



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES
TABLE OF CONTENTS

1 March 2005

ITEM	SUBJECT HEADING	PAGE
NOTICE OF MEETING		
1.	OFFICIAL OPENING.....	1
2.	APOLOGIES & LEAVE OF ABSENCE	1
2.1	APOLOGIES	1
2.2	LEAVE OF ABSENCE.....	1
3.	DECLARATIONS OF INTEREST	2
3.1	FINANCIAL INTERESTS	2
3.2	DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY.....	2
4.	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS	3
4.1	ANNOUNCEMENTS	3
4.2	DISCLAIMER	3
4.3	DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING	4
4.4	DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 12.1	4
5.	PUBLIC QUESTION TIME	5
5.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE.....	5
5.1.1	Mr John Maguire, 11 Hillcrest Road, Kewdale	5
5.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	5
5.2.1	Mr Paul Hitt, 14 McLachlan Way, Belmont.....	5
5.2.2	Ray Harris, 481 Abernethy Road, Cloverdale	6
5.2.3	Mr Yusuf Dutoit, C/- Belmont Islamic College, Kewdale	6
6.	CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX.....	7
6.1	ORDINARY COUNCIL MEETING HELD 8 FEBRUARY 2005	7

ITEM	SUBJECT HEADING	PAGE
6.2	INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 22 FEBRUARY 2005**	7
7.	QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)	7
8.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION	8
9.	BUSINESS ADJOURNED FROM A PREVIOUS MEETING	9
10.	REPORTS OF COMMITTEES	9
11.	REPORTS OF DIVISIONS	10
11.1	PLANNING AND DEVELOPMENT DIVISION	10
11.1.1	Lots 3 & 340 (61-71) Great Eastern Highway, Rivervale – Proposed Change of Use from ‘Motel’ to ‘Multiple Dwellings’ ** ...	10
11.1.2	Location 4074 (147–159) President Street, Kewdale – Breach of Planning Approval **	22
11.2	WORKS AND TECHNICAL SERVICES DIVISION.....	30
11.2.1	Intersection of Barry Street and Orrong Road, Rivervale.....	30
11.2.2	Special Allocation – Road Project Grant Funding	39
11.3	COMMUNITY AND EXECUTIVE SERVICES DIVISION.....	43
11.3.1	Statutory Compliance Audit Return 2004.....	43
11.3.2	Code of Conduct – 2005 Annual Review	50
11.4	CORPORATE SERVICES DIVISION	55
11.4.1	Policy Manual Review – Corporate Services, Planning and Development and Works and Technical Services Divisions	55
11.4.2	Financial Reports as at 31 January 2005.....	63
11.4.3	Accounts for Payment	67
12.	REPORTS BY THE CHIEF EXECUTIVE OFFICER	70
12.1	INFORMATION BULLETINS.....	70
12.2	REQUESTS FOR LEAVE OF ABSENCE	70
13.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	71
14.	CLOSURE	71

ATTACHMENTS INDEX

- **Council Attachment 1 – Item 6.2 refers**
- ** PD Attachment 2 – Item 11.1.1 refers**
- ** PD Attachment 3 – Item 11.1.2 refers**
- **WTS Attachment 4 – Item 11.2.1 refers**
- **WTS Attachment 5 – Item 11.2.1 refers**
- **CE Attachment 6 – Item 11.3.1 refers**
- **CE Attachment 7 – Item 11.3.2 refers**
- **CS Attachment 8 – Item 11.4.1 refers**
- **CS Attachment 9 – Item 11.4.2 refers**
- **CS Attachment 10 – Item 11.4.3 refers**

<p>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</p>
--

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 1 MARCH 2005, COMMENCING AT 7.00 PM

PRESENT

Cr P Passeri, JP, Mayor	West Ward
Cr A Richardson, JP, Deputy Mayor	West Ward
Cr R Rossi	West Ward
Cr M Blair	Central Ward
Cr G Grant	Central Ward
Cr G Godfrey	East Ward
Cr P Marks	East Ward
Cr J Powell	South Ward
Cr B Whiteley	South Ward
Cr E Teasdale	South Ward

IN ATTENDANCE

Mr Shayne Silcox	Chief Executive Officer
Mr N Hartley	Deputy Chief Executive Officer
Mr N Deague	Director – Development
Mr R Lutey	Director – Engineering
Mr R Garrett	Acting Director – Corporate Services
Mr P Varris	Manager – Administrative Services
Mrs C Rankine	Chief Executive Officer Executive Assistant

OBSERVERS

Nil.

MEMBERS OF THE GALLERY

There were 13 attendees in the gallery.

1. OFFICIAL OPENING

The Mayor opened the meeting at 7.00pm and welcomed those in attendance.

2. APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Nil.

2.2 LEAVE OF ABSENCE

Record Councillor Leave of Absence where previously endorsed for this meeting.

Cr M Bass (16 February 2005 to 4 March 2005 inclusive) East Ward

3. DECLARATIONS OF INTEREST

Councillors / Staff are reminded of the requirements of s5.65 of the Local Government Act 1995, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the City's Code of Conduct.

3.1 FINANCIAL INTERESTS

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No.	Nature of Interest (and extent, where appropriate)
Nil.		

3.2 DISCLOSURE OF INTEREST AFFECTING IMPARTIALITY

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision making procedure. The member / employee is also encouraged to disclose the nature of the interest.

Name	Item No.	Details of Interest
Lyn Fogg - Compliance Officer	11.3.2	In accordance with the City of Belmont's Code of Conduct, Mrs Fogg declared an interest that could give rise to a reasonable belief that her impartiality may be adversely affected. The nature of the interest being that she is an employee of the City and therefore is subject to the Code of Conduct.
Cr P Marks	8	Cr Marks lives approximately 150 metres from the Ascot Inn which is the subject under discussion in Item 8.

4. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS

4.1 ANNOUNCEMENTS

Written announcements by the Presiding Member or important forthcoming functions to be tabled at this point. The Presiding Member may, at their discretion, wish to make verbal announcements.

The Mayor advised that he was in receipt of two petitions –

The first is under covering letter from Mr and Mrs Dennis Castle of 160 Fulham Street, Kewdale, petitioning for a pedestrian crossing zone crossing Fulham Street to the Belmont Forum Shopping Centre. The Mayor advised that he had passed this to the Chief Executive Officer with a request that a report be prepared for Council.

The second is from residents of Norwood Road, Rivervale expressing concern regarding a business located on Kooyong Road encroaching into residential zoned land on Kooyong Road and Norwood Street. The Mayor advised that he had also passed this to the Chief Executive Officer for a report to be prepared for Council.

4.2 DISCLAIMER

No responsibility whatsoever is implied or accepted by the City of Belmont for any act, omission or statement or intimation occurring during Council or Committee meetings.

The City of Belmont disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation or approval made by any member of Officer of the City of Belmont during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Belmont.

The City of Belmont warns that anyone who has any application lodged with the City of Belmont must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the City of Belmont in respect of that application.

The City of Belmont wishes to advise that any plans or documents contained within this agenda may be subject to copy right law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

*****7.03pm The Mayor drew the public gallery's attention to the disclaimer as written in the agenda.**

4.3 DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING

Councillors who have not read the business papers make a declaration at this point.

Nil.

4.4 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT¹ READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 12.1

Councillors who have received and not read the 'Councillor Information Bulletins' as detailed in Item 12.1 of this agenda, to make declarations at this point.

Nil.

¹ Incorrectly read as "...Members who have not received and read...".

5. PUBLIC QUESTION TIME

*****7.04pm** The Mayor drew the public gallery's attention to the rules of Public Question Time as written in the agenda. In accordance with rule (I), the Mayor advised that he had registered 2 members of the public who had given prior notice to ask questions, these being – Mr Paul Hitt and Mr Ray Harris.

The Mayor invited the public gallery members, who had yet to register their interest to ask a question, to do so. One further registration was forthcoming from Mr Yusuf Dutoit, representing the Australian Islamic College.

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Mr John Maguire, 11 Hillcrest Road, Kewdale

At the Ordinary Council Meeting of 8 February 2005, the Mayor took the following question 'on notice' from Mr John Maguire.

1. Mr Maguire referred to page 152 of the Ordinary Council Meeting minutes of 21 December 2004 (Item 11.3.4) and queried whether the \$10,000 allocated for 'Disabled Toilets Resurfacing' was for the toilet and change room within the aquatic area of the pool?

The Acting Director – Community and Executive Services met with Mr Maguire the following day and advised that the \$10,000 is in fact allocated to the toilet / change room referred to by Mr Maguire.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5.2.1 Mr Paul Hitt, 14 McLachlan Way, Belmont

1. Mr Hitt referred to the recent removal of mature trees on the construction site for the City of Belmont Youth and Family Centre, allegedly due to damage by a City contractor and asked –

Will the City of Belmont tighten up its contractual guidelines to ensure that the City of Belmont will not be responsible for the financial cost of remedial action to rectify the damage to flora / environment in the future?

The Mayor advised that it was in the best interests of the City if some form of guidelines were developed.

The Chief Executive Officer advised that the contractor was involved with both staff and the project architect at the time of the construction and the damage was not due to contractor error. Unfortunately due to the shallow roots of the trees and weather conditions prevailing, an arborist deemed the trees unsafe and their removal was initiated. The Chief Executive Officer advised that he has instructed staff to minimise the risk of such an incident occurring again.

Item 5.2.1 continued

2. Mr Hitt referred to the Council minutes where legal opinion has been sought in respect to the possible liability for the cost of any improvements made by the developers of Ascot Waters on the Belmont Trust land. Mr Hitt noted that a channel was dredged through Belmont Trust land facilitating access for the Ascot Waters Marina, without which full development could not have take place and financial returns affected. Mr Hitt asked –

Will Council pursue the developer (of Ascot Waters) for dredging a channel through land covered by a deed of trust and placed in the care of City of Belmont when no alteration was made to alter or lift the deed of trust?

The Mayor noted that the question would need to be taken 'on-notice' as the land is under the care of the Board of Trustees for the Belmont Trust land and the question properly resides with that body.

5.2.2 Ray Harris, 481 Abernethy Road, Cloverdale

1. Mr Harris raised concerns regarding the traffic safety in the Kooyong Road Shopping Precinct and asked whether Council will investigate the implementation of a 40kph on this section of road, similar to that existing in the Belmont Forum Shopping Precinct?

The Chief Executive Officer advised that he has recently corresponded to both Mr Harris and the local Member for Belmont, Mr Ripper in respect to this issue. The Chief Executive Officer advised that the statistics do not support the instigation of a speed limit reduction at this stage, however noted that the City will continue to monitor the situation and review if warranted.

5.2.3 Mr Yusuf Dutoit, C/- Belmont Islamic College, Kewdale

1. Mr Dutoit referred to the subdivision on the Islamic College site and asked whether Council will consider the revision of the fence setbacks as result of recent survey information?

The Mayor advised that the issue of the development on the College site is to be considered by Council later this evening and the matter raised by Mr Dutoit is noted.

*****7.14pm** **There being no further questions from members of the public, the Mayor declared Public Question Time closed.**

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX**6.1 ORDINARY COUNCIL MEETING
HELD 8 FEBRUARY 2005**

RICHARDSON MOVED, POWELL SECONDED, that the Minutes of the Ordinary Council Meeting held on 8 February 2005, as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 10 VOTES TO 0

**6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM
HELD 22 FEBRUARY 2005****

****Council Attachment 1 – Item 6.2 refers**

ROSSI MOVED, WHITELEY SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 22 February 2005, as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 10 VOTES TO 0

**7. QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN
(WITHOUT DISCUSSION)**

DISCLAIMER: Where the City's Administration has provided any assistance to a Councillor, with the framing and / or wording of any motion / amendment / question to the Council, who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion / amendment is solely that of the intended mover and not that of the officer / officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by the City's administration to the Council meeting considering the motion.

Nil.

