



## **Agenda Briefing Forum**

# **Matrix**

5 December 2023

**BELMONT**  
CITY OF OPPORTUNITY



# CITY OF BELMONT

## Agenda Briefing Forum

### Matrix

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5 December 2023

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### **Tabled Attachments Index**

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

### **Alternative Formats**

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

**Matrix from the Agenda Briefing Forum held in the Council Chamber of the City of Belmont Civic Centre, 215 Wright Street, Cloverdale on Tuesday 5 December 2023 commencing at 7.00pm.**

# Matrix

## Present

Mayor R Rossi, JP (Presiding Member)	Mayor
Cr D Sessions (Deputy Mayor)	West Ward
Cr Vijay	Central Ward
Cr B Ryan	East Ward
Cr P Marks	East Ward
Cr N Carter	South Ward
Cr C Kulczycki	West Ward

## In attendance

Mr J Christie	Chief Executive Officer
Mr S Downing	Director Corporate and Governance
Mr W Loh	Director Development and Communities
Mr M Murphy	Director Infrastructure Services
Mr A Bott (dep. 7.57pm)	Manager Planning Services
Ms A Bird	Manager Governance, Strategy and Risk
Ms G Carter-Nguyen	Manager Public Relations and Stakeholder Engagement
Mr N Reddy (dep. 7.57pm)	Acting Senior Planning Officer
Ms M Phillips	Governance Officer

## Members of the gallery

There were seven 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 Carter to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Carter 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 (apology)

Cr J Davis (apology)

Central Ward

South Ward

## 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 N Carter	12.3 - Development Application for 'Brewery' and 'Tavern' - Lot 3 (100) Belmont Avenue, Rivervale	I am familiar with those who have a vested interest through my association as a life member of the Belmont Junior Football Club.
Mayor R Rossi	14.1 – Nomination for Honorary Freeman of the City	I know the nominee.
Cr P Marks	14.1 – Nomination for Honorary Freeman of the City	I know the nominee.
Cr D Sessions	14.1 – Nomination for Honorary Freeman of the City	I know the nominee.
Cr C Kulczycki	14.1 – Nomination for Honorary Freeman of the City	I know the nominee.

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

### 4.1 Announcements

Nil.

## **4.2 Disclaimer**

**7.03pm 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.**

**7.04pm The Presiding Member closed Public Submission Time as no submissions were received.**

## 6 Ordinary Council Meeting Agenda for meeting to be held on 12 December 2023

### 6.1 Agenda items for review

#### OCM Item 12.1

#### Final Adoption - Amendment No. 21 to Local Planning Scheme No. 15 - Modifying the use class permissibility of land uses within the 'Town Centre' zone and introducing Additional Use 21

##### Deputation Presentation

Nil.

##### Officer Presentation

Nil.

##### Notes from Forum

- Designation of 'X' means the use is prohibited by the scheme. The City has no discretion to consider approval and the use must be refused.
- There are two uses for motor vehicle wash and studio which will be 'X' land uses, but will be put into the scheme as additional land uses. That means while they stay as 'X' in the zoning table, they can potentially be considered on the land subject to meeting certain criteria which is set out in the additional use table in the planning scheme.

##### Further Information to be Provided

Nil.

#### OCM Item 12.2

#### Development Application for 9 Dwelling-Community Home (4 Storey) - Lot 100 (346) Abernethy Road, Cloverdale

##### Deputation Presentation

Nil.

##### Officer Presentation

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

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

## OCM Item 12.2

### Development Application for 9 Dwelling-Community Home (4 Storey) - Lot 100 (346) Abernethy Road, Cloverdale

- Location Plan
- Key Features
- Operation of the Community Home
- Consultation
- Vehicle Access Plan
- Side Setback
- Visual Privacy
- Overshadowing
- Summary

(Refer Tabled Attachment 6.1.1 for further information).

#### Notes from Forum

- The applicant is amending the Vehicle Access Plan at this location. When the City apply setbacks, it is applied to the lot boundary adjacent to the nearest street frontage which is Abernethy Road. The setbacks are not necessarily applied to the location of the Vehicle Access Plan. The Vehicle Access Plan could technically be considered like a driveway where it provides access to a number of properties. To require setbacks to the Vehicle Access Plan, the City would lose a lot more sites if properties have to provide additional setbacks to the Vehicle Access Plan areas.
- For the full Vehicle Access Plan that Council adopted previously, all the properties need to be redeveloped. It is not essential for all properties to be developed. If the property next door is developed, they will implement part of the same Vehicle Access Plan and they will share the crossover. Ultimately it could be the whole street block have two access points along Abernethy road, but if that is not the case and it comes in stages, that achieves the purpose of minimising vehicle crossover points.
- The applicant is providing storage at a ground level, condition 10 ensures that the storerooms comply with the R-Codes.
- Condition 17 is critical to enact the Vehicle Access Plan that was adopted by Council. These Vehicle Access Plans remain on private property, therefore they need the easement in place to provide the legal ability for members of the public and owners to legally use the Vehicle Access Plan. The easement is the legal mechanism that sits on the title to provide that. If there was no easement the other properties along that street would not have the legal ability to use that land.
- The application does comply with the landscaping provisions with the Vehicle Access Plan. The City ran the numbers to ensure that there was sufficient area of landscaping that still achieves the acceptable solution of the R-Codes.
- The requirement for a Vehicle Access Plan is contained within the planning scheme. It is for properties along Abernethy Road and Orrong Road, these properties are required to have a Vehicle Access Plan in place before

### OCM Item 12.2

#### Development Application for 9 Dwelling-Community Home (4 Storey) - Lot 100 (346) Abernethy Road, Cloverdale

redevelopment occurs. Before redevelopment occurs, the City is required to adopt a Vehicle Access Plan.

