



Agenda Briefing Forum

Matrix

21 February 2023

BELMONT
CITY OF OPPORTUNITY



CITY OF BELMONT

Agenda Briefing Forum

Matrix

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Tabled Attachments Index

Attachment 6.1.1 – Item 6.1 (12.1) refers
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Attachment 6.1.5 – Item 6.1 (12.2) refers
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Attachment 6.1.9 – Item 6.1 (13.2.1) refers
Attachment 6.1.10 – Item 6.1 (13.2.2) refers

**Councillors are reminded to retain the Ordinary Council Meeting Agenda
(inclusive of attachments and any confidential papers)
for deliberation at the next Ordinary Council Meeting.**

Matrix from the Agenda Briefing Forum held in the Council Chamber, City of Belmont Civic Centre, 215 Wright Street, Cloverdale on Tuesday 21 February 2023 commencing at 7.00pm.

Matrix

Present

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP (Deputy Mayor)	West Ward
Cr B Ryan	East Ward
Cr N Carter	South Ward
Cr J Davis	South Ward
Cr S Wolff	South Ward
Cr D Sessions	West Ward

In attendance

Mr J Christie	Chief Executive Officer
Mr S Downing	Director Corporate and Governance
Mr J Bidwell	Acting Director Infrastructure Services
Mr W Loh	Acting Director Development and Communities
Mr M Hayward	Manager Design, Assets and Development
Mr S Reeves	Manager Parks, Leisure and Environment
Ms A Bird	Manager Governance, Strategy and Risk
Ms G Carter-Nguyen	Manager PR and Stakeholder Engagement
Ms M Lymon	Governance and Compliance Adviser
Ms M Phillips	Governance Officer

Members of the gallery

There were 11 members of the public in the gallery and no press representatives.

I Official Opening

7.00pm 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 G Sekulla (leave of absence)	West Ward
Cr M Bass (apology)	East Ward
Ms J Gillan (apology)	Director Development and Communities
Ms M Reid (apology)	Director Infrastructure Services

3 Declarations of interest that might cause a conflict

3.1 Financial Interests

Nil.

3.2 Disclosure of interest that may affect impartiality

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Cr D Sessions	12.4 - Tender 13/2022 - Wilson Park Precinct Zone 2 Heart + Playground	I started and manage a Facebook page in 2020 called Wilson Park Upgrade.
Cr D Sessions	14.1 - Code of Conduct Matter	I know the complainant.
Cr R Rossi	14.1 Code of Conduct Matter	I know and have known the complainant in the matter before Council for three years.

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 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.

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 submission time

7.03pm The Presiding Member opened the period allotted for Public Submission Time and drew the gallery's attention to the Rules for Public Submission Time.

7.03pm The Presiding Member closed Public Submission Time as no submissions were received.

6 Ordinary Council Meeting Agenda for meeting to be held on 28 February 2023

6.1 Agenda items for review

OCM Item 12.1

Retrospective Development Application for Change of Use from 'Single House' to 'Holiday House' – Lot 24 (16) Samphire Street, Ascot

Deputation Presentation

Mr N Hidding spoke in support of the Officer Recommendation.

(Refer Tabled Attachment 6.1.1 for further information).

Mr P & Ms L Worthington spoke against the Officer Recommendation.

(Refer Tabled Attachment 6.1.2 for further information).

Mr C Sultana spoke against the Officer Recommendation.

(Refer Tabled Attachment 6.1.3 for further information).

Officer Presentation

The Acting Director Development and Communities provided a presentation which included the following:

OCM Item 12.1

Retrospective Development Application for Change of Use from 'Single House' to 'Holiday House' – Lot 24 (16) Samphire Street, Ascot

- Location Plan
- Extract from Local Planning Scheme Map Showing Zoning of Subject Site and Surrounding Zonings
- Aerial of Subject Site
- Consultation
- Key Concerns from Submissions
- LPS No.15 Requirements
- Property Management Plan
- Summary

(Refer Tabled Attachment 6.1.4 for further information).

7.46pm The Acting Director Infrastructure Services departed the meeting.

7.48pm The Acting Director Infrastructure Services returned to the meeting.

Notes from Forum

- The change of use for this development is before Council now for consideration.
- Some behaviour of tenants as described by Mr Sultana would impact the amenity, whether property management measures accompanying the change of use application can reasonably address this is a planning matter that the Council has to consider.
- There are expected behaviours outlined in the Property Management Plan, including Noise Control.
- The report outlines that the Property Manager is to provide contact details to all surrounding neighbours. All neighbours will be provided with a copy of the Property Management Plan and can contact the City regarding any breaches. If there is a documented breach the City can prosecute the owners accordingly.
- The owners have been operating without approval, although officers have not witnessed this firsthand. If the City did proceed to prosecute, witness statements from neighbours would apply.
- A recommendation of the November 2018 Parliamentary inquiry into short-stay accommodation is that the Minister for Planning should look into consistent terms for regulation of this type of accommodation.
- The City did receive an email regarding a Winnebago on the road at the end of last year. Parking Winnebagoes on the street is not necessarily an offence and there is no evidence, beyond reasonable doubt, that parking of Winnebagoes on the street makes this a holiday house.
- If this item goes to State Administration Tribunal, suspecting that someone may breach is not a valid reason to refuse an application.
- As outlined in the Officer's report there have been approximately six properties approved in the last four or so years and there have not been any complaints

OCM Item 12.1

Retrospective Development Application for Change of Use from 'Single House' to 'Holiday House' – Lot 24 (16) Samphire Street, Ascot

registered regarding these properties. The City is not sure if these properties have acted on their short-term accommodation approval.

