



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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28 March 2017

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Confidential Attachment 3 – Item 12.10 refers

<p>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</p>
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MINUTES

PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr L Cayoun	West Ward
Cr P Hitt	West Ward
Cr B Ryan	East Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mrs J Hammah	A/Director Community and Statutory Services
Mr S Morrison	A/Director Technical Services
Mr J Olynyk, JP	A/Director Corporate and Governance
Mrs N Griggs (<i>dep 7.50pm and did not return</i>)	Manager Community Place Making
Mr J Hardison	Manager Property and Economic Development
Mr J Pol (<i>dep 7.50pm and did not return</i>)	Manager Building Services
Mrs M Lymon	Principal Governance and Compliance Advisor
Mr V Popescu (<i>dep 7.50pm and did not return</i>)	Project Management Coordinator – Building
Ms D Morton	Media and Communications Officer
Ms E Cashman	Senior Governance Officer

MEMBERS OF THE GALLERY

There were eleven members of the public in the gallery and no press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.06pm, welcomed those in attendance, and read the Acknowledgement of Country.

It is important that we acknowledge the traditional owners of the land on which we are meeting today the Noongar Whadjuk people and pay respect to Elders both past and present

The Presiding Member invited Cr Wolff to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Wolff read aloud the affirmation.

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 office for all the people in the City of Belmont according to the best of my judgement and ability. I will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

2. APOLOGIES AND LEAVE OF ABSENCE

Cr M Bass (Apology)	East Ward
Cr P Gardner (Apology)	South Ward
Mr N Deague (Apology)	Director Community and Statutory Services
Mr R Garrett (Apology)	Director Corporate and Governance
Mr R Lutey (Apology)	Director Technical Services

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title
Cr R Rossi	Item 12.3 Ascot Kilns Local Development Plan and Draft Local Planning Policy No. 17 'Ascot Kilns Design Guidelines'
Cr P Gardner	Item 12.7 Request for Funding Support for 2017 Belmont and Western Australian Small Business Awards

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcement:

"I would like to congratulate WA Labor on their decisive victory in the Western Australian Election and specifically Ms Cassie Rowe on obtaining the seat of Belmont. The City looks forward to working with Ms Rowe in advancing a number of matters affecting the Belmont community.

Also congratulations to Ms Samantha Rowe on being re-elected to the Upper House for the East Metropolitan Region.

I would like to take the opportunity to thank outgoing member, Mrs Glenys Godfrey for her efforts over the past four years, while she has held the seat of Belmont. I wish Mrs Godfrey all the best for the future."

4.2 DISCLAIMER

7.09pm The Presiding Member drew the public gallery's attention to the Disclaimer.

I wish to draw attention to the Disclaimer Notice contained within the agenda document and advise members of the public that any decisions made at the meeting tonight, can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

The following questions were taken on notice at the Ordinary Council Meeting of 28 February 2017. Mr Childs was provided with a response on 17 March 2017. The response from the City is recorded accordingly:

1. After three months of questions can we now agree there has been very little increase in the numbers of youth attending The Base from November 2011? Response to questions taken on notice Ordinary Council Meeting November 2011, and now. See figures given by The Base employees in November 2016.

Response

The numbers of young people attending The Base from the two distinct snapshots referred to in 2011 and 2016 are comparable. It is however somewhat misleading to infer that questions over the last three month period have related to the same question. Questions in November and December 2016 related to the reference to participation rates in the Ordinary Council Meeting Item of April 2016. Detailed explanations have previously been provided explaining the distinction between participation rates and physical attendance.

It must be made clear that the number of persons accessing a facility does not equate to meaningful engagement. As previously reported the City has set only one Key Performance Indicator related to numbers of young people accessing its Youth Services. Although this provides useful quantitative data, it provides no qualitative information or perspective on how meaningful and effective the engagement with those young people has been. The City's investment of recent years has been more focused on meaningful engagement and long term outcomes for young people, as opposed to a focus on numbers and outputs.

I would like to reassure you that as previously reported the YMCA continues to meet and exceed all participation related Key Performance Indicators, as per their contractual obligations, and the City's Officers monitor this on a regular and frequent basis.

The City believes it has provided adequate responses to multiple questions related to contacts, participation and attendance rates at the City's Youth Services over an extended period of time. As such, the City will no longer provide responses to the same line of questioning or historical matters related to its Youth Services; however should you have any new queries related to other matters that arise, the City will provide a response as per the Ordinary Council Meeting process.

Item 5.1.1 Continued

2. Can we have an update of the progress towards the appointment of the new Chief Executive Officer?

Response

Council has adopted a process and appointed a selection panel. In accordance with past practice, an external recruitment consultant will be selected to coordinate the selection process with the panel in accordance with Council parameters. Final approval of a successful candidate will be undertaken by full Council as required under the Act. The aim is to have the selection completed by the time the current Chief Executive Officer retires.

5.1.2 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE

The following questions were taken on notice at the Ordinary Council Meeting of 28 February 2017. Ms Gee was provided with a response on 3 March 2017. The response from the City is recorded accordingly:

1. Can Council confirm that provision for a slip road on the Belmont Forum side of Abernethy Road between Fulham and Gabriel Street with the exception of the corner blocks is still in force?

Response

The A/Director Community and Statutory Services advised that a Vehicle Access Plan is required for all Development Applications. As developments progress an easement will be taken, however the slip road may not be constructed for some time after that.

2. If so, then can Council confirm that the proposed high density development between Fulham and Gabriel Street meets that provision?

Response

Yes, the approved development incorporates a Vehicle Access Plan as required by Council.

Development Query – Lot 100 (346) and Lot 5 (348) Abernethy Road, Cloverdale

The vehicle access plan (slip road) between Fulham Street and Gabriel Street was approved by Council at its Ordinary Council Meeting (OCM) held on 22 June 2010.

Item 5.1.2 Continued

10. Prior to the occupation of the development / commencement of the use, the part of Lots 100 and 5, the subject of any access easement shall be paved, kerbed and drained in accordance with the City's engineering requirements and design guidelines and thereafter maintained to a standard satisfactory to the City's Director Technical Services. Any construction and maintenance costs are to be borne by the owner. The maintenance obligation is to be stated in the grant of easement documentation.

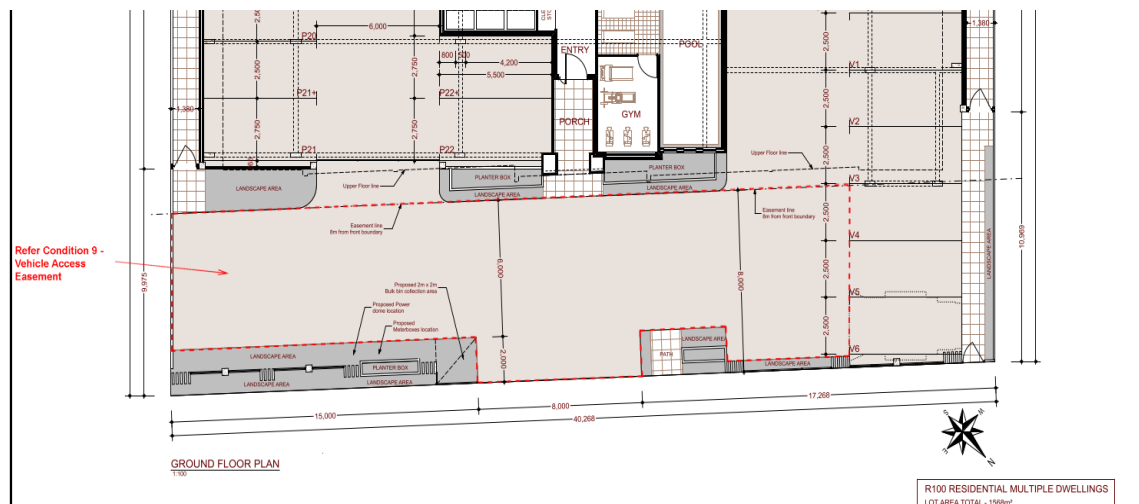


Figure 2 - Extract Site Plan showing modified vehicle access easement marked in red with reference to Condition No. 9

All planning applications for development along Abernethy Road will require access to be provided from the vehicle access easement in accordance with the approved vehicle access plan. Ultimately access to all properties fronting this portion of Abernethy Road would be provided via the two proposed crossovers and would be left in and left out due to Abernethy Road being a dual carriageway with central landscaped strip.

Please note that temporary crossovers may be permitted until such time as the vehicle access easement is fully constructed between #346 and #364 Abernethy Road. This would be a condition of the approval. This was not a requirement of application 294/2016 as the development proposes ingress and egress via a central 8 metre wide crossover (refer plan above).

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

- 7.10pm** The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered four members of the public who had given prior notice to ask questions.

5.2.1 MR A HUDSON, 22 FINN COVE, ASCOT

1. Has the Ascot Kilns Local Development Plan been considered as part of the Golden Gateway Structure Plan, particularly in relation to road realignments and the impact they may have on the Kilns precinct?

Response

The A/Director Community and Statutory Services advised that the Ascot Kilns Local Development Plan has been taken into account and considered as part of the Golden Gateway Structure Plan and vice-versa. The two projects are aware of the other and have been considered when drafting each plan.

The A/Director Community and Statutory Services further advised that the Golden Gateway Structure Plan was still at the drafting stage, but it is expected to be released for public consultation sometime in 2017.

2. Is Finn Cove classified as a street or road within the City of Belmont? We are unable to get waste services such as rubbish pick up and the use of skip bins due to the narrow nature of the street. Other services such as local paper distributions are also not occurring. This is being raised as developments in the Kilns precinct may run into the same issues, due to the narrow laneways in the area.

Response

The Presiding Member advised that the question would be taken on notice to provide further information, and requested that Mr Hudson email the details of this waste management query to the City so that the details can be captured exactly.

The A/Director Community and Statutory Services advised that Finn Cove was perhaps originally a strata title development, which may have impacted on waste services but undertook to investigate and provide further information.

5.2.2 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

1. Will the full Council have the opportunity to have input to the “Councils Parameters” that will form a future Great Belmont?

Like – Consider and Confirm

- (1) The existing Vision Statement
- (2) How the Vision Statement is to be implemented.
- (3) What “Cultural” (belief, values and attitude) is required for a CEO to give us a Great Belmont?

Response

The Presiding Member advised that Council and the community have the opportunity to provide input on a consistent basis through the City’s Strategic Community Plan (SCP) which is the City’s key strategic document and underpins the City’s vision and focus, and the Corporate Business Plan (CBP) which details how the SCP is undertaken. Workshops and information sessions occur regularly and the CBP is endorsed by Council annually. The City’s vision, culture, beliefs and attitude is constantly on the radar and agenda of Council.

2. Will the full Council be part of the process of appointing the next CEO?

Response

The Presiding Member advised that five Councillors have been appointed to the selection panel which will shortlist candidates for the CEO position. The full Council will make the final decision on the appointment of the CEO.

The recruitment process being undertaken was determined through a resolution of Council, and information is available on this decision in Ordinary Council Meeting minutes.

5.2.3 MR B TIPPETT, ON BEHALF OF THE DEPARTMENT OF PLANNING, 140 WILLIAM STREET, PERTH

1. Referring to Item Number 12.3, Ascot Kilns Local Development Plan. Is the Council aware that significant public engagement occurred as part of the process to prepare the Plan prior to the formal statutory comment period and over and above what is required for the preparation of a local development plan by the City? This included:
 - A mail-out to approximately 500 houses that surround the site with newspaper advertising at the start of the project
 - Two community workshops of more than three hours each
 - A presentation during a community workshop for the Golden Gateway Structure Plan preparation process
 - Updated information on the Department of Planning and City of Belmont websites
 - Email updates to community members during the process

The Department also invited (or attempted to invite) key stakeholders and community groups to attend the community workshop process via letter, email and telephone.

Response

The Presiding Member advised that Council was aware of the consultation that occurred, but were perhaps not completely aware of the depth of the engagement. He further advised that Council would be considering if further public consultation was required for the Ascot Kilns Local Development Plan at Item 12.3.

5.2.4 MS C JEDRZEJEWSKI, 224 ROBINSON AVENUE, BELMONT

1. Is the extension of Robinson Avenue as part of the Community Centre Building development definite? I have concerns about rat-runs and local roads being used as thoroughfares and to bypass traffic lights; particularly given that it is proposed that Progress Way will be closed to traffic.

Response

The A/Director Technical Services advised that the proposed extension of Robinson Avenue was to service the rear administration carpark as well as servicing entry and exit from the proposed underground carpark. Laurie Street is proposed to be connected, but Ross Street will remain a cul-de-sac.

The A/Director Technical Services further advised that an Alternative Councillor Motion for Item 12.5, considering local traffic volumes had been put forward and would be considered by Council at Item 12.5.

7.26pm **The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. One further registration was forthcoming.**

5.2.5 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE

Ms Gee provided Councillors with a photo of a billboard advertising a residential development on Abernethy Road. Ms Gee expressed concerns that the images used for advertising were misleading, as a slip road for access to the development will be located behind a fence and landscaping.

1. What is Council doing to ensure that those who purchase properties at this development on Abernethy Road are informed of the slip road which is located behind the depicted fence and landscaping?
2. What can Council do to stop or control developers from selling under false pretences?

Response

The A/Director Community and Statutory Services advised that the City cannot control images used in real estate adverts. Prospective buyers will generally use a settlement agent to finalise any property purchases, and the settlement agent will request from the local government authority a property settlement enquiry (orders and requisitions) to determine any encumbrances. In this instance, the requirement and location of the slip road is detailed as an easement in gross on the property title. The City provides the details of any encumbrances to settlement agents or prospective buyers as part of property purchase enquiries.

7.30pm **As there were no further questions, the Presiding Member declared Public Question Time closed.**

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 28 FEBRUARY 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, CAYOUN SECONDED,

That the minutes of the Ordinary Council Meeting held on 28 February 2017 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 7 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 21 MARCH 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

CAYOUN MOVED, POWELL SECONDED,

That the Information Matrix for the Agenda Briefing Forum held on 21 March 2017 as printed and circulated to all Councillors, be received and noted.

CARRIED 7 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

8.2.1 CR P HITT

1. Was Mr Tippet asking a question as a resident of the City or is he representing the Department of Planning?

Response

The Presiding Member advised that Mr Tippet was in attendance as a representative of the Department of Planning.

8.2.2 CR J POWELL

1. In respect to the announcement at the beginning of the meeting, has the Mayor put these messages in writing?

Response

The Presiding Member advised that he has written to Ms Cassie Rowe and Mrs Glenys Godfrey. As confirmation of Legislative Council results had not been completed, he has yet to write to Ms Samantha Rowe but will do so immediately now that the results have been confirmed.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 27 FEBRUARY 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, CAYOUN SECONDED,

That the minutes for the Standing Committee (Audit and Risk) meeting held on 27 February 2017 as previously circulated to all Councillors, be received and noted.

CARRIED 7 VOTES TO 0

11.2 STANDING COMMITTEE (ENVIRONMENTAL) HELD 20 MARCH 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

WOLFF MOVED, RYAN SECONDED,

That the minutes for the Standing Committee (Environmental) meeting held on 20 March 2017 as previously circulated to all Councillors, be received and noted.

CARRIED 7 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.3 was withdrawn at the request of Cr Rossi
Item 12.5 was withdrawn at the request of Cr Rossi
Item 12.7 was withdrawn at the request of Cr Rossi

HITT MOVED, CAYOUN SECONDED,

That with the exception of Items 12.3, 12.5 and 12.7, which are to be considered separately, the Officer or Committee Recommendations for Items 12.1, 12.2, 12.4, 12.6, 12.8, 12.9, 12.10, 12.11, 12.12, and 12.13 be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 7 VOTES TO 0

**12.1 CHANGE OF USE FROM CONSULTING ROOM TO FAST FOOD OUTLET AT
TENANCY NO. 8A, LOT 510 (49) GREAT EASTERN HIGHWAY, RIVERVALE**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	<u>Development Plans</u>
Attachment 2 – Item 12.1 refers	<u>Car Parking Study dated 7 March 2017</u>

Voting Requirement	:	Absolute Majority
Subject Index	:	115/001–Development/Subdivision/Strata Applications and Application Correspondence
Location / Property Index	:	Lot 510 (49) Great Eastern Highway, Rivervale
Application Index	:	560/2016/DA
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 29 October 2013 – Item 12.2 OCM 25 September 2012 – Item 12.5.
Applicant	:	GVS Holdings Pty Ltd
Owner	:	Krisdan Holdings Pty Ltd
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, local planning schemes and policies.</i>
<input type="checkbox"/>	Review	<i>When Council reviews decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>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.</i>

PURPOSE OF REPORT

For Council to determine a planning application for a change of use from 'Consulting Room' to 'Fast Food Outlet' at Tenancy 8A at the Eastgate Commercial Centre located at Lot 510 (49) Great Eastern Highway (GEH), Rivervale (refer [Attachment 1](#)).

Item 12.1 Continued

SUMMARY AND KEY ISSUES

The planning application is for a change of use of tenancy 8A at Lot 510 (49) GEH, Eastgate Commercial Centre from a 'Consulting Room' to a 'Fast Food Outlet'.

Table 1 of Local Planning Scheme No. 15 (LPS15) lists a 'Fast Food Outlet' as a 'discretionary' use within the commercial zone.

The proposed 'Fast Food Outlet' will require one additional car bay (five bays in total) more than the 'Consulting Room' which was approved with four bays.

At its Ordinary Council Meeting (OCM) held on 25 September 2012 (Item 12.5), Council resolved to advise the landowner that prior to consideration of any further car parking concessions for future planning applications, a comprehensive car parking study for the Centre must be prepared.

The landowner has prepared a car parking study which has identified that there are 95 car bays provided on-site and that 93 car bays are required to accommodate the peak car parking demand at 5:00pm on Thursdays and 91 bays are required to accommodate the peak parking demand at 11:00am on Saturdays.

The City supports the car parking study methodology (refer [Attachment 2](#)). However, the survey data used by the study is from 2013. The City considers that the data may not be a true reflection of what is currently occurring on-site. Therefore, an up to date survey needs to be undertaken on-site.

It is recommended that Council defers determination of the application for the proposed change of use to allow the landowner to prepare a revised car parking study that includes an up to date car parking survey, and delegate authority to determine the application to the Director Community and Statutory Services upon receipt of a satisfactory car parking study.

LOCATION

The subject site is located at Eastgate Commercial Centre on Lot 510 (49) Great Eastern Highway. The commercial centre is bound by Kooyong Road to the south-west and Fitzroy Road to the north-east as illustrated in Figure 1 below.

Item 12.1 Continued



Figure 1 – Aerial Photo Showing Eastgate Commercial Centre and Tenancy 8A

Lot 510 at (49) GEH was created by the amalgamation of Part Lot 500 (49-59) GEH and Lot 237 (4) Fitzroy Road. The majority of Lot 510 is zoned 'Commercial' with a small portion of land, formerly 4 Fitzroy Road, zoned as 'Residential-R20/R40'. This portion of land has been redeveloped as a car park serving Eastgate Commercial Centre.

The subject lot abuts residential properties to the south-east. The land to the north-east (across Fitzroy Road) is zoned 'Mixed Use' and has existing multiple dwellings. The land to the south-west (across Kooyong Road) is also zoned 'Mixed Use' as illustrated in Figure 2 below.

Item 12.1 Continued

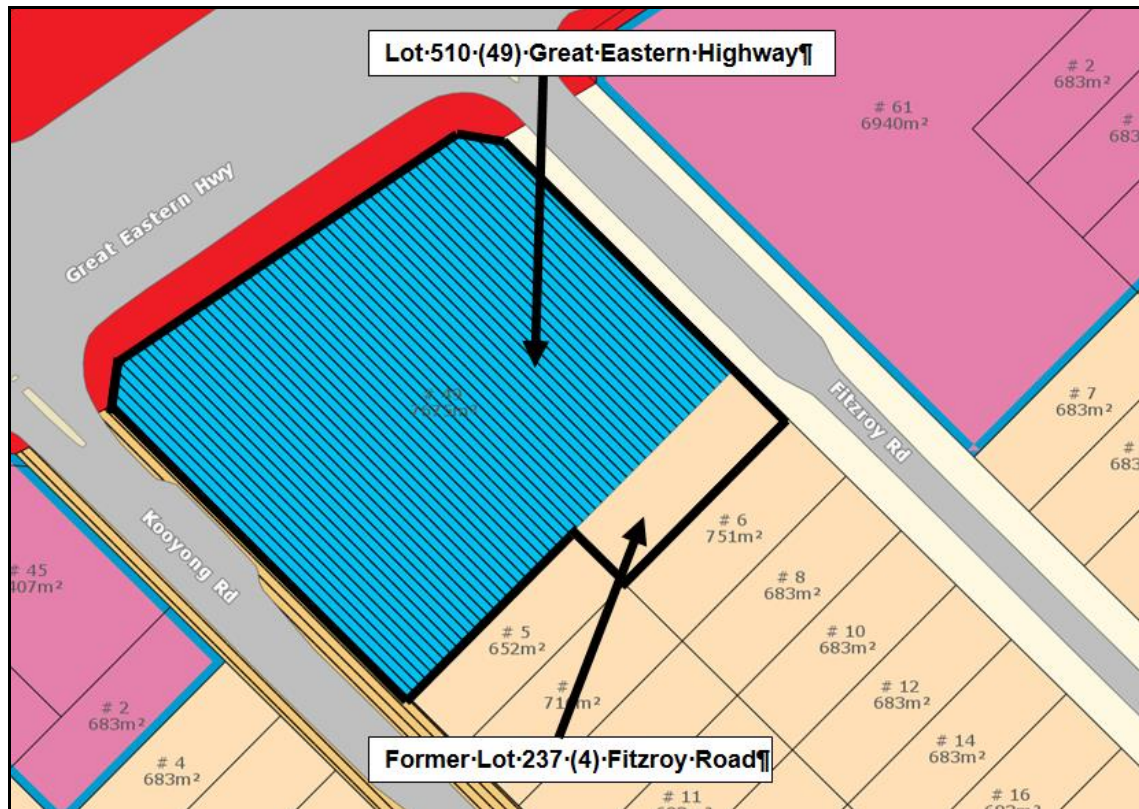


Figure 2 – An Extract from LPS15 Scheme Map – Commercial and Residential R20/40

CONSULTATION

Category B applications are those that need advertising, additional information, documentation or revisions, approvals from other bodies such as Committees or Council, or are building licences that required a development application. Category B applications may need statutory advertising, referral to neighbours or consideration by Council.

The proposed use is a 'D' use and does not require advertising under LPS15. The tenancy in question does not share a boundary with any residential properties and is unlikely to create any noise or emissions. Therefore, the City's discretion to advertise under Clause 64(1)(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulation 2015 (2015 Planning Regulations)* was not exercised. Whilst advertising was not required the application has been referred to Council to determine because of the proposed car parking variation. On this basis the application is considered to be a Category B application.

City of Belmont Health Department

The City's Health Department have raised no objections to the proposed development and have advised that all food businesses are required to register with the City in accordance with the *Food Act 2008*.

Item 12.1 Continued

City of Belmont Engineering Department

The City's Engineering Department have commented that the submitted car parking study is based on an appropriate methodology but the 2013 survey data used in the study is out of date and needs to be re-surveyed.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Achieve a planned City that is safe and meets the needs of the community.

Strategy: Encourage a wide choice and consistent implementation of development approaches.

Corporate Key Action: Implement Local Planning Scheme No. 15.

POLICY IMPLICATIONS

State Planning Policy 4.2 (Activity Centres for Perth and Peel)

The subject tenancy is within the 'Eastgate Commercial Centre' which falls under the classification of a Neighbourhood Centre under State Planning Policy 4.2 (SPP4.2). The Policy outlines broad requirements for planning and development of activity centres in Perth and Peel. The objectives of the Policy include the integration of land use, infrastructure, and transport planning to promote community benefits in the form of economic benefits from business clusters, infrastructure efficiency, lowering transport energy use and associated carbon emissions.

Specifically, Part 5.1.2 emphasises the importance of Neighbourhood Centres as community focal points to help provide for the main daily to weekly household shopping and community needs.

Part 5.2.1 encourages a mix of land uses and land use intensities – uses that generate activity at different hours of the day. Part 5.2.2 outlines the desirability of higher-density housing within and immediately adjacent to activity centres to establish a walkable catchment and reduce the requirement for vehicle trips and car parking provision.

STATUTORY ENVIRONMENT

The majority of the property is zoned 'Commercial' with a small portion of land, formerly 4 Fitzroy Road, zoned as 'Residential R20/40'.

Item 12.1 Continued

Schedule 1 of LPS15 outlines the definition for various land uses. In regards to this application, the definitions of relevance are:

- A Fast Food Outlet/Lunch Bar means *premises, including premises with a drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten:*
 - (a) *Without further preparation; and*
 - (b) *Primarily off the premises.*
- A Consulting Room means *premises used by no more than two health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.*

Clause 5.5.1 of LPS15 allows the City to approve a development application where the proposed development does not comply with a standard or requirement of LPS15.

Clause 5.5.2 of LPS15 identifies that where support for a variation is likely to affect any owners or occupiers in the general locality or the adjoining site the variation is proposed. Then the owners and occupiers would be consulted in accordance with the requirements of Clause 64 of the *2015 Planning Regulations*.

Clause 5.5.3 of LPS15 identifies that a variation may only be supported having regard to the criteria provided by Clause 67 of the *2015 Planning Regulations* and where the City is satisfied that the variation would not have an adverse impact on the users of the development and the inhabitants of the locality.

Part 5.10 of the LPS15 outlines requirements for development in the commercial zone. Specifically, Clause 5.10.2(1) states that the extent of the development shall be governed by the City's requirements for car parking and landscaping determined in the light of the circumstances of any particular application. Clause 5.10.2(2) states that the City may impose conditions to a planning approval requiring amongst other things the integration of building layout and design with adjoining development and determine car parking layout, vehicular access and pedestrian circulation.

Clause 5.16.4(1) states that the number of car parking spaces to be provided in respect of any particular site shall be determined by the City, having regard to the nature of the use and the known or likely volume of goods, material or people moving to and from the site. Subject to any provision of the Scheme to the contrary, the number of car parking spaces shall be in accordance with the requirements of Table 2 of the Scheme.

Table 2 of LPS15 outlines the minimum requirement for provision of car parking for various land uses. The land uses and standards relevant to this application are:

- Takeaway/Fast Food Outlet: *six spaces for every 100 square metres of net lettable area (NLA) plus one space for every four seated customers (car queuing areas may be permitted to be calculated as parking spaces); and*
- Consulting Room and Consulting Rooms Group: *four spaces for every practitioner.*

Item 12.1 Continued

Planning and Development (Local Planning Schemes) Regulations 2015 (2015 Planning Regulations)

Clause 10.2.9 of LPS15 has been replaced by Schedule 2, Clause 67 of the Deemed Provisions of the *2015 Planning Regulations*.

Clause 67 of the *2015 Planning Regulations* sets out the matters to be considered when determining a planning application. The matters most relevant to the 'land use' aspect of this application are:

- (a) The aims and provisions of the Scheme and any other local planning scheme operating within the scheme area;
- (b) The requirements of orderly and proper planning;
- (c) Any approved state planning policy;
- (m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality;
- (n) Amenity of the locality including the following:
 - (i) Environmental impacts of the development;
 - (ii) The character of the locality;
 - (iii) Social impacts of the development.

The matters most relevant to car parking are:

- (b) The requirements of orderly and proper planning;
- (s) The adequacy of:
 - (i) The proposed means of access and egress from the site; and
 - (ii) Arrangements for the loading, unloading, manoeuvring and parking of vehicles.

Deemed Refusal

Clause 10.9.2 of LPS15 has been replaced by Schedule 2, Clause 75 of the Deemed Provisions of the *2015 Planning Regulations*.

Under Clause 75 of the deemed provisions of the *2015 Planning Regulations*, an application is 'deemed to be refused' if it is not determined within a 60 day period.

The only exception is where there is a written agreement for a further time between the applicant and the City of Belmont. In this case, there is no written agreement for the statutory time period to be extended.

The deemed refusal date for this application passed on 20 December 2016 and the applicant already has deemed refusal rights.

Item 12.1 Continued

Right of Review

Is there a right of review? ☒ Yes ☐ No

The applicant/owner may make application for review of a planning approval/planning refusal to the State Administrative Tribunal (SAT) subject to Part 14 of the *Planning and Development Act 2005*. Applications for review must be lodged with SAT within 28 days. Further information can be obtained from the SAT website—www.sat.justice.wa.gov.au.

