the feedback

Option A	13%
Option B	6%
Option C	7%
No Response	74%

*Item 11.1.1 Continued*

Of the responses received the following is a breakdown of the feedback received:

Option A	49%
Option B	22%
Option C	29%

The most recent traffic counts undertaken on Gabriel Street were in October 2002 with the volume of traffic being 4,300 vehicles per day and an average speed in the vicinity of 65km/hr. These statistics have contributed to the proposals for treatments to narrow the roadway as a means of controlling vehicle speeds.

Summary

Officers believe that Option B will provide a more aesthetic streetscape in the long term. Increasing the verge width will provide the best opportunity to establish reasonable street trees and these trees are likely to be better maintained. A median will exist which can also be planted at some point in time (no median trees are proposed in this proposal) if the need arises.

Inspections suggest that little on-street parking is necessary as cars are rarely parked on the street. The increased verge width can be used to park cars in any event. Establishing parking nibs and defined parking areas as is the case in Hardey Road only marginally improves the street appeal and does little to reduce the visible width of the pavement. If there is little demand to retain the physical width of the street, creating a residential street feel would be preferred.

**FINANCIAL IMPLICATIONS**

All options can be achieved within the budget amounts allocated in the annual budget.

Option A	\$ 75,000
Option B	\$120,000
Option c	\$ 65,000

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

**ATTACHMENT DETAILS**

<b><u>Attach. No.</u></b>	<b><u>Details</u></b>
3	Options A, B & C – Gabriel Street

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*Item 11.1.1 Continued*

**OFFICER RECOMMENDATION**

That Council adopt Option B - road narrowing (ie. increase verge width by ....m each side), edge line to facilitate cyclists, indented bus embayment and 'at grade' median (if a verge width increase of 1.5m or less is agreed) as its preferred treatment for the upgrade of Gabriel Street between Hardey Road and Belgravia Street and advised the residents accordingly.

**ROSSI MOVED, BASS SECONDED the Officer Recommendation be amended to read and adopted as follows –**

- 1) That Council adopt Option B - road narrowing (ie. increase verge width by 1.5m each side), edge line to facilitate cyclists, indented bus embayment and 'at grade' median as its preferred treatment for the upgrade of Gabriel Street between Hardey Road and Belgravia Street and advised the residents accordingly.**
- 2) Include concrete pad at bus stop along the section of Gabriel Street included in the proposed works, to provide a suitable surface for those waiting for buses.**

**CARRIED 9 VOTES TO 0**

**11.1.2 Dedication of Right of Way off Guilfoyle Green, Cloverdale\*\*****\*\*BB Attachment 4 – Item 11.1.2 refers**

Report by Technical Services Division

**DATE**

18 October 2005

**PURPOSE OF REPORT**

To seek Council's endorsement for the dedication of a right of way on Lot 266, off Guilfoyle Green in Cloverdale.

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**SUMMARY AND KEY ISSUES****Summary and Key Issues**

Midland Survey Services on behalf of the property owner of Lot 29 Pearl Road, requests that the City proceeds with the dedication of an adjoining right of way on Lot 266, located off Guilfoyle Green. The dedication of the right of way to a public road will facilitate the two lots subdivision on Lot 29 Pearl Road which has its rear common boundary with the right of way.

The right of way on Lot 266, which is Crown-owned, is asphalt-paved, drained and kerbed. The condition of the right of way access is good and is currently being used for public access. The proposed dedication of the right of way can be effected in accordance with the provisions of Section 56 of the Land Administration Act 1997.

**Officer Recommendation Summation**

That it be recommended to Council that:

1. The dedication of the right of way on Lot 266 off Guilfoyle Green, Cloverdale to a public road as shown on the Deposited Plan No. 24993 be advertised and comments sought from service authorities and the Department for Planning and Infrastructure; and
2. Subject to there being no unfavourable response from service authorities, the Department for Planning and Infrastructure, or the advertising process, the dedication of the right of way be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for action.

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**LOCATION**

Lot 266 on Deposited Plan No. 24993, off Guilfoyle Green, Cloverdale

*Item 11.1.2 Continued***APPLICANT**

Midland Survey Services

**FILE REFERENCE**

115/001 : Development/Subdivision/Strata – Applications and Application Correspondence

102/007 : Permanent Road Closure Property on Lot 29 (75) Pearl Road

**DISCLOSURE OF INTEREST**

Name	Position	Type of Interest	Nature / Extent of Interest

**VOTING REQUIREMENT**

Simple Majority Required

**CONSULTATION**

Based on the City's consultation checklist and assessment undertaken, the appropriate consultation determined is the "Inform" style of consultation. The consultation proposed will include public advertising in the local newspapers, site visits and mail outs to service authorities and the Department for Planning and Infrastructure.

It is also important to note that the provisions of Section 56 of the Land Administration Act 1997 require that the road dedication be advertised for public comments over a period of 35 days.

**STRATEGIC PLAN IMPLICATIONS**

Strategic Plan Objective – To provide and maintain safe transport infrastructure at lowest whole-of-life costs by continuing to monitor the performance of our road network with regards to its safety and serviceability.

**POLICY IMPLICATIONS**

Not Applicable

**STATUTORY ENVIRONMENT**

Section 56 of the Land Administration Act 1997

*Item 11.1.2 Continued***BACKGROUND**

Midland Survey Services on behalf of the property owner of Lot 29 Pearl Road, requests that the City proceeds with the dedication of an adjoining right of way on Lot 266, located off Guilfoyle Green. The dedication of the right of way to a public road will facilitate the two lots subdivision on Lot 29 Pearl Road which has its rear common boundary with the right of way. Please refer to the Deposited Plan No. 24993 showing the location of the right of way.

**OFFICER COMMENT**

The right of way on Lot 266 has a reserve width of at least 6.0 metres with a 3.0 metre wide carriageway. The carriageway is asphalt-paved, drained and kerbed and is of good condition. The right of way connects with Guilfoyle Green and is currently being used for public access by adjoining private properties.

A title search of Lot 266 has confirmed that it is Crown-owned. As the City currently maintains the right of way, it is appropriate that the right of way be dedicated to maintain proper asset management.

To facilitate the subdivision of Lot 29 Pearl Road, it is necessary for the right of way to be dedicated to a public road. It is foreseeable that the other lots on Pearl Road which have their rear common boundaries with the right of way will also eventually apply for subdivision with the proposed lot access via the right of way.

The proposed dedication of the right of way will require advertising in the local newspaper, and comments from the relevant service authorities and the Planning Section of the Department for Planning and Infrastructure.

Based on the above information, it is recommended that, subject to there being no unfavourable response from the public advertising, the service authorities and the Department for Planning and Infrastructure, the dedication proposal be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for further action, in accordance with the provisions of Section 56 of the Land Administration Act 1997.

**FINANCIAL IMPLICATIONS**

It is appropriate that the City accepts responsibility for the costs associated with the dedication of the right of way.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications evident at this time.

