



City of Belmont

AGENDA BRIEFING FORUM

MATRIX

TABLE OF CONTENTS

20 August 2019

ITEM	SUBJECT HEADING	PAGE
NOTICE OF MEETING		
1.	OFFICIAL OPENING	2
2.	APOLOGIES AND LEAVE OF ABSENCE	2
3.	DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT	2
3.1	FINANCIAL INTERESTS	2
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY	2
4.	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)	3
4.1	ANNOUNCEMENTS.....	3
4.2	DISCLAIMER.....	3
5.	PUBLIC SUBMISSION TIME	3
5.1	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE ON BEHALF OF BELMONT RESIDENT AND RATEPAYERS ACTION GROUP	3
6.	ORDINARY COUNCIL MEETING AGENDA FOR MEETING TO BE HELD 27 AUGUST 2019	4
6.1	AGENDA ITEMS FOR REVIEW.....	4
7.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	14
8.	CLOSURE	14

TABLED ATTACHMENTS INDEX

- Tabled Attachment 1 – Item 5.1 refers
- Tabled Attachment 2 – Item 6 (12.1) refers
- Tabled Attachment 3 – Item 6 (12.1) refers
- Tabled Attachment 4 – Item 6 (12.2) refers

Councillors are reminded to retain the attached Ordinary Council Meeting Agenda (inclusive of the OCM Attachments) for deliberation at the meeting scheduled for 27 August 2019

MATRIX FROM THE AGENDA BRIEFING FORUM HELD IN THE COUNCIL CHAMBERS OF CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 20 AUGUST 2019 COMMENCING AT 7.00PM

**AGENDA BRIEFING FORUM
MATRIX**

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
Ms J Gillan	Director Development and Communities
Mr S Morrison	A/Director Infrastructure Services
Mr J Olynyk, JP	Manager Governance
Mr W Loh (<i>dep 8.11pm</i>)	Manager Planning Services
Mrs J Barnes	Senior Governance Officer
Ms A Biondi (<i>dep 8.10pm</i>)	Senior Planning Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

There were 23 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 Sekulla to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Sekulla 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

Nil.

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title
Cr S Wolff	Item 13.2 - Notice of Motion (Cr Wolff) Report for Contribution Nature of Interest: Cr Wolff is Treasurer of the Belmont Park Tennis Club.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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 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.

5. PUBLIC SUBMISSION TIME

7.02pm 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.

5.1 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE ON BEHALF OF BELMONT RESIDENT AND RATEPAYERS ACTION GROUP

Ms Hollands spoke on Item 12.6 Response – Parliamentary Inquiry into Local Government.

Ms Hollands questioned the City's decision to make the Response to Select Committee in Local Government document confidential.

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

Note:

The Manager Governance advised that a letter received by the City from the Hon Simon O'Brien MLC, was primarily the decision for the attachment being deemed confidential. After conversations with the Advisor to the Select Committee, the City then received an email on 20 August 2019 advising that the Committee had changed its position and were now recommending that the attachment be a public document. This attachment will form part of the discussion at this Forum and at the 27 August 2019 Ordinary Council Meeting.

7.09pm The Presiding Member closed Public Submission Time.

6. ORDINARY COUNCIL MEETING AGENDA FOR MEETING TO BE HELD 27 AUGUST 2019

6.1 AGENDA ITEMS FOR REVIEW

OCM Item 12.1

Change of Use – Serviced Apartments to Multiple Dwellings and Grouped Dwellings – Lot 800 (150) Great Eastern Highway, Ascot

Deputation Presentation

Mr A Lohman, Element, spoke on behalf of the landowners of Lot 800 (150) Great Eastern Highway, Ascot

Mr Lohman spoke in support of the Officer Recommendation for Item 12.1 Change of Use – Serviced Apartments to Multiple Dwellings and Grouped Dwellings - Lot 800 (150) Great Eastern Highway, Ascot.

(Refer [Tabled Attachment 2](#) for further information).

Officer Presentation

The Senior Planning Officer provided a presentation which included the following:

- Location Plan
- Extract from Local Planning Scheme Map Showing Zoning of Subject site and Surrounding Zonings
- Aerial of Subject Site
- Advertising
- Strata Plan – Lots Excluded
- Photos
- Amenity
- Assessment State Planning Policy 7.3 – Parking
- Assessment State Planning Policy 7.3 – Motorcycle and Bicycle Parking
- Assessment State Planning Policy 7.3 – Storage
- Waste Management
- Conclusion

(Refer [Tabled Attachment 3](#) for further information).

Notes from Forum

- The units have a laundry closet which is a common practice in multiple unit dwellings. A detailed floor plan is available in Attachment 1 which shows laundry, kitchen and bathroom spaces, all to scale.
- Carrying out minor adjustments to bring the building up to Building Code standards is the responsibility of the applicant and will require them to engage a qualified Building Surveyor to submit certified plans to the City for review, after which an appropriate certificate will be issued when all building standards are met.
- The change of land use classification relates to the land tenure. Providing it complies with the definition under the scheme, a unit could be owner occupied, or be a long term rental, however it cannot remain short term accommodation.

