



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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16 April 2019

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Confidential Tabled Attachment 1 – Item 14.1 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 M Bass	East Ward
Cr B Ryan	East Ward
Cr J Davis	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward
Cr L Cayoun	West Ward
Cr G Sekulla, JP	West Ward

IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Mr A Sheridan	Director Infrastructure Services
Ms AM Forte	Executive Manager People and Organisational Development
Mr W Loh	A/Director Community and Statutory Services
Mr J Olynyk, JP	Manager Governance
Ms L Bradley	Manager Marketing and Communication
Mr J Pol	Manager Building Services
Ms S De La Cruz	A/Manager Community Placemaking
Mrs M Lymon	Principal Governance and Compliance Advisor
Mr D MacPherson	Coordinator – Building Operations
Ms D Morton	Media and Communications Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

7.00pm **The Presiding Member welcomed all those in attendance and declared the meeting open.**

The Presiding Member read the Acknowledgement of Country.

Before I begin I would like to acknowledge the traditional owners of the land on which we are meeting today, the Noongar Whadjuk people, and pay respect to Elders past, present and future leaders.

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

Mrs J Hammah (Apology)

Director Community and Statutory Services

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

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

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

7.02pm The Presiding Member drew the public gallery's attention to the Disclaimer.

The Presiding Member advised the following:

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.

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 P HITT, 14 MCLACHLAN WAY, BELMONT

The following questions were taken on notice at the 26 March 2019 Ordinary Council Meeting. Mr Hitt was provided with a response on 4 April 2019. The response from the City is recorded accordingly:

1. During the last three weeks I have reported on a number of occasions at your customer/information counter, rubble and sand being spread over the footpath at 79 Oats Street. I stated my concerns, this obstruction formed a very real risk to the safety of sight impaired residents and people with physical disabilities and the aged. I note that Council staff and Officers use this transit route on numerous occasions and it would seem they are oblivious to such an obvious health and safety hazard in their immediate area. I ask why has this hazard been allowed to be left in situ for so long without any action being taken or if action was taken by Council, why has this issue been allowed to continue, to present a real risk to the health and safety of residents of Belmont? Is the lack of action on behalf of Officers an indicator of poor management or an indicator of how people with disabilities and the aged are valued within the City of Belmont?

Response

The City's records have failed to find any report of sand and rubble at 79 Oats Street, Kewdale. Officers have investigated and there was some sand over part of the footpath. The required action has been taken to make it safe. The site will be monitored to ensure it remains as safe as possible.

2. You may also check your customer/information counter records that I have reported numerous cases of dumped settees, chairs, beds etc. on major roads. As a resident why do I have to report these instances of dumping when Council staff and Officers drive past them every day? What do your Rangers and Community Watch do? As the items in many cases are obvious and cannot be missed, why are your Officers and staff not reporting this illegal dumping?

Response

The City's records indicate that you submitted five complaints in regards to dumping from 2017 to the current date. The most recent of these complaints was received on 1 February 2019 for three properties on Durban Street, Gabriel Street and Knutsford Avenue.

Rangers investigated these complaints and, after being unable to identify the culprits, arranged for the material to be removed shortly afterwards.

City Officers, Rangers and Operations Centre staff as a matter of course proactively deal with such incidents, however these types of incidents are unfortunately common and ongoing. Matters can also be raised with Community Watch Officers to ensure prompt reporting.

Ongoing reminders are provided to all staff through the monthly Team Brief about prompt reporting or dealing with dumping incidents. Notwithstanding that the community are also an important source of information where incidents occur.

5.1.2 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE

The following question was taken on notice at the 26 March 2019 Ordinary Council Meeting. Ms Gee was provided with a response on 3 April 2019. The response from the City is recorded accordingly:

1. Can Council look at the trees on Oakland Avenue. These trees have not been trimmed in many years.

Response

Oakland Avenue was inspected on 2 April 2019 which confirmed that powerline pruning and non-powerline pruning had been completed on 7 March 2019.

5.1.3 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

The following question was taken on notice at the 26 March 2019 Ordinary Council Meeting. Ms Hollands was provided with a response on 3 April 2019. The response from the City is recorded accordingly:

1. What is the budget amount allocated for planting and how many trees?

Response

The 2018/2019 budget allowance for street tree planting is \$195,219. The number of trees the City has planted since 2017 is as follows:

2017 – 607 trees planted

2018 – 988 trees planted

2019 – 1005 trees planted or proposed to be planted by the end of winter.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Presiding Member advised that Public Question Time during Council meetings is audio recorded for minute verification purposes and requested that the Governance Officer commence recording.

7.03pm 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 Presiding Member advised that he had registered one member of the public who had given prior notice to ask questions.

The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. Three further registrations were forthcoming.

5.2.1 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE ON BEHALF OF BELMONT RESIDENTS RATEPAYERS ACTION GROUP

1. At the last Council meeting there were questions asked about the cost of our street trees. The figures quoted for this year were 1,005 trees to be planted or proposed to be planted by end of winter at a cost of \$195,219. In these figures is this just the cost for buying the trees or is there other costs built into that figure?

Response

The Chief Executive Officer advised his understanding is the figure quoted includes purchase, labour, planting, materials, watering and maintenance of the trees.

2. What nursery or nurseries supply these trees and are they a preferred supplier of WALGA?

Response

The Chief Executive Officer advised that the question would be taken on notice.

3. The City has an arborist who decides the type of trees needed. Apart from the different trees such as gums etc. for the different streetscapes what particular things are required in the purchase of suitable trees? I have been previously told there are requirements and they are specifically grown for us.

Response

The Chief Executive Officer advised that there are a number of requirements, including type and species and size of the trees, whether that be 45 litres, 100 litres, or above. The question will be taken on notice to enable the Arborist to provide a more detailed response.

4. Has the City ever shopped around with Perth nurseries to see if we are getting a good deal on the cost of these trees given it is a larger order than the average householder would buy?

Response

The Chief Executive Officer advised there may be a tender for the supply of trees but this is dependent on the species of trees that are required and whether particular nurseries have them, so other nurseries are contacted. However, the question will be taken on notice.

Item 5.2.1 Continued

5. Given the City has been recently named as one of the hottest places in Australia and on the CoB Urban Forest Strategy booklet of 2014, it keeps referring to development as being one of the major causes of tree loss, when will the CoB be making local policies for trees and development?

Response

The Chief Executive Officer advised that the Urban Forest Policy is on the agenda tonight. That will guide the direction for canopy cover and urban heat island effect. Planning policies will consider the State Government plan for tree retention on private land when development occurs sometime in the future. The City does not currently have a policy relating to private land.

6. Why are we named as one of the hottest places and have no local policy on trees and development when other areas such as Stirling can make them and get them approved at a state level?

Response

The Chief Executive Officer advised that the City is currently in the process of reviewing this matter and the Director Community and Statutory Services provided an extensive explanation on this matter at the 26 March 2019 Ordinary Council Meeting. The City will carry out reviews as a part of the future development of the Urban Forest Strategy.

7. Has there been any update on the BRRAG request for the motion to review the insurances?

Response

The Chief Executive Officer advised that there is no update on this matter other than, as previously advised, Elected Members will be given an update on the City's insurances at an Information Forum on 30 April 2019.

5.2.2 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

1. Can I have a list of the duties of the CEO please?

Response

The Chief Executive Officer advised the list of duties of local government CEOs is extensive and he could not quote them all verbatim from the *Local Government Act 1995* or the position description. The question was taken on notice.

2. Review of the CEO performance. How often do they happen and how are they assessed? We have been at meetings recently where we have had complaints of rubbish littered all over verges and rubbish that is not being picked up and we have had complaints with dogs. I have personally made complaints of behaviour of Officers in the Planning Department.

Response

The Chief Executive Officer advised the Executive Committee review his performance on an annual basis. There is an interim review every six months, which is due to commence in April. The results of the interim review are reported to the Executive Committee, who then make a recommendation to Council and the same process is repeated for the annual appraisal which generally happens in August or September each year.

3. So they would look at things like complaints, will they come into it?

Response

The Presiding Member advised that everything will come into the review.

4. Mr Mayor, I replied to an email that you sent me on 18 February 2019 where you asked some questions in relation to the complaint I just referred to. How far has that gone and have you done anything with it.

Response

The Presiding Member advised that currently nothing has gone beyond that.

5. Are you likely to do anything with it?

Response

The Presiding Member advised no he was not.

5.2.3 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE

1. I sent all Councillors including the Mayor a letter. You are now recording question time and still got it wrong. I am making a statement that the question that I asked at the last Council meeting was recorded incorrectly and the answer was also recorded incorrectly. I did send this to all Councillors stating what the question was.

Response

The Chief Executive Officer advised that Ms Gee is not correct. Officers have listened to the recording of Public Question Time and transcribed what was said. The questions and responses recorded in the minutes were comprehensive and accurately reflected what was asked on the night and what was taken on notice by the Director.

2. Oakland Avenue has a side that does not have powerlines above it and is therefore not being pruned. I would like to know, there is a tree outside number 18 that has a branch halfway down that has fallen off the top and it is lodged. At some point, winds and everything else could knock that branch out. I asked that this be looked at and as far as I know on Sunday that still had not been done.

Response

The Chief Executive Officer advised that the response given on the night adequately answered Ms Gee's question in relation to trees under powerlines and trees not under powerlines and of the intention to take the question on notice to investigate the matter and take any required action. The answer given clearly identified the required response to Ms Gee's question.

3. Why does the answer sent to me say that non powerline pruning had been completed as well when that side of the street has never been pruned as far as the people who live there know, and that's 15 or 18 years?

Response

The Chief Executive Officer advised that the City prunes trees only when it is required. If pruning is not required, it will not be carried out.

4. The Urban Forest Policy is on the agenda tonight. I'd like to know how come we've got the policy now, the overarching policy, but you've got all these processes you say you have been doing for years. Under what policy did they originally come under?

Response

The Chief Executive Officer advised that there were City's Street Tree Policies in place. This is an overarching Urban Forest Policy to support the Urban Forest Strategy and the Canopy Plan that is currently under development.

5.2.4 MR P REDFERN, 31 WHITCHURCH ROAD, ASCOT GARDENS

1. The trees on my property are starting to look ugly after 20 years. I know if I start touching them I can get into trouble. I've got an immaculate yard and a scruffy tree. I am wondering whether pruning is going to take place in my area.

Response

The Director Infrastructure Services advised that the City does not have any control over trees on private property and owners can engage a contractor to prune their own trees. The City manages and looks after trees located on public property which includes road reserves.

2. I understand the front verge is Council property and the boundaries of my property runs from the letter box to the back fence. The tree is on the front verge.

Response

The Director Infrastructure Services advised that if a resident has a particular issue with a tree on the road reserve in front of their property, the City will investigate the issue and make a decision on whether any action is required.

The Urban Forest Policy is aimed at protecting and enhancing the canopy cover within the City. Council adopted a Strategy in 2014 and the policy is being reviewed tonight. An Urban Canopy Plan is being developed for the residents and future residents of the City to help make the City a more pleasant, safer and cooler place with all the benefits that trees bring to the community.

The Chief Executive Officer advised that the City's expectation is for residents to maintain verges adjacent to their properties. If Council were to undertake raking up leaves, jacaranda flowers and nuts that drop off box trees on all Council verges, there would be a significant increase in rates across the district. London Plane trees drop leaves for a period of approximately four to eight weeks per year, unlike eucalyptus trees which drop leaves, bark and nuts all year round.

3. I can't see why if they are pruning in the area they can't just come around and prune the trees in my area. There is no shape to them. There are also trees behind us on Epsom Avenue, between Daglish Road and Orpington Street, that are giant trees and leave a horrible mess now that autumn is coming to an end.

Response

The Chief Executive Officer reiterated that the City will inspect the trees in the areas mentioned and take any appropriate action.

4. There has been a fair bit of trouble in the area over the last few weeks. What are the chances of getting rid of the sand in the sandpits as people are finding needles from people shooting up on the sand? Also trees have grown up into the lights and are blocking the lights.

Response

The Chief Executive Officer advised that needles in the sand in children's' play areas is not ideal. The question will be taken on notice. The area will be visited and inspected, and any necessary action will be undertaken. Sand is the best soft fall in playgrounds, however it requires regular maintenance.

5. Are you people aware that there have also been fireworks happening in these areas in the last few nights and people are posting it on social media. Possible locations are the corner of Keymer and Ashworth Streets, Cloverdale and Jordan Street, Cloverdale.

Response

The Chief Executive Officer advised this is the first complaint he has received relating to fireworks. As Mr Redfern has provided locations, the City's Health Department can carry out an inspection and investigate the regulations around fireworks.

7.25pm As there were no further questions, the Presiding Member declared Public Question Time closed and requested that the Governance Officer cease audio recording.

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

- 6.1 ORDINARY COUNCIL MEETING HELD 26 MARCH 2019
(Circulated under separate cover)

OFFICER RECOMMENDATION

SEKULLA MOVED, WOLFF SECONDED,

That the Minutes of the Ordinary Council Meeting held on 26 March 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

- 6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 9 APRIL 2019
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, BASS SECONDED,

That the Matrix for the Agenda Briefing Forum held on 9 April 2019 as printed and circulated to all Councillors, be received and noted.

CARRIED 9 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 CAYOUN

Regarding the suspected drug use in the City's parks referred to during Public Question Time, is it possible for the City to provide additional security patrols at the times when these activities are occurring? Could the City also write to residents and remind them to advise the City when they encounter suspected drug activities?