**ATTACHMENT DETAILS**

<b><u>Attach. No.</u></b>	<b><u>Details</u></b>
4	Deposited Plan No. 24993

*Item 11.1.2 Continued*

**OFFICER RECOMMENDATION**

- 1) ***The dedication of the right of way on Lot 266 off Guilfoyle Green, Cloverdale to a public road as shown on the Deposited Plan No. 24993 be advertised and comments sought from service authorities and the Department for Planning and Infrastructure; and***
- 2) ***Subject to there being no unfavourable response from service authorities, the Department for Planning and Infrastructure, or the advertising process, the dedication of the right of way be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for action.***

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

**11.1.3 Cloverdale Redevelopment**

Report by Community & Statutory Services Division

**DATE**

26 October 2005

**PURPOSE OF REPORT**

To support the Department of Housing and Works redevelopment of Cloverdale.

**SUMMARY AND KEY ISSUES****Summary and Key Issues**

At the 25 October 2005 Councillors Information Strategy Concept Forum, a presentation was given by Mr Bruce Fouracres, Regional Manager – Homeswest Cannington and Mr Richard Elliot, Manager Land Planning – Landstart, Department of Housing and Works on a redevelopment proposal for their land at Cloverdale.

The report reiterates what was discussed at the above mentioned meeting.

**Officer Recommendation Summation**

That Council support the redevelopment of Cloverdale.

**LOCATION**

Suburb of Cloverdale

**APPLICANT**

Department of Housing and Works

**FILE REFERENCE**

81/002 General Correspondence & Information

**DISCLOSURE OF INTEREST**

Name	Position	Type of Interest	Nature / Extent of Interest

*Item 11.1.3 Continued*

### **VOTING REQUIREMENT**

Simple Majority required.

### **CONSULTATION**

No consultation was undertaken as part of the assessment of this application.

### **STRATEGIC PLAN IMPLICATIONS**

BUILT BELMONT

Strategy: Revise the Town Planning Scheme to reflect current and emerging needs.

Key Actions:

re-development of Cloverdale

Work with Homeswest to ensure that the proportion of public housing to private housing in any part of the City does not exceed 1:9

### **POLICY IMPLICATIONS**

Local Planning Policy No. 1 – Residential Medium Density

### **STATUTORY ENVIRONMENT**

Town Planning Scheme No. 14

### **BACKGROUND**

At the 25 October 2005 Councillors Information Strategy Concept Forum, a presentation was given by Mr Bruce Fouracres, Regional Manager – Homeswest Cannington and Mr Richard Elliot, Manager Land Planning – Landstart, Department of Housing and Works on a redevelopment proposal for their land at Cloverdale.

Advice was given that the Department of Housing and Works currently have 260 properties within Cloverdale and it is proposed that the equivalent of 104 dwellings will be sold.

It was proposed that in terms of numbers of dwellings, the redevelopment would create 331 for Homeswest rental housing, which represented an increase of 71 dwellings. Of the 331 dwellings, 88 were built after 1980 and these will be retained. This means that 243 new dwellings will be constructed.

It is intended that 194 of the 243 new dwellings to be constructed will cater for small families and these will comprise two to three bedrooms. There are currently 33 seniors' dwellings and this same number will be retained in the redevelopment.

It was requested that Council relax its Local Planning Policy No. 1 requiring all development above R30 to include two storey or mezzanines such that one unit in the complex would be single storey to cater for those persons with physical disabilities.

*Item 11.1.3 Continued*

Advice was given that the Department had spent \$3.5 million to date and would like to achieve the complete redevelopment within a three to four year time frame.

**OFFICER COMMENT**

The Department has requested that Council not adopt the Cloverdale redevelopment plan as it may arise in the future resulting from issues with tenant relocation, that some properties originally intended for sale may be retained and those properties indicated for development could be sold.

It is considered that a check should be conducted by Council's Planning Department on the ownership of properties in Cloverdale to confirm those properties owned by the Department of Housing and Works. This information can then be considered by Council and communicated to the Department.

**Relaxation of Local Planning Policy No. 1**

Recognising the large number of properties owned by the Department and their Charter, it is considered reasonable for the Council to relax the policy and permit a single storey dwelling for developments above R30 to cater for people with physical disabilities. It is possible in the design to site the single storey residence to minimise or eliminate its exposure to the street. Such applications will be referred to the Council for its consideration and decision.

**Disposal of Department of Housing and Works Landholdings**

It is considered that the Department should be requested to dispose as a single landholding two or more lots which are adjacent to each other. This will be likely to assist future developers to achieve a better site for redevelopment, without the need for the undesirable battleaxe redevelopment form.

**Redevelopment Time Frame**

It is suggested that Council approach the Member for Belmont, the Hon Eric Ripper MLA, seeking his support for the programme of redevelopment to occur in the shortest time frame possible, preferably less than three years.

**Homeswest Presence**

Given the existing situation where there is very little private redevelopment, the presence of Homeswest if all of its redevelopment were to be completed, would result in their presence of approximately 11% (1:9).

This presence will reduce once redevelopment of private holdings takes place.

**Public Open Space**

There are particular lots which could be reserved for public open space purposes, as they appear by their shape and location to currently fulfil that function. It is suggested that discussion take place with the Department in relation to this matter.

**FINANCIAL IMPLICATIONS**

There are no significant financial implications evident at this time.

*Item 11.1.3 Continued*

### **ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

### **ATTACHMENT DETAILS**

Nil.

### **OFFICER RECOMMENDATION**

That:

- 1) Council express its appreciation to the Department of Housing and Works for its commitment to the redevelopment of Cloverdale.
- 2) Council request its Planning Department to review the ownership of Homeswest landholdings according to Council records and for that information to be communicated as appropriate to Council and the Department of Housing and Works.
- 3) Council request that the sale of two or more adjacent lots be as a single parcel to facilitate their optimum redevelopment.
- 4) Council enter into discussion with the Department of Housing and Works on the possible transfer of lots currently vacant and having a public open space function to be reserved for that purpose.
- 5) Council approach the Member for Belmont, the Hon Eric Ripper MLA for his support for funding to ensure that the redevelopment of Cloverdale occurs in the shortest possible time frame.
- 6) Council support only in limited situations, the relaxation of Local Planning Policy Number 1 which requires two storey development over R30, so that a single storey unit can be allowed as part of such a development to specifically provide accommodation for person(s) with physical disabilities. The exercise of this discretion being based on the extensive redevelopment being carried out by the Department and in recognition of its Charter that includes the provision of accommodation for people with physical disabilities.
- 7) The Department of Housing and Works and Council's Marketing Section liaise together with the objective of producing a well publicised marketing campaign.

***BASS MOVED, HITT SECONDED, that the item be deferred due to Elected Member concern that the presence of Homeswest housing will not be reduced and to provide additional time for Councillors to consider the matter and the Administration to report back to Council.***

**CARRIED 9 VOTES TO 0**

**11.2 SOCIAL BELMONT****WITHDRAWN ITEMS**

Nil.