BACKGROUND

Lodgement Date:	21/10/2016	Use Class:	'D' – Discretionary Use
Lot Area:	Parent Lot Area 4675m2 Subject Tenancy Area 86m2	TPS Zoning:	Majority of the subject site 'Commercial'. Portion of land formerly 4 Fitzroy Road 'Residential R20/R40'.
Estimated Value:	\$50,000	MRS:	Urban

There are currently two applications under consideration by Council at 49 GEH. This application being one, the second is for a change of use from 'Showroom' to 'Medical Centre' at Tenancy 15. The landowner has appointed a traffic consultant who has provided a car parking study in order to demonstrate that 49 GEH has sufficient capacity to accommodate both of the proposed changes of use for Tenancies 8A and 15.

Existing Development

Planning approval for the existing development on Lot 510 (49) GEH was granted in 1996. The development was comprised of nine tenancies (six showrooms, professional office/consultants, a shop, and a fast food/takeaway). Under the Scheme requirements at that time, a total of 80 car parking bays were required for the uses; 81 car parking bays were provided.

In the years following, a number of tenancies were subdivided for lease purposes and planning approval was also granted for changes of use to a number of the tenancies. Currently, the complex is comprised of 16 tenancies.

In 2001 the use of Tenancy 8A as a consulting room with one practising consultant was deemed acceptable by the City. Under Town Planning Scheme No. 14, no planning application was required as no building works were proposed.

Car Parking History

Over the years planning approvals for change of use applications have been granted by Council on the basis that no additional car bays were required or that reciprocal car parking was accepted. The basis for support of those reciprocal car parking arrangements are vague and were not accompanied by a car parking study by a qualified consultant. To address this, Council, at its 25 September 2012 OCM (Item 12.5), resolved to advise the landowner that prior to the consideration of any further car parking concessions for future planning applications, a comprehensive car parking study must be prepared, demonstrating to the Council's satisfaction that there is adequate on-site car parking.

Item 12.1 Continued

At the 29 October 2013 OCM (Item 12.2), Council resolved to approve a change of use application for Tenancy 8 from 'Video Store' to 'Shop' with a car park addition to the Commercial Centre at Lot 237 (4) Fitzroy Road, Rivervale. That provided an additional 14 bays increasing the total number of bays on-site to 95.

The car parking study submitted in support of that application identified at that time there were 81 car bays on-site at Eastgate Commercial Centre and there was a demand for 88 car bays. However, the additional 14 bays provided at Lot 237 (4) Fitzroy Road would increase the number of car bays provided at Eastgate Commercial Centre to 95 bays.

At that time, a detailed assessment of the car parking requirements of the then current land uses at Eastgate Commercial Centre was provided based on the standards required under the City's various Planning Schemes operative at the times when the approvals were issued for the various tenancies.

Table 1 below, sets out the number of car bays required under the various Planning Schemes and the subsequent shortfall between the number of bays provided on-site and the number of bays required under the various Planning Schemes. The table does not take into account the two current development applications for the site.

Total number of car bays required under various Planning Schemes.	150 bays
Number of bays provided on-site	95 bays
Shortfall in required number of bays	55 bays

Table 1 – Current Car Parking Requirements for Eastgate Commercial Centre

It should be noted that the table above does not take into account car parking reciprocity between the land uses at Eastgate Commercial Centre.

Proposed Change of Use to a Fast Food Outlet

The change of use application for Tenancy 8A proposes internal alterations to provide a food preparation area, a cooking area, a serving counter and a customer waiting area with six seats and no tables.

The tenancy has an area of 86 square metres with a NLA of 83 square metres.

The proposed hours of operation will be 6:00pm to 10:00pm, seven days a week. The outlet will be operated by one member of staff.

OFFICER COMMENT

Land Use

The proposed use is consistent with the intent of SPP4.2 because the change of use will broaden the range of services available at the Neighbourhood Centre. This is within a walkable distance from higher density housing within The Springs.

The proposed change of use to 'Fast Food Outlet' is classified as a 'D' (discretionary) use in the Commercial zone by Table 1–Zoning Table in LPS15. In accordance with Clause 4.3.2 of LPS15 a discretionary use is not permitted unless Council has exercised its discretion by granting planning approval.

Item 12.1 Continued

Given that a mix of 'fast food outlets' and 'restaurant' land uses already exist at Eastgate Commercial Centre, the proposed Fast Food Outlet is considered to be compatible with the existing and surrounding land uses.

The proposed Fast Food Outlet has been assessed by the City's Health Department and is not considered to impact on the amenity of neighbouring properties in the residential area or the wider Eastgate Commercial Centre. The proposed development will be required to comply at all hours with the assigned levels of the *Environmental Protection (Noise) Regulations 1997* and the *Health Local Law 2002* in relation to odour.

Given the above, the proposed development is considered to comply with the requirements of Clause 67 (a) (b) (c) (m) and (n) of the *2015 Planning Regulations*.

Car Parking

The previous use of the tenancy as a 'Consulting Room' with one practitioner would require four car bays under the current requirement of Table 2 of LPS15.

Based on the subject tenancy's NLA of 83 square metres (excluding the toilet), the proposed use of Tenancy 8A as 'Fast Food Outlet' would require five car bays. This is a one bay increase when compared to the previous use approved.

The resulting changes to the number of bays required under the various Planning Schemes and the shortfall in the number of bays on-site is set out in Table 2 below.

Total number of car bays required under various Planning Schemes including the proposed development.	151 car bays
Number of bays provided on-site	95 car bays
Shortfall in required number of bays including the proposed development	56 car bays

Table 2 – Proposed Car Parking Requirements for Eastgate Commercial Centre

The above table identifies that the increased car parking requirement of the proposed change of use of Tenancy 8A to 'Fast Food Outlet' would increase the car parking shortfall from 55 car bays identified in Table 1, to 56 car bays.

Part of the car parking requirement for 'Fast Food Outlet' provided by Table 2 states that one car bay per four seated customers is required. The proposed six seats have not been included in the car parking calculation because they are only considered suitable for waiting customers rather than for customers consuming food. This is because no tables, benches or other surfaces that could serve as a table are proposed.

The landowner has provided a car parking study (refer [Attachment 2](#)), which considers car parking demand on Thursdays and Saturdays. The car parking study acknowledges that there are 95 car bays on-site. The study identifies that the peak demand for car parking on-site on Thursdays is 93 bays, which occurs at 5:00pm. The peak demand on Saturdays is 91 bays, which occurs at 11:00am.

Item 12.1 Continued

It is considered that the car parking study is based on an appropriate methodology. However, the study is based on survey data that was collected in 2013. There are concerns that the survey data is now out of date and does not provide a true reflection of the car parking patterns currently occurring on-site due to changes that have taken place both within the Commercial Centre and in the surrounding areas. These are listed below:

- The survey data utilised was collected for a car parking study submitted in support of an application for a 'Shop' (IGA) that was determined by Council at its 29 October 2013 OCM (Item 12.2). Since then, the IGA store has been operational and the assigned car parking patterns identified in the car parking study supporting the IGA back in 2013 may now not be occurring on-site;
- In 2013, the subject portion of GEH was undergoing road widening works as part of the GEH upgrade from Kooyong Road to Tonkin Highway. Construction was undertaken to widen the highway from four to six lanes as well as construction of a central median to increase the efficiency of the highway and limit the number of conflicting movements. The widening of the road has subsequently increased the level of traffic that can be carried by GEH. This may result in more visits to the Commercial Centre through increased passing trade and a higher demand for car bays; and
- The development in The Springs Special Development Precinct has increased substantially since 2013 and therefore the number of residences within close proximity to the Commercial Centre has increased which may potentially increase the number of visitors to the Commercial Centre and the demand for car bays.

It is considered that the current car parking survey data from 2013 is not acceptable and appropriate as part of this car parking study. As outlined above, significant changes have occurred within and around the site since the survey in 2013 was undertaken. Therefore, the old survey data cannot satisfactorily justify that there is sufficient capacity on-site to accommodate the car parking demand of the present land uses and the demand for an additional one car bay shortfall created by the proposed change of use under consideration.

The landowner's transport consultants have carried out an additional car parking demand survey on Thursday 2 March 2017 covering the hours of 3:00pm to 7:00pm. The purpose of the survey was to justify that the submitted car parking study (based on a survey undertaken in 2013) provides an accurate reflection of the car parking demand currently occurring at Eastgate Commercial Centre. Table 3 below shows the results of the survey compared against the submitted car parking survey.

Item 12.1 Continued

TIME	2017 Survey (Thursday, 2 March, 2017)		2013 Parking Model Comparison	2013 Parking Model Without Vacancy Deducted
	15-Minute Survey	Hourly Peak		
3 ⁰⁰ pm	35 43 37 30	43	46	58
4 ⁰⁰ pm	33 31 37 32	37	59	71
5 ⁰⁰ pm	41 42 39 43	43	72	88
6 ⁰⁰ pm	43 40 45 46	46	72	82
7 ⁰⁰ pm	39	39	60	61

Table 3 – Car Parking Demand Survey – 2 March 2017

The above table compares the hourly peak identified by the survey against Table 3 of the car parking survey (refer [Attachment 2](#)) with the number of car bays required for vacant Tenancies 8A, 14 and 15 removed. The deduction of the total car parking requirements for vacant Tenancies 8A, 14 and 15 is also not accepted because the car parking study has made allowances for reciprocity arrangements across the whole site and not just the tenancies that are currently occupied. On that basis car parking should be removed on a proportional basis.

The City has added an additional column to the table above titled '2013 Parking Model Without Vacancy Deducted' that shows the number of car bays required as set out in Table 3 of the car parking study (refer [Attachment 2](#)) including the car bays required for Tenancies 8A, 14 and 15.

The survey completed on 2 March 2017 is not considered acceptable. This is because the survey covers only a portion of the day. A full survey across the whole day for both Thursday and Saturday is required in order to provide an accurate summary of how car parking demand has changed on-site since 2013.

It is considered that the landowner needs to undertake a new survey of the car bay usage occurring on-site and provide an amended the car parking study with the 2013 data replaced by new survey data. The updated car parking study would then provide a more accurate reflection of the car parking patterns occurring at the Commercial Centre. As such, the application has been recommended for deferral pending a revised car parking study being submitted which is to reference a car parking survey undertaken in 2017. This must also be undertaken bearing in mind the vacant tenancies.

Item 12.1 Continued

Conclusion

The proposed one car bay increase resulting from the proposed change of use of Tenancy 8A may not in reality, generate car parking issues at Eastgate Commercial Centre. However, the car parking study submitted in support of this application (refer [Attachment 2](#)) does not adequately demonstrate that sufficient capacity currently exists to accommodate the increased car parking demand necessary as a result of this application.

Given the matters discussed above, the proposed change of use from 'Consulting Room' to 'Fast Food Outlet' is not consistent with the requirements of orderly and proper planning as required by Clause 67 (b) of the *2015 Planning Regulations*. The City recommends that Council defer the application to allow the landowner sufficient time to provide an updated car parking strategy based on up to date survey data undertaken in 2017.

ALTERNATIVE OPTIONS

Notwithstanding the recommendation of the City, Council may consider giving consideration to the following alternatives:

- A. In accordance with Schedule 2 Part 10 Clauses 82 and 83 of the *Planning Regulations 2015* Council may wish to delegate to the Director Community and Statutory Services or Manager Planning Services the authority to determine this planning application on receipt of an updated car parking study that has been prepared to the satisfaction of the City. That would require an Absolute Majority.
- B. Council may wish to approve the proposed change of use, subject to conditions on the basis that the car parking increase of one bay resulting from the proposed change of use is very minor in the context of the 95 car bays provided at 49 GEH. However, Council must be aware that such an approval would increase the total car parking concession that already exists from 55 car bays to 56 car bays. Approval could also give rise to the incremental erosion of car parking provided for the Centre.

FINANCIAL IMPLICATIONS

Should the applicant seek to exercise their right to review by the State Administrative Tribunal (SAT) then there would be costs associated with the City addressing the review.

ENVIRONMENTAL IMPLICATIONS

As of the 1 July 2003, Energy Efficiency requirements were implemented via the Building Code of Australia (BCA) and all residential and commercial buildings at the time of application for a Building Permit need to comply with the 'deemed to satisfy' requirements, or alternatively a compliant Energy Audit Report can be submitted by an accredited person.

Item 12.1 Continued

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

- A. Defer determination of planning application 560/2016 as detailed in plans dated 21 October 2016 (refer [Attachment 1](#)) submitted by GVS Construction on behalf of the owner Krisdan Holdings for Tenancy 8A at Lot 510 (49) Great Eastern Highway for the following reasons:***
- 1. The submitted car parking study is not acceptable and is not consistent with Clause 67(s) of the Planning and Development (Local Planning Schemes) Regulation 2015. The car parking study does not sufficiently demonstrate that the existing car parking provision provided on-site is sufficient to accommodate the proposed increase in car parking demand required by the proposed change of use.***
 - 2. To allow the applicant sufficient time to provide an amended car parking survey as part of the car parking study undertaken for the site that is based on an up to date assessment to the satisfaction of the City.***
- B. Delegate Authority to the Director Community and Statutory Services to approve the application upon receipt of an updated car parking study, that satisfactorily demonstrates that the number of car parking spaces provided on-site is sufficient to accommodate the proposed change of use.***

ABSOLUTE MAJORITY REQUIRED

**OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12**

**12.2 CHANGE OF USE FROM SHOWROOM TO MEDICAL CENTRE AT TENANCY NO. 15,
LOT 510 (49) GREAT EASTERN HIGHWAY, RIVERVALE**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3 – Item 12.2 refers	<u>Development Plans</u>
Attachment 4 – Item 12.2 refers	<u>Car Parking Study Dated 7 March 2017</u>

Voting Requirement	:	Absolute Majority
Subject Index	:	115/001–Development/Subdivision/Strata Applications and Application Correspondence
Location / Property Index	:	Lot 510 (49) Great Eastern Highway, Rivervale
Application Index	:	668/2016/DA
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 29 October 2013 – Item 12.2 OCM 25 September 2012 – Item 12.5.
Applicant	:	Coordinated Building Systems
Owner	:	Krisdan Holdings Pty Ltd
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, local planning schemes and policies.</i>
<input type="checkbox"/>	Review	<i>When Council reviews decisions made by Officers.</i>
<input checked="" type="checkbox"/>	Quasi-Judicial	<i>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.</i>

PURPOSE OF REPORT

For Council to determine a planning application for a change of use from 'Showroom' to 'Medical Centre' at Tenancy 15 at the Eastgate Commercial Centre at Lot 510 (49) Great Eastern Highway (GEH), Rivervale (refer [Attachment 3](#)).

Item 12.2 Continued

SUMMARY AND KEY ISSUES

The planning application is for a change of use of Tenancy 15 at Lot 510 (49) GEH, Eastgate Commercial Centre from a 'Showroom' to a 'Medical Centre'.

Table 1 of Local Planning Scheme No. 15 (LPS15) lists a 'Medical Centre' as a 'discretionary' use within the Commercial zone.

The proposed 'Medical Centre' will require ten car bays (24 bays in total) more than the 'Showroom' which was approved with 14 bays.

At its Ordinary Council Meeting (OCM) held on 25 September 2012 (Item 12.5), Council resolved to advise the landowner that prior to consideration of any further car parking concessions for future planning applications, a comprehensive car parking study for the Centre must be prepared.

The landowner has prepared a car parking study which has identified that there are 95 car bays provided on-site and that 93 car bays are required to accommodate the peak car parking demand at 5:00pm on Thursdays and 91 bays are required to accommodate the peak parking demand at 11:00pm on Saturdays.

The City supports the car parking study methodology (refer [Attachment 4](#)). However, the survey data used by the study dates from 2013. The City considers that the data may not be a true reflection of what is currently occurring on-site. Therefore, up to date surveys need to be undertaken on-site.

The City recommends that Council defers the application for the proposed change of use to allow the landowner to prepare a revised car parking study that includes an up to date car parking survey, and delegate authority to determine the application to the Director Community and Statutory Services upon receipt of a satisfactory car parking study.

LOCATION

The subject site is located at Eastgate Commercial Centre on Lot 510 (49) Great Eastern Highway. The commercial centre is bound by Kooyong Road to the southwest and Fitzroy Road to the Northeast as illustrated in Figure 1 below.

Item 12.2 Continued



Figure 1 – Aerial Photo Showing Eastgate Commercial Centre and Tenancy 15

Lot 510 at (49) GEH was created by the amalgamation of Part Lot 500 (49-59) GEH and Lot 237 (4) Fitzroy Road. The majority of Lot 510 is zoned 'Commercial' with a small portion of land, formerly 4 Fitzroy Road zoned as 'Residential-R20/R40'. This portion of land has been redeveloped as a car park serving Eastgate Commercial Centre.

The subject lot abuts residential properties to the south-east. The land to the north-east (across Fitzroy Road) is zoned 'Mixed Use' and has existing multiple dwellings. The land to the south-west (across Kooyong Road) is also zoned 'Mixed Use' as illustrated in Figure 2 below.

Item 12.2 Continued

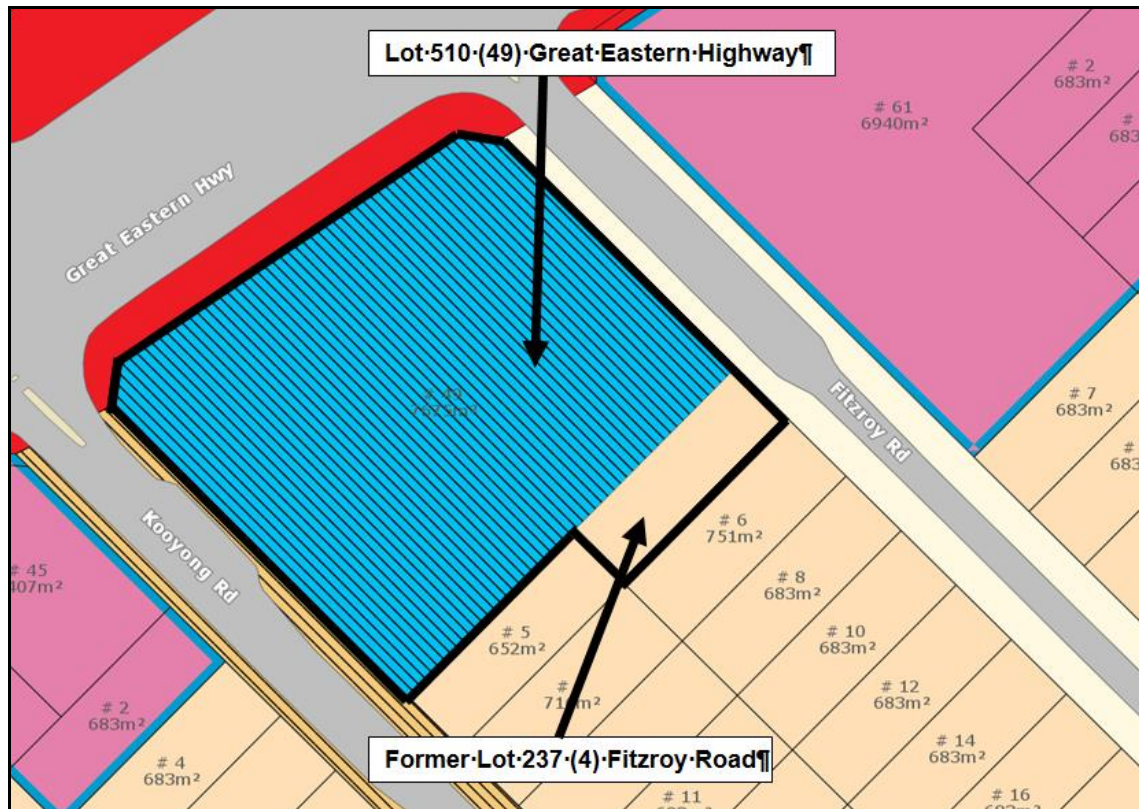


Figure 2 – An Extract from LPS15 Scheme Map – Commercial and Residential R20/40

CONSULTATION

Category B applications are those that need advertising, additional information, documentation or revisions, approvals from other bodies such as Committees or Council, or are building licences that required a development application. Category B applications may need statutory advertising, referral to neighbours or consideration by Council.

The proposed use is a 'D' use and does not require advertising under LPS15. The tenancy in question does not share a boundary with any residential properties and is unlikely to generate any noise or emissions. Therefore, the City's discretion to advertise under Clause 64 (1)(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulation 2015* was not exercised. Whilst advertising was not required the application has been referred to Council to determine because of the proposed car parking variation. On this basis the application is considered to be a Category B application.

City of Belmont Engineering Department

The City's Engineering Department have commented that the submitted car parking study is based on an appropriate methodology but the 2013 survey data used in the study is out of date and needs to be re-surveyed.

Item 12.2 Continued

City of Belmont Health Department

The City's Health Department have raised no objections to the proposed development and have confirmed that any plant and machinery should comply at all times with the requirements of the *Environmental Protection (Noise) Regulations 1997* and any medical waste is not disposed of as general waste.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Achieve a planned City that is safe and meets the needs of the community.

Strategy: Encourage a wide choice and consistent implementation of development approaches.

Corporate Key Action: Implement Local Planning Scheme No. 15

POLICY IMPLICATIONS

State Planning Policy 4.2 (Activity Centres for Perth and Peel)

The subject tenancy is within the 'Eastgate Commercial Centre' which falls under the classification of a Neighbourhood Centre under State Planning Policy 4.2 (SPP4.2). The Policy outlines broad requirements for planning and development of activity centres in Perth and Peel. The objectives of the Policy include the integration of land use, infrastructure and transport planning to promote community benefits in the form of economic benefits from business clusters, infrastructure efficiency, lowering transport energy use and associated carbon emissions.

Specifically, Part 5.1.2 emphasises the importance of Neighbourhood Centres as community focal points to help provide for the main daily to weekly household shopping and community needs.

Part 5.2.1 encourages a mix of land uses and land use intensities – uses that generate activity at different hours of the day. Part 5.2.2 outlines the desirability of higher-density housing within and immediately adjacent to activity centres to establish a walkable catchment and reduce the requirement for vehicle trips and car parking provision.

STATUTORY ENVIRONMENT

Local Planning Scheme No 15 (LPS15)

The majority of the property is zoned 'Commercial' with a small portion of land, formerly 4 Fitzroy Road, zoned as 'Residential R20/40'.

Item 12.2 Continued

Schedule 1 of LPS15 outlines the definitions for various land uses and also provides a list of general definitions. In regards to this application, the definitions of relevance are:

- Health Consultant: *A legally qualified medical doctor, dentist, physiotherapist, podiatrist, acupuncturist, naturopath, or other persons ordinarily associated with medical practises, in the prevention or treatment of physical or mental injuries and ailments;*
- A Medical Centre means *premises other than a hospital used for three or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;*
- A Showroom means *premises used to display, sell by wholesale retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.*

Clause 5.5.1 of LPS15 allows the City to approve a development application where the proposed development does not comply with a standard or requirement of LPS15.

Clause 5.5.2 of LPS15 identifies that where support for a variation is likely to affect any owners or occupiers in the general locality or the adjoining site the variation is proposed. Then the owners and occupiers would be consulted in accordance with the requirements of Clause 64 of the *2015 Planning Regulations*.

Clause 5.5.3 of LPS15 identifies that a variation may only be supported having regard to the criteria provide by Clause 67 of the *2015 Planning Regulations* and where the City is satisfied that the variation would not have an adverse impact on the users of the development and the inhabitants of the locality.

Part 5.10 of LPS15 outlines requirements for development in the commercial zone. Specifically, Clause 5.10.2(1) states that the extent of the development shall be governed by the City's requirements for car parking and landscaping determined in the light of the circumstances of any particular application. Clause 5.10.2(2) states that the City may impose conditions to a planning approval requiring amongst other things the integration of building layout and design with adjoining development and determine car parking layout, vehicular access, and pedestrian circulation.

Clause 5.16.4(1) states that the number of car parking spaces to be provided in respect of any particular site shall be determined by the City, having regard to the nature of the use and the known or likely volume of goods, material or people moving to and from the site. Subject to any provision of the Scheme to the contrary, the number of car parking spaces shall be in accordance with the requirements under Table 2 of the Scheme.

Table 2 of LPS15 outlines the minimum requirement for provision of car parking for various land uses. The land uses and standards relevant to this application are:

- Consulting Room and Consulting Rooms Group: *four spaces for every practitioner; and*
- Showroom: *one space for every 40 square metres of net lettable area (NLA).*

Item 12.2 Continued

Planning and Development (Local Planning Schemes) Regulations 2015 (The 2015 Planning Regulations)

Clause 10.2.9 of LPS15 has been replaced by Schedule 2, Clause 67 of the Deemed Provisions of the *2015 Planning Regulations*.

Clause 67 of the *2015 Planning Regulations* sets out the matters to be considered when determining a planning application. The matters most relevant to the 'land use' aspect of this application are:

- (a) The aims and provisions of the Scheme and any other local planning scheme operating within the Scheme area;
- (b) The requirements of orderly and proper planning;
- (c) Any approved state planning policy;
- (m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality.
- (n) Amenity of the locality including the following:
 - (i) Environmental impacts of the development;
 - (ii) The character of the locality;
 - (iii) Social Impacts of the development.

The matters most relevant to car parking are:

- (b) The requirements of orderly and proper planning;
- (s) The adequacy of –
 - (i) The proposed means of access and egress from the site; and
 - (ii) Arrangements for the loading, unloading, maneuvering and parking of vehicles.

Deemed Refusal

Clause 10.9.2 of LPS15 has been replaced by Schedule 2, Clause 75 of the Deemed Provisions of the *2015 Planning Regulations*.

Under Clause 75 of the *2015 Planning Regulations*, an application is 'deemed to be refused' if it is not determined within a 60 day period.

The only exception is where there is a written agreement for further time between the applicant and the City of Belmont. In this case, there is no written agreement for the statutory time period to be extended.

The deemed refusal date for this application passed on 6 February 2017 and the applicant already has deemed refusal rights.

Item 12.2 Continued

Right of Review

Is there a right of review? ☒ Yes ☐ No

The applicant/owner may make application for review of a planning approval/planning refusal to the State Administrative Tribunal (SAT) subject to Part 14 of the *Planning and Development Act 2005*. Applications for review must be lodged with SAT within 28 days. Further information can be obtained from the SAT website—www.sat.justice.wa.gov.au.

BACKGROUND

Lodgement Date:	09/12/16	Use Class:	'D' - Discretionary Use
Lot Area:	Parent Lot Area 4675m ² . Subject Tenancy Area 420m ² .	TPS Zoning:	Majority of the subject site 'Commercial'. Portion of land formerly 4 Fitzroy Road 'Residential R20/R40'.
Estimated Value:	\$300,000	MRS:	Urban

There are currently two applications under consideration by Council at 49 GEH. This application being one, the second is for a change of use from a 'Consulting Room' to a 'Fast Food Outlet' at Tenancy 8A. The landowner has appointed a traffic consultant who has provided a car parking study in order to demonstrate that 49 GEH has sufficient capacity to accommodate both of the proposed changes of use for tenancies 8A and 15.

Existing Development

Planning approval for the existing development on Lot 510 (49) Great Eastern Highway was granted in 1996. The development was comprised of nine tenancies (six showrooms, professional office/consultants, a shop and a fast food/takeaway). Under the Scheme requirements at that time, a total of 80 car parking bays were required for the uses. Eighty-one (81) car parking bays were provided. Tenancy 15 was approved as a showroom as part of this application. No change of use for Tenancy 15 has been approved by the City since 1996.

In the years following, a number of tenancies were subdivided for lease purposes and planning approval was also granted for changes of use to a number of the tenancies. Currently, the complex is comprised of 16 tenancies.

Car Parking History

Over the years planning approvals for change of use applications have been granted by Council on the basis that no additional car bays were required or that reciprocal car parking was accepted. The basis for support of those reciprocal car parking arrangements are vague and were not accompanied by a car parking study by a qualified consultant. To address this, Council, at its OCM held on 25 September 2012, (Item 12.5) resolved to advise the landowner that prior to the consideration of any further car parking concessions for future planning applications, a comprehensive car parking study must be prepared, demonstrating to the Council's satisfaction that there is adequate on-site car parking.

Item 12.2 Continued

At the 29 October 2013 OCM (Item 12.2), Council resolved to approve a change of use application for Tenancy 8 from a 'Video Store' to a 'Shop' with a car park addition to the commercial centre at Lot 237 (4) Fitzroy Road, Rivervale. That provided an additional 14 bays increasing the total number of bays on-site to 95.

