



**City of Belmont**  
**AGENDA BRIEFING FORUM**  
**MATRIX**

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24 October 2017

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**TABLED ATTACHMENTS INDEX**

Tabled Attachment 1 – Item 12.1 refers  
Tabled Attachment 2 – Item 12.3 refers

**Councillors are reminded to retain the attached  
Ordinary Council Meeting Agenda (inclusive of the OCM Attachments) for  
deliberation at the meeting scheduled for 31 October 2017**

## MINUTES

### PRESENT

Cr P Marks, Mayor, (Presiding Member)	East 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 R Rossi, JP, Deputy Mayor	West Ward
Cr G Sekulla, JP	West Ward

### IN ATTENDANCE

Mr R Garrett	A/Chief Executive Officer
Mr S Monks	A/Director Corporate and Governance
Mr J Olynyk, JP	Manager Governance
Ms L Bradley	Manager Marketing and Communications
Mr J Hardison	Manager Property and Economic Development
Mr W Loh ( <i>dep 7.44pm &amp; did not return</i> )	Manager Planning Services
Mr M Ralph	Manager Infrastructure Development
Mr T Cappellucci ( <i>dep 7.31pm &amp; did not return</i> )	Coordinator Planning Services
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms S D'Agnone	Governance Officer

### MEMBERS OF THE GALLERY

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

## 1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.00pm, welcomed those in attendance, including the two newly elected Councillors, 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 Ryan to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Ryan 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

Mrs J Hammah (Apology)

Director Community and Statutory Services

## 3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

### 3.1 FINANCIAL INTERESTS

Nil.

### 3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

#### **4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

##### **4.1 ANNOUNCEMENTS**

Nil.

##### **4.2 DISCLAIMER**

**7.03pm The Presiding Member drew the public gallery's attention to the 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 Submissions.**

**7.04pm As there were no members of the public in the gallery, the Presiding Member closed Public Submission Time.**

**6. ORDINARY COUNCIL MEETING AGENDA FOR MEETING TO BE HELD 31 OCTOBER 2017**

**6.1 AGENDA ITEMS FOR REVIEW**

<b>Item No. Officer Presentations / Deputation Presentations / Councillor Comment</b>	
<b>AGENDA ITEMS FOR REVIEW</b>	
<b>12.1</b>	<p><b>Changes of Use Eastgate Commercial Centre – Units 7 and 14, Lot 510 (49) Great Eastern Highway, Rivervale</b></p> <p><b><u>Deputation Presentation</u></b></p> <p>Nil.</p> <p><b><u>Officer Presentation</u></b></p> <p>The Coordinator Planning Services provided a presentation which included the following:</p> <ul style="list-style-type: none"><li>• Location Plan</li><li>• Extract from Local Planning Scheme Map Showing Zoning of Subject Site and Surrounding Zonings</li><li>• Aerial of Subject Site</li></ul> <p><b>7.05pm The A/Director Corporate and Governance departed the meeting.</b></p> <ul style="list-style-type: none"><li>• LPS15 Land Use and Zoning</li><li>• Existing Parking</li><li>• Unit 14 – Site Plan Including Garage</li><li>• Unit 14 – Floor Plan Excluding Garage</li><li>• Car Parking</li><li>• Car Parking Study</li><li>• Unit 14 – Signage</li><li>• Recommendation</li></ul> <p>(Refer <a href="#">Tabled Attachment 1</a> for further information).</p> <p><b>7.10pm The A/Director Corporate and Governance returned to the meeting.</b></p> <p><b><u>Notes from Forum</u></b></p> <ul style="list-style-type: none"><li>• The garage will contain two parking bays and have access to Unit 14 via an internal door.</li><li>• The entrance of Unit 14 will front Great Eastern Highway.</li></ul>