- The Rangers department may have been short staffed at that time, hence the inability to immediately respond to neighbours' concerns, but given recent recruitment success are now in a better position to respond to requests.
- The Property Manager needs to be contactable at all times for urgent matters, and if they do not reasonably respond, neighbours can give that information to the City and a breach can be made.
- The State Administrative Tribunal will consider the planning matters associated with the 20 objections to this change of use, the number of objections is not the determining factor. If this item goes to State Administration Tribunal, Councillors will be required to attend and defend their decision given it is contrary to the Officer's recommendation. Councillors may be assisted by a planning consultant who is not an Officer of the City.
- If there is a breach of the conditions, depending on the nature and severity of the breach, there may be an infringement, a directions notice or prosecution. Within planning compliance, a matrix is used to assess the severity of the breach.
- If this matter goes to the State Administrative Tribunal, the conditions approved by the State Administrative Tribunal may be less stringent than those the City is proposing.

Further Information to be Provided

- The Acting Director Development and Communities undertook to provide how many complaints this address has received in the last 13 months and how many times the City has contacted the owner to request that they stop operating.

OCM Item 12.2

Planning Framework Update Development Area 6 (Redcliffe Station) Precinct

Deputation Presentation

Nil.

Officer Presentation

The Acting Director Development and Communities provided a presentation which included the following:

- Aerial

OCM Item 12.2

Planning Framework Update Development Area 6 (Redcliffe Station) Precinct

- Background
- Improvement Plan and Scheme
- Contract with TBB
- Draft Planning Framework
- Communications
- Memorandum of Understanding (MOU)
- Officer Recommendation

(Refer Tabled Attachment 6.1.5 for further information).

Notes from Forum

- The Department of Planning, Lands and Heritage intends to start the works this financial year.

Further Information to be Provided

- The Acting Director Development and Communities undertook to provide information on who will maintain the southern main drain under the Memorandum of Understanding.

OCM Item 12.3

Amendment No. 20 to Local Planning Scheme No. 15 – Rezoning Strata Lot 1, Strata Lot 2 and common property on Strata Plan 64896 (No. 39 And 39a) Keane Street, Kewdale from 'Residential' to 'Places of Public Assembly'

Deputation Presentation

Mr T Will (Taylor Burrell Barnett) spoke in support of the Officer recommendation.

(Refer Tabled Attachment 6.1.6 for further information).

Officer Presentation

The Acting Director Development and Communities provided a presentation which included the following:

- Location
- Proposed Amendment
- History
- Appropriateness of Proposed Amendment

OCM Item 12.3

Amendment No. 20 to Local Planning Scheme No. 15 – Rezoning Strata Lot 1, Strata Lot 2 and common property on Strata Plan 64896 (No. 39 And 39a) Keane Street, Kewdale from 'Residential' to 'Places of Public Assembly'

- Further Development Approval
- Amendment Classification
- Officer Recommendation

(Refer Tabled Attachment 6.1.7 for further information)

Notes from Forum

- The provisions for advertising are set out in the regulations, a letter drop may be part of a complex amendment, in addition to a sign placed on the site.
- The two properties have not been amalgamated.

Further Information to be Provided

Nil.

Cr D Sessions disclosed at Item 3 of the Programme "Disclosure of Interest" an Impartiality Interest in the following item in accordance with Regulation 22 of the *Local Government (Model Code of Conduct) Regulations 2021*.

Note:

The Presiding Member advised that in accordance with Section 5.23(2)(c)(e) of the *Local Government Act 1995* if there was any discussion or debate on the Confidential Attachments for Item 12.4, Council would need to go behind closed doors.

8.19pm Cr Davis moved, Cr Rossi seconded that in accordance with Section 5.23(2)(c)(e) of the *Local Government Act 1995*, the meeting proceed behind closed doors to discuss the Confidential Attachments for Item 12.4 – Tender 13/2022 – Wilson Park Precinct Zone 2 Heart and Playground.

Carried 7 votes to 0

8:19pm Members of the public gallery departed the meeting.

8:19pm The Manager Parks, Leisure and Environment, the Manager Design, Assets and Development, and the Manager PR and Stakeholder Engagement departed the meeting.

OCM Item 12.4

Tender 13/2022 - Wilson Park Precinct Zone 2 Heart + Playground

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

(Refer to Matrix – Confidential Matters for further information.)

Further Information to be Provided

- The Acting Director Infrastructure Services undertook to investigate other projects Ecoscape have completed.

8.31pm Rossi moved, Sessions seconded, that the meeting again be open to the public.

Carried 7 votes to 0

8:31pm The meeting came out from behind closed doors. Members of the public returned to the meeting. The Manager Parks, Leisure and Environment, the Manager Design, Assets and Development and the Manager PR and Stakeholder Engagement returned to the meeting.