- In this instance as this is the end property of the Vehicle Access Plan, shifting the crossover does not disadvantage anyone.
- This application has been assessed against the Local Planning Scheme parking requirements for this use which caters for carers and occupants. It has been assessed to meet the requirement.

#### Further Information to be Provided

Nil.

Cr Carter 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*.

### OCM Item 12.3

#### Development Application for 'Brewery' and 'Tavern' - Lot 3 (100) Belmont Avenue, Rivervale

##### Deputation Presentation

Mr McAskill spoke in support of the Officer Recommendation.

(Refer Tabled Attachment 6.1.2 for further information).

Ms Walker spoke in support of the Officer Recommendation.

(Refer Tabled Attachment 6.1.3 for further information).

Mr Downs spoke against the Officer Recommendation.

(Refer Tabled Attachment 6.1.4 for further information).

Mr J Regan spoke against the Officer Recommendation.

(Refer Tabled Attachment 6.1.5 for further information).

##### Officer Presentation

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

### **OCM Item 12.3**

#### **Development Application for 'Brewery' and 'Tavern' - Lot 3 (100) Belmont Avenue, Rivervale**

- Extract from Local Planning Scheme Map Showing Zoning of Subject Site and Surrounding Zonings
- Location Map
- Key Features
- Consultation
- Amenity Impacts
- Defining the Locality
- Car Parking
- Summary

(Refer Tabled Attachment 6.1.6 for further information).

#### **Notes from Forum**

- The written support from tenants and owners regarding parking is not binding, there is nothing stopping the business owners from changing their mind.

#### **Further Information to be Provided**

Nil.

**7.57pm The Manager Planning Services and Senior Planning Officer departed the meeting and did not return.**

### **OCM Item 12.4**

#### **2023 - 2024 Consolidated Assurance Map**

##### **Deputation Presentation**

Nil.

##### **Officer Presentation**

Nil.

##### **Notes from Forum**

Nil.

#### **OCM Item 12.4**

##### **2023 - 2024 Consolidated Assurance Map**

###### **Further Information to be Provided**

Nil.

#### **OCM Item 12.5**

##### **Internal Audit Plan 2023 / 2024 - 2025 / 2026**

###### **Deputation Presentation**

Nil.

###### **Officer Presentation**

Nil.

###### **Notes from Forum**

Nil.

###### **Further Information to be Provided**

Nil.

#### **OCM Item 12.6**

##### **Internal Audit Report**

###### **Deputation Presentation**

Nil.

###### **Officer Presentation**

Nil.

###### **Notes from Forum**

Nil.



## **OCM Item 12.6**

### **Internal Audit Report**

#### **Further Information to be Provided**

Nil.

#### **Note:**

The Presiding Member advised that in accordance with Section 5.23(f)(ii) of the *Local Government Act 1995* if there was any discussion or debate on the Confidential Attachments for Item 12.7, Council would need to go behind closed doors.

## **OCM Item 12.7**

### **Annual Report 2022-2023**

#### **Deputation Presentation**

Nil.

#### **Officer Presentation**

Nil.

#### **Notes from Forum**

Nil.

#### **Further Information to be Provided**

Nil.

## OCM Item 12.8

### Council Policies Review - Stage Two

#### Deputation Presentation

In accordance with Clause 6.7 (1)(b) of the *Standing Orders Local Law 2017* and Clause a) of the Rules for Agenda Briefing Forum Public Submission Time and Deputations, the Presiding Member refused Ms Hollands' submission in relation to Item 12.8 as it was not demonstrated to the Presiding Member's satisfaction that Ms Hollands was directly affected by the matter.

#### Officer Presentation

Nil.

#### Notes from Forum

- The nature of the policy is that the initial amount up to \$10,000 would go to the Chief Executive Officer for consideration, he can defer this to Council if he prefers. Any funds required above and beyond \$10,000 would come to Council for consideration.
- The policy has been drafted to be consistent with guidelines provided by the Department of Local Government, Sport and Cultural Industries and it has been compared to other local governments. It has also been reviewed by the City's legal advisers McLeods. The reason it comes back to Council after the initial \$10,000 is for Council to consider further funding. Council can put a cap on it at that time if they want to. The initial advice under this policy would be for Council to assess the likelihood of a successful outcome based on the facts presented. The City does not believe it would be wise to put a cap on expenditure.
- The policy is not just written for defamation, the policy covers all legal matters. The City cannot predict what those matters may be, if the policy is too narrow, the City may run into issues in the future. Council can still limit the amount once the facts are known. The Policy does not contain a limit on legal funds.
- The information provided to Council is what the City can provide to Council under legal privilege. It is then up to Council to make the decision at that time.
- When the officers write the report, if appropriate, the officers will obtain legal advice from an independent legal firm to provide to Council. The City is well within its rights to obtain legal advice for Council.
- If a court makes a decision on an application that Council has funded, the City would abide by that decision.
- The City actions Council's decisions on behalf of Council.
- Council has always funded payments in advance and then sought reimbursement. Council can determine which method they choose. The officer recommendation of each report that comes to Council will provide a recommendation for either in advance or reimbursement.