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
	<p data-bbox="352 255 600 286"><i>Item 12.1 Continued</i></p> <ul data-bbox="352 322 1394 1989" style="list-style-type: none"><li data-bbox="352 322 1394 454">• It is a recommended condition that the three staff bays allocated to Unit 14 along the Fitzroy Road side of the Centre are marked for Unit 14 staff only. In the remainder of the complex, parking will be shared with no allocations to specific tenancies.</li><li data-bbox="352 495 1394 591">• The Car Parking Study addressed all potential parking issues. The 97 parking bays available on site are considered to be sufficient for the land uses proposed.</li><li data-bbox="352 631 1394 696">• A Parking Management Plan will determine staff parking areas. If staff do not comply with the Plan, action can be taken to address this.</li><li data-bbox="352 736 1394 801">• The Car Parking Study has taken into account current and proposed car parking requirements for the site.</li><li data-bbox="352 842 1394 1070">• Car parking studies are not an exact science and will make a number of assumptions regarding parking requirements. These reasonable assumptions have been accepted on the basis that there will be enough parking bays available for the majority of the time. There may be some shortages during peak times, however maximum peak times cannot be planned for. Under ordinary circumstances there will be sufficient parking bays for the complex.</li><li data-bbox="352 1111 1394 1207">• Planning conditions require that the staff parking bays be situated in front of the garage door, so that the doors are not obstructed by customer vehicles.</li><li data-bbox="352 1247 975 1279">• The proposed land use for Unit 7 is 'shop'.</li><li data-bbox="352 1319 1394 1384">• If it was considered that a food outlet could potentially impact adjoining premises the application would be advertised for comment.</li><li data-bbox="352 1424 1394 1615">• To refuse a future restaurant or fast food/take-away application on the site, the City would be required to show strong reasons for refusal. Land uses are discretionary, however a strong reason for refusal could be that it is not possible for a development application to comply with noise regulations and the use will inevitably create noise that will affect adjoining properties. The land use could then be considered incompatible.</li><li data-bbox="352 1655 1394 1720">• Officers are not aware of any recent complaints relating to noise from businesses at the complex.</li><li data-bbox="352 1760 1394 1856">• The dental practice is expanding and proportionally more staff parking bays will be required. It is reasonable that three parking bays are dedicated to staff parking.</li><li data-bbox="352 1897 1394 1989">• Local Planning Scheme No. 15 requires four parking bays per practitioner, being for the practitioner, the customer attending, the customer waiting, and an administration staff member.</li></ul>

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
	<p data-bbox="352 255 600 286"><i>Item 12.1 Continued</i></p> <ul data-bbox="352 322 1394 495" style="list-style-type: none"><li data-bbox="352 322 1394 389">• A Parking Management Plan would identify the requisite number of staff parking bays and balances that with customer parking bays requirements.</li><li data-bbox="352 423 1394 495">• The planning scheme does not specify numbers of car parking bays to segregate staff and visitors.</li></ul> <p data-bbox="352 560 842 591"><b><u>Further Information to be Provided</u></b></p> <ul data-bbox="352 627 1394 763" style="list-style-type: none"><li data-bbox="352 627 1394 763">• The Coordinator Planning Services undertook to provide Councillors with further information on when the lot formerly known as 4 Fitzroy Road was purchased by its current owner, with information on the intention that the lot be used for staff parking.</li></ul> <p data-bbox="352 819 1394 887"><b>7.31pm The Coordinator Planning Services departed the meeting and did not return.</b></p>

<b>Item No.</b>	<b>Officer Presentations / Deputation Presentations / Councillor Comment</b>
12.2	<p data-bbox="352 230 1393 293"><b>Dedication of Portions of Land as Roads in Kewdale: Tonkin Highway Off-Ramp and Abernethy Road, Kewdale</b></p> <p data-bbox="352 331 699 360"><b><u>Deputation Presentation</u></b></p> <p data-bbox="352 398 400 427">Nil.</p> <p data-bbox="352 501 639 530"><b><u>Officer Presentation</u></b></p> <p data-bbox="352 568 400 598">Nil.</p> <p data-bbox="352 669 612 698"><b><u>Notes from Forum</u></b></p> <ul data-bbox="352 736 1393 1070" style="list-style-type: none"><li data-bbox="352 736 1393 835">• Lot 32 Abernethy Road is a large triangular section of land which is currently under Main Roads WA (MRWA) control. The lot should have been transferred to the City during the Abernethy Road upgrade.</li><li data-bbox="352 873 1393 1070">• Lot 38 Abernethy Road is a small triangular section of land which was Freehold in the name of the State of WA and resumed in Government Gazette 13 April 1973 for the purpose of 'Railway Marshalling Yards with Road Diversion at Welshpool'. The land was resumed but never dedicated. This land should be under the City's control in accordance with the rest of Abernethy Road.</li></ul> <p data-bbox="352 1144 842 1173"><b><u>Further Information to be Provided</u></b></p> <p data-bbox="352 1211 400 1240">Nil.</p>

