

Agenda Briefing Forum

Matrix

16 April 2024



City of
Belmont

CITY OF BELMONT

Agenda Briefing Forum

Matrix

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Tabled Attachments Index

Attachment 4.1.1 – Item 4.1 refers

Attachment 5.1.1 – Item 5.1 (12.2) refers

Attachment 5.1.2 – Item 5.1 (12.6) refers

Councillors are reminded to retain the Ordinary Council Meeting Agenda and any confidential papers for deliberations at the next Ordinary Council Meeting.

Alternative Formats

This document is available on the City of Belmont website and can be requested in alternative formats including electronic format by email, in hardcopy both in large and standard print and in other formats as requested. For further information please contact the Community Development team on (08) 9477 7219. For language assistance please contact TIS (Translating and Interpreting Service) on 131 450.

Matrix from the Agenda Briefing Forum held in the Council Chamber of the City of Belmont Civic Centre, 215 Wright Street, Cloverdale on Tuesday 16 April 2024 commencing at 6.30pm.

Matrix

Present

Mayor R Rossi, JP (Presiding Member)	Mayor
Cr D Sessions (Deputy Mayor)	West Ward
Cr G Sekulla, JP	Central Ward
Cr B Ryan	East Ward
Cr P Marks	East Ward
Cr J Davis	South Ward
Cr C Kulczycki	West Ward

In attendance

Mr J Christie	Chief Executive Officer
Mr S Downing	Director Corporate and Governance
Mr W Loh	Director Development and Communities
Mr M Murphy	Director Infrastructure Services
Ms S Jessop	Manager Finance
Ms D Dabala	Manager Governance and Legal
Mr A Bott	Manager Planning Services
Ms G Carter-Nguyen	Manager Public Relations and Stakeholder Engagement
Ms C Gilbert	Coordinator Planning - Projects
Mrs J Cherry-Murphy	Senior Governance Officer
Ms I Webber	Planning Officer

Members of the gallery

There were five members of the public in the gallery and no press representatives.

1 Official Opening

6.30pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read aloud the Acknowledgement of Country.

Acknowledgement of Country

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

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

The Presiding Member invited Cr Davis to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Davis 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 efficient, effective and orderly decision making within this forum.

2 Apologies and leave of absence

Cr Vijay (apology)

Central Ward

3 Announcements by the Presiding Member (without discussion) and declarations by Members

3.1 Announcements

Nil.

3.2 Disclaimer

6.32pm 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 no decisions are made at the meeting tonight. Council will formally resolve agenda items at next week's Ordinary Council Meeting.

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

3.3 Declarations by Members who have not given due consideration to all matters contained in the business papers presently before the meeting

Nil.

4 Public submission time

6.33pm The Presiding Member opened the period allotted for Public Submission Time and drew the gallery's attention to the Rules for Public Submission Time. One Public Submission was received.

4.1 Ms L Hollands, Redcliffe

Ms L Hollands spoke in support of the Officer Recommendation for Item 12.1 - Council Policy - Tree Preservation Orders.

(Refer Tabled Attachment 4.1.1)

CITY OF BELMONT

Version Date: 03/07/23

Public Submission Time and Deputation Proforma

Please ensure that your presentation complies with the Rules of Public Submission Time and Deputations as published in the Agenda Briefing Forum Programme and as printed overleaf.

Name	Lisa Hollands
Address	2 Miller Ave Redcliffe
Business, Organisation or Group (if presenting on behalf of)	

Agenda Briefing Forum Date:	16 April 2024	Report Item No. referred to:	12.
Please tick the appropriate box below to indicate what type of presentation you wish to make.	<input checked="" type="checkbox"/> Submission	<input type="checkbox"/> Deputation	
Are you speaking in support or opposition to the matter? Please tick appropriate box.	<input checked="" type="checkbox"/> Support	<input type="checkbox"/> Oppose	

Please write a brief overview of your submission / deputation as clearly and concisely as possible – Remember – there are strict time limits applicable. The Presiding Member may limit presenters to a shorter period, if time is restricted.

Robert so you dont have to ask me I have a tree in my yard that may qualify and I have spoken to the arborist previously about.