Response

The Chief Executive Officer advised that the Coordinator Community Safety and the City's security patrols will be informed of the locations advised. As always with anti-social behaviour, the City encourages residents to contact the Police and the City's security patrols.

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 (ENVIRONMENTAL) HELD 25 MARCH 2019
(Circulated under separate cover)**

OFFICER RECOMMENDATION

WOLFF MOVED, RYAN SECONDED,

That the Minutes for the Standing Committee (Environmental) meeting held on 25 March 2019 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Rossi

Item 12.4 was withdrawn at the request of Cr Rossi

POWELL MOVED, DAVIS SECONDED,

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

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

**12.1 ALTERATION TO NON-CONFORMING USE OF MOTOR VEHICLE HIRE – LOT 784 (337)
GREAT EASTERN HIGHWAY, REDCLIFFE**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	<u>Schedule of Public Submissions</u>
Attachment 2 – Item 12.1 refers	<u>Development Application (Report and Plans)</u>

Voting Requirement	:	Simple Majority
Subject Index	:	115/001–Development/Subdivision/Strata– Applications and Application Correspondence
Location / Property Index	:	Lot 784 (337) Great Eastern Highway, Redcliffe
Application Index	:	212/2018/DA
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	Altus Planning
Owner	:	F Alvaro and V Chooi Fun Lee
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 development application to alter an existing non-conforming use of 'Motor Vehicle Hire' located at 337 Great Eastern Highway, Redcliffe.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

- The subject land currently operates under a non-conforming use right of 'Motor Vehicle Hire', subject to a condition that a maximum of 10 recreational hire vehicles are permitted to be kept on the property at any one time.
- The applicant is seeking a variation to this approval, to allow a maximum of 20 vehicles to be kept on the property at any one time. In addition, the applicant seeks to allow the hire of passenger vehicles (instead of recreational hire vehicles) and to include a 'shuttle bus' service.
- The application was referred to Main Roads WA as well as the surrounding property owners and occupiers for comment. Four submissions were received, two in support and two objecting to the proposal. The objections relate to the increase in vehicle movements, the potential for hire vehicles to be parked outside the property boundaries, and the potential impact on the future redevelopment of the area.
- The application to alter the existing non-conforming use is not considered to significantly increase vehicle movements to an extent that is inconsistent with a development of this scale on Great Eastern Highway. The proposed layout of the development and recommended conditions of development approval will ensure that the use will operate in a manner that will not prejudice the amenity of the locality.
- It is recommended that Council approve the application subject to conditions, including limiting the number of hire vehicles on site to 20 cars plus a shuttle bus service.

LOCATION

The subject site is located on Lot 784 (337) Great Eastern Highway, Redcliffe, near the junction of Lyall Street (refer Figure 1). Lot 784 has an area of 1,027 square metres.

The subject property is located alongside a variety of other commercial uses along Great Eastern Highway, including an office on the western side and an office and trade display use on the eastern side. The rear of the property abuts residential development.



Item 12.1 Continued

CONSULTATION

Category C applications are those that need external referrals from third parties and may also require statutory advertising, referral to neighbours or consideration by Council.

The application was referred to Main Roads Western Australia (MRWA) for comments as the subject application abuts Great Eastern Highway, which is reserved as a 'Primary Regional Road' under the Metropolitan Region Scheme.

MRWA was supportive of the proposal, subject to no parking, development or improvements occurring within the area of land shown as Lot 785 in Figure 2 below. Lot 785 is not within the subject property, and is reserved as 'Primary Regional Road', falling under the care and control of MRWA.



Figure 2: Extract MRWA plan detailing Lot 785 designated as Road Reserve

Item 12.1 Continued

The subject application was advertised to surrounding landowners and occupiers for 16 days, from 16 July 2018 to 31 July 2018 inclusive (refer to Figure 3 below). Advertising was undertaken in accordance with the requirements of Clause 64 (1) (a) of the *Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2 – Deemed Provisions*, which requires that any proposed changes to an existing non-conforming use be advertised.



Figure 3: Referral Area (owners and occupiers) – lots depicted in yellow

Submissions Received

At the conclusion of the advertising period, a total of four submissions were received; two in support and two objecting to the proposal. The objections related to the increase in vehicle movements and the impact on traffic and pedestrian safety, previous problems associated with hire vehicles being parked outside the approved site, and the potential impact on future redevelopment of the area.

The summary of public submissions is provided in [Attachment 1](#) and the relevant issues are discussed in the 'Officer Comment' section below.

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 LPS 15.

Item 12.1 Continued

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Strategic Framework

Draft Great Eastern Highway Urban Corridor Strategy

Council at its meeting of 22 May 2018 (Item 12.2) resolved to endorse the *Draft Great Eastern Highway Urban Corridor Strategy* for the purposes of public advertising.

The *Draft Great Eastern Highway Urban Corridor Strategy* is a planning document that establishes a vision for the Great Eastern Highway corridor and proposes a series of implementation strategies to ensure that the vision is realised.

The Strategy identifies four precincts along Great Eastern Highway and aims to provide area-specific guidance on their future growth and development in accordance with the urban design framework. The subject lot is located within Precinct 3 of the Strategy which includes the section of Great Eastern Highway between Hardey Road and Tonkin Highway.

The subject lot is located between Moreing Street and Lyall Street, which is identified as requiring the retention of the existing amount of employment floor space, with any redevelopment having rear access and rear parking. Built form within this area shall be low to medium scale to reflect the nature of the surrounding residential development, as well as the Perth Airport flight path restrictions (refer to Figures 4 and 5 below).

As no change is proposed to the building on the subject site, the development does not impact upon the draft Strategy.

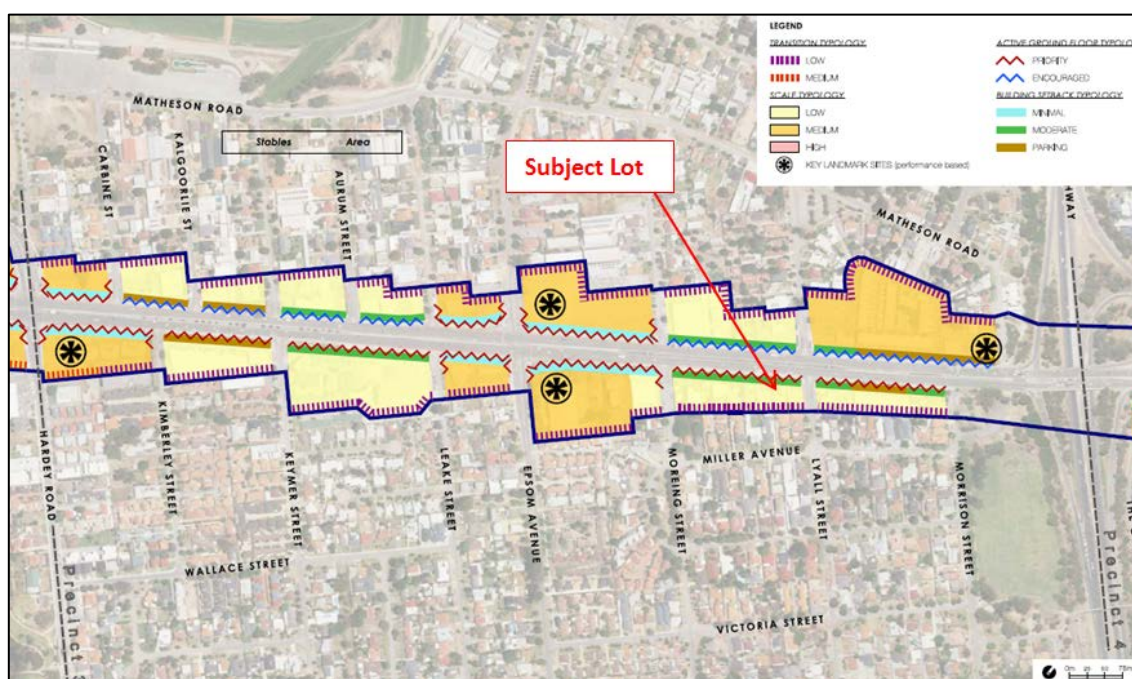


Figure 4 – Extract Great Eastern Highway Urban Corridor Strategy – Precinct 3 Built Form Typologies

Item 12.1 Continued

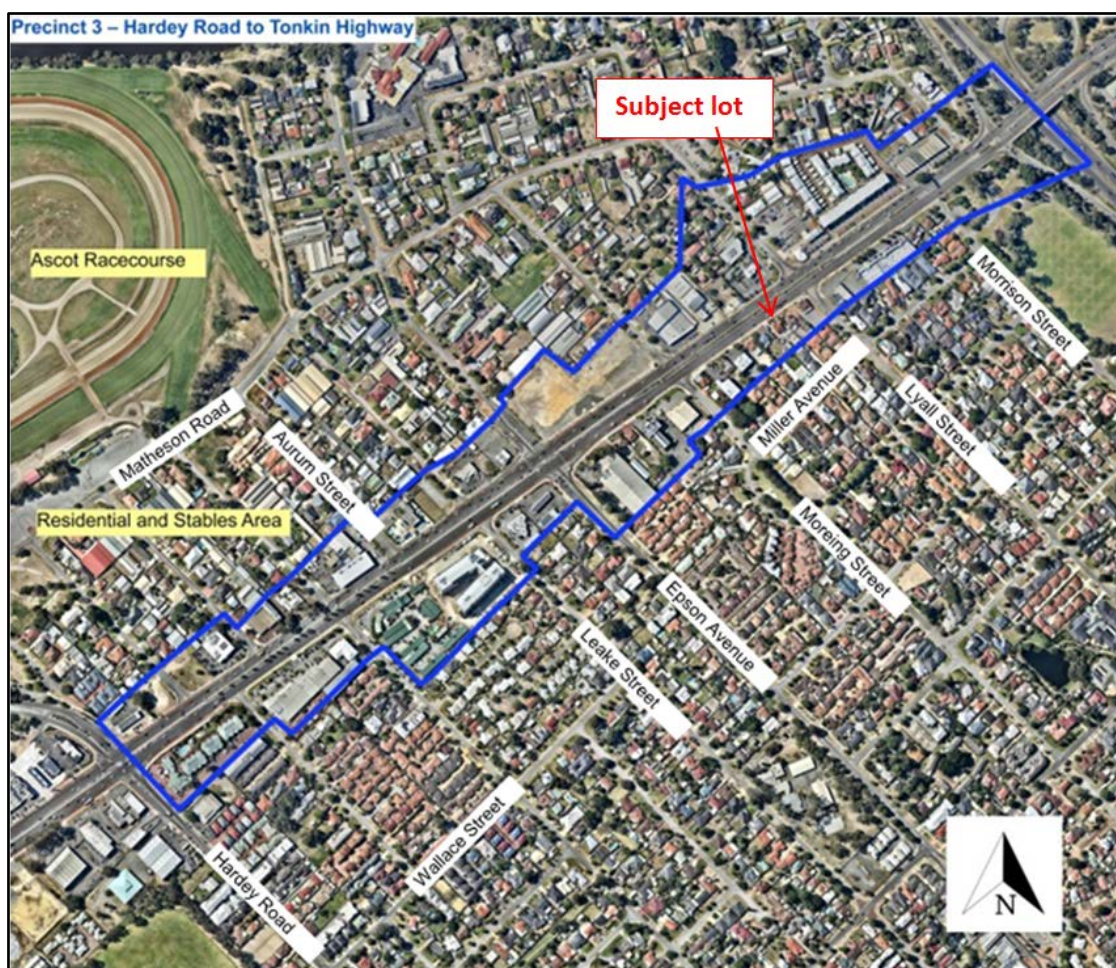


Figure 5: Extract Great Eastern Highway Urban Corridor Strategy - Precinct 3 Location Plan

Statutory Framework

City of Belmont Local Planning Scheme No. 15 (LPS 15)

Zoning and Land Use Permissibility

The subject site is zoned 'Mixed Use' under LPS 15. In accordance with Table 1 of LPS 15, a 'Motor Vehicle Hire' land use is an 'X' use. This means that the use is not permitted by the Scheme.

Notwithstanding the above, Clause 4.8 of LPS 15 provides for the continued use of any land for the purpose it was lawfully used prior to gazettal of the Scheme. In this instance, the existing land use of 'Motor Vehicle Hire' benefits from a non-conforming use right under the Scheme.

Clause 4.9 of LPS 15 requires that a person must not alter or extend a non-conforming use without having first applied for and obtained planning approval under the Scheme, after advertising of the proposal.

Item 12.1 Continued

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 of the *Regulations* states the matters to be considered by local government in determining a development application. In summary, the following matters are of particular relevance to this application:

- “(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...;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development;*
- (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 including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the 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.*
- (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.*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (y) any submissions received on the application.*
- (z) any other planning consideration the local government considers appropriate”.*

Deemed Refusal

Schedule 2, Clause 75 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* states that an application is ‘deemed to be refused’ if it is not determined within a 90 day period. The only exception is where there is a written agreement for a further time between the applicant and the City of Belmont.

The deemed refusal date for this application passed on 14 August 2018 and the applicant already has deemed refusal rights.

In this case, there is no written agreement for the statutory time period to be extended. It is noted that since receiving the subject application, the City has met with the applicant to request further information on their operations and to seek clarification on car parking arrangements. In several instances, further detail was required to be provided on the proposed development plans to allow for a complete assessment of parking and traffic movements to be carried out. A considerable delay has occurred as a result.

