



City of Belmont

AGENDA BRIEFING FORUM

MATRIX

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21 November 2017

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TABLED ATTACHMENTS INDEX

Tabled Attachment 1 – Item 5.1 refers
Tabled Attachment 2 – Item 5.2 refers
Tabled Attachment 3 – Item 12.1 refers

Councillors are reminded to retain the attached
Ordinary Council Meeting Agenda (inclusive of the OCM Attachments) for
deliberation at the meeting scheduled for 28 November 2017

**INFORMATION MATRIX FROM THE AGENDA BRIEFING FORUM HELD IN THE
COUNCIL CHAMBERS OF CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET,
CLOVERDALE ON TUESDAY, 21 NOVEMBER 2017 COMMENCING AT 7.00PM**

**AGENDA BRIEFING FORUM
INFORMATION 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
Mrs J Hammah	Director Community and Statutory Services
Mr J Olynyk, JP	Manager Governance
Mr J Hardison (<i>arr 7.12pm, dep 7.33pm & did not return</i>)	Manager Property and Economic Development
Mr W Loh (<i>dep 7.33pm & did not return</i>)	Manager Planning Services
Mr S Monks	Manager Finance
Mr S Morrison	Manager Works
Mr W Stephens	Manager Parks and Environment
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms A Gupta (<i>dep 7.33pm & did not return</i>)	Planning Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

There were six members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.00pm, welcomed those in attendance, and read the Acknowledgement of Country.

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

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

Affirmation of Civic Duty and Responsibility

I make this affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgement and ability. I will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

2. APOLOGIES AND LEAVE OF ABSENCE

Mr R Lutey (Apology)

Director Technical Services

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

4.1 ANNOUNCEMENTS

The Mayor made the following announcement:

'In addition to the City of Belmont supporting the 'Light up our Landmarks' initiative, as part of WA's version of the International 16 Days of Activism to Eliminate Gender-based Violence, it is proposed that Councillors wear an item of orange clothing to the 28 November 2017 OCM to show their support for this campaign.

Councillors have previously voted in support of intervention measures to supplement and support existing domestic violence services locally and this would be a 'visual' way of showing their support.

It is proposed that a photo of Councillors would be taken at the conclusion of the OCM which would be used in a media release and communicated through our social media channels.'

4.2 DISCLAIMER

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of a written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as legal advice or a representation by the City. Any advice on a matter of law, or anything sought to be relied upon as a representation by the City should be sought in writing and should make clear the purpose of the request.

5. PUBLIC SUBMISSION TIME

7.04pm The Presiding Member opened the period allotted for Public Submission Time and drew the gallery's attention to the Rules for Public Submission Time. Two Public Submissions were received.

5.1 Ms M JOB, 40 COPELAND DRIVE, REDCLIFFE

As Ms Job was not present at the meeting, the submission was tabled.

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

5.2 MR L SEARLE, 42 COPELAND DRIVE, REDCLIFFE

Mr Searle spoke in support of the Officer Recommendation for Item 12.2 Request for Removal of Verge Trees at 42 Copeland Drive, Redcliffe.

It has now been over eight weeks since limbs from Council trees put five separate holes in my roof and caused extensive damage to my house. I have green mould growing on my walls and have not used our master bedroom in six months. My wife and I are sleeping in a spare room at the back of my house because of both fear and hygiene reasons. The Council will not accept any responsibility for damage because they say they have maintained the trees. If they were maintained, they would not be 60 feet high. So after the Council failed to accept responsibility, I contacted my Insurer SGIO and have never encountered a bigger bunch of criminals in my life. They have tried to dodge responsibility and claim that most of the damage was pre-existing and from general wear and tear. They have given me four different appraisals and conveniently left something different out of each one. They will not fix my solar panels which were damaged by the tree and will not contact me at all. When we try to contact them, we only get ladies in reception and they cannot give contact details for managers and claim they will get somebody to call us back.

I have recently contacted Channel 7 and am in the process of doing a story. I have also sought legal advice and I am waiting on all outcomes to play out. Everybody tells me how sorry they feel for my family, but nobody will take responsibility for the damage the trees have caused.