The car parking study submitted in support of that application identified at that time there were 81 car bays on-site at Eastgate Commercial Centre and that there was a demand for 88 car bays. However, the additional 14 bays provided at Lot 237 (4) Fitzroy Road would increase the number of car bays provided at Eastgate Commercial Centre to 95 bays.

At that time, a detailed assessment of the car parking requirements of the current land uses at Eastgate Commercial Centre was provided based on the standards under the City's various Planning Schemes operative at the times when the approvals were issued for the various tenancies.

Table 1 below, sets out the number of car bays required under the various Planning Schemes and the subsequent shortfall between the number of bays provided on-site and the number of bays required under the various Planning Schemes. The table does not take into account the two current development applications for the site.

Total number of car bays required under various Planning Schemes	150 bays
Number of bays provided on-site	95 bays
Shortfall in required number of bays	55 bays

Table 1 – Current Car Parking Requirements for Eastgate Commercial Centre

It should be noted that the table above does not take into account car parking reciprocity between the land uses at Eastgate Commercial Centre.

Proposed Change of Use to a Medical Centre

The change of use application proposes internal alterations to provide the following:

- Five consulting rooms
- An office and storage/filing room
- A reception, waiting area and kid's corner
- A treatment room, procedure room and pathology
- A staff room and a doctor's lounge.

The tenancy has an area of 420 square metres.

The proposed hours of operation will be 8:00pm to 6:00pm Monday to Friday and 9:00am to 12:00pm on Saturdays. The medical centre will employ a total of eight staff comprising of four General Practitioners, one Allied Health Practitioner, one Nurse, one Practice Manager and one Receptionist.

Item 12.2 Continued

OFFICER COMMENT

Land Use

The proposed change of use to a 'Medical Centre' is classified as a 'D' (discretionary) use in the Commercial Zone by Table 1–Zoning Table in LPS15. In accordance with Clause 4.3.2 of LPS15, a discretionary use is not permitted unless Council has exercised its discretion by granting planning approval.

The proposed 'Medical Centre' land use is considered to be compatible with the existing land uses present at the Eastgate Commercial Centre. The inclusion of a 'Medical Centre' is consistent with the aims of SPP4.2 which supports development that enhances the range of facilities available to the community and assists in strengthening the function of the neighbourhood centre as a 'community focal point' that serves the needs of surrounding residents.

Given the proposed hours of operation and the nature of the business, the proposed 'Medical Centre' is unlikely to create any negative impacts on the amenity of neighbouring residential properties or the wider Eastgate Commercial Centre.

Given the above, the proposed development is considered to comply with the requirements of Clause 67 (a) (b) (c) (m) and (n) of the *2015 Planning Regulations*.

Car Parking

The previous use of the tenancy as a 'Showroom' would require 14 car bays under the requirement of Table 2 in LPS15.

Table 2 of LPS15 does not provide a car parking standard for a 'Medical Centre'. Whilst Table 2 does include a car parking standard for a 'Health Centre', the definition of a 'Health Centre' provided by Schedule 1 of LPS15 clearly states that a 'Health Centre' does not include a 'Medical Centre'. Therefore, the most appropriate car parking standard provided by Table 2 in LPS15 is 'Consulting Room' which requires four bays per practitioner.

The applicant has argued that the Practice Manager and the Nurse should not be considered as 'practitioners' because they will not have appointments with patients. The above justification is considered to be reasonable and is accepted by the City in respect of a Practise Manager, but is not accepted in respect of a Nurse.

In accordance with the definition of a 'Health Consultant' provided in Schedule 1 of LPS15, a Nurse is considered a 'practitioner' because a Nurse is 'legally qualified' and 'associated with medical practises'.

The floor plan of the proposed Medical Centre (refer [Attachment 3](#)) shows five (5) consulting rooms as well a treatment room, a pathology room and a procedure room. The inclusion of the treatment room, a pathology room and a procedure room may indicate that additional staff may be required to provide pathology and/or other services. Whilst the proposed operator has stated that there would only be a total of eight (8) staff at the 'Medical Centre', the City must consider the operational requirements of the land use rather than the proposed operator.

Item 12.2 Continued

Therefore, the car parking requirement for the proposed 'Medical Centre' is 24 bays, based on six (6) practitioners requiring four (4) bays per practitioner. This is a ten bay increase in the number of bays required by the previous 'Showroom' use for the tenancy.

The resulting changes to the number of bays required under the various Planning Schemes and the shortfall in the number of bays on-site is set out in Table 2 below.

Total number of car bays required under various Planning Schemes including the proposed development	161 car bays
Number of bays provided on-site	95 car bays
Shortfall in required number of bays including the proposed development	66 car bays

Table 2 – Proposed Car Parking Requirements for Eastgate Commercial Centre

The table above identifies that the increased car parking requirement of the proposed change of use of Tenancy 15 to a 'Medical Centre' would increase the car parking shortfall from 55 car bays identified in Table 1, to 66 car bays. It needs to be noted that given the other development application being considered on-site for Tenancy 8A proposes a shortfall of 1 car parking bay, the total number of car bays required and the shortfall in car bays identified in Table 2 above, increases by one car bay to 161 and 66 car bays respectively.

Should this application be approved, a condition should be imposed to restrict the number of practitioners to six (6) at any one time for the 'Medical Centre'.

The proposed tenants have confirmed that the busiest period is expected to be 9:00am to 11:00am on weekdays where the 'Medical Centre' would operate at 100 percent capacity. The 'Medical Centre' would then operate at 80 percent for the rest of the day with the exception of lunch times at 1:00pm to 2:00pm when it is expected that the 'Medical Centre' would operate at 30 percent. These figures have been factored into the car parking study along with the proposed change of use of Tenancy 8A to a 'Fast Food Outlet' which is the subject of a separate application.

The landowner has provided a car parking study (refer [Attachment 4](#)), which considers car parking demand on Thursdays and Saturdays. The car parking study acknowledges that there are 95 car bays on-site. The study identifies that the peak demand for car parking on-site on Thursdays is 93 bays, which occurs at 5:00pm. The peak demand on Saturdays is 91 bays, which occurs at 11:00am.

It is considered that the car parking study is based on an appropriate methodology. However, the study is based on survey data that was collected in 2013. There are concerns that the survey data is now out of date and does not provide a true reflection of the car parking patterns currently occurring on-site due to changes that have taken place both within the commercial centre and in the surrounding areas. These are listed below:

- The survey data utilised was collected for a car parking study submitted in support of an application for a 'Shop' (IGA) that was determined by Council at its 29 October 2013 OCM. Since then, the IGA store has been in operation and the assigned car parking patterns identified in the car parking study supporting the IGA back in 2013 may now not be occurring on-site.

Item 12.2 Continued

- In 2013, the subject portion of GEH was undergoing road widening works as part of the GEH upgrade from Kooyong Road to Tonkin Highway. Construction was undertaken to widen the Highway from four to six lanes as well as construction of a central median to increase the efficiency of the highway and limit the number of conflicting movements. The widening of the road has subsequently increased the level of traffic that can be carried by GEH. As a result, this may result now in more visits to the commercial centre through increased passing trade and a higher demand for car bays.
- The development of the Springs Special Development Precinct has increased substantially since 2013 and therefore the number of residences within close proximity to the commercial centre has increased which may potentially increase the number of visitors to the commercial centre and the demand for car bays.

It is considered that the current car parking survey data from 2013 is not acceptable and appropriate as part of this car parking study. As outlined above, significant changes have occurred within and around the site since the survey in 2013 was undertaken. Therefore, the old survey data cannot satisfactorily justify that there is sufficient capacity on-site to accommodate the car parking demand of the present land uses and the demand for an additional 10 car bay shortfall created by the proposed change of use under consideration.

The landowner's transport consultants carried out an additional car parking demand survey on Thursday 2 March 2017 covering the hours of 3:00pm to 7:00pm. The purpose of the survey was to justify that the submitted car parking study (Based on a survey undertaken in 2013) provides an accurate reflection of the car parking demand currently occurring at Eastgate Commercial Centre. Table 3 below, shows the results of the survey compared against the submitted car parking survey.

TIME	2017 Survey (Thursday, 2 March, 2017)		2013 Parking Model Comparison	2013 Parking Model Without Vacancy Deducted
	15-Minute Survey	Hourly Peak		
3 ⁰⁰ pm	35 43 37 30	43	46	58
4 ⁰⁰ pm	33 31 37 32	37	59	71
5 ⁰⁰ pm	41 42 39 43	43	72	88
6 ⁰⁰ pm	43 40 45 46	46	72	82
7 ⁰⁰ pm	39	39	60	61

Table 3 – Car Parking Demand Survey – 2 March 2017

Item 12.2 Continued

The above table compares the hourly peak identified by the survey against Table 3 of the car parking survey (refer [Attachment 4](#)) with the number of car bays required for vacant tenancies 8A, 14 and 15 removed. The deduction of the total car parking requirements for vacant tenancies 8A, 14 and 15 is also not accepted because the car parking study has made allowances for reciprocity arrangements across the whole site and not just the tenancies that are currently occupied. On that basis car parking should be removed on a proportional basis.

The City has added an additional column to the table above titled '2013 Parking Model Without Vacancy Deducted' that shows the number of car bays required as set out in Table 3 of the car parking study (refer [Attachment 4](#)) including the car bays required for tenancies 8A, 14 and 15.

The survey completed on 2 March 2017 is not considered acceptable. This is because the survey covers only a portion of the day. A full survey across the whole day for both Thursday and Saturday is required in order to provide an accurate summary of how car parking demand has changed on-site since 2013. This must also be undertaken bearing in mind the vacant tenancies.

It is considered that the landowner needs to undertake a new survey of the car bay usage occurring on-site and provide an amended the car parking study with the 2013 data replaced by new survey data. The updated car parking study would then provide a more accurate reflection of the car parking patterns occurring at the commercial centre. As such, the application has been recommended for deferral pending a revised car parking study being submitted which is to reference a car parking survey undertaken in 2017.

Conclusion

The car parking study submitted in support of this application (refer [Attachment 4](#)) does not adequately demonstrate that sufficient capacity currently exists to accommodate the increased car parking demand necessary as a result of this application.

Given the matters discussed above, the proposed change of use to from a 'Showroom' to a 'Medical Centre' is not consistent with the requirements of orderly and proper planning as required by Clause 67(b) of the *2015 Planning Regulations*. The City recommends that Council defer the application to allow the landowner sufficient time to provide an updated car parking strategy based on up to date survey data undertaken in 2017.

ALTERNATIVE OPTION

Council may consider deferring the application and delegating authority to the Acting Director Community and Statutory Services so that the application can be determined on receipt of an acceptable updated car parking study without further reconsideration by Council. This would require an Absolute Majority.

FINANCIAL IMPLICATIONS

Should the applicant seek to exercise their right to review by the State Administrative Tribunal (SAT) then there would be costs associated with the City addressing the review.

Item 12.2 Continued

ENVIRONMENTAL IMPLICATIONS

As of the 1 July 2003, Energy Efficiency requirements were implemented via the Building Code of Australia (BCA) and all residential and commercial buildings at the time of application of a Building Permit need to comply with the 'deemed to satisfy' requirements, or alternatively a compliant Energy Audit Report can be submitted by an accredited person.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

- A. *Defer planning application 668/2016 as detailed in plans received 9 December 2016 (refer [Attachment 3](#)) submitted by Coordinated Building Systems on behalf of the owner Krisdan Holdings for Tenancy 15 at Lot 510 (49) Great Eastern Highway subject for the following reasons:***
- 1. *The submitted car parking study is not acceptable and is not consistent with Clause 67 (s) of the 2015 Planning Regulations. The car parking study does not sufficiently demonstrate that the existing car parking provision provided on-site is sufficient to accommodate the proposed increase in car parking demand required by the proposed change of use.***
 - 2. *To allow the applicant sufficient time to provide an amended car parking survey as part of the car parking study undertaken for the site that is based on an up to date assessment to the satisfaction of the City.***
- B. *Delegate Authority to the Director Community and Statutory Services to approve the application upon receipt of an updated car parking study, that satisfactorily demonstrates that the number of car parking spaces provided on-site is sufficient to accommodate the proposed change of use.***

ABSOLUTE MAJORITY REQUIRED

**OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12**

**12.3 ASCOT KILNS LOCAL DEVELOPMENT PLAN AND DRAFT LOCAL PLANNING POLICY
No. 17 'ASCOT KILNS DESIGN GUIDELINES'**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item 12.3 refers	<u>Ascot Kilns Draft Design Guidelines and Local Development Plan</u>
Attachment 6 – Item 12.3 refers	<u>Submission Table</u>

Voting Requirement : Simple Majority
Subject Index : 116/126–Local Planning Scheme No. 15
Location / Property Index : Lots 713, 197, 236 and 237 (80) Grandstand Road,
Ascot
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : Nil
Applicant : Department of Planning
Owner : Western Australian Planning Commission
Responsible Division : Community and Statutory Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

Item 12.3 Continued

PURPOSE OF REPORT

1. To consider the Ascot Kilns Local Development Plan for approval in a quasi-judicial capacity; and
2. To consider for the purpose of initiating public advertising the adoption of Draft Local Planning Policy No 17 – Ascot Kilns Design Guidelines in a legislative capacity.

The Local Development Plan and Design Guidelines are contained in a consolidated document (refer [Attachment 5](#)).

SUMMARY AND KEY ISSUES

The Ascot Kilns site is a disused site containing the remnant heritage structures from the former Bristle Kilns/factory, including eight kilns and five chimney stacks. The site is listed on the State Register of Heritage Places (Place No. 00868).

The purpose of the Ascot Kilns Local Development Plan (LDP) and Design Guidelines (DG) are to facilitate and guide future development on the Ascot Kilns site. The objectives of the LDP and DG is to ensure a high quality development outcome that recognises and emphasises the heritage character and values of the site and structures, promote a functional and appealing public realm which is integrated with the surrounding built form and landscaping.

The function of the LDP is to provide an additional layer of guidance in specialised areas where the provisions of the Local Planning Scheme is not able to adequately respond to the planning intricacies of the site.

In tandem with the LDP, the function of the DG is to provide specific standards for built form development on the site.

The LDP and draft DG have been developed concurrently by the Department of Planning (DoP) in collaboration with the community and the City to ensure they address the City's and Community's needs and desires. While the LDP and DG are often standalone documents, it is beneficial for the documents to be combined for the Ascot Kilns site to ensure that the values and constraints of the site are holistically addressed.

It is recommended that Council approve the LDP and resolve to adopt the Draft LPP17–Ascot Kilns DG for the purpose of public comment.

LOCATION

The subject lots are located in the suburb of Ascot and bound by Grandstand Road, Resolution Drive and Lee Steere house (the Perth Racing administration office) as shown in Figure 1.

Item 12.3 Continued



Figure 1 - Ascot Kilns Local Development Plan and Design Guidelines Site

The property is predominantly zoned Mixed Use, however, Lot 197 is within the road reserve which is remanent from historical land/road reassembly as shown in Figure 2.

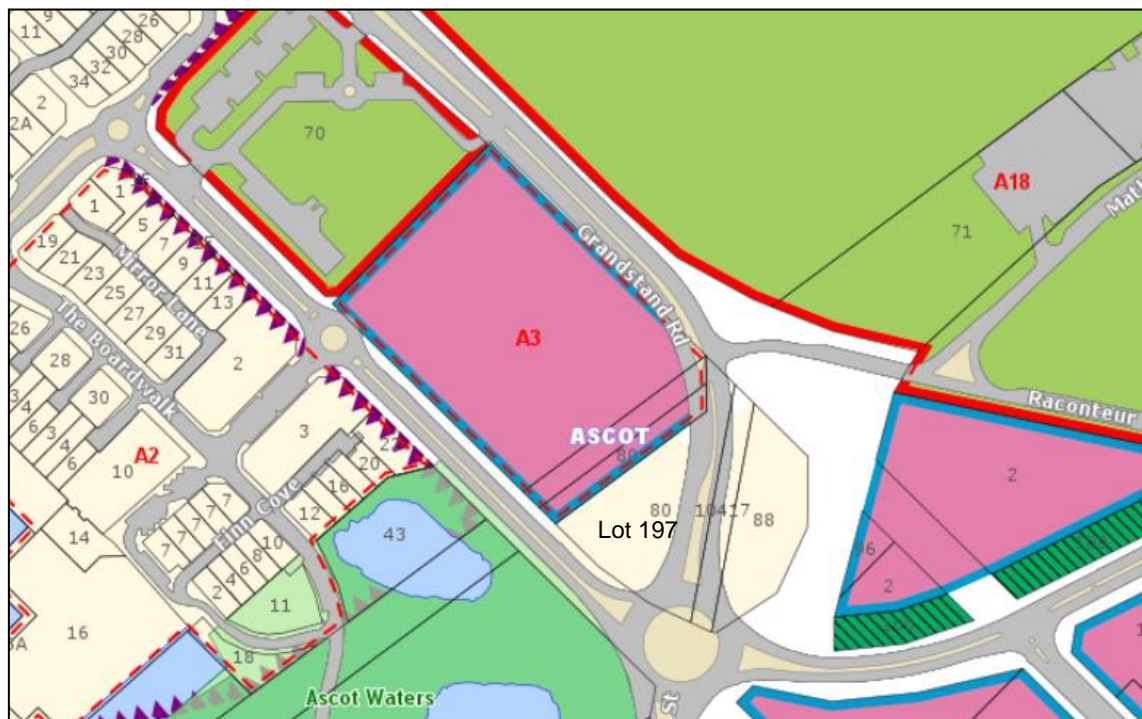


Figure 2 - Zoning of Subject Lots

Item 12.3 Continued

CONSULTATION

Pre-Consultation

As part of developing the Ascot Kilns LDP and DG, the DoP ran two community workshops. These workshops were open to representatives of the local community and land owners, residents and business owners.

The first consultation session was held in January 2016 with the objective of gaining and understanding the community's views and ideas for the site. The key outcomes included five key areas for consideration including:

- Enhancement of the site's heritage including maintenance and visibility of the kilns and stacks.
- Good connections to surrounding areas.
- Inclusion of public space such as parkland and a piazza.
- Inclusion of specialised commercial development (for example a café or restaurant).
- Inclusion of residential development that is sensitive to the surrounding areas.

From the outcomes of the initial workshop and the projects' supporting studies, two development options were prepared.

The second workshop was held in May 2016 where the two development options were presented to gather the participants' views. The common themes from this workshop include:

- A mixed view on building heights: However there was a general consensus for building heights to complement heritage structures and be staggered across the site.
- The importance of architectural design and detail of the future development.
- Maintenance of site lines to and visibility of the Kilns and Stacks.
- Sufficient parking to be provided on-site and a mixed view on appropriate access points to the site from surrounding major roads.

In addition to the workshops, the DoP also engaged key organisation and stakeholders including the State Heritage Office, the City of Belmont and Perth Racing.

Item 12.3 Continued

Statutory Advertising–Local Development Plan

Following the pre-consultation process, the Draft LDP was advertised in accordance with Schedule 2–Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Scheme) Regulation 2015*. The regulation requires the LDP to be advertised for a minimum of 14 days; however the LDP was advertised from the 13 December 2016 until the 6 February 2017 for a total of 56 days (including the Christmas and New Year period). The extended advertising period took into account the holiday period, the community's interest and the significant heritage value of the site. The advertising included a mail out to the surrounding land owners (Figure 3), public notices displayed on the website and public notice board for the duration of the advertising period and a number of public notices as well as colour feature advertisements in the Southern Gazette. There were as follows:

- Feature Advert – Southern Gazette, Tuesday 13 December 2016
- Public Notice Advert – West Australian, Tuesday 20 December 2016
- Feature Advert – Southern Gazette, Tuesday 10 January 2017
- Public Notice Advert – West Australian, Tuesday, 17 January 2017
- Public Notice Advert – Southern Gazette, 24 January 2017.

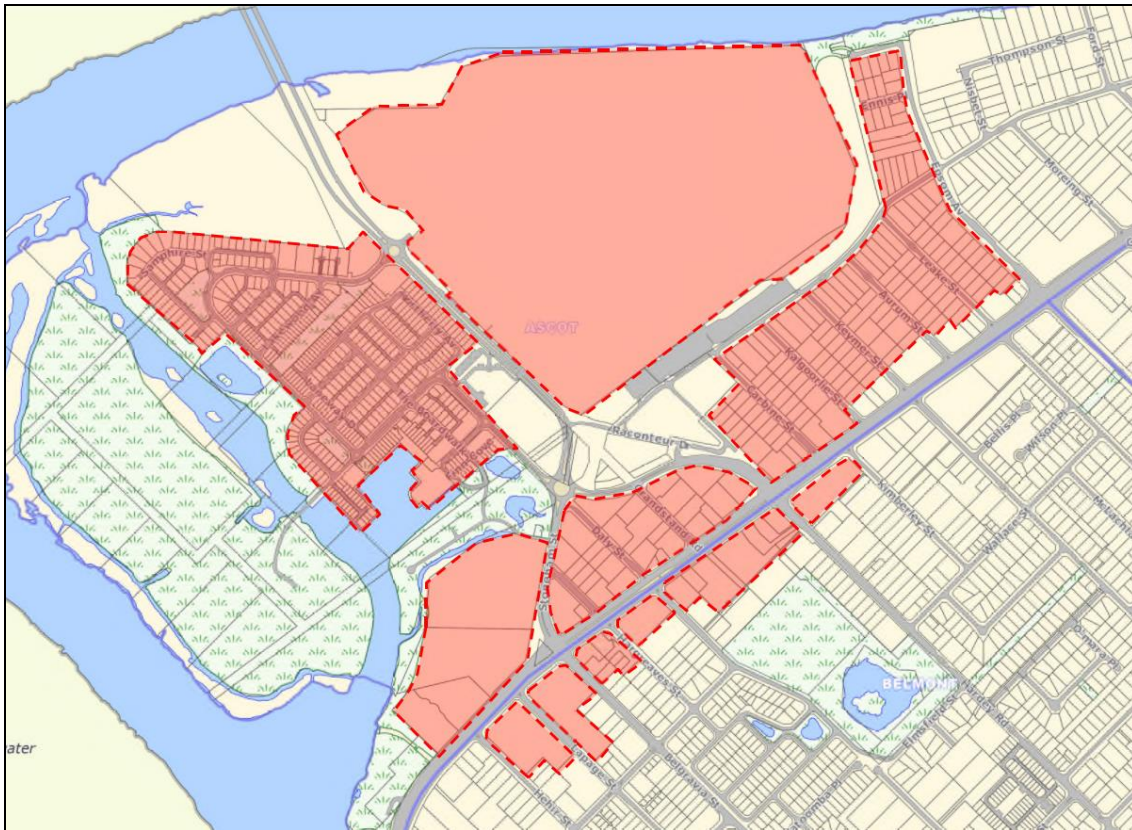


Figure 3 – Public Consultation Mail Out Catchment Area

Item 12.3 Continued

During the advertising period 26 submissions were received (refer [Attachment 6](#)). Of the submissions, 12 were received from public authorities, two from community groups and 12 from the general community (residents and landowners).

The DG were included in the advertising period of the LDP as they have been formulated as a single document and therefore best interpreted together.

The majority of the submissions were generally supportive, however the following key issues were raised:

- Concerns in relation to the intensity of the development relating to:
 - If the height was appropriate for the surrounding area and heritage structures.
 - If sufficient parking will be provided for within the development.
 - If there is sufficient parkland provided on the site and around the heritage structures.
- Access to the site for vehicles, cyclists and pedestrians.
- The shortfall of specific water sensitive urban design principles.
- Retention of and access to the Heritage structures on-site.

These are further discussed in the Officer's Comments.

Statutory Advertising–Local Planning Policy 17–Ascot Kilns Design Guidelines

Notwithstanding the inclusion of the DG in the documents advertised for the LDP, the statutory process for the preparation of a Local Planning Policy (LPP) under Schedule 2 Clause 3 of the *Planning and Development (Local Planning Scheme) Regulation 2015* requires the DG to be advertised as a draft LPP.

After Council resolve to adopt the Draft LPP17–Ascot Kilns DG for the purpose of public consultation, a public notice is to be published once a week for two consecutive weeks in a local newspaper circulating within the Scheme area. The notice will advise the public as to where the draft Policy may be inspected, the subject and nature of the LPP and how and when a submission may be made.

Following closure of the consultation period Council shall review the Draft Policy in the light of any submissions and then resolve to adopt the Draft LPP with or without modification, or not to proceed with the draft Policy.

Item 12.3 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Achieve a planned City that is safe and meets the needs of the community.

Strategy: Encourage a wide choice and consistent implementation of development approaches.

Corporate Key Action:

- Implement Local Planning Scheme No.15.
- Preparation of a Vision Plan for the Ascot Kilns and surrounding area (Golden Gateway).

POLICY IMPLICATIONS

The LDP will allow for development to be coordinated in a manner to achieve a built form sensitive to the sites' heritage values and structures. All proposed development within the LDP area will require a planning approval which will be assessed for compliance with the LDP and DG to ensure a suitable outcome.

Following the public consultation, if supported, the proposed DG will be put forward to Council for adoption as Local Planning Policy No. 17–Ascot Kilns Design Guidelines.

STATUTORY ENVIRONMENT

The procedure for making and amending a LDP is outlined under Part 6 of Schedule 2–Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Scheme) Regulation 2015*.

The procedure for making and amending a LPP is outlined under Part 2 of Schedule 2–Deemed Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Scheme) Regulation 2015*.

Future proposed development on the site will require a planning application to ensure the development is in accordance with the LDP and DG. All development proposals are required to have due regard to State Planning Policy No. 3.5–Historic Heritage Conservation and will be referred to the State Heritage Office for comment.

BACKGROUND

Subject Area and Heritage Value

The subject site has remained unused since the closure of the factory in 1982. Much of the infrastructure has been removed since the closure of the factory. The land was purchased by the Western Australian Planning Commission (WAPC) in 1985.

Item 12.3 Continued

The remaining structures (being the historic Kilns and Stacks) were included on the State Register of Heritage Places in 1992 (Place No. 00868). The site has state level heritage significance as the location of the first pottery works in Western Australia. The site is also the largest known assemblage of beehive kilns remaining in Australia and forms a landmark entry to the City of Belmont.

Local Development Plan

The aim of the LDP (contained in Part B of [Attachment 5](#)) is to define the essential built form controls including lot configuration, setbacks, building heights, location of active edges, location of vehicle entries and the view corridors.

The LDP is intended to address the site specifically and may vary from the provisions of State Planning Policy No. 3.1–Residential Design Codes (R-Codes).

The LDP forms Part B while the DG is contained in Part A of the document, however the LDP is a higher level broad brush planning instrument and therefore discussed first within this report.

Draft Local Planning Policy No. 17–Design Guidelines

A set of Design Guidelines (DG) have been produced concurrently with the LDP by the DoP to ensure future development of the site responds appropriately to the sites character and heritage values. The DG form the Draft LPP17–Ascot Kilns DG which is organised into the following sections:

3.0 Ascot Kilns Vision and Design Principles

The vision statement has been identified as:

“The high quality apartments of the Ascot Kilns site integrate seamlessly with the Historic Kilns and landmark chimney stacks. The arrangement of the contemporary buildings and public spaces enable activity and create a place for residents and visitors to stay and belong”.

The design principles guide all aspects of any future development on the site to ensure the built form outcome addresses the community's desires for the site as well as the heritage values.

The design principles also identify the two development areas and four landscape areas including vehicle access into the site (Figure 4).

Item 12.3 Continued



Figure 4–Development and Landscape Areas

4.0 Heritage, Streets and Landscape

This section provides design guidance to ensure development responds appropriately to the heritage values of the site by requiring the retention and protection of specific structures. It also guides the location and feel of the streets and landscaped areas, insuring a pedestrian friendly environment that is integrated with the heritage structures.

5.0 Ascot Kilns Building Design

This section provides detailed design guidance and controls for the future built form. The development controls address all aspects of the built form and provide clear guidance, resulting in high quality outcomes that positively complement the heritage values of the site and provide for a positive streetscape and visitor experience.

Relationship to Golden Gateway Structure Plan

The site of the Ascot Kilns LDP and DG is located within the Golden Gateway Structure Plan area. The Golden Gateway Local Structure Plan will refer specifically to the Ascot Kilns LDP and DG to guide development on the site. Any future rezoning to facilitate the local structure plan will also need to accommodate the LDP.

Item 12.3 Continued

OFFICER COMMENT

The Ascot Kilns LDP and DG facilitate the overall vision for the site which will be characterised as a mixed use, high quality development that emphasises heritage values and structures, while encouraging locals and visitors to interact with the heritage of the site.