***BASS MOVED, WHITELEY SECONDED, that Officer Recommendation in the Social Belmont Key Result Area Report, specifically Item 11.2.1, be adopted en bloc.***

**CARRIED 9 VOTES TO 0**

**11.2.1 Tender 16-2005 – Construction of Proposed Extensions and Alterations at Belmont Oasis Leisure Centre\*\*****\*\*SB Attachment 5 – Item 11.2.1 refers**

Report by Community &amp; Statutory Services Division

**DATE**

20 October 2005

**PURPOSE OF REPORT**

To obtain Council's approval to accept Tender 16-2005 for the construction of proposed extensions and alterations at Belmont Oasis Leisure Centre

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**SUMMARY AND KEY ISSUES****Summary and Key Issues**

To obtain Council's approval to accept Tender 16-2005 for the construction of proposed extensions and alterations at Belmont Oasis Leisure Centre

**Officer Recommendation Summation**

That Tender 16-2005 received from Duwal Pty Ltd for the sum of \$1,939,187.44 plus GST for the Construction of the Proposed Extensions and Alterations at Belmont Oasis Leisure Centre, Belmont in accordance with the contract documentation be accepted and that the Chief Executive Officer be authorised to approve variations, in accordance with the contract, up to 10% of the contract value. The budget allocation for the project be increased to reflect the probable cost of \$2,300,000 (including contingency) at the October budget review.

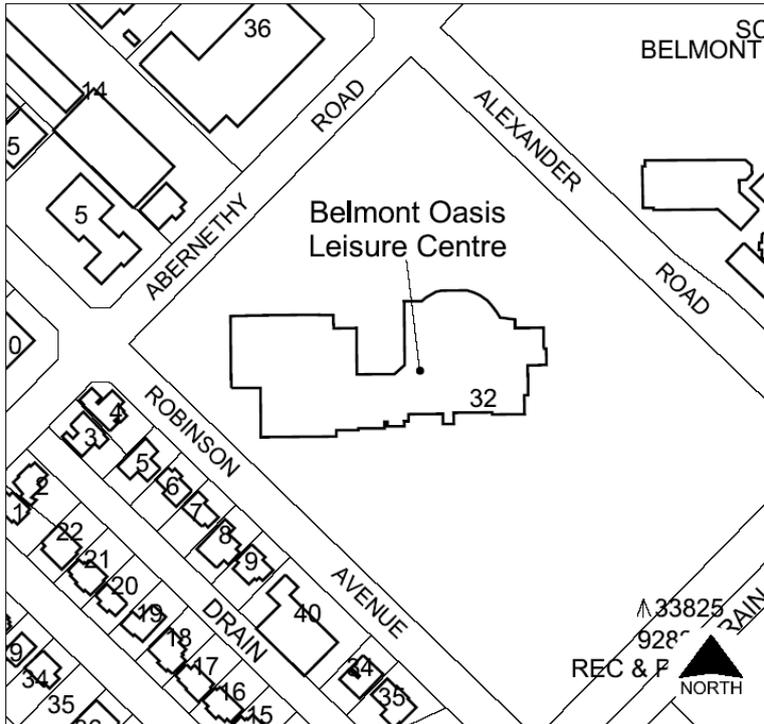
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Item 11.2.1 continued

**LOCATION**

220 Abernethy Road, Belmont, known as Belmont Oasis Leisure Centre



**APPLICANT**

Not applicable.

**FILE REFERENCE**

Property 220 Abernethy Road, Belmont

**DISCLOSURE OF INTEREST**

Name	Position	Type of Interest	Nature / Extent of Interest

**VOTING REQUIREMENT**

Simple Majority Required.

**CONSULTATION**

The tender/contract documents are the result of ongoing discussions and site visits by the architect, with key staff of the current management company, Belgravia Leisure and the Council staff, while using the previous concept design as a basis.

*Item 11.2.1 Continued*

The contract documentation process has taken into consideration the input from these key stake holders.

**STRATEGIC PLAN IMPLICATIONS****Social Belmont**

- *Provide and facilitate leisure and recreation programs and facilities that meet the needs of the community*
- *Provide equitable access and inclusion for all people in City activities/infrastructure*

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY ENVIRONMENT**

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

Following the approval to proceed with the tendered contract a Building Licence will need to be issued prior to commencement of work on site.

**BACKGROUND**

At the Ordinary Council meeting of 26 July 2005 (Item 11.1.2) the Council resolved:

*“That:*

- 1. The architectural concepts and the associated costing for the extensions and alterations at Belmont Oasis Leisure Centre project be endorsed.*
- 2. The progression to the design development, contract documentation and contract administration phases of the extensions and alterations at Belmont Oasis Leisure Centre be approved.*
- 3. A display of the proposed plans and artist’s impressions be setup at the centre in conjunction with the centre operators, Belgravia Leisure*
- 4. The Director-Development be granted delegated authority under clause 9.10 of the City of Belmont Town Planning Scheme No. 14 to determine the planning application for the Belmont Oasis Leisure Centre project.”*

An allocation of \$2,200,000 is included in Council’s 2005/2006 financial year budget for this project.

The Architects, Holton Connor Architects, completed the tender documentation (working drawings and specification) and the Invitation to Tender was advertised on Saturday, 17 September 2005 with a closing date of 13 October 2005. A mandatory site inspection was held on Wednesday, 28 September 2005 and three prospective tenderers attended.

*Item 11.2.1 Continued*

Immediately after the closure, at 2:00pm on Thursday, 13 October 2005, the opening team consisting of Mr James Pol, Coordinator-Council Buildings and Mr Geoff Alcock, Coordinator-Contracts and Tenders, opened the tenders with three tenderers present. Tenders were received from all the tenderers who had attended the mandatory site inspection.

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

Dalcon Construction Pty Ltd	\$1,828,922.00
Duwal Pty Ltd	\$1,939,187.44
Lakis Construction	\$2,392,083.00

All tenders are assessed on the non-price Council adopted selection criteria 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.

**OFFICER COMMENT**

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

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**.

Company	Non-price score	Price Score	Total Score
Dalcon Construction Pty Ltd	21.5	50	71.5
Duwal Pty Ltd	38.5	46.99	85.49
Lakis Construction	40	34.6	74.6

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

*Item 11.2.1 Continued*

Duwal Pty Ltd (BRB No 9555) has provided a detailed response to the selection criteria in their tender submission. Duwal Pty Ltd is 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 85.49 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, resulted in complimentary comments in regard to the company's dedication to the task, attention to programming and quality of finish.

Duwal Pty Ltd has successfully completed Stage 2 of Redcliffe Park Community Centre and are about to complete the Belmont Youth and Family Services Centre for the City. Both projects have run smoothly and the builder adhered to the proposed time schedule.

These comments support Duwal Pty Ltd as the most advantageous tenderer.

**FINANCIAL IMPLICATIONS**

The cost of the construction will be costed to a budget allocation: Belmont Oasis Leisure Centre Upgrade (815.10.7.279 B0601 \$2,200,000).

The tendered sum from Duwal Pty Ltd of \$1,939,187.44 plus a contingency of approximately 10% and an allowance of \$150,000 for the fit out of the health club will require a revised project budget of approximately \$2,300,000. This is an increase in the project budget allocation in the order of \$100,000.

This shortfall in the funding for this project has been discussed with the Director – Corporate Services and the adjustment has been included in the October budget review.

**ENVIRONMENTAL IMPLICATIONS**

Energy Efficiency and Sustainability Principles are incorporated into the final design and documentation where appropriate.

**ATTACHMENT DETAILS**

<b><u>Attach. No.</u></b>	<b><u>Details</u></b>
5	Tender evaluation spreadsheet.