I have suffered a type of nervous breakdown, and have recently been diagnosed with a mental illness. I am suffering an anxiety disorder which is a form of depression. I am currently seeking counselling and have been placed on antidepressant medication. My doctor and psychologist have both advised me not to deal with these issues as they are escalating my mental health issues and causing significant stress to my family. It is very hard to follow their advice when I am in a situation where nobody will take responsibility for the trees. It is hard also to take my mind off the trees as my family lives in constant fear and my house is becoming a significant hygiene risk.

These trees must be removed before somebody is killed. They have dropped numerous branches over the previous few years and every time there is a storm my house is filled with both anxiety and fear. To see these trees and listen to the noise they make, when we get a storm from the southwest is truly frightening. They sway 60 foot and creak loudly which would be a great spectacle if my house wasn't underneath them.

Item 5.2 Continued

When I bought my house seven years ago, the main reason was that I loved the trees and I still do. Once I saw the danger they pose, I quickly changed my mind. It is only a matter of time before somebody is killed or the trees completely flatten a house. I now fully understand what a serious problem mental health is in our society. As I stated earlier, I love the trees, but I love my wife and two beautiful boys a lot more. Thanks for hearing my concerns.

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

7.12pm The Presiding Member closed Public Submission Time.

6. ORDINARY COUNCIL MEETING AGENDA FOR MEETING TO BE HELD 28 NOVEMBER 2017

6.1 AGENDA ITEMS FOR REVIEW

Item No. Officer Presentations / Deputation Presentations / Councillor Comment	
AGENDA ITEMS FOR REVIEW	
12.1	<p>City of Belmont Local Planning Scheme No. 15 – Scheme Amendment No. 10 (to Modify Clause 5.12.1(A))</p> <p><u>Deputation Presentation</u></p> <p>Nil.</p> <p>7.12pm The Manager Property and Economic Development entered the meeting.</p> <p><u>Officer Presentation</u></p> <p>The Planning Officer provided a presentation which included the following:</p> <ul style="list-style-type: none">• Extract from Local Planning Scheme Map showing Zoning of Subject Site and Surrounding Zonings• Current Wording of Clause 5.12.1A• Purpose of Amendment• Proposed Wording of Amended Clause• Process• Recommendation <p>(Refer Tabled Attachment 3 for further information).</p> <p><u>Notes from Forum</u></p> <ul style="list-style-type: none">• If the scheme amendment is endorsed by Council, it will be advertised for comment, then submitted to Western Australian Planning Commission (WAPC) for endorsement. Finally the amendment will be submitted to the Minister for Transport, Planning and Lands for approval.• The City will inform all affected business owners of the scheme amendment and the requirement to apply for approval to comply with the scheme.• Outdoor storage without approval will become a compliance matter. Some premises may have been left in an untidy manner and the owners may be able to rectify the situation immediately, however other ongoing non-compliance issues may take several months to resolve.

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
	<p data-bbox="325 255 571 286"><i>Item 12.1 Continued</i></p> <ul data-bbox="325 318 1378 1792" style="list-style-type: none"><li data-bbox="325 318 1378 416">• General discussions have been held with business owners in the Mixed Business Zone, however no formal consultation has been undertaken to date.<li data-bbox="325 421 1378 519">• A number of key stakeholders were engaged directly and have expressed a desire to operate their businesses more effectively, which will involve some element of outdoor storage.<li data-bbox="325 551 1378 649">• The scheme amendment will require formal consultation and will be advertised in local newspapers and across other mediums. All landowners and affected occupiers will be contacted by mail.<li data-bbox="325 680 1378 779">• Outdoor storage is an ongoing issue in the Mixed Business Zone and it is anticipated that the scheme amendment will result in tidier outdoor storage areas.<li data-bbox="325 810 1378 954">• Each application for outdoor storage will be assessed on its merits. Adequate screening will be taken into consideration. Young, small trees that offer minimal or no screening will not be considered to be a suitable screening solution.<li data-bbox="325 985 1378 1128">• Feedback from local property developers and estate managers has indicated that a number of business owners would like to incorporate outdoor storage into their operations. Some operators already use outdoor storage areas and were not aware it is prohibited.<li data-bbox="325 1160 1378 1258">• It is a concern that there is a 30% business vacancy rate in the City. Anecdotal evidence is that some businesses are choosing to locate in areas with less stringent outdoor storage restrictions.<li data-bbox="325 1290 1378 1388">• Feedback from business owners is that some degree of outdoor storage is required. However this cannot be accommodated under the City's current LPS15.<li data-bbox="325 1420 1075 1451">• LPS15 currently prohibits the use of sea containers.<li data-bbox="325 1482 1378 1581">• The Planning Compliance Officer is a recently created position in the Planning Department. The position is driven largely by complaints, with more than enough work for a full time position.<li data-bbox="325 1612 1378 1688">• The City of Canning has Scheme provisions to allow outdoor storage in their light industrial zone.<li data-bbox="325 1720 1378 1796">• Feedback from the business community indicates that the scheme amendment will make the City more attractive to prospective businesses. <p data-bbox="325 1845 813 1881"><u>Further Information to be Provided</u></p> <p data-bbox="325 1912 370 1944">Nil.</p>