This document is the result of detailed consultation periods between the DoP, the local community, residents and landowners, City Officers and various other stakeholders. The proposed LPD and DG will facilitate a high quality built form and standard of development in terms of urban design, heritage values, social and environmental objectives and will provide an aesthetically attractive and appealing environment in which people would want to live, work and visit.

Matters Raised in Submissions

While the majority of the submissions were supportive of the LDP and DG, a couple of key issues were raised in the submissions. These issues are discussed below.

Local Development Plan

Height

The DG allow for a maximum height of eight storeys on some portions of the site. The maximum height was raised as a concern by several respondents. While the LDP does allow for a maximum of eight storeys, the maximum heights permitted vary across the site to reflect the surrounding areas and heritage structures.

Where the development has an interface with the existing residential area (Ascot Waters) a maximum height of two to four storeys (maximum 17 metres) is permitted. This reflects the adjacent development located within Ascot Waters which consists of three and four storey multiple dwellings.

Over the Kiln structures the height of the development is limited to two storeys. The aim of this is to allow for the Kilns to be incorporated into the development, ensuring appropriate protection from the elements as well as ongoing maintenance and conservation of the Kilns.

The maximum height is stepped up to four to six (maximum 23 metres) across the majority of the site before allowing for potential additional height of up to eight storeys (29 metres) adjacent to the stacks which is furthest away from the existing residential development.

The mixed height across the site is in response to detailed site planning and the community's desires for the area. However the State Heritage Office has *"no in-principle objection to an increase in the height of the development across the site providing it ensures conservation of the identified heritage values of the site"*.

Item 12.3 Continued

Retention of the Heritage Structures

As a State Registered heritage site, the aim of the LDP and DG is to retain heritage values. The LDP set out the development sites, streets and landscaping with the intention of retaining the heritage structure and site lines to the Stacks to ensure their landmark values are preserved. The incorporation of the Heritage structures into the development sites also safeguards the ongoing maintenance and conservation of the structures.

To support the objectives of the LDP, the DG have a number of requirements to ensure the heritage values of the site are retained including:

- The retention of as many heritage structures as possible. It is noted that Kilns 4 and 5 have deteriorated to a level beyond repair and restoration works required would conflict with the integrity of the heritage values of the structure.
- Heritage interpretation is required for any structures that are proposed to be removed.
- Heritage interpretation of the site through public art.

All development on the site requires a planning application which would be referred to the State Heritage Office for comment. If the development proposed includes the demolition of any structures, the State Heritage Office will usually require an interpretation plan to be submitted prior to providing comment.

Parkland and Open Space

The LDP outlines development sites and setbacks giving consideration for parkland and open space as follows:

- Grandstand Linear Park will provide an area of soft landscaping as well as aligning with the existing reserve to provide a connection to the Swan River.
- Ascot Mews and Trolley have land, both pedestrian orientated environments, allowing for easy and comfortable access into and across the site.
- The Kilns Plaza, while incorporated into the development site will be open to the public. The active edge facing the Kilns, as required by the LDP and GD, will attract and encourage visitors and the community to attend the site interact with the Kilns.

Site Access (Vehicle and Pedestrian)

Access to the site is limited to Resolution Drive, with a left only exit proposed onto Grandstand Road. While there are concerns that the development will create an additional traffic load on the road network, in particular within Ascot Waters, any development proposal would require a transport impact assessment to be provided in accordance with the *Traffic Impact Assessment Guidelines (August 2016)*.

The design criteria for Grandstand Linear Park require a well-lit dual use path that aligns with the existing pedestrian connections to the south of the site. In addition to this Ascot Mews and Trolley Lane will both incorporate pedestrian orientated design.

Item 12.3 Continued

Facilities that promote active and sustainable transport options (including bicycle parking) are required to be incorporated into the development.

Minor Modifications

While the proposed LDP is generally supported, two modifications are required prior to approval as follows:

- The proposed lot boundary for development Site B, as shown on the LDP shall be modified to align with the LDP boundary along Grandstand Road (on the south-east side) to wholly include the Stacks and Grandstand Linear Park.

The current layout of the LDP does not address the future ownership and responsibility for the maintenance of Grandstand Linear Park or Stacks 4 and 5, which will need ongoing conservation work.

It is not appropriate for Grandstand Linear Park to be ceded as a reserve and should form part of the development site under private ownership. Suitable legal mechanisms will be required to ensure public access to the heritage structures is retained.

The State Heritage Office also requested clarification of the proposed lot boundaries for the site with reference to the ongoing conservation and maintenance of Stacks 4 and 5.

- To provide clarity to the LDP, the key for Figure 6.1.4: Setbacks should be modified to say “9.6 metre Trolley Lane corridor width” in place of 9.6 metre development setback”.

Design Guidelines

As the DG was incorporated with the advertising of the LDP, a number of comments relating to the DG were also received.

Parking Provisions for the Development

The criteria in the DG specify the car parking ratios for residential development in the LDP area. The commercial portion of the development will require parking to be provided in accordance with the Local Planning Scheme. This is consistent with the existing planning framework, and on this basis should be advertised as proposed.

Water Sensitive Urban Design

It is noted that the DG lack Design Criteria requiring Water Sensitive Urban Design (WSUD) to be incorporated in to the streets and landscaping. While some of the example pictures show WSUD principles, a design criteria for the inclusion of WSUD for Ascot Mews, Trolley Lane and Grandstand Linear Park is required to ensure it is incorporated. Specific WSUD concepts would need to take into account the high water table of the site and the need to keep excess water away from the heritage structures.

Item 12.3 Continued

Tree Retention

While the site is mostly vacant where development is proposed, there are a number of establish trees along the north-west boundary, where Ascot Mews is proposed. The retention of these trees where possible should be encouraged through design guidance.

Council Officers generally support the Draft DG and believe they follow sound planning principles. It is considered that the Draft LPP17–Ascot Kilns DG should proceed to the advertising stage after the modifications discussed above have been made by the DoP.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The subject area is a currently disused and derelict. The LDP and DG will allow for the regeneration and redevelopment of the site, positively contributing to the local area and community. A high quality development will provide a node for the local community and visitors to enjoy.

The emphasis of the sites' heritage values being respected and incorporated into the design, as well as increasing accessibility and interaction with the heritage structures will enhance the community's sense of place and belonging.

The LDP and DG will facilitate development that positively contributes to the local and wider community.

Item 12.3 Continued

Note:

Cr R Rossi declared an interest that may affect impartiality in Item 12.3 Ascot Kilns Local Development Plan and Draft Local Planning Policy No. 17 'Ascot Kilns Design Guidelines'.

Nature of Interest: Cr Rossi is a member of the Belmont Historical Society.

OFFICER RECOMMENDATION

That Council:

- A. Approve the Ascot Kilns Local Development Plan as per [Attachment 5](#) (Part B) in accordance with the provisions of Schedule 2 Part 6–Local Development Plan, of the *Planning and Development (Local Planning Schemes) Regulation 2015*, with the following modifications:
- Realignment of the proposed lot boundary of Site B to be consistent with the Local Development Plan boundary to incorporate Grandstand Linear Park.
 - The '9.6 metre Development Setback' be modified to '9.6 metre Trolley Lane corridor width' in the key for Figure 6.1.4.
 - Notify the Department of Planning of the Council resolution to approve the Local Development Plan with modifications.
- B. Adopt Draft Local Planning Policy No. 17 'Ascot Kilns Design Guidelines' as per [Attachment 5](#) (Part A) for the purpose of seeking public comment, in accordance with the provisions of Clause 2.4 of Local Planning Scheme No. 15, with the following modifications:
- For specific requirements to be included addressing:
 - Design Criteria for Water Sensitive Urban Design in Clause 4.2.1, 4.2.2, and 4.2.3 of the draft document; and
 - Design Guidance for Tree Retention in Clause 4.2.1 of the draft document.

Item 12.3 Continued

Note:

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION:

ROSSI MOVED, POWELL SECONDED,

That Council:

- A. Seek public comment on the Ascot Kilns Local Development Plan as per [Attachment 5](#) (Part B) in accordance with the provisions of Schedule 2 Part 6—Local Development Plan, of the Planning and Development (Local Planning Schemes) Regulation 2015, with the following modifications:**
- ***Inclusion of an artist impression within the Local Development Plan document to accurately depict the building bulk and height in the context of the precinct contemplated by the Local Development Plan.***
 - ***Inclusion of a statement to encourage the retention of Kiln Numbers 4 and 5 to preserve the overall heritage value of the site.***
 - ***Realignment of the proposed lot boundary of Site B to be consistent with the Local Development Plan boundary to incorporate Grandstand Linear Park.***
 - ***The ‘9.6 metre Development Setback’ be modified to ‘9.6 metre Trolley Lane corridor width’ in the key for Figure 6.1.4.***
 - ***Notify the Department of Planning of the Council resolution to seek public comment on the modified Local Development Plan.***
- B. Adopt Draft Local Planning Policy No. 17 ‘Ascot Kilns Design Guidelines’ as per [Attachment 5](#) (Part A) for the purpose of seeking public comment, in accordance with the provisions of Clause 2.4 of Local Planning Scheme No. 15, with the following modifications:**
- ***For specific requirements to be included addressing:***
 - ***Design Criteria for Water Sensitive Urban Design in Clause 4.2.1, 4.2.2, and 4.2.3 of the draft document; and***
 - ***Design Guidance for Tree Retention in Clause 4.2.1 of the draft document.***
- C. In seeking public comment on Draft Local Planning Policy No. 17 ‘Ascot Kilns Design Guidelines’, place a medium to large advertisement in the local newspaper to include a depiction of the Kilns, and information to state that this is the first occasion in more than 25 years that a plan has been developed to support the retention of the heritage listed kilns in perpetuity.**
- D. Seek advice from the new State Government as to whether the proposed Local Development Plan is supported.**

Reason

To seek and provide clarification regarding the proposed development site.

CARRIED 7 VOTES TO 0

12.4 PROPOSED DISPOSAL OF 52 GRANDSTAND ROAD, ASCOT

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 7 – Item 12.4 refers	Development Plans – 52 Grandstand Road, Ascot Aged Care Facility
Attachment 8 – Item 12.4 refers	8 March 2017 Metro Central JDAP Meeting Minutes – 52 Grandstand Road, Ascot Aged Care Facility

Voting Requirement	:	Simple Majority
Subject Index	:	68/004 – Council Land Acquisitions and Management
Location/Property Index	:	52 Grandstand Road, Ascot
Application Index	:	669/2016
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 25 October 2016 – Item 12.1 OCM 27 September 2016 – Item 12.1 OCM 24 May 2016 – Item 12.5 OCM 22 July 2014 – Item 12.3 OCM 27 May 2014 – Item 12.1 OCM 25 February 2014 – Item 12.7
Applicant	:	Roberts Day Pty Ltd on behalf of Craigcare Pty Ltd
Owner	:	City of Belmont
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, local planning schemes and policies.</i>
<input type="checkbox"/>	Review	<i>When Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>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.</i>

PURPOSE OF REPORT

For Council to endorse the disposal of 52 Grandstand Road to Craigcare Pty Ltd.

Item 12.4 Continued

SUMMARY AND KEY ISSUES

Subsequent to the Ordinary Council meeting of 25 October 2016, Roberts Day, on behalf of Craigcare, prepared a new development application for the proposed aged care facility at 2 Waterway Crescent/52 Grandstand Road. This new development application aligns with Council's resolution that the facility not be more than five storeys high. Site plans and elevations for this development application are provided at [Attachment 7](#).

The revised development application was considered at the 8 March 2017 meeting of the Metro Central Joint Development Assessment Panel (JDAP) and was approved with some amendment to conditions. The relevant minutes of the 8 March 2017 JDAP meeting is provided at [Attachment 8](#).

It is considered that the approved development application complies with the disposal criteria set by Council at the Ordinary Council Meeting of 22 July 2014, and it is recommended that Council approve the disposal of 52 Grandstand Road to Craigcare Pty Ltd.

LOCATION

52 Grandstand Road, Ascot.



CONSULTATION

There has been significant community consultation in relation to the proposed sale and development of 52 Grandstand Road by way of advertising, direct mail, submission by the local community, 23 August 2016 Ordinary Council Meeting, 7 September 2016 Special Meeting of Electors, public submissions to the 20 September 2016 Agenda Briefing Forum, questions and answers at the 27 September 2016 Ordinary Council Meeting, and the public consultation process associated with the most recent development application.

Item 12.4 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

Strategy: Ensure community requirements drive internal policies and processes.

Objective: Apply sound and sustainable business management principles

Strategy: Operate Council's land and facilities portfolio as an efficient investment.

Corporate Key Action: Implement the City's Land Asset Management Plan.

In accordance with the Strategic Community Plan Key Result Area: Built Belmont

Objective: Achieve a planned City that is safe and meets the needs of the community.

Strategy: Encourage a wide choice and consistent implementation of development approaches.

POLICY IMPLICATIONS

All appropriate planning legislation and policy have been considered throughout the consideration of the most recent development application.

STATUTORY ENVIRONMENT

Section 3.58 of the *Local Government Act 1995* specifies the actions required of Local Government when disposing of property. Section 3.58 states that:

- (2) *Except as stated in this section, a local government can only dispose of property to —*
 - (a) *the highest bidder at public auction; or*
 - (b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
 - (a) *it gives local public notice of the proposed disposition —*
 - (i) *describing the property concerned; and*
 - (ii) *giving details of the proposed disposition; and*

Item 12.4 Continued

- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*
 - and*
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —*
 - (a) the names of all other parties concerned; and*
 - (b) the consideration to be received by the local government for the disposition; and*
 - (c) the market value of the disposition —*
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or*
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

It is intended to advance the proposed disposal of 52 Grandstand Road pursuant to Sections 3.58 (3) and 3.58 (4)(c)(ii) of the *Local Government Act 1995*.

Item 12.4 Continued

BACKGROUND

The proposed disposal and subsequent development of the Council owned property at 52 Grandstand Road has been the subject of several OCM Agenda Items.

These are summarised in the table below:

Date	Topic	Resolution Summary
25 February 2014	To obtain Council's approval to advertise the proposed disposal of 52 Grandstand Road, Ascot, pursuant to Section 3.58 (3) of the <i>Local Government Act 1995</i> , to Craigcare for the purpose of establishing an aged care residential facility and apartment complex.	<i>That Council approve the public advertising of the proposed disposal of 52 Grandstand Road, Ascot to Craigcare pursuant to the requirements of Section 3.58 (3) of the Local Government Act 1995.</i>
27 May 2014	To obtain Council's approval to dispose of 52 Grandstand Road, Ascot, pursuant to section 3.58 (3) of the <i>Local Government Act 1995</i> , subject to a number of disposal criteria, to Craigcare for the purpose of establishing an aged care residential facility and apartment complex.	<i>That Council defer the item to allow the City to readvertise the proposed disposal of 52 Grandstand Road, Ascot, in order for better coverage by the Southern Gazette Newspaper and the West Australian Newspaper.</i>
22 July 2014	For Council's consideration of the disposal of 52 Grandstand Road, Ascot, pursuant to section 3.58 (3) of the <i>Local Government Act 1995</i> , subject to a number of disposal criteria, to Craigcare for the purpose of establishing an aged care residential facility and apartment complex.	<p><i>Agree to receive a preliminary development application for the purpose of determining the extent to which the Craigcare proposal addresses the disposal criteria outlined in recommendations 2 and 3.</i></p> <p><i>Require the Development Application for the residential aged care/apartment complex at 52 Grandstand Road to address the following criteria for disposal of the property to be considered:</i></p> <ul style="list-style-type: none"> <i>(a) Parking is contained wholly on site, and provides 1 bay per one bedroom unit and 2 bays per two bedroom unit in addition to the necessary visitor parking requirements and the commercial requirements associated with the residential aged care facility.</i> <i>(b) The development shall have special regard for the impact of any development on the privacy of active outdoor living areas for potentially impacted properties</i> <i>Where privacy impacts are confirmed, the development shall incorporate design solutions to limit any such privacy issues.</i>

Item 12.4 Continued

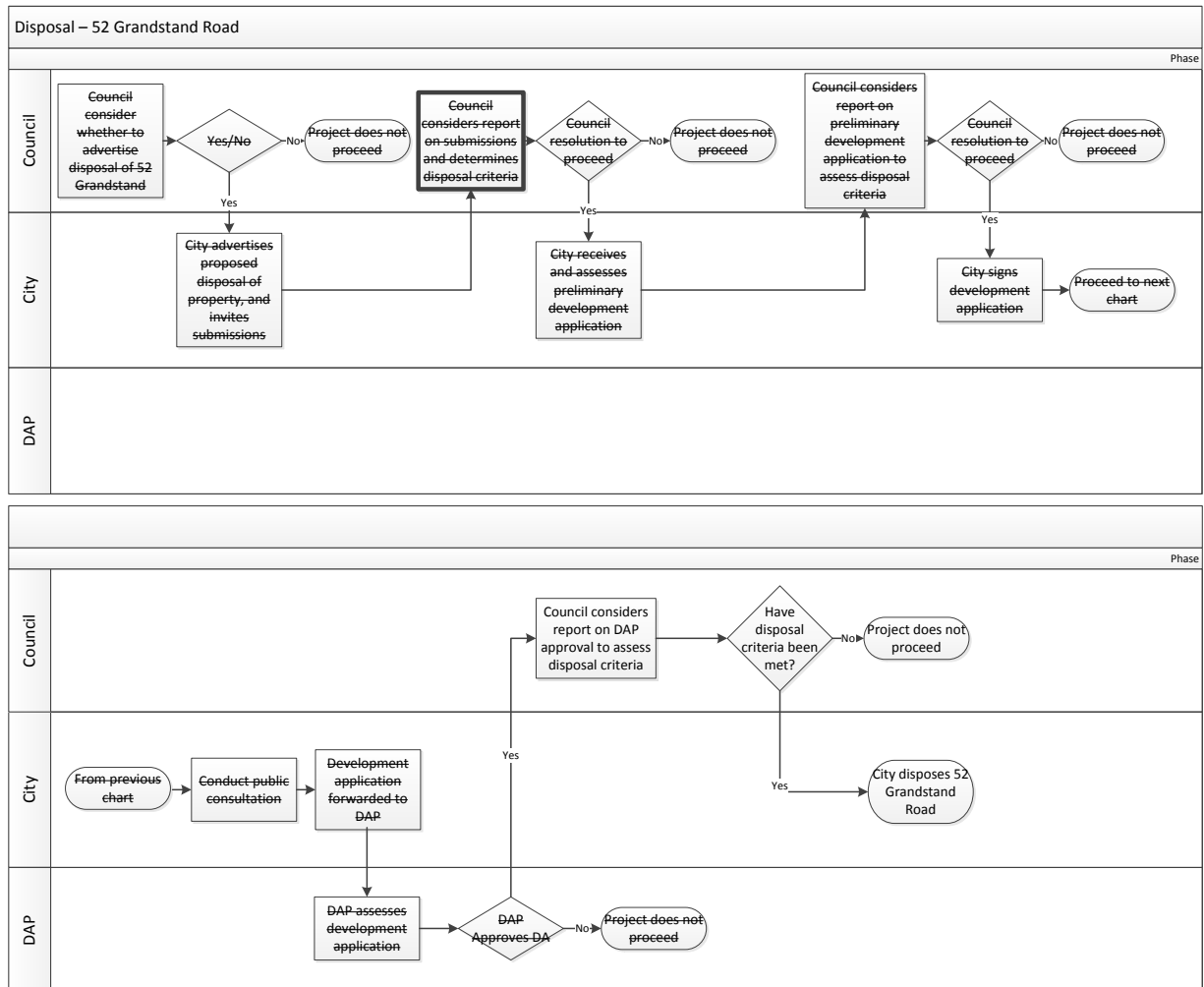
Date	Topic	Resolution Summary
		<p>(c) <i>The provision of other features within the development that provide a direct benefit to the residents, streetscape and/or wider community.</i></p> <p>(d) <i>The development provides a demonstrable commitment to a high standard of energy efficient and sustainable design.</i></p> <p>(e) <i>A well researched and documented traffic impact study.</i></p> <p><i>Require that the Development Application for the residential aged care/apartment complex at 52 Grandstand Road be referred to all owners and occupiers within Ascot Waters for public comment as part of the development application process prior to any consideration for approval.</i></p>
24 May 2016	For Council to consider if the development proposed by Craigcare for the subject site satisfies the planning requirements of the 22 July 2014 Council Resolution for the disposal of 52 Grandstand Road, Ascot.	<p><i>Agree to lodge a formal Development Application for a residential aged care/apartment complex at 52 Grandstand Road which addresses all the criteria outlined in Council's recommendation of 22 July 2014 including the requirement for public consultation.</i></p> <p><i>Enter into a Contract of Sale for 52 Grandstand Road, for an amount no lower than the previous valuation, conditional upon all criteria outlined in Council's recommendation of 22 July 2014 being met.</i></p>
27 September 2016	For Council to consider the decision made at the Special Electors' Meeting held on Wednesday, 7 September 2016.	<i>That Council immediately pause the process of disposing of 52 Grandstand Road to Craigcare and commit to recommence the process in the event that Craigcare agree to a development which is five storeys or less.</i>
25 October 2016	For Council to endorse an alternative development proposal by Craigcare in relation to 52 Grandstand Road, Ascot, which is aligned with Council's resolution of 27 September 2016.	<p><i>That subject to Craigcare withdrawing the current development application for a 15 storey development:</i></p> <ol style="list-style-type: none"> <i>1. Agree to receive a substitute development application for an aged care development of not more than 5 storeys</i> <i>2. Progress the execution of a conditional contract of sale</i> <i>3. Authorise the Chief Executive Officer to sign the development application and conditional contract of sale</i> <i>4. Advise the residents of Ascot Waters of the new recommendation.</i>

As a result of the significant and wide ranging public consultation process, the original Craigcare proposal has been substantially modified and reduced in height.

Item 12.4 Continued

OFFICER COMMENT

When Officers first sought to dispose of 52 Grandstand Road a flow chart demonstrating the key steps of the process was prepared and supported by Council. This flow chart is shown again here at Figure 1.



The steps completed to date have been shown as struck through.

All of the original disposal criteria are considered to have been met. In some cases, eg the provision of parking, the proposal exceeds what was outlined in the disposal criteria.

The JDAP has now approved the development application, and it is the opinion of Officers that there should be no impediment to disposing of 52 Grandstand Road to Craigcare.

Item 12.4 Continued

FINANCIAL IMPLICATIONS

The property at 52 Grandstand Road, Ascot has been valued at \$3.15M.

Section 3.58 (4) of the *Local Government Act 1995* requires Council to consider:

- (c) *the market value of the disposition —*
 - (ii) *as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.*

Based on the valuation and Section 3.58 (4)(c)(ii) of the *Local Government Act 1995* it is recommended that 52 Grandstand Road be disposed of for \$3.15M. Proceeds of this disposal will be placed into the Property Acquisition Reserve.

ENVIRONMENTAL IMPLICATIONS

There are no specific environmental implications at this time.

SOCIAL IMPLICATIONS

Progress of the proposed development will provide for aged care, accommodation and associated services for the community.

OFFICER RECOMMENDATION

That Council:

- 1. Agree to dispose of 52 Grandstand Road to Craigcare for an amount no less than the original valuation.***
- 2. Authorise the Mayor and Chief Executive Officer to sign all necessary documentation, including the affixing of the Common Seal, to effect these recommendations.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

**12.5 PROPOSED CITY OF BELMONT, FAULKNER CIVIC PRECINCT COMMUNITY CENTRE
– LOT 33 (215) WRIGHT STREET, CLOVERDALE**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 9 – Item 12.5 refers	<u>Development Plans</u>
Attachment 10 – Item 12.5 refers	<u>Schedule of Submissions</u>
Attachment 11 – Item 12.5 refers	<u>Faulkner Civic Precinct Transport and Access Strategy – November 2015</u>
Attachment 12 – Item 12.5 refers	<u>Survey of Parking Bays Around Portion of Faulkner Park Civic Precinct – August 2016</u>
Attachment 13 – Item 12.5 refers	<u>Car and Bicycle Parking Assessment – March 2016</u>
Attachment 14 – Item 12.5 refers	<u>Waste Management Plan – October 2016</u>

Voting Requirement : Absolute Majority
 Subject Index : 115/001–Development/Subdivision/Strata–
 Applications and Application Correspondence
 Location / Property Index : Lot 33 (215) Wright Street, Cloverdale
 Application Index : 687/2016/DA
 Disclosure of any Interest : Nil
 Previous Items : OCM 28 July 2015 – Item 10.4
 OCM 15 December 2015 – Item 12.2
 OCM 26 April 2016 – Item 12.3
 26 July 2016 Ordinary Council Meeting Item 12.8
 OCM 27 September 2016 – Item 12.2
 OCM 28 February 2017 – Item 12.5
 Applicant : Bollig Design Group
 Owner : City of Belmont
 Responsible Division : Community and Statutory Services

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.*

Item 12.5 Continued

PURPOSE OF REPORT

For Council to consider the development application for the Faulkner Civic Precinct Community Centre located at Lot 33 (215) Wright Street, corner of Robinson Avenue and Progress Way, Cloverdale (refer [Attachment 9](#)).

SUMMARY AND KEY ISSUES

The land use and development of the Faulkner Civic Precinct Community Centre is:

- Consistent with the adopted Faulkner Park Civic Precinct Master Plan of December 2015 and the intent of the Civic and Cultural Local Scheme Reserve within which the building is situated.
- Consistent with the surrounding development and abutting Town Centre.

Key issues for consideration:

- Proposed parking supply shortfall.
- Future allocation, management and review of car parking around the Faulkner Civic Precinct Community Centre (Community Centre) building and Council Administration building required at completion of development.
- Vehicle embayments required for short term bays – drop-off/pick-up and bus.
- Objections from surrounding residents about the Robinson Avenue extension.
- Modify proposed vehicle exit from existing car park at the rear of the Administration building.
- Additional Public Art contribution is required to comply with the Public Art Contribution Policy.

In summary the development is recommended for approval with minor modifications and planning conditions to address the issues identified above.

Item 12.5 Continued

LOCATION

The subject site comprises of a portion of Lot 33 (215) Wright Street, corner of Robinson Avenue. Lot 33 has a total area of 5.6656 hectares. (Refer Figure 1).

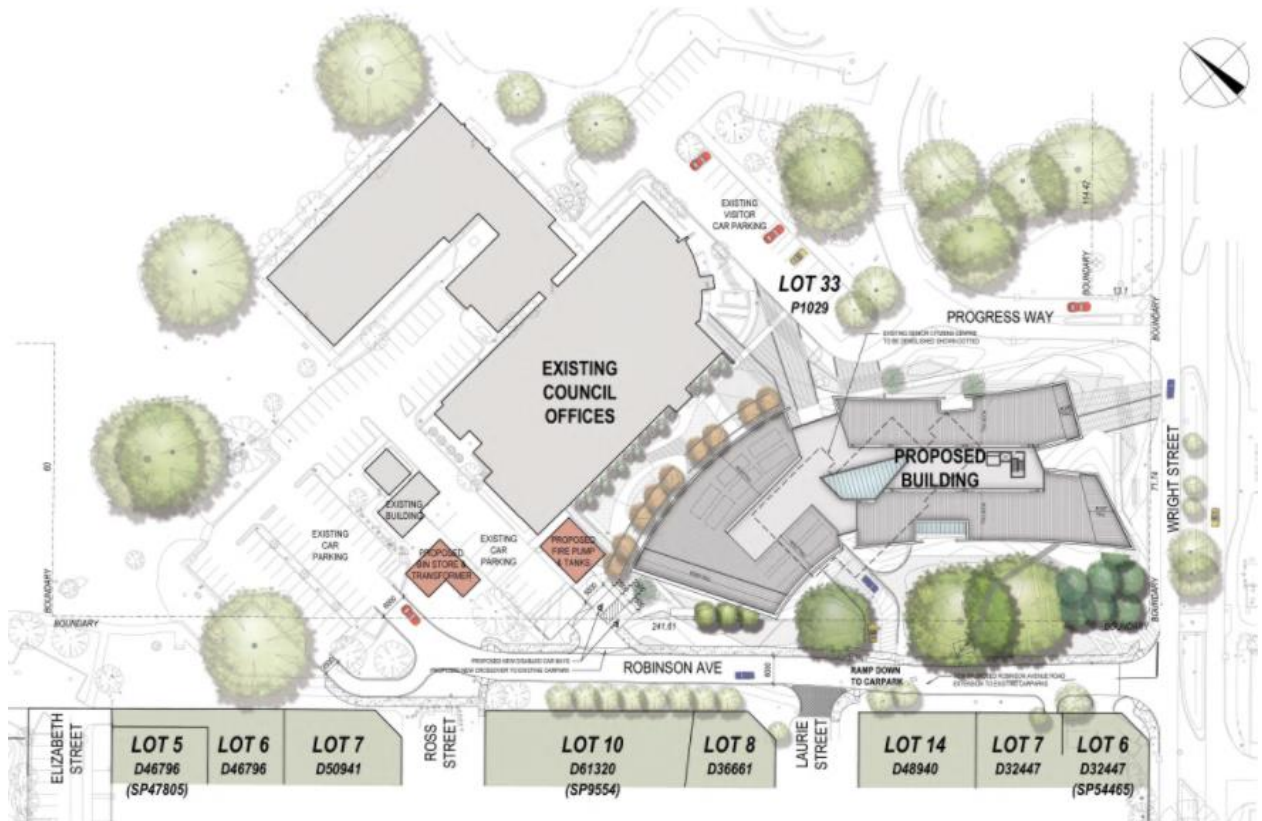


Figure 1: Location Plan of Proposed Community Centre

CONSULTATION

Category B applications are those that need advertising, additional information, documentation or revisions, approvals from other bodies such as Committees or Council, or are building licences that required a development application. Category B applications may need statutory advertising, referral to neighbours or consideration by Council.