With a minor detail that I would ask councillors to consider.

Additional space provided overleaf if required. Please tick box if continued overleaf



Public Submission Time and Deputation Proforma Continued

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Rules for Agenda Briefing Forum Public Submission Time and Deputations

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6.37pm The Presiding Member closed Public Submission Time.

5 Ordinary Council Meeting Agenda for meeting to be held on 23 April 2024

5.1 Agenda items for review

OCM Item 12.1

Council Policy - Tree Preservation Orders

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

- There is no requirement for landowner consent to be obtained. The City will liaise with the landowner on receipt of an application and the landowner has a right of appeal to the State Administrative Tribunal.
- The costs of an appeal would be borne by the landowner.
- The landowner would be required to write to the City prior to any pruning, however minor. This is with the exception of:
 - Works urgently required and necessary to remove an immediate risk.
 - During a declared emergency.
- Until the Tree Preservation Order (TPO) is served, the landowner could remove the tree if they wish.
- Each application will be assessed on its merits. The application process could take approximately two months, taking into account that applications would be brought to Council for consideration.
- The City will pay the ongoing yearly arborists fees for inspection of trees that have been served a TPO.

OCM Item 12.1

Council Policy - Tree Preservation Orders

- The \$147 application fee has been benchmarked against the standard planning application fee. This will not cover all costs associated with officer time and would not be cost neutral.
- To make the fee cost neutral, it has been estimated that an application fee of \$4,146 would apply for cost recovery in accordance with the hourly rates for officers legislated in the *Planning and Development Regulations 2009*. It should be noted that this rate has not been reviewed by the State since 2013 and therefore these fees do not accurately reflect officer time in assessing TPO applications.
- The City would investigate the reasons for a tree dying and the death of the tree would ultimately result in the TPO being removed. The City would not be able to require the landowner to plant a replacement tree.

Further Information to be Provided

- The Coordinator Planning Projects undertook to investigate whether the policy could include a temporary protection order for a tree whilst the formal application is being assessed.

OCM Item 12.2

Draft Local Planning Policy No. 11 - Public Art Contribution

Deputation Presentation

Nil.

Officer Presentation

The Planning Officer provided a presentation which included the following:

- Overview
- Public Art Outcomes
- Policy Objectives
- Public Art Precincts
- Cash Contributions
- Contributions for Significant Developments
- Officer Recommendation
- Next Steps

OCM Item 12.2

Draft Local Planning Policy No. 11 - Public Art Contribution

(Refer Tabled Attachment 5.1.1 for further information).

Notes from Forum

- When a proposal is received through the Public Art Advisory Panel, it would be reasonable to require evidence of an artists' qualifications for cross-checking.
- If the public art is situated on private land, the landowner pays for maintenance. If on public land, the City pays for maintenance.
- Public Art proposals are assessed on their merits and in the context with where they are proposed. A broad range of aspects and considerations would be covered.
- Themes are generally covered in the Public Art Plan which is the more detailed Plan supporting the Local Planning Policy. The Public Art Plan is currently under review.
- In cases where the significant development costs above \$100m, a situation might arise where referencing the dollar value of the development may not be the best approach to use to achieve the necessary public art outcome on site. It is for the applicant to prove a strategic outcome based approach and it may not be much less than the 1%. This helps to ensure a more suitable outcome.
- The 10% reduction for entire cash contributions to the public art reserve aims to incentivise cash contributions to deliver more holistic greater quality outcomes which can be done in a range of ways under the Public Art Plan.
- Details on specific public art proposals are included in the Public Art Plan.

Further Information to be Provided

- The Coordinator Planning Projects undertook to investigate what would be an appropriate upper limit for the cash in lieu.
- The Coordinator Planning Projects undertook to advise Elected Members of the total amount of cash in lieu collected to date.
- The Coordinator Planning Projects undertook to advise Elected Members which art installations have been supplied using cash in lieu.

OCM Item 12.2

Draft Local Planning Policy No. 11 - Public Art Contribution

- The Coordinator Planning Projects undertook to circulate a copy of the current Public Art Plan, noting that it is currently under review.