OCM Item 12.1

Change of Use – Serviced Apartments to Multiple Dwellings and Grouped Dwellings – Lot 800 (150) Great Eastern Highway, Ascot

Item 12.1 Continued

- There are roller doors in the existing bin storage area of the complex facing Great Eastern Highway.
- Many original purchasers of the units were unaware of the prescribed use of the units and expected to be able to live in their apartments in the future. In 2008 owners discovered this was not the case, due to the Change of Use approval for the adjoining block of units at 152 Great Eastern Highway.
- Invitations to comment were sent to all owners of the adjacent development at 152 Great Eastern Highway. A total of 81 letters were sent and 13 objections were received.
- Unsolicited comments were received from owners of 150 Great Eastern Highway and these were included in the Record of Submissions separately from those received from 152 Great Eastern Highway.
- This development was assessed under R100 and R100b zoning in the early 1990s. R100b related to short stay accommodation and that is the reason for the small storage rooms. The introduction of Design WA in May 2019 allows for some flexibility to consider the context of a development, for example communal storage for bulky items. This application addresses all requirements under Design WA.
- The restaurant tenancy will have 33 allocated car parking bays which will be adequate to accommodate its patrons. The Scheme standard requires one bay for every four patrons. Parking bays allocated to restaurant patrons will be marked clearly so there is no confusion.
- A representative from Strata Management advised the Forum that Strata Management addressed the car parking bay issues some time ago. Parking bays are all clearly marked and signed.

Further Information to be Provided

Nil.

OCM Item 12.2

Change of Use – Single House and Ancillary Dwelling to Community Home at Lot 34 (227) Daly Street, Belmont

Deputation Presentation

Nil.

Officer Presentation

The Senior Planning Officer provided a presentation which included the following:

- Location Plan
- Extract from Local Planning Scheme Map Showing Zoning of Subject site and Surrounding Zonings
- Aerial of Subject Site
- Referral Plan
- *Environmental Protection (Noise) Regulations 1997*/Preparation and Implementation of a Management Plan/Parking
- Parking – Photos
- Conclusion

(Refer [Tabled Attachment 4](#) for further information).

Notes from Forum

- There are a number of community homes in the City of Belmont and often times the City is not aware of their existence until they come to its attention, usually when they apply for a rate exemption.
- Depending on the nature of the operation, Management Plans can be very specific and can vary considerably.
- The City became aware of this community home as a result of a complaint received in November 2018 regarding a tenant who no longer resides at the premises. This type of complaint can be addressed through a Management Plan.
- Community homes fulfil a great need within the community and complaints generally relate to tenancy matters.
- In the first instance, it has been determined that adjoining property owners will be provided with contact details for key personnel or carers. Some submissions that objected to the proposal came from properties that do not adjoin the site, however the rationale is that the adjoining neighbour will be the first to become aware of any issues. If neighbours further afield have issues or concerns, the City will provide them with these details.
- The Manager Planning Services undertook to assist with a Councillor Amended Motion which replaces 'Write to **adjoining** landowners' with 'Write to **surrounding** landowners' in part B of the recommendation.
- This portion of Daly Street is not a cul de sac. It is accessible by Frederick Street to the west and Harley Street to the east.
- As the Scheme allows for community homes in the Residential zone, the R20 density coding is not relevant to this application.

OCM Item 12.2

Change of Use – Single House and Ancillary Dwelling to Community Home at Lot 34 (227) Daly Street, Belmont

tem 12.2 Continued

- Advertising was distributed to all surrounding properties. No comments related to the impact of this application on the value of properties in the area. The impact on the value of properties cannot be used as a basis for determining a development application.
- The Manager Planning Services undertook to provide confirmation that a carer will remain on the premises overnight.
- This community home is not a safe house for released offenders, however that would come under the same definition.
- A condition of the Planning Approval is that a Management Plan and a carer on site are implemented. If the applicant intends to operate without a carer onsite, they will need to apply for an amended approval. The current application specifically considers the activities proposed for this property.
- This community home came to the City's attention in November 2018 when the City received its only complaint. The Director Development and Communities undertook to contact the landowner and confirm how long the property has been operating as a community home and advise Councillors.
- Community homes do not accommodate standard family living. The number of tenants allowed is determined by the number of rooms. The fact that carers are on site indicates that the people living on this site have particular special needs and will require assistance to live in the community.
- All concerns raised in submissions have been addressed and discussed with the applicant, and the City has gained a good understanding of these circumstances. The majority of concerns relate to a particular previous tenant and carer which have now been addressed.
- In regard to planning compliance, matters must be addressed in a planning context, through requiring a Management Plan that actually addresses areas of concern. The City needs to be satisfied that a planning condition is reasonable, as the burden of proof will be on the City in any future issues. Through a Management Plan and reporting mechanisms the City will have a body of evidence. Issues of ongoing compliance can then be escalated to prosecution.

Further Information to be Provided

Nil.