<b>Item No.</b>	<b>Officer Presentations / Deputation Presentations / Councillor Comment</b>
12.3	<p data-bbox="352 230 1393 293"><b>Partial Closure and Sale of Right of Way – Lot 66 Belmont Avenue, Cloverdale</b></p> <p data-bbox="352 331 699 360"><b><u>Deputation Presentation</u></b></p> <p data-bbox="352 398 400 427">Nil.</p> <p data-bbox="352 501 639 530"><b><u>Officer Presentation</u></b></p> <p data-bbox="352 568 1393 631">The Manger Property and Economic Development provided a presentation which included the following:</p> <ul data-bbox="352 669 691 806" style="list-style-type: none"><li>• Background</li><li>• Proposal</li><li>• Certificate of Title</li><li>• Process after SMG</li></ul> <p data-bbox="352 844 1026 873">(Refer <a href="#">Tabled Attachment 2</a> for further information).</p> <p data-bbox="352 947 612 976"><b><u>Notes from Forum</u></b></p> <ul data-bbox="352 1014 1393 1962" style="list-style-type: none"><li>• APT Valuers and Property Management provided a desktop valuation in January 2017. A formal valuation will be obtained closer to the time of sale. The property is situated in an encumbered laneway which will impact on its value.</li><li>• There are provisions in the <i>Planning and Development Act 2005</i> for prosecuting persons for the development of illegal structures. The City could issue a demolition order for the structure, however this would involve costs to the City and it is debateable whether such an order would successfully resolve the matter.</li><li>• A building application in 2007 for an unrelated portion of the building clearly showed that the structure existed at that point in time, and that the structure was located outside the Lot 902 boundary into the Right of Way (RoW).</li><li>• Prosecution for illegal structures are generally as a result of complaints, however the owners of Lot 66 have bought this matter to the City's attention.</li><li>• The RoW is a generous hammerhead design which is more than sufficient for the current land uses and can satisfactorily accommodate all tenancies and necessary vehicular movements.</li><li>• Two shops have been damaged in a fire at the complex on the night of Monday 23 October 2017. There is no damage to the rear of any tenancies. To date, the grocery store remains boarded up, however the kebab shop is operating as usual.</li></ul>

Item No.	Officer Presentations / Deputation Presentations / Councillor Comment
	<p data-bbox="355 259 600 293"><i>Item 12.3 Continued</i></p> <ul data-bbox="355 327 1394 394" style="list-style-type: none"><li data-bbox="355 327 1394 394">• Discussions with several owners in the complex have indicated that there is optimism relating to the future of the area.</li></ul> <p data-bbox="355 461 842 495"><b><u>Further Information to be Provided</u></b></p> <p data-bbox="355 528 400 562">Nil.</p> <p data-bbox="355 618 1394 685"><b>7.44pm The Manager Planning Services departed the meeting and did not return.</b></p>

<b>Item No.</b>	<b>Officer Presentations / Deputation Presentations / Councillor Comment</b>
12.4	<p data-bbox="352 230 836 264"><b>2017-2018 October Budget Review</b></p> <p data-bbox="352 297 695 331"><b><u>Deputation Presentation</u></b></p> <p data-bbox="352 365 400 398">Nil.</p> <p data-bbox="352 465 639 499"><b><u>Officer Presentation</u></b></p> <p data-bbox="352 533 400 566">Nil.</p> <p data-bbox="352 633 612 667"><b><u>Notes from Forum</u></b></p> <ul data-bbox="352 701 1394 1518" style="list-style-type: none"><li data-bbox="352 701 1394 869">• The sale of 52 Grandstand Road was not completed in the 2016-2017 financial year. A Development Application for the property has been approved, however Craigcare are seeking some revisions. The revised application will require Metro Central Joint Development Assessment Panel (JDAP) approval.</li><li data-bbox="352 902 1394 1003">• The deed of sale for 52 Grandstand Road is a 12 month contract which expires on 31 March 2018. After this date a new contract would be required.</li><li data-bbox="352 1037 1394 1137">• The small number of reductions in budgeted insurance premiums would be across the board for all local governments: however the reduction in Worker Compensation premiums would be specific to the City.</li><li data-bbox="352 1171 1394 1384">• The National Stronger Regions Fund (NSRF) grant income has been reduced in excess of \$1M, which reflects both the anticipated changes to the timing of individual NSRF projects (variation to the contract), and approximately \$200,000 of grant income being prepaid in 2016-2017. The grant will extend over a four year period, however it will not be available this financial year.</li><li data-bbox="352 1417 1394 1518">• A \$50,000 cash-in-lieu payment for public art has been received and transferred to the Public Art Reserve. This payment relates to the property at 472-480 Great Eastern Highway, Ascot</li></ul> <p data-bbox="352 1585 842 1619"><b><u>Further Information to be Provided</u></b></p> <p data-bbox="352 1653 400 1686">Nil.</p>