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:	16 May 2018	Use Class:	Motor Vehicle Hire - X Use (non-conforming use)
Lot Area:	1,027m ²	LPS Zoning:	Mixed Use
Estimated Value:	N/A	MRS:	Urban

Previous Approvals Relevant to this Application

As the development application proposes an alteration to a non-conforming use, it is necessary to consider the historical planning framework and development approvals associated with the subject property.

Town Planning Scheme No. 11 (TPS 11)

Under TPS 11 the subject property was zoned 'Business Enterprise'. Planning approval for the use of the site as a 'Motor Vehicle Hire Station' was granted on 12 September 1995. This approval limited the use of the site to allow for six (6) hire cars.

Town Planning Scheme No. 14 (TPS 14)

TPS 14 was gazetted on 10 December 1999. The gazettal of TPS 14 changed the zoning of the property to 'Mixed Use'. TPS 14 also designated the land use of 'Motor Vehicle Hire' as a 'X' use. This meant that the use could continue, but any subsequent development of the use had to be considered under the Scheme provisions for a non-conforming use.

Subsequently, planning approval was granted on 12 January 2006 increasing the number of hire vehicles allowed on the site to 10 hire vehicles at any one time. The conditions of approval restricted the use to the hire of 'Recreational Vehicles' only, which included four-wheel drives, campervans and motor homes but did not include passenger cars, trucks, buses, tractors, cranes, commercial vehicles, boats or any other vehicle.

Local Planning Scheme No. 15 (LPS 15)

LPS 15 was gazetted on 1 December 2011 and the 'Motor Vehicle Hire' use continues to operate under the provisions of a non-conforming use.

Existing Development

The subject property is characterised by an existing building used as an office for the car rental operations. Access to the subject premises is taken from the existing crossover to Great Eastern Highway. Two display bays for the business operation exist at the front of the property. A shed is located at the rear of the property and used as a washdown bay for hire vehicles. The rear of the property is used for the storage of hire vehicles.

Item 12.1 Continued

Proposal

Since the 2006 approval (which allowed a maximum of 10 recreational hire vehicles on the property at any one time) a vehicle hire business was operating from the site. More recently, a new car hire business has commenced operations and started storing more hire vehicles on site.

This breach was brought to the attention of Atlas Car and Truck Rental, who have submitted the subject application in order to rectify this situation.

The application seeks to alter the non-conforming use right of 'Motor Vehicle Hire' as follows:

- Increase the number of hire vehicles on site from 10 to 20 vehicles plus a shuttle bus;
- Remove the restriction on passenger cars; and
- Alter the car parking layout for hire vehicles parked within the front setback of the property and the car parking layout to the rear of the existing office building.

In support of the development application (refer [Attachment 2](#)), the applicant has provided the following information:

- Hours of operation are 7:00am to 5:00pm, seven (7) days per week;
- A maximum of three (3) staff on site at any one time; one utilises public transport and two are provided with vehicles;
- Approximately 90% of customers are fly-in fly-out from Perth Airport and are brought to and from the site using the company's free shuttle bus service. Bays 19 and 20 are designated for the hire vehicle return and collection area;
- In terms of the timing and duration of vehicle collections, the average vehicle collection process takes 10 to 15 minutes. This will vary depending on flight arrival times and numbers of customers;
- Deliveries for the operation are minimal with small vehicles utilising the existing driveway. No car carriers arrive on site; and
- No alterations to the existing building are proposed and the building is to remain as an office for administration purposes. The application does not propose any changes to setbacks, lot coverage, building façade, fencing or walls.

As illustrated on the development plan (Figure 6 below), the proposed parking layout will accommodate bays for staff parking and display of vehicles, as well as a hire car return and collect area, a visitor bay and a shuttle van drop off / pick up bay. To the rear of the property, bays will be allocated for the storage of hire vehicles that are not currently in demand, and behind the office will be parking for hire vehicles that have been booked to be hired out.

Item 12.1 Continued

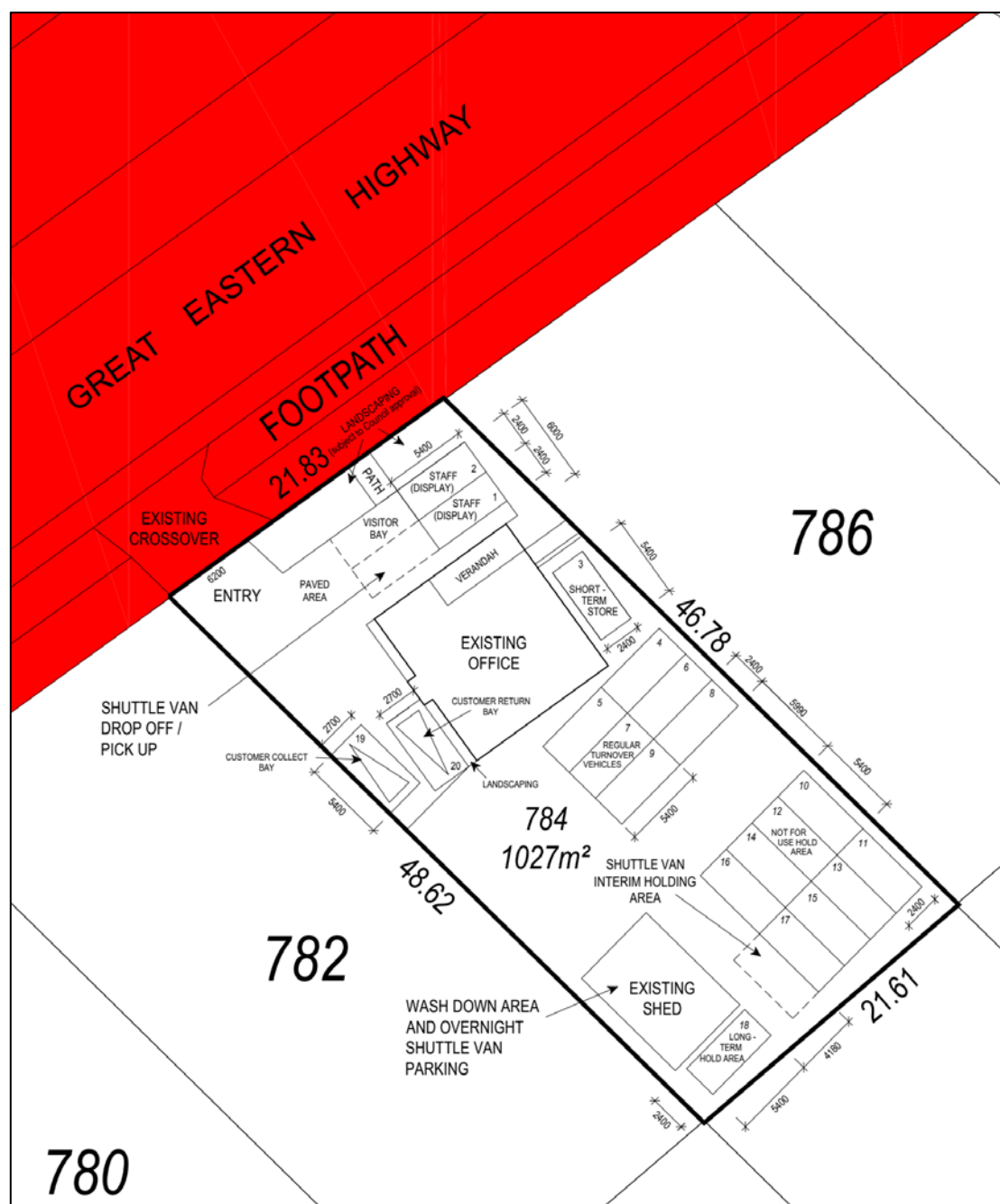


Figure 6: Proposed Parking Allocation

Item 12.1 Continued

OFFICER COMMENT

Matters Raised in the Submissions

Submissions received during public advertising raised concerns regarding:

- Increased traffic movements creating vehicle/pedestrian conflict;
- Vehicles associated with the premises parking on surrounding streets; and
- Noise concerns.

These matters are addressed below.

Traffic Movements

Proposed Change in Vehicle Type

The previous approval required that a maximum of 10 recreational hire vehicles be kept on the property at any one time. This limit of 10 vehicles was derived due to the comparatively large size of recreational hire vehicles (which can include campervans, recreational vehicles and motor homes) and the resultant need for more room for parking and circulation on site.

The subject proposal seeks to allow for the hire of passenger cars, which are typically smaller in size. For the purposes of this application, a 'Passenger Vehicle' is considered to be a 'B99 Vehicle' as defined in the Australian Standards for off-street car parking (currently *AS/NZS 2890.1:2004 – Parking Facilities Part 1: Off-Street Car Parking*).

The Australian Standards refer to a B99 Vehicle as having a maximum 5200 x 1940 mm dimension. This size of vehicle can be accommodated within the proposed parking bays and can manoeuvre within the site. On the basis that a B99 vehicle can more easily be manoeuvred on the property than a recreational vehicle, the proposal to park and store passenger hire cars on site is considered appropriate.

If Council determines to approve this application, a condition has been recommended to specify that a passenger hire vehicle must fall within the B99 Vehicle requirements of the Australian Standards.

Proposed Increase in Number of Vehicles

To determine if permitting an increase in the number of vehicles (from 10 to 20) is appropriate, it is necessary to consider that passenger hire cars are smaller, resulting in a reduction in area required per vehicle on site for parking and manoeuvring. The proposed development plans also demonstrate that 20 passenger hire cars can be accommodated on site. It is noted that although the bays proposed at the rear of the site are not compliant with the Australian Standards for parking and access, a variation is supported as these bays are only for the storage of vehicles. Vehicles stored at the rear of the property will be manoeuvred by staff instead of customers, and are not intended to be moved regularly.

It is further noted that MRWA is supportive of the proposal, despite the increase in the number of vehicles proposed on site.

Item 12.1 Continued

It is considered that the 20 vehicles associated with the Motor Vehicle Hire business will not generate vehicle movements that are inconsistent with what would ordinarily be expected of a development along Great Eastern Highway. As an example, a development such as a Medical Centre with five practitioners may be considered appropriate on the site. Such a development would also generate a requirement for 20 car parking bays under the Scheme. It is reasonable to expect that a significant number of vehicle movements throughout the day will be generated from patients visiting the medical centre.

Having regard for the above, it is considered that the proposed increase in the number of hire vehicles will not adversely impact on the amenity of the locality.

It is noted that there is a designated and clearly defined pedestrian footpath along Great Eastern Highway. The turning areas provided on site also allow vehicles to access and egress the site in forward gear. This is considered to adequately provide for pedestrian safety.

Vehicles Parking on Surrounding Streets

In regard to the concerns raised regarding vehicles parking outside the lot boundary, a condition is recommended requiring the parking of all vehicles associated with the proposed land use to occur wholly within the subject property. This is considered to be a reasonable planning condition because it will contain Motor Vehicle Hire activities within the site, and will ensure the any impacts on the amenity of the surrounding locality are mitigated.

If hire vehicles are parked in the surrounding streets, this will be a breach of the conditions of planning approval and will result in compliance action being undertaken by the City.

Furthermore, all vehicle parking is required to comply with the City of Belmont Parking and Parking Facilities Local Law 2002 which restricts vehicles stopping or parking on a verge, footpath or blocking pedestrian/crossover access.

Noise

Concerns were also raised regarding excessive noise being generated from the property, including loud music being played on weekends and the rear shed door banging in the wind. These concerns do not relate to the proposal to change the type of vehicles, or increase the number of vehicles on site.

In any event, the premises will be required to comply with the *Environmental Health (Noise) Regulations 1997*, which places limits on the acceptable level of noise emissions. Different criteria are applied to noise emissions depending on whether the noise generated is occurring on a weekday or the weekend, and/or during the day or night.

The proposed changes to the Motor Vehicle Hire land use in itself does not generate an unreasonable level of noise to warrant refusal of the application. Adjoining landowners and occupiers will be informed of Council's decision, and will have the opportunity to notify the City if they are subject to any unacceptable noise emissions from the subject site.

Item 12.1 Continued

Other Matters

Wash Down Bay

An existing wash down bay is located on site. The applicant has advised that there are between 15-20 vehicle washes undertaken each day within the wash down bay.

It is noted that a Trade Waste Permit for the wash down bay has been granted by the Water Corporation, however there is no development approval for the wash bay on the City's records.

The wash down bay is considered an acceptable component of the overall operations and will not adversely impact on other aspects of the proposed development. A condition relating to the wash down bay operation and associated treatment system has been recommended to ensure that waste water is discharged appropriately.

Landscaping

Part 5.11.1 (f) of LPS 15 requires no less than 3 metres of the primary street frontage building setback area to be set aside, developed and maintained as garden space for pedestrian use only.

While the applicant has provided a proposed landscaping plan as part of their application, further information is required to be provided (including an irrigation plan, and amendments to the number and type of species proposed). Therefore a condition has been recommended requiring the applicant to prepare and submit a landscaping plan to the satisfaction of the City.

Conclusion

It is considered that the proposed development will not adversely impact upon the amenity of the area. It is proposed to allow only for the hire of passenger cars from the premises instead of larger recreational vehicles.

An increase in the number of hire vehicles to be kept on site from 10 to 20 is considered appropriate on the basis that adequate manoeuvring area for the vehicles is provided on site.

The proposed development plans allow for the storage of hire vehicles to the rear of the property and more suitable access, egress and parking arrangements. The applicant has demonstrated that all vehicle movements and activities associated with the business can be accommodated on site.

It is recommended that conditional approval be granted for the development.