**8. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON
PRESIDING OR BY DECISION**

The following motion was submitted by Cr Marks with the prior approval of the Mayor for Council's consideration:-

MARKS MOVED, GODFREY SECONDED, that:

Council authorise the Chief Executive Officer to investigate the following features of the proposed development at the Ascot Inn site and write to the Swan River Trust expressing a Council position -

- 1. The proposed development is now 5&6 stories high. The council asked for a maximum of 4 stories. The Swan River Trust has already refused developments in Thompson St above 2 stories in recent times.***
- 2. The Council asked for a significantly reduced density. This proposal has the potential to actually increase the density with the use of the 2 proposed residential blocks at the northern end of the plan. The greater the density, the greater is the danger to the river and the surrounding R10 heritage area.***
- 3. There is little detail provided on the new plan to enable anyone to properly investigate this proposal.***
- 4. The new open space provided on the foreshore appears to be used almost to its entirety by a car park. Council expresses its dismay at the use of foreshore open space in this manner.***
- 5. Unless there are some hidden car bays, there appears to be a dramatic shortfall of 40 bays when comparing this proposal to the original. (NB - without a plan of the new underground car park it is difficult to draw a conclusion.) The only way to correct this shortfall is to reduce the density (as asked by Council) or use more of the river foreshore open space for parking.***
- 6. The proposal now includes locked gates on the right of way at the southern end and no pedestrian, horse or cycleway crossing as originally proposed. This has the potential to cut the village of Ascot into 2 distinct areas, limiting river access and creating disharmony in the community.***
- 7. The Council doubts the sustainability of any proposal on the river with the above features and concludes that there is a real danger to the river over a period time.***

CARRIED 10 VOTES TO 0

9. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

10. REPORTS OF COMMITTEES

NOTE: Regulation 11(da) of the Local Government (Administration) Regulations 1996 requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in the Local Government Act 1995 s5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).

Nil.

11. REPORTS OF DIVISIONS

NOTE: Regulation 11(da) of the Local Government (Administration) Regulations 1996 requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).

11.1 PLANNING AND DEVELOPMENT DIVISION

ROSSI MOVED, RICHARDSON SECONDED, that the reports of the Planning and Development Division as printed in the Agenda, be received.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Item 11.1.2 was withdrawn at the request of Cr Teasdale.

MARKS MOVED, BLAIR SECONDED, that with the exception of Item 11.1.2 which is to be considered separately, Officer Recommendations in the Planning and Development Division, specifically Item 11.1.1 be adopted en bloc.

CARRIED 10 VOTES TO 0

11.1.1 Lots 3 & 340 (61-71) Great Eastern Highway, Rivervale – Proposed Change of Use from ‘Motel’ to ‘Multiple Dwellings’ **

**** PD Attachment 2 – Item 11.1.1 refers**

Report by Planning and Development Division

DATE

22 February 2005

PURPOSE OF REPORT

To consider the proposed refurbishment of Lots 3 & 340 (61-71) Great Eastern Highway, Rivervale and change of use to 48 multiple dwellings.

SUMMARY AND KEY ISSUES

Summary and Key Issues

A development application proposing a change of land use from motel (77 motel rooms) into 52 multiple dwellings was considered at the Council meeting held 8 February 2005 where it was resolved to defer determination of the application pending submission of amended plans.

Item 11.1.1 Continued

A new development application with amended plans have been submitted for 48 multiple dwellings.

The new application proposes to:

- Convert the 77 existing motel rooms into 40 multiple dwellings (20 ground floor units and 20 first floor units) by removing internal walls and refurbishing; and
- Construct 8 new multiple dwellings (four ground floor units and four first floor units) where the existing restaurant is currently situated.

The application does not comply with several aspects of the Residential Design Codes and City of Belmont Town Planning Scheme No. 14, the most significant of which are:

- Insufficient Communal Open Space; and
- Poor quality elevations to the Great Eastern Highway frontage.

Officer Recommendation Summation

It is recommended that determination of the application be deferred pending submission of amended plans which address the issues regarding insufficient Communal Open Space; and poor quality elevations to the Great Eastern Highway frontage

LOCATION

Lots 3 & 340 (61-71) Great Eastern Highway, Rivervale (The Regency Motel)



Item 11.1.1 Continued

APPLICANT

Greg Rowe and Associates

FILE REFERENCE

115/001	Development / Subdivision / Strata – Applications / Application Correspondence
434/2004/DA	Development application folder
50/2005/DA	Development application folder
Property	61-71 Great Eastern Highway

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required.

CONSULTATION

The original application for 52 multiple dwellings was referred to Main Roads Western Australia and nearby landowners.

The new application has not been referred to nearby landowners.

The new application for 48 multiple dwellings has not been referred to Main Roads Western Australia. A favourable determination cannot be issued until Main Roads comment is received.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**Strategic Plan**

No Strategic Plan Implications are evident at this stage.

Operational Plan

Community Strategy C1/1 states *“To ensue that any possible development which is approved in the City of Belmont is of the highest possible standard.”*

POLICY IMPLICATIONS

The subject lots fall within Section 1 of City of Belmont Local Planning Policy No. 10 – Draft Great Eastern Highway Strategic Access Policy. The Draft Policy indicates an easement-in-gross to be granted over the two properties at time of redevelopment.

Local Planning Policy No. 9 - Building Height and Bulk Along Great Eastern Highway contains provision for:

Item 11.1.1 Continued

- Encouraging higher buildings adjacent to Great Eastern Highway;
- Giving building elevations a vertical emphasis and proportion;
- Using gabled roofs in preference to hipped roofs to reinforce vertical proportion;
- Creation of buildings with separate identities to avoid bland uniformity;
- Buildings on corner lots should have a vertical emphasis;
- Creation of buildings with an attractive and lasting identity through choice of materials and colours.

STATUTORY ENVIRONMENT**Town Planning Scheme No. 14**

The subject lots are zoned Mixed Use under the City's Town Planning Scheme No. 14. Section 10.5.1 of the Scheme states:

"The Mixed Use zone is intended to allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisance detrimental to the amenity of the district or to the health, welfare and safety of its residents. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads".

Sub-clause 10.5.2 of Town Planning Scheme No. 14 (Mixed Use zone provisions) states that residential development shall conform to the provisions of the R-codes, whereas Clause 10.5.9 allows the Council to exercise its discretion and vary the standards and requirements applicable to the Mixed Use Zone on the basis that the non-compliance will not have any adverse effect upon the occupiers of the locality, or any future development of the locality.

Town Planning Scheme No. 14 requires lodgement of:

- (a) three copies of plans to a scale of not less than 1:500;
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) any specialist studies that Council may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies;
- (d) any other plan or information that the Council may reasonably require to enable the application to be determined.

Residential Design Codes

Multiple Dwellings are defined in the Residential Design Codes (RD codes) as:

"A dwelling in a group of more than one dwelling on a lot where any part of the dwelling is vertically above part of any other but does not include Grouped Dwellings"

Multiple dwellings are not permitted within a Mixed Use zone unless the Council has exercised its discretion by granting planning approval.

Item 11.1.1 Continued

The RD codes define Communal Open Space as:

“Open space set aside for the recreational use of the occupants of the dwellings in a common development and does not include driveways or car parking areas.”

Open Space is defined as:

“Generally that area of a lot which is not occupied by any building and includes:

- *Open areas of accessible and useable flat roofs and outdoor living areas above natural ground level;*
- *Areas beneath eaves overhangs, verandahs or patios not more than 0.5m above natural ground level, unenclosed on at least two sides and covering no more than 10% of the site area or 50m² whichever is the lesser;*
- *Pergolas;*
- *Uncovered driveways (including access aisles in parking areas) and uncovered carbays;*

But excludes;

- *Non-accessible roofs, verandahs and balconies over 0.5m above natural ground level;*
- *Covered car-parking bays and walkways, areas for rubbish disposal, stores, outbuildings or plant rooms.”*

BACKGROUND

Amalgamation

Conditional approval for the amalgamation of Lots 3 and 340 was issued by the Western Australian Planning Commission on 17 January 2005. The conditional approval includes a requirement for an easement in gross.

40 multiple dwellings

Lots 3 & 340 (61-71) Great Eastern Highway, Rivervale, (The Regency Motel) currently operates as a 77 room motel. An application was submitted on 1 October 2004 which proposed that the 77 motel rooms be renovated and converted into 40 multiple dwellings. The original plans for 40 multiple dwellings proposed a density of R60. The development plans showed the existing restaurant at the front of the property to be demolished. Demolition of the existing restaurant did not include new multiple dwellings to be constructed on the existing restaurant site.

52 multiple dwellings

Amended plans were submitted on 18 November 2004 which proposed an additional 12 multiple dwellings on the area currently occupied by the restaurant. This increased the total number of multiple dwellings to 52, at a density of R80. A new Form 1 (i.e. a new application) was requested as the proposal was substantially different from the 40 unit application lodged. No new Form was lodged.

Item 11.1.1 Continued

The plans for 52 multiple dwellings were considered by Council at its meeting held 8 February 2005 (item 11.1.7 09/02/2005 OCM refers) where it was resolved:

“THAT COUNCIL:

- 1. DEFER CONSIDERATION OF THE DEVELOPMENT APPLICATION FOR THE CHANGE OF USE OF LOTS 3 & 340 (61-71) GREAT EASTERN HIGHWAY, RIVERVALE FROM MOTEL TO 52 MULTIPLE DWELLING RESIDENTIAL UNITS AND REQUEST THE APPLICANT TO SUBMIT AMENDED PLANS THAT:
 - I. PROVIDE FOR PRIVATE OPEN SPACE IN ACCORDANCE WITH CODE REQUIREMENTS OR ADDITIONAL COMMUNAL OPEN SPACE TO COMPENSATE FOR ANY SUCH SHORTFALL.*
 - II. PROVIDE FOR 10% VISITOR PARKING IN ADDITION TO THAT REQUIRED TO CATER FOR THE MULTIPLE DWELLINGS PROPOSED.**
- 2. ADVISE THE APPLICANT THAT THE ORIGINAL PROPOSAL FOR 40 MULTIPLE DWELLINGS IS THE PREFERRED OPTION AS IT ADDRESSES THE ISSUES OF CAR PARKING, BUILDING DESIGN AND PROVISION OF OPEN SPACE, AND REQUEST THE APPLICANT TO CONSIDER SUBMITTING AMENDED PLANS CONSISTENT WITH THE ORIGINAL APPLICATION.”*

Detailed comment on the development plans for 52 multiple dwellings is included in item 11.1.7 of the Council meeting held 8 February 2005.

48 multiple dwellings

A second set of amended plans was submitted on 8 February 2005. These plans proposed construction of only eight new multiple dwellings within the restaurant area, with a total of 48 multiple dwellings on the site. This equates to a density of R80.

The amended plans for 48 multiple dwellings was a substantial variation from the original application. Therefore a new formal application was required for the 48 multiple dwellings (lodged 10 February 2005). The application submitted included:

- Form 1 Application to Commence Development;
- Information regarding private open space and car-parking;
- Two coloured copies of the amended Great Eastern Highway streetscape; and
- Digital copies of the amended site and floor plans, and coloured Great Eastern Highway streetscape.

The new planning application proposes the following:

- Conversion of the existing 77 motel rooms to 40 multiple dwellings (20 ground floor units and 20 first floor units) by removing internal walls and refurbishing the units. These consist of 36 two bedroom units and 4 three bedroom units provided with new kitchen, bathroom and laundry facilities;

Item 11.1.1 Continued

- Demolition of the existing restaurant for eight new multiple dwellings (4 ground floor units and 4 first floor units) commensurate with the existing motel building style. These are two bedroom units.

There are no single bedroom dwellings proposed.

The applicant has advised that the amended plans for 48 multiple dwellings addresses Council's concerns regarding open space and car parking.

A copy of the amended plans for 48 multiple dwellings is provided in the first attachment to this report. Colour elevations and photos of the existing site will be included in the PowerPoint presentation at the Agenda Briefing Forum.

Adjacent Lots 204, 205 and 206 Armadale Road

The applicant has confirmed that the owner of the land has no intention of developing the adjacent three properties individually or as part of the Regency Motel Development. The tennis court located on Lot 204 will not be utilised by the future residents of the multiple dwelling development.