## OCM Item 12.8

### Council Policies Review - Stage Two

- This policy applies to both Elected Members and City employees. The only case in the last few years, Council has advanced the payments rather than wait for the bill. Employees may not be in a position to fund legal action relating to their role as a City officer and need to seek legal support through this policy.
- This is a policy by officers for Council to consider. An alternative motion can be put forward by Councillors to make changes to this policy.
- Restraining orders and stalking cases are included under this policy. If it involves an Elected Member or employee accessing the legal system, this policy would apply.

### Further Information to be Provided

- The Manager Governance, Strategy and Risk undertook to confirm the process for approval of expenditure as outlined in the Legal Representation for Elected Members and Employees Policy.

## OCM Item 12.9

### Livestreaming Policy

#### Deputation Presentation

Ms L Hollands spoke against the Officer Recommendation.

(Refer Tabled Attachment 6.1.7 for further information).

#### Officer Presentation

Nil.

#### Notes from Forum

- The livestreaming will not be zooming in on anyone. The cameras are set shots as currently staged in the Chamber. Councillors will be shown what the livestream will look like at their training session in February. There will be four quadrants shown on a computer monitor, three of which are camera shots and one is for the scrolling of the agenda.
- Livestreaming has been mandated for band 1 and 2 local governments from 1 January 2025. The City will be implementing livestreaming from the beginning of next year.
- It has been discussed with Council at Information Forums that implementation will occur as soon as possible.

## OCM Item 12.9

### Livestreaming Policy

- Councillors can move an amendment at next week's Council meeting that the Policy be endorsed but does not come into effect until 1 January 2025.
- Livestreaming is for people to listen and watch Council meetings without attending.
- There has been a change in the Minister for Local Government. There has been no notification that there will be further changes, therefore the City will progress with the reforms that were introduced under Minister Carey.
- The livestreaming is live and cannot be edited, there is no delay. After the actual meeting, with direction from the Chief Executive Officer, staff can remove parts, but an unedited version also needs to be kept.
- If a member of the public during Public Question Time does not follow the rules, their question or statement does not form part of the minutes therefore it may be removed from the recording.
- The *Privacy Act 1988* does not apply as it is a public meeting.
- The link to the livestream and recordings will be on the City's website through the City's YouTube channel.
- Chapters will be included in the recording.

### Further Information to be Provided

- The Director Corporate and Governance undertook to investigate whether the link to the livestream can be on the main landing page of the City's website.

## OCM Item 12.10

### Execution of Documents Policy

#### Deputation Presentation

Nil.

#### Officer Presentation

Nil.

#### Notes from Forum

Nil.

### Further Information to be Provided

Nil.

## OCM Item 12.11

### Accounts for Payment - November 2023

#### Deputation Presentation

Nil.

#### Officer Presentation

Nil.

#### Notes from Forum

Nil.

#### Further Information to be Provided

- The Director Corporate and Governance undertook to investigate why the City is paying for child immunisations.

**CITY OF BELMONT**  
**Lot 100 (346) Abernethy**  
**Road, Cloverdale**  
**9 Unit Community Home**  
**(4 Storey)**



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



Zoning: Residential R20/50/100

- ◀ Special Development Precincts
  - ◀ Special Control Area - Development area
  - ◀ Special Control Area - Development Contribution Area
  - ◀ Ascot Waters special development precinct
  - ◀ The Springs special development precinct
  - ◀ Belvidere Main Street special development precinct
  - ◀ Belgravia parklands special development precinct
  - ◀ Invercloy estate special development precinct
- Zones and Reserves (Region Scheme)
  - Other regional roads
  - Parks and recreation
  - Primary regional roads
  - Public purposes
  - Railways
  - Waterways
- Zones and Reserves (Local Planning Scheme)
  - Civic and cultural
  - Commercial
  - Industrial
  - Local roads
  - Mixed business
  - Mixed use
  - Parks and recreation
  - Place of public assembly
  - Public purposes
  - Residential (R20 density unless otherwise shown)
  - Residential and Stables
  - Service Station
  - Town Centre



# Location Plan





# Key Features

- The construction of the 'Community Home' consisting of 9 units that include:
  - 8 Specialist Disability Accommodation (SDA) units across levels 1 to 3;
  - 1 On-site Overnight Assistance (OOA) unit at ground floor;
  - 7 resident and 1 visitor car parking spaces;
  - Roof top communal open space;
  - Separate bin and bike stores; and
  - Landscaping.
- Amending the location of the Vehicle Access Plan (VAP) crossover connection to Abernethy Road.