FINANCIAL IMPLICATIONS

If the application is refused, or the applicant is aggrieved by any conditions of development approval, the applicant may lodge a review of the decision with the State Administrative Tribunal. If a review of the decision is lodged, there may be costs involved in defending the decision, particularly if legal Counsel is engaged.

Item 12.1 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- A. Approve development application 212/2018 as detailed in plans dated 5 December 2018 and 30 January 2019 submitted by Altus Planning on behalf of the owner F Alvaro and V Chooi Fun Lee for 'Alteration to a Non-Conforming Use – Motor Vehicle Hire' at Lot 784 (No 337) subject to the following conditions:
1. Development/land use shall be in accordance with the attached approved plan(s) dated 5 December 2018 and 30 January 2019 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 Manager Planning Services.
 2. The vehicles for hire on site shall be limited to 'B99 Vehicles' only, as defined within the Australian Standards (AS/NZS 2890.1:2004 – Parking Facilities Part 1: Off-Street Car Parking).
 3. A maximum of 20 hire vehicles are permitted on site at any one time, including hire cars being displayed.
 4. All parking associated with the 'Motor Vehicle Hire' land use shall occur wholly within the subject site.
 5. The designated visitor parking bay and shuttle bus bay shall not be used for the parking or display of hire vehicles.
 6. No parking of staff vehicles or hire vehicles shall occur other than in the bays marked on the approved plan.
 7. No car carriers or tow trucks shall be used to deliver/collect motor vehicles to/from the site at any time other than to collect motor vehicles that are deemed unroadworthy.
 8. Provision to be made so that all vehicles can ingress and egress the site in forward gear. No reversing of vehicles to or from the site via a public road is permitted.
 9. All ingress and egress into the site is to occur utilising the existing crossover to Great Eastern Highway.
 10. No mechanical repairs shall be carried out on the lot.

Item 12.1 Continued

11. A landscaping and irrigation plan for the upgrade of the existing landscaping is to be prepared and submitted within three months of the date of this development approval to the City.
12. Landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan for a minimum period of 12 months to the satisfaction of the City's Manager Parks and Environment.
13. Prior to commencement of the use, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
 - (a) The approved plan;
 - (b) Schedule 11 of City of Belmont Local Planning Scheme No. 15; 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.

14. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
 15. All stormwater from roofed and paved areas shall be collected and disposed of via piped connection to the existing system on the site in accordance with the City of Belmont's engineering requirements and design guidelines. Any existing drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction.
 16. Fencing and walls within the primary street frontage, including fences and walls along the primary street boundary, are not permitted unless a separate planning approval is granted by the City of Belmont.
 17. Waste water from the vehicle/mechanical wash bay is to be discharged into the reticulated sewage system.
- B. Write to adjoining landowners and occupiers advising them of Council's decision.

Item 12.1 Continued

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, RYAN SECONDED,

That Council:

A. Approve development application 212/2018 as detailed in plans dated 5 December 2018 and 30 January 2019 submitted by Altus Planning on behalf of the owner F Alvaro and V Chooi Fun Lee for 'Alteration to a Non-Conforming Use – Motor Vehicle Hire' at Lot 784 (No 337) subject to the following conditions:

- 1. Development/land use shall be in accordance with the attached approved plan(s) dated 5 December 2018 and 30 January 2019 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 Manager Planning Services.***
- 2. The vehicles for hire on site shall be limited to 'B99 Vehicles' only, as defined within the Australian Standards (AS/NZS 2890.1:2004 – Parking Facilities Part 1: Off-Street Car Parking).***
- 3. A maximum of 18 hire vehicles are permitted on site at any one time.***
- 4. All parking associated with the 'Motor Vehicle Hire' land use shall occur wholly within the subject site.***
- 5. The four (4) vehicle bays in the building setback area shall only be used as follows:***
 - (a) Staff parking (2 bays)***
 - (b) Visitor parking (1 bay)***
 - (c) Shuttle bus pick-up/drop-off (1 bay)***

The bays shall be marked accordingly, and must not be used for the parking or display of hire vehicles.

- 6. No parking of staff vehicles or hire vehicles shall occur other than in the bays marked on the approved plan.***
- 7. No car carriers or tow trucks shall be used to deliver/collect motor vehicles to/from the site at any time other than to collect motor vehicles that are deemed roadworthy.***
- 8. Provision to be made so that all vehicles can ingress and egress the site in forward gear. No reversing of vehicles to or from the site via a public road is permitted.***
- 9. All ingress and egress into the site is to occur utilising the existing crossover to Great Eastern Highway.***
- 10. No mechanical repairs shall be carried out on the lot.***
- 11. A landscaping and irrigation plan for the upgrade of the existing landscaping is to be prepared and submitted within three months of the date of this development approval to the City.***

Item 12.1 Continued

- 12. Landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan for a minimum period of 12 months to the satisfaction of the City's Manager Parks and Environment.**
- 13. Prior to commencement of the use, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:**
 - (a) The approved plan;**
 - (b) Schedule 11 of City of Belmont Local Planning Scheme No. 15; 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.

- 14. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.**
 - 15. All stormwater from roofed and paved areas shall be collected and disposed of via piped connection to the existing system on the site in accordance with the City of Belmont's engineering requirements and design guidelines. Any existing drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction.**
 - 16. Fencing and walls within the primary street frontage, including fences and walls along the primary street boundary, are not permitted unless a separate planning approval is granted by the City of Belmont.**
 - 17. Waste water from the vehicle/mechanical wash bay is to be discharged into the reticulated sewage system.**
- B. Write to adjoining landowners and occupiers advising them of Council's decision.**

CARRIED 9 VOTES TO 0

Reason:

It is necessary to provide at least two (2) dedicated parking bays on the property for staff.

**12.2 CHANGE OF USE FROM SINGLE HOUSE TO USE NOT LISTED – HOLIDAY HOUSE AT
LOT 10 (75A) MORRISON STREET, REDCLIFFE**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3 – Item 12.2 refers	<u>Property Management Plan</u>
Attachment 4 – Item 12.2 refers	<u>Schedule of Submissions</u>
Attachment 5 – Item 12.2 refers	<u>Development Plans</u>

Voting Requirement : Simple Majority
Subject Index : 115/001–Development/Subdivision/Strata–
Applications and Application Correspondence
Location / Property Index : Lot 10 (75A) Morrison Street, Redcliffe
Application Index : 15/2019/DA
Disclosure of any Interest : Nil.
Previous Items : N/A
Applicant : A L Fernando
Owner : A L Fernando
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 development application for a Change of Use from a 'Single House' to a 'Holiday House' at Lot 10 (75A) Morrison Street, Redcliffe.

Item 12.2 Continued

SUMMARY AND KEY ISSUES

- The application seeks approval for a Change of Use from a 'Single House' to a 'Holiday House' at Lot 10 (75A) Morrison Street, Redcliffe. The proposal is for the house to be occupied by up to six guests.
- The application was advertised to adjoining landowners and occupiers for a period of 14 days, during which time one objection was received. The objection raised concerns that the proposal will negatively impact neighbourhood amenity by encouraging anti-social behaviour and impacting the residential character of the neighbourhood.
- The applicant has provided a Property Management Plan (refer to [Attachment 3](#)) which outlines rules and regulations to protect the amenity of adjoining neighbours and ensure the property is kept in a neat and presentable manner. The Property Management Plan addresses the issues raised in the objection, as discussed further in the 'Officer Comment' section.
- It is considered that the proposed use is similar to the operation of a single house occupied by a single household, which accords with the intent for the 'Residential' zone.
- It is recommended that the Council approve the application subject to conditions.

LOCATION

The subject site is located on a battleaxe lot in Redcliffe. The 426 square metre site is zoned 'Residential R20' and features a mid-1990s built single house. The surrounding area features predominantly single houses on green title lots, as well as some grouped dwelling developments (refer Figure 1).

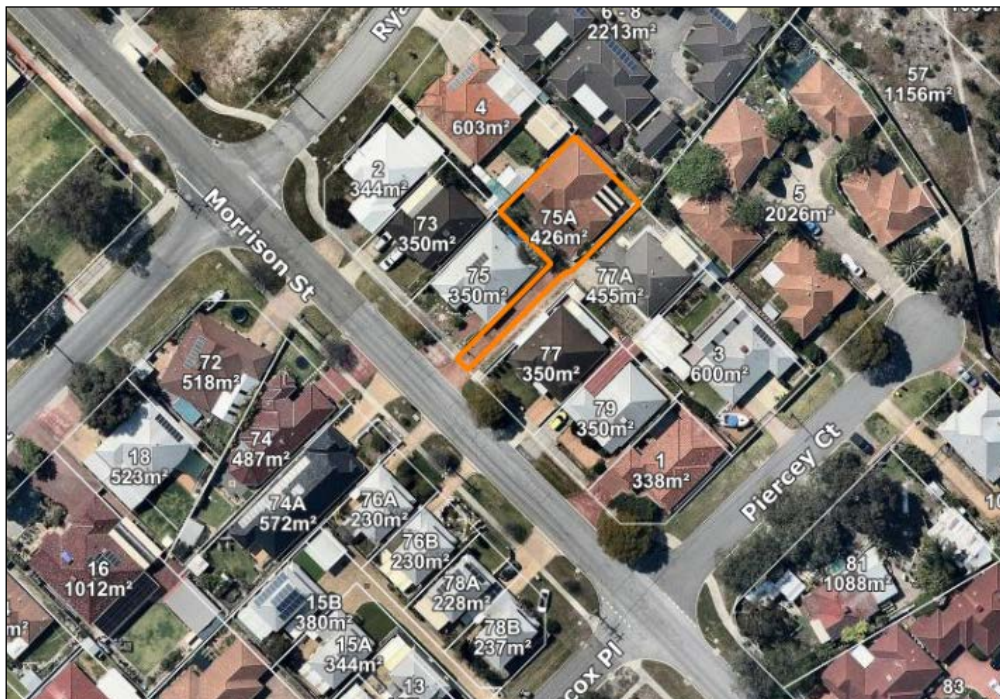


Figure 1 – Location Plan (Source: Nearmaps)

Item 12.2 Continued

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.

In accordance with Clause 64(1)(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015–Schedule 2–Deemed Provisions*, the application was required to be advertised, as a ‘Holiday House’ is not a land use listed in Table 1 of Local Planning Scheme No. 15 (LPS 15). The proposal was advertised to adjacent landowners for 14 days from 7 February 2019 to 20 February 2019 inclusive (refer Figure 2).

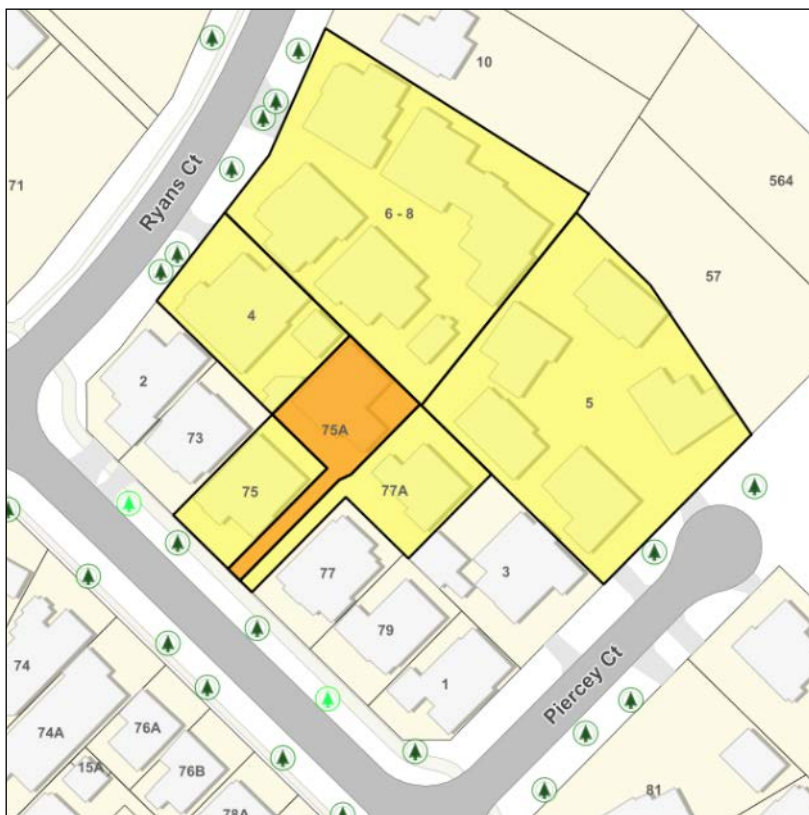


Figure 2: Referral Area (Owners and Occupiers)

Submissions Received

One submission objecting to the proposal was received. The main concerns raised in the submission are as follows:

- The proposed use detracts from the residential character of the area.
- The land use negatively impacts the safety and security of the area.
- The owner/operator will not be able to control tenant behaviour.
- A precedent is being set for other properties in the area to be used in a similar manner, which is not desirable.

Item 12.2 Continued

A table detailing the issues raised and the corresponding Officer comment is included in [Attachment 4](#). The main issues raised are also further discussed in the Officer Comments section below.