OFFICER COMMENT**Application**

The application is incomplete as it does not include elevations of the new dwellings. No details were submitted regarding the existing buildings. No hard copies of the site, ground floor and first floor plans were submitted, however it was assumed that the set of amended plans submitted for the original application were to be included in the new application. Only one copy of these site plans was received. No details of the revised site requirements were submitted. Despite an incomplete application, assessment of the plans has been undertaken.

The application has been assessed under the R80 (high density) standards of the Residential Design Codes (RD Codes), and the Mixed Use zone standards of Town Planning Scheme No. 14. The assessment is summarised in the second attachment to this report. The following design standards have not been achieved:

- Sightlines at vehicle access points and street corners;
- Communal open space;
- Landscape requirements;
- Pedestrian Access;
- Essential Facilities;
- Intention of the Mixed Use zone – elevations;
- Setbacks of buildings; and
- Fencing and Walls.

Council has discretion under the Codes' Performance Criteria to allow variations to the codes where sufficient justification is provided. Council has discretion under Clause 10.5.9 to allow a relaxation or variations to the standards and requirements of the Mixed Use zone.

*Item 11.1.1 Continued***Variations**

It is recognised that the application proposes to retrofit an existing development for residential purposes. However this is not considered sufficient justification to allow variations to essential development standards for residential development. It is considered that both the lack of communal open space and poor standard of front elevations are development standards that should be enforced. For any vacant Mixed Use lot on which a similar development was being proposed, such as the RAC site at 275 Alexander Road, Belmont, all RD Codes standards and Town Planning Scheme No. 14 requirements would be vigorously enforced by Council.

All other variations to standards proposed by the application can be readily addressed by minor modifications to the development plans by the applicant, and could be included as conditions of any approval issued.

Communal Open Space

- ***Interpretation***

There is a differing opinion on the interpretation of Communal Open Space between the applicant and Council's Planning Department.

The RD Codes' definition of communal open space and open space are included under 'Statutory Environment'.

The applicant argues that the RD Codes exclude only driveways and car-parking areas from communal open space. Therefore all other open space areas, including all landscaping strips, can be incorporated into the communal open space calculations.

The definition of Open Space in the RD Codes refers to areas not occupied by any building, however the definition of communal open space specifically refers to open space set aside for "*recreational use*". The City's Planning Department's interpretation is that inaccessible landscape strips adjacent to the great Eastern Highway road reserve should not be included in communal open space as they cannot be reasonably used for active or passive recreation.

It is considered that from a sound planning basis, communal open space areas must be fully accessible and useable for passive or active recreation. Otherwise the areas will not be able to fulfil the recreational open space needs of the residents of the development.

- ***Shortfall***

The application for 48 multiple dwellings requires 768m² of communal open space to be provided. Only 250m² has been designated on the plans as communal open space.

The reduction of four proposed dwellings on the site (from 52 dwellings to 48 dwellings), has provided an additional landscaping area of 270m². This area could be landscaped and provided with seating to provide additional passive communal open space. This will provide a total of 520m² communal open space for the site, which is still a shortfall of 248m² (32% shortfall). This is considered to be a significant shortfall, and insufficient to meet the needs of future residents.

Item 11.1.1 Continued

The new dwellings are currently proposed as two ground floor units and two first floor units. The shortfall of communal open space could be readily addressed by the applicant modifying this design. The building height can be increased and the building footprint reduced, to create a four storey building with two units on each floor. This would result in the same number of dwellings, with the reduction in building footprint providing an additional area of 250m² for active or passive communal open space.

A four storey dwelling as suggested would create a landmark building to the Great Eastern Highway and Fitzroy Road intersection; would increase communal open space areas; and would allow the applicant to have the 48 being sought.

Great Eastern Highway Façade

As noted in the assessment table, the new dwellings have been designed commensurate with the existing development. The existing buildings were constructed in the 1980s and it is not considered appropriate for new development on the site to match the dated existing buildings.

New development should be residential in appearance, and harmonise with the existing development. However substantial development with a reduced setback to Great Eastern Highway should also incorporate high quality and imaginative design features. As noted in the comment regarding communal open space, there is an opportunity to create a feature building for the Great Eastern Highway / Fitzroy Road corner. This would integrate with the scale of building at the adjacent Great Eastern Highway Motor Lodge site. Provided that a four storey development incorporated high standards of architectural design, this would significantly improve the Great Eastern Highway streetscape within this area.

It is considered that the elevations of the new dwellings fronting Great Eastern Highway are not of a sufficiently high standard and architectural design. The application therefore does not comply with the intention of the Mixed Use zone.

Details of external upgrading to the existing buildings have not been provided.

Noise Attenuation

The new dwellings demonstrate poor urban design, by not addressing noise attenuation measures. The new dwelling's private open space and balconies are orientated towards Great Eastern Highway, which is a primary regional road reserve. The new dwellings also have a significantly reduced front setback to the Highway.

Council's Orrong Road Policy contains standards to mitigate impact from the regional road. These same standards can be applied to the current application as it proposes residential adjacent to a primary regional road. The Orrong Road policy requires that new dwellings shall be designed so that those rooms least sensitive to vehicular noise, such as kitchens and bathrooms, are sited closest to Orrong Road.

The proposed new dwellings have been designed so that bedroom 1 and the main living area are closest to Great Eastern Highway. The applicant should be requested to submit details of design measures to attenuate dwellings against traffic noise as outlined in Australian Standard 3671 – Acoustics – Road Traffic Intrusion – Building and Siting Construction.

*Item 11.1.1 Continued***Public Open Space Contribution**

Should the owner of the property wish to sell the individual units for residential purposes, a built strata will need to be sought from the Western Australian Planning Commission. It should be noted that a 10% public open space contribution may be imposed as a condition on any strata approval. In this instance, a cash-in-lieu of public open space contribution would be appropriate.

Options**• Option 1 – Approve**

Council may exercise its discretion and support the variations to the Residential Design Codes and Town Planning Scheme No. 14. This option is not recommended as support of the application in its current form would create a precedent to relax essential standards for other motel – residential conversions along Great Eastern Highway.

It should be noted that should Council wish to favourably determine the current development application, comments from Main Roads will be required prior to issuing of a determination. The Council may also opt to refer the amended application to nearby and adjoining owners / occupiers for comment.

• Option 2 – Refuse

Council may refuse the application on the basis that the communal open space does not comply with the RD Codes, and the Great Eastern Highway elevations are not of a sufficiently high standard as required by TPS 14. The applicant can be invited to submit a new development application which complies with the provisions of the RD Codes and Town Planning Scheme No. 14.

This option is not recommended as it is considered that the requirements of both the RD Codes and the Scheme could be met within the bounds of the current application. This is provided that the applicant is willing to consider redesigning the new dwellings fronting Great Eastern Highway, and incorporating a four storey element with high quality elevations.

• Option 3 – Defer

Council may defer determination of the application to allow the applicant to submit a revised application which complies with the communal open space provisions of the RD Codes and high standard of elevations in accordance with Town Planning Scheme No. 14. This will have the same practical outcome as Option 2, without the applicant having to submit a new application.

It should be noted that should the application exceed the statutory 60 day time frame for determination without Council having made a decision, the application will be deemed refused and the applicant will have a right of appeal. The 60 day statutory time frame expires on 10 April 2005.

Any new / amended application will require referral to Main Roads for comment. The Council may also opt to refer the amended application to nearby and adjoining owners / occupiers for comment.

It is recommended that the application be deferred, in accordance with Option 3.

Item 11.1.1 Continued

FINANCIAL IMPLICATIONS

There are no significant financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
1	Site Plan, Ground Floor Plan, First Floor Plan, Great Eastern Highway Elevation Further attachment included: - Assessment Sheet

OFFICER RECOMMENDATION

That Council:

1. ***Defer consideration of the development application for the change of use of Lots 3 & 340 (61-71) Great Eastern Highway, Rivervale from motel to 48 multiple dwelling residential units and request the applicant to submit amended plans in accordance with Town Planning Scheme No. 14 that demonstrate:***
 - (a) ***768m2 of communal open space in accordance with the provisions of the Residential Design Codes for development at a density of R80;***
 - (b) ***Elevations of a high standard of architectural design to Great Eastern Highway in accordance with Clause 10.5.1 of Town Planning Scheme No. 14;***
 - (c) ***Truncations or visually permeable fencing within 1.5m to the Fitzroy Road and Armadale Road access points, in accordance with Residential Design Codes 3.2.6(A.6) Sightlines at Vehicle Access Points and Street Corners;***
 - (d) ***Additional screening landscaping adjacent to car parking bays, in accordance with Residential Design Codes 3.4.5(A5iii) Landscape requirements;***
 - (e) ***Additional stairwells for the existing buildings, and the external stairwells to be provided with weather protection, in accordance with Residential Design Codes 3.5.5(A5.4) Pedestrian Access;***
 - (f) ***Details of screening to the rear balconies, in accordance with Residential Design Codes 3.8.1(A1) Visual Privacy;***

Item 11.1.1 Continued

- (g) Deletion of the four clothes lines in the front courtyards, and clothes dryers to be provided for the ground floor units fronting Great Eastern Highway in accordance with Residential Design Codes 3.10.3(A3.1) Essential Facilities;**
- (h) Internal courtyard fencing visible from the street or communal accessway to be constructed of brick and timber picket or wrought iron in accordance with Town Planning Scheme No. 14 Clause 10.5.7 Fencing and Walls; and**
- (i) A higher standard of fencing to Great Eastern Highway, Fitzroy road and Armadale Road, including recessing and additional open infill panels in accordance with Town Planning Scheme No. 14 Clause 10.5.7 Fencing and Walls.**

2. Advise the applicant that:

- (a) The Council is prepared to consider amended plans which include a four storey element to the Great Eastern Highway and Fitzroy Road intersection. This would enable the development of 48 multiple dwellings whilst providing communal open space in accordance with the Residential Design Codes.**
- (b) The amended plans will be referred to nearby and adjoining owners / occupiers for a seven day comment period.**
- (c) The amended plans will be referred to Main Roads Western Australian for comment.**

**OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.1**

11.1.2 Location 4074 (147–159) President Street, Kewdale – Breach of Planning Approval ****** PD Attachment 3 – Item 11.1.2 refers**

Report by Planning & Development Division

DATE

10 February 2005

PURPOSE OF REPORT

Council to initiate legal action against the owners of Lot 4074 (147-159) President Street, Kewdale for breach of planning approval.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

Retrospective planning approval was issued for fencing and gates at the Australian Islamic College on 29 October 2004. Conditions 1 and 3 of the approval were required to be fulfilled within three and four months respectively of the date of the approval. At the time of writing this report none of the conditions of planning approval have been fulfilled. As Condition 1 remains unfulfilled, the planning approval has been breached. Condition 4 is required to be fulfilled by 29 February 2005, therefore the status of Condition 3 will be known at the Council meeting to be held 1 March 2005. The landowner has advised that they are attending to the conditions of approval.

It is recommended that the landowner be given 14 days to fulfil Conditions 1 and 3. If the conditions are not fulfilled, legal action be initiated against the landowners for breach of planning approval.

