
MEETING OF BELMONT TRUST

NOTICE OF MEETING

Dear Trustees,

I respectfully advise that a **SPECIAL BELMONT TRUST MEETING** will be held in the Council Chamber of the **City of Belmont Civic Centre**, 215 Wright Street, Cloverdale, on **Thursday, 17 June 2021**, commencing at 6.30 pm.

MEETING AGENDA ATTACHED

Yours faithfully



JOHN CHRISTIE
CHIEF EXECUTIVE OFFICER

14 June 2021

SPECIAL BELMONT TRUST MEETING

AGENDA

TABLE OF CONTENTS

17 June 2021

ITEM	SUBJECT HEADING	PAGE
NOTICE OF MEETING		
1.	OFFICIAL OPENING	1
2.	APOLOGIES.....	1
3.	DECLARATIONS OF INTEREST THAT MIGHT CAUSE CONFLICT	1
3.1	FINANCIAL INTERESTS.....	1
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY.....	1
4.	CONFIRMATION OF MINUTES	2
4.1	BELMONT TRUST MEETING HELD 2 JULY 2013.....	2
5.	PUBLIC QUESTION TIME.....	2
5.1	QUESTIONS FROM MEMBERS OF THE PUBLIC	2
6.	GENERAL BUSINESS	3
6.1	BELMONT TRUST 2021–2022 BUDGET.....	3
6.2	QUOTATION Q03/2021 BELMONT TRUST LAND COMMUNITY ENGAGEMENT	7
7.	URGENT BUSINESS APPROVED BY THE CHAIR OR BY DECISION.....	11
8.	CLOSURE	11

CONFIDENTIAL ATTACHMENTS INDEX

Confidential Attachment 1 – Item 6.2 refers

Confidential Attachment 2 – Item 6.2 refers

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.

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.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by a Councillor.

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

2. APOLOGIES

Cr L Cayoun (Apology)

West Ward

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE CONFLICT

3.1 FINANCIAL INTERESTS

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

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

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

4. CONFIRMATION OF MINUTES

**4.1 BELMONT TRUST MEETING HELD 2 JULY 2013
(Circulated under separate cover)**

OFFICER RECOMMENDATION

That the Minutes of the Belmont Trust Meeting held on [2 July 2013](#) be confirmed as a true and accurate record.

5. PUBLIC QUESTION TIME

5.1 QUESTIONS FROM MEMBERS OF THE PUBLIC

6. GENERAL BUSINESS

6.1 BELMONT TRUST 2021–2022 BUDGET

ATTACHMENT DETAILS

Nil

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To present the 2021-2022 Belmont Trust Budget for consideration.

SUMMARY AND KEY ISSUES

To consider the 2021-2022 Budget in the lead up to the formal adoption of the City of Belmont Budget at the Ordinary Council Meeting on 27 July 2021, for which the Belmont Trust is a component.

Item 6.1 Continued

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.
- 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.

Item 6.1 Continued

As the sole Trustee, the City of Belmont is responsible for making decisions about the Belmont 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.

To that effect and moving forward on an ongoing basis, the City will, as it progresses with the development of its Annual Budget, 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 July 2021. 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: A thorough and inclusive community engagement process to establish the desired development of the Trust Land to meet the obligations contained in the Declaration of Trust and a subsequent Strategic Plan is imperative. To achieve an appropriate outcome a consultant with specific engagement skills is required to facilitate the process (\$100,000).
3. General Maintenance: This is the cost associated with the City's Parks, Leisure and Environment Department undertaking general mowing and maintenance.

Item 6.1 Continued

4. Income Belmont Trust Reserve: This is interest from the term deposit (-\$6712.00).

Belmont Trust Budget 2021-2022

	Auth Budget	Current Budget	YTD Actual	Proposed Budget	Increase	Increase (%)
080 - Belmont Trust						
921600 - Belmont Trust						
1 - Expenditure						
921600-00-1270-000 Services - Legal	80,000	80,000	2,789	80,000	0	0%
921600-00-1271-000 Services - Other Consultants	100,000	100,000	0	100,000	0	0%
TOTAL 1 - Expenditure	180,000	180,000	2,789	180,000	0	0%
3 - Capital Expenditure						
** 921600-00-3854-000 Belmont Trust Reserve	16,733	16,733	0	6,712	-10,021	-60%
TOTAL 3 - Capital Expenditure	16,733	16,733	0	6,712	-10,021	-60%
4 - Income						
921600-00-4854-000 Belmont Trust Reserve	-16,733	-16,733	0	-6,712	10,021	-60%
TOTAL 4 - Income	-16,733	-16,733	0	-6,712	10,021	-60%
6 - Capital Income						
921600-00-6854-000 Belmont Trust Reserve	-185,147	-185,147	0	-187,224	-2,077	1%
TOTAL 6 - Capital Income	-185,147	-185,147	0	-187,224	-2,077	1%
TOTAL 921600 - Belmont Trust	-5,147	-5,147	2,789	-7,224	-2,077	40%
P14300 - Belmont Trust - Gen Mtce						
TOTAL 1 - Expenditure	5,147	5,147	6,764	7,224	2,077	40%
TOTAL P14300 - Belmont Trust - Gen Mtce	5,147	5,147	6,764	7,224	2,077	40%
TOTAL 080 - Belmont Trust	0	0	9,553	0	0	-300%

FINANCIAL IMPLICATIONS

The Belmont Trust Reserve is expected to have a balance of \$1,511,847 as at 30 June 2021. Based on the 2021-2022 budget, the balance is estimated to decrease to \$1,331,335. If there are any unspent budgeted funds in 2021-2022 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 2021-2022 as indicated within this report and for inclusion in the City of Belmont Budget 2021-2022, scheduled for adoption in July 2021.