7.33pm The Manager Property and Economic Development, Manager Planning Services and the Planning Officer departed the meeting and did not return.

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
12.2	<p data-bbox="336 349 1434 383">Request For Removal Of Verge Trees At 42 Copeland Drive, Redcliffe</p> <p data-bbox="336 416 683 450"><u>Deputation Presentation</u></p> <p data-bbox="336 483 384 517">Nil.</p> <p data-bbox="336 584 624 618"><u>Officer Presentation</u></p> <p data-bbox="336 651 384 685">Nil.</p> <p data-bbox="336 752 596 786"><u>Notes from Forum</u></p> <ul data-bbox="336 819 1434 1906" style="list-style-type: none"><li data-bbox="336 819 1434 1021">• The City always considers pruning as an option for verge trees, however River Red Gum and Spotted Gum trees are not suitable for pruning for height reduction. Pruning of these species will cause epicormic regrowth which results in the branches being weakly attached to the main trunk and less structurally sound, therefore the tree would be more likely to have branch failure and cause further damage.<li data-bbox="336 1055 1434 1122">• Removal of both trees was carefully considered. The trees have been in situ since the 1970s and their canopies have grown together.<li data-bbox="336 1155 1434 1290">• Due to the wind load on the trees, if only one tree was removed, the remaining tree's branch structure, which has been on the leeward side and somewhat protected from winds, has not developed the branch structure to withstand the forces of the prevailing winds.<li data-bbox="336 1323 1434 1357">• River Red Gum and Spotted Gum trees are not suitable for transplanting.<li data-bbox="336 1391 1434 1570">• Pruning trees around power lines is required for safety purposes, however pruning under other circumstances is carried out only when deemed necessary. Pruning and minimising tree canopy will diminish trees over time. As part of the City's Urban Forest Strategy, it is intended that trees should be able to grow to their full arboricultural potential to maximise the City's canopy.<li data-bbox="336 1603 1434 1671">• Pruning a tree when it is not necessary will potentially produce regrowth that will cause separate problems for the tree.<li data-bbox="336 1704 1434 1805">• There are many benefits of trees, which include cooling, shade and temperature reduction. These benefits increase as the size of the tree and canopy volume increases.<li data-bbox="336 1839 1434 1906">• The Spotted Gum is suitable for large verges. As the verge at 42 Copeland Drive is considered to be of a medium size, this tree is not appropriate.

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
	<p data-bbox="336 255 584 286"><i>Item 12.2 Continued</i></p> <ul data-bbox="336 322 1417 1070" style="list-style-type: none"><li data-bbox="336 322 1417 456">• Damage to 42 Copeland Drive has been caused by a fallen tree branch. The City's insurers have denied liability based on the fact that the City has maintained the tree appropriately and it was a storm event that resulted in the damage and, due to this, the City cannot be considered negligent.<li data-bbox="336 488 1417 555">• There is no blanket approach to tree management. Each situation needs to be addressed on a case by case basis.<li data-bbox="336 586 1417 698">• In line with the City's Urban Forest Strategy, Officers are dedicated to increasing tree canopy across the City for the many benefits it provides. Implementing a pruning project would reduce this canopy.<li data-bbox="336 730 1417 797">• There would be significantly increased costs to implement an annual pruning program to prune all trees, whether deemed to be a risk or not.<li data-bbox="336 828 1417 936">• There is no appropriate pruning technique that would have altered the outcome of the fallen branches in this situation. Pruning the trees would in all likelihood have increased the risk.<li data-bbox="336 967 1417 1070">• The trees on the verge adjacent to 42 Copeland Drive were possibly planted before subdivision of a larger block occurred and likely were not planted as verge trees at the time. <p data-bbox="336 1133 826 1164"><u>Further Information to be Provided</u></p> <p data-bbox="336 1200 384 1232">Nil.</p>