OCM Item 12.3

Modifications To Existing Child Care Premises at Lot 45 (50) Pearl Road, Cloverdale

Deputation Presentation

Nil

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

OCM Item 12.4

Revised Local Planning Policy No. 12 – Advertisement Signs

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

Note:

The Presiding Member advised that in accordance with Section 5.23 of the *Local Government Act 1995* if there was any discussion or debate on the Confidential Attachments for Item 12.5, Council would need to go behind closed doors. As there were no questions or debate on this item, the meeting did not proceed behind closed doors.

OCM Item 12.5
Presentation of 2019 Opportunity Awards
<u>Deputation Presentation</u>
Nil.
<u>Officer Presentation</u>
Nil.
<u>Notes from Forum</u>
Nil.
<u>Further Information to be Provided</u>
Nil.

8.10pm The Senior Planning Officer departed the meeting and did not return.

8.11pm The Manager Planning Services departed the meeting and did not return.

OCM Item 12.6

Response – Parliamentary Inquiry Into Local Government

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

- The change in position from the Select Committee requires that a number of changes be carried out by the City. This includes the Officer Recommendation being amended as it references the attachment as confidential. The confidentiality of the attachment will be lifted and it will be made publically available.
- The deletion of Annual General Meetings of Electors was one of the positions that Council resolved in its Stage 2 Submission. Special Elector Meetings are retained in accordance with the Act. To change this position, a Councillor can put forward an Alternative Councillor Motion to amend the submission at the upcoming Ordinary Council Meeting.

Further Information to be Provided

Nil.

OCM Item 12.7

Request for Rate Exemption – Access Housing Australia Ltd – Level 7, 25 Rowe Avenue, Rivervale

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

OCM Item 12.8

**Operational Comparison – Western Australian Auditor General’s Report –
Records Management in Local Government**

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

OCM Item 12.9

Delegated Authority Register Amendment

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

OCM Item 12.10

Accounts for Payment – July 2019

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

OCM Item 12.11

Monthly Activity Statement as at 31 July 2019

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

ITEM 7 REPORTS BY THE CHIEF EXECUTIVE OFFICER

OCM Item 13.2

Notice of Motion (Cr Wolff) – Request for Contribution

Notes from Forum

- As resolved by Council at the 23 July 2019 Ordinary Council Meeting, the CEO confirmed he has made contact with the President of the Belmont Sports and Recreation Club (BSRC), and subsequently met with him, the Manager of the BSRC and Cr Davis. It was made clear at that meeting that a Councillor Motion to make a rate equivalent payment to the Clubs was proposed and would be tabled at an upcoming Council meeting. The City had also previously written to all the Clubs advising them to contact the City with any concerns relating to the payment of their rates.
- The City wrote letters to all clubs well in advance of rates being raised, advising that the rates would be levied and requesting they contact the City. The letter stated that the City realised this decision may cause a financial impost on the Clubs and they should contact the City to discuss the matter.
- The City has not issued rate notices to any of the Clubs and is holding them in abeyance pending the Council resolution.
- To date, the Kayak Club has not responded to the City's correspondence.
- The BSRC President indicated to the City's CEO that he has held discussions with the Kayak Club. The City's CEO advised the BSRC President that the Kayak Club should contact the City directly to discuss their options.
- The Kayak Club building, which replaced an existing building, was built by the City through a funding arrangement.
- Rates for the Kayak Club are levied on the building only, excluding the kiosk which is rated separately.
- The CEO undertook to contact the Ascot Kayak Club to advise this Notice of Motion will be dealt with at the upcoming OCM next week.

Further Information to be Provided

Nil.

OCM Item 13.3

Notice of Motion to Revoke or Change a Previous Decision of Council – Item 13.2 – Ordinary Council Meeting Held on 26 February 2019

Notes from Forum

- Councillors are able to move an amendment to the Notice of Motion at the 27 August 2019 Ordinary Council Meeting if they wish to do so.

Further Information to be Provided

Nil.

7. 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* if there were any questions of a confidential nature on Confidential Item 14.1, then Council would need to go behind closed doors. As there were no questions of a confidential nature on this item, the meeting did not proceed behind closed doors.

OCM Item 14.1
Nomination for Honorary Freeman of the City
<u>Deputation Presentation</u>
Nil.
<u>Officer Presentation</u>
Nil.
<u>Notes from Forum</u>
<ul style="list-style-type: none">• Council has a very clear policy on the process relating to nomination and endorsement of a Freeman of the City. Discussion at the 30 July 2019 Information Forum on the current nomination concluded that the current motion will be considered under the Council's existing policy.• Council is required to consider Policy SB5 which currently provides the agreed criteria for selection of a Freeman of the City.• Council has policies in place to be used as a guide to decision making and actions, however Council can resolve outside these guidelines. Changing a Policy without due consideration is not a recommended course of action.• The Policy Manual review is scheduled to be presented to Council in November 2019 with this particular Policy (SB5) due for review this year.
<u>Further Information to be Provided</u>
Nil.

8. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 8.30pm.