OCM Item 12.5

2023 Consolidated Assurance Map

Deputation Presentation

Nil.

Officer Presentation

Nil.

OCM Item 12.5 2023 Consolidated Assurance Map

Notes from Forum

Nil.

Further Information to be Provided

Nil.

As there were no questions or debate on the confidential attachments for this item, the meeting did not proceed behind closed doors.

OCM Item 12.6 Internal Audit Report

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

- Previously the risks with the Excel Spreadsheet were that documents were not locked for editing. It was not to do with pool inspections themselves. The transition to the Pathway system will have improved process and security controls.

Further Information to be Provided

Nil.

OCM Item 12.7

Council Policy - Complaints Management

Deputation Presentation

Ms L Hollands spoke against the Officer Recommendation.

(Refer Tabled Attachment 6.1.8 for further information).

Officer Presentation

Nil.

Notes from Forum

- This item has not previously been presented at an Information Forum.
- When creating the policy, policies from other band one local governments in the metropolitan area and the WA Ombudsman's guidelines for dealing with complaints were considered. This policy is consistent with all of those.
- Other local government policies also include a section for unreasonable complaints.
- A risk assessment forms part of every Council policy. After every election, Councillors approve the Council Policy Manual.
- This policy does not cover the management of service complaints. There is no way to action service complaints that are anonymous. The City has an obligation to act on certain complaints such as fraudulent activity even if they are anonymous.

Further Information to be Provided

- The Manager Governance, Strategy and Risk undertook to provide a Complaints Management policy from another local government.

OCM Item 12.8

Council Policy - Complaint Investigation - Behaviour Complaints

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

- The Records Management Team are the only staff who have access to the belmont@belmont.wa.gov.au email address. Staff do not read the whole complaint just enough to identify the type of complaint and who is the appropriate officer to task the complaint to. Most complaints go directly to the Chief Executive Officer.

Further Information to be Provided

Nil.

OCM Item 12.9

Accounts for Payment - December 2022

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

- Cr Bass and Cr Sessions' payments are less than other Councillors due to adjustments for IT allowances.

OCM Item 12.9

Accounts for Payment - December 2022

- The City does remove graffiti from walls along main roads such as Leach Highway, Tonkin Highway and Great Eastern Highway through an agreement and the City recovers the cost from Main Roads WA.

Further Information to be Provided

- The Chief Executive Officer undertook to provide an update of where graffiti is being removed.

OCM Item 12.10

Accounts for Payment - January 2023

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

OCM Item 12.11
Monthly Activity Statement for December 2022

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

OCM Item 12.12
Monthly Activity Statement for January 2023

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

8:58pm Cr Davis departed the meeting.

8:58pm The Manager Governance, Strategy and Risk departed the meeting.

8:59pm Cr Davis returned to the meeting.

9.00pm The Manager Governance, Strategy and Risk returned to the meeting.

OCM Item 13.2.1

Notice of Motion (Cr Rossi) Stanton Road and Second Street Traffic

Deputation Presentation

Ms L Hollands spoke against the Officer Recommendation.

(Refer Tabled Attachment 6.1.9 for further information).

Officer Presentation

Nil.

Notes from Forum

- There are two slow points and plateau treatments along Stanton Road with an extended 40km/h school zone.
- There has been a redistribution and increase in traffic on Stanton Road since Main Roads WA closed Brearley Avenue in 2017. Google maps may in part redirect traffic onto Stanton Road due to the current roadworks associated with the Tonkin Gap Alliance works.
- The City can look at various traffic calming measurements inclusive of different style speed humps and plateaus, along with advocacy measures such as the City's speed trailer and further WA Police patrols. Main Roads and the City does not support speed humps being installed without a good reason and reference to objective data. The City is hoping that once the Tonkin Gap works are completed the signposted route to access the Airport precinct will become more popular and recommended by navigational aids, thereby reducing traffic on Stanton Road.
- Temporary traffic calming measures can be implemented relatively quickly and options will be considered in coming months, however, the preference from the City is to look at more permanent traffic calming controls on Stanton Road in the 2024-2025 financial year.
- There is an option to add temporary traffic calming devices although trials are not recommended as these measures can become hazards themselves over time.

OCM Item 13.2.1

Notice of Motion (Cr Rossi) Stanton Road and Second Street Traffic

Further Information to be Provided

- The Manager Design, Assets and Development undertook to provide the dates that the traffic volume and speed survey took place.

OCM Item 13.2.2

Notice of Motion (Cr Davis) - Trees

Deputation Presentation

Ms L Hollands spoke against the Officer Recommendation.

(Refer Tabled Attachment 6.1.10 for further information).

Officer Presentation

Nil.

Notes from Forum

- The 2024 planting programme has been planned.
- Non-native trees have broader leaves creating a good tree canopy.
- Jacaranda trees do provide nesting and birds can feed off the trees.
- Cockatoos can nest in non-native trees. It can take 175-225 years for natural holes to appear in trees.
- Moving forward the City will only plant Australian native plants in parks unless a native will not thrive in the particular environment.
- The City is currently finalising the Streetscape Enhancement Strategy. A list of various trees has been provided to the Executive Team to review.
- 3,000 trees were planted this year with an additional 2,300 planned for the winter season coming up.
- New trees have a two-year watering programme where the trees are watered three times per week.