OCM Item 12.3

Consideration of the name Simone McMahon for inclusion on the City's Schedule of Names for Council Facilities, Roads, Parks and Reserves

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

- An Amended Agenda has been published where following a further request from Mr & Mrs McMahon, the City have included the full name of Simone McMahon.

Further Information to be Provided

Nil.

7.01pm The Manager Planning Services, Coordinator Planning Projects and Planning Officer departed the meeting and did not return.

OCM Item 12.4

First Nations Strategy Draft

Deputation Presentation

Nil.

OCM Item 12.4

First Nations Strategy Draft

Officer Presentation

Nil.

Notes from Forum

- The City's Aboriginal Advisory Group provide input on immediate matters that the City administration are dealing with. For larger scale projects or more significant issues, the City engage with specific stakeholder groups within the City's First Nations community and the nature of the consultation is determined on a case by case basis.

Further Information to be Provided

Nil.

OCM Item 12.5

Dedication of Land - Part Lot 510 Great Eastern Highway

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

- The City is responsible for the drainage at this site. This project will have a minimal impact on the City's ongoing maintenance costs.
- The Great East Highway/Kooyong Road intersection upgrade is solely a Main Roads WA (MRWA) project.

OCM Item 12.5

Dedication of Land - Part Lot 510 Great Eastern Highway

- MRWA have not advised the City of a firm date by which the project will commence, but it is expected to be undertaken in the next financial year.

Further Information to be Provided

- The Director Infrastructure Services undertook to investigate if MRWA have provided more detailed drawings for this project.

OCM Item 12.6

Local Government Reform - Standardised Meeting Procedures Consultation - City of Belmont Responses

Deputation Presentation

Ms Hollands spoke in opposition to the Officer Recommendation.

(refer Tabled Attachment 5.1.2)

Officer Presentation

Nil.

Notes from Forum

- The time limit suggested by the Department of Local Government, Sport and Cultural Industries regarding the two minute time limit for public questions is understood to mean two minutes per set of questions, not per question.

Further Information to be Provided

Nil.

OCM Item 12.7

Council Policy - Legal Representation for Elected Members and Employees

Deputation Presentation

In accordance with Clause 6.7 (1)(b) of the *Standing Orders Local Law 2017* and Clause a) of the Rules for Agenda Briefing Forum Public Submission Time and Deputations, the Presiding Member refused Ms Hollands' request to make a deputation in relation to Item 12.7 as the Presiding Member determined that Ms Hollands was not directly affected by the matter.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

OCM Item 12.8

Statutory Review Delegation Register

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

OCM Item 12.8

Statutory Review Delegation Register

Further Information to be Provided

Nil.

OCM Item 12.9

Proposed Differential Rates for 2024-25

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

- The Manager Safer Communities has confirmed the swimming pool levy is sufficient to cover the cost of the swimming pool inspector.
- There are no administration fees in relation to smooth rates.
- The smooth rates were modelled as part of the proposed 3.5% rate increase.
- The City believe smooth rates will provide a set of rate payers who may struggle to pay their rates the opportunity to make their rates' payments. By not charging administration fees or interest, ratepayers who may struggle to pay their rates in full will be further assisted. It is part of the commitment this Council has to its community.
- Residents who pay rates using the four instalment method do not pay any fees.

Further Information to be Provided

Nil.

OCM Item 12.10

Accounts for Payment March 2024

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

OCM Item 12.11

Monthly Financial Report for March 2024

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

OCM Item 13.2.1

Notice of Motion (Cr Sessions) Policy Amendment - Elected Members Fees, Allowances and Support

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

- The State Government has made a commitment to introduce legislation to pay Superannuation for Elected members but this has not yet been enacted.
- If we were to pay superannuation to Elected Members, the Elected Members need to be classified as employees under the Australian Taxation Act to be paid superannuation. The issue with converting Elected Members to be employees for the purpose of superannuation is that Elected Members may then be liable to pay fringe benefit tax on all the civic functions that Elected Members attend which will increase the cost of the scheme. The City does not currently pay fringe benefit tax for Elected Member attendance at these events as Elected Members are not employees. Following previous analysis by the City, it is clear that the City will be worse off by declaring Elected Members as employees.