Item 11.2.1 Continued

### **OFFICER RECOMMENDATION**

**That:**

1. ***That Tender 16-2005 received from Duwal Pty Ltd for the sum of \$1,939,187.44 plus GST for the construction of the proposed extensions and alterations at Belmont Oasis Leisure Centre, Belmont in accordance with the contract documentation be accepted and that the Chief Executive Officer be authorised to approve variations, in accordance with the contract, up to 10% of the contract value.***
2. ***The budget allocation for the, extensions and alterations at Belmont Oasis Leisure Centre, project be increased to reflect the probable cost of \$2,300,000 (including contingency) at the October 2005 budget review.***

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

#### **11.3 ECONOMIC BELMONT**

Nil.

#### **11.4 NATURAL BELMONT**

Nil.

**11.5 BUSINESS EXCELLENCE****WITHDRAWN ITEMS**

Item 11.5.2 was withdrawn at the request of Cr Bass.

Item 11.5.4 was withdrawn at the request of Cr Blair.

Item 11.5.5 was withdrawn at the request of Cr Bass.

***POWELL MOVED, WHITELEY SECONDED*, that with the exception of Items 11.5.2, 11.5.4 and 11.5.5, which are to be considered separately, the Officer Recommendations in the Business Excellence Belmont Key Result Area Report, specifically Items 11.5.1 and 11.5.3, be adopted en bloc.**

**CARRIED 9 VOTES TO 0**

**11.5.1 Accounts for Payment\*\***

**\*\*BEXB Attachment 6 – Item 11.5.1 refers**

Report by Corporate Services Division

**DATE**

17 October 2005

**PURPOSE OF REPORT**

Confirmation of accounts paid and authority to pay unpaid accounts.

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**SUMMARY AND KEY ISSUES****Summary and Key Issues**

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

**Officer Recommendation Summation**

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

Item 11.5.1 Continued

**LOCATION**

Not applicable

**APPLICANT**

Not applicable

**FILE REFERENCE**

54/007 – Creditors – Payment Authorisations

**DISCLOSURE OF INTEREST**

Name	Position	Type of Interest	Nature / Extent of Interest

**VOTING REQUIREMENT**

Simple majority required

**CONSULTATION**

No public consultation was considered to be required in respect to this matter.

**STRATEGIC PLAN IMPLICATIONS**

No Strategic Plan implications are evident.

**POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

**STATUTORY ENVIRONMENT**

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

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

- (a) the payee's name;*
- (b) the amount of the payment;*

*Item 11.5.1 Continued*

*(c) the date of the payment; and  
(d) sufficient information to identify the transaction.”*

### **BACKGROUND**

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

### **OFFICER COMMENT**

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

<b><i>Municipal Fund Cheques</i></b>	760439-760958	\$3,070,440.84
<b><i>Trust Fund Cheques</i></b>	905168-905170	\$15,117.72
<b><i>Property Development Fund Cheques</i></b>	-	\$-
	<b>Total of Cheques for September 2005</b>	<b>\$3,085,558.56</b>

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

### **FINANCIAL IMPLICATIONS**

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

### **ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

### **ATTACHMENT DETAILS**

<b><u>Attach. No.</u></b>	<b><u>Details</u></b>
6	Accounts for payment listing

### **OFFICER RECOMMENDATION**

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

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 11.5***

\*\*\* 8.16 pm Crs Dornford, Bass and Hitt departed the Chamber.

## 11.5.2 Financial Reports as at 30 September 2005\*\*

\*\*BEXB Attachment 7 – Item 11.5.2 refers

Report by Corporate Services Division

### DATE

20 October 2005

### PURPOSE OF REPORT

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

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### SUMMARY AND KEY ISSUES

#### Summary and Key Issues

The Local Government Act 1995 and Local (Financial Management) Regulations 1996 as amended requires a monthly financial activity statement to be presented to Council.

#### Officer Recommendation Summation

That the Monthly Financial Reports as at 30 September 2005 be received.

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### LOCATION

Not applicable

### APPLICANT

Not applicable

### FILE REFERENCE

32/009 – Financial Operating Statements

### DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

*Item 11.5.2 Continued*

### **VOTING REQUIREMENT**

Simple majority required

### **CONSULTATION**

No public consultation was considered to be required in respect to this matter.

### **STRATEGIC PLAN IMPLICATIONS**

Key Result Area: Business Excellence.

“Improve knowledge management and ensure organisational compliance to statutory record keeping obligations”

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

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

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

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

### **BACKGROUND**

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

### **OFFICER COMMENT**

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

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

*Item 11.5.2 Continued*

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

The monthly financial report is to be accompanied by:-

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

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

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

As identified above, Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards (AAS) 5.

AAS5 discusses the principles to be applied in determining if a variance is material. AAS5 states that:

*“Information is material if its omission, misstatement or non-disclosure has the potential to adversely affect:*

- (a) decisions about the allocation of scarce resources made by users of the financial report; or*  
*(b) the discharge of accountability by the management or governing body of the entity”.*

AAS5’s guidance notes provide for a quantitative determination as to whether an amount is material, this being that if an amount is...

- less than or equal to 5 percent of the appropriate base amount then it is not material
- greater than or equal to 10 percent of the appropriate base amount then it is material.

In the application of this method, consideration must be given to what appropriate base amount is to be used. The AAS5 guidance notes provide details discussion on this aspect, however one example would seem to be appropriate to the needs of Council in the consideration of its monthly Statement of Financial Activity. The example provided relates to the interpretation of a statement of financial performance. In this case, the appropriate base amount can be determined as operating result(profit or loss)for the reporting period.

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

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of AAS5 as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council. Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual vs year to date budget.

*Item 11.5.2 Continued*

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

<b>Report Section</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Comment</b>
<b>Applications of Funds - Capital</b>			
Computing	601,020	2,865	Substantial portion of budget allocated to July due to uncertainty in the timing of a number of acquisitions
Executive Services	58,349	0	Fleet/Plant/Furniture acquisition timing issues (dates vary to comply with usage patterns)
Rangers	52,840	2,400	Fleet acquisition timing issues (dates vary to comply with usage patterns)
Belmont Oasis	68,439	2,104	Anticipated equipment purchases in July had not occurred to budgeted extent prior to 30 September 2005
Ruth Faulkner Library	89,938	0	Refurbishment underway not completed purchases expected to occur during November 2005
Grounds Operations	76,988	331,877	Ongoing expenditure finalising Faulkner Park Playground
Road Works	991,468	667,288	Variation to anticipated expenditure patterns
Operations Centre	279,537	201,144	Fleet/Plant change overs timing delays (dates vary to comply with usage patterns)
Building Operations	796,582	494,703	Variation to anticipated expenditure patterns
<b>Applications of Funds – Operating</b>			
Computing	378,571	258,354	Licence payments for business applications yet to be finalised.
Governance	717,444	618,508	Activity Based Costing allocation lower than budgeted for this period
Building – Active Reserves	126,811	73,659	Full insurance allocation issued for full year
Grounds Operations	453,192	350,225	Services Environmental - water conditioner. Wages and O'heads high for Sept period due to vandalism school holidays
Grounds – Active Reserves	213,026	80,673	Limited activity for wages in this area to 30 September 2005. This will vary with maintenance requirements
Technical Services	375,509	316,303	Minor variation in timing of costing and Activity Based Costing allocations
<b>Sources of Funds – Capital</b>			
General Purpose Income	-850,000	0	No land sale settlements taken place to date
<b>Sources of Funds – Operating</b>			
Rates	-20,247,769	-18,949,430	Anticipated receipt of airport rates