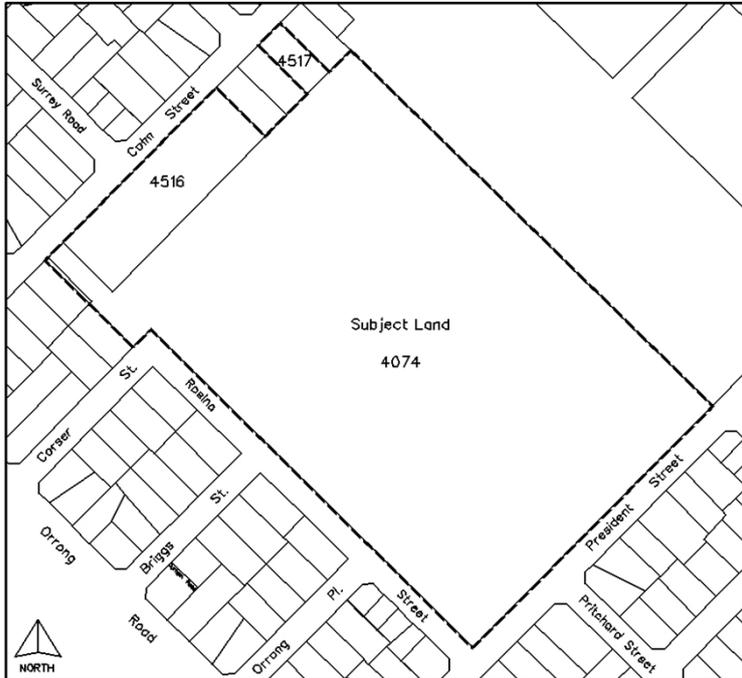
Officer Recommendation Summation

That Council's solicitors write to the landowner of Lot 4074 (147-159) President Street, Kewdale, requesting the landowner to comply with conditions 1 and 3 of the planning approval issued 29 October 2004. If the conditions are not fulfilled within 14 days of the solicitor's advice, legal action be pursued.

Item 11.1.2 Continued

LOCATION

Locations 4516 and 4517 Cohn Street and Location 4074 President Street & Portion of Lot 1 (Strata Plan) (82A) Cohn Street, Kewdale.



APPLICANT

Not applicable.

FILE REFERENCE

116/053 Town Planning Scheme No. 14 – Amendment No. 34
 203/2004/DA Development Application folder
 Property 147-159 President Street

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required.

CONSULTATION

The matter has been discussed with Council’s solicitors.

Item 11.1.2 Continued

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

No Strategic Plan impacts are evident.

Operational Plan

No Operational Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Town Planning and Development Act

- **Prosecution**

Failure to comply with any condition of development approval constitutes an offence for which prosecution may be instituted under Section 10 of the Town Planning and Development Act 1928.

- **Directional Notice**

Under Section 10(3) of the Town Planning and Development Act, the City can give a written direction to the owner to remove, pull down, take up or alter a development undertaken in contravention of a Town Planning Scheme (and thereby Planning Approval), or to restore the land as nearly as practicable to the condition that it was in prior to the development occurring.

BACKGROUND

Development Application

At its October 2004 meeting, the Council considered an application submitted on behalf of the Australian Islamic College for a 2.1 metre to 3 metre fence and gates on Location 4074 (147-159) President Street, Kewdale. It was resolved that:

“(A). The Council retrospectively approve the existing portion of 3 metre high fencing erected along a section fronting President Street, the lot boundary adjacent to Tomato Lake and the internal school boundary between President and Cohn Street, and grant planning approval for new 2.1 metre high fencing and gates to be erected along Rosina Street and a portion fronting President Street at Location 4074 President Street & Portion of Lot 1 (Strata Plan) (82A) Cohn Street, Kewdale, subject to the following conditions:

1. *A landscaping and reticulation plan acceptable to the City shall be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the City within 3 months from the date of this approval. The plan shall show by numerical code, the species, quantity and anticipated mature dimensions of all plant types to be planted and shall include the upgrading of existing landscaping with a minimum of 1 metre landscaping to be provided adjacent to the new fence along Rosina Street.*

Item 11.1.2 Continued

2. *Landscaping, plants and reticulation shall be installed in accordance with a landscaping and reticulation plan to be submitted to the City and approved by the Manager-Planning Services, the Senior Planning Officer or the Planning Officer and the landscaping and reticulation shall be maintained and the plants shall be nurtured and maintained until they reach their mature dimensions and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.*
 3. *All proposed fencing to be painted green or powder coated green as stated in the application and colouring to be completed within four months from the date of planning approval.*
- (B). *The applicant be advised that an application for a building licence needs to be lodged for sections of the fence that have not been constructed. The building licence plans should show existing fencing, and proposed fencing.*
- (C). *The applicant be advised that support for the proposed fence should not be construed as support for the school to be accommodated on a 6 hectare site.*
- (D). *The setback from the kerb on Rosina Street to the 2.1 metre fence shall be a minimum of 2.4 metres and contained wholly within the property.*
- (E). *That the Australian Islamic College supply a survey plan from a licensed surveyor showing the existing and proposed fence line."*

Planning approval was issued in accordance with Council's resolution on 29 October 2004. Condition 1 of the approval required a landscaping plan be submitted within three months from the date of approval (ie, by 29 January 2005). Condition 3 of the approval required that the fencing be painted or powder coated green within four months from the date of approval (ie, by 29 February 2005). Conditions 2, 4, 5 and 6 had no time frame imposed beyond the two year approval. A copy of the conditional approval is provided as an attachment to this report.

Breach of Planning Approval

On 21 December 2004 Council's Planning Department sent a letter to the Australian Islamic College advising that the City had no record of having received any correspondence relating to the conditions of approval. The letter requested that the College provide the City with written advice as to the status of the conditions by 14 January 2005.

As no response was received, on 31 January 2004 a fax was sent to the Islamic College advising that the planning approval had been breached. The College was requested to respond on the status of all of the conditions by 2 February 2005. They were advised that the matter would be referred to the Council with the view of pursuing action for the breach of conditions of planning approval if a response was not received.

Item 11.1.2 Continued

A letter was faxed to the City's Planning Department on 31 January 2005 advising that the matter had only just been brought to the attention of the Financial Controller of the Australian Islamic College. The correspondence advised that the Australian Islamic Council would undertake to attend immediately to all the conditions. No details were provided on how this was to be achieved or within what time frame. At the time of writing this report no action had been taken by the landowner to fulfil the conditions of the planning approval.

At the time of writing this report, Condition 3 had not exceeded the fourth month time frame. The status of this condition will be known at the Council meeting to be held 1 March 2005.

OFFICER COMMENT**Impact on Amenity**

The planning approval for the illegally constructed fence was granted on the basis that the approval would be appropriately conditioned to improve the appearance of the existing fence, with the installation of screening landscaping and colouring of the fence. Similar fencing has been constructed around other public schools within Belmont and was considered appropriate for this site.

The inaction by the landowner in fulfilling the conditions of planning approval has resulted in the existing fence continuing to have an adverse impact on the amenity of the area.

Options Available to the Council

The Council has several options available as follows:

- Option 1 - Issue a Directional Notice under Section 10(3) of the Town Planning and Development Act.
- Option 2 - Prosecute the landowner for failing to comply fully with the conditions of the planning approval.
- Option 3 – Provide the land owner with an additional 14 days to comply with the conditions of planning approval. If the conditions of approval have not been complied with within the designated time frame, initiate prosecution for breach of planning approval.

Option 1

Issuing a Directional Notice in accordance with Option 1 is a direct way of getting the conditions of planning approval fulfilled. However a Directional Notice is written to make a landowner remove illegal development from a property. This is not the desired result in this instance. It should also be noted that in issuing a Directional Notice all associated legal costs would be borne by the Council.

*Item 11.1.2 Continued***Option 2**

If the Council pursues Option 2, then a successful prosecution would result in the owner / company being fined. A maximum penalty of \$50,000 applies. The Court cannot direct the owner to install landscaping and rectify the fence in accordance with the conditions of approval, however a daily fine can be pursued. The disadvantage of prosecutions is they tend to take longer and can become technically complicated. However, if the prosecution is successful, the owner may be required to pay a portion of the City's legal costs.

Option 3

Prosecution is the recommended form of action, however providing the landowner with an additional 14 days to address the outstanding conditions prior to initiation of prosecution is considered appropriate in this instance. The Council is not obligated to provide the owner with any further warnings, however the Courts do take into account whether the owner has been given sufficient opportunity to resolve the breach. If the matter proceeds to prosecution, then it assists if the City is seen to be fair and reasonable.

If no action is carried out to colour the fence by 29 February 2005, Condition 3 will also be in breach. It is recommended that Council's solicitors be requested to write to the landowner and advise them of their requirement to fulfil Conditions 1 and 3 within 14 days. If the conditions are not fulfilled within the 14 day extension, delegation can be provided to the Chief Executive Officer to initiate prosecution for breach of Conditions 1 and 3.

FINANCIAL IMPLICATIONS

Legal costs will be associated with any action taken against the landowner for breach of planning application. These may be recoverable in the event of a successful prosecution.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications to Council evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
3	Copy of planning approval dated 29 October 2004.

Item 11.1.2 Continued

OFFICER RECOMMENDATION

That:

1. Council's solicitors be instructed to write to the landowner of Lot 4074 (147-159) President Street, Kewdale, requesting that:
 - (a) a landscaping and reticulation plan, including the upgrading of existing landscaping with a minimum of 1 metre landscaping adjacent to the new fence along Rosina Street, be submitted; and
 - (b) all proposed fencing be painted green or powder coated green;in accordance with Conditions 1 and 3 of the planning approval issued 29 October 2004; and
2. If Conditions 1 and 3 are not fulfilled as outlined in (1) above within 14 days of the solicitor's advice, authorise the Chief Executive Officer to initiate legal action for failing to fulfil the conditions of planning approval and instruct Council's solicitors to proceed with legal action against the landowner of Lot 4074 (147-159) President Street, Kewdale for breaching Conditions 1 and 3 of the planning approval issued 29 October 2004.

TEASDALE MOVED, POWELL SECONDED, that, due to concerns about public safety, the officer recommendation not be adopted and that:

1. ***Council's solicitors be instructed to write to the landowner of Lot 4074 (147-159) President Street, Kewdale, requesting that:***
 - (a) ***a landscaping and reticulation plan, including the upgrading of existing landscaping with a minimum of 1 metre landscaping adjacent to the new fence along Rosina Street, be submitted; and***
 - (b) ***all proposed fencing be painted green or powder coated green;******in accordance with Conditions 1 and 3 of the planning approval issued 29 October 2004; and***
2. ***That the matter be deferred for a further report back to Council providing information on the actual location of the fence including truncations, gates and the position of fire hydrants.***

LOST 3 VOTES TO 7

For: Passeri, Marks, Teasdale

*Against: Richardson, Rossi, Godfrey,
Blair, Grant, Powell, Whiteley*

Item 11.1.2 Continued

GODFREY MOVED, POWELL SECONDED, that the matter be deferred for a further report back to Council providing information on the actual location of the fence including truncations, gates and the position of fire hydrants.

CARRIED 7 VOTES TO 3

*For: Passeri, Richardson, Godfrey,
Marks, Rossi, Teasdale, Powell*

Against: Whiteley, Blair, Grant

11.2 WORKS AND TECHNICAL SERVICES DIVISION

WHITELEY MOVED, POWELL SECONDED, that the reports of the Works and Technical Services Division as printed in the Agenda, be received.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Item 11.2.1 was withdrawn at the request of Cr Marks.

GRANT MOVED, BLAIR SECONDED, that with the exception of Item 11.2.1 which is to be considered separately, Officer Recommendations in the Works and Technical Services Division, specifically item 11.2.2 be adopted en bloc.

CARRIED 10 VOTES TO 0

11.2.1 Intersection of Barry Street and Orrong Road, Rivervale

****WTS Attachment 4 – Item 11.2.1 refers**

****WTS Attachment 5 – Item 11.2.1 refers**

Report by Engineering Division

DATE

9 February 2004

PURPOSE OF REPORT

To consider the feedback received from the community on the proposed modifications to the intersection of Barry Street and Orrong Road, Rivervale.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

The intention of the initial report was to address the configuration of the road network at Barry Street and Gladstone Road taking into consideration the origin and destination of traffic generated from Orrong Road. Barry Street largely services a retirement village and provides direct access to the surrounding residential area in Rivervale however a traffic analysis identified an increase in traffic in the southern section of Gladstone Road (between Barry Street & Orrong Road) as a result of 'rat running' particularly in the afternoon peak.

Item 11.2.1 Continued

After presenting this item to Council in November 2004, letters were forwarded to residents in the area seeking their feedback on three options viz:

- Option 1 – maintaining the status quo
- Option 2 – modify Barry Street to left out at Orrong Road
- Option 3 – Cul-de-sac Gladstone Road at Barry Street

To date Council has received 66 responses to our letter. Whilst the complete closure of Barry Street at Orrong Road was not presented as one of the options, we have received a lot of support for this as an alternative to those options proposed.