Further Information to be Provided

- The Manager Parks, Leisure and Environment undertook to provide Councillors with the list of trees on the City's planting programme.

From: no-reply@belmont.wa.gov.au
Sent: Mon, 20 Feb 2023 11:55:28 +0800
To: "Belmont" <Belmont.Belmont@belmont.wa.gov.au>
Subject: Public Submission Time and Deputation Proforma



**City of
Belmont**

Hi Governance Team,

You have a new public submission or
deputation from Nikolas Hidding for the 21st
February 2023 Meeting.

PublicSubmissionDeputationID	9
Form inserted	20/02/2023 11:55:08 AM
Form updated	20/02/2023 11:55:08 AM
Date of Meeting	21st February 2023
First name	Nikolas
Last name	Hidding
Email	[REDACTED]
Phone	[REDACTED]
Business, organisation or group (if presenting on behalf of)	
Please indicate what type of presentation will be made	Deputation
Please tick to indicate if your submission or deputation is in support or opposition to the	Support
Officer Recommendation	
Agenda item number	12.1
Enter your submission/deputation	My presentation will confirm support for the recommendation to approve the use inclusive of a temporary 12 month approval condition.
reCAPTCHA	

Thanks,

City of Belmont

CITY OF BELMONT

Version Date: 07/04/22

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	Peter & Lyn Worthington		
Address	14 Samphire Street Ascot WA 6104		
Business, Organisation or Group (if presenting on behalf of)			

Agenda Briefing Forum Date:	21/2/2023	Report Item No. referred to:	41/2022
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
<p><i>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.</i></p> <p>The application for Holiday House/Short Term Accommodation for 16 Samphire Street Ascot has had 22 Objections and zero agreement submissions from Ascot Water residence.</p> <p>We strongly object to the finds of the planning dept eg that every objection is not a council issue but rather a Police or Ranger issue, which misses the whole point of the objects which is to take away any such need for police or range intervention by leaving the area and street as long term residential.</p> <p>The idea that this application could proceed regardless to the 22 objections makes a mockery out of the residents right to object eg if it was 50/50 then there would be grounds however it is 22 to 1 or 99% against and yet the council recommends to approve the application regardless.</p> <p>The application should fail on any point of needing a ranger or the police to resolve matters</p> <p>The application should be rejected based on the 22 to 1</p> <p>The application should be rejected based on all grounds of community spirit eg the whole street could become short stay accommodation thus reducing all levels of community with the suburb.</p> <p>We strongly ask the council to take another look at this application and permanently reject the application based on all or any one of the points raised within the 22 objections.</p>			
Additional space provided overleaf if required. Please tick box if continued overleaf <input type="checkbox"/>			



CITY OF BELMONT

Version Date: 07/04/2

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	Charles Sultana		
Address	18 Samphire Street ASCOT WA 6104		
Business, Organisation or Group (if presenting on behalf of)			
Agenda Briefing Forum Date:	21/02/2023	Report Item No. referred to:	41/2022
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
<p><i>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.</i></p> <p>I, like many of my neighbours, took the opportunity to comment on the development application prior to the 25th November 2022. However, after seeing how my submission has been presented in the Ordinary Council Meeting Agenda on the 28th February 2023, I feel compelled to speak directly to the Councillors this evening. It seems that the individual who has prepared the Submission Table as per Attachment 12.1.2 has taken it upon themselves to edit or omit key points that I have raised in my submission. I have copies of my original submission dated 17th November 2022 for you to read.</p> <p>In light of this and the whole development application process can the elected Councillors, please answer or address the following points:</p> <ul style="list-style-type: none"> • Can the Councillors please advise if they have received and read all the unedited submissions as forwarded by concerned residents in the submission period which concluded on 25th November? • Are Councillors relying on the summarisation undertaken by the City Of Belmont's Planning Department as per the Table 12.1.2 contained in the Agenda for next weeks Council Meeting? • Why were crucial points contained in my submission glossed over or dismissed in the above Table? • Why was the applicant given approximately 9 months and two opportunities to submit their retrospective Development Application yet affected residents are given less than 7 days notice of tonight's Agenda Briefing Forum (as per City of Belmont letter dated 15th February 2023) and less than 14 days notice of the Application being considered at next weeks' Ordinary Council Meeting? 			
Additional space provided overleaf if required. Please tick box if continued overleaf <input checked="" type="checkbox"/>			