The application was advertised for public comment for 30 days from the 4 January 2017 until 3 February 2017. At the close of the submission period eight submissions were received with two in support, four objecting and two neither support/nor object with general comment. A summary of submissions is provided in [Attachment 10](#).

In summary, the objections and general comments include:

- Do not support Robinson Avenue being constructed as a 'through road'. Increased traffic will occur in Laurie Street and the road used to bypass Belmont Avenue/Wright Street traffic lights. Close Laurie Street and use Robinson Avenue only.

Item 12.5 Continued

- Development will increase on-street parking in Laurie Street and restrict residents' ability to park on road.
- Open Elizabeth and Ross Streets through to Robinson Avenue.
- Leave Progress Way open.
- Object to single lane vehicle exit out of Council carpark and the pedestrian path abutting residential properties. Request an increased distance between the vehicle and pedestrian access ways and private property. Provision of 'loop access' to car park will encourage hoon driving.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Maintain public infrastructure in accordance with sound Asset Management practices.

Strategy: Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.

Corporate Key Action: Further develop the concept for a new multi-purpose building for the Faulkner Precinct so various funding opportunities can be sought. Award the tender for Architectural Services, select Café operators through a Tender process, appoint Project Manager and prepare/call Tenders for Construction.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 15

The property is reserved as a Local Scheme Reserve – Civic and Cultural.

Clause 3.4 of the Scheme requires development on the reserve to first obtain a planning approval. In determining the application the Council is required to have due regard for the ultimate purpose of the reserve.

Item 12.5 Continued

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 10.2 of Local Planning Scheme No. 15 (LPS15) is amended by Schedule 2, Clause 67 of the Deemed Provision of the *Planning and Development (Local Planning Schemes) Regulation 2015 (2015 Planning Regulations)*. Clause 67 of the *Planning Regulations 2015* states the matters to be considered by the local government in determining a planning application. The following matters are of particular relevance to the consideration of this application:

- “(j) in the case of reserved land...the objectives for the reserve....”.*
- “(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality...”.*
- “(n) the amenity of the locality...”.*
- “(o) the likely effect of the development on the natural environment...”.*
- “(s) the adequacy of:*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, maneuvering and parking of vehicles.”*
- “(t) the amount of traffic likely to be generated by the development particularly in relation to the capacity of the road system...”.*
- “(u) the availability and adequacy for the development of the following –*
 - (i) public transport services;*
 - (ii) public utility services;*
 - (iii) storage, management and collection of waste;*
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities;*
 - (v) access by older people and people with disability;*
- “(y) any submissions on the application.”*

Development Assessment Panel

The *Planning and Development (DAPs) Regulations 2011* provides for development applications which are excluded from the requirement to be determined by the Joint Development Assessment Panel (JDAP). The provisions exclude a *‘development by a local government or the Commission’*. Consequently this application is not referred to the JDAP.

Item 12.5 Continued

Deemed Refusal

Clause 10.9.2 of LPS15 is amended by Schedule 2, Clause 75 of the Deemed Provision of the *Planning and Development (Local Planning Schemes) Regulations 2015*. Clause 75 of the *Planning Regulations 2015* states that the local government must determine an application for development approval within 90 days where the application has been advertised in accordance with Clause 64 of the *Regulations*, otherwise within 60 days (where advertising is not required) and in either case within a longer time agreed in writing between the applicant and the local government. In this case the time period is 90 days.

Under Clause 75 (3) the local government may determine whether or not to grant the development approval after the applicable timeframe has expired and the validity of the determination is not affected by the expiry.

The deemed refusal date for this application is 20 March 2017.

Right of Review

Is there a right of review? ☒ Yes ☐ No

The applicant/owner may make application for review of a planning approval/planning refusal to the State Administrative Tribunal (SAT) subject to Part 14 of the *Planning and Development Act 2005*. Applications for review must be lodged with SAT within 28 days. Further information can be obtained from the SAT website—www.sat.justice.wa.gov.au.

BACKGROUND

Lodgement Date:	19 December 2016	Use Class:	Civic Use, Office, Community Purpose, Restaurant/cafe
Lot Area:	5.6656 hectares	TPS Reservation:	Local Scheme Reserve – Civic and Cultural
Estimated Value:	\$36 million	MRS:	Urban

November 2015

Traffic, access and parking matters were considered for the precinct and the planning phase of the Community Centre. This included the preparation of a 'Transport and Access Strategy' in 2015 by Flyt (refer [Attachment 11](#)) to provide a general review of the parking, traffic and access for the overall Faulkner Park Civic Precinct Master Plan and the Community Centre concept. The traffic and access assessment remains relevant. However, the 2015 parking detail for the Community Centre is superseded due to the progress and refinement of the design for the Community Centre building.

Item 12.5 Continued

15 December 2015 Ordinary Council Meeting Item 12.1

Council considered and adopted the Faulkner Park Civic Precinct Master Plan as the overarching plan for the long term development of the Precinct. The Plan included the concept for a Community Centre at the corner of Wright Street and Robinson Avenue and the construction of Robinson Avenue between Wright Street and the car park at the rear of the Council building (including a connection to Laurie Street). At this meeting the Council also specifically considered the commencement of the procurement process for the Community Centre building and resolved to seek tenders for suitably qualified architects to undertake architectural design for the building.

26 April 2016 Ordinary Council Meeting Item 12.3

Council accepted Bollig Design Group to undertake the architectural and engineering design for the Community Centre building.

August 2016

The City undertook a two day parking survey (refer [Attachment 12](#)) of the usage of 292 car bays around Council offices/Library, the Oasis Leisure Centre and car bays abutting Robinson Avenue. The two day parking survey of 292 existing car bays in the Faulkner Park Civic Precinct indicated:

- Majority of all day parking occurs around the Council offices.
- Majority of bays around the Oasis Leisure Centre car park situated on the corner of Alexander Road and Robinson Avenue are vacant and not used for all day parking.
- High turnover of car bays occurs near the Senior Citizens building and at the front of the Council offices/Library.
- Fifty-five (55) car bays are regularly unoccupied, generally being marked bays located on the east side of Robinson Avenue (between the Oasis Leisure Centre and lakes in Faulkner Park) and also in the car park at the front of the Leisure Centre car park on the corner of Alexander Road and Robinson Avenue.

27 September 2016 Ordinary Council Meeting Item 12.2

Council considered and endorsed the development concept design for the Community Centre building as prepared by Bollig Design Group.

8 November 2016 Information Forum Item 6.4

An update of the Community Centre project was provided to Councillors at the Information Forum, which included a review of estimated costs, and variations to the design concept in order to refine cost estimates for the building. Other matters discussed included the Robinson Avenue extension, car parking, traffic counts and pedestrian movements.

Item 12.5 Continued

The Development Application

Building Layout

The four level building includes:

Basement Level

- Parking: 94 car bays including 2 ACROD (Australian Council for the Rehabilitation of the Disabled) bays with vehicle access from Robinson Avenue.
- A 50 bay bicycle storage room, 'end of trip' facilities/showers/toilets and lockers.
- General storage rooms.
- Basement headway clearance accommodates ambulance and Library and Information Service of Western Australia (LISWA) van.

Ground Floor

- Café: Fronts Wright Street with external pavement and seating area which overlooks garden/trees abutting Robinson Avenue. Access is via the main stairs and ramp off Wright Street.
- Library: Main stairs and ramp from the forecourt between the existing Council offices and the proposed Community Building and another entry off Wright Street.
- Senior Citizens' Centre (activity rooms/pool room/kitchen/store): The main stairs and ramp from the western end of the building to the main entrance located off the forecourt between existing Council offices and the proposed Community Building.
- Two ACROD car bays abut the pedestrian ramp at the western end of the building.

First Floor

- Library and Museum.

Second Floor

- Offices ('not for profit' (NFP) service providers).
- Communal meeting rooms.
- Crèche: Approximately 20 children and three staff (parents/guardian on-site).

Item 12.5 Continued

Changes to Site and Surrounding Land

The proposed Community Centre building and abutting forecourt generally occupies the area currently occupied by the Senior Citizens' Centre and the surrounding car parking. Therefore the development proposal also includes:

- The demolition of the existing City of Belmont building which accommodates the Senior Citizens' Club (Incorporated), which is located on the corner of Wright Street, Progress Way and Robinson Avenue and the removal of 77 existing car bays (30 staff, 21 visitor/staff, 22 seniors and four Councillors) within the car parks on the north, south and west side of the existing building.
- Robinson Avenue being constructed as a 'through' road between Wright Street, Laurie Street and to the existing staff car park at the rear of Council office building. Laurie Street will connect to Robinson Avenue as a 'T' junction. Ross Street and Elizabeth Street will not have access to Robinson Avenue. Two large Ficus trees which abut the Robinson Avenue road reserve are retained.
- The westward extension of Robinson Avenue is required to reinstate vehicular access to the existing car park at the rear of Council offices when the Community Centre building is constructed. The Robinson Avenue extension will provide two new entry points into the existing staff car park. A third exit only/single lane is proposed from the western end car park to improve vehicle circulation.
- The car park and portion of Progress Way roadway between the Council offices and the proposed building is removed and replaced with a landscaped forecourt that provides pedestrian access into the proposed library and senior citizens' club rooms.
- The existing staff bike storage at the rear of the Council offices is replaced with an enclosure for fire pump and tanks. The existing bike storage is incorporated into the proposed basement of the Community Building.
- A proposed building/enclosure for bin storage and transformer is proposed within the existing grassed area at the rear of the Council offices.
- The development will include the provision of public art in accordance with the City of Belmont Public Art Contribution Policy No. 11 which requires public art to the value of 1 percent of the cost of the development.

Power Supply

This site has underground power.

OFFICER COMMENT

The LPS15 does not specify detailed development requirements for this development within the Civic and Cultural local reserve, with the exception that the use and development should be consistent with the intent of the reserve and that Council should consider general planning matters as detailed in Schedule 2, Clause 67 of the Deemed Provision of the *Planning Regulations 2015*, as outlined above. These matters are discussed below with respect to the Community Centre building.

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Proposed Land Uses

The proposed land uses library, museum, and senior citizens' clubrooms are consistent with the purpose of the 'Civic and Cultural' reservation of the land under LPS15. The LPS15 definitions of a 'Civic Use' includes buildings used by *".....the City for administrative, recreational and other purposes"* and a 'Cultural Use' are uses *"....aimed at improvement or refinement of people by entertainment and/or education"*.

The City's administrative role and purpose is based on providing for the community. The LPS15 definition of 'Community Purpose' includes land and buildings *"....for education, social or recreational facilities or services by organizations involved in activities for community benefit"*. The inclusion of office space for 'NFP' organisations, the crèche and café activities are facilities and services for the community attending the Community Centre building. This is consistent with the civic and cultural purpose of the reserve.

Building Scale, Architectural Design and Layout

The plans for consideration for planning approval are generally consistent with the building design, layout and architectural style which the Council considered at the 27 September 2016 OCM with additional refinement and modifications.

The City's Community Development Service and the Community Place Making Service have had significant involvement with the building layout and design. This includes involvement by the Museum Curator, professional advice from consultants and specialist staff at the Western Australian (WA) Museum, WA Maritime Museum, the Belmont Museum Advisory Group, Belmont Historical Society, the Library specialist team which considered the range of unique spaces with the Library and the main officer bearers of the Senior Citizens Club (Incorporated) with regard to the separate portion of the Community Centre, which this group will occupy. It is considered that the design is well planned to accommodate the existing and future needs of this Civic and Community building.

The proposed building is a significant landmark, civic building due to the unique architectural style, façade treatment and the prominent location abutting Wright Street. The main entrance of the building has a floor level which is consistent with the podium level of the adjacent existing Council office building. However the proposed 17 metre building height is approximately nine metres higher than the existing Council office building. Although the contrast in building height is significant, the two buildings achieve a visual connectivity with the landscaped pedestrian forecourt located between the buildings.

The proposed 17 metre building height is considered compatible with its setting and its relationship with surrounding development. The building has a 13 metre to 23 metre setback to Wright Street and 2.5 metre to 19.6 metre setback to Robinson Avenue. Surrounding properties include:

Item 12.5 Continued

- Existing single storey buildings on the south side of Robinson Avenue. The retention of two large Ficus trees which abut the Robinson Avenue road reserve will reduce the building impact on the single storey buildings (dentist and residential properties). Notwithstanding, the single storey scale of buildings, the Robinson Avenue properties are zoned R20/50/100 where the Local Planning Policy No. 1 (LPP1) Town Centre Density Bonus provides for development of multiple dwellings at R100 which the R-Codes allow up to a 15 metre roof height.
- The Belmont Town Centre is on the east side of Wright Street. The scale of the Community Centre building is consistent with the existing and future scale of development within the town centre. The building is compatible with the Town Centre provisions of Clause 5.10.1 of LPS15 for land use and development to demonstrate good urban design, create spaces that encourage pedestrian movement and provide places for pedestrians to congregate.

Parking

The parking consideration for the Community Centre includes a focus on the eventual parking supply (numbers of bays) around the existing Council office/Library building and within the proposed Community Centre building, and the location and the management of the parking bays.

(a) Parking Supply

A parking assessment for the existing Council office building and the proposed Community Centre land uses is provided in [Attachment 13](#). A summary is provided below:

SUMMARY OF FINAL PARKING ASSESSMENT FOR EXISTING COUNCIL ADMINISTRATION BUILDING AND THE PROPOSED COMMUNITY CENTRE			
Land use	Required Car bays	Provided Car bays	Planning Comment
Existing Council Office Building	140 ^{*1}	129 ^{*2}	^{*1} Excludes existing Library and Senior Citizens requirement that is now assessed in the new Community Centre. ^{*2} 129 bays is the residual number of existing bays around the buildings. (206 less 77 removed for the Community Centre =129)
Proposed Community Centre	157 ^{*3}	96 ^{*4}	^{*3} Includes library, museum, café, crèche and offices (NFP) and senior citizens club. ^{*4} 94 bays in basement + 2 external ACROD bays.
TOTAL	297 bays	225 bays	96 proposed car bays (94 basement/2 external ACROD) + 129 car bays (residual bays).
SHORTFALL			72 bays

**Refer to Notes in Planning Comment.*

Item 12.5 Continued

A shortfall in parking bays is identified for the completed development, which combines the operation of the Council offices and the Community Centre (this does not assess any future use of the vacated existing Library building when Library activities are relocated to the new Community Centre building). It should be noted that the car parking calculation represents a 'static' assessment and assumes all land uses will operate with maximum attendance by visitors and users and that all the parking demand will occur simultaneously. However, in reality this is not expected to occur because each land use will have a varying number of visitors/usage at various times during the day and week. Therefore, the reciprocal use of car parking between the land uses is likely to occur. For example:

- Senior Citizens' Club can have 50-80 persons attending a Thursday evening public bingo event at a time when Council office staff parking is largely unused.
- Senior Citizens' activities include numerous smaller groups – say 10, 20 or 30 people periodically during the day (8:00am to 4:00pm). It is not common to have 60 persons or, the parking estimated figure of 110 persons, within the building at any one time.
- Library users may increase during 'after school hours' or 'after office business hours', when Council office parking is largely unused.
- A bus may bring a group of school students to the Library during school hours rather than arriving by individual cars.
- The café, whilst accommodating a maximum of 120 seats, is unlikely to be a major destination in its own right, particularly when a greater range of cafés is available in Belmont Forum. The café is primarily an ancillary facility for visitors/users to other activities within the building and therefore the parking assessment of 21 bays may be considered excessive.
- The number of staff within the 'NFP' offices is unknown at this stage and may not require the calculated 45 car bays.
- Patrons parked at Belmont Forum may link their visit to the Community Centre or Council offices and walk from Belmont Forum.

Conversely, periodic large scale activities/events can occur and overflow parking is required on grassed areas around the Council offices. This situation currently occurs with the existing Council activities.

At this stage it is considered preferable not to construct additional car bays to address the calculated shortfall of 72 car parking bays as this may unnecessarily remove landscaped areas within Faulkner Park. It is preferable to await the completion and full operation of the Community Centre in order to better assess the parking requirement for the building and precinct. An appropriate planning condition is recommended to be applied to the planning approval, which requires a review of the parking within six months of the completion of the building.

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The demolition of the existing building, which accommodates the Senior Citizens' Club effects the immediate removal of 77 car bays from the existing parking supply (for example, 30 unallocated staff bays, 21 visitor bays [generally used by staff], four allocated Councillor bays and 22 Seniors' bays). The four bay allocations for Councillors can be accommodated within the parking arrangements. The temporary relocation of the Senior Citizens' Club off-site, to the Belmont Museum, will resolve the immediate consideration of parking demand for the Seniors. However, the staff who normally occupy the balance of the 51 bays being removed will need to find alternative parking. This is available in the largely unoccupied 55 car bays identified in the parking survey (refer [Attachment 12](#)) around the Oasis Leisure Centre car park and the existing bays along Robinson Avenue. Other parking options include the public car park provided by the City abutting Wright Street, between Belmont Tavern and Belmont Avenue. The use of this car park may establish a practice for Council staff to accept that staff parking may not always be provided immediately adjacent to the Council offices.

An objection received during the public advertising period expressed concerns about a likely increase in on-street parking in Laurie Street due to the development. The parking assessment of the apparent shortfall in on-site parking is likely to exacerbate this concern. The recommendation for the City to undertake a review of the parking situation within six months of the completion of the building will also consider any implications of increased on-street parking in surrounding streets. Where appropriate parking restrictions/limitations can be applied if required.

The current proposal should address the following modification to the parking supply:

- An additional two or three bays could be accommodated beside the proposed two ACROD bays, which are shown abutting the western end of the building.
- The activities within the Community Centre require spaces for five minute/short term, 'drop-off/pick-up' car bays near the Progress Way main entrance and the western end of the building. In addition, the Senior Citizens' Club periodically utilizes a mini bus and a large coach/bus in association with their activities, and school groups can potentially be brought to the Library/Museum by coach/bus. It is appropriate that a parking embayment for a bus and short term drop-off/pick-up be provided to address this movement.

An appropriate planning condition is recommended to be applied to the planning approval, to require the proposal to address these matters.

(b) Future Location and Management of Car Bays at Completion of Development

The future parking supply of 225 bays around the Council office building and the Community Centre building will require a planned allocation of bays to the various user groups. This consideration will include:

Item 12.5 Continued

- A minimum of 55 bays allocated Council staff, a minimum of four bays allocated for Councillors/Mayor day time use, a minimum of 22 to 28 Seniors' bays, and bays for tenants of the 'NFP' offices and bays for general public visitors to the site.
- The allocation of the basement parking during business hours between Council staff and NFP office tenants. The potential to use the basement by the general public during 'after standard business hours'.
- A minimum of 22 to 28 car bays for Senior's use. Having regard for general mobility considerations for senior persons, the bays should be in close proximity to the pedestrian entrance at the western end of the building. This will necessitate existing bays allocated to staff, being reallocated for Senior's use. An appropriate planning condition is applied to the planning approval, to address the allocation of Seniors' bays with this application.

In general, the overall future parking allocation and any associated management practices to ensure the efficient and effective use of on-site parking is required prior to the completion of the Community Centre. An appropriate planning condition is recommended to be applied to the planning approval, to require a car parking management plan to address the parking allocation.

Robinson Avenue Extension, Progress Way Closure, Car Park Access and Public Objections

The extension of Robinson Avenue to the existing Council car park is necessary due to the development of the Community Centre which will remove the two existing access ways which extend from Laurie Street and Progress Way. The extension also provides for the vehicle entrance to the basement car park under the Community Centre building. The matters identified in the public objections are discussed below:

- Increased traffic along Laurie Street is acknowledged, as additional vehicles are expected to use this street to access the basement parking. However the traffic volumes do not exceed the capacity of the street. If the basement parking is predominantly used by staff and tenants of the Community Centre then this will not be a daily high turnover of vehicle movement.
- Objections about increased traffic due to Robinson Avenue connection through to Wright Street is not supported. This is not a new 'through road' as Laurie Street currently connects to Wright Street via the existing car park and Progress Way.

The Robinson Avenue extension, the closure of Progress Way and the vehicle access connection from Robinson Avenue into the Community Centre was identified in the Transport and Access Strategy November 2015 and the Faulkner Park Civic Precinct Master Plan, which was adopted by Council in December 2015 after four months of public advertising.

The Robinson Avenue extension provides for two, dual access ways into the existing Council car park, which facilitates a circular movement around the car park which does not currently exist. The anticipated future allocation of Senior's parking in this area will also benefit from the two entry/exit points. It is

Item 12.5 Continued

noted that objections were received about the Robinson Avenue extension (refer [Attachment 10](#)), however the car park is predominantly for staff parking during business hours and does not have a high turnover of use. Therefore vehicle movement in this car park during the day has minimal impact on nearby residential properties.

The objection about the proposed single lane exit out of the existing car park and its close proximity to the side boundary of the residential property at No. 59 Ross Street is valid. The single lane access way provides an easier exit in the event that all car bays are occupied. It will have a low level of vehicle movement in pre and post work hours, however a reduced amenity will occur for the residential property. The alignment was proposed in order to retain two Jacaranda trees beside the Council car park, however the City's Parks Technical Officer considers the trees can be relocated. Therefore the City's Technical Services Department can realign the single lane access way closer to the car park and increase the distance from the residential property. The abutting pedestrian path will also be relocated away from this property. An appropriate planning condition is recommended to be applied to the planning approval to require the realignment of the single lane access way.

Bicycle Parking/Storage and End of Trip Facilities

The LPS15 provision for employee and visitor bicycle parking for Civic Uses (Library, Museum and Senior Citizens Centre) within the Community Building and a crèche is at the discretion of the City.

The City's Travel Smart Officer considers that the provision of 50 secure bicycle bays and associated lockers within the basement adequately caters for the staff demand for the proposed Community Centre (civic uses, offices, café, crèche) and the replacement spaces for the removal of the existing bike storage area. The bicycle store has the ability to increase capacity for 84 bikes in the future if demand increases.

The provision of six male and six female showers exceeds the Scheme provisions of three male and three female showers associated with the provision of 50 bike spaces. However the end of trip facilities caters for future increases in demand for bicycle/end of trip usage.

The plans do not indicate external bicycle spaces/racks for visitors to the building. A minimum of five spaces is required for the café and office land use. Local Planning Scheme No. 15 does not specify bicycle parking for visitors to library or museum land use, however, it is essential that external bicycle spaces be provided for these land uses. The City's Travel Smart Officer considers a minimum of 20 bike parking spaces should be provided for the building in close proximity to the main Progress Way entrance to the Library and the Wright Street entrance to the Library and café.

An appropriate planning condition is recommended to be applied to the planning approval.

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Public Art

The current development application identifies a \$36 million cost estimate for the development. This equates to \$360,000 contribution for public art. The building cost estimates will vary as the design is refined and dependent upon the final tender that is accepted for the development.

At the 28 February 2017 OCM (Item 12.5), Council considered tenders and accepted an artist to supply future public art within the Community Centre building and in the forecourt/entrance area. A budget of \$239,000 (plus GST) is set aside for this public art work at this stage. However, subsequent allocations for public art will occur in the future when final costs for the Community Centre building is determined.

An appropriate planning condition is recommended to be applied to the planning approval.

Landscaping

The landscape concept depicts grassed and planted areas within the forecourt and around the building, a children's play area underneath the Ficus Trees located between the café and Robinson Avenue and various paved areas around the building. The detailed landscaping plan continues to be progressed by Bollig Design Group in conjunction with the City's Parks and Environment Services.

A standard landscaping condition is recommended to be applied to the planning approval.

Waste Management

The City's Manager Health and Community Safety supports the provision of waste management for the site as detailed in the Faulkner Civic Precinct Waste Management Plan October 2016 in [Attachment 14](#).

Conclusion

In summary, the land use and development is consistent with the master plan for Faulkner Park. The proposal is recommended for approval with appropriate standard planning conditions, in addition to specific planning conditions relating to:

- A parking review to be undertaken in six months of the completion of the Community Centre.
- Parking to be allocated for Seniors at the western end of the Community Centre.
- Realignment of the single lane vehicle access way exit from the car park.
- Parking embayments to be provided for bus/short term parking.
- Bike parking spaces to be provided for visitors.
- Public Art contribution required.

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FINANCIAL IMPLICATIONS

The granting of the planning approval will allow the City to invite tenders for the development of the building, which is the subject of a separate report to Council.

The Robinson Avenue construction will be financed from the Capital Works Budget for Roads.

Additional contribution for public art is expected to be allocated in the future, when the final cost of the development is known and to ensure the City complies with the Public Art Policy.

ENVIRONMENTAL IMPLICATIONS

The applicant has advised that the development will have a five green star rating under the Green Building Council of Australia (GBCA) rating system.

As of the 1 July 2003, energy efficiency requirements were implemented via the Building Code of Australia (BCA) and all residential and commercial buildings at the time of application of a Building Permit need to comply with the 'deemed to satisfy' requirements, or alternatively a compliant Energy Audit Report can be submitted by an accredited person.

SOCIAL IMPLICATIONS

The proposal will:

- Ensure that the community has access to the services and facilities it needs.
- Assist in developing community capacity.
- Support community groups.
- Enhance a sense of community and the image of Belmont.
- Contribute to an environment where residents are safe and feel safe.

Item 12.5 Continued

OFFICER RECOMMENDATION

That Council:

A. Approve planning application 687/2016 as detailed in plans received 19 December 2016 submitted by Bollig Design Group on behalf of the owner City of Belmont for a Community Centre (library, museum, offices for 'not for profit' groups, senior citizens club rooms, café, crèche) at Lot 33 (215) Wright Street, corner of Robinson Avenue and Progress Way subject to the following conditions:

1. Development/land use shall be in accordance with the attached approved plan(s) received 19 December 2016 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City's Director Community and Statutory Services or Manager Planning Services.
2. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
 - (a) The approved plan;
 - (b) Australian Standard 2890.1; and
 - (c) Council's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City's Director Technical Services. All parking bays must be clearly line marked.