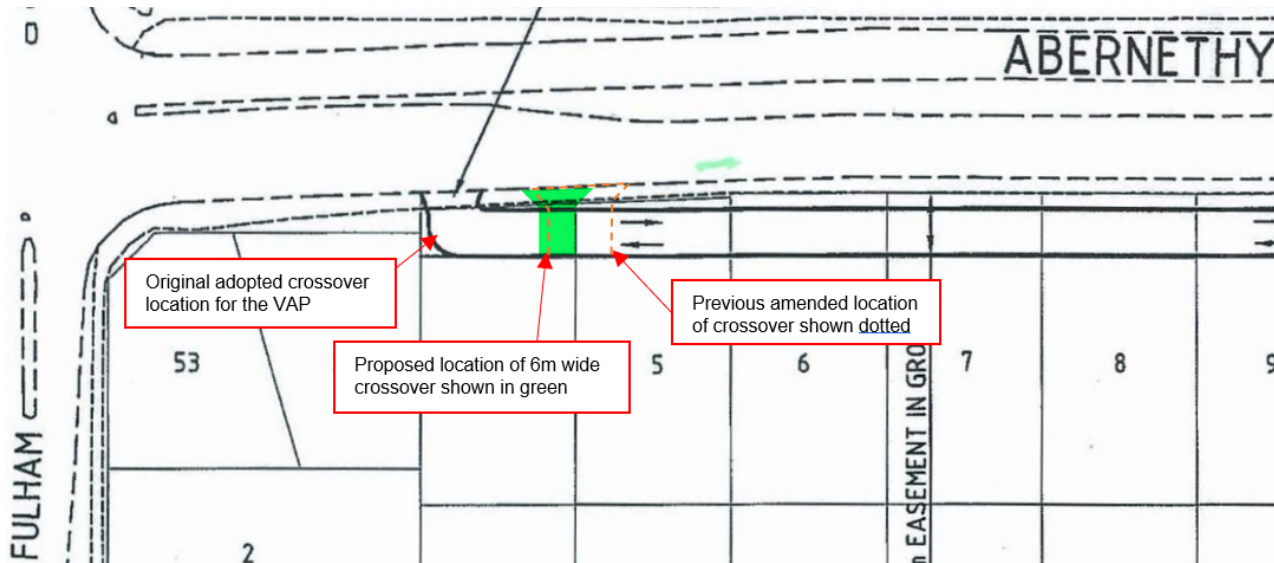
# Operation of the Community Home

- All 9 units are designed to be compliant and exceed the National Disability Insurance Scheme requirements.
- One resident per unit and are designed for people that require high levels of physical support.
- The units are not rented on a short-term basis.
- The development includes one OOA for a permanent onsite staff/carer.

# Consultation

- Advertised to neighbouring properties from 22 September 2023 to 6 October 2023.
- Four submissions were received during the advertising period.
- Issues raised in submissions include:
  - Overshadowing of properties to the south.
  - Overlooking of adjoining properties to the south.
  - Concerns regarding the management of the Community Home.
  - Concerns relating to the forming of the VAP.

# Vehicle Access Plan



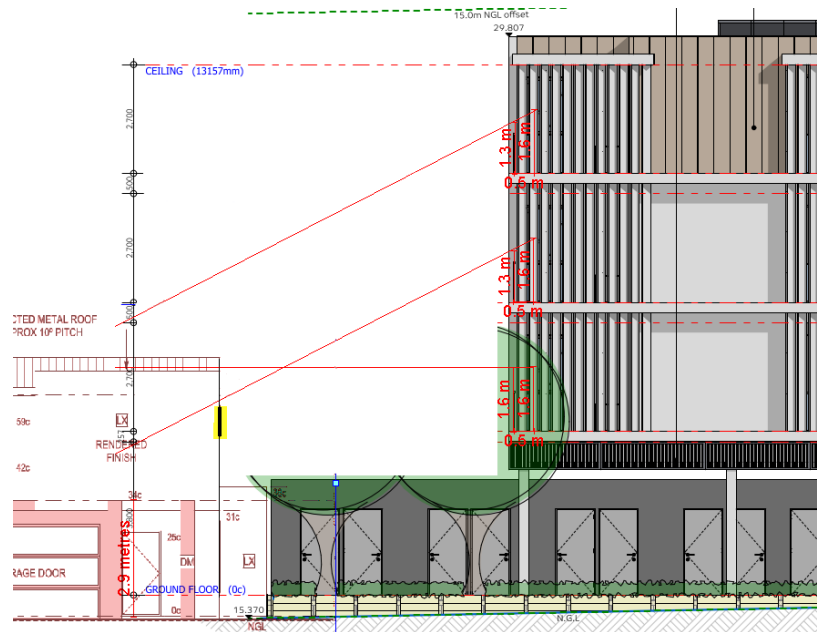
- Seeks to shift the location of the VAP crossover connection to Abernethy Road to the area in green



# Visual Privacy

## Visual Privacy

- Recommended that a condition be included to require:
  - 1.6m high screening to rear units on level 1
  - 1.3m high screening to rear units on level 2 and level 3.
- The screening will effectively minimise direct overlooking onto the window of the adjoining dwelling from a standing position.



# Visual Privacy

## Visual Privacy cont.

- Element objectives of the R-Codes are achieved:
  - The balconies each maintain areas of unscreened openings to receive daylight and ventilation.
  - Horizontal screening enables the units to maintain an outlook to the south-west while limiting the direct overlooking of the adjoining property.



# Overshadowing

## Overshadowing

- Local Planning Policy (LPP) No. 1 requires the shadow of a development not exceed 50% of an adjoining property at midday on 21 June.
- The neighbouring unit comprises a site area of 194m<sup>2</sup> and the overshadowing projected over the site is 89.6m<sup>2</sup>.
- This represents 46% of the affected site and complies with LPP 1.



# Summary

- The proposal is considered consistent with LPS 15, the R-Codes and LPP 1.
- Officers recommend approval subject to conditions.



## City of Belmont

215 Wright Street, Cloverdale WA 6105

Locked Bag 379, Cloverdale WA 6985

Open 8:30am - 4:45pm, Monday - Friday

9477 7222

(A/H) 9477 7224

[belmont@belmont.wa.gov.au](mailto:belmont@belmont.wa.gov.au)

[belmont.wa.go.au](http://belmont.wa.go.au)



**From:** "no-reply@belmont.wa.gov.au" <no-reply@belmont.wa.gov.au>  
**Sent:** Sun, 3 Dec 2023 20:12:09 +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 Luke McAskill for the 05/12/2023 Meeting.