- Why weren't affected residents informed in the letter dated 15th February 2023 that City Of Belmont Planning Department has recommended the Development Application be approved? Why is the decision by the Planning Department buried in page 27 of next week's Ordinary Council Meeting Agenda?
- The City Of Belmont's own Planning Department and/or the Applicant can not decide on what the Retrospective Change of Use is to be. In the 'Invitation to Comment' letter dated 28th October 2022 the application was described as 'Retrospective Change of Use (Holiday House)' yet the letter dated 15th February 2023 refers to the Development Application as 'Retrospective Change of Use (Short Stay Accommodation)'. Can the Councillors advise and/or Planning advise which one it is?
- Item 3 of my submission regarding the phrase 'Holiday Accommodation' as contained in Table 1 - Zoning Table, was dismissed as being different from 'Holiday House' with the Planning Department choosing to play semantics. The term 'Holiday Accommodation' is all encompassing - the form, whether it be an apartment, chalet, villa, house, townhouse etc is irrelevant. The way the property is being used is more pertinent - that being short term accommodation with frequent guests regularly coming and going.
- Furthermore, on p.52 of LPS 15 Schedule No.1 - Land Use Definitions, the definition of 'Holiday Accommodation' explicitly states that '...used to provide accommodation for persons other than the owner of the lot', however 'Holiday House' states '...a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.'
- This implies that a 'Holiday House' is to be used solely for the benefit of the property owner only as it does not explicitly state or permit the use by persons other than the owner. This is much like owning a Holiday House in a rural setting that one can retreat to in the holiday period or over the long weekend.
- Why was Item 4 of my submission dismissed as 'Pre-empting Non Compliance' when all 6 examples of the disturbances caused by guests were factual as the Applicant has been using the property in an unauthorised manner since January 2022, with a further guest booking in December 2022:
 - January 2022 - the group of young adults clearly drug/alcohol affected staying from Thursday night to Sunday. This was the initial 'red flag' for both myself and the owners of 14 Samphire Street;
 - February 2022 -members of the WCE Women's football team undertaking COVID quarantine following a game in Melbourne. They arrived around 12am after a game vs St Kilda on the 8th/9th February. On several occasions, pet dogs were present despite a 'no pet policy';
 - March 2022 -a group of foreign undersea divers/oil rig maintenance engineers in March who would regularly conduct loud phone calls at 5:30-6:00am by the pool area;
 - April 2022 - a family group from rural WA who would insist on conducting loud phone calls whilst smoking on the adjoining fence line. I could not open my home office door to the stench of cigarette smoke for the duration of their stay
 - July 2022 - a group who whilst drinking and socialising around the pool area at 1am on July 3rd, had their vehicle stolen from an open garage and unlocked internal door. I was awoken at 7am by the guests demanding to see my security footage, which I politely refused. The rest of that morning was spent dealing with Forensic Police and Detectives - something I could do without.
 - September/October - a group of 4-6 males who would insist on shouting expletives at the top of their voices whilst out by the pool/alfresco area. I was unable to have my 7yo nephew, 6yo niece and 5yo nephew over the school holidays for fear of them being exposed to the obscenities coming from over the fence.
 - December 2022/January 2023 - 3 English couples who would insist on leaving the side gate unlatched with it constantly banging at all hours of the day/night. 2 RV's or Winnebago's (only 1 could fit on driveway parked on road for several hours on Monday 2nd January 2023. Only one vehicle could fit through the roadway, resulting in a few near misses.
- Throughout all the above examples, the property was allegedly operating under the Management Plan accompanying the application yet wasn't enforced on guests throughout the period.
- How many businesses in the City of Belmont's jurisdiction would be allowed to continue to operate over a 11 month period without the necessary Development Approval? And without repercussions?
- Why is the onus on surrounding residents to make submissions as to why the Development Application should be supported or rejected?

- Why isn't the Applicant required to demonstrate any positive benefits from the proposed change of use in the Development Application? They are, after all, seeking to change the status quo with regards to the Change Of Use. Is that because apart from the property owner being able to procure a higher rental yield via a short stay accommodation business vs a longer term rental arrangement, there are none?
- How does the local community in Ascot Waters benefit from this Change in Use given it's a residential area? The Planning Department states it is consistent with a Residential area - but fails to support the claim with any factual evidence.
- All the businesses that could possibly benefit financially via the increased tourism are either located on the Great Eastern Highway strip, the Perth CBD, entertainment areas such as Northbridge and/or Burswood or in tourist precincts such as the Swan Valley, Fremantle or rural towns such York or Margaret River. This is where such forms of short-stay accommodation are more appropriate, not in a built up residential area.
- Has the applicant provided a business plan or modelling demonstrating a need for such accommodation as none was provided with the Development Application? p21 of the Agenda of Ordinary Council Meeting set for the 28th February lists 13 properties that are currently approved 'Holiday Houses'. Can we assume that the current supply of 'Holiday Houses' is adequate?

In closing, may I reference Goal 5: Responsible Belmont of the 2020-2040 Strategic Community Plan:

Strategy 5.5: Engage and consult the community in decision making;

Strategy 5.6: Deliver effective, fair and transparent leadership and decision making, reflective of community needs and aspirations.

Twenty affected residents took the time and effort to voice their concerns with the above Development Application, with all twenty submissions REJECTING the Application.

How can the Planning Department's decision to approve the Development Application be seen to be fair transparent and reflective of community needs and aspirations?