Officer Recommendation Summation

That Council:-

- 1 Trial firstly Option 2 (closure of left-in access to Gladstone Road at Orrong Road) for a 3 month period using temporary barriers to create the required road layout.
- 2 Undertake additional traffic analysis during the trial to determine the impact.
- 3 Advise the residents of the affected area of the proposal and ask for feedback following the implementation of the trial; and
- 4 Present a further report at the completion of the trial period.

LOCATION

Barry Street and Orrong Road, Rivervale

APPLICANT

Not Applicable

FILE REFERENCE

118/001 Traffic Complaints

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required

Item 11.2.1 Continued

CONSULTATION

Feedback has been sought from the affected community by way of a letterbox drop to all residents within the area outlined in the Summary.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

No Strategic Plan impacts are evident.

Operational Plan

Community Strategy #C5/2 – *“To maintain a safe and efficient road system throughout the City.”*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

There are no specific statutory requirements in respect to this matter.

BACKGROUND

The City has received a number of requests from residents from both Barry Street and Gladstone Road seeking a review of the intersection of Barry Street and Orrong Road. The concerns are largely derived from the ‘rat running’ of peak afternoon traffic as they try to avoid the signals at Orrong Road and Francisco Street. A majority of traffic appear to divert through Barry St and Gladstone Rd back to Francisco St to avoid the delays at the signals. A traffic analysis was conducted in an effort to quantify the issue.

The following resolution was endorsed at the November Council meeting:

That Council:-

1. Support modifying the traffic flow through Barry Street and Gladstone Road in principle subject to community consultation;
2. Endorse a consultation process which details the traffic analysis completed and presents the three options outlined in this report;
3. Seeks feedback on the proposal from the surrounding community to be lodged with the City by the end of January 2005;
4. Consider a further report on the matter at the completion of the consultation phase.

Letters were forwarded to all residents in the following areas:

- Barry Street
- Surrey Road cul-de-sac to Francisco Street
- Gladstone Road cul-de-sac to Francisco Street
- Norwood Road cul-de-sac to Francisco Street
- Newey Street cul-de-sac to Newey Street

Item 11.2.1 Continued

Council received 66 responses (28 of which came in the form of a joint response) to its letter. The following comment outlines the results of the feedback received to date.

OFFICER COMMENT

The options presented to Council in November were determined from the traffic analysis conducted. That data suggests that the problem was largely contained to Gladstone Road between Barry Street and Francisco Street and the solutions presented were aimed at addressing that problem. Other options were considered including the closure of Barry Street at Orrong Road however it was not pursued as it was assumed that Barry Street provided a vital link for residents to the Rivervale area.

The traffic analysis undertaken last year has again been included for information.

Traffic Analysis

Traffic classifiers have been utilised to gauge the volume, speeds and direction of traffic to enable officers to analyse the data and draw conclusions on the source and impact of the traffic. Counts were conducted in February and September of 2004 and reviewed against data collected previously. The results are as follows:

<i>Date</i>	<i>Street</i>		<i>vpd</i>	<i>km/hr</i>
15/10/2004	Barry Street	Gladstone - Orrong	1055	42.1
06/02/2004	Barry Street	Gladstone - Orrong	1146	41
15/10/2004	Gladstone Street	Francisco - Barry	1049	56.9
06/02/2004	Gladstone Street	Francisco - Barry	1238	53
15/10/2004	Gladstone Street	Barry - Newey	651	47.2

The statistics show that over 1,000 vehicles per day utilise Barry Street. The peaks are generally between 8.00am - 9.00am and 5.00pm – 6.00pm with the afternoon peak generating approximately three times the level of traffic as the morning peak. Almost 50% of the average weekly traffic occurs between the afternoon hours of 3.00pm and 6.00pm. The statistics for Gladstone Road between Barry Street and Francisco Street are largely consistent with those generated for Barry Street.

The traffic volume and speeds for Gladstone Road between Barry Street and Newey Street is largely consistent with normal residential traffic with little evidence of increased volumes due to 'rat running' either from Barry Street or Kooyong Road. The peaks identified are between 8.00am - 9.00am and 3.00pm - 4.00pm with traffic volumes remaining reasonably constant throughout the day. The peaks can probably be attributed to the primary school in the area.

The data suggests that the predominant movement is from Barry Street right into Gladstone Road and travelling south to Francisco Street. It is estimated that approximately 350 vehicles per day in this traffic stream are travelling between Orrong Road and Francisco Street thus are not from the adjoining residential area.

*Item 11.2.1 Continued**The Feedback*

Many respondents took an opportunity to not only support one of the options presented, but to also offer alternatives for Council to consider. Of those alternatives presented, 30 respondents sought consideration for the complete closure of Barry Street at Orrong Road. This detail has been collated and compared to the other three options presented, with this alternative being referred to as Option 4.

Option 4 – Closure of Barry Street

Through the consultation process, the residents of Gladstone Road (between Barry Street and Newey Street) have advised that they are concerned with the volume and speed of vehicles 'rat running' between Kooyong Road travelling through Newey Street and Gladstone Road and accessing Orrong Road from Barry Street. The configuration of this option is attached to the report as Option 4.

A submission, signed by 28 residents of the street, has asked Council to consider the complete closure of Barry Street as a solution to both problems. The number of respondents preferring this option has been graphed with the closure of Barry Street being referred to as Option 4.

It is difficult to rely solely on these results as the feedback can sometimes reflect the views of the person or group organising the letter/response as opposed to those residents responding of their own volition. Notwithstanding this, the traffic analysis simply does not support the arguments raised. The traffic volume of 651 vpd and average speed of 47.2km/hr does not indicate a significant problem.

The rationale for presenting the other three options is provided for clarification.

Option 1 - Maintain left in left out at Barry (Status Quo)

Since the connection of Orrong Road to the Mitchell/Kwinana Freeway through the tunnel (Graham Farmer Freeway) was established in 2001, traffic in Barry Street has doubled from 550 vpd to in excess of 1,100 vpd. The data has shown that Barry Street is regularly used by afternoon peak traffic as an easy link to Francisco Street to avoid delays at the signals. Officers can see no real advantage in retaining the status quo as the cycle time of the signals at Francisco and Orrong is not excessive. Recent works to increase the size of the slip lane into Francisco Street have also reduced the potential for delays. Both Barry Street and Gladstone Road service residential housing and it is recommended that some action be taken to alleviate the additional traffic. The current intersection configuration is attached to the report as Option 1.

Council has also purchased lot 218 Gladstone Road and lot 245 Surrey Street which abuts the intersection of Barry Street and Gladstone Road. The current proposal is to develop the area for more passive recreation uses. As the land will attract more family oriented activities, it would make sense to remove additional traffic not necessarily generated from the residential area.

Option 2 - Modify the Intersection to make it left out only

This option is probably the easiest and more economical to establish. It would effectively remove the afternoon peak traffic however still permit access onto Orrong Road for residents in the surrounding area. Barry Street does however provide a

Item 11.2.1 Continued

relatively easy link to the Rivervale community from Orrong Road and the residents may prefer to retain that ability. The configuration of this option is attached to the report as Option 2.

Option 3 – Close Gladstone Road at Barry Street

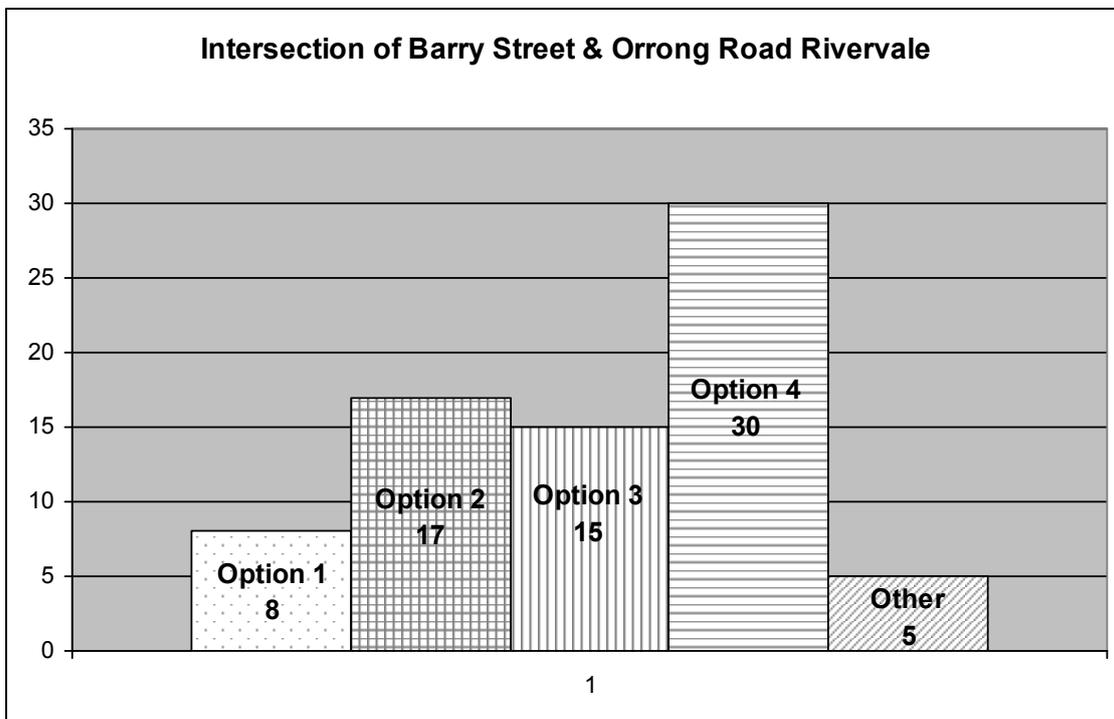
By cul-de-sacing Gladstone Road as shown in the attached plan, the link between Orrong Road and Francisco Street would effectively be removed. This option retains the current access to the residential area through Barry Street providing an alternative to Francisco Street or Great Eastern Highway which may be preferable. As a result of the modification, afternoon peak traffic may divert through more of the residential area than currently experienced (ie. by diverting through Newey Street) however it is unlikely as the travel times would be greater. Whilst this option may provide the least disruption to the community, it will be more expensive than Option 2.

This option is, however, not supported by Liveable Neighbourhood Principles as it isolates the cul-de-saced section of Gladstone Road from the remainder of the Rivervale community

The configuration of this option is attached to the report as Option 3.

Summary

Council received 66 responses to its letter, 28 of which came as a combined submission. It is estimated that approximately 313 properties were captured in the survey therefore a response rate of 21% was achieved. The following graph represents a summary of the responses received.



Item 11.2.1 Continued

Of the responses received an additional 10 options were presented making a total of 76 submissions. 11% of respondents (inclusive of the combined submission) wish to retain the status quo. Responses supporting either option 2 (22%) or 3 (20%) were generally evenly split. Option 4 received the majority of support (39%) however it is important to recognise that 28 of the 30 responses received came from the one submission.

Staff have identified the address of each respondent and reviewed the response in an effort to identify some trend (refer attachment) to determine if one solution would adversely impact a particular residential area. The following comments were noted:

- ✓ Generally the level of response received from Gladstone Road (Barry to Francisco) was poor particularly as our information suggests that the problem is greatest in this area.
- ✓ It was anticipated that the surrounding Rivervale area would prefer option 3 as it represented the least impact to them. There is some evidence to support this.
- ✓ The units at Barry Street generally support option 2.

Whilst the traffic data does not necessarily support the concerns raised from the residents in the northern section of Gladstone Road, closure of Barry Street does solve both problems. It is questionable whether the residents generally would agree to the closure as it is likely to significantly effect the traffic movement around the surrounding residential areas however it may be appropriate to present it as an alternative.