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 LPS 15.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*—Schedule 2—Part 9 sets out the matters to be considered by the local government when determining an application for development approval. The following matters are considered to be of particular relevance to the subject application:

- “(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;*
- (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 including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following:*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development.*
- (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.*
- (y) any submissions received on the application.”*

Item 12.2 Continued

City of Belmont Local Planning Scheme No. 15

The application proposes to use the existing dwelling as a 'Holiday House' to provide short stay accommodation to no more than six people during any one stay. Local Planning Scheme No. 15 outlines the following definitions of a 'Holiday House' and 'Short-Stay Accommodation':

A '**Holiday House**' means a single dwelling *on one lot used to provide short-term accommodation but does not include a bed and breakfast.*

Short Stay Accommodation means the accommodation of short stay guests providing on site facilities for the convenience of guests and, management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period, and excludes any other use falling within a use class specifically defined in this Scheme.

Local Planning Scheme No. 15 states that the intent of the Residential Zone is:

'...to increase the population base of the City of Belmont by permitting a mix of single housing and other housing types to reflect household composition and thereby increase the resident population'.

Deemed Refusal

Under Clause 75 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, an application is 'deemed to be refused' if it is not determined within a 90 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 is 23 April 2019.

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.

Item 12.2 Continued

BACKGROUND

Lodgement Date:	21 January 2019	Use Class:	'Holiday House' – Use Not Listed
Lot Area:	426m ²	TPS Zoning:	Residential R20
Estimated Value:	\$6000	MRS:	Urban

Existing Development

The subject site is a rear battleaxe lot featuring an existing mid-1990s built single house and attached carport which can accommodate up to two cars. The layout of the house consists of four bedrooms, a bathroom, ensuite, family room, meals room, kitchen, laundry and lounge room.

Proposal:

The application includes the following:

- A maximum of six guests at a time will be permitted to stay at the residence.
- No food will be provided to guests; however the owner will provide cooking utensils and appliances (i.e. microwave, fridge etc.), tea and coffee sachets, sugar and bottled water.
- Three of the four bedrooms will accommodate guests whilst the fourth bedroom is to be kept for storage of the owner's personal effects, and will not be available for use by guests.
- A maximum of two cars will be permitted to park at the premises in the lockable garage. Visitors of guests are required to park in a manner which does not inconvenience adjoining residents.
- The property is to be regularly cleaned and maintained by the owners.

The application does not involve any alterations or additions to the existing dwelling. [Attachment 5](#) includes a site plan and floor plan indicating the layout of the subject site.

OFFICER COMMENT

Land Use

One submission was received during the advertising period, objecting to the proposal. The submission expressed concern about the inappropriateness of short stay accommodation being located in the middle of a residential area consisting of private homes. The submission considered that the proposed use does not harmonise with the residential character of the area. In considering this, the following points are noted:

- The proposed use only permits a maximum of six people to occupy the holiday house. This is consistent with the composition of a single dwelling household.
- The application does not propose any alterations and/or additions to the existing house, which could impact on the residential character of the neighbourhood.

Given the above points, it is considered that the proposed use will not detract from the residential character of the area.

Item 12.2 Continued

Amenity

The submission also expressed concern regarding the negative amenity impacts of the proposed use on neighbouring properties, specifically in relation to noise, anti-social activity, safety and security. The following discussion identifies how these issues are addressed.

It is considered that disruptive levels of noise may be generated from the closing of doors and movement of luggage across the pavement during arrival and departure of guests. The owner has highlighted in the Property Management Plan that guests must not create any noise that is offensive to neighbours during their occupancy of the premises (particularly between 10:00pm and 8:00am and during arrival and departure). The owner has highlighted that any offensive noise will be dealt with by either deducting money paid from the security bond as a deterrent or evicting guests from the property. In order to ensure that noise impacts are mitigated during arrival and departure of guests, the Property Management Plan is to be modified to specify that check-in and check-out times for guests is not permitted between 10:00pm and 7:00am.

The Property Management Plan also stipulates rules relating to the responsibilities and conduct of guests during their stay at the property. These rules will mitigate any negative impact on the amenity of the neighbours. To further ensure that any potential impacts on amenity are minimised, it is recommended that the following modification is made to the Property Management Plan:

- Any activities causing a breach of the *Environmental Protection (Noise) Regulations 1997* will result in termination of permission to occupy the property.

To ensure that the Property Management Plan is being effectively implemented, the applicant will be required to maintain a log of complaints and the measures taken to address any complaints. This complaints register will be required to be submitted to officers for assessment upon request, or within six months of the commencement of the use.

Temporary Approval and Management Plan Review

An Inquiry report on the regulation of short stay accommodation is due to be considered in Parliament on 27 June 2019. Until the outcome of the inquiry is known and direction from the State Government is provided, it is appropriate that short stay accommodation approvals are only granted on a temporary basis of 12 months at a time. After the 12 month approval period expires, the applicant/owner will have the opportunity to reapply for another approval. The new application will be assessed against the planning framework in place at that point in time.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Item 12.2 Continued

OFFICER RECOMMENDATION

A. That Council approve development application 15/2019/DA, as detailed in plans received 18 January 2019 and the Property Management Plan received 18 January 2019 subject to the following conditions:

- 1. Development/land use shall be in accordance with the attached approved plan(s) dated 14 January 2019 and 18 January 2019 and the Property Management Plan dated 18 January 2019, 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 Manager Planning Services.**
- 2. Prior to commencement of the use, the landowner shall modify the Property Management Plan to include the following:**
 - (a) Guest check-in or check-out is not permitted between the hours of 10:00pm and 7:00am on any day.**
 - (b) Any activities causing a breach of the Environmental Protection (Noise) Regulations 1997 will result in termination of permission to occupy the property.**
- 3. Prior to commencement of the use, the landowner shall implement the approved Property Management Plan (as well as any subsequently updated and approved versions of the Property Management Plan) to the satisfaction of the City's Manager Planning Services.**
- 4. The landowner shall maintain a complaint register and outline the measures taken to address any complaints. This register shall be submitted for review by the City's Officers upon request, or within six months of commencement of the use. The landowner shall update the Property Management Plan to address any issues arising from the review to the satisfaction of the City's Manager Planning Services.**
- 5. This is a temporary approval only, valid for a period of 12 months from the commencement of the use. After this period the approval is no longer valid and the 'Holiday House' use shall cease.**

B. Write to adjoining landowners and occupiers:

- 1. To advise them that a development approval for a Holiday House has been granted subject to conditions including:**
 - i. The requirement for the updating and implementation of the Property Management Plan.**
 - ii. The temporary nature of the approval.**
- 2. To provide a copy of the Property Management Plan.**
- 3. Request that adjoining landowners and occupiers report any contraventions from the subject premises relating to noise or any disruption to the amenity of the surrounding areas, and report to the City's Planning Department if they become aware of any breach to the conditions of the planning approval.**

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

**12.3 CHANGE OF USE FROM SINGLE HOUSE TO HOLIDAY HOUSE AT LOT 335
(29) KLEM AVENUE, REDCLIFFE**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6 – Item 12.3 refers	<u>Property Management Plan</u>
Attachment 7 – Item 12.3 refers	<u>Schedule of Submissions</u>
Attachment 8 – Item 12.3 refers	<u>Development Plans</u>

Voting Requirement : Simple Majority
Subject Index : 115/001 – Development/Subdivision/Strata –
Applications and Application Correspondence
Location / Property Index : Lot 335 (29) Klem Avenue, Redcliffe
Application Index : 651/2018/LAND
Disclosure of any Interest : Nil.
Previous Items : N/A
Applicant : T Malhi
Owner : N M Subramaniam
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 development application for a Change of Use from a 'Single House' to a 'Holiday House' at Lot 335 (29) Klem Avenue, Redcliffe.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

- The applicant seeks approval to use an existing 'Single House' at Lot 355 (29) Klem Avenue, Redcliffe for purposes of a 'Holiday House'. The entire dwelling is proposed to be rented out as a single booking to a maximum of six tenants.
- The 'Holiday House' land use is not listed in Table 1 of Local Planning Scheme No. 15 (LPS 15).
- The subject site is zoned 'Residential R20'.
- The application was advertised to the surrounding property owners and occupiers for comment. One submission was received, objecting to the proposal. The objection relates to the number of vehicles likely to be associated with the Holiday House and the parking of vehicles on the verge, and amenity impacts from noise and anti-social behaviour.
- In support of the proposal, the applicant has provided a Property Management Plan (refer [Attachment 6](#)) which details tenancy rules that seek to protect the amenity of neighbouring properties, and addresses issues raised in the submission.
- The Change of Use is considered appropriate as the proposed 'Holiday House' will function in a similar manner to a Single House as only single bookings for the entire house will be accepted.
- It is recommended that Council approve the application subject to conditions.

LOCATION

The subject site is located within an established residential area in Redcliffe. The site is 455 square metres in area and contains an existing single-storey house. Surrounding development also comprises of single-storey houses.



Figure 1 – Location Plan (Source: IntraMaps)

Item 12.3 Continued

CONSULTATION

Public 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.

In accordance with Clause 64(1)(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015*—Schedule 2—Deemed Provisions (the *Regulations*), the application was required to be advertised, as a ‘Holiday House’ it is not a land use listed in Table 1 of LPS 15. The subject application was advertised to surrounding landowners/occupiers of seven properties for 15 days from 7 February 2019 to 22 February 2019, inclusive (refer to Figure 2).

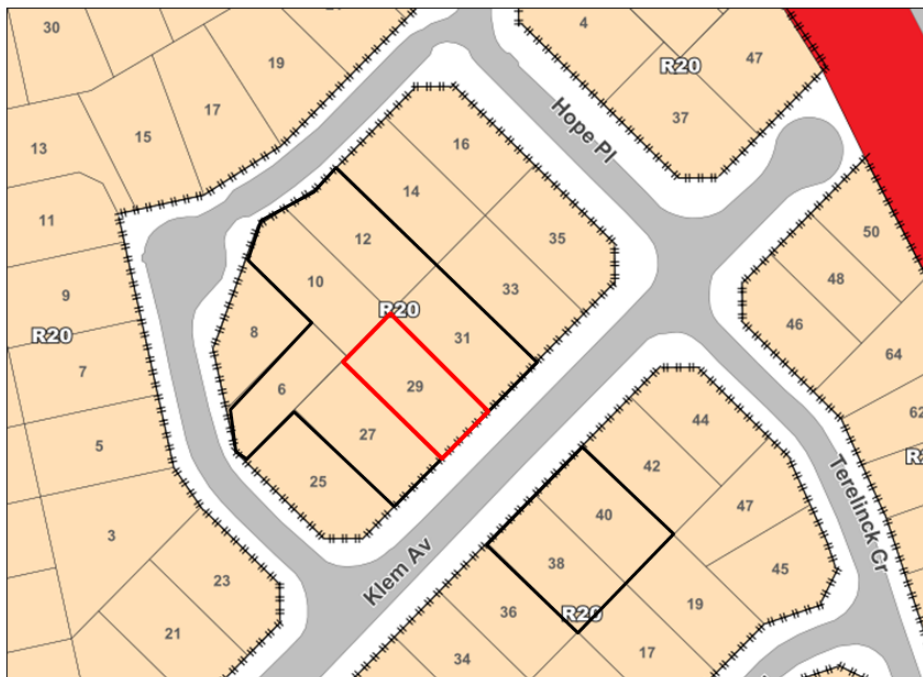


Figure 2: Referral Area (owners and occupiers – subject site in RED)

Submissions Received

At the conclusion of the advertising period, one submission was received objecting to the proposed development.

The issues raised in the submission include:

- The management of car parking for the proposed use.
- The impact of the land use on the amenity of the locality in relation to noise, anti-social behaviour and waste management.

A summary of the submission is provided in [Attachment 7](#) and the issues are discussed in the Officer Comments section below.

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 LPS 15.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 of the *Regulations* sets out the matters to be considered by the local government when determining an application for development approval. The following matters are considered to be of particular relevance to the subject application:

- “(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;*
- (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 including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following:*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development.*
- (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.*
- (y) any submissions received on the application.”*

Item 12.3 Continued

City of Belmont Local Planning Scheme No. 15

The subject application seeks to use the existing Single House as a Holiday House to provide short stay accommodation. Local Planning Scheme No. 15 provides the following definitions of Holiday House and Short Stay Accommodation:

“Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.”

“Short Stay Accommodation means the accommodation of short stay guests providing on site facilities for the convenience of guests and, management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period, and excludes any other use falling within a use class specifically defined in this Scheme.”

The land use of a ‘Holiday House’ is not listed in Table 1 – Zoning Table of LPS 15.

Under Clause 4.4.2 of LPS 15, if a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- “(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

Local Planning Scheme No. 15 states that the objective of the Residential zone is “...to increase the population base of the City of Belmont by permitting a mix of single housing and other housing types to reflect household composition and thereby increase the resident population.”

Deemed Refusal

Under Clause 75 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application is ‘deemed to be refused’ if it is not determined within a 90 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 is 2 April 2019. Deemed refusal rights arose after this date.

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.

Item 12.3 Continued

BACKGROUND

Lodgement Date:	19 December 2018	Use Class:	Use Not Listed – Holiday House
Lot Area:	455m ²	TPS Zoning:	Residential R20
Estimated Value:	N/A	MRS:	Urban

Existing Development

The subject site is 455 square metres in area and contains an existing single storey dwelling with a double carport that was approved on 25 March 1999. The dwelling comprises of three bedrooms and two bathrooms with a large paved outdoor area and patio located on the north-east side of the dwelling. Plans illustrating the subject site including the configuration of the existing dwelling are contained in [Attachment 8](#).

The applicant was operating a 'short stay accommodation' land use without having obtained a development approval from the City. The applicant has ceased operating and has submitted this for a change of use to rectify this matter.