CITY OF BELMONT
Retrospective Development
Application for Change of
Use from 'Single House' to
'Holiday House' – Lot 24
(16) Samphire Street, Ascot



Location Plan



Extract from Local Planning Scheme Map Showing Zoning of Subject Site and Surrounding Zones



REGION SCHEME RESERVES (MRS)

	Civic and Cultural		Public Purposes
	Other Regional Roads		Public Purposes - Car Park
	Parks and Recreation		Public Purposes - Commonwealth Government
	Parks and Recreation - restricted		Public Purposes - High School
	Port Installations		Public Purposes - Hospital
	Primary Regional Roads		Public Purposes - Prison
	Railways		Public Purposes - Special Uses
	State Forests		Public Purposes - State Energy Commission
	Waterways		Public Purposes - Technical School
	Water Catchments		Public Purposes - University
			Public Purposes - Water Authority of WA

LOCAL SCHEME RESERVES

	Local road		Public Purposes - Police
	Major Distribution Road		Public Purposes - Primary School
	Parks and Recreation		Public Purposes - Telstra
	Parks and Recreation : Water Supply Sewerage and Drainage		Public Purposes - Transport Depot
	Public Purposes : Ambulance Depot		Public Purposes : Water Authority of WA
	Public Purposes : Civil Defence		

LOCAL SCHEME ZONES

	Civic and Cultural		Place of Public Assembly : Pre-School Centre
	Commercial		Place of Public Assembly : Private School
	Industrial		Place of Public Assembly : Racecourse
	Mixed Business		Residential (R20 Density Unless Otherwise Shown)
	Mixed Use		Residential and Stables
	Place of Public Assembly		Service Station
	Place of Public Assembly : Club		Special Development Precinct
	Place of Public Assembly : Place of Public Worship		Town Centre

Aerial of Subject Site



Consultation

- Advertised within a 200m radius
 - a sign on site and online from 28 October 25 November 2022.
- 20 submissions were received during the second advertising period.

Key Concerns from Submissions

- The use will negatively affect surrounding property values.
- The owner was operating the 'Holiday House' without planning approval.
- The proposal is inconsistent with the objectives of the zone.
- The use will be detrimental to the amenity of the locality.
- Approval would create an undesirable precedent.

LPS No. 15 Requirements

- Objectives of the Special Development Precinct Zone:
 - *Development of predominantly residential precincts.*
 - *Varied but compatible supporting land uses such as offices, showrooms and eating establishments which do not generate nuisances detrimental to the amenity of the precincts' residents.*
 - *Buildings should be of a very high standard of architectural design.*

Property Management Plan

- The key aspects of the proposed 'Holiday House' use are as follows:
 - Entire dwelling will be rented out under a single booking;
 - A minimum stay of seven ays;
 - On-site parking bays;
 - Check-in between 2.00pm nd .00pm; check out between 8.00am nd 0.00am;

Property Management Plan Cont.

- Noise generating activities are restricted;
- Parties and events are prohibited;
- Guests are vetted;
- Property Manager contact details provided;
- Guests are required to pay a bond;
- Ability to terminate the booking and have the guests vacate the premises.

Summary

- Consistent with the objectives of the Special Development Precinct zone.
- Conditions to the approval to control amenity impacts.
- Appropriate to approve the Change of use application subject to conditions.

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CITY OF BELMONT Development Area 6 Precinct Planning Update



Aerial



Background

2016



Taylor Burrell Barnett (TBB) engaged to prepare planning framework.

March
2021



Council endorsed planning framework for advertising.

WAPC does not provide consent.

April
2022



Council request Development WA progress planning due to funding concerns – southern main drain.

Improvement Plan and Scheme

- October 2022 – Minister for Planning supports Improvement Plan
 - Improvement Plan 45 (Redcliffe Station Precinct).
- DPLH tasked to progress planning for precinct
 - Improvement Scheme (development controls)
 - Informed by Improvement Plan and City's planning work.
- Key implications for the City's draft planning framework and contract with TBB.

Contract with TBB

- TBB were engaged in 2016.
- No longer require TBB to continue planning work.
- Provision for the contract with TBB to be closed where parties agree in writing.
- TBB has verbally agreed to closing the contract.
- Formal arrangements will be made to conclude the contract.

Draft Planning Framework

- DPLH wishes to use work prepared by City and TBB to inform the Improvement Scheme.
- The draft planning framework has been substantially progressed and represents the community's vision for the precinct.
- It is considered beneficial for the City to allow DPLH to use the draft planning work to inform the Improvement Scheme.
 - Subject to the City's intellectual property being acknowledged.

Communications

- December 2022 - DPLH advised residents of the Improvement Plan.
- Necessary for residents and landowners to be provided with consistent updates.
- City has well established communication channels.
- Beneficial for DPLH and the City to adopt appropriate procedures
 - Ensure consistency and timely updates are provided.

Memorandum of Understanding (MOU)

- DPLH has advised that City officers will continue to play an important role in the planning for the precinct.
- MOU or similar agreement considered necessary to provide clarity on:
 - Sharing of information and use of intellectual property;
 - Roles and responsibilities of each party
 - Procedures to ensure consistent and timely messaging to the community.

Officer Recommendation

That Council:

1. Note that DPLH will be progressing the planning framework in the form of an Improvement Plan and Improvement Scheme for the DA6 precinct.
2. Note that the contract between the City and TBB will be closed.
3. Request the CEO write to the Director General of DPLH to establish a Memorandum of Understanding or similar agreement.
4. Direct the CEO to provide the community with an update.

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From: no-reply@belmont.wa.gov.au
Sent: Mon, 20 Feb 2023 10:21:39 +0800
To: "Belmont" <Belmont.Belmont@belmont.wa.gov.au>
Subject: Public Submission Time and Deputation Proforma



**City of
Belmont**

Hi Governance Team,

You have a new public
submission or deputation from
Trent Will for the 21 February
2023 Meeting.