*****ABSOLUTE MAJORITY REQUIRED*****

6.2 QUOTATION Q03/2021 BELMONT TRUST LAND COMMUNITY ENGAGEMENT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 1 – Item 6.2 refers	<u>Evaluation Matrix</u>
Confidential Attachment 2 – Item 6.2 refers	<u>Price Schedule</u>

Voting Requirement : Simple Majority
Subject Index : Q03/2021
Location/Property Index : Lot 5 Stoneham Street, Lot 642 Great Eastern Highway.
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : N/A
Applicant : N/A
Owner : City of Belmont
Responsible Division : Corporate & Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek the approval of the Belmont Trust to award Quotation Q03/2021 – Belmont Trust Land Community Engagement.

Item 6.2 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite quotations and evaluate the responses received.

The contract is for a consultancy service to engage with the community and other stakeholders to inform the Belmont Trust of community considerations about the future use of the Belmont Trust Land.

It is recommended that the Belmont Trust engage the preferred consultant AHA! Consulting to undertake the community engagement in relation to the **Belmont Trust Land Community Engagement**

LOCATION



CONSULTATION

The City of Belmont has involved the Attorney General, the Independent Advisory Trustee and the State Solicitors Office in the process to ensure that there is no perception of any conflict of interest between the City's role as a local government and that of the Belmont Trust.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

- 5.1 Support collaboration and partnerships to deliver key outcomes for our City.
- 5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

Item 6.2 Continued

- 5.5 Engage and consult the community in decision-making.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

POLICY IMPLICATIONS

Council Policy BEXB7.1 Purchasing has been applied in the context of the listed WALGA preferred suppliers and quotation requirements.

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states:

‘3.57. Tenders for providing goods or services

- (1) A local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.*
- (2) Regulations may make provision about tenders.’*

and

The *Local Government (Functions and General) Regulations 1996* Regulation 11(2)(b) which states:

‘11. When tenders have to be publicly invited

- (2) Tenders do not have to be publicly invited according to the requirements of this Division if —*
 - (a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or*
 - (aa) the supply of the goods or services is associated with a state of emergency; or*
 - (b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or ..’*

BACKGROUND

The Belmont Trust Land is a parcel of land adjacent to the Swan River of approximately 14ha. It is bounded to the north by the ‘Ascot Waters’ land development, to the south by a residential development, to the east by Great Eastern Highway and Stoneham Street, and the west by the Swan River. The parcel of land includes a section of the southern end of Black Swan Island, a nature reserve joined to the mainland by a road bridge.

Item 6.2 Continued

The City of Belmont Councillors are the Trustees of the Belmont Trust and that land ("the Trust Land") is to be used for recreational purposes in accordance with the Declaration of Trust, established under the *Charitable Trusts Act 1962*. Council when deliberating matters relevant to the Belmont Trust must be cognisant that it is not meeting in its capacity as the Council with responsibility for the good governance of the district. It is meeting in its capacity as the trustee of the Trust Land. On this basis the Councillors are not attending these meetings to make decisions for the benefit of the City of Belmont, but instead for the beneficiaries of the Trust Land. This is why Belmont Trust meetings being separate to those of Ordinary Council meetings,

The Trust includes an Independent Advisory Trustee, who was engaged on this particular matter. This is an impartial person, suitably qualified, and appointed to provide guidance to the Belmont Trust on matters deemed necessary by either the Trust or Attorney General.

The City of Belmont ("the City") is looking to engage with the community and other stakeholders on behalf of the Belmont Trust in order to inform the Belmont Trust of community viewpoints on the future use of the Belmont Trust Land.

The City has provided a concept regarding potential future recreational development of the Belmont Trust Land to the Attorney General. In doing so, the City has been clear that there is a desire to seek community engagement on any concepts regarding the Trust Land. The draft concept has been given preliminary consideration by the Attorney General.

The concept has also been the subject of advice by the Independent Advisory Trustee which brings the Belmont Trust to the point where they can now seek the views of the community.

For the Belmont Trust to better understand community stakeholder perspectives in relation to any development of the land, the City is seeking to engage a consultant to design and implement a comprehensive and effective community engagement plan to articulate the vision and aspirations of the community.

Under the *Local Government (Functions and General) Regulations 1996*, Regulation 11(2)(b), tenders are not required to be publicly invited if the supply of the services is to be obtained through the West Australian Local Government Association (WALGA) Preferred Supplier Program. WALGA has established a panel for Financial & Corporate Services which includes Community Consultation and Public Relations. Four panel members were invited to provide a quote and two responses were received from:

- AHA! Consulting
- Element Advisory

OFFICER COMMENT

The Evaluation Panel consisted of the Director Corporate and Governance, Manager Governance, Manager Planning and the Coordinator Marketing and Communications.

Item 6.2 Continued

The responses received were assessed on the same selection criteria included with the invitation to quote, being:

	CRITERIA	WEIGHTING
1	Experience	25%
2	Company Capacity	20%
3	Methodology	30%
4	Price	25%
	TOTAL	100%

AHA! Consulting was assessed as the most advantageous proposal utilising a deliberative panel approach. The Evaluation Panel's assessment of the submissions is detailed in [Confidential Attachment 1](#) – Evaluation Matrix.

FINANCIAL IMPLICATIONS

The prices submitted are detailed in [Confidential Attachment 2](#) – Price Schedule.

The Belmont Trust component of the City of Belmont Budget contains sufficient funding to undertake this essential community engagement process.

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 award Quotation Q03/2021 – Belmont Trust Land Community Engagement to AHA! Consulting for the sum of \$72,480.

7. URGENT BUSINESS APPROVED BY THE CHAIR OR BY DECISION

8. CLOSURE