Proposal

The application involves the following:

- The use of the existing dwelling for the purposes of 'Holiday House'.
- The entire dwelling will be rented out as a single booking to a maximum of six tenants at any one time. No rooms are to be rented out individually.
- The Property Management Plan does not specify the minimum or maximum period guests will stay.
- Tenants will be required to comply with the terms set out in the Property Management Plan (refer [Attachment 6](#)).
- The subject application does not propose any alterations or additions to the existing dwelling and the operator will not provide any food to tenants.

OFFICER COMMENT

Land Use

The following points are considered relevant when determining whether the proposed use of a 'Holiday House' is consistent with the objectives of the Residential zone:

- The 'Holiday House' will function in a similar manner to a Single House given only single bookings are permitted with a maximum of six guests.
- The use does not prejudice the ability to provide additional housing and increased population in the vicinity.
- Though transient in nature, the use will not reduce the residential population base in the area.
- The application does not propose any alterations or additions to the property which might otherwise detract from the residential character of the area.

In light of the above, it is considered that the proposed use does not prejudice the objectives of the Residential zone under LPS 15.

Item 12.3 Continued

Amenity Impacts

The submission received from advertising raised concerns that the use would negatively impact the amenity of the surrounding residential properties by way of excessive noise, parties, anti-social behaviour associated with the dwelling given the transient nature and anonymity of the guests. The submission also raised concern over waste management.

It is noted that the Property Management Plan outlines the following rules which are expected to mitigate amenity impacts:

- Requiring noisy activities on the premises to cease after 10:00pm (quiet hours are between 10:00pm and 6:00am).
- Strictly no parties/events permitted.
- Includes a complaints management procedure.
- Prohibit checking in of guests between 10:00pm and 7:00am on any day.
- Ensure that any activities causing a breach of the *Environmental Protection (Noise) Regulations 1997* will result in termination of permission to occupy the property.
- Outlines waste management procedures for the guests and if no guests are staying, the cleaner will present the bins for collection.
- The implementation of the Property Management Plan which provides house rules and a code of conduct for guests will ensure any impacts on neighbours is managed.
- A copy of the Property Management Plan would be provided to the surrounding neighbours, which includes the operators' contact details in the case of any emergency or should they wish to make a complaint. Alternatively, neighbours would be able to contact the City should there be a breach of the Property Management Plan.

Given the above, it is considered that the operation of a 'Holiday House' will be similar to a 'Single House'.

Item 12.3 Continued

Car Parking

The objection raised concerns regarding excess vehicles parking outside the subject dwelling. In terms of a car parking standard, LPS 15 does not include a specific standard for the 'Holiday House' use, and instead Clause 5.16.4(1) stipulates:

“The number of 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...”

In terms of the existing parking provision, the dwelling was constructed with two car bays provided in the carport. This accords with State Planning Policy No. 3.1—Residential Design Codes (R-Codes) which requires two car bays per dwelling. As stated in the Property Management Plan, there are two parking bays available in the carport and guests will be informed that they must park in those bays. The provision of two car parking bays for a three bedroom dwelling is acceptable and would ordinarily be approved under the R-Codes. Given this, the provision of two car parking bays for this three bedroom Holiday House is considered reasonable. In addition, there is no footpath within Klem Avenue road reserve which allows the length of driveway and crossover to easily accommodate two additional cars. As such, it is considered that the site contains adequate parking provision for the use.

Temporary Approval and Management Plan Review

An Inquiry Report on the regulation of Short Stay accommodation is due to be considered in Parliament on 27 June 2019. Until the outcome of the Inquiry is known and direction from the State Government is provided, it is appropriate that short stay accommodation approvals are only granted on a temporary basis of 12 months at a time. After the 12 month approval period expires, the applicant/owner will have the opportunity to reapply for another approval. The new application will be assessed against the planning framework in place at that point in time.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Item 12.3 Continued

OFFICER RECOMMENDATION

That Council:

- A. Approve planning application 651/2018/DA as detailed in the plans and Property Management Plan dated 19 December 2018 and 2 January 2019, for a Holiday House at Lot 335 (29) Klem Avenue, Redcliffe subject to the following conditions:**
- 1. Development/land use shall be in accordance with the attached approved plans and Property Management Plan dated 19 December 2018 and 2 January 2019, 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 Manager Planning Services.**
 - 2. Within 30 days of this approval, the landowner shall modify the Property Management Plan to include the following:**
 - (a) Guest check-in is not permitted between the hours of 10:00pm and 7:00am on any day.**
 - (b) Any activities causing a breach of the Environmental Protection (Noise) Regulations 1997 will result in termination of permission to occupy the property.**
 - 3. The landowner shall implement the approved Property Management Plan (as well as any subsequently updated and approved versions of the Property Management Plan) to the satisfaction of the City's Manager Planning Services.**
 - 4. There shall be no more than six short stay guests residing at the property at any one time.**
 - 5. The whole property is to be rented as one booking only. No bedrooms or other areas of the house are to be rented on an individual basis.**
 - 6. This is a temporary approval only, valid for a period of 12 months from the commencement of the use. After this period the approval is no longer valid and the 'Holiday House' use shall cease.**
- B. Write to adjoining landowners and occupiers:**
- 1. To advise them that a temporary 12 month planning approval for a Holiday House has been granted subject to conditions including:**
 - (i) The requirement for the updating and implementation of the Property Management Plan.**
 - (ii) A maximum of six occupants on site at any one time.**
 - (iii) The temporary nature of the approval.**
 - (iv) The landowner maintaining a complaints register to be submitted for review within six months of the commencement of the use.**
 - 2. To provide a copy of the Property Management Plan.**

Item 12.3 Continued

- 3. Request that adjoining landowners and occupiers report any contraventions from the subject premises relating to noise or any disruption to the amenity of the surrounding areas, and report to the City's Planning Department if they become aware of any breach to the conditions of the planning approval.**

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

12.4 URBAN FOREST POLICY

NATURAL BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 9 – Item 12.4 refers	Urban Forest Policy

Voting Requirement	:	Simple Majority
Subject Index	:	20/003: Environment Plan
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	12 March 2019 Information Forum - Item 6.4 25 March 2019 SC(Environmental) - Item 11.1
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Infrastructure 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> |

PURPOSE OF REPORT

To present the Urban Forest Policy to Council for endorsement.

Item 12.4 Continued

SUMMARY AND KEY ISSUES

The Urban Forest Policy (the Policy) provides for a Council endorsed commitment to the urban forest and its associated values.

The Policy outlines the City's position on:

- tree planting
- tree retention and protection,
- tree pruning
- tree removal and replacement; and
- offsets required to maintain a net increase in tree planting.

The adoption of the Policy will demonstrate the City's recognition of the urban forest and its associated values, including those relating to community health, environmental conservation, ecological services, social and cultural wellbeing and economic contributions.

The Policy will also provide a consistent approach to tree management issues, including decisions around tree pruning and tree requests.

LOCATION

Not applicable.

CONSULTATION

Internal

The Policy was developed by a project team within Parks and Environment with internal input from the following Departments:

- Planning Services
- Works
- Building Services
- City Projects
- Design and Assets
- Infrastructure Development
- Governance
- Risk and Business Continuity.

This consultation identified that the scope of this Policy relates to only those trees on City controlled lands (streetscapes, recreational reserves, and City managed land) and therefore trees on private lands have been excluded. Trees on private lands are required to be addressed through the Local Planning Scheme and through a Local Planning Policy (eg provision of trees on development sites or replacement trees).

Development of the Policy has involved significant consultation through the Operational Leadership Team (OLT) and input from the Executive Leadership Team (ELT).

Item 12.4 Continued

External

This Policy has not required external stakeholder engagement or consultation.

Notwithstanding this, consultation with the community on the Draft Canopy Plan (operational plan) identified the need for policy that addressed tree management issues, particularly those pertaining to the retention of trees on private property, tree provision in streetscapes, and consistent management approaches (ie pruning requests). Whilst this Policy addresses some of these issues, those that cannot be addressed will be used to inform future policy opportunities.

In addition to this, the scope and detail of the Policy has been informed through the review of one Local Government Association Policy, one Regional Council Policy and 25 Local Government Policies (refer Table 1).

Table 1: Policies used to inform Draft Urban Forest Policy

GOVERNANCE LEVEL	STATE	ORGANISATION	POLICY NAME
LG Association	NSW	Local Government Association	LGA Urban Forest Policy
Local Government	NSW	City of Sydney	Tree Management Policy
		Willoughby City Council	Urban Tree Management
Local Government	QLD	City of Ipswich	Urban Forest Policy
	SA	Campbelltown City Council	Tree Management Policy
		City of Burnside	Tree Management
		City of Holdfast Bay	Tree Management Policy
		City of Mitcham	14.3 Tree Policy
		City of West Torrens	Urban Tree Management
		Mount Barker District Council	Urban Forest Policy
		Town of Walkerville	Tree Management
	VIC	City of Greater Geelong	Tree Management Policy
		City of Melbourne	Tree Retention and Removal Policy
		City of Yarra	City of Yarra Street Tree Policy
	WA	City of Gosnells	Policy No. CP 2.3.9 Street Trees
		City of Kwinana	Street Trees and Verge Treatments
		City of South Perth	P306 Urban Forest
			P350.5 Trees on Development Sites and Street Verges
			Policy P205 Tree Preservation
		City of Stirling	Street and Reserve Trees Policy
		Shire of Ravensthorpe	WS 10 Urban Revegetation and Greening
			WS 11 Dangerous Trees on Private Property
			WS 9 Street Trees
		Town of Bassendean	Local Planning Policy No 13 - Trees on Development Sites
		City of Melville	CP-029 Street Tree Policy
			CP-102 Urban Forest and Green Space Policy
Regional Council	QLD	Western Downs Regional Council	Urban Street Trees - Council Policy

Item 12.4 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Protect and enhance our natural environment

Strategy: Ensure the City has policies and practices that safeguard and enhance the natural environment.

Corporate Key Action: 254: Implement the Operational Plan in support of the Urban Forest Strategy

Note: it was identified by ELT that a Policy was required to enable the efficient implementation of the Urban Forest Strategy and therefore it's Operational Plan.

POLICY IMPLICATIONS

While an Urban Forest Strategy has been in place since 2014, the absence of an overarching policy document has made it difficult for staff to deal with tree related matters equitably and consistently throughout the City.

The adoption of this Policy will address that shortcoming.

STATUTORY ENVIRONMENT

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

BACKGROUND

In 2014 Council endorsed the City's Urban Forest Strategy, with an initial target to return tree canopy cover back to a minimum of 2001 equivalent levels. Since 2014, the City has increased tree planting in streetscapes and recreational reserves and has undertaken community engagement and consultation to inform the Draft Canopy Plan. The Urban Forest Strategy, the Draft Canopy Plan, and operational actions have sought to increase tree canopy cover.

However, the Urban Forest Strategy and Draft Canopy Plan were developed in the absence of an overarching Policy which outlines Council's commitment to maintaining, protecting and enhancing its urban forest.

The Policy recognises the importance of the urban forest as a community asset that when applied equitably and consistently:

- Provides multiple social, environmental, ecological and economic benefits
- Reduces and mitigates the Urban Heat Island Effect
- Supports urban liveability and healthy communities
- Helps build the City's identity and improves the aesthetics and amenity of streetscapes and public spaces
- Contributes to the objectives of the Strategic Community Plan.

Item 12.4 Continued

By endorsing and adopting the Policy, Council is demonstrating its commitment to:

- Engaging and working collaboratively with the community and key stakeholders to implement its urban forest vision
- Managing trees as a collective (rather than as individuals) to achieve the retention and enhancement of a diverse, healthy, fit for purpose, low risk and sustainable urban forest
- Adopting a design philosophy for City works projects which places a priority on pedestrian amenity, landscaping and shade trees
- Increasing canopy cover within streetscapes, public open space and City managed land
- Ensuring that, through the implementation of current industry best practices and standards, all trees are able to grow to their full arboricultural potential
- No net loss of canopy cover on City managed land.

OFFICER COMMENT

The City has historically managed trees on City lands in the absence of a Policy, with tree management decisions made on a “case by case” basis and informed by arboricultural and horticultural expertise. This approach has ensured that trees were managed to provide amenity and environmental value at the lowest possible risk to human health and/or infrastructure.

By adopting the Policy, tree management expectations and the Council’s position on ‘common tree complaint areas’ are understood and endorsed.

While the determination process will still utilise a “case by case” approach and still requires specialised input, each tree determination/decision will be made in the context of the Policy and the management the urban forest as a collective of trees.

As a result, the Policy seeks to clarify:

- When the City will remove or prune a street tree
- The City’s expectations when street trees are removed
- How the City proposes to increase streetscape amenity and planting
- Powers and penalties that the City *may* use if a street tree was to be vandalised
- How the City proposes to maintain a net tree increase.

Adoption of the Policy (together with the existing Urban Forest Strategy) will assist in supporting the management and prevention of undesirable urban liveability outcomes such as increasing urban heat, poor air quality, low streetscape amenity, poor stormwater quality and poor community health and cohesion. By increasing tree canopy cover, urban environments can become much more appealing, vibrant, healthy, cooler and attractive places to live or recreate.

The Draft Urban Forest Policy was considered at the Standing Committee (Environmental) held on 25 March 2019.

Item 12.4 Continued

The following recommendation was endorsed by the Standing Committee (Environmental) at the 25 March 2019 meeting;

OFFICER RECOMMENDATION

MARKS MOVED, RYAN SECONDED,

That the Standing Committee (Environmental) endorse and recommend to Council, the adoption of the Urban Forest Policy (Attachment 1).