<b>PublicSubmissionDeputationID</b>	16
<b>Form inserted</b>	3/12/2023 8:12:06 PM
<b>Form updated</b>	3/12/2023 8:12:06 PM
<b>Date of Meeting</b>	05/12/2023
<b>First name</b>	Luke
<b>Last name</b>	McAskill
<b>Address</b>	9 SINCLAIR ST, RIVERVALE
<b>Email address</b>	lukemcaskill@gmail.com
<b>Business, organisation or group (if presenting on behalf of)</b>	
<b>Please indicate what type of presentation will be made</b>	Deputation
<b>Please tick to indicate if your submission or deputation is in support or opposition to the Officer Recommendation</b>	Support

Agenda item number
--------------------

12.3
------

Enter your submission/deputation
----------------------------------

Good Evening and thank you for your time tonight. My name is Luke McAskill. I own and reside at 9 Sinclair St Rivervale, some fifty-odd meters from the proposed location of the Brewery and Tavern at 3/100 Belmont Avenue. Having submitted an objection during the public consultation period I would like to personally convey my objections to this council as this matter has been of great concern to me. I'd like to acknowledge the Council's report that recommends the refusal of this proposal. I humbly ask councilors to respect the professional advice and overwhelming public opinion by voting against this proposal when it comes before the next Ordinary Council Meeting on the 12th December. Out of 18 submissions made during the public consultation period, 16 were detailed objections with a wide response. It warms my heart to see that my concerns over the noise and disturbance, safety and parking have been echoed by my fellow residents and local businesses. As someone living with chronic illness and so close to
---

the proposed location of the Tavern, such a venue poses a threat to my basic wellbeing. Just the stress of this application has weighed heavily on me for months now. Beyond my fears for my own wellbeing, I look to our quiet little street and fear what a Tavern so nearby would do to the nature of this neighborhood. As reflected in the report tabled to the council, this simply isn't the right place for such a venue. Once more, I humbly request the council votes to refuse the proposal. Thank you for your time.

Thanks,

City of Belmont



**From:** "no-reply@belmont.wa.gov.au" <no-reply@belmont.wa.gov.au>  
**Sent:** Sun, 3 Dec 2023 20:20:05 +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 Tiana Walker for the 05/12/23 Meeting.

<b>PublicSubmissionDeputationID</b>	17
<b>Form inserted</b>	3/12/2023 8:17:36 PM
<b>Form updated</b>	3/12/2023 8:17:36 PM
<b>Date of Meeting</b>	05/12/23
<b>First name</b>	Tiana
<b>Last name</b>	Walker
<b>Address</b>	9 Sinclair St, Rivervale
<b>Email address</b>	tianaw93@gmail.com
<b>Business, organisation or group (if presenting on behalf of)</b>	
<b>Please indicate what type of presentation will be made</b>	Deputation
<b>Please tick to indicate if your submission or deputation is in support or opposition to the Officer Recommendation</b>	Support

Agenda item number
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12.3
------

Enter your submission/deputation
----------------------------------

Hi, my name is Tiana Walker. I live at 9 Sinclair St, Rivervale. The Tavern being proposed at Unit 3, 100 Belmont Avenue is 57m from my fence to theirs. I want to share my objection to the proposal as well as my support of the council reports recommendation to refuse the proposal. When I moved here 3 years ago, it was specifically because I wanted to live somewhere quiet and safe. This little cul-de-sac has been perfect. Theres only really residential traffic, it's super quiet, and I feel the safest I've felt in a home since I moved to Perth 10years ago. I fear that a tavern so incredibly close would change this. There would be a massive increase in noise regardless of how you go about trying to reduce it- 275 people make a lot of noise just on their own even without any music at all. Add to that people coming and going from the venue, walking down the street looking for their Uber, or even things like slamming
--

their car doors- those things would all be very new to our streets at any time of day let alone at 10, 11 or 12 o'clock at night. There is also the very real possibility that, given the large parking shortfall, the closest place many of these patrons will have to park will be in Esther St and surrounding cul-de-sacs. This feels like an unfair burden to place on us and, again, a massive change to our current situation of primarily local vehicle and foot traffic. Knowing how this tavern would increase both traffic and noise, I also have fears regarding safety or even perceptions of safety. Even if somehow, none of the people leaving the tavern and walking down our streets were drunk and unpredictable, knowing there is a Tavern so close, that's what I'll have to be thinking about every time. Is this just someone walking by or am I in danger? Like many people, I have learned to be afraid of loud voices in the night. I do not want to be afraid in my own home. I have had to be before and moved here specifically so that I wouldn't need to be. I can think of exactly 1 time in the last 3 years that I have woken up to people outside at night. With a Tavern so close, I fear this would happen every night. I feel this is planning issue as it is the specific type of business (Tavern) and the specific plans they have (opening hours, number of patrons, lack of parking, location, etc) that lead to my concerns. This community is important to me and while I like to support the businesses in our area, a tavern of 275 patrons, with live music and events, open until "late" being so close to residents is unfair to the people living here. This tavern would bring about many negative changes and would ultimately make our streets less comfortable and less safe to live in. Again, I want to reiterate my support of the council reports recommendation to refuse the proposal. Thank you for listening.