3. The provision of a parking embayment for bus parking and car bays for short term drop-off/pick-up to be provided near the Progress Way main entrance to the Community Building and abutting the Robinson Avenue road reserve near the western end of the building, to the satisfaction of the City's Director Technical Services.
4. The provision of a minimum of two additional bays located beside the ACROD car bays at the western end of the Community Centre building to the satisfaction of the City's Director Technical Services.
5. The removal of the single lane/exit vehicle access way at the southern end of the existing Council car park and replace with an internal access way within the car park or an access way immediately abutting the car park, in order to increase the distance of this vehicle access way to No. 59 Ross Street, to the satisfaction of the City's Director Technical Services.
6. The provision of a parking embayment abutting Robinson Avenue at the western end of the Community Centre or abutting Progress Way and the main entrance to the Community Centre, to accommodate a coach/bus to the satisfaction of the City's Director Technical Services.
7. The provision of a laydown area/minimum three car bays that provide for short term drop-off/pick-up at the western end of the building, in close

Item 12.5 Continued

- proximity to the pedestrian access to the Senior Citizens Centre and in close proximity to the Progress Way main entrance to the Community Centre.
8. The access ramp and headway clearance into the basement shall accommodate access for an ambulance and the Library and Information Service of Western Australia (LISWA) van to the satisfaction of the City's Director Technical Services.
 9. Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City's Technical Services (Technical Services Clearance Application), construct a vehicle crossover in accordance with the approved plans and Council's engineering specifications to the satisfaction of the City's Manager Infrastructure Development.
 10. Prior to occupation of use or development, a Car Parking Management Strategy with respect to on-site car parking within the basement and at grade parking around the Council Administration building shall be prepared to the satisfaction of the City's Director Community and Statutory Services, Manager Planning Services, Coordinator Planning Services or Coordinator Design Projects. The Management Strategy shall include details regarding the allocation of car parking bays for all user groups within the existing Council Administration building and the Community Centre building – including Councillors, allocated Council staff parking, tenants (crèche, café, 'not for profit' offices), Seniors (bays to be in close proximity to the Seniors Citizens' Club), short term, drop-off/pick-up bays, visitors and unallocated staff parking.
 11. Within six months of the occupation of the Community Centre building the City to undertake a review of the use of the parking around the Council Administration building and the Community Centre building to determine the adequacy of the parking numbers for all user groups and to review the allocation of car bays amongst the user groups and for any implications associated with parking on surrounding streets to the satisfaction of the City's Director Community and Statutory Services.
 12. Prior to occupation of the development, a minimum of 20 bicycle spaces for visitors in close proximity to the main Progress Way entrance to the Library and the Wright Street entrance to the Library and café and facilities for employees shall be a minimum of 50 bicycle bays, 50 ventilated equipment lockers, and six male and six female showers are to be installed and maintained for the course of the development use to the specifications contained within the City's Supplementary Planning Guidelines for End of Trip Facilities, to the satisfaction of the City's TravelSmart Officer.
 13. The restaurant/café shall have a maximum (internal/external) seating capacity of 120 seats.
 14. A landscaping and irrigation plan for the subject development site and street verge is to be prepared and submitted to the City for approval within three months of the date of this approval.

Item 12.5 Continued

15. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan for the duration of the approved development to the satisfaction of the City's Manager Parks and Environment.
16. The applicant shall arrange for the preparation and implementation of a construction and traffic management plan in accordance with the requirements of AS 1742 Pt 3 prior to the commencement of site works within the Robinson Avenue road reserve. The construction and traffic management plan shall also include management of temporary parking for users of the Council Administration building during the construction stage(s) and the plans shall be submitted for the approval of the City's Director Technical Services no later than 14 days prior to the commencement of site works.
17. The owner/applicant shall submit a detailed stormwater plan for approval of the Manager Infrastructure Development prior to application for a building permit, showing the proposed drainage system to the standards of the City of Belmont's engineering requirements and design guidelines.
18. The City shall provide public art on the development site to a minimum value (exclusive of GST) of 1 percent of the final cost of the development as determined at the time of the acceptance of the construction tender for the development, to the satisfaction of the City's Coordinator Community Wellbeing.
19. Where public art is provided on the development site the approved concept/strategy shall be thereafter implemented and the artwork constructed and maintained for the life of the development to the satisfaction of the City's Coordinator Community Wellbeing.
20. Prior to commencement of any site works, the applicant/owner shall submit a Construction Environmental Management Plan to the City for approval and to the satisfaction of the Coordinator Environment. All site works shall be carried out in accordance with the approved Construction Environmental Management Plan.
21. Prior to the commencement of any site works, the applicant/owner shall:
 - (a) Complete and submit an Acid Sulfate Soils Self-Assessment Form to the Department of Environment Regulation and City of Belmont; and
 - (b) If required as a result of the self-assessment, subsequently prepare and submit an Acid Sulfate Soils Report and an Acid Sulfate Soils and Dewatering Management Plan to the Department of Environment.
- B. Delegate authority to the Director Community and Statutory Services to approve minor amendments and modifications to the approved development.

ABSOLUTE MAJORITY REQUIRED

Item 12.5 Continued

Note:

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION:

ROSSI MOVED, POWELL SECONDED,

That Council:

A. Approve planning application 687/2016 as detailed in plans received 19 December 2016 submitted by Bollig Design Group on behalf of the owner City of Belmont for a Community Centre (library, museum, offices for 'not for profit' groups, senior citizens club rooms, café, crèche) at Lot 33 (215) Wright Street, corner of Robinson Avenue and Progress Way subject to the following conditions:

- 1. Development/land use shall be in accordance with the attached approved plan(s) received 19 December 2016 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City's Director Community and Statutory Services or Manager Planning Services.**
- 2. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:**
 - (a) The approved plan;**
 - (b) Australian Standard 2890.1; and**
 - (c) Council's engineering requirements and design guidelines.**

The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City's Director Technical Services. All parking bays must be clearly line marked.

- 3. The provision of a parking embayment for bus parking and car bays for short term drop-off/pick-up to be provided near the Progress Way main entrance to the Community Building and abutting the Robinson Avenue road reserve near the western end of the building, to the satisfaction of the City's Director Technical Services.**
- 4. The provision of a minimum of two additional bays located beside the ACROD car bays at the western end of the Community Centre building to the satisfaction of the City's Director Technical Services.**

Item 12.5 Continued

5. ***The removal of the single lane/exit vehicle access way at the southern end of the existing Council car park and replace with an internal access way within the car park or an access way immediately abutting the car park, in order to increase the distance of this vehicle access way to No. 59 Ross Street, to the satisfaction of the City's Director Technical Services.***
6. ***The provision of a parking embayment abutting Robinson Avenue at the western end of the Community Centre or abutting Progress Way and the main entrance to the Community Centre, to accommodate a coach/bus to the satisfaction of the City's Director Technical Services.***
7. ***The provision of a laydown area/minimum three car bays that provide for short term drop-off/pick-up at the western end of the building, in close proximity to the pedestrian access to the Senior Citizens Centre and in close proximity to the Progress Way main entrance to the Community Centre.***
8. ***The access ramp and headway clearance into the basement shall accommodate access for an ambulance and the Library and Information Service of Western Australia (LISWA) van to the satisfaction of the City's Director Technical Services.***
9. ***Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City's Technical Services (Technical Services Clearance Application), construct a vehicle crossover in accordance with the approved plans and Council's engineering specifications to the satisfaction of the City's Manager Infrastructure Development.***
10. ***Prior to occupation of use or development, a Car Parking Management Strategy with respect to on-site car parking within the basement and at grade parking around the Council Administration building shall be prepared to the satisfaction of the City's Director Community and Statutory Services, Manager Planning Services, Coordinator Planning Services or Coordinator Design Projects. The Management Strategy shall include details regarding the allocation of car parking bays for all user groups within the existing Council Administration building and the Community Centre building – including Councillors, allocated Council staff parking, tenants (crèche, café, 'not for profit' offices), Seniors (bays to be in close proximity to the Seniors Citizens' Club), short term, drop-off/pick-up bays, visitors and unallocated staff parking.***
11. ***Within six months of the occupation of the Community Centre building the City to undertake a review of the use of the parking around the Council Administration building and the Community Centre building to determine the adequacy of the parking numbers for all user groups and to review the allocation of car bays amongst the user groups and for any implications associated with parking on surrounding streets to the satisfaction of the City's Director Community and Statutory Services.***

Item 12.5 Continued

- 12. Prior to occupation of the development, a minimum of 20 bicycle spaces for visitors in close proximity to the main Progress Way entrance to the Library and the Wright Street entrance to the Library and café and facilities for employees shall be a minimum of 50 bicycle bays, 50 ventilated equipment lockers, and six male and six female showers are to be installed and maintained for the course of the development use to the specifications contained within the City's Supplementary Planning Guidelines for End of Trip Facilities, to the satisfaction of the City's TravelSmart Officer.**
- 13. The restaurant/café shall have a maximum (internal/external) seating capacity of 120 seats.**
- 14. A landscaping and irrigation plan for the subject development site and street verge is to be prepared and submitted to the City for approval within three months of the date of this approval.**
- 15. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan for the duration of the approved development to the satisfaction of the City's Manager Parks and Environment.**
- 16. The applicant shall arrange for the preparation and implementation of a construction and traffic management plan in accordance with the requirements of AS 1742 Pt 3 prior to the commencement of site works within the Robinson Avenue road reserve. The construction and traffic management plan shall also include management of temporary parking for users of the Council Administration building during the construction stage(s) and the plans shall be submitted for the approval of the City's Director Technical Services no later than 14 days prior to the commencement of site works.**
- 17. The owner/applicant shall submit a detailed stormwater plan for approval of the Manager Infrastructure Development prior to application for a building permit, showing the proposed drainage system to the standards of the City of Belmont's engineering requirements and design guidelines.**
- 18. The City shall provide public art on the development site to a minimum value (exclusive of GST) of 1 percent of the final cost of the development as determined at the time of the acceptance of the construction tender for the development, to the satisfaction of the City's Coordinator Community Wellbeing.**
- 19. Where public art is provided on the development site the approved concept/strategy shall be thereafter implemented and the artwork constructed and maintained for the life of the development to the satisfaction of the City's Coordinator Community Wellbeing.**

Item 12.5 Continued

- 20. Prior to commencement of any site works, the applicant/owner shall submit a Construction Environmental Management Plan to the City for approval and to the satisfaction of the Coordinator Environment. All site works shall be carried out in accordance with the approved Construction Environmental Management Plan.**
- 21. Prior to the commencement of any site works, the applicant/owner shall:**
 - (a) Complete and submit an Acid Sulfate Soils Self-Assessment Form to the Department of Environment Regulation and City of Belmont; and**
 - (b) If required as a result of the self-assessment, subsequently prepare and submit an Acid Sulfate Soils Report and an Acid Sulfate Soils and Dewatering Management Plan to the Department of Environment.**
- B. Delegate authority to the Director Community and Statutory Services to approve minor amendments and modifications to the approved development.**
- C. Request the Director Technical Services to:**
 - i. Undertake a review of traffic volumes along Laurie Street prior to commencement of the development; and**
 - ii. Within six months of the occupation of the Community Centre building, undertake a comparative review of traffic volumes to assess the impact of any change in traffic patterns as a result of the development; and**
 - iii. Based on the outcome of the review, make recommendations to Council whether remedial action is required.**

ABSOLUTE MAJORITY REQUIRED

Reason

To alleviate resident's concerns of Laurie Street becoming a rat run.

CARRIED BY ABSOLUTE MAJORITY 7 VOTES TO 0

7.50pm The Manager Building Services, Manager Community Place Making and the Project Management Coordinator – Building departed the meeting and did not return.

**12.6 FAULKNER CIVIC PRECINCT–COMMUNITY CENTRE DESIGN AND CONSTRUCTION –
LOT 33 (215) WRIGHT STREET, CLOVERDALE**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 15 – Item 12.6 refers	<u>Faulkner Civic Precinct – Community Centre</u>
Confidential Attachment 1 – Item 12.6 refers	<u>Cost Estimate</u>

Voting Requirement	:	Simple Majority
Subject Index	:	125/026–Faulkner Park Revitalisation
Location/Property Index	:	Lot 33 (215) Wright Street, Cloverdale
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 28 July 2015 –Item 10.4 OCM 15 December 2015 – Item 12.2 OCM 26 April 2016 – Item 12.3 OCM 26 July 2016 – Item 12.8 OCM 27 September 2016 – Item 12.2 OCM 28 February 2017 – Item 12.5
Applicant	:	N/A
Owner	:	City of Belmont
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

<input type="checkbox"/>	Advocacy	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	Executive	<i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>
<input type="checkbox"/>	Legislative	<i>Includes adopting local laws, local planning schemes and policies.</i>
<input type="checkbox"/>	Review	<i>When Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>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.</i>

Item 12.6 Continued

PURPOSE OF REPORT

For Council to:

- (a) Note the detailed design stage plans for the Faulkner Civic Precinct Community Centre building as prepared by Bollig Design Group (refer [Attachment 15](#)).
- (b) Note the detailed design stage project estimate for the Faulkner Civic Precinct Community Centre building as prepared by Ralph Beattie Bosworth Pty Ltd (RBB) (refer [Confidential Attachment 1](#)).
- (c) Authorise the Chief Executive Officer to advertise a Request for Tender for construction of the proposed Faulkner Civic Precinct Community Centre.

SUMMARY AND KEY ISSUES

Through consultation with the City's project stakeholder groups, Bollig Design Group has progressed with the design of the Faulkner Civic Precinct Community Centre building.

A Value Management Review was conducted as part of the detailed design process and resulted in a number of design-related changes to the building.

The range of ecologically sustainable design (ESD) initiatives for the building were finalised during the detailed design process and accords with the City's objective of achieving a minimum 5 Star Green Star certification by the Green Building Council of Australia using its Design and As Built rating tool.

The detailed design and documentation process has culminated in Bollig Design Group preparing a well-defined building proposal that meets the City's development objectives, along with sufficient documentation to progress the project to the tender stage.

Bollig Design Group's Quantity Surveyor, RBB, has prepared an updated cost estimate for the project based on the documentation arranged to date. The cost estimate would again be updated in the tender stage.

Item 12.6 Continued

LOCATION

The Faulkner Civic Precinct Community Centre will be located at Lot 33 (215) Wright Street, Cloverdale.

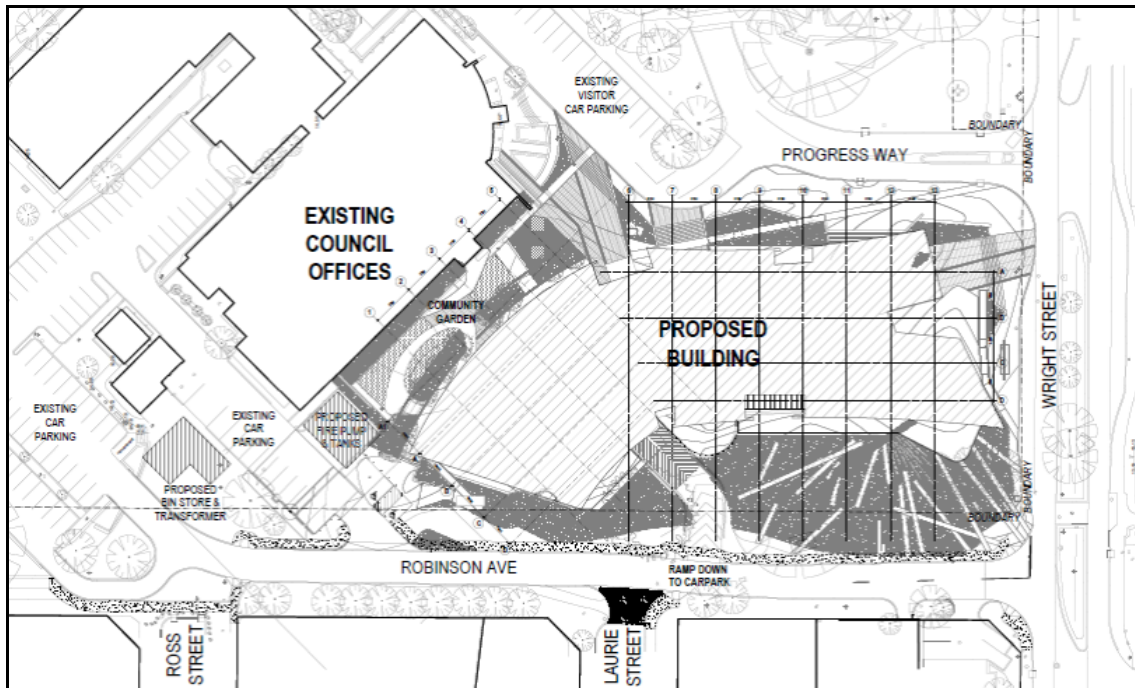


Figure 1: Location Plan of Proposed Community Centre

CONSULTATION

Following endorsement of the developed concept design by Council at the 27 September 2016 Ordinary Council Meeting (Item 12.2), further consultation was undertaken as outlined below:

- The Value Management Review included consultation with project stakeholders and core operational areas of the City to provide a peer review of project objectives and value management initiatives. The nominated initiatives of the Value Management Review were presented to Council at the 8 November 2016 Information Forum (Item 6.4).
- The detailed design process included consultation with project stakeholders and reference groups to confirm detailed requirements and refine the internal planning for the Library and Digital Hub, Museum, Senior Citizen Centre, future tenancies for Not-for-Profit service providers, Crèche and Café, as well as general site planning and landscape design.
- A formal application for development approval was lodged with the City in December 2016 and is the subject of a separate item in this Agenda for Council's consideration.

Item 12.6 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Maintain Public Infrastructure in accordance with sound Asset Management practices.

Strategy: Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.

Corporate Key Action: Further develop the concept for a new multi-purpose building for the Faulkner Precinct so various funding opportunities can be sought. Award the tender for Architectural Services, select Café operators through a Tender process, appoint Project Manager and prepare/call Tenders for Construction.

In accordance with the Strategic Community Plan Key Result Area: Business Excellence.

Objective: Apply sound and sustainable business management principles.

Strategy: Operate the City's land and facilities portfolio as an efficient investment.

Corporate Key Action: The City will continue to be receptive to opportunities for the co-location of appropriate commercial activities in public facilities.

In accordance with the Strategic Community Plan 2016-2036 Key Result Area: Natural Belmont.

Objective: Enhance the City's environmental sustainability through the efficient use of natural resources and minimise the City's carbon footprint.

Strategy: Manage energy use and waste generation and implement renewable energy technologies to minimise the City's carbon footprint.

Corporate Key Action: Operational activities which support predominantly this 'Energy Use' strategy.

Strategy: Manage water use with a view to minimising consumption.

Corporate Key Action: Operational activities which support predominantly this 'Energy Use' strategy.

Objective: Ensure future resilience to a changing climate.

Strategy: Plan for the predicted impacts of a changing climate to 'future proof' City operations.

Corporate Key Action: Operational activities which support predominately this 'future proofing' strategy.

Item 12.6 Continued

POLICY IMPLICATIONS

Council Policy–Environment and Sustainability (NB03)

The City of Belmont is committed to:

- iv. Efficient use of energy, water, paper and other resources, reducing waste generated and implementing renewable energy technologies to minimise the City's corporate carbon footprint.
- v. Planning for and implementing measures to 'future proof' City operations against the predicted impacts of climate change.

STATUTORY ENVIRONMENT

As a development proposal, the Faulkner Civic Precinct Community Centre requires a development approval. An application for development approval was lodged with the City in December 2016. The application has undergone assessment by Planning and is the subject of a separate item in this Agenda for Council's consideration.

The development will ultimately require a Building Permit to be issued by the City. However, as the City is the owner of the land, the City's Building Services Officers cannot certify the building construction documentation. To facilitate this process, Bollig Design Group has engaged a registered Building Surveying Contractor to review the construction documentation to provide a Certificate of Design Compliance.

The successful Building Contractor will use the Certificate of Design compliance to apply for a Certified Building Permit prior to any construction commencing on site.

BACKGROUND

The development of a multi-purpose Community Centre within the Faulkner Civic Precinct has been on Council's agenda since 2005 and a preferred site was confirmed in 2012. In 2015 the City engaged GHD Woodhead to prepare an architectural concept design for the Community Centre building, which was supplemented with work undertaken by Full Circle Design Services to broadly scope the requirements for Green Star certification of the development.

Presentations were made at several Information Forums and a report item tabled at a number of Council Meetings.

In summary these are as follows:

OCM 15 December 2015 Item 12.2 considered the concept design and associated recommendations to progress the project, where it was resolved to:

- Authorise the Chief Executive Officer to seek tenders from suitable experienced and qualified Architects for the supply of Architectural Design Services.
- Authorise the Chief Executive Officer to engage the services of a Green Star Accredited Professional and to target certification under the Green Building Council of Australia's 'Green Star–Design and AS Built v1' rating tool to 5 Star.

Item 12.6 Continued

- Authorise the Chief Executive Officer to engage the services of a Project Management professional.
- Authorise the Chief Executive Officer to commence the tender process for a potential operator for the café within the Community Centre.
- Request the Chief Executive Officer to provide Councillors with progress reports as appropriate.

Subsequent to the above resolution, the City sought tenders from suitably experienced and qualified Architects for the supply of Architectural and Engineering Design Services for the Community Centre building.

Item 12.3 of the 26 April 2016 Ordinary Council Meeting considered the tender assessment and associated recommendations, where it was resolved to:

- Accept the tender submitted by Bollig Design Group for Consultancy for Architectural and Engineering Design Services–Community Centre Faulkner Civic Precinct.
- Include an allocation in the 2016-2017 financial year budget for the balance of the required funds as required by this tender and the subsequent contract.

Commencing in May 2016, Bollig Design Group progressed the design of the Community Centre based on the concept design prepared by GHD Woodhead. Concurrent to this, the City engaged a Green Star Accredited Professional to assist in the selection of ESD initiatives and facilitate the Green star certification process with the Green Building Council of Australia.

An updated concept plan was presented to Council by Mr Edwin Bollig, from Bollig Design Group, at the 5 July 2016 Special Information Forum (Item 12.2).

Following feedback, adjustments were made to the building design and a developed concept design along with an updated estimate of cost was presented to Council by Mr Bollig at the 13 September 2016 Information Forum (Item 6.1).

The 27 September 2016 Ordinary Council Meeting Item 12.2 considered a report and recommendations to progress the project to the detailed design and documentation stages, where it was resolved to:

- “1. Endorse the Developed Concept Design for the Faulkner Civic Precinct Community Centre building as prepared by Bollig Design Group (refer Attachment 4); and*
- 2. Endorse the Ecologically Sustainable Design initiatives to be considered for the Faulkner Civic Precinct Community Centre, as compiled by Full Circle Design Services (refer Attachment 5), to achieve a minimum 5 Star Green Star certification utilising the Green Building Council of Australia’s Design and As Built rating tool; and, subject to the above; and*
- 3. Authorise the Chief Executive Officer to instruct Bollig Design Group to proceed to the Detailed Design and Documentation stages, inclusive of a Value Management Review.”*

Item 12.6 Continued

OFFICER COMMENT

Following endorsement of the developed concept design at the 27 September 2016 Ordinary Council Meeting (Item 12.2), Bollig Design Group facilitated a Value Management Review that examined a broad range of scope and design alternatives to optimise value for money benefits and identify more cost-effective outcomes. This resulted in a number of design-related changes, notably:

- A reduction in the ground to first floor height.
- A reduction in the initial size of the photovoltaic array from 150 kilowatts to 100 kilowatts (but retaining the infrastructure capability for a 150 kilowatts system).
- A reduction in the external lighting by 30 percent, but retaining security-related lighting.
- A reduction in façade glazing.
- A reduction in the size of the basement from 109 bays to 94 bays (98 if bays are assigned), but increasing the head height to permit access for taller vehicles such as a library service van and ambulance.

Associated changes to the layout of the basement have in turn improved the storage provision for the Library and Museum, as well as an improved End-of-Trip facility and a reduction in the complexity of the plaza landscaping.

Through the detailed design process, the internal planning for the Library and Digital Hub, Museum, Senior Citizen Centre, future tenancies for Not-for-Profit service providers, Crèche and Café has been developed, refined and finalised, as well as planning for the external spaces and landscaping.

The range of ESD initiatives for the Community Centre building have also been finalised and accords with the City's objective of achieving a minimum 5 Star Green Star certification by the Green Building Council of Australia using its Design and As Built rating tool.

The design and documentation process has culminated in Bollig Design Group preparing a well-defined building proposal that meets the City's development objectives (refer [Attachment 15](#)) and sufficient documentation to progress the project to the tender stage. Bollig Design Group's Quantity Surveyor, RBB, has prepared an updated estimate for the project based on the documentation prepared to date (refer [Confidential Attachment 1](#)). The cost estimate will again be updated in the tender stage.

Item 12.6 Continued

The table below sets out the nominal steps and timeframes for closing out the detailed design and documentation stage, and implementation of the tender stage.

Progress (Stage)	Indicative Timing
90% Detailed Design & Documentation Updated Cost Estimate	March 2017
Council Report – Approval to Tender & Development Application Approval	March 2017
Tender Documentation Assembly Pre-Tender Cost Estimate	April 2017
Tender Period & Assessment	May-June 2017
Council Report – Tender Outcome & Acceptance	July 2017

FINANCIAL IMPLICATIONS

The current 2016-2017 financial year budget includes an amount of \$1,494,500 (Account BB1410) for the Architectural and Engineering Design Services being provided by Bollig Design Group, the Green Star Accredited Professional Services being provided by Full Circle Design Services and other consultants engaged by the City as required.

The estimated cost of the project was updated when Bollig Design Group prepared the developed concept design in September 2016, which identified the cost for items that were either excluded or not fully known and resolved in the concept design prepared GHD Woodhead. The estimated cost was again updated in November 2016 to take account of the nominated initiatives identified through the Value Management Review, which equated to a net reduction in estimated cost.

The current cost estimate is comparable to the estimate reported at the 27 September 2016 OCM (Item 12.2 – Confidential Attachment 1).

ENVIRONMENTAL IMPLICATIONS

A geotechnical investigation undertaken through Bollig Design Group in June 2016 identified an existing groundwater level of RL 11.40 (23 June 2016). A groundwater monitoring well was established at the same time to enable monthly monitoring up to June 2017 to identify the peak and low groundwater levels for the site. Currently, a peak groundwater level of RL 11.67 was recorded (September 2016) while the low groundwater level is still to be confirmed.

In order to achieve a similar ground floor level to the Civic Centre building, the level of the basement for the proposed Community Centre building is generally at RL 11.20, with the western (entry) portion lowered to RL 10.70 to accommodate access for Library services vehicles and ambulances. As these levels are below the groundwater level, dewatering will be a requirement in the early construction phase of the project.

In addition to providing information on the groundwater level, the geotechnical investigation recommended testing for acid sulphate soils.

Item 12.6 Continued

Both dewatering and treatment of acid sulphate soils have stringent statutory requirements and are cost and time sensitive from a construction perspective. Consequently, the City implemented a more detailed investigation of the ground conditions so that adequate provisions for the management of dewatering and acid sulphate soils, if present, can be factored into the requirements for constructing the building, as well as being accounted for in the estimated cost for the project.

The ESD initiatives incorporated into the design of the building have targeted a minimum 5 Star Green Star certification, which equates to achieving Australian Excellence.

SOCIAL IMPLICATIONS

Prior to submitting an application for funding under Round 3 of the National Stronger Regions Fund the City engaged Creating Communities Pty Ltd to undertake a Social Impact Assessment and engaged RPS Australia East Pty Ltd to undertake an Economic Evaluation of the project.

OFFICER RECOMMENDATION

That Council:

- 1. Note the detailed design stage plans for the Faulkner Civic Precinct Community Centre building as prepared by Bollig Design Group (refer [Attachment 15](#)).***
- 2. Note the detailed design stage project estimate for the Faulkner Civic Precinct Community Centre building as prepared by Ralph Beattie Bosworth Pty Ltd (refer [Confidential Attachment 1](#)).***
- 3. Authorise the Chief Executive Officer to advertise a Request for Tender for construction of the Faulkner Civic Precinct Community Centre.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

**12.7 REQUEST FOR FUNDING SUPPORT FOR 2017 BELMONT AND WESTERN AUSTRALIAN
SMALL BUSINESS AWARDS**

BUSINESS BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 16 – Item 12.7 refers	<u>Impact Statement</u>
Attachment 17 – Item 12.7 refers	<u>Judging Criteria</u>
Attachment 18 – Item 12.7 refers	<u>Awards Program</u>
Attachment 19 – Item 12.7 refers	<u>Media Articles</u>
Attachment 20 – Item 12.7 refers	<u>27 February 2017 Memo – Response to Questions Taken on Notice – ABF 21 February 2017 – Item 12.3 Business Support Levels</u>
Attachment 21 – Item 12.7 refers	<u>27 February 2017 Memo – Response to Questions Taken on Notice – ABF 21 February 2017 – Item 12.3 Comparison Activities</u>
Attachment 22 – Item 12.7 refers	<u>Sponsorship Prospectuses</u>

Voting Requirement : Simple Majority
Subject Index : 22/003 – Funding – Donations & Sponsorship
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : OCM 28 April 2009 – Item 12.11
OCM 23 March 2010 – Item 9
OCM 21 December 2010 – Item 12.12
OCM 22 February 2011 – Item 12.14
OCM 22 March 2011 – Item 12.4
OCM 25 February 2014 – Item 12.6
OCM 24 February 2015 – Item 12.5
OCM 15 December 2015 – Item 12.7
OCM 28 February 2017 – Item 12.3
Applicant : Carol Hanlon, Belmont Business Enterprise Centre
Owner : N/A
Responsible Division : Corporate and Governance

Item 12.7 Continued

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

Council consideration is required for an allocation of funds in the 2017-2018 Annual Budget for the Belmont Business Enterprise Centre's 2017 Belmont and Western Australian Small Business Awards.