Of the options considered, officers believe that while Option 3 presents the least disruption to the Rivervale precinct, Option 2 is the lowest cost option, is supported by liveable neighbourhood principles and at least partly addresses the greater reduction in traffic in Gladstone Road both north and south of Barry Street. It is however acknowledged that Option 4 may be worthy of further consideration. It is disappointing that the survey did not yield a better response from the residents of Gladstone Road (Barry to Francisco) as this may have provided Council with a clearer indication of how to proceed. To facilitate an acceptable outcome, it may be appropriate to initially trial Option 2 and conduct additional traffic analysis.

The proposal would be to trial Option 2 for say a three month period. Temporary traffic treatments would be established to create the proposed road conditions and therefore give us a clear indication of the affects this would have on the commuter traffic currently 'rat running' from Orrong Road. Residents would be informed of the proposal and asked to provide feedback. Following this feedback other options could be considered, if this was thought warranted.

FINANCIAL IMPLICATIONS

The cost of the trial layout would be minimal.

Option 2 is estimated to cost approximately \$10,000 with the majority of costs associated with traffic management on Orrong Road.

Option 3 is estimated to cost approximately \$20,000 and includes linking the footpath access in the general vicinity.

Comparatively Option 4 will cost very little to establish dependant on the method of closure and reinstatement.

Item 11.2.1 Continued

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
4	Options 1 – 4 – Intersection of Barry Street & Orrong Road
5	Layout of residents responses

OFFICER RECOMMENDATION

That Council:-

1. Trial firstly Option 2 (closure of left-in access to Gladstone Road at Orrong Road) for a 3 month period using temporary barriers to create the required road layout.
2. Undertake additional traffic analysis during the trial to determine the impact.
3. Advise the residents of the affected area of the proposal and ask for feedback following the implementation of the trial; and
4. Present a further report at the completion of the trial period.

MARKS MOVED, ROSSI SECONDED, that Council:-

1. ***Trial firstly Option 2 (closure of left-in access to Gladstone Road at Orrong Road) for a 3 month period using temporary barriers to create the required road layout.***
2. ***Undertake additional traffic analysis during the trial to determine the impact.***
3. ***Advise the residents of the affected area of the proposal and ask for feedback following the implementation of the trial;***
4. ***Present a further report at the completion of the trial period; and***
5. ***Advise the people of Barry Street of Option 4 and seek their views on the closure of Barry Street.***

LOST 4 VOTES TO 6

For: Passeri, Rossi, Marks, Whiteley

*Against: Richardson, Powell, Blair,
Grant, Teasdale, Godfrey*

Item 11.2.1 Continued

GODFREY MOVED, RICHARDSON SECONDED, the Officer Recommendation be adopted, namely:

That Council:-

- 1. Trial firstly Option 2 (closure of left-in access to Gladstone Road at Orrong Road) for a 3 month period using temporary barriers to create the required road layout.**
- 2. Undertake additional traffic analysis during the trial to determine the impact.**
- 3. Advise the residents of the affected area of the proposal and ask for feedback following the implementation of the trial ;and**
- 4. Present a further report at the completion of the trial period.**

CARRIED 8 VOTES TO 2

*For: Passeri, Richardson, Powell, Blair,
Grant, Teasdale, Godfrey, Whiteley*

Against: Rossi, Marks

11.2.2 Special Allocation – Road Project Grant Funding

Report by Engineering Division

DATE

21 January 2005

PURPOSE OF REPORT

To advise Council of additional funding made available by the State Government for distribution through the Metropolitan Regional Road Group.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

On 19 November 2004 the Hon Minister for Planning and Infrastructure announced additional funding for road projects on local roads to redress the shortfall in funding to local government in the 2003/04 and 2004/05 fiscal years. The allocation provided to the Metropolitan Regional Road Group (MRRG) is \$8.424 Million which will be split equally between Road Improvement and Road Rehabilitation projects.

This report identifies the additional projects allocated to the City of Belmont as a result of this additional funding.

Officer Recommendation Summation

That :-

1. The Special Allocation Road Project Grant Funding be noted and accepted with thanks.
2. The additional City of Belmont projects endorsed through the Metropolitan Regional Road Group be accepted and incorporated into the City's Works Program.
3. Funding for these additional projects be referred to the March Budget Review for consideration by Council.

LOCATION

Not Applicable.

APPLICANT

Not Applicable

*Item 11.2.2 Continued***FILE REFERENCE**

57/004 Road Grants

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

There has been no public consultation required in respect to this matter.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS**Strategic Plan**

No Strategic Plan implications are evident.

Operational PlanCommunity Strategy #C5/2 – *“To maintain a safe and efficient road system throughout the City.”***POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Funding is distributed to Local Governments through the MRRG process in accordance with the road funding agreement signed by WALGA (as local governments representatives) and the State Government.

BACKGROUND

At the Annual Roads Forum in November, the Hon Minister for Planning and Infrastructure announced that the Government would be making available a Special Allocation Road Project Funding to Local Government of some \$23.4Million. The funding is to be distributed to Local Government through the Regional Road Group process. Of the funding pool, the MRRG has been allocated \$8.424 Million for distribution which is to be divided equally between improvement and rehabilitation projects.

On 19 January 2005 Council received confirmation of the special allocation and of the additional projects to be funded in Belmont.

*Item 11.2.2 Continued***OFFICER COMMENT**

The additional funding is a welcome announcement particularly in light of the reduction in funding levels received for road infrastructure projects since this government's election three years ago. The announcement is also timely given the recent negotiations on the Local Government Funding Agreement due to be signed in the very near future. WALGA have been negotiating to have the funding levels in the agreement linked directly with the revenue raised through the fuel excise levy and other associated taxes however, to date the State Government have rejected this position. The agreement has historically included a base funding level determined some years ago with little allowance for growth. This special allocation is a one-off payment purportedly aimed to address the funding shortfalls received over the last couple of years.

As part of this special allocation, the Minister has also endorsed the following conditions:

- The States 2/3 contribution of the estimated project cost is to be paid in full by the 30 June 2005, on receipt of a tax invoice.
- Local Authorities have until the 30 June 2006 to complete the Project. Councils however, are encouraged to complete the works under this special allocation prior to the 30 June 2005.
- Local Authorities to pay their 1/3 contribution no later than 30 June 2006.
- Local Authorities to provide a Certificate of Completion on completion of the project.
- On completion, projects funded under this special allocation are to be subjected to a compliance audit

The City of Belmont stands to benefit from this allocation as four additional projects have been approved through the MRRG. The following projects will be funded through this allocation.

Road	Description	Total	MRWA	COB
Belgravia Street	Gabriel St to 40m west of Keane St	\$ 24,520	\$ 16,347	\$ 8,173
Kewdale Road	Tonkin Hwy – Abernethy Rd	\$ 151,470	\$ 100,980	\$ 50,490
Grandstand Rd	Garret Rd Bridge – Harold St	\$ 37,560	\$ 25,040	\$ 12,520
Fairbrother St	Abernethy Rd – Fredrick St	\$ 20,380	\$ 13,587	\$ 6,793

Officers will claim the available funding as required by these conditions. The projects are currently being incorporated into our construction program and designs completed. The projects and details of funding will be referred to Council in the March budget review for approval.

Item 11.2.2 Continued

FINANCIAL IMPLICATIONS

Projects are funded on a 2/3 State Government and 1/3 Local Government basis and are distributed through the MRRG.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Not applicable.

OFFICER RECOMMENDATION

That :-

- 1. *The Special Allocation Road Project Grant Funding be noted and accepted with thanks.***
- 2. *The additional City of Belmont projects endorsed through the Metropolitan Regional Road Group be accepted and incorporated into the City's Works Program.***
- 3. *Funding for these additional projects be referred to the March Budget Review for consideration by Council.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.2***

11.3 COMMUNITY AND EXECUTIVE SERVICES DIVISION

GRANT MOVED, POWELL SECONDED, that the reports of the Community and Executive Services Division as printed in the Agenda, be received.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Item 11.3.2 was withdrawn at the request of Cr Godfrey.

GRANT MOVED, BLAIR SECONDED, that with the exception of Item 11.3.2 which is to be considered separately, Officer Recommendations in the Community and Executive Services Division, specifically Item 11.3. be adopted en bloc.

CARRIED 10 VOTES TO 0

11.3.1 Statutory Compliance Audit Return 2004

****CE Attachment 6 – Item 11.3.1 refers**

Report by Community and Executive Services Division

DATE

8 February 2005

PURPOSE OF REPORT

Seek Council's adoption of the completed 2004 Compliance Audit Return and endorsement for certification and return to the Department of Local Government and Regional Development.

SUMMARY, KEY ISSUES**Summary and Key Issues**

The report outlines the City's level of compliance in each of the legislative areas submitted for assessment by the Department of Local Government and Regional Development in the 2004 Compliance Audit Return. The City of Belmont has achieved the following:-

Item 11.3.1 Continued

- | | |
|--|--------------------|
| • Local Laws | Full compliance |
| • Thoroughfares | Full compliance |
| • Tenders for Providing Goods or Services | Partial compliance |
| • Commercial Enterprises by Local Governments | Full compliance |
| • Meeting Process | Full compliance |
| • Delegation of Power / Duty | Full compliance |
| • Disclosure of Interest | Full compliance |
| • Finance | Full compliance |
| • Local Government Grants Commission,
Miscellaneous Provisions and Disposal of Property | Full compliance |
| • Swimming Pools, Cemeteries, Caravan Parks and
Camping Grounds | Full compliance |

Officer Recommendation Summation

Recommends acknowledgement of a compliance rate of 99.32%, and the adoption and certification of the completed 2004 Compliance Audit Return for subsequent submission to the Department of Local Government and Regional Development.

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

39/005 Statutory Compliance Returns

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

In completing the 2004 Compliance Audit Return, consultation has occurred internally with all the Chief Executive Officer, Divisional Directors, the Compliance Officer and other designated Officers.

Item 11.3.1 Continued

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

The City of Belmont's Strategic Plan 2002-2007 outlines that the City will....

- Act responsibly, with openness, honesty and impartiality;
- Ensure that through an ongoing program of best practice, officers and Councillors perform to their optimum.

Operational Plan

Not applicable.

POLICY IMPLICATIONS

Not applicable.

STATUTORY ENVIRONMENT

Local Government Act (Audit) Regulations Clause 14 – requires that a Compliance Audit be carried out and Compliance Audit Return be prepared annually for the period 1st January to 31st December in a form prescribed by the Minister. It also requires that the Compliance Audit Return be; presented to a meeting of Council, adopted by Council and recorded in the meeting minutes.

Local Government Act (Audit) Regulations Clause 15, requires that after the Compliance Audit Return has been presented to Council, a certificate (signed by Mayor and Chief Executive Officer) must be forwarded to the Director General of the Department including a copy of the relevant Council minute and any supplementary documentation providing explanation or qualification of the Compliance Audit.

BACKGROUND

Each year Western Australian local governments are required to complete a Compliance Audit Return for the Department of Local Government and Regional Development.

The Compliance Audit Return is one of the tools that assist local government in monitoring performance in legislative compliance. The 2004 Return is the third year in a three-year cycle which covers all of the statutory requirements listed in the Local Government (Audit) Regulations.

The compliance audit period is 1st January 2004 to 31st December 2004 and once the audit is completed the City is required to: -

- Present the Compliance Audit Return to Council;
- Seek Council's endorsement of the completed Compliance Audit Return; and,
- Return the endorsed and certified Compliance Audit Return, along with a copy of the Council minute, to the Department of Local Government and Regional Development by no later than 31st March 2005.

Item 11.3.1 Continued

In completing the Compliance Audit Return the Chief Executive Officer and other designated Officers have undertaken an audit of the City's practices and procedures applicable to each section and requirement.

The subsequently completed Compliance Audit Return is now provided as an attachment and each Councillor has the opportunity to review the Return and to make comment to the Council. The particulars of any matters of concern relating to the Return must then be recorded in the minutes of this meeting.

Once Council has resolved its satisfaction with the contents of the return, it can be jointly certified by the Mayor and the Chief Executive Officer and will then be submitted to the Department for Local Government and Regional Development.