CARRIED 4 VOTES TO 0

Following the meeting of the Standing Committee (Environmental) on 25 March 2019, the words '*and will*' were removed from Section 5.3(c) (page 4) to ensure all clauses within 5.3 were 'at the City's discretion'. If 'and will' was to be retained, 5.3(d) would be required whenever 5.3(c) is implemented.

FINANCIAL IMPLICATIONS

The majority of the policy commitments reflect existing operational processes and therefore do not have financial implications. However, as this Policy includes a commitment to a design philosophy for City projects that places a priority on pedestrian amenity, landscaping and shade trees, there will likely be financial implications in future budgets associated with individual designs (to incorporate amenity landscaping and shade trees).

ENVIRONMENTAL IMPLICATIONS

Endorsement of the Policy will assist in environmental conservation, urban heat mitigation and preservation of ecological services.

SOCIAL IMPLICATIONS

The City will continue to work closely with individuals on street tree issues and complaints, and it is anticipated that the Policy will result in beneficial social outcomes. Community consultation on the Canopy Plan has identified the need for Policy that better supports tree management decisions.

COMMITTEE RECOMMENDATION

That Council endorse the Urban Forest Policy ([Attachment 9](#)).

Item 12.4 Continued

ALTERNATIVE COUNCILLOR MOTION – PART 1a

ROSSI MOVED, CAYOUN SECONDED,

That Council amend clause 3.1 of the Urban Forest Policy to read:

3.1 Each tree shall be supported to reach its Arboricultural potential and therefore the City will only prune City trees:

- (a) To promote and increase healthy canopy cover**
- (b) To support or extend the tree's useful life expectancy**
- (c) Where the tree, or part thereof, is identified as presenting an unacceptable risk of harm to infrastructure or to safety**
- (d) Where the maintenance is to comply with legislation**
- (e) Where the pruning is approved by the City's Arborist and is performed as per AS 4373-2007 Pruning of Amenity Trees**
- (f) Where vegetation overhanging a property boundary is causing a negative impact on the amenity of the property (at the sole discretion of the Chief Executive Officer).**

CARRIED 8 VOTES TO 1

*For: Bass, Cayoun, Davis, Marks, Powell, Rossi, Ryan, Sekulla
Against: Wolff*

ALTERNATIVE COUNCILLOR MOTION – PART 1b

ROSSI MOVED, CAYOUN SECONDED

That Council amend clause 3.2 of the Urban Forest Policy to read:

3.2 The City will not prune City trees:

- (a) For aesthetic purposes**
- (b) To maintain or create viewsapes**
- (c) To reduce shading of solar panels (the Chief Executive Officer will have discretion to authorise pruning only in exceptional circumstances)**
- (d) To reduce shading of outdoor areas, pools, gardens, lawns or any other surface**
- (e) To reduce leaf litter, nut drop or for any other nuisance factors.**

CARRIED 8 VOTES TO 1

*For: Bass, Cayoun, Davis, Marks, Powell, Rossi, Ryan, Sekulla
Against: Wolff*

Reason:

Trees that grow over a property can severely impact the lives of the occupants. Often home owners have no choice where they can locate their solar panels, and existing panels should not be impacted by this Policy.

Item 12.4 Continued

ALTERNATIVE COUNCILLOR MOTION – PART 2

ROSSI MOVED, CAYOUN SECONDED,

That Council:

Endorse the Urban Forest Policy ([Attachment 9](#)) as amended.

CARRIED 8 VOTES TO 1

*For: Bass, Cayoun, Davis, Marks, Powell, Rossi, Ryan, Sekulla
Against: Wolff*

ALTERNATIVE COUNCILLOR MOTION – PART 3

ROSSI MOVED, CAYOUN SECONDED,

That Council:

Direct the Chief Executive Officer to write to the State Government and other involved stakeholders requesting that they review the Underground Power Program so it is more equitable and accessible for Cities like the City of Belmont

CARRIED 9 VOTES TO 0

Reason:

One of the key reasons that there is a lack of tree canopy in our City is because of overhead power lines. Tree selection has to take into account the impact on the overhead powerlines.

**12.5 ANNUAL REVIEW OF CITY OF BELMONT ENVIRONMENT AND SUSTAINABILITY
STRATEGY (2019 VERSION)**

NATURAL BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 10 – Item 12.5 refers	<u>Proposed Changes to Environment and Sustainability Strategy – With Track Changes</u>
Attachment 11 – Item 12.5 refers	<u>Revised Environment and Sustainability Strategy (2019 version)</u>

Voting Requirement : Simple Majority
Subject Index : 20/003: Environment Plan
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil.
Previous Items : 24 April 2018 OCM - Item 12.4
25 March 2019 SC(Env) - Item 11.2
Applicant : N/A
Owner : N/A
Responsible Division : Infrastructure 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> |

PURPOSE OF REPORT

To present the revised City of Belmont Environment and Sustainability Strategy 2016-2021 (2019 version) to Council for endorsement.

Item 12.5 Continued

SUMMARY AND KEY ISSUES

A minor annual review has been undertaken of the Environment and Sustainability Strategy 2016-2021.

The proposed changes and revised Strategy are being presented to Council for endorsement.

The revised Strategy will take effect from 1 July 2019 and expires on 30 June 2021.

LOCATION

Not applicable.

CONSULTATION

Councillors were invited to contribute towards the minor annual review of the Environment and Sustainability Strategy. A response to the suggestions received has been provided to Councillors in a memorandum.

The EMRC's Environmental Services team also contributed to the review.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Protect and enhance our natural environment

Strategy: Ensure the City has policies and practices that safeguard and enhance the natural environment.

Corporate Key Action: 212: Conduct annual review of the City of Belmont's Environmental and Sustainability Policy and Strategy

POLICY IMPLICATIONS

The Environment and Sustainability Policy (Council Policy NB3) states that the City of Belmont will develop, implement and regularly review an organisation-wide Environment and Sustainability Strategy.

STATUTORY ENVIRONMENT

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

Item 12.5 Continued

BACKGROUND

The City of Belmont Environment and Sustainability Strategy 2016-2021 was endorsed by Council on 27 July 2016 and provides strategic direction for environmental activities throughout the City.

As per the 'Environment and Sustainability Policy' (Council Policy NB3), the City is committed to the development, implementation and regular review of the Environment and Sustainability Strategy. Annual review of the Strategy is undertaken prior to preparation of the budget each year.

OFFICER COMMENT

Recommended changes to the Environment and Sustainability Strategy have been identified, relating to:

- Update to background information
- Deletion of actions from the "New Action" tables that have been completed
- Deletion of ongoing actions that are no longer implemented
- Addition of new actions or rewording of existing actions
- Alteration to timeframes, priority and/ or responsible officer.

The proposed changes were considered by the Standing Committee (Environmental) at the 25 March 2019 meeting, with the following resolution made:

OFFICER RECOMMENDATION

MARKS MOVED, CAYOUN SECONDED,

That Council endorse the City of Belmont Environment and Sustainability Strategy 2016-2021 (2019 version) (Attachment 3), to take effect from 1 July 2019.

CARRIED 4 VOTES TO 0

The proposed changes, as shown as track changes in [Attachment 10](#), include:

- Replace references to carbon emissions with greenhouse gas emissions, to encompass all emissions contributing to the greenhouse effect and global warming
- Amendment to the layout of the 'Relevant Corporate Documents' diagram to assist with interpretation
- Removal of reference document; Local Climate Change Adaptation Action Plan and inclusion of replacement Climate Change Risk Assessment: Synthesis Report
- Updates to previous achievements tables
- Inclusion of the recently established Belmont and Bayswater Rivercare Association as a stakeholder
- Minor changes to references to the Greenstamp Program
- Name changes to internal Departments/ Divisions and changed responsibility for waste management from Health and Community Safety to Works
- Update to *Qualitative Measures of Consequence* risk definition table for environmental risks

Item 12.5 Continued

- Minor amendments to the background section under Land Use Planning and Development Control (Corporate Philosophy)
- Extension of timeframe for actions dependent on other factors e.g. gazettal of the consolidated local law, coordination with other strategies/ documents
- Inclusion of ongoing actions introduced over the past year (Nespresso pod recycling, Kooda organic waste composting and promotion of The Last Straw)
- Inclusion of environmental performance targets for the Faulkner Civic Precinct Community Centre, due to Green Star requirement to demonstrate organisational commitment
- Deletion of ongoing action: Participate in the ACER (Achieving Carbon Emissions Reduction) program being coordinated by the EMRC, due to withdrawal as of 30 June 2019
- The ongoing action in relation to worm farms and compost bins has been amended due to limited community interest and lack of storage space. Discounts on worm farms and compost bins are available to City of Belmont residents through the Rewards for Residents Program.
- 'New action' tables:
 - Deletion of actions either already completed in 2018-2019 or anticipated to be complete by 30 June 2019. These have been moved to the 'previous achievements' table
 - Inclusion of new Action 2.3 'Review Community Contribution Fund criteria to consider category for environmental awareness initiatives and eligibility for schools'
 - Modification to measurable outcome for action 5.3 to include installation of a solar PV system at the Operations Centre in 2019
 - Inclusion of a new Action 5.6: 'Undertake a Water Sensitive Cities Index benchmarking workshop'
 - Inclusion of a new Action 5.7: 'Participate in EMRC's Regional Benchmarking Building Efficiency Project'
 - Inclusion of a new Action 5.9: 'Develop a plan for the phased introduction of a three bin Food Organics and Garden Organics (FOGO) kerbside collection system'
- Amendments to reflect the changed role of the Standing Committee (Environmental). In particular the measurable outcome for several actions has been amended to report outcomes in the Divisional Report or to Councillors, rather than the Committee.
- Modification to the Climate Change chapter to reflect recent review of climate change risks, which will supersede the Local Climate Change Adaptation Action Plan
- Minor changes to the acronym list in Appendix 1

FINANCIAL IMPLICATIONS

The estimated cost of implementing individual new actions is documented in each Chapter of Part II of the Strategy.

The additional direct financial costs arising from the 2019 review include:

- Action 5.6: 'Undertake a Water Sensitive Cities Index benchmarking workshop' (subject to Water Corporation funding), at a cost of \$805 for EMRC support
- Action 5.7: 'Participate in EMRC's Regional Benchmarking Building Efficiency Project', at a cost of \$18,500 in 2019/20 and (if Stages 2 – 4 proceed) \$12,500 in 2020/21.

Item 12.5 Continued

The City has reviewed its involvement in some EMRC Environmental Programmes for Financial Year 2019-2020. As a result, the City will be withdrawing from:

- Climate Action and Heat Havens (Future Proofing)
- Energy and Emissions Action (part of Achieving Carbon Emission Reduction)
- Water Action and Waterwise Council (Water Quality and Conservation)

This will result in savings of \$38,765 usually budgeted under 996002 (Services- Other Consultants) that can be used for the above actions.

The primary reason for withdrawal is due to the City now having sufficient resources of its own and therefore the ability to progress most environmental initiatives in-house.

In addition, some of the deliverables proposed are of limited benefit or duplicate work already undertaken by City staff in the 2018-2019 EMRC Programme Plans or by other agencies/groups such as 'Switch your thinking' or Local Emergency Management arrangements. For other services, such as facilitating the Water Sensitive Cities Index benchmarking workshop, the City would prefer to engage EMRC on a fee for service basis if the activity is confirmed to proceed.

The cost of implementing all remaining actions, both ongoing and new, is included in existing maintenance, capital renewal/upgrade or operating budgets, or is accounted for in the Corporate Business Plan.

ENVIRONMENTAL IMPLICATIONS

Continuous improvement through annual review of the Environment and Sustainability Strategy will assist the City's ability to protect and enhance the natural environment.

SOCIAL IMPLICATIONS

The Environment and Sustainability Strategy is anticipated to result in a beneficial social impact, particularly via the 'Community Awareness, Engagement and Behaviour Change' theme, which aims to -

"engage with the wider Belmont residential and business community to promote and encourage involvement in environmental programmes, sustainable behaviour change and minimise risk of pollution incidence".

COMMITTEE RECOMMENDATION

That Council endorse the City of Belmont Environment and Sustainability Strategy 2016-2021 (2019 version) ([Attachment 11](#)), to take effect from 1 July 2019.

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

12.6 REQUEST FOR RATE EXEMPTION – THE MARIST FATHERS FOR THE PROVINCE OF AUSTRALIA – 5/17 HEHIR STREET, BELMONT

BUSINESS BELMONT

ATTACHMENT DETAILS

Nil

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 Rate Exemptions
Location/Property Index	:	5/17 Hehir Street, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	The Marist Fathers for the Providence of Australia
Owner	:	The Marist Fathers for the Providence of Australia
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 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

To consider a request for rate exemption for Strata Lot 5 on Strata Plan 48985 known as 5/17 Hehir Street, Belmont.

SUMMARY AND KEY ISSUES

An objection to the rate record under Section 6.76 of the *Local Government Act 1995* has been received from the property owner together with relevant documentation to support their claim for rate exemption.

Item 12.6 Continued

STATUTORY ENVIRONMENT

The relevant sections of the *Local Government Act 1995* that apply are:

1. Section 6.26 of the *Act* states:

“Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;”

2. Section 6.53 of the *Act* states:

“Land becoming or ceasing to be rateable land:

Where during a financial year -

(a) land that was not rateable becomes rateable land; or

(b) rateable land becomes land that is not liable to rates,

the owner of that land –

(c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or

(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land, as the case requires”

3. Section 6.76 of the *Act* states:

“(1) A person may, in accordance with this section, object to the rate record of a local government on the ground —

(a) that there is an error in the rate record —

(ii) on the basis that the land or part of the land is not rateable land;

(3) An objection under subsection

(1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.”