## Item 11.5.2 Continued

<b>Report Section</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Comment</b>
			delayed due to revaluation process
Financing Activities	-117,283	-222,237	Significant capital growth early in the year.
Finance Department	-334,327	-277,325	Reduced Activity Based Costing recovery due to lower net operating expense
Transfer to Reserve	-118,802	-1,217	Budget based on estimated revenue from Faulkner Park Retirement Village unit sales. Actuals are totally dependant on resident movements.
Executive Services	-340,120	-282,107	Activity Based Costing allocation lower than budgeted for this period
Plant Operating Costs	-241,025	-327,406	Plant recovery through usage higher than anticipated

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

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 30 Sept 2005</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	23,570,433	Includes municipal, reserves & deposits
- less non rate setting cash	-8,453,882	Reserves and deposits held
Receivables	7,614,903	Mostly rates levied yet to be received
- less non rate setting receivables	-1,155,527	ESL levied and GST payable
Stock on hand	169,593	
<b>Total Current Assets</b>	<b>\$21,745,520</b>	
<b>Current Liabilities</b>		
Creditors and provisions	-7,135,677	Includes deposits, GST and ESL payable
- less non rate setting creditors & provisions	5,301,258	ESL, GST and deposits held
- less cash backed provisions	376,459	Long service leave funded by reserve
<b>Total Current Liabilities</b>	<b>\$-1,457,960</b>	
<b>Nett Current Assets 30 Sept 2005</b>	<b>\$20,287,560</b>	
Nett Current Assets as Per Financial Activity Report	20,287,560	
Less Restricted Assets	-1,442,360	Unspent grants held for specific purposes (Grandstand Road)
Less Committed Assets	-21,229,920	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

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.

*Item 11.5.2 Continued*

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

**ATTACHMENT DETAILS**

<b><u>Attach. No.</u></b>	<b><u>Details</u></b>
7	Monthly Financial Activity Statement as at 30 September 2005

**TEASDALE MOVED, BLAIR SECONDED, that the Monthly Financial Reports as at 30 September 2005 be received.**

**CARRIED 6 VOTES TO 0**

**11.5.3 Orrong Road Superblock Land Sale – Cash Flow Report**

**\*\*BEXB Attachment 8 – Item 11.5.3 refers**

Report by Corporate and Governance Division

**DATE**

21 October 2005

**PURPOSE OF REPORT**

To report to Council on the budgeted cash flow and actual income and expenditure for the life of the project up to the period ended 20 October 2005 for the Orrong Road Superblock Land Sale Project.

**SUMMARY AND KEY ISSUES**

**Summary and Key Issues**

In order for Council to comply with its policy on Major Land Transactions which is designed to keep Council abreast of the financial implications of such transactions, a quarterly cash flow statement is prepared.

**Officer Recommendation Summation**

That Council note the monthly cash-flow report for the period ended 20 October 2005 for the sale of Council land in the Orrong Road Super Block.

**LOCATION**

Orrong Road and Surrey Road, Rivervale

**APPLICANT**

Not applicable

**FILE REFERENCE**

116/002 – Orrong Road Superblock Development

**DISCLOSURE OF INTEREST**

Name	Position	Type of Interest	Nature / Extent of Interest

*Item 11.5.3 Continued*

### **VOTING REQUIREMENT**

Simple majority required.

### **CONSULTATION**

There is no consultation requirements as this report deals with reporting the monthly cash-flow for income and expenditure associated with the project.

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

#### **Strategic Plan**

Business Belmont – operate Council’s land and facilities portfolio as a capital efficient investment.

#### **Operational Plan**

Organisational Objective #02

“To provide a structured financial mechanism for Council to pursue its Strategic Objectives.”

### **POLICY IMPLICATIONS**

A policy – “Financial Management – Major Land Transactions” has been adopted by Council.

### **STATUTORY ENVIRONMENT**

Section 3.59 of the Local Government Act 1995 relates to Commercial Enterprises by Local Governments, including major land transactions acquiring or disposing of an interest in land or developing land.

### **BACKGROUND**

Council adopted a business plan for the disposal of its land holdings in the Orrong Road Super. The Orrong Road (Surrey Road) Superblock business plan was prepared in May 2004 and detailed Council’s land holdings in the Superblock. The lots were originally acquired in 1991 with the express purpose of amalgamation, re-subdivision, rezoning and sale. Since acquiring these lots, substantial negotiations between the City and adjacent landowners has been undertaken in an effort to undertake a coordinated redevelopment of lands within this Superblock precinct.

### **OFFICER COMMENT**

Successful negotiations has resulted in Lot 1291 Surrey Road being sold and settled in March 2005 with the remaining blocks, subject to various conditions and external processes being completed, nearing settlement or signing a contract of sale.

*Item 11.5.3 Continued*

Part lots 16, 17 and 1285 have now settled in early October following the resolution of sub divisional issues and Main Roads queries. The lots settled for \$600,000 and after applying the margin scheme for GST purposes and allowing for minor selling expenses, the net return for the City is \$584,445. This is an increased return from when the first estimates and valuations were undertaken in November 2004.

The remaining lots 1293 and 1296 are due to settle in November which will see the successful completion of the Orrong Road Superblock project. A final cash flow report will be presented to Council to report the final outcome.

**FINANCIAL IMPLICATIONS**

The financial implications of the sale of land in the Orrong Road Superblock are that the net proceeds will be placed in the Land Acquisition Reserve as per Council Policy.

**ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

**ATTACHMENT DETAILS**

<b><u>Attach. No.</u></b>	<b><u>Details</u></b>
8	Orrong Road Superblock Project – Cash Flow Report

**OFFICER RECOMMENDATION**

- 1. That the Budget v Actual Cash-flow report for the Orrong Road Superblock Land Sale Project for the period ended 20 October 2005 be noted.***
- 2. That quarterly cash-flow reports be provided until the completion of the project.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –  
REFER TO RESOLUTION APPEARING AT ITEM 11.5***

**11.5.4 2005/2006 October Budget Review\*\*****\*\*BEXB Attachment 9 – Item 11.5.4 refers**

Report by Corporate and Governance Division

**DATE**

17 October 2005

**PURPOSE OF REPORT**

This report is prepared to conduct the first review of the Budget and recommend adjustments to the 2005-2006 Adopted Budget. (Note: A Summary of Income and Expenditure Variances are included as an attachment to this item.)

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**SUMMARY AND KEY ISSUES****Summary and Key Issues**

In keeping with sound financial management practices, a review of the 2005-2006 Adopted Budget has been conducted. The Budget remains in balance with all carried forward issues from 2004-2005 end of year being addressed and no high priority projects being deleted.

**Officer Recommendation Summation**

That it be recommended to Council that –

The variations to the Budget as detailed in the attached 2005-2006 October Budget Review adjustments document be approved.

The Director – Corporate and Governance be authorised to amend the budget in accordance with all resolved variations.

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**LOCATION**

Not applicable

**APPLICANT**

No applicable

**FILE REFERENCE**

54/004 – Budget Documentation - Council

**DISCLOSURE OF INTEREST**

Name	Position	Type of Interest	Nature / Extent of Interest

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*Item 11.5.4 Continued*

### **VOTING REQUIREMENT**

Absolute Majority required.

### **CONSULTATION**

Consultation has been undertaken with all Managers throughout the organisation.