SUMMARY AND KEY ISSUES

The Belmont Business Enterprise Centre is seeking funding support to run the Belmont and Western Australian Small Business Awards in 2017. If approved, this activity would be included in the draft 2017-2018 Annual Budget.

The Belmont Business Enterprise Centre (BBEC) is seeking \$37,250 (ex GST) for the 2017 Belmont and Western Australian Small Business Awards. Further, the BBEC is requesting that half of this funding, \$18,625 (ex GST), be paid upon approval of this Council Item. This would require payment from the 2016-2017 budget.

Council considered this item at the 28 February 2017 OCM and agreed to seek further information on a range of issues, including:

- details of the sponsorship structure and contribution levels
- details of the award invitation
- selection and judging processes.

A response has been provided which will be discussed in the Officer Comment section of this report.

It is recommended that Council not provide funding for the Belmont Business Enterprise Centre's 2017 Belmont and Western Australian Small Business Awards and defer consideration pending requested information and assessment.

Item 12.7 Continued

LOCATION

N/A

CONSULTATION

The Manager Property and Economic Development has been in communication with the CEO of the BBEC to assist in preparing this report.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Belmont.

Objective: Achieve and maintain an image of Belmont as an ideal location for business growth and opportunities

Strategy: Promote the City of Belmont through various promotional and informative materials, facilitated networks and media targeting the business community that will make it clear that the City is a great place to do business

Corporate Key Action: Maintain ongoing liaison with appropriate business advocacy, support and representative organisations

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

The BBEC is a community based organisation operating from 216 Belmont Avenue, Kewdale.

The BBEC seeks funding from a range of sources to provide low cost advisory services in the areas of business planning advice, advice on loans and banking products including preparing for and seeking access to credit through financial service providers, development of simple marketing plans, assistance accessing legal and accounting services, leasing guidance and advice on government regulation or mentoring for business.

Information was provided to Councillors following the 21 February 2017 Agenda Briefing Forum on the number of Belmont businesses serviced by the BBEC during the years that the City has provided sponsorship (refer [Attachment 20](#)).

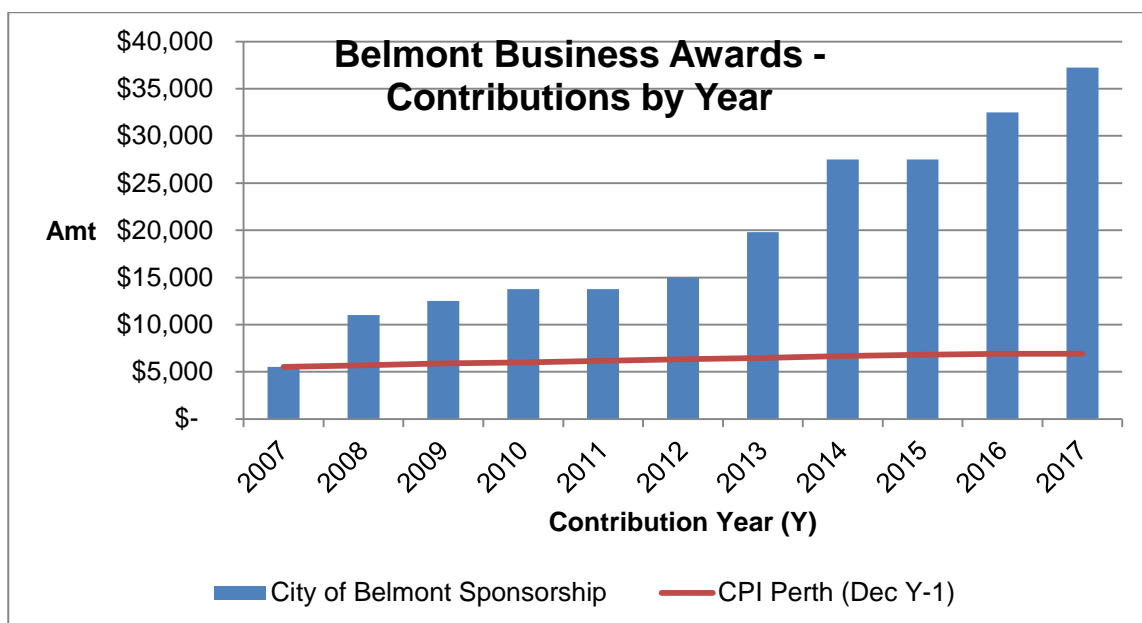
Item 12.7 Continued

The BBEC has run the annual Belmont Small Business Awards since 1994. The Awards receive good media coverage (refer [Attachment 19](#)) and corporate support and seek to recognise businesses that strive for business excellence.

The BBEC is seeking \$37,250 (ex GST) direct financial support and the use of the Belmont Civic Centre in April 2017, for the official launch of the Awards. Further information on the impact of the Awards and the Judging Criteria is provided in Attachments 16 and 17.

OFFICER COMMENT

The contribution requested by the BBEC has been increasing significantly in recent years, especially when compared to annual CPI increases.



Council considered this item at the 28 February 2017 OCM and agreed to request further information from the BBEC on a range of issues. The responses are outlined below (in italics), along with Officer Comments:

Details of the Sponsorship Structure:

"The City of Belmont (CoB) is recognised as the Major Sponsor of the Awards. CoB sponsorship is differentiated from other sponsors because others are Award Category Sponsors only and so recognised accordingly for their contribution. They do receive similar publicity opportunities but without the distinction of being highlighted as the Major Sponsor and also a Category Sponsor."

All marketing materials associated with the coverage of the Awards clearly identify CoB as the Major Sponsor. (refer Attachments [18](#) and [19](#))

CoB is acknowledged from the commencement of the campaign as the Major Sponsor at the Launch Event of the Awards and the Mayor is invited to address attendees separately. Category Sponsors are limited to introducing their individual Award category only at this launch."

Item 12.7 Continued

Officer Comment:

Given that this event is hosted in the City's Civic Centre it is only appropriate that the Mayor be invited to welcome attendees. This happens at all events hosted in the Civic Centre, and is not unique to the Business Awards launch. The Mayor does not have an opportunity at the Awards night to make any additional statements over and above what any of the Minor Sponsors are able to make.

"CoB receives the specific benefit of being promoted by direct mail to small businesses in the 'Belmont' area which raises awareness of CoB's interest in supporting small business within its borders.

CoB also benefits from being acknowledged as the Major Sponsor at the presentation ceremony."

Officer Comment:

It is acknowledged and appreciated that the City is recognised as a Major Sponsor of the Awards in all marketing materials (refer Attachments [17](#) and [18](#)) and on the night of the presentation ceremony.

However, it must also be acknowledged that the positioning and size of the recognition of this fact does not immediately make this clear.

"As Major Sponsor, CoB receives entry tickets for a VIP table for 10 at the Awards ceremony. This VIP table is always placed in the prime central position alongside Government stakeholders and both State and Federal Small Business Ministers. No other sponsor receives this large number or a designated VIP table."

Officer Comment:

The City regularly hosts its own functions to which Government stakeholders and State and Federal Government Politicians and Officers are invited. Adjacency to a table during a busy Awards Ceremony is not considered to be a significant benefit.

Contribution Levels:

"Contributions received from other sponsors are 'commercial in-confidence' as in keeping with any sponsorship program."

Officer Comment:

This statement is debatable. It is the experience of Officers that Sponsorship programs usually provide varying options, with prices, associated with a range of benefits. Having perused a number of other association websites it is evidently clear to any prospective sponsor what the levels of sponsorship are, the values and benefits.

Officers see no reason why a table of sponsorship prices and benefits cannot be provided for Council to consider when deliberating this decision. The City needs to be able to justify its contribution and the request for information on comparative costs and benefits across all Sponsorship categories is considered essential.

Item 12.7 Continued

Details of the Award Invitation:

"The Awards Entry invitation is attached and this is offered hard and soft copy through Belmont BEC & TCFWA marketing and promotion efforts - online and offline, via post to all businesses in City of Belmont, distributed via sponsors, posted to State/Federal Electoral Offices, City of Belmont Councillors, various libraries, social media channels, print media, many business associations, through the vast database of small businesses of the BBEC & TCFWA and the networks of BBEC & TCFWA Committees of Management.

The details of award information statistics distributed was included in the Impact statement sent to you on 27 November – details attached" (refer [Attachment 16](#)).

Officer Comment:

All of this is accepted and acknowledged.

"The Number of Businesses who nominate for the awards is also commercial in-confidence.

There were over 90 Finalists publicly announced at the final Presentation Event."

Officer Comment:

This statement is debatable. Officers see no reason as to why the total number of businesses who nominated to enter the awards cannot be provided for Council to be aware of.

It is unclear as to whether the 90 Finalists are the total number of applicants, or if this represents the top echelon of applicants. The provision of numbers in terms of applicants and finalists can hardly be considered commercial in confidence as there is no detail as to who the applicant or finalist is.

Selection and Judging Processes:

"The Entry Form includes the list of questions the nominated business must answer for consideration by the panel of judges. Nominees are invited to provide additional supporting material and most do."

Officer Comment:

All of this is accepted and acknowledged.

"The Judges are all professionals in their different areas of expertise. There are usually six and the actual judges vary from year to year with some remaining to ensure continuity. The identity of the judges is not disclosed."

Officer Comment:

Officers see no reason as to why the identity of the judges cannot be provided for Council to consider, even if for previous year judging.

Item 12.7 Continued

It is the opinion of Officers that the City should not endorse the provision of \$37,250 (ex GST) for the 2017 Belmont and Western Australian Small Business Awards due to:

- the unsubstantiated and significant rise in the level of contribution sought from the City by the BBEC for the Belmont and Western Australian Small Business Awards (this rise is far in excess of annual CPI increases)
- the disparity between what is sought from the BBEC and the funding provided by other local governments to business support associations for similar events throughout the Perth metropolitan area (as detailed in the 27 February 2017 Memo – Response to Questions Taken on Notice – ABF 21 February 2017 – Item 12.3 Comparison Activities (refer [Attachment 21](#))). Since this memo was provided to Council, Officers have been informed that the City of Perth provides \$25,000 funding to the WA Business News for the Annual Forty under Forty event
- concerns held over the lack of information on comparative costs and benefits of different sponsorship categories; a lack of information on the number of businesses entering for awards; and a lack of information on the awards judging panel. Examples of sponsorship prospectuses outlining costs and benefits of sponsorship packages provided by other organisations are detailed in [Attachment 22](#).

FINANCIAL IMPLICATIONS

The proposal from BBEC seeks \$37,250 (ex GST) for the 2017 Belmont and Western Australian Small Business Awards and is a 15 per cent increase over the 2016 package. The Perth CPI for the 12 months to December 2016 was 0.4 per cent. This funding would be provided from the 2017-2018 Property and Economic Development budget. Further correspondence from the BBEC has requested that half of this funding, \$18,625 (ex GST), be paid upon approval of this Council Item. This would require payment of half of the funding from the 2016-2017 budget.

There are further costs associated with hosting the launch of the Awards at the Civic Centre. The elements of these additional costs include the provision of security and bar staff. There are also some additional cleaning requirements and some minor costs associated with having the Belmont Civic Centre open for the Awards. These costs come to approximately \$1,000. These costs have traditionally been absorbed within the City's Marketing budget.

The City also dedicates two pages of the Belmont Business Talk publication to showcase the Belmont based businesses who win awards at the Small Business Awards. This is neither a direct, nor indirect subsidy for the Awards themselves as the purpose of the article is to promote local business excellence to the rest of the business community. However, it is a cost that is related to the Business Awards. The cost of these two pages is approximately \$600.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.7 Continued

SOCIAL IMPLICATIONS

It can be argued that a decision to not provide sponsorship funding for the 2017 Belmont and Western Australian Small Business Awards is tantamount to not providing support to the Belmont Business Enterprise Centre in their attempts to enhance the image of Belmont. However, for all the reasons outlined in the Officer Comment section of this report, it is felt that the level of funding sought far exceeds the level of benefits received.

OFFICER RECOMMENDATION

That Council defer consideration of the funding/sponsorship application from the Belmont Business Enterprise Centre for \$37,250 (ex GST), pending the provision of information that will allow a proper assessment and due diligence of the requested contribution.

Note:

Cr Gardner declared an interest that may affect impartiality in Item 12.7 Request for Funding Support for 2017 Belmont and Western Australian Small Business Awards.

Nature of Interest: Cr Gardner's wife is a board member of the Belmont Business Enterprise Centre.

AMENDED OFFICER RECOMMENDATION

That Council:

1. Approve the inclusion of \$37,250 (ex GST) for the 2017 Belmont and Western Australian Small Business Awards within the 2017/2018 Annual Budget for the purpose of sponsoring the Best New Business Award.
2. Agree to immediately prefund \$18,625 (ex GST) of the amount contained in resolution 1 for the same event, upon approval of this item, from the 2017/2018 Annual Budget.
3. As a condition of sponsorship for all future funding approved to the Belmont Business Enterprise Centre for the Belmont and Western Australian Small Business Awards require:
 - i. The Belmont Business Enterprise Centre, prior to payment of sponsorship, provide information to the City of Belmont detailing:
 - a. the expected total cost of the Event,
 - b. details of the judges for the Event,
 - c. the marketing and advertising that the City will receive at the Event, and as a result of the Event.
 - ii. The Belmont Business Enterprise Centre, following the Awards Night, provides a report to the City of Belmont detailing:
 - a. the number of Belmont businesses compared to the total number of finals participants,
 - b. the benefits that the Event has provided to the City of Belmont.

ABSOLUTE MAJORITY REQUIRED

Item 12.7 Continued

Note:

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, WOLFF SECONDED,

That Council:

- 1. Approve the inclusion of \$37,250 (ex GST) for the 2017 Belmont and Western Australian Small Business Awards within the 2017/2018 Annual Budget for the purpose of sponsoring the Best New Business Award.***
- 2. Agree to immediately prefund \$18,625 (ex GST) of the amount contained in Item 1 for the same event, upon approval of this item, from the 2017/2018 Annual Budget.***
- 3. Approve the application of an annual CPI increase to the amount referred to in Item 1 above (\$37,250) effective from 1 July 2018.***
- 4. As a condition of sponsorship for all future funding approved to the Belmont Business Enterprise Centre for the Belmont and Western Australian Small Business Awards require:***
 - i. The Belmont Business Enterprise Centre, prior to payment of sponsorship, provide information to the City of Belmont detailing:***
 - a. the expected total cost of the Event,***
 - b. details of the judges for the Event,***
 - c. the marketing and advertising that the City will receive at the Event, and as a result of the Event.***
 - ii. The Belmont Business Enterprise Centre, following the Awards Night, provides a report to the City of Belmont detailing:***
 - a. the number of Belmont businesses compared to the total number of finals participants,***
 - b. the benefits that the Event has provided to the City of Belmont.***

ABSOLUTE MAJORITY REQUIRED

Reason:

The City considers the Business Awards are a beneficial event to the City of Belmont, but would like its sponsorship contribution (paid for by its ratepayers) to be capped, and more fully accounted for.

CARRIED BY ABSOLUTE MAJORITY 6 VOTES TO 1

*For: Cayoun, Marks, Powell, Rossi, Ryan, Wolff
Against: Hitt*

12.8 LOCAL GOVERNMENT ADVISORY BOARD: INQUIRY – CITY OF BELMONT BOUNDARY AMENDMENT PROPOSAL

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 23 – Item 12.8 refers	<u>18 October 2016 Special Council Meeting Minutes</u>
Attachment 24 –Item 12.8 refers	<u>City of Belmont Alternative Proposal to the Local Government Advisory Board – October 2016</u>

Voting Requirement : Simple Majority
Subject Index : 111/004 – Boundary Alterations
Location/Property Index : City of Belmont
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : SCM 18 October 2016 –Item 6.1
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and 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 endorse the City of Belmont's response to the Local Government Advisory Board Inquiry process dealing with the alternative boundary amendments presented by the City in October 2016 as a result of the previous City of Swan Boundary Change Proposal.

Item 12.8 Continued

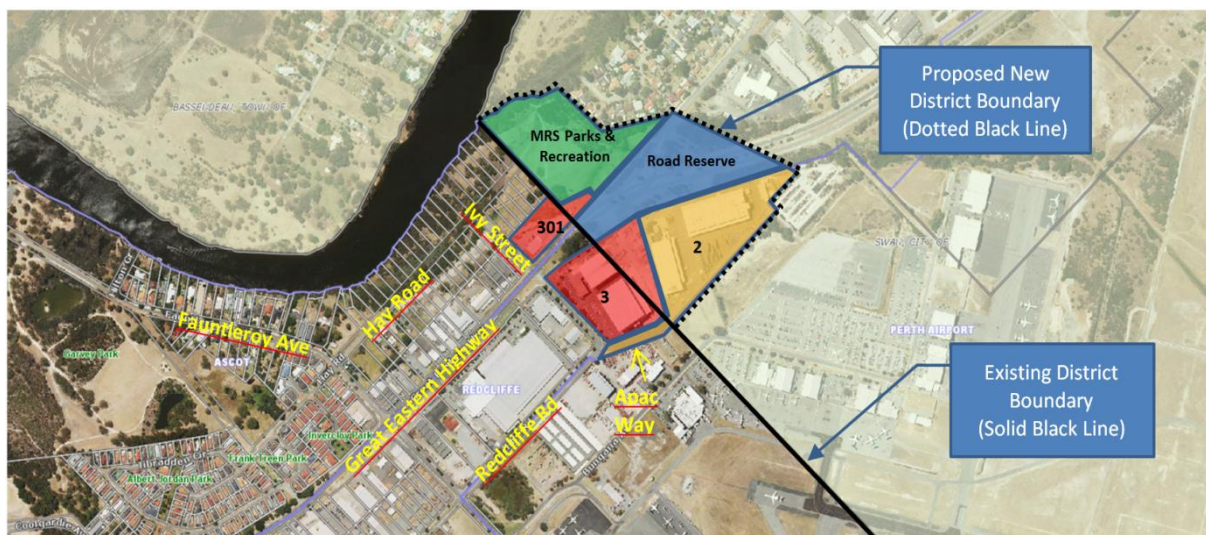
SUMMARY AND KEY ISSUES

The Hon Paul Miles MLA, Minister for Local Government advised on 28 December 2016 that in respect of the City of Swan's boundary change proposal, he accepted the recommendation of the Local Government Advisory Board not to transfer three effected properties from the City of Belmont to the City of Swan.

The Local Government Advisory Board has further advised, on 13 March 2017, that it will undertake an inquiry into the City of Belmont alternative proposal provided in October 2016. The City of Belmont's proposal, as resolved by Council in October 2016, will result in the entirety of Lot 2 Apac Way, Lot 3 Ivy Street, Lot 301 Great Eastern Highway and an identified portion of MRS Parks and Recreation reserve land being wholly located in the City of Belmont.

LOCATION

The following diagram indicates the location of Lot 2 Apac Way, Lot 3 Ivy Street, Lot 301 Great Eastern Highway, MRS Parks & Recreation land and the proposed new district boundary.



CONSULTATION

The property owners/representatives of Lot 301 Great Eastern Highway, Ascot (DeMol Investments Pty Ltd), Lot 3 Ivy Street Redcliffe (Leibherr – Australia Pty Ltd) and Lot 2 Apac Way, Redcliffe (Wirtgen Australia Pty Ltd) have previously been consulted.

- The Spatial Group Planning & Design (now Site Planning & Design), Kareena May and Tom Carroll represent DeMol Investments Pty Ltd owners of Lot 301
- Representing Liebherr Australia Pty the owner of Lot 3 Ivy Street is Martin Dadleff
- Wirtgen Australia Pty Ltd owner for Lot 2 Apac Way is represented by Paul Hockridge.

Councillors were briefed on the matter at the 11 October 2016 Information Forum, prior to the 18 October 2016 Special Council Meeting.

Item 12.8 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan 2016–2036 Key Result Area: Business Excellence Belmont.

Objective: Maximise Business Development Opportunities

Strategy: Attract and support high quality business development and the sustainable use of land in Belmont, including Perth Airport, by providing information and assistance to businesses seeking to establish operations in the City.

Strategy: Enhance the relationship and interaction with existing business entities within the City.

Objective: Maximise the regional benefits to the City

Strategy: Continue to engage neighbouring local governments on issues of common interest.

Objective: Achieve and maintain an image of Belmont as an ideal location for business growth and opportunities.

Strategy: Promote the City of Belmont through various promotional and informative materials, facilitated networks and media to make it clear that the City is a great place to do business.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The Local Government Advisory Board (the Board) is a statutory body established under the *Local Government Act 1995* (the *Act*) to provide advice to the Minister on local government constitutional matters.

The Board's major function is to assess proposals to change local government boundaries and their systems of representation and then make recommendations to the Minister.

It is led by a Chair nominated by the Minister and currently has four other members - two members who have experience as local government Councillors and are nominated by the WA Local Government Association; one member with experience as a local government Chief Executive Officer who is nominated by Local Government Managers Australia (WA Division) and one member who is an Officer from the Department of Local Government and Communities (DLGC).

Item 12.8 Continued

The Board resolved to conduct an inquiry into the City of Belmont proposal and as such is seeking submissions from the City of Swan, the effected land owners and the City of Belmont.

4. Notice of inquiry

- (1) *Where a formal inquiry is required the Advisory Board is to give —*
 - (a) *notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
 - (b) *a report to the Minister.*
- (2) *The notice and report under subclause (1) are to —*
 - (a) *advise that there will be a formal inquiry into the proposal; and*
 - (b) *set out details of the inquiry and its proposed scope; and*
 - (c) *advise that submissions may be made to the Board not later than 6 weeks after the date the notice is first given about —*
 - (i) *the proposal; or*
 - (ii) *the scope of the inquiry.*
- (3) *If, after considering submissions made under subclause (2) (c), the Advisory Board decides* that the scope of the formal inquiry is to be significantly different from that set out in the notice and report under subclause (1), it is to give —*
 - (a) *another notice to affected local governments, affected electors and the other electors of districts directly affected by the proposal; and*
 - (b) *another report to the Minister.*
- (4) *The notice and report under subclause (3) are to —*
 - (a) *set out the revised scope of the inquiry; and*
 - (b) *advise that further submissions about the proposal, or submissions about matters relevant to the revised scope of the inquiry, may be made to the Board within the time set out in the notice.*

** Absolute majority required.*

5. Conduct of inquiry

- (1) *A formal inquiry is to be carried out, and any hearing for the purposes of the inquiry is to be conducted, in a way that makes it as easy as possible for interested parties to participate fully.*
- (2) *In carrying out a formal inquiry the Advisory Board is to consider submissions made to it under clause 4(2)(c) and (4)(b) and have regard, where applicable, to —*
 - (a) *community of interests; and*
 - (b) *physical and topographic features; and*
 - (c) *demographic trends; and*
 - (d) *economic factors; and*
 - (e) *the history of the area; and*
 - (f) *transport and communication; and*
 - (g) *matters affecting the viability of local governments; and*
 - (h) *the effective delivery of local government services, but this does not limit the matters that it may take into consideration.*

Item 12.8 Continued

6. Recommendation by Advisory Board

- (1) *After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend* —*
- (a) that the Minister reject the proposal; or*
 - (b) that an order be made in accordance with the proposal; or*
 - (c) if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.*

** Absolute majority required.*

- (2) *The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —*
- (a) given* notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so; and*
 - (b) afforded adequate opportunity for submissions to be made about the intended order; and*
 - (c) considered any submissions made.*

** Absolute majority required.*

BACKGROUND

The City of Swan submitted a proposal to the Board on 31 March 2016 to transfer parts of Ascot and Redcliffe from the City of Belmont to the City of Swan. The Board resolved on 7 July 2016 to conduct a formal inquiry into the proposal in accordance with the provisions of Schedule 2.1 of the Act.

The Hon Paul Miles MLA, Minister for Local Government advised on 28 December 2016 that in respect of the City of Swan's boundary change proposal, he accepted the recommendation of the Local Government Advisory Board not to transfer three effected properties from the City of Belmont to the City of Swan.

The Board has further advised that it will undertake an inquiry into the City of Belmont alternative proposal provided in October 2016. The City of Belmont's proposal, as resolved by Council in October 2016, will result in the entirety of Lot 2 Apac Way, Lot 3 Ivy Street, Lot 301 Great Eastern Highway and an identified portion of MRS Parks and Recreation reserve land being wholly located in the City of Belmont.

Item 12.8 Continued

Council in October 2016 resolved:

ROSSI MOVED, POWELL SECONDED,

That Council:

- 1. Advise the Local Government Advisory Board that it does not support the City of Swan Boundary proposal as demonstrated in Attachment 1.***
- 2. Approve the alternative City of Belmont Boundary Proposal as contained in the report and a proposal be made to the Local Government Advisory Board that accords with the provisions of the Local Government Act 1995.***
- 3. Authorise the CEO to write to the City of Swan and all associated land owners advising of Council's resolution.***

CARRIED 9 VOTES TO 0

The six week submission period commenced on 17 March 2017 and will close on 28 April 2017 at 4pm.

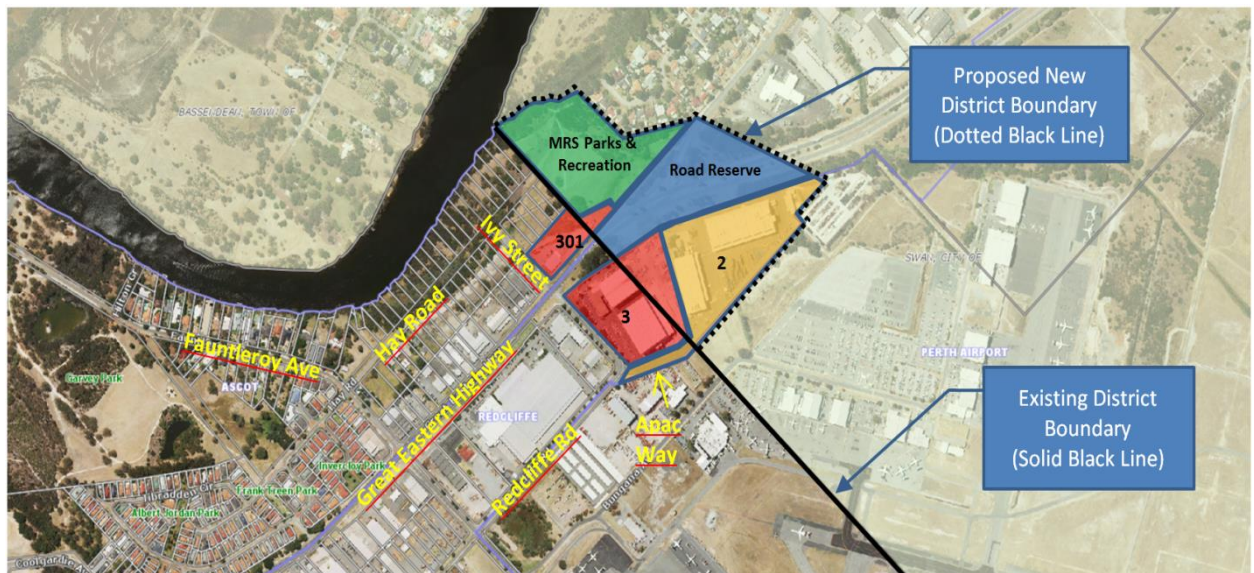
OFFICER COMMENT

The City of Belmont will need to respond to the Boards inquiry and this will essentially take the form of the report and Council resolution of October 2016. The key elements included:

1. The proposed alternative district boundary will partly follow the existing district boundary aligned with Lot 2, the road reserve toward the Swan River and then proceed along existing Crown and State Land holdings to the Swan River. A clearly defined boundary.
2. It will resolve the current issues confronted by Lot 301 and fulfil the property owners (DeMol Investments Pty Ltd) request for the boundary amendment.
3. It will maintain consistency for the significant development proposal presently being prepared for Lot 301 and assist by bringing MRS Parks & Recreation land currently split between two local governments under one local authority in terms of negotiation and future maintenance subsequent to completion development.
4. It will maintain consistency for DeMol Investments Pty Ltd, the owner of Lot 301, and other land holdings it has south of Ivy Street as they may relate to future development.
5. The development proposal at Lot 301 is contiguous with and supportive of DA9 south of Ivy Street and bounded by Hay Road.
6. It is supported by the property owner (Liebherr Australia Pty Ltd) of Lot 3 Ivy Street.
7. The boundary amendment will bring Lot 2, currently isolated, to within a precinct of similar community interest, activity and all associated in one local government and is supported by the owner of Lot 2.