BACKGROUND

Marist Fathers for the Province of Australia purchased the property in January 2011. The property is being held exclusively as a place of residence only for a Marist Priest.

Item 12.6 Continued

OFFICER COMMENT

The following documentation has been provided:

- An application for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation)
- Statutory Declaration confirming the property use and confirmation that the City will be advised immediately if the use of the property changes.
- Organisational Constitution
- Notice of Endorsement for *Charity Tax Concessions* with the Australian Taxation Office
- Australian Charities and Not for Profit Commission Certification
- Constitutions of the Society of Mary, Rome 1988
- Copy of the Official Directory of the Catholic Church in Australia showing the Marist Fathers as part of the Catholic Church.

FINANCIAL IMPLICATIONS

Section 6.26(2)(d) of the *Local Government Act 1995* states that the property must be “*used or held exclusively by a religious body as a place of worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood*”. Section 6.53 of the *Local Government Act 1995* defines the property as being non-rateable effective from the date of the lease or 1 July of the year the application is being made.

The property currently has a 2017 revaluation GRV of \$20,020 with a Residential rate in the dollar equates to a loss in revenue for 2018-2019 of \$1,049.51.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council endorse the rate exemption for the property situated at 5/17 Hehir Street, Belmont in accordance with section 6.26(2)(d) and Section 6.53 of the Local Government Act 1995 effective from 1 July 2018.

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

12.7 Q03/2019 – CONSTRUCTION OF CONCRETE PATHS AND VEHICULAR CROSSOVERS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.7 refers	<u>Q03/2019 - Evaluation Matrix</u>
Confidential Attachment 2 – Item 12.7 refers	<u>Q03/2019 - Price Schedule</u>
Confidential Attachment 3 – Item 12.7 refers	<u>Q03/2019 - Cost Comparison</u>

Voting Requirement : Simple Majority
Subject Index : 135/2019-03
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 : Technical 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 Quotation Q03/2019 – Construction of Concrete Paths and Vehicular Crossovers.

Item 12.7 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate quotations and includes a recommendation to award Quotation Q03/2019 in accordance with the requirements of the *Local Government Act 1995*.

The contract is for the construction of concrete paths and crossovers as required by the City. The contract term is for three years commencing 1 July 2019.

LOCATION

Not applicable.

CONSULTATION

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

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

Corporate

Key Action: Maintain Assets in accordance with Asset Management Strategy and associated Plans.

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 (Functions and General) Regulations 1996*, in particular Regulation 11(2) (b) which states that “Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”.

Item 12.7 Continued

BACKGROUND

Under the *Local Government Act 1995*, tenders do not have to be publicly invited if the supply of the services is to be obtained through the West Australian Local Government Association (WALGA) Preferred Supplier Program. WALGA has established a panel for Pavement Construction, Kerbing and Associated Streetscape Works and the following four members of this panel were invited to submit a quotation:

- Axiis Contracting Pty Ltd
- Cobblestone Concrete
- Downer Infrastructure – Australia West
- Dowsing Group.

Responses were received from all suppliers with the exception of Downer Infrastructure.

Due to the value of the contract Council approval is required to accept the recommended supplier and award the contract for the services identified within Quotation Q03/2019 – Construction of Concrete Paths and Vehicular Crossovers.

OFFICER COMMENT

The Evaluation Committee consisted of the Manager Works, Coordinator Works and Supervisor Construction.

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

	CRITERIA	WEIGHTING
1	Experience	25%
2	Company Capacity	15%
3	Methodology	20%
4	Safety	10%
5	Price	30%
	TOTAL	100%

The Evaluation Matrix (refer [Confidential Attachment 1](#)) identifies Dowsing Group as the recommended supplier as they have scored highest for all criteria. They are the incumbent contractor and the Works Department have had no issues with their performance as their work is of a high standard and undertaken in a timely manner. In their submission Dowsing Group demonstrated that they have the experience and capacity to meet the City's requirements and the methodology they outlined was clear and easy to understand.

Item 12.7 Continued

FINANCIAL IMPLICATIONS

Expenditure for concrete paths and crossovers for the financial year 2017–2018 was \$878,305. [Confidential Attachment 2](#) – Price Schedule details the rates submitted by the respondents and the projected annual cost, based on similar usage to last year, shows a 5% reduction in expenditure (refer [Confidential Attachment 3](#) – Cost Comparison).

The Footpath Program for 2018-2019 is valued at \$732,152 and \$630,193 has been allocated for footpath projects in the 2019-2020 annual budget. The extent of the required services and products varies each year depending on the works programme but sufficient funding has been allocated within specific location accounts for other capital projects containing concrete paths and crossovers.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. Accept the response submitted by Dowsing Group for Quotation Q03/2019 – Construction of Concrete Paths and Vehicular Crossovers as specified in accordance with the schedule of rates (refer [Confidential Attachment 2](#) – Price Schedule); and***
- 2. Award the contract to Dowsing Group for a period of three years commencing 1 July 2019.***

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

12.8 ACCOUNTS FOR PAYMENT – MARCH 2019

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 12 – Item 12.8 refers	Accounts for Payment – March 2019

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 Division

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

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 12.8 Continued

LOCATION

Not applicable.

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 policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	788055 to 788083	\$244,566.81
Municipal Fund EFTs	EF060665 to EF061171	\$6,030,084.49
Municipal Fund Payroll	March 2019	\$1,607,569.20
Trust Fund EFT	EF060784 to EF060786	\$14,367.46
Total Payments for March 2019		\$7,896,587.96

A copy of the Authorised Payment Listing is included as [Attachment 12](#) to this report.

Item 12.8 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for March 2019 as provided under [Attachment 12](#) be received.

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

12.9 MONTHLY ACTIVITY STATEMENT AS AT 31 MARCH 2019

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 13 – Item 12.9 refers	<u>Monthly Activity Statement as at 31 March 2019</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 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 12.9 Continued

LOCATION

Not applicable.

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 policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 6.4 of the *Local Government Act 1995* in conjunction with Regulations 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.

Item 12.9 Continued

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.

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 July authorised budgeted closing balance as previously adopted by Council.*

In order to provide more details regarding significant variations as included in [Attachment 13](#) the following summary is provided.

Item 12.9 Continued

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Marketing and Communications	159,750	71,678	Variance largely relates to the purchase of banner poles.
Human Resources	54,375	Nil	Purchase of fleet has been delayed due to usage/mileage.
Town Planning	42,801	312,576	Purchase of fleet has been delayed due to usage/mileage.
Grounds Operations	1,408,685	1,182,713	Variance relates to budget spread on Forster Park, Wicca Park playground and the Faulkner Civic Precinct Irrigation Mainline project.
Road Works	7,547,006	7,384,835	Minor variance based on the total budget with the most significant variance relating to construction works along Alexander Road.
Streetscapes	148,496	46,279	Variance relates to Belmont Business Park Signage Design project.
Drainage Works	708,086	592,533	Budget spread issue with a number of projects due to commence.
Operations Centre	409,954	355,197	Purchase of Plant has been delayed and is currently under review.
Building Operations	11,149,306	11,250,585	Slightly ahead of the revised budget regarding the New Community Centre.
Expenditure – Operating			
Computing	1,769,512	1,622,480	IT have a number of minor variances with the most significant relating to the purchase of Business Applications.
Governance	2,867,033	2,568,482	Activity Based Cost (ABC's) allocations are the primary reason for the variance.
Belmont Community Watch	876,311	770,102	Timing issue regarding the receipt and payment of invoices.
Belmont HACC Services	1,797,338	1,697,573	Variance predominantly relates to employee costs.
Town Planning	2,083,584	1,921,681	ABC's, Consulting and employee costs are below budget
Sanitation Charges	4,376,237	4,226,617	The volumes of bin services are less than expected.
Marketing and Communications	657,723	728,155	Variance mainly relates to the Lets Celebrate Belmont event with the variance expected to reduce over the remainder of the year.
Donations and Grants	278,945	226,312	Relates to budget spread of the Community Contribution Fund.
Ruth Faulkner Library	1,762,836	1,611,215	Variance predominantly relates to consulting costs.
Grounds - Operations	4,121,431	3,970,069	Consulting, agency and contractor costs are currently below budget.
Grounds - Active Reserves	884,494	952,199	Turf renovation programme is ahead of schedule.
Grounds - Overheads	1,147,682	1,013,464	Variance predominantly relates to employee costs.

Item 12.9 Continued

Report Section	Budget YTD	Actual YTD	Comment
Road Works	764,385	827,804	Road maintenance costs have been higher than anticipated although will be close to budget by the end of the year.
Streetscapes	820,262	1,002,947	Street tree watering and maintenance costs are currently above budget.
Building Overheads	68,328	139,832	Employee related costs are above budget.
Plant Operating Costs	823,400	757,970	Employee related costs are below budget.
Technical Services	1,820,655	1,719,144	Employee related costs are below budget.
Revenue - Capital			
Road Works	(1,757,147)	(1,610,626)	Relates to outstanding Metropolitan Regional Roads Group funding.
Operations Centre	(192,635)	(109,909)	Replacement of Plant has been delayed and is under review.
Revenue - Operating			
Finance Department	(1,530,010)	(1,460,051)	ABC recoveries currently below budget.
Computing	(1,816,951)	(1,622,480)	ABC recoveries currently below budget.
Records Management	(598,152)	(547,357)	ABC recoveries currently below budget.
Human Resources	(1,024,377)	(956,516)	ABC recoveries currently below budget.
Accommodation Costs	(449,687)	(379,150)	ABC recoveries currently below budget.
Financing Activities	(1,611,161)	(1,337,157)	Monthly variances are expected due to the timing of term deposits maturing.
Town Planning	(1,003,671)	(921,847)	Additional income resulting from a successful court case.
Sanitation Charges	(6,460,686)	(6,337,922)	Additional bin services were slightly less than anticipated.
Public Works Overheads	(1,078,729)	(773,107)	Overhead recoveries currently below budget.
Plant Operating Costs	(1,249,025)	(1,075,586)	Plant recoveries currently below budget.
Technical Services	(365,036)	(277,648)	ABC recoveries currently below budget.
Other Public Works	(36,750)	(116,121)	More Private Works jobs than anticipated.

Item 12.9 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 31 March 2019	\$	Comment
Cash and investments	81,597,158	Includes municipal and reserves.
- less non rate setting cash	(54,016,811)	Reserves.
Receivables	3,099,500	Rates levied yet to be received and Sundry Debtors.
ESL Receivable	(366,101)	ESL Receivable.
Stock on hand	219,985	
Total Current Assets	30,533,731	
Current Liabilities		
Creditors and provisions	(7,573,956)	Includes ESL and deposits
- less non rate setting creditors and provisions	2,690,182	Cash Backed LSL, current loans and ESL.
Total Current Liabilities	(4,883,774)	
Nett Current Assets 31 March 2019	25,649,957	
Nett Current Assets as Per Financial Activity Report	25,649,957	
Less Restricted Assets	(175,334)	Unspent grants held for specific purposes.
Less Committed Assets	(24,974,623)	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 associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 March 2019 as included in [Attachment 13](#) 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

Note:

The Presiding Member advised that in accordance with Section 5.23(2) of the *Local Government Act 1995*, as there is an Officer presentation for Confidential Item 14.1, Council will need to go behind closed doors.

8.24pm ***ROSSI MOVED, DAVIS SECONDED**, that in accordance with Section 5.23(2) of the Local Government Act 1995, that the meeting proceed behind closed doors to discuss Confidential Item 14.1 Tender 18/2018 – Management and Operation of the Belmont Oasis Leisure Centre.*

CARRIED 9 VOTES TO 0

14.1 LATE ITEM - TENDER 18/2018 – MANAGEMENT AND OPERATION OF THE BELMONT OASIS LEISURE CENTRE

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 4 – Item 14.1 refers	<u>Report Item - Tender 18/2018 – Management and Operation of the Belmont Oasis Leisure Centre</u>
Confidential Tabled Attachment 1 – Item 14.1 refers	<u>Belmont Oasis Management Contract Presentation</u>

8.25pm The Director Corporate and Governance and the Manager Governance departed the meeting.

The A/Manager Community Placemaking presented the Belmont Oasis Management Contract presentation.

8.26pm The Director Corporate and Governance returned to the meeting.

8.30pm The Manager Governance returned to the meeting.

8.42pm The Governance Officer departed the meeting.

8.43pm The Governance Officer returned to the meeting.

(Refer [Confidential Tabled Attachment 1](#) for further information).

Item 14.1 Continued

OFFICER RECOMMENDATION

ROSSI MOVED, POWELL SECONDED,

That:

1. *The recommendation as outlined within the Officer Comment section of this Confidential Report be adopted.*
2. *Upon completion and endorsement of the required Contract, the recommendation as outlined in the Officer Comment section of this Confidential Report be made available for the public Minutes record.*

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

9.03pm **POWELL MOVED, ROSSI SECONDED,** *that the meeting again be open to the public.*

CARRIED 9 VOTES TO 0

9.03pm The meeting came out from behind closed doors. No members of the public returned to the meeting.

15. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 9.03pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 16 April 2019 were confirmed as a true and accurate record at the Ordinary Council Meeting held 28 May 2019:

Signed by the Person Presiding: _____

PRINT name of the Person Presiding:

PHILIP MARKS

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