Thanks,

City of Belmont





## CITY OF BELMONT

Version Date: 03/07/23

## Public Submission Time and Deputation Proforma

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

Name	Graham Downs
Address	8A Mort Street Rivervale
Business, Organisation or Group (if presenting on behalf of)	

Agenda Briefing Forum Date:	5/12/2023	Report Item No. referred to:	12.3
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 checked="" type="checkbox"/> Support	<input type="checkbox"/> Oppose
<p>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.</p> <p>-Introduction          -Overview of relevance of application to Belmont Economic Development Strategy 2023 - 2028          -Discussion re parking in in the area          -Noise re patrons leaving          -Parking on site          -Amenity of the area          -conclusion</p> <p>Approximately 5 minutes 30 seconds.</p>			
Additional space provided overleaf if required. Please tick box if continued overleaf <input type="checkbox"/>			

Your Worship, councillors, members of the public.

I'm here to ask you to be brave, I'm here to ask you to support small business and rally against red tape and bureaucracy.

The business proposed at 3/100 Belmont Avenue has a face. It is not another big corporation or national franchise, it is a passionate locals dream with his wife.

Phil Marks has spoken at business functions where he proudly stated the City of Belmont welcomes Businesses. The Belmont Economic Development Strategy 2023 to 2028 states the city wants to capture through traffic visitors and wants to play a lead role in the tourism market. A trip down south is a perfect example of how craft Beer and Spirits attracts tourists. Tourists staying in Belmont need to eat and drink, they will love Ubering or walking to the venue for a unique lunch or dinner. A place to bookmark when visiting Belmont. Recreation is also mentioned as a focus in the plan – what better recreation is there than eating a nice meal and taste testing gin, vodka or a craft beer? A perfect way to unwind.

A wellbeing economy, mentioned in the plan, starts with a place to meet friends or colleagues to socialise. Loneliness is a killer and encouraging community engagement through activated spaces like the Aro is good for the health of workers and residents.

In future strategic priorities, the city is looking through “promotion and attraction” to be front of mind for businesses looking to establish operations in Western Australia. You don't need to look far, you have a new business right here and one that will put the City of Belmont on the map. The way Little Creatures and Gage roads are associated with Fremantle, Old Youngs with the Swan Valley and Blasta Brewing is associated with Burswood. The localities benefit from the positive amenity that comes from the inclusion of a unique and bespoke venue.

The Camfield, Carlisle Hotel and Distillery, Wild Road Spirits, Brew Garage, Blasta Brewing and Swan River Distillery are all breweries located in the Town of Victoria Park. Why are there none in Belmont? Vic Park has Brewery as an approved use in several areas and does welcome new businesses. After initial discussions with Belmont Planning, I considered opening in Victoria Park. But as a Belmont local, I want to be here.

**Where** is there **enough** parking? City of Perth? Victoria Park? Fremantle? Venues routinely open where there is a lot less parking than the proposed site, often none. The expert traffic report provided clearly states there **is enough** parking, even at prayer time on Friday. Regardless, we don't expect to be busy weekdays when parking is available but tighter, no-where near 275 people with cars – we also expect most daytime patrons will be locals, tourists and workers that will walk, ride or uber. Ester Street residential parking is a 2 kilometre drive from the venue – only locals will park there and if they do it would be during the day when noise is irrelevant. At night they would use the many available bays in the commercial area closer. Residents nearby are in the flight path of the east west runway, as is my house and they are also very close to a fire station. The area may not be as peaceful some of the submissions portray.



Not all patrons will leave at the same time, and at night they will be parked in the commercial area as mentioned, so noise will be minimal, and closing time will be earlier on quiet nights as is common for other venues in the area. I have provided an acoustic report that shows we can meet the assigned levels of the Environmental Protection (Noise) Regulations 1997. These are the regulations set for noise, we meet these requirements with an 80db limit due to the thick concrete walls.

At my office in Tanunda Drive Rivervale there are 50 two and three bedroom apartments attached and not enough parking. When I purchased the office, wheel clamping was already in use. Once outlawed I had no solution. I became aware some councils assist private property owners with illegal parking, but not the City of Belmont. After some investigation I decided to implement a tow away zone. This entire year I have had one car park in my bays, which wasn't towed. No one wants to return to a missing car.

I will pay for parking signs and help implement tow away zones for the other businesses onsite between 11 and 5pm weekdays "if" parking becomes a problem. I understand how annoying it is to lose bays when parking onsite is tight. I mentioned this to some existing owners that showed concerns.

Rideshare data for Western Australia is not available which is why national data is presented. I have friends that own well known large venues in WA and they state about a third of people rideshare – it is cheap, easier re parking and you don't have to worry about drinking and driving.

The addition of the Aro will improve the amenity of the area facilitating tourism, socialising, activation of the area, and increasing security through people being there after hours.

16 objections and 2 positive submissions for the venue, put in perspective, is less than the 17 objections to an Air BNB a few weeks ago. I do not know the two positive submission contributors, but it was brought to my attention a lady went around with a petition against the Aro, which really puts the low number of objections into perspective.

Progressive councils can see past parking as a hindrance to development.

275 Patrons is **over** 100 less than The Sporting Globe and 1,100 less than Blasta Brewing.

To reduce the patrons to below 275 is not commercially viable.

I thank you for your consideration, I promise no curtains will fade in Belmont due to the Aro's development approval and that it will become something we can all be proud of should you choose to vote with common sense.

Season's Greetings to you all.