Item 12.8 Continued

8. It will maintain the existing revenue stream, with additional revenue from Lot 2 for the City of Belmont all of which supports the predominant use by these properties of the Belmont Road network.
9. It will maintain the storm water drain infrastructure in Ivy Street within the City of Belmont.
10. It caters for the predominant land access to Lots 301, 2, & 3 via the Belmont road network with consideration of future Main Roads restriction to Great Eastern Highway.
11. It considers future service utilisation and access for residents of the proposed development at Lot 301, which will be predominantly in the City of Belmont, direct this revenue stream and provide for elector eligibility to the appropriate local government.



City of Belmont Alternative Proposal to the LGAB, October 2016.

FINANCIAL IMPLICATIONS

There will be financial implications by way of a minor loss of rating revenue for the City of Swan. Small revenue gains through the inclusion of Lot 2 Apac Way will be received by the City of Belmont.

Rate revenue currently received by the City of Belmont for Lot 301 Great Eastern Highway is \$12,088.76 and Lot 3 Ivy Street \$95,801.32 for 2016/17.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There will be social implications but these are unable to be quantified at this stage.

Item 12.8 Continued

OFFICER RECOMMENDATION

That Council:

- 1. Advise the Local Government Advisory Board of its continued support for the position resolved and communicated to the Board in October 2016 (refer [Attachment 23](#)).***
- 2. Advise the Local Government Advisory Board that the City of Belmont, in accordance with the provisions of the Local Government Act 1995 (the Act) resolves to submit a proposal to the Local Government Advisory Board, that orders be made by the Governor under Section 2.1 of the Act which would vary the boundary of the district of the City of Belmont so as to include within it the entirety of Lot 2 Apac Way, Lot 3 Ivy Street, Lot 301 Great Eastern Highway and an identified portion of MRS Parks and Recreation reserve land being wholly located in the City of Belmont and in accordance with the attached plan illustrating the proposed changes (refer [Attachment 24](#)).***

**OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12**

12.9 2016-2017 MARCH BUDGET REVIEW

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 25 – Item 12.9 refers	<u>2016-2017 March Budget Review</u>
Attachment 26 – Item 12.9 refers	<u>Statement of Budget Review</u>
Attachment 27 – Item 12.9 refers	<u>Reserve Accounts 30 June 2017</u>

Voting Requirement : Absolute Majority
Subject Index : 54/004–Budget Documentation-Council
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and 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

This report is prepared to conduct the first review of the Budget and recommend adjustments to the 2016-2017 Adopted Budget.

Item 12.9 Continued

SUMMARY AND KEY ISSUES

In keeping with sound financial management practices, a further review of the 2016-2017 Adopted Budget has been conducted. The Budget remains in balance and a summary of significant adjustments has been included.

The March Budget Review ensures that a sound financial position is maintained for the end of the financial year and a sound base is created to prepare the 2016-2017 Budget.

LOCATION

N/A

CONSULTATION

There has been no specific consultation undertaken in respect to this matter other than internal staff. Community consultation is not required.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires a local government to carry out a review of its Budget between 1 January and 31 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.

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. 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.

Item 12.9 Continued

The March Budget Review is a significant review that ensures Council's finances remain on track in the lead up to the end of the financial year and therefore set a sound base for the development of the following year's Budget.

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

- Resolutions of Council referred for funding
- Resolutions of Council referred for consideration
- All other Budget matters as identified by Directors and their staff
- That a balanced budget be maintained.

OFFICER COMMENT

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

(brackets indicate increased income/reduced expenditure)

• Chief Executive Officer Section	18,100
• Corporate and Governance Division	864,495
• Technical Services Division	(241,191)
• Community and Statutory Services Division	(641,404)

Net Cost	0
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A detailed listing of budget adjustments can be found in [Attachment 25](#). It should be noted that the report includes only those line items that have changed during the review process, all other line items remain as per the Adopted Budget. Those noteworthy adjustments are further explained in the summary that follows.

- There are a number of vacancies throughout the organisation that have resulted in a collective net decrease to the salaries budget of \$360,000. Sections with the more significant reductions include Executive Services, Technical Services, Parks Administration, Planning Services and Environmental Health
- A reduction in expected Belmont Trust legal and consultancy costs for the financial year has been offset by a reduction in the transfer from reserve
- The insurance budget has been updated to reflect the actual cost of premiums and resulting recoveries
- There have been some significant adjustments to the Transfers to Reserve, namely:
 - An additional \$125,000 has been transferred to the Parks Development Reserve to fund the completion of Centenary Park during 2017-2018
 - Transfers to the Land Acquisition Reserve have decreased by \$4,337,273 partly reflecting a reduction in the anticipated income from the sale of Matheson Rd subdivision land and that the income from this sale is now being transferred to the new Belmont Oasis Refurbishment Reserve. The resulting transfer to the Belmont Oasis Refurbishment Reserve is \$3,777,273

Item 12.9 Continued

- The transfer to the Property Development Reserve has increased \$1,108,801. This represents the funds available following all other budget adjustments with this reserve available to be used for any Council development including the new community centre
- Additional (Residential and Ex-gratia) rates income and a reduction in the take-up of the rates discount has resulted in net additional funds of \$125,862
- General Purpose Income has increased \$125,000 following a review and refund of the Emergency Services Levy on council owned buildings
- A number of IT projects have been deferred to 2017-2018 resulting in a reduction in expenditure of \$165,399
- As previously mentioned and agreed by Council at the October Ordinary Council Meeting (Item 14.1) the expected income from the sale of the Matheson Rd subdivision has been reduced as reflected in the Property and Economic Development section
- With the completion and re-scoping of various Road Construction jobs there has been a re-allocation of funds between jobs. The more significant adjustments include a reduction/deferral in the anticipated costs (\$304,022) for the Belmont Ave upgrade and an additional allocation (\$349,022) to extend Robinson Ave to service the new Community Centre and adjoining carparks
- Parks Construction and Environment projects have been reviewed with the most noteworthy adjustment being the expected carry-over of the Centenary Park project. As mentioned the funds (\$125,000) have been transferred to reserve
- Planning have decreased their consulting budget by \$377,000 following the letting of tenders with certain projects (DA6 and Great Eastern Hwy Corridor Plan) expected to carry forward into 2017-2018
- Planning application fees have been reduced by \$300,000 reflecting current market conditions
- Building Construction projects:
The budgets have been updated based on actual costs and/or quotes and allows for an expected carry forward of projects into next financial year. The more significant adjustments include:
 - The budget for the new Community Centre is reduced to \$1,200,000 to reflect the likely expenditure for 2016-2017
 - Upgrading the Nursing Home will not occur in 2016-2017 although the removal of the budget (\$100,000) has a nil impact as it was offset by a reserve transfer
 - A new budget allocation of \$45,000 to fund street lighting along the extension of Robinson Ave (Faulkner Park)
- The adjusted Ruth Faulkner Library budget includes a contribution of \$52,684 from the Belmont Historical Society which has been transferred to reserve and is earmarked for replicating the Rivervale Congregational Church facade in the museum
- Home and Aged Care (HAAC) will no longer be replacing their client management software and have reduced their respective budget by \$130,000. Given this was funded by a specific HAAC reserve this has a nil impact

Item 12.9 Continued

The March Budget Review has been an extensive exercise to ensure the budget remains in balance and reflects the current expenditure trends. The detailed March Review Report (refer [Attachment 25](#)) includes substantial comment, however, should further explanation be required please contact the appropriate Director. Also to be noted is that comments relate to Authorised Budget, October Review and March review. Comments relating to the current (March) review are prefaced with the word “March” and are normally at the end of the comment detail.

Also attached is a ‘Statement of Budget Review’ (refer [Attachment 26](#)) which compares the proposed March Budget Review to the current Authorised Budget as requested by the Department of Local Government and Communities.

An updated listing of budgeted reserve balances (refer [Attachment 27](#)) has also been included.

The March 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.

As has been the case in the past, Council’s financial position will be closely monitored in the lead up to the end of the Financial Year and should any significant issues require attention, then they will be raised with Council accordingly.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The effective management of the City’s Annual Budget ensures that the community has access to the services and facilities it needs now and into the future.

OFFICER RECOMMENDATION

That Council:

- 1. In accordance with Local Government (Financial Management) Regulations 1996 Regulation 33A, adopt the amendments contained in the 2016-2017 Budget Review (Attachments [25](#), [26](#) and [27](#)), including the descriptions of variations and closing fund amendments.***
- 2. Authorise the Director Corporate and Governance to amend the 2016-2017 Budget in accordance with all resolved variations.***

ABSOLUTE MAJORITY REQUIRED

**OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12**

12.10 TENDER 26/2016 – PREPARATION OF A CORRIDOR PLAN FOR GREAT EASTERN HIGHWAY

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 2 – Item 12.10 refers	<u>Tender 26/2016 Price Schedule</u>
Confidential Attachment 3 – Item 12.10 refers	<u>Tender 26/2016 Evaluation Matrix</u>

Voting Requirement : Simple Majority
Subject Index : 114/2016-26
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Community and Statutory Services

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 Council approval to award Tender 26/2016 – Preparation of a Corridor Plan for Great Eastern Highway.

Item 12.10 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate tenders and includes a recommendation to award Tender 26/2016 in accordance with the requirements of the *Local Government Act 1995*.

The tender is for consultancy services to deliver an activity corridor framework for the length of Great Eastern Highway from Ivy Street in Ascot to Graham Farmer Freeway in Rivervale.

LOCATION

The subject area for the Corridor Plan along Great Eastern Highway is from Ivy Street in Ascot to the Graham Farmer Freeway in Rivervale.



CONSULTATION

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

Item 12.10 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Achieve a planned City that is safe and meets the needs of the community.

Strategy: Encourage a wide choice and consistent implementation of development approaches.

Corporate Key Action: Facilitate the development of a Corridor Plan for Great Eastern Highway.

POLICY IMPLICATIONS

BEXB28–Purchasing

POLICY OBJECTIVE

This policy aims to deliver a high level of accountability whilst providing a flexible, efficient and effective procurement framework.

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states that “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”.

BACKGROUND

In 2004, the Department of Planning published planning document “Network City” which focussed on a connected network of activity centres with an expressed desire to accommodate a significant amount of growth from within the existing built-up area. This was superseded in 2010 by “Directions 2031” as the highest level spatial framework and strategic plan for the metropolitan Perth and Peel region, addressing urban growth needs and also takes into consideration the need to protect our natural ecosystems.

In recognition of the central role of the activity corridor concept in both these documents, the City of Belmont, in partnership with other key stakeholders, is looking to explore and develop responses and policy directions relating to Great Eastern Highway.

Significant transport access and design issues are arising from new development applications lodged in this corridor, especially in the Ascot and Belmont precincts. These issues vary depending on the access road and predominant land uses. Traffic, access, design and planning issues are continuing to be a common theme with development applications along Great Eastern Highway and the scale and number of developments is of growing concern and has raised a number of questions.

Item 12.10 Continued

The outcome of this contract will be the production of an activity corridor plan that:

- establishes a vision for the Great Eastern Highway Corridor Area
- demonstrates and tests the application of Directions 2031 spatial framework relating to activity corridors
- analyses and responds to the physical and current context of the corridor, taking into account the local and regional environment, land use, urban design, socio-economic and traffic and transport analysis
- compliments proposed planning projects such as Ascot Kilns and Golden Gateway Project structure planning area
- includes a transport strategy for Great Eastern Highway within the area outlined that addresses issues, opportunities and constraints relating to public and private transport (motor vehicle transport) and the strategic vehicle access plan, in conjunction with Directions 2031 which will ensure detailed strategies for implementation.

An invitation to tender for the Preparation of a Corridor Plan for Great Eastern Highway was advertised in the West Australian on Saturday, 10 December 2016, closing on Tuesday, 17 January 2017 at 3pm.

50 sets of tender documents were downloaded from the City's eTendering portal with seven responses received from:

- GHD Pty Ltd
- Hames Sharley (WA) Pty Ltd
- HASSELL
- Masterplan Consultants WA
- RobertsDay
- Taylor Burrell Barnett
- TPG + Place Match.

OFFICER COMMENT

The Tender Evaluation Committee consisted of Coordinator Contracts and Tenders, Coordinator Planning Services and Manager Infrastructure Development.

The tenders were assessed on the same selection criteria included within the tender, being:

	CRITERIA	WEIGHTING
1	Experience	25%
2	Company Capacity	25%
3	Methodology	40%
4	Price	10%
	TOTAL	100%

Item 12.10 Continued

Initial evaluation of the responses identified HASSELL and Taylor Burrell Barnett as the two organisations that best responded to the selection criteria. In particular the submission methodologies indicated a good understanding of the contract objectives and familiarity with the City's Local Planning Strategy and Commercial Strategy. These submissions also demonstrated knowledge of other projects currently underway within the area, including those of external organisations, and provided detailed information regarding key personnel, proposed roles and their time commitment to the contract. Both organisations included relevant examples of similar projects they have been involved with which were in context and similar to what is envisioned as part of this project.

The tendered prices are set out in [Confidential Attachment 2](#) – Tender 26/2016 Price Schedule. The price submitted by Taylor Burrell Barnett represents the best value and allows scope for more detailed traffic modelling in designated areas if required.

The Evaluation Matrix (refer [Confidential Attachment 3](#)) clearly identifies Taylor Burrell Barnett as the preferred consultant.

FINANCIAL IMPLICATIONS

An amount of \$200,000 has been allocated to this project in the 2016-2017 budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

Once the overarching targets relative to population and land use activity are defined, the Consultant is to consider an urban design place making strategy and investigate innovative urban design and place making solutions with the intention of creating public space that promotes the health, happiness, and wellbeing of the community.

OFFICER RECOMMENDATION

That Council accept the tender submitted by Taylor Burrell Barnett for Preparation of a Corridor Plan for Great Eastern Highway for the lump sum of \$204,271.00 (excluding GST) as the most advantageous.

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.11 STATUTORY COMPLIANCE AUDIT RETURN 2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 28 – Item 12.11 refers	<u>2016 Compliance Audit Return</u>

Voting Requirement	:	Simple Majority
Subject Index	:	39/005 Statutory Compliance Return
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	OCM 22 March 2016 – Item 12.7
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

To provide Council with the outcomes of the Statutory Compliance Audit Return for the period 1 January 2016 to 31 December 2016 as provided in [Attachment 28](#).

Item 12.11 Continued

SUMMARY AND KEY ISSUES

It is a requirement of the *Local Government Act 1995* that all local governments carry out an audit of compliance in the prescribed manner and form approved by the Minister.

The Department of Local Government and Communities provided a set of questions in early January 2017.

The City of Belmont's 2015 compliance score was 100%, and the 2016 compliance score also resulted in 100%.

LOCATION

N/A

CONSULTATION

In completing the 2016 Statutory Compliance Audit Return, internal consultation has occurred with relevant Officers of each department.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Maximise organisation effectiveness and reputation as an organisation employer and a community.

Strategy: Ensure that the organisation's capacity and capability meets strategic, customer and operational needs.

Corporate Key Action: The City must remain capable of fulfilling its strategic objectives which are supported by customer needs and operational activities. Capacity for growth to meet future needs is an imperative.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires that a compliance audit for the period 1 January to 31 December is completed each year in a form approved by the Minister. Regulation 14 also requires the audit committee to review the compliance audit return and present those results to Council. The compliance audit return is then to be adopted by Council and recorded in the minutes.

Item 12.11 Continued

Regulation 15 of the *Local Government (Audit) Regulations 1996* requires that after the adoption by Council of the compliance audit return, a certified copy (signed by both the Mayor and Chief Executive Officer) of the return, together with a copy of the minutes of the meeting in which the return was adopted and any additional information is to be submitted to the Executive Director of the Department of Local Government and Communities by 31 March.

BACKGROUND

The compliance audit period is 1 January to 31 December 2016 and once the audit is completed, the City is required to:

1. Present the Compliance Audit Return to the Standing Committee (Audit and Risk)
2. Present the Compliance Audit Return to Council
3. Seek Council's endorsement of the completed Compliance Audit Return
4. Return the endorsed and certified Compliance Audit Return, along with a copy of the Council Minutes, to the Department of Local Government and Communities by no later than 31 March 2017.

In completing the Compliance Audit Return, the Chief Executive Officer and other designated Officers have undertaken an audit of the City's activities, practices and procedures applicable to each section and requirement of the return to ensure that an independent, thorough and rigorous process is undertaken.

As the Compliance Audit Return questions for 2016 were similar to that of 2015, the audit results show that the City is continuing to comply effectively with statutory requirements. The only process that is markedly different from 2015 to 2016 are the new regulations surrounding gifts and contributions to travel which, according to audit results, the City is currently complying with.

The Department of Local Government and Communities request that the return be completed online via its website. A copy of the completed return is provided as [Attachment 28](#) to this report and is a printout of the City's registered responses.

Once Council has resolved its satisfaction with the contents of the return, it can be jointly certified by the Mayor and Chief Executive Officer and then submitted to the Department of Local Government and Communities.

Council may also refer the completed Compliance Audit Return to the Auditor or other external inspection service for an independent check.

The Standing Committee (Audit and Risk) considered the findings of the Compliance Audit Return at its meeting of the 27 February 2017.

A series of questions were asked and responded to as follows:

- The Department of Local Government and Communities (DLGC) has the authority to amend the Compliance Audit Return (CAR) at any time. The current 87 questions are comprehensive in their purpose of auditing the compliance of City practices and procedures against requirements of the *Local Government Act 1995* and associated Regulations.

Item 12.11 Continued

- The City includes references to evidence of compliance in the CAR in addition to the required Yes/No answers. It would be difficult to make a comparison with other local governments as they may respond in a different manner resulting in different data sets. It is possible to view CAR results from other local governments by viewing relevant Council minutes.
- As a form of continuous improvement and industry benchmarking, the City conducts operational comparison reports in response to the release of DLGC inquiries into practices of other local governments. This is to determine how the City's practices and procedures stand up against industry best practices.
- The City's current practice of including evidence references in the CAR would assist if the DLGC chose to conduct a probity audit. The document referenced could be accessed to provide necessary support for audit evidence.

OFFICER COMMENT

The City of Belmont has achieved the following:

Compliance Area	Full Compliance	Non-Compliance
Commercial Enterprises by Local Government	5	0
Delegation of Power/Duty	13	0
Disclosure of Interest	16	0
Disposal of Property	2	0
Elections	1	0
Finance	14	0
Local Government Employees	5	0
Official Conduct	6	0
Tenders for Providing Goods and Services	25	0

The City of Belmont conducted an internal audit to determine responses to questions in the Compliance Audit Return. To further substantiate its responses, the City has opted to provide concrete evidence through citation of items from the City's Council meetings and documents registered in ECM. Reference is also made to information contained in hard copy, which includes original copies of Elected Member and designated Officer Primary and Annual Returns.

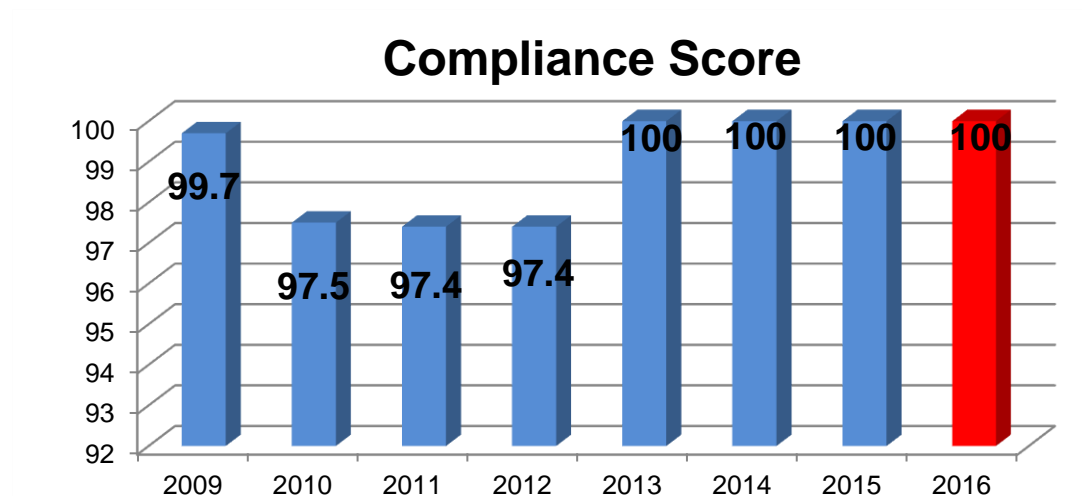
The 2016 Compliance Score is 100%.

When reading the questions shown in the Compliance Audit Return (refer [Attachment 28](#)) it should be noted that they should be read in conjunction with the relevant extract of the *Local Government Act 1995* and / or associated Regulations.

The 2016 Statutory Compliance Audit Return contains 87 questions in line with the 87 questions in the 2015 return. There were no additional questions.

Item 12.11 Continued

Figure 1 – City of Belmont Annual Compliance Audit Return Compliance Rates.



FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COMMITTEE RECOMMENDATION

That:

- 1. The 2016 Compliance Audit Return, as provided in [Attachment 28](#) be received and adopted as a true and accurate representation of the outcomes of the audit of statutory activities***
- 2. That the Mayor and Chief Executive Officer be authorised to complete the 'Certified Copy of Return'***
- 3. In accordance with the Local Government (Audit) Regulations 1996, the certified 2016 Compliance Audit Return and a copy of the minutes relative to this report are forwarded to the Department of Local Government and Communities by 31 March 2017.***

**COMMITTEE RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12**

12.12 ACCOUNTS FOR PAYMENT – FEBRUARY 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 29 – Item 12.12 refers	<u>Accounts for Payment – February 2017</u>

Voting Requirement : Simple Majority
Subject Index : 54/007 – Creditors – Payment Authorisations
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and 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

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

A list of payments is presented to the Council each month for confirmation and endorsement in accordance with the *Local Government (Financial Management) Regulations 1996*.

Item 12.12 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

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*
- (c) the date of the payment*
- (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*, Regulation 12.

OFFICER COMMENT

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

Municipal Fund Cheques	787276 to 787305	\$276,647.93
Municipal Fund EFTs	EF048471 to EF048947	\$3,947,607.03
Municipal Fund Payroll	February 2017	\$1,491,235.74
Trust Fund EFTs	EF048101 to EF048103	\$177,674.06
Total Payments February 2017		<u>\$5,893,164.76</u>

Item 12.12 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for February 2017 as provided under [Attachment 29](#) be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.13 MONTHLY ACTIVITY STATEMENT AS AT 28 FEBRUARY 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 30 – Item 12.13 refers	<u>Monthly Activity Statement as at 28 February 2017</u>

Voting Requirement	:	Simple Majority
Subject Index	:	32/009-Financial Operating Statements
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>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.</i> |

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

The following report includes a concise list of material variances and a Reconciliation of Net Current Assets at the end of the reporting month.

Item 12.13 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

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(1) requires a monthly Statement of Financial Activity reporting on revenue and expenditure.

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 Comments section.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires that financial statements are presented on a monthly basis to Council. Council has adopted ten 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 revenue and expenditure 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 12.13 Continued

Previous amendments to the Regulations fundamentally changed the reporting structure which requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based.

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 e.g. tied grants.*

****Based on a materiality threshold of 10 percent of the budgeted closing balance as previously adopted by Council.*

In order to provide more details regarding significant variations as included in [Attachment 30](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Transfer To Reserve	Nil	52,684	Actual relates to a donation which was transferred to the History Reserve.
Belmont Oasis	136,300	37,905	Equipment upgrades to the Oasis are currently being undertaken.
Grounds Operations	1,779,635	1,998,657	Budget spread issue regarding Bilya Kard Boodja (BKB) upgrade.
Road Works	3,967,729	2,593,590	Budget spread issue regarding projects.
Footpath Works	438,750	374,002	Projects are generally tracking well with invoices paid in arrears.
Drainage Works	599,114	397,867	Projects are generally tracking well with invoices paid in arrears.
Operations Centre	818,889	298,371	Relates to plant that is currently on order.
Building Operations	2,145,227	1,361,286	Variance mainly relates to the new Community Centre and Miles Park.
Technical Services	114,140	33,417	Relates to fleet that is currently on order.
Expenditure - Operating			
Computing	1,542,475	1,638,455	The purchase of software occurred earlier than expected.
Marketing & Communications	1,078,564	990,533	Employee related, printing and annual survey costs are currently under budget.
Executive Services	1,178,368	1,051,818	Employee related costs are currently under budget.
Chief Executive Officer	655,413	570,594	Consulting costs are currently under budget.
Governance	2,361,535	2,200,850	Activity Based Costing (ABC's) allocations are below budget.
Accommodation Costs	535,270	469,591	Variance mainly relates to outstanding utility expenses.
Health	880,965	723,878	Employee related and agency costs are currently under budget.

Item 12.13 Continued

Report Section	Budget YTD	Actual YTD	Comment
Aboriginal Strategies	173,266	121,903	Employee related costs are currently under budget.
Community Services	576,879	521,571	Employee related and agency costs are currently under budget.
Belmont HACC Services	1,765,030	1,657,457	Employee related costs and internal expense allocations are below budget.
Town Planning	2,207,940	1,890,872	Variance mainly relates to consultants.
Sanitation Charges	3,408,671	3,495,345	Annual sanitation costs are expected to be on budget.
Community & Recreation Service	726,347	648,955	Variance mainly relates to Silversport contributions.
Grounds Operations	3,351,218	3,158,441	Parks maintenance costs are currently under budget.
Streetscapes	835,968	660,542	Street tree pruning costs are currently under budget.
Drainage Works	189,200	335,302	Drainage maintenance programmes are ahead of schedule.
Building Control	904,574	828,239	Employee related and agency costs are currently under budget.
Public Works Overheads	1,090,589	979,160	Employee costs are currently under budget.
Plant Operating Costs	720,470	667,466	Variance mainly relates to fuel costs being under budget.
Technical Services	1,762,544	1,536,163	Employee and consulting costs are currently under budget.
Revenue - Capital			
Grounds Operations	(50,000)	(937,204)	Income (BKB) received earlier than expected.
Road Works	(2,610,779)	(1,938,051)	Budget spread issue regarding grant income.
Operations Centre	(286,574)	(103,789)	Variance relates to outstanding plant sales.
Building Operations	Nil	(116,527)	Grant income received earlier than expected.
Revenue - Operating			
Computing	(1,516,345)	(1,638,455)	ABC recoveries are above budget.
Insurance	(956,697)	(846,764)	Insurance premiums were less than anticipated.
Rates	(46,049,937)	(46,364,695)	Residential and ex-gratia interim rates are above budget.
General Purpose Income	(618,452)	(751,215)	Reimbursement of ESL has resulted in additional income.
Financing Activities	(667,622)	(588,271)	Monthly variances are expected due to the timing of term deposits maturing.
Town Planning	(1,210,304)	(746,101)	Variance mainly relates to application fee income.
Sanitation Charges	(5,677,467)	(5,764,535)	Slightly above due to the increasing number of dwellings.
Ruth Faulkner Library	(35,100)	(86,423)	Variance relates to a donation from the Belmont Historical Society.
Grounds Overheads	(977,439)	(856,957)	Overhead recoveries are below budget.
Plant Operating Costs	(981,576)	(814,422)	Plant recoveries are under budget.
Technical Services	(309,935)	(253,418)	ABC recoveries are under budget.

Item 12.13 Continued

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.

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 28 February 2017	\$	Comment
Cash and investments	66,061,174	Includes municipal and reserves
- less non rate setting cash	(40,770,640)	Reserves
Receivables	4,907,722	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(832,248)	ESL Receivable
Stock on hand	232,475	
Total Current Assets	29,598,482	
Current Liabilities		
Creditors and provisions	(7,834,374)	Includes ESL and deposits
- less non rate setting creditors & provisions	3,564,107	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(4,270,268)	
Nett Current Assets 28 February 2017	25,328,215	
Nett Current Assets as Per Financial Activity Report	25,328,215	
Less Restricted Assets	(585,920)	Unspent grants held for specific purposes
Less Committed Assets	(24,242,294)	All other budgeted expenditure
Estimated Closing Balance	500,000	

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 environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 28 February 2017 as included in [Attachment 30](#) be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 7.59pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 28 March 2017 were confirmed as a true and accurate record at the Ordinary Council Meeting held 26 April 2017:

Signed by the Person Presiding: _____



PRINT name of the Person Presiding: _____

PHILIP MARKS