Community consultation is not required.

### **STRATEGIC PLAN IMPLICATIONS**

Achieve excellence in the management and operation of the local government's activities.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

The Local Government (Financial Management) Regulations have been amended to address Budget Reviews. Regulation 33A of the Local Government (Financial Management) Regulations requires a local government to carry out a review of its Budget between 1<sup>st</sup> January and 31<sup>st</sup> March each year, report it to Council and then report the outcome of the review to the Department of Local Government. The City of Belmont has for many years now conducted two budget reviews, one in October and one in March. A further review will be conducted and reported to Council and the Department in March 2006.

### **BACKGROUND**

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

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

- Carried Forward Figure as at 30 June 2005 (now confirmed by Council's Auditors);
- Results of recent Building Tenders;
- Decisions of Council requiring funding;
- Confirmation of various Government Grants and Insurance Contributions;
- Any major over-expenditures; and

*Item 11.5.4 Continued*

- Building, Grounds and Engineering Carry Forward Works.

**OFFICER COMMENT**

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

➤ Opening Balance - Surplus	(122,025)
➤ Corporate and Governance Division	(236,736)
➤ Community and Statutory Services Division	176,319
➤ Technical Services Division	182,442
➤ Closing Balance	0
Net Cost	0

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

This has always proved to be a challenging task and a more conservative approach has been adopted in recent years with the period ended 30 June 2005 being no exception. The actual opening balance was more favourable than estimated which is pleasing as it has avoided the need to make major changes to the Adopted Budget and has avoided the need to use Reserve funds to fund the completion of the Civic Centre. The better than estimated opening balance has primarily resulted from savings in expenditure items across the whole budget. This Budget Review also has the advantage of not needing to adjust the estimated closing balance as at 30 June 2006 which has remained at \$500,000.

Some of the significant matters that have been addressed in this review are included in this report, however, the detailed summary of the budget review includes a lot of comment.

Additional rate income from the airport has provided the avenue to address some of the issues that have arisen in this review. This additional income has come from increased development at the airport with some effect of the revaluation process that is undertaken every three years. Due to a change of staff at the airport and a major change to their systems, a very thorough review of rateable property has been undertaken between the Airport's property section and Council's Rates Department. Actual payment of the 2005-2006 rates account will be the next issue. This is not due for payment until the end of November due to the late issue of the rate schedule. Any issues that arise out of this process will obviously be reported to Council.

The Ruth Faulkner Library has received further funding of \$80,000 for the "Finding My Place" initiative. This money is for distribution to many programmes throughout the State and further reinforces the value of this programme that was developed at the City's Library.

The building programme for 2005-2006 has been reviewed to take account of a number of factors. The two tables below list the projects that have been affected by the October Budget Review together with the relevant funding sources. The first table details those projects that have been reviewed as they appear in the 2005-2006 adopted budget. The second table details the recommended adjustments to the

*Item 11.5.4 Continued*

building programme to accommodate the latest information relating to the projects. Municipal funds have been allocated to address the completion of the Civic Centre as per a report to Council earlier this year.

The tender for the Oasis has been assessed and an adjustment of \$100,000 has been made. The Middleton Park project has been increased by \$120,000 following a Quantative Surveyor's assessment of the project. There was some unfinished works at Redcliffe Park Community Centre Stage 2 that was not budgeted and has been funded from the Communities Amenities Reserve. The Communities Amenities Reserve has been used to fund the Redcliffe Community Centre Stage 2 Project and there is residual funds available to complete this project.

The Bristle Park toilet block has been deferred as it has been deemed inappropriate to build the toilet until issues surrounding the possible location of a jetty for ferries in the area have been resolved. Notwithstanding this the process of obtaining Swan River Trust approvals would push the project into 2006-2007.

<b>BUILDING PROJECTS IN 2005-2006 BUDGET REVIEW AS PER ADOPTED BUDGET</b>							
<b>PROJECT DESCRIPTION</b>	<b>PROJECT VALUE</b>	<b>FUNDING SOURCES</b>					
		<b>\$</b>	<b>MUNICIPAL</b>	<b>GRANTS</b>	<b>RESERVES</b>	<b>LOANS</b>	<b>CONTRIBN'S</b>
Completion on Civic Centre Refurbishment	<b>0</b>						<b>0</b>
Youth and Family Centre	<b>800,000</b>			800,000			<b>800,000</b>
Redcliffe Park Community Centre Stage 2	<b>0</b>						<b>0</b>
Rivervale Clinic	<b>10,000</b>	10,000					<b>10,000</b>
Bristle Park Toilet Block	<b>75,000</b>	75,000					<b>75,000</b>
Belmont Child Care Centre Improvements	<b>25,000</b>	25,000					<b>25,000</b>
Tomato Lake Lighting Upgrade	<b>25,000</b>	25,000					<b>25,000</b>
Belmont Oasis Refurbishment	<b>2,200,000</b>				2,200,000		<b>2,200,000</b>
Middleton Park Upgrade	<b>500,000</b>			500,000			<b>500,000</b>
Demolition Ascot Water Playground	<b>150,000</b>			150,000			<b>150,000</b>
Belmont Tennis Club	<b>100,000</b>	33,334	33,333			33,333	<b>100,000</b>
Senior Citizens Review	<b>50,000</b>	50,000					<b>50,000</b>
Community Services Auto Door	<b>25,000</b>	25,000					<b>25,000</b>
<b>TOTAL</b>	<b>3,960,000</b>	<b>243,334</b>	<b>33,333</b>	<b>1,450,000</b>	<b>2,200,000</b>	<b>33,333</b>	<b>3,960,000</b>

*Item 11.5.4 Continued*

<b>BUILDING PROJECTS REVISED IN 2005-2006 BUDGET REVIEW</b>							
<b>PROJECT DESCRIPTION</b>	<b>PROJECT VALUE</b>	<b>FUNDING SOURCES</b>					
		<b>\$</b>	<b>MUNICIPAL</b>	<b>GRANTS</b>	<b>RESERVES</b>	<b>LOANS</b>	<b>CONTRIBN'S</b>
Completion on Civic Centre Refurbishment	<b>145,000</b>	145,000					<b>145,000</b>
Youth and Family Centre	<b>710,000</b>			710,000			<b>710,000</b>
Redcliffe Park Community Centre Stage 2	<b>42,000</b>			42,000			<b>42,000</b>
Rivervale Clinic	<b>0</b>						<b>0</b>
Bristle Park Toilet Block	<b>0</b>						<b>0</b>
Belmont Child Care Centre Improvements	<b>15,000</b>	15,000					<b>15,000</b>
Tomato Lake Lighting Upgrade	<b>20,000</b>	20,000					<b>20,000</b>
Belmont Oasis Refurbishment	<b>2,300,000</b>				2,300,000		<b>2,300,000</b>
Middleton Park Upgrade	<b>620,000</b>			620,000			<b>620,000</b>
Demolition Ascot Water Playground	<b>0</b>						<b>0</b>
Belmont Tennis Club	<b>105,000</b>	35,000	35,000			35,000	<b>105,000</b>
Senior Citizens Review	<b>10,000</b>	10,000					<b>10,000</b>
Community Services Auto Door	<b>17,500</b>	17,500					<b>17,500</b>
<b>TOTAL</b>	<b>3,984,500</b>	<b>242,500</b>	<b>35,000</b>	<b>1,372,000</b>	<b>2,300,000</b>	<b>35,000</b>	<b>3,984,500</b>

A number of Road projects have been carried forward and have incurred expenditure in 2005-2006 that was not budgeted. These have all been addressed and are detailed in the summary.