Further Information to be Provided

Nil.

LPP 11 – Public Art Contribution

Agenda Briefing Forum

16 April 2024



**City of
Belmont**



**City of
Opportunity**

Overview



- LPP 11 requires developers to contribute towards public art as a condition of development approval.
- This contribution can be in the form of public art on site or a cash contribution.
- LPP 11 has been reviewed and key changes are proposed relating to:
 - The Policy objectives & precinct areas
 - Additional clarification on cash contributions & requirements for significant developments

Public Art Outcomes



266 Great Eastern Highway

City of Belmont | LPP 11



225 Great Eastern Highway

Page 2

Policy Objectives



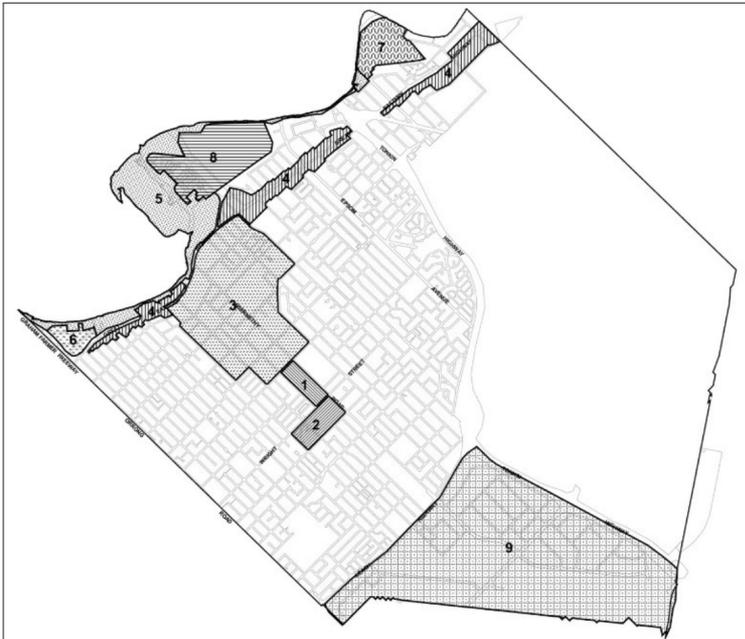
- The objectives of the existing LPP 11 have been refined and new objectives added. The new objectives relate to:
 - Encouraging innovation and creativity
 - Creating landmarks and focal points
 - Enhancing public enjoyment and understanding of places
 - Ensuring equitable access to public art by all members of the community

Public Art Precincts



Current LPP 11 Public Art Precincts

Proposed LPP 11 Public Art Precincts



Cash Contributions



Revised Policy provides for the following:

- Developers opting to make a full cash contribution will qualify for a 10% reduction in their contribution obligations.
- Contributions totalling \$50,000 or less will be encouraged to be paid into the City's Art Reserve, rather than art being delivered on-site.
- Identification of instances where a cash-in-lieu contribution will be refunded.