<b>Item No.</b>	<b>Officer Presentations / Deputation Presentations / Councillor Comment</b>
12.5	<p data-bbox="352 226 1399 293"><b>Standing Orders Local Law 2017 – Undertaking and Standing Orders Amendment Local Law 2017 Purpose and Effect</b></p> <p data-bbox="352 327 699 360"><b><u>Deputation Presentation</u></b></p> <p data-bbox="352 394 400 427">Nil.</p> <p data-bbox="352 495 639 528"><b><u>Officer Presentation</u></b></p> <p data-bbox="352 562 400 595">Nil.</p> <p data-bbox="352 663 612 696"><b><u>Notes from Forum</u></b></p> <ul data-bbox="352 730 1399 1895" style="list-style-type: none"><li data-bbox="352 730 1399 797">• The Deputation provisions in the Standing Orders have been in place for over ten years.</li><li data-bbox="352 831 1399 999">• The intent in respect to deputations from a number of different members of the public is clear. It is such that only one deputation in favour and one opposed may be delivered. The Presiding Member has allowed more than one deputation on occasions, the intent being that members of the public who want to have a say will be able to.</li><li data-bbox="352 1032 1399 1133">• It is possible that a Councillor may move a motion that further deputations be heard or the Presiding Member could put a similar motion to Councillors if required.</li><li data-bbox="352 1167 1399 1245">• Councillors are not compelled to answer questions directed to them by members of the gallery.</li><li data-bbox="352 1279 1399 1447">• The required undertakings and amendments from the Joint Standing Committee on Delegated Legislation (JSCDL) will result, until the amendment process is complete, in sections of the Standing Orders under review being struck through. Application of the Standing Orders cannot be in contradiction to the undertakings required by the JSCDL.</li><li data-bbox="352 1480 1399 1626">• The Presiding Member would need to demonstrate that all reasonable steps to assist a member of the public to rephrase an offensive or defamatory question have been taken before the Presiding Member can rule that the question will not be responded to.</li><li data-bbox="352 1659 1399 1783">• The <i>Local Government Act 1995</i> has been in place for over 20 years. It is anticipated that the Local Government Act review currently being undertaken will introduce amendments to deal with anomalies in the local law development and review process.</li><li data-bbox="352 1816 1399 1895">• The Presiding Member may stop Councillors speaking and request that offensive or defamatory remarks be withdrawn and an apology issued.</li></ul>

<b>Item No.</b>	<b>Officer Presentations / Deputation Presentations / Councillor Comment</b>
	<p><i>Item 12.5 Continued</i></p> <ul style="list-style-type: none"><li>• The purpose and effect of the Standing Orders as it relates to Public Question Time is to work with the public to enable questions to be asked whilst remaining respectful of other members of the public, Councillors and Officers. If questions can be reviewed prior to the meeting, any defamatory questions can be addressed. If changes are not made either to the written or verbal form of the question, so as to make the question acceptable then the Presiding Member can rule that the question not be responded to.</li><li>• The Presiding Member may adjourn the meeting in order to gain control of unruly members in the gallery. If inappropriate behaviour continues after the meeting has reconvened, the Presiding Member may request removal of the offending persons from the Council Chamber.</li><li>• Public questions are not restricted to residents and ratepayers of the City. Any member of the public may ask a question, if they state their name and address and the question is relevant to the business of the local government.</li></ul> <p><b><u>Further Information to be Provided</u></b></p> <p>Nil.</p>

<b>Item No.</b>	<b>Officer Presentations / Deputation Presentations / Councillor Comment</b>
<b>12.6</b>	<p><b>Accounts for Payment – September 2017</b></p> <p><b><u>Deputation Presentation</u></b></p> <p>Nil.</p> <p><b><u>Officer Presentation</u></b></p> <p>Nil.</p> <p><b><u>Notes from Forum</u></b></p> <ul style="list-style-type: none"><li>• The majority of costs for the Mayoral Dinner will be incurred in October, however there were some incidental costs in August and September.</li></ul> <p><b><u>Further Information to be Provided</u></b></p> <p>Nil.</p>

<b>Item No.</b>	<b>Officer Presentations / Deputation Presentations / Councillor Comment</b>
<b>12.7</b>	<b>Monthly Activity Statement as at 30 September 2017</b>  <b><u>Deputation Presentation</u></b>  Nil.  <b><u>Officer Presentation</u></b>  Nil.  <b><u>Notes from Forum</u></b>  Nil.  <b><u>Further Information to be Provided</u></b>  Nil.

**7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

Nil.

**8. CLOSURE**

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 8.10pm.