## CITY OF BELMONT

Version Date: 03/07/23

## Public Submission Time and Deputation Proforma

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

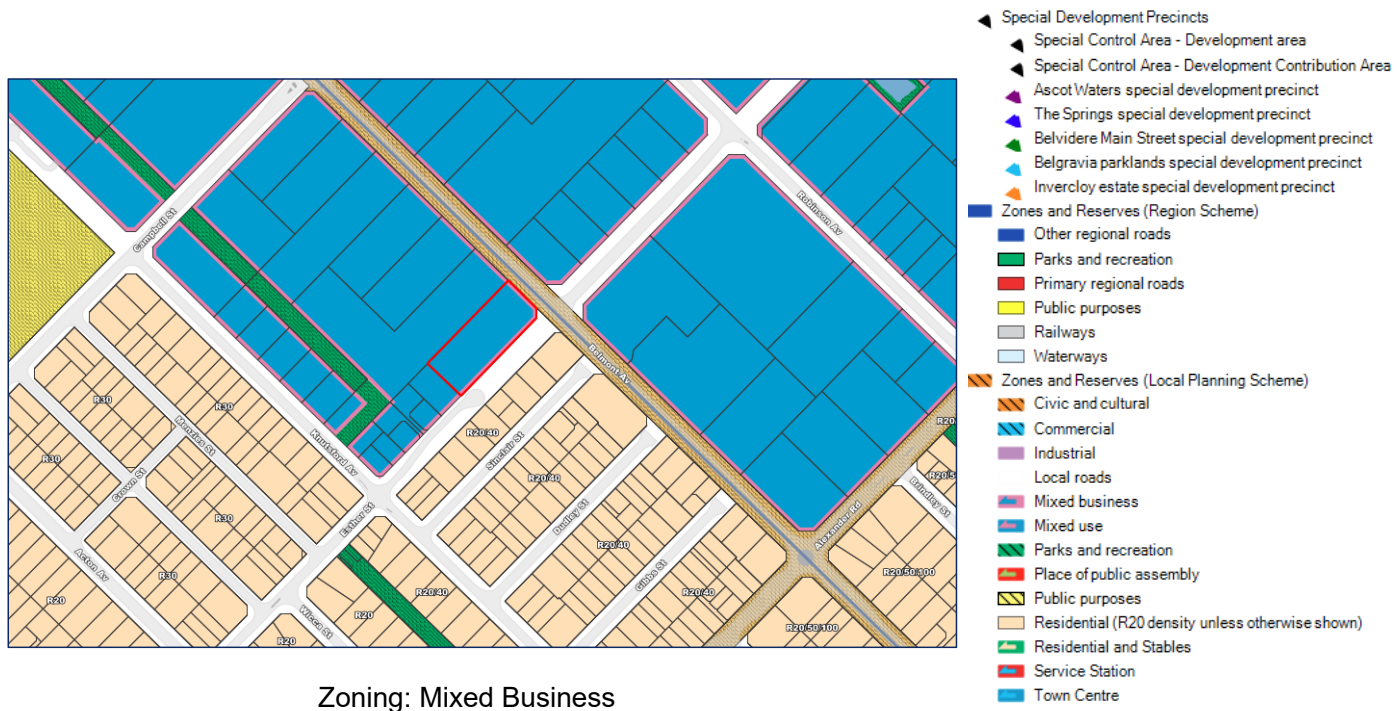
Name	Jack Regan
Address	68 Canning Highway, South Perth
Business, Organisation or Group (if presenting on behalf of)	Altus Planning

Agenda Briefing Forum Date:	5 December 2023	Report Item No. referred to:	12.3
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 checked="" type="checkbox"/> Support	<input type="checkbox"/> Oppose
<p>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.</p> <p>The deputation aims to outline the technical aspects of the proposal and application of the planning framework.</p> <ul style="list-style-type: none"> <li>-A concise introduction.</li> <li>-Opinion for conditional approval.</li> <li>-Concise overview of the proposal &amp; operating hours.</li> <li>-Response to key issues and officer recommendation.</li> <li>-Practical implications of the proposal.</li> <li>-Zoning and land use classification.</li> <li>-Compliance with Noise Regulations and other statute</li> <li>-Conditions of approval.</li> </ul> <p>The deputation will not exceed a duration of 5 minutes.</p>			
Additional space provided overleaf if required. Please tick box if continued overleaf <input type="checkbox"/>			