Any person who is not satisfied with the manner in which the compliance assessment process has been handled by the City or believes there may be a discrepancy in the Return, may bring the particular issue to the attention of the Department.

Council may also refer the completed Compliance Audit Return to the Auditor or other external inspection service for an independent check.

OFFICER COMMENT

The activities of the City have been audited across the areas assessed in the 2004 Compliance Audit Return and whilst a number of process and practices have been identified for review to ensure that our pro-active approach to compliance is enhanced, we have achieved a positive result.

In evaluating the City's rate of compliance in regard to the areas of assessment included in the 2004 Compliance Audit Return, the City of Belmont has achieved a compliance rate of 99.32%.

Outlined below is an overview of the compliance evaluation for each section of the 2004 Compliance Audit Return. Where an issue of non-compliance has been identified or where improvement may be required information has been provided for Council's consideration.

(a) Local Laws**FULL COMPLIANCE****(b) Thoroughfares****FULL COMPLIANCE**

At the time of completing the 2003 Compliance Audit Return, compliance with point three of this section was discussed with the Department of Local Government's Senior Compliance Officer. At the time the Department acknowledged that there is limited ability for local governments to be fully compliant in this area, and that a demonstrated commitment to moving toward compliance is expected.

The City is therefore compliant in this matter to the best of its ability. The following outlines the point in question and the City's qualified response.

Item 11.3.1 Continued

- “3. The local government has kept plans of the level and alignments of all public thoroughfares that are under its control or management in the metropolitan area or on land that has been constituted a townsite under section 23 of the Land Administration Act, and made those plans available for public inspection.” [s3.52(4)]

Compliance in this area is qualified as follows: -

To the best of our knowledge, the City has complied with the provisions of s3.52(4) in that records have been kept of alterations to public thoroughfares since the early 1990's. The City will continue to move toward compliance in future roadwork programmes.

ACTION:

No action required. City progressively moving toward compliance in accordance with the expectations of the Department of Local Government and Regional Development.

(c) Tenders for Providing Goods or Services

PARTIAL COMPLIANCE

Point 5 of this section outlines the range of information required [via Local Government (Functions & General) Regulations 1996] to be included in information provided to prospective tenderers. Scrutiny of this section of the legislation it is required that information provided to prospective tenders include a statement of *'whether or not'* the local government is considering submitting a tender.

The City of Belmont has never undertaken a process of internal submission of tenders for goods or services that are the subject of a public tender, and therefore it was interpreted as only necessary to declare when the City intended to tender.

It has been identified that the City's tender documentation has not included specific detail that identifies that the City is not submitting a tender. In light of the above it is considered that on this point the City is not compliant.

ACTION:

In order to address this point and ensure compliance, the matter has been provided to the City's internal 'Tender Team' for inclusion in the development of standardised documentation. Extracts of the Local Government Act and Regulations specifically relating to tender process have also been circulated to all Directors and Managers, specifically noting compliance requirements in this regard.

(d) Commercial Enterprise by Local Governments

FULL COMPLIANCE

*Item 11.3.1 Continued***(e) Meeting Process****FULL COMPLIANCE**

In regard to the following points within the Meeting Process assessment:-

7. All Council committees during the review period were established by an absolute majority. s5.8
8. All members of Council committees during the review period were appointed by an absolute majority other than those persons appointed in accordance with section 5.10 (1)(b). s5.10(1)(a)

Council considered the new meeting structure via the Ordinary Council meeting held 26 October 2004 (refer Item 11.4.4, which was a withdrawn from the Resources and Policy Committee minutes dated 19 October 2004 refer item 10.8.1). In the resulting resolutions Council:-

- amended the name of the Resources and Policy Committee to become the Audit and Risk Committee, identified this committee's purpose and resolved that the current membership remain unchanged; and,
- confirmed that the membership and purpose of the Standing Committee (Executive) remain unchanged.

In the report presented and considered by the Resources and Policy Committee (19/10/04-10.8.1) and subsequently by Council (26/10/04-11.4.4), it was erroneously advised that *"a change to the existing structure, membership and duties of Standing Committees will only require a Simple Majority vote decision"*.

These resolutions were however carried 6 votes to 5, which constitutes an absolute majority. Compliance has therefore been maintained.

Council subsequently considered the formal appointment of the membership and the terms of reference for the Audit and Risk Committee at its Ordinary meeting held 21 December 2004 refer item 11.4.6. The same error in voting requirement was carried over, seeking only a simple majority.

The resulting resolutions were however carried 11 votes to nil, which again constitutes an absolute majority. Compliance has therefore been maintained.

ACTION:

Whilst compliance has been achieved, it is considered that improvement in administrative controls is required. Officers responsible for the presentation of these reports have been advised of the error and provided with information to assist in ensuring compliance in this regard. Noting that where an absolute majority is required of Council, the method of recording the vote should reflect the wording "Carried by an Absolute Majority".

(f) Delegation of Power / Duty**FULL COMPLIANCE****(g) Disclosure of Interest****FULL COMPLIANCE**

Item 11.3.1 Continued

(h) Finance **FULL COMPLIANCE**

(i) Local Government Grants Commission, Miscellaneous Provisions and Disposal of Property **FULL COMPLIANCE**

(j) Swimming Pools, Cemeteries, Caravan Parks And Camping Grounds **FULL COMPLIANCE**

FINANCIAL IMPLICATIONS

If Council resolves to undertake independent assessment of the Compliance Audit and Return, costs for such services would be incurred.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
6	Copy of completed 2004 Compliance Audit Return

OFFICER RECOMMENDATION

- 1. Council acknowledge the City of Belmont's achievement of a compliance rate of 99.32% calculated in regard to the 2004 Compliance Audit Return.***
- 2. The 2004 Local Government Compliance Audit Return be adopted as a true and accurate representation of the activities of the Council and that the Mayor and the Chief Executive Officer be authorised to complete the 'Joint Certification' on Council's behalf.***
- 3. In accordance with Local Government Act (Audit) Regulation Clause 15 the certified 2004 Local Government Compliance Audit Return and a copy of the relevant Council minutes be forwarded to the Department of Local Government and Regional Development.***

**OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.3**

11.3.2 Code of Conduct – 2005 Annual Review****CE Attachment 7 – Item 11.3.2 refers**

Report by Community and Executive Services Division

DATE

9 February 2005

PURPOSE OF REPORT

To consider the annual review of the City's Code of Conduct.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

Code of Conduct reviewed and along with a range of relatively minor amendments, the following substantial amendments are proposed:-

- Preamble – now includes the City's Values;
- 1.1(c) & (d) - Clarification of the declaration requirements for land dealings;
- 2.4(e) - Increased the value for prizes that may be won at an authorised Conference and kept (equal to Token Gift value);
- 2.4(g) – Festive (Christmas) Season Gifts and the requirements for relinquishment to the City clarified to reflect current practices;
- 3.1(a)(vi) – New clause to guide against inappropriate commercial lobbying;
- 3.4(c) – New clause that requires employees to question, review and revise work practices and procedures to account for the City's statutory compliance;
- 3.6(b)(ii) new point inserted that supports avoidance of "Adverse Reflection" extends this intent to employees;
- 3.6(b)(iii) – New clause that acknowledges the statutory practice of the Mayor and the Chief Executive Officer acting as spokesperson for the Council;
- 3.7(a)(ii) – New clause that outlines the administrative role of staff and the lines of appropriate communication;
- 3.7(b) – New clause provides opportunity to resolve serious conflict;
- 3.8 – New clause that outlines expectations of the relationship between Mayor and Chief Executive Officer;
- 3.9 – (renumbered from 3.8) expanded to reflect the role of Councillors and Employees in representing the City on external organisations.
- 3.10 – New clause that applies the Code of Conduct to both candidates and sitting Councillors during election periods.
- 4.1(d) – New clause that seeks considerations to minimise staff disruptions.
- New Section 5 –that provides clauses regarding enforcement of the Code.

Officer Recommendation Summation

Recommends adoption of proposed Code of Conduct amendments, deletions and insertions described in the attachment to this report and recommends investigation into appropriate methods to take action on Code of Conduct breaches by elected members.

Item 11.3.2 Continued

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

32/015 Corporate Management – Code of Conduct

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
Lyn Fogg	Compliance Officer	Impartiality	In accordance with the City of Belmont's Code of Conduct, Mrs Fogg declared an interest that could give rise to a reasonable belief that her impartiality may be adversely affected. The nature of the interest being that she is an employee of the City and therefore is subject to the Code of Conduct.

VOTING REQUIREMENT

Simple Majority.

CONSULTATION

No public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

Nil.

Operational Plan

Organisational Strategy O5/1(a) - *Ensure procedures are in place which enable the regular review of the following documents (that outlines Council's vision for the City) to take place:*

- *Council's "Code of Conduct" (annually).....*

POLICY IMPLICATIONS

A range of City of Belmont Policies support and are guided by the City's Code of Conduct however, the amendments proposed to the Code of Conduct will have no subsequent requirement for amendment to the City's Policies.

Item 11.3.2 Continued

STATUTORY ENVIRONMENT

Local Government Act 1995 s5.103 requires that every local government is to prepare and adopt a code of conduct for elected members and employees and that this is to be reviewed within 12 months after each ordinary election day. This section also provides that Regulations may prescribe the content of, and matters in relation to, codes of conduct and therefore the code must reflect such regulations.

In regard to elected members consideration of the Code of Conduct a range of Local Government (Administration) Regulations apply including:- Regulations 20 through to 28, 34B and 34C.

It should be noted that the Department of Local Government and Regional Development has advised that the Local Government (Official Conduct) Amendment Bill is likely to be before Parliament within the next 'six-months or so...'. The amendments arising from this Bill will provide for complaints regarding breaches of Codes of Conduct to be dealt with by a Standards Panel and for serious breaches to be referred to the newly implemented State Administrative Tribunal.

Once the Local Government (Official Conduct) Amendment Bill is in place, the City will be required to review our Code to these legislative changes.

BACKGROUND

The City of Belmont originally adopted the Model Code of Conduct for Councillors and Employees as prepared by the Western Australian Local Government Association at its Ordinary Council meeting held 12 August 1996. This Code has since been reviewed and where appropriate modified by Council each year thereafter.

The current 2004 City of Belmont Code of Conduct was last reviewed by Council via the Community and Executive Services Committee meeting held 6 April 2004 (item 10.5.1) and resolved at the Ordinary Council meeting held 27 April 2004.

OFFICER COMMENT

The review of the 2004 Code of Conduct has been comprehensive and many of the changes have been drawn from analysis and comparison with the following documents:-

- City of Armadale Code of Conduct
- City of Canning Code of Conduct
- City of Cockburn Code of Conduct
- City of Fremantle Code of Conduct
- City of Nedlands Code of Conduct
- WALGA State Council Code of Conduct
- Office of Public Sector Standards – Revitalising Codes of Conduct

Item 11.3.2 Continued

The review has also examined and where considered appropriate incorporated suggestions from staff to enhance understanding or remove anomalies. In addition, to improve consistency of presentation and readability, some formatting / clause numbering alterations have been included.

As noted above, the passing through Parliament of the Local Government (Official Conduct) Amendment Bill expected to occur later this year, will have impact on local governments ability to pursue breaches of Codes of Conduct, however such amendments are still sometime away. Therefore, to enhance the City's Code, it has been proposed that a section be included that outlines the manner in which a breach may be reported, investigated and managed by the City.

Whilst this proposed clause provides guidance on the management of an identified breach, it has been recommended that officers continue to investigate the further development of appropriate process to clearly define outcomes for investigation of any such identified Code of Conduct breach.

Full details of proposed amendments and deletions have been provided in the revised Code of Conduct document provided as an attachment to this report. The amendments are shown in highlighted text, deletions are shown with strikethrough and explanations provided in referenced footnotes. It is intended that once Council has considered and resolved to adopt the reviewed 2005 Code of Conduct, that the footnote explanation text will be removed from the document.

FINANCIAL IMPLICATIONS

The undertaking of a periodic review process incurs and ongoing administrative cost to the City.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
7	Revised Code of Conduct document showing full text of amendments and deletions for which explanations are provided in referenced footnotes.