The Sandringham Foreshore Path project remains an issue with the solution proposed in the Review of using Cash in Lieu Funds yet to be confirmed by the Department of Planning and Infrastructure. This may require further consideration at a later date.

The Faulkner Park Playground budget issues are linked to the end of year surplus with expenditure budgets now adjusted to reflect the actual work that needs to be completed in the 2005-2006 financial year.

The remainder of the Budget Review is covered in the Budget Review schedules with comments that explain each line item.

The October Budget Review is an important step in the process of vigilance, as it maintains a balanced Budget and ensures Services and Capital Works Programmes are adequately resourced.

*Item 11.5.4 Continued*

As has been the case in the past, Council's financial position will be closely monitored in the lead up to the March Budget Review and should any significant issues require attention, then they will be raised with Council accordingly.

**FINANCIAL IMPLICATIONS**

Budget Reviews ensure that the City's Budget remains in balance and all matters relating to Income and Expenditure are addressed in a responsible and accountable manner. They also ensure sufficient resources are available to meet all statutory obligations as well as delivering services and completing capital works.

**ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

**ATTACHMENT DETAILS**

<b><u>Attach. No.</u></b>	<b><u>Details</u></b>
9	Summary of Income and Expenditure Variances

ABSOLUTE MAJORITY REQUIRED***
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**POWELL MOVED, WHITELEY SECONDED, that it be recommended to Council that**

- 1) ***The variations to the Budget as detailed in the attached 2005-2006 October Budget Review adjustments document be approved.***
- 2) ***The Director – Corporate and Governance be authorised to amend the budget in accordance with all resolved variations.***

**CARRIED BY ABSOLUTE MAJORITY 6 VOTES TO 0**

\*\*\* 8.18 pm Cr Bass and Cr Hitt returned to the Chamber.

**11.5.5 Tender 13/2005 – Supply and Installation of Optical Fibre between the Civic Centre at 215 Wright St, Cloverdale and the Operations Centre at 180 Planet St, Carlisle\*\*****\*\*BEXB Attachment 10 – Item 11.5.5 refers**

Report by Corporate and Governance Division

**DATE**

21 October 2005

**PURPOSE OF REPORT**To obtain Council's approval to accept Tender 13/2005

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**SUMMARY AND KEY ISSUES****Summary and Key Issues**

To obtain Council's approval to accept Tender 13/2005 for the supply and installation of optical fibre between the Civic Centre and the Operations Centre.

**Officer Recommendation Summation**That Council award Tender 13/2005 for the Supply and Installation of Optical Fibre Cable to Underground Services Australia.

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**LOCATION**

Optical fibre will be installed from the Civic Centre at 215 Wright St, Cloverdale and the Operations Centre at 180 Planet St, Carlisle.

The recommended route is along Laurie Street, Knutsford Street, Wright Street, Water Corporation drainage reserves, Oats Street, Surrey Road, Cohn Street and Planet Street. The proposed installations will cross Orrong Road (controlled by Main Roads WA) at Cohn Street and extend into the Town of Victoria Park along Cohn and Planet Streets.

**APPLICANT**

Not applicable

**FILE REFERENCE**114/137 – 13/2005 Supply and Installation of Optical Fibre Cable

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*Item 11.5.5 Continued*

### **DISCLOSURE OF INTEREST**

<b>Name</b>	<b>Position</b>	<b>Type of Interest</b>	<b>Nature / Extent of Interest</b>

### **VOTING REQUIREMENT**

Simple Majority Required.

### **CONSULTATION**

The tender specification and the contract document were developed after extensive consultation with the communication consultants – Walker Newman & Associates, Voran Engineering Solutions, Council Engineering staff and James Pol, Coordinator Council Buildings. Council has obtained in principle approvals from Water Corporation and Town of Victoria Park for the works within the drainage reserve and road reserve respectively.

The contract documentation process has taken into consideration the input from these key stakeholders.

### **STRATEGIC PLAN IMPLICATIONS**

There are not strategic plan implications evident at this time.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

### **STATUTORY ENVIRONMENT**

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

Following the approval to proceed with the tendered contract the contractor shall liaise with Water Authority, Town of Victoria Park and Main Roads to obtain final approvals to carry out the works.

### **BACKGROUND**

The existing telephone systems consists of a Siemens Hicom 330E PABX at the Civic Centre connected to a Siemens Hipath 3750 PABX at the operations centre via a Breezalink 2Mbs 2.4GHz spread spectrum microwave link. The data networks are connected via a Tsunami Quickbridge 60 5.8GHz spread spectrum microwave link.

*Item 11.5.5 Continued*

Problems had been experienced with the 2.4GHz wireless voice link and the microwave link was temporarily replaced with Telstra ISDN link. There are doubts regarding the long-term reliability of the 5.8GHz wireless data link because it also operates in the unlicensed frequency band.

A feasibility study of voice and data telecommunications was conducted by Voran Advanced Engineering Solutions. Voran recommended that Council purchase or install an optic fibre cable between the Civic Centre and the Operations Centre and connect the PABX using a direct 2Mbs/sec E1 link.

An allocation of \$225,000 for the installation of fibre optic cable and \$75,000 for telecommunication equipment are included in Council's 2005/06 financial year budget for this project.

The communication consultant, Walker Newman & Associate was appointed to develop the technical requirements of the optical fibre installation. A tender document was developed and drawings were included in the tender specification showing the recommended route and alignment of the optic fibre installation.

The tenderer was asked to provide prices based on the following two options:

Option 1 – method of installation based solely on underground boring

Option 2 – method of installation based on underground boring at road crossings, crossovers, and areas of significant infrastructure, and using open trenching where possible

Underground boring has the advantages of greater public safety, no problem of traffic control compared to open trenching. The underground boring provides higher warranty and less defects liability with the reinstatement works on roadways, driveways, drainage ways, footpath, trees and irrigation pipes. Therefore underground boring was the preferred option. It was anticipated that there could be a very significant price difference between the two options. Hence price submissions were invited on both options.

The Invitation to Tender was advertised on Saturday 24 September 2005 with a closing date of 18 October 2005.

Immediately after the closure, at 2.00pm on Tuesday 18 October 2005, the tenders were opened. The following people were present at the opening of the tenders - Mr Rohit Das, Manager Information Techn

*Item 11.5.5 Continued*

ology, Mr Geoff Alcock, Coordinator Contracts and Tenders and the communication consultant, Mr Rick Newman of Walker Newman & Associate. No tenderer was present at the opening. Two Tenders were received out of eight tenderers who collected tender documents.

Names of the two Tenders received and their GST exclusive prices are as follows:

Tenderers Name	Fibre Cable Price		Connection equipment price
	Option 1	Option 2	
Underground Services Australia	247,476	224,723	6,744
Downer Connect Pty Ltd	214,940	186,690	7,298

Underground Services Australia offered a further option using Emtelle "blown fibre". This option was not considered by the evaluation team, particularly the consultant as it has reliability concerns.