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
12.3	Rate Exemption Request – Amana Living Incorporated <u>Deputation Presentation</u> Nil. <u>Officer Presentation</u> Nil. <u>Notes from Forum</u> <ul style="list-style-type: none">• This Amana Living Incorporated property accommodates a training facility and other Amana Living Incorporated operational activities.• Amana Living Incorporated is principally an aged care accommodation provider.• Amana Living Incorporated has supplied the City with all required documentation, which includes a Notice of Endorsement for Charity Tax Concessions. <u>Further Information to be Provided</u> Nil.

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
12.4	Rate Exemption Request – Girl Guides Western Australia Inc. <u>Deputation Presentation</u> Nil. <u>Officer Presentation</u> Nil. <u>Notes from Forum</u> Nil. <u>Further Information to be Provided</u> Nil.

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
12.5	<p>Formal Adoption of the Annual Report 2016-2017</p> <p><u>Deputation Presentation</u></p> <p>Nil.</p> <p><u>Officer Presentation</u></p> <p>Nil.</p> <p><u>Notes from Forum</u></p> <ul style="list-style-type: none">• The Annual Electors' Meeting will be held on Wednesday, 13 December 2017. <p><u>Further Information to be Provided</u></p> <p>Nil.</p>

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
12.6	<p>Chief Executive Officer's Systems and Procedures Review: <i>Local Government (Audit) Regulations 1996, Regulation 17</i></p> <p><u>Deputation Presentation</u></p> <p>Nil.</p> <p><u>Officer Presentation</u></p> <p>Nil.</p> <p><u>Notes from Forum</u></p> <p>Nil.</p> <p><u>Further Information to be Provided</u></p> <p>Nil.</p>

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
12.7	Audit Plan 2018 <u>Deputation Presentation</u> Nil. <u>Officer Presentation</u> Nil. <u>Notes from Forum</u> Nil. <u>Further Information to be Provided</u> Nil.

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
12.8	Accounts for Payment – October 2017 <u>Deputation Presentation</u> Nil. <u>Officer Presentation</u> Nil. <u>Notes from Forum</u> Nil. <u>Further Information to be Provided</u> Nil.

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
12.9	<p data-bbox="336 226 1034 262">Monthly Activity Statement as at 31 October 2017</p> <p data-bbox="336 293 683 329"><u>Deputation Presentation</u></p> <p data-bbox="336 360 384 396">Nil.</p> <p data-bbox="336 461 624 497"><u>Officer Presentation</u></p> <p data-bbox="336 528 384 564">Nil.</p> <p data-bbox="336 629 596 665"><u>Notes from Forum</u></p> <p data-bbox="336 696 384 732">Nil.</p> <p data-bbox="336 797 831 833"><u>Further Information to be Provided</u></p> <p data-bbox="336 864 384 900">Nil.</p>

7. REPORTS BY THE CHIEF EXECUTIVE OFFICER

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
13.1	<p>Notice of Motion (Cr Cayoun) – Method of Electing Mayor</p> <p><u>Deputation Presentation</u></p> <p>Nil.</p> <p><u>Officer Presentation</u></p> <p>Nil.</p> <p><u>Notes from Forum</u></p> <p>Nil.</p> <p><u>Further Information to be Provided</u></p> <p>Nil.</p>

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
13.2	<p>Notice of Motion (Cr Rossi) – Parking and Urban Greening</p> <p><u>Deputation Presentation</u></p> <p>Nil.</p> <p><u>Officer Presentation</u></p> <p>Nil.</p> <p><u>Notes from Forum</u></p> <p>Nil.</p> <p><u>Further Information to be Provided</u></p> <p>Nil.</p>

8. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

9. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 7.53pm.