**CITY OF BELMONT**  
**3/100 Belmont Avenue,**  
**Rivervale**  
**Brewery and Tavern**

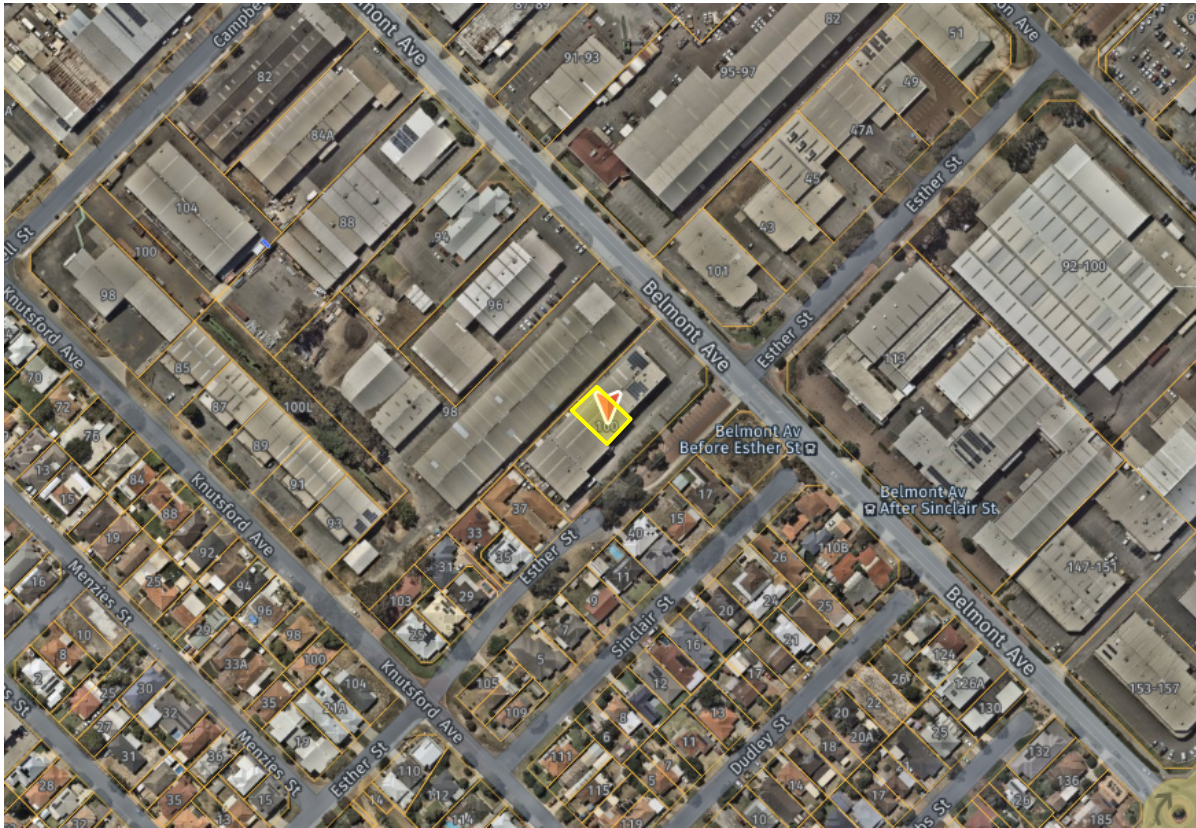


## Extract from Local Planning Scheme Map Showing Zoning of Subject Site and Surrounding Zonings





# Location Map



# Key Features

- 'Change of Use' of Unit 3 to a 'Brewery' and 'Tavern'.
  - 202m<sup>2</sup> 'Brewery' area.
  - A 'Tavern' space with a 161m<sup>2</sup> ground floor and a 114m<sup>2</sup> first floor.
  - Hours of operation of 11am – 10pm on Sunday - Thursday; and 11am – 12 midnight on Friday – Saturday.
  - A maximum patron capacity of 275 people.

# Consultation

- Advertised to all properties within 200m from 18 September 2023 to 16 October 2023.
- Eighteen (18) submissions were received during the advertising period.
- Issues raised in submissions include:
  - Impacts on the amenity (noise parking, lighting, odour and safety);
  - Impacts from parking shortfall;
  - Increase to anti-social behaviour;
  - Impacts on the operation of other businesses onsite;
  - The use being incompatible with the area.

# Amenity Impacts

- When assessing the potential on the amenity of the locality, it is necessary to consider the following:
  - Defining the locality.
  - Evaluating the existing and likely future amenity of that locality.
  - The likely impacts of the proposal on the existing and likely future amenity of the locality.
  - If those impacts could be reasonably managed or mitigated.



# Defining the Locality



# Defining the Locality





# Defining the Locality



# Amenity Impacts

- The land use introduces potential amenity impacts that extend into hours when residential uses are most sensitive. These impacts include:
  - Noise from potentially 250 patrons at the property;
  - Noise from patrons arriving and leaving the site;
  - Noise from functions and music; and
  - Noise from cars, people waiting for ride share, and car doors opening and closing.
- Reliance on strict management measures for compliance can indicate the use's inherent unsuitability in its context.
- Meeting the *Noise Regulations* does not automatically mean a proposal is necessarily acceptable from a planning amenity perspective.
- The site's proximity to residential properties represents an inherent and unalterable issue.

# Car Parking

- The development requires a total of 81 parking spaces.
- There are 9 parking bays onsite allocated to Unit 3.
- This results in a parking shortfall of 72 bays.
- The car parking shortfall will place an unreasonably high dependency on public parking bays.

# Summary

- It is recommended that the application be refused based on:
  - The potential impact on the amenity of the area; and
  - The proposed parking shortfall.





## City of Belmont

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## CITY OF BELMONT

Version Date: 03/07/23

## Public Submission Time and Deputation Proforma

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

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

<b>Agenda Briefing Forum Date:</b>	5 Dec 2023	<b>Report Item No. referred to:</b>	12.9
<b>Please tick the appropriate box below to indicate what type of presentation you wish to make.</b>		<input type="checkbox"/> Submission	<input checked="" type="checkbox"/> Deputation
<b>Are you speaking in support or opposition to the matter? Please tick appropriate box.</b>		<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>Livestreaming policy</p>			
<p>Additional space provided overleaf if required. Please tick box if continued overleaf <input type="checkbox"/></p>			



## 7 Matters for which the meeting may be closed

Mayor Rossi, Cr Marks, Cr Sessions, Cr Kulczycki 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)(b) of the Local Government Act 1995 in order to discuss Confidential Item 7.1, Council will 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 14.1

#### Nomination for Honorary Freeman of the City

##### 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 8.44pm.