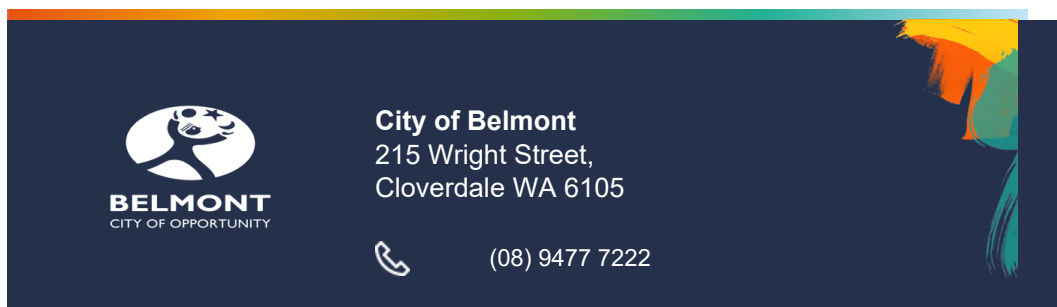
PublicSubmissionDeputationID	8
Form inserted	20/02/2023 10:20:50 AM
Form updated	20/02/2023 10:20:50 AM
Date of Meeting	21 February 2023
First name	Trent
Last name	Will
Email	[REDACTED]
Phone	[REDACTED]
Business, organisation or group (if presenting on behalf of)	Taylor Burrell Barnett
Please indicate what type of presentation will be made	Deputation
Please tick to indicate if your submission or deputation is in support or opposition to the Officer Recommendation	Support
Agenda item number	12.3
Enter your submission/deputation	Note: Requested deputation is a joint presentation from Trent Will (Taylor Burrell Barnett) and Pastor Rolf Van Wollingen (Perth Alliance Church). We wish to speak in support of the officer's recommendation for the proposed scheme amendment at 39 and 39A Keane Street, Kewdale. We appreciate the officer's recommendation to initiate the amendment. The Perth Alliance Church has operated from 324 Belmont Avenue, Kewdale (adjoining the subject site) since 1996. The Church building has

existed on the site since the early 1970s. Perth Alliance Church provides an important service to the community, offering sermons in Mandarin and Cantonese. The Church has experienced growing membership over the last few years. In order to accommodate its growth, the Church purchased the land at 39 and 39A Keane Street in 2018 and 2019 respectively. The purpose of this amendment is to rezone the subject site such that the 'Place of Worship' can operate from 39 and 39A Keane Street noting the use is currently prohibited in the Residential zone. This will provide additional space for the church to conduct ancillary operations, provide additional carparking and enable redevelopment in the longer term future. The Perth Alliance Church is already located in a residential context and has limited hours of operation with services generally contained to Sunday mornings and other small gatherings and activities intermittently throughout the week. These limited hours of operation have minimal impact on the adjoining residential properties. No complaints have been received in recent times regarding the operation of the Church. The current church site is just over 2,000sqm in area, making it one of the smallest church sites in the City of Belmont (of those zoned Place of Public Assembly). The additional 1,024sqm of land to be rezoned would result in a total site area of 3,055sqm - as noted in the officer's report, this is consistent with many other church sites in the City of Belmont. We respectfully ask Council to initiate the amendment in accordance with the officer's recommendation and would be pleased to answer any questions.