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

### **OFFICER 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 evaluation team. The evaluation team consists of Mr Rick Newman – the communications consultants, Mr Jamie Blanchard – Principal – Legal and Compliance Advisor, Mr Rohit Das – Manager Information Technology, Mr Geoff Alcock – Purchasing Officer and Mr Jim Polinelli – Design Co-ordinator.

A total score of 50 was allocated to the non-price criteria and a score of 50 was allocated to the price criteria.

The result of the assessment in the non-price score out of 50 and the calculated score based on the submitted price out of 50 are shown below

Company	Non-price score	Price Score	Total Score
Underground Services Australia	33.0	43.43	76.43
Downer Connect	25.6	50	75.6

The price score is calculated out of 50, based on the percentage price variation above the cheaper price. The cheaper price is \$214,940. The proportion of variation of the price of Underground Services over the price of Downer Connect is  $247,476 \div 214,940 = 1.15137$ . The allocated price score 50 is then divided by the factor 1.15. The

*Item 11.5.5 Continued*

calculated price score for Underground Services is  $50 \div 1.15137 = 43.43$ . The calculated price score for Downer Connect is 50.

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 more detailed response to the selection criteria in their tender submission. The comparison of the details provided on the non-price selection criteria is in table 4 and table 5.

The Underground Services Australia is a 20 year old established company. It constructs and maintains networks for all of the Utilities such as underground power, communications, rail signalling, water, sewerage, drainage and gas. The company is experienced in the "Guided Directional Drilling" and fibre optic installations. The use of their "Ground Penetrating Radars" and the Vacuum Excavator "greatly reduces the risks of accidental damage to existing mains and services, which in turn reduces the risks to their employees, the public and the City of Belmont." The company has provided their monthly safety statistics for January to September of 2005. The "Lost Time Injury" (LTI) is significantly low. This demonstrates their track record of better Occupation Health and Safety Management.

On the basis of the Council adopted criteria Underground Services Australia is ranked higher than that of Downer Connect. Underground Services has scored 76.43 out of a possible 100 and is considered to be the advantageous tenderer.

Underground Services has completed projects for a number of Local Authorities, Utility Companies, Private and Government organisations. The company has successfully completed the "Underground Power" project for the City of Belmont.

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

**FINANCIAL IMPLICATIONS**

The cost of the Supply and Installation will be costed to the Budget allocation for Fibre Optics Cables and IT equipment.

**ENVIRONMENTAL IMPLICATIONS**

There are no significant environmental implications evident at this time.

*Item 11.5.5 Continued*

**ATTACHMENT DETAILS**

10 Tender Evaluation Tables

***BLAIR MOVED, HITT SECONDED, that Council award Tender 13/2005 for the Supply and Installation of Optical Fibre Cable to Underground Services Australia between the Civic Centre and the Operations Centre for a fixed price of \$254,220.***

**CARRIED 8 VOTES TO 0**

**\*\*\* 8.19 pm Cr Dornford returned to the Chamber.**

**11.5.6 LATE ITEM: Public Accounts Committee Inquiry Into Local Government  
Accountability**

The Manager - Governance advised that the report had yet to be finalised and will be referred to the next round of meetings. The Item is accordingly withdrawn.

**12. REPORTS BY THE CHIEF EXECUTIVE OFFICER****12.1 INFORMATION BULLETINS**

The following Elected Members Bulletin was distributed to Councillors:

Elected Members Bulletin 21 October 2005.

***BLAIR MOVED, HITT SECONDED, that the information provided to all Councillors and listed in the following Elected Members Bulletin be noted and received:***

***Elected Members Bulletin 21 October 2005.***

**CARRIED 9 VOTES TO 0**

**12.2 REQUESTS FOR LEAVE OF ABSENCE**

The following requests for leave of absence have been received –

Cr Bass – 20 November 2005 to 28 November 2005 inclusive.

Cr Marks – 15 November to 20 November 2005.

***HITT MOVED, POWELL SECONDED, that the following leave of absence be granted:***

***Cr Bass 20 November 2005 to 28 November 2005 inclusive.***

***Cr Marks 15 November 2005 to 20 November 2005 inclusive.***

**CARRIED 9 VOTES TO 0**

### 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.

*NOTE:* Section 5.93 of the Local Government Act 1995, details that an elected member or employee may not make improper use of any information acquired in the performance of their function under this Act or any written law. Penalty \$10,000. The City of Belmont Standing Orders Local Law Clause 4.2(2) details that an elected member or employee in receipt of Confidential Information may not disclose such information to any person other than another City of Belmont elected member or employee. Penalty \$5,000.

The Mayor referred to the two Confidential Items for consideration and requested the meeting go behind closed doors.

#### 13.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE & REMUNERATION REVIEW (ISSUED UNDER SEPARATE COVER)

- \*\*Confidential Attachment 1 – Item 13.1 refers**
- \*\*Confidential Attachment 1.1 – Item 13.1 refers**
- \*\*Confidential Attachment 1.2 – Item 13.1 refers**
- \*\*Confidential Attachment 1.3 – Item 13.1 refers**

***TEASDALE MOVED, BASS SECONDED that the recommendations of the Standing Committee (Executive) meetings held 3 and 10 October 2005 be adopted as follows:***

- a) ***That the Chief Executive Officer's performance be assessed as "Exceeds Expectations" for the period 1 September 2004 to 31 August 2005.***
- b) ***That the Chief Executive Officer's annual performance and remuneration review be aligned with Council's strategic planning and budget cycle ie 1 July each year.***
- c) ***The Chief Executive Officer's performance parameters as determined for the review period ending 30 June 2006, be accepted.***
- d) ***The Mercer Performance Management Review Process proposal be accepted as the framework for the Chief Executive Officer review and the Job Description Form review is undertaken as part of this process.***
- e) ***Council adopt Mercer's Option 4 pay structure and quantum for the Chief Executive Officer role and utilise the July 2005 payline for the 2005 annual salary review and align the 2006 salary review with the April payline for that year, with a revised pay review date of 1 July 2006.***
- f) ***The Chief Executive Officer to receive a pay increase with effect from 1 September 2005 at the 'Competent Performer' pay point of the Mercer Option 4 pay scale and authorise payment of a \$4,500 bonus in light of his Exceeding Expectations in all areas of his performance.***

**CARRIED 9 VOTES TO 0**

**\*\*\* 8.24 pm** Having earlier declared an interest, Cr Dornford departed the meeting.

**13.2 DISPUTE REGARDING TREES AT CHILD CARE CENTRE, 1 GRAND PARADE, REDCLIFFE (ISSUED UNDER SEPARATE COVER)**

**\*\*Confidential Attachment 2 – Item 13.2 refers**

**\*\*Confidential Attachment 2.1 – Item 13.2 refers**

**BASS MOVED, HITT SECONDED that**

- 1) Council endorse the negotiated settlement as outlined in this report to resolve this dispute and;**
- 2) the Chief Executive Officer and Mayor be authorised to attest the attached Deed of Settlement.**

**CARRIED 7 VOTES TO 1**

*For: Marks, Bass, Hitt, Teasdale, Whiteley, Powell, Blair*

*Against: Rossi*

**\*\*\* 8.25pm** Cr Dornford returned to the chamber.

**14. CLOSURE**

There being no further business to discuss, the Acting Mayor thanked all those in attendance and closed the meeting at 8.26pm.