Contributions for Significant Developments



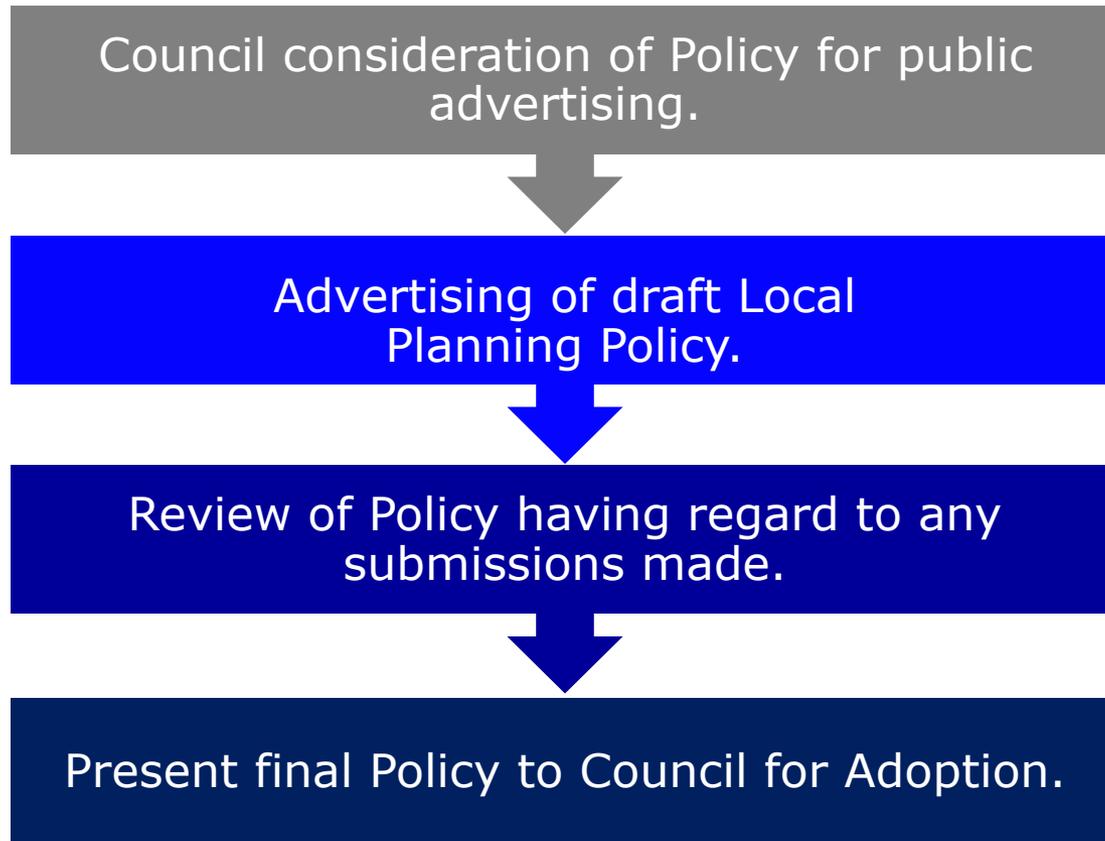
- Revised LPP 11 provides additional guidance regarding contribution requirements for developments of a significant value (greater than \$100 million).
 - Associated contribution requirements are substantial.
 - Raises issues with reasonableness.
- Appropriate to provide for a strategic and outcomes-based approach for significant projects.
- New provision proposed to provide the City with flexibility to adjust the standard contribution requirement.
 - Contingent on public art strategy.

Officer Recommendation



- The revised LPP 11 provides a contemporary framework for the provision of public art within the City.
- The Policy also offers greater guidance for developers seeking to fulfill their public art obligations.
- It is recommended that Council adopt the revised LPP 11 for the purpose of public advertising.

Next Steps



Iman Webber – Planning Officer Projects



CITY OF BELMONT

Version Date: 03/07/23

Public Submission Time and Deputation Proforma

Please ensure that your presentation complies with the Rules of Public Submission Time and Deputations as published in the Agenda Briefing Forum Programme and as printed overleaf.

Name	Lisa Hollands
Address	2 Miller Ave Redcliffe
Business, Organisation or Group (if presenting on behalf of)	

Agenda Briefing Forum Date:	16 April 2024	Report Item No. referred to:	12.6
Please tick the appropriate box below to indicate what type of presentation you wish to make.		<input type="checkbox"/> Submission	<input checked="" type="checkbox"/> Deputation
Are you speaking in support or opposition to the matter? Please tick appropriate box.		<input type="checkbox"/> Support	<input checked="" type="checkbox"/> Oppose

Please write a brief overview of your submission / deputation as clearly and concisely as possible – Remember – there are strict time limits applicable. The Presiding Member may limit presenters to a shorter period, if time is restricted.

Local Government Reform Submissions

Support most of it but some I do not support.

Additional space provided overleaf if required. Please tick box if continued overleaf





Public Submission Time and Deputation Proforma Continued

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6 Matters for which the meeting may be closed

Nil.

7 Closure

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 7.24pm.