reCAPTCHA

Thanks,

City of Belmont

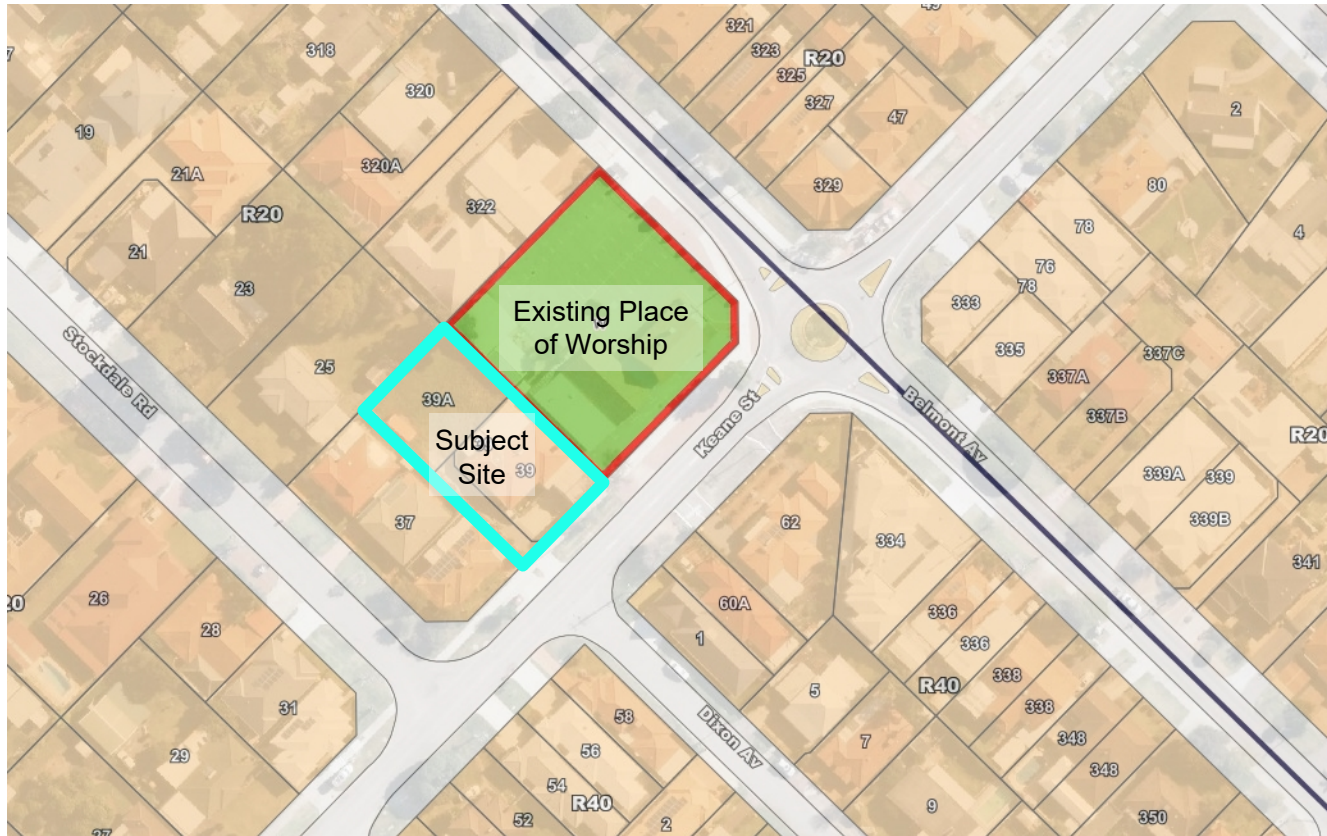


CITY OF BELMONT

**Amendment No. 20 to Local Planning
Scheme No. 15 – Rezoning 39 and 39A
Keane Street, Kewdale from
'Residential' to 'Place of Public
Assembly'**



Location



Proposed Amendment



History



Appropriateness of Proposed Amendment

- Existing 'Place of Public Assembly' zoned land is adjacent to residential uses.
- The 'Residential' and 'Place of Public Assembly' zones both support appropriate non-residential land uses.
- Amendment results in a site which is 3,055m²
 - 3,385m² average sized lot 'Place of Worship' use
 - Not considered to impact on housing supply.

Further Development Approval

Local Planning Scheme

- Guides land uses and built form.

Planning and Development (Local Planning Scheme) Regulations 2015

- Provide 'matters to be considered' which protect the residential amenity of the area, including traffic flow.

Supporting documents

- Traffic Impact Statement
- Acoustic report.



Amendment Classification

- Applicant considers – standard amendment:
 - No environmental, social, economic or governance impacts on the scheme area.
- City Officers considers – complex amendment:
 - Community religious affiliations – social implications.
 - Not addressed by the local planning strategy.

Officer Recommendation

- Council adopt for the purpose of advertising as a 'Complex' amendment.
- Send to Environmental Protection Authority
 - Determine if environmental assessment is required.
- Forward to the Commission for consent to advertise.



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CITY OF BELMONT

Version Date: 07/04/22

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:	21 Feb 2023	Report Item No. referred to:	12.7
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		
<i>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.</i>			
I do not support the officer recommendation and complaint management policy			
I cant sign the form as I cant find the space to do it. LH 21/2.2023			
Additional space provided overleaf if required. Please tick box if continued overleaf <input type="checkbox"/>			

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Version Date: 07/04/22

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:	21 Feb 2023	Report Item No. referred to:	13.2.1
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
<p><i>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.</i></p> <p>I do not support the motion of Cr Rossi on Stanton Rd without additional and necessary wording to the motion..</p> <p>I cant sign the form as I cant find the space to do it. LH 21/2.2023</p>			
Additional space provided overleaf if required. Please tick box if continued overleaf <input type="checkbox"/>			

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Version Date: 07/04/22

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:	21 Feb 2023	Report Item No. referred to:	13.2.2
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		
<i>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.</i>			
I do not support the motion of Cr Davis on trees			
I cant sign the form as I cant find the space to do it. LH 21/2.2023			
Additional space provided overleaf if required. Please tick box if continued overleaf <input type="checkbox"/>			

7 Matters for which the meeting may be closed

Note:

The Presiding Member advised that in accordance with Section 5.23(2)(h) of the Local Government Act 1995 in order to discuss the process with regard to Confidential Item 14.1 Item - Code of Conduct Matter, Council will need to go behind closed doors.

As there were no questions with regard to the process, the meeting did not proceed behind closed doors.

Cr D Sessions and Cr R Rossi disclosed at Item 3 of the Programme “Disclosure of Interest” an Impartiality Interest in the following item in accordance with Regulation 22 of the *Local Government (Model Code of Conduct) Regulations 2021*.

7.1 Code of Conduct Matter

OCM Item 14.1. Code of Conduct Matter

Deputation Presentation

Nil.

Officer Presentation

Nil.

Notes from Forum

Nil.

Further Information to be Provided

Nil.

8 Closure

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 9.39pm.