



**Belmont Trust**

# Agenda

Tuesday 21 June 2022

**BELMONT**  
CITY OF OPPORTUNITY



# Notice of Meeting

A Special Meeting of the **Belmont Trust** will be held in the Council Chamber of the **City of Belmont Civic Centre**, 215 Wright Street, Cloverdale, on **Tuesday 21 June 2022**, commencing at 6.30pm.

**John Christie**  
Chief Executive Officer

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# CITY OF BELMONT

## Belmont Trust

### Agenda

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## Purpose of the Belmont Trust

The City of Belmont as part of a Trust Deed is the sole trustee who holds property for the purpose of public recreation and enjoyment. As the trustee the Council can only make decisions on behalf of the City of Belmont in accordance with the Local Government Act 1995, Trustees Act 1962 and the City of Belmont Standing Orders.

## 1 Official Opening

The Presiding Member will read aloud the Acknowledgement of Country.

### Acknowledgement of Country

Before I begin, I would like to acknowledge the Noongar Whadjuk people as the Traditional Owners of this land and pay my respects to Elders past, present and emerging.

I further acknowledge their cultural heritage, beliefs, connection and relationship with this land which continues today.

## 2 Apologies and leave of absence

Cr Rossi, JP Deputy Mayor (apology)

West Ward

Mr J Christie

Chief Executive Officer

Ms J Gillan

Director Development and Communities

## 3 Declarations of interest that might cause a conflict

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.

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

### 3.2 Disclosure of interest that may affect impartiality

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.

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

## 4 Confirmation of Minutes

### 4.1 Special Belmont Trust Meeting held 29 November 2021

Officer Recommendation
That the Minutes of the Special Belmont Trust Meeting held on 29 November 2021 be confirmed as a true and accurate record.

## 5 Public question time

### 5.1 Responses to questions taken on notice

#### 5.1.1 Ms L Hollands on behalf of Belmont Residents and Ratepayers Action Group Inc.

The following question was taken on notice at the 29 November 2021 Special Meeting of the Belmont Trust. Ms Hollands was provided with a response on 21 December 2021. The response from the City is recorded accordingly:

The below question relates to the engagement and communication plan for Belmont Trust land.

1. Why is there not a breakdown in the additional costings for the collation and preparation of the responses from the consultation?

#### Response

**The additional costings included as Attachment 2 of the 29 November 2021 Special Belmont Trust Meeting Agenda included costings for additional elements of the consultation agreed to be included. The original quotation included the schedule of costings for the main elements of the contract.**

#### 5.1.2 Ms L Hollands, Redcliffe

The following question was taken on notice at the 29 November 2021 Special Meeting of the Belmont Trust. Ms Hollands was provided with a response on 19 January 2022. The response from the City is recorded accordingly:

1. Why is the Belmont Trust not registered as a charitable trust on the register?

#### Response

**The Belmont Trust results from a Declaration of Trust in 1954, before the passing of the Charitable Trusts Act.**

**A registered charity is an entity registered under the Australian Charities and Not-for-profits Commission Act 2012 and to date it has not been considered necessary or relevant under the provisions of the Australian Charities and Not-for-profits Commission Act 2012 to seek registration. If in future there is any prospect for the Belmont Trust to seek tax exemption or collect funds from the public to promote its charitable purpose, appropriate advice will be obtained to determine the requirement for registration at that time.**

### 5.1.3 Ms S Holt, Ascot

The following question was taken on notice at the 29 November 2021 Special Meeting of the Belmont Trust. Ms Holt was provided with a response on 21 December 2021. The response from the City is recorded accordingly:

1. Does the City intend to apply to the Supreme Court to amend the Trust Land?

#### Response

**The outcome of the consultation process will determine if there is a requirement to apply to the Supreme Court for an amendment to the Declaration of Trust.**

## 5.2 Questions from members of the public

## 6 General business

### 6.1 Belmont Trust 2022-2023 Budget

Voting Requirement	:	Absolute Majority
Subject Index	:	132/001 - Minutes and Agendas of Trustees
Location/Property Index	:	Lot 5 Stoneham Street, Lot 642 Great Eastern Highway
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	City of Belmont
Responsible Division	:	Corporate and Governance

#### Trust role

- Trust** In addition to its role as local government, the City has duties to act as Trustee of the Trust property in relation to the Belmont Trust. When making decisions in relation to the Trust property the City must be mindful of its duties as Trustee of the Belmont Trust.

#### Purpose of report

To present the 2022-2023 Belmont Trust Budget for consideration.

## Summary and key issues

To consider the 2022-2023 Budget in the lead up to the formal adoption of the City of Belmont Budget at the Ordinary Council Meeting on 28 June 2022, for which the Belmont Trust is a component.

## Location



## Consultation

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

## Strategic Community Plan implications

In accordance with the 2020 – 2040 Strategic Community Plan:

### Goal 5: Responsible Belmont

**Strategy:** 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community

**Strategy:** 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations

## Policy implications

There are no policy implications associated with this report.

## Statutory environment

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



## Background

The effect of the Declaration of Trust is that the City of Belmont holds the trust property (“the Trust Land”) on trust for the purposes of public recreation and enjoyment. The City of Belmont is the sole trustee of the Trust Land.

As the sole trustee, the City of Belmont is responsible for making decisions about the trust in its capacity as Trustee. This is a responsibility of the Council of the City of Belmont. The reason for this is that the Council is the overall decision-making body of the City of Belmont and as a result must make decisions for the City of Belmont in its capacity as trustee of the Trust Land.

The City of Belmont is the Trustee, and the Council can only make decisions on behalf of the City of Belmont in accordance with the *Local Government Act 1995*. On that basis the Council would need to meet in accordance with the Act to make decisions in its capacity as Trustee. This means conducting meetings to deal with Trust matters in all respects in accordance with *the Local Government Act 1995*.

The Belmont Trust is not a separate legal entity, and it cannot own property in its own name. There is no separate organisation or body called the Belmont Trust, (this name simply describes the Trust Land and dealings associated with it) instead the Trust Land is held by the City of Belmont as Trustee. The City of Belmont must deal with and account for the trust property, including its assets, liabilities, income, and expenditure in its capacity as trustee. This is reported in the Annual Financial Report in note 14.

## Officer comment

The City of Belmont has sought further legal advice to ensure that it undertakes its role as both a local government and that of Trustee for the Trust Land with due diligence, transparency and accountability.

As part of the development of its Annual Budget the City is to seek endorsement from the Belmont Trust of the funding required in relation to the management of the Trust Land, prior to formal adoption of the Budget.

The City maintains a reserve known as the Belmont Trust Reserve which is restricted in usage specifically for purposes associated with the Trust Land. These funds are utilised for the maintenance of the Trust Land and other identified needs.

When preparing the City’s budget, in particular the Belmont Trust operating component, expenditure and income are transferred between the municipal budget and the Belmont Trust Reserve, resulting in a net impact of nil in the City’s municipal budget.

The following table is an extract from the draft Annual Budget scheduled for adoption by Council in June 2022. Key points of interest are:

1. Legal Costs: This is an indicative amount to cover required legal services in the management of the Belmont Trust and potentially any matters arising from the

community engagement process that necessitates liaison with the State Solicitors Office or the Attorney General (\$80,000).

2. Consultant: This is an indicative amount to cover the services of a consultant / consultants if required in the development of a strategic plan, or to obtain advice on the funding determinations following the community consultation process. Services – Other Consultants (\$100,000).
3. General Maintenance: This is the cost associated with the City’s Parks, Leisure and Environment Department undertaking general mowing and maintenance (\$6,443).
4. Income Belmont Trust Reserve: This is interest from the term deposit (-\$18,131).

Account		Description	Current Budget 2021-2022	Proposed Budget 2022-2023
<b>Account Type: 1 - Expenditure</b>				
<b>Location: 921600 - Belmont Trust</b>				
	921600-00-1270-000	Services - Legal	80,000	80,000
A	921600-00-1271-000	Services - Other Consultants	100,000	100,000
			<b>180,000</b>	<b>180,000</b>
			<b>180,000</b>	<b>180,000</b>
<b>Account Type: 3 - Capital Expenditure</b>				
<b>Location: 921600 - Belmont Trust</b>				
A	921600-00-3854-000	Belmont Trust Reserve	6,712	18,131
			<b>6,712</b>	<b>18,131</b>
			<b>6,712</b>	<b>18,131</b>
<b>Account Type: 4 - Income</b>				
<b>Location: 921600 - Belmont Trust</b>				
A	921600-00-4854-000	Belmont Trust Reserve	(6,712)	(18,131)
			<b>(6,712)</b>	<b>(18,131)</b>
			<b>(6,712)</b>	<b>(18,131)</b>
<b>Account Type: 6 - Capital Income</b>				
<b>Location: 921600 - Belmont Trust</b>				
A	921600-00-6854-000	Belmont Trust Reserve	(187,224)	(186,443)
			<b>(187,224)</b>	<b>(186,443)</b>
			<b>(187,224)</b>	<b>(186,443)</b>
<b>P14300 - Belmont Trust - Gen Mtce</b>				

Total 1 - Expenditure	7,224	6,443
	<b>7,224</b>	<b>6,443</b>
	<b>7,224</b>	<b>6,443</b>
TOTAL Belmont Trust	<b>0</b>	<b>0</b>

Following the outcome of the community consultation and Belmont Trust Land Deliberative Panel, any required changes to the budget will be considered at a future Belmont Trust Meeting before presentation to Council as proposed adjustments during the Budget review process.

### Financial implications

The Belmont Trust Reserve is budgeted to have a balance of \$1,331,335 as at 30 June 2022. Based on the 2022-2023 budget the balance is estimated to decrease to \$1,144,892. If there are any unspent budgeted funds in 2021-2022 or 2022-2023 these will remain in the reserve.

There is no impact on the City of Belmont municipal budget as all funds are accessed from the Belmont Trust Reserve.

### Environmental implications

There are no environmental implications associated with this report.

### Social implications

There are no social implications associated with this report.

### Officer Recommendation

That the Belmont Trust adopt the Belmont Trust Budget 2022-2023 as indicated within this report and for inclusion in the City of Belmont Budget 2022-2023, scheduled for adoption in June 2022.

**\*\*Absolute Majority required\*\***

**7 Urgent business approved by the Chair or by decision**

**8 Closure**