Item 11.3.2 Continued

OFFICER RECOMMENDATION

1. Council acknowledge the completion of the 2005 Review of the City of Belmont's Code of Conduct and resolve to adopt the amendments, deletions and insertions (exclusive of footnote explanations) as outlined in the attachment to this report.
2. Officers continue to monitor the progress of the Local Government (Official Conduct) Amendment Bill and investigate appropriate methods for pursuing action in respect to verified breaches of the Code of Conduct by elected members.

GODFREY MOVED, BLAIR SECONDED, that

1. ***Council acknowledge the completion of the 2005 Review of the City of Belmont's Code of Conduct and resolve to adopt the amendments, deletions and insertions (exclusive of footnote explanations) as outlined in the attachment to this report, subject to typographical / formatting corrections to the Code of Conduct as follows: -***
 - ***Page 5, Clause 1.1(c) delete the words 'would be nice to put a definition in here somewhere of a closely associated person'; and***
 - ***Page 13, Clause 3.6(b)(ii) third dot point, delete the word 'raise' and substitute 'raised';***
2. ***Officers continue to monitor the progress of the Local Government (Official Conduct) Amendment Bill and investigate appropriate methods for pursuing action in respect to verified breaches of the Code of Conduct by elected members.***

CARRIED 10 VOTES TO 0

11.4 CORPORATE SERVICES DIVISION

WHITELEY MOVED, BLAIR SECONDED, that the reports of the Corporate Services Division as printed in the Agenda, be received.

CARRIED 10 VOTES TO 0

WITHDRAWN ITEMS

Item 11.4.1 was withdrawn at the request of Cr Godfrey.

POWELL MOVED, GRANT SECONDED, that with the exception of Item 11.4.1 which is to be considered separately, Officer Recommendations in the Corporate Services Division, specifically Items 11.4.2 and 11.4.3 be adopted en bloc.

CARRIED 10 VOTES TO 0

11.4.1 Policy Manual Review – Corporate Services, Planning and Development and Works and Technical Services Divisions

****CS Attachment 8 – Item 11.4.1 refers**

Report by Corporate Services, Planning and Development and Works and Technical Services Divisions

DATE

3 February 2005

PURPOSE OF REPORT

To seek endorsement of reviewed, amended and newly proposed Policies relevant to the Corporate Services, Planning and Development and Works and Technical Services Divisions

SUMMARY AND KEY ISSUES**Summary and Key Issues**

In conducting a review of the Policies for which the Corporate Services, Planning and Development and Works and Technical Services Divisions have responsibility, the following key factors have influenced proposals within this report to either amend or delete existing policies or propose new policy for insertion in the Policy Manual: -

- Recently implemented changes to the meeting structure;
- Changes and ongoing implementation of new management approach to the City's administration; and,
- Review and assessment of policies inline with statutory compliance.

Item 11.4.1 Continued

Officer Recommendation Summation

Recommends amendments to a range of policies relevant to the Corporate Services, Planning and Development and Works and Technical Services Divisions and deletion of a number of policies that are considered no longer relevant, several of which are proposed to become Management Policy and Procedures. Also recommends one new policy relating to:

- Pensioner Rates Arrears

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

32/015 Council Policy Manual

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority.

CONSULTATION

No public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

There are no Strategic Plan implications.

Operational Plan

Organisational Strategy O5/1(a) - *Ensure procedures are in place which enable the regular review of the following documents (that outlines Council's vision for the City) to take place:*

- *Policy Manual (as required).....*

Organisational Strategy 5/1(d) *“Review and, where appropriate, amend existing administrative and other organisational procedures”.*

Item 11.4.1 Continued

POLICY IMPLICATIONS

Consideration and Council's resolution on matters contained in this report will effect amendment to the City's Policy Manual.

STATUTORY ENVIRONMENT

The Local Government Act 1995 provides the basis for many of the Policies of the City and therefore consistency with this legislation has been reflected in review, assessment and modifications proposed.

BACKGROUND

The City of Belmont conducts regular reviews of its corporate documents, with the Policy Manual scheduled to occur on an 'as required' basis.

Individual policies however, are amended between review periods to maintain effectiveness and relevancy.

The Policy Manual was last reviewed in March 2002 (RePol 19/03/02 – 8.1.1 & OCM-25/03/02).

OFFICER COMMENT

The commencement of Dr Shayne Silcox as new Chief Executive Officer and the subsequent ongoing implementation of a range of new work practices and procedures has instigated a comprehensive review of the Policy Manual.

In undertaking this review, each Division is reviewing policies that are within their operational responsibility and will provide subsequent reports for Council's consideration. The Corporate Services, Planning and Development and Works and Technical Services Divisions have therefore reviewed Policies that have relevancy to its operations and responsibilities and provides the following specific details: -

General Policies - Corporate Services, Planning and Development and Works and Technical Services Divisions

Shown in the Attachments is the full text of those policies which are recommended for either deletion or amendment (refer to highlighted text): -

FINANCIAL IMPLICATIONS

The undertaking of a periodic review process incurs an ongoing administrative cost to the City.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

*Item 11.4.1 Continued***ATTACHMENT DETAILS**

<u>Attach. No.</u>	<u>Details</u>
8	Amended, deleted and new policies from Corporate Services, Planning and Development and Works and Technical Services Divisions

OFFICER RECOMMENDATION

1. That the Policy amendments outlined in the Attachments be adopted, specifically relevant to the following Policies: -
 - a. C1.6.6 Conference Expenses - Councillors
 - b. C2.1.2 Farewells and Presentations
 - c. C2.3.3 Conference Expenses - Staff
 - d. C3.1.1 Collection of Rates
 - e. C3.1.2 Pensioner's Outstanding Rubbish Charges
 - f. C3.3.1 Investment of Funds
 - g. C3.4.1 Donations – Financial Assistance
 - h. C3.4.4 Donation of Disused Equipment, Machinery and Other Materials
 - i. C3.4.6 Financial Management – Major Land Transactions, Special Town Planning Schemes and Special Projects.
 - j. C3.6.1 Significant Accounting Policies
 - k. C4.1.2 Street Lighting
 - l. C4.2.1 Crossover Subsidies
 - m. C4.4.2 Storm Water Disposal From Private Properties
 - n. C4.4.3 Private Contributions to Capital Works
 - o. C4.5.1 Plant Purchase
 - p. C4.5.2 Plant – Air Conditioned
 - q. C4.8.1 Environmental Enhancement
 - r. C4.3.4 Verge Bonds
 - s. C4.6.1 Murals on Council Owned Buildings
 - t. C4.6.2 Improvements to Become the Property of Council
 - u. C4.6.3 Acknowledgement of Unauthorised Structures
 - v. C4.7.1 Development on Reserved Lands and Council Owned Lands
 - w. C4.7.2 Work on Council Reserves
 - x. C6.1.2 Licensing on Un-Titled Lots
 - y. C6.1.4 Licences Where Applications Require Planning Approval
 - z. C6.2.1 Directional Signs on Road Reserves
 - aa. C6.4.1 Caravan and Park Homes – Aluminium Annexes and Structures Erected in Association with a Caravan or Park Home
 - bb. C6.4.5 Residences, Garages and Out Buildings on Boundaries (Class 1 and 10)
 - cc. C6.5.1 Overheight Front Fencing

2. That the following Policies be deleted from the City's Policy manual, as they are no longer relevant: -
 - a. C6.4.2 Developments - Incomplete

3. That the following NEW Policies, outlined within the Attachments be adopted, specifically: -
 - a. C3.1.4 Pensioner's Rates Arrears

Item 11.4.1 Continued

4. That the following Corporate Services, Planning and Development and Works and Technical Services Divisions related policies remain unchanged: -
 - a. C1.7.6 Local Business Purchase Reference
 - b. C3.1.3 Rubbish Charges
 - c. C3.2.1 Council Authority to Apply for Grants
 - d. C3.4.2 Electricity Costs on Council Reserves
 - e. C3.4.3 Rounding Down – Withdrawal of Copper Coins
 - f. C3.5.1 Purchase of Goods When Tenders Not Required
 - g. C3.5.2 Tenders – Calling and Acceptance
 - h. C3.5.3 Environmental Purchasing Policy
 - i. C3.7.2 Indexing of Values
 - j. C4.1.5 Street Re-Naming and Re-Numbering Policy
 - k. C4.10.1 Authorised Persons to Act in Relation to Provisions Relating to Land
 - l. C4.10.2 Community Clothing Collection Bins
 - m. C6.1.3 List of Building Licences Issued
 - n. C6.3.1 Strata Certificate Building Inspections
 - o. C6.6.1 Dangerous Trees
 - p. C6.7.1 Licensing Storage of Flammable Liquid
 - q. C7.1.1 Temporary Caravan Accommodation
 - r. C7.4.1 Use of Incinerators and Burning on the Ground
 - s. C4.1.1 Bus Shelters Installation
 - t. C4.1.3 Street Tree Care
 - u. C4.2.1 Crossover Subsidies
 - v. C4.2.2 Services Located in Proposed Crossover
 - w. C4.2.3 Redundant Crossovers
 - x. C4.3.1 Verge Filling and Mowing
 - y. C4.4.1 Manholes and Stormwater Connections
 - z. C4.7.3 Remarking of Playing Fields, Netball Courts and the Installation of Goal Posts
 - aa. C4.9.2 Schools – Supply of Sand
 - bb. C4.9.3 Private Works
 - cc. C4.9.4 Fees – Subdivision Works
 - dd. C6.6.1 Dangerous Tree

5. Council note that Policy C5.4.1 Naming of Streets, Parks and Reserves is to be reviewed.

Item 11.4.1 Continued

GODFREY MOVED, BLAIR SECONDED, that to further clarify Council Policies C1.6.6 and C2.1.2, the Officer Recommendation be amended to read and adopted as follows –

1. ***That the Policy amendments outlined in the Attachments be adopted, specifically relevant to the following Policies: -***
 - a. ***C1.6.6 Conference Expenses – Councillors, subject to the policy reflecting the following amendments –***
 - ***Policy Title to be renamed ‘Professional Development Expenses – Councillors’.***
 - ***Sentence 3 of Clause 3 of the Policy Statement reading “Where Council is required to be represented at a Conference – eg the ALGA, LGMA, or AMAC national conferences, these will not form part of the Annual Conference Allocation and shall be attended by the Mayor or his/her nominee.”.***
 - ***Inclusion of an additional sentence at the end of Clause 3 of the Policy Statement reading “Where it is considered that a Councillor’s attendance is warranted at any conference, seminar or study tour, the cost of which exceeds the remaining Conference Expense Allocation of that Councillor, permission for their attendance may be granted at Council’s absolute discretion.”.***
 - ***Clause 4 of the Policy Statement including the words “, LGMA” immediately after the word “AMAC”.***
 - b. ***C2.1.2 Farewells and Presentations, subject to the policy reflecting the following amendments –***
 - ***Policy Statement to delete ‘(as at 1/7/04)’ wherever it occurs; and***
 - ***Deleting the sentence ‘These values shall be indexed.’***
 - c. ***C2.3.3 Conference Expenses - Staff***
 - d. ***C3.1.1 Collection of Rates***
 - e. ***C3.1.2 Pensioner’s Outstanding Rubbish Charges***
 - f. ***C3.3.1 Investment of Funds***
 - g. ***C3.4.1 Donations – Financial Assistance***
 - h. ***C3.4.4 Donation of Disused Equipment, Machinery and Other Materials***
 - i. ***C3.4.6 Financial Management – Major Land Transactions, Special Town Planning Schemes and Special Projects.***
 - j. ***C3.6.1 Significant Accounting Policies***
 - k. ***C4.1.2 Street Lighting***
 - l. ***C4.2.1 Crossover Subsidies***
 - m. ***C4.4.2 Storm Water Disposal From Private Properties***
 - n. ***C4.4.3 Private Contributions to Capital Works***
 - o. ***C4.5.1 Plant Purchase***
 - p. ***C4.5.2 Plant – Air Conditioned***
 - q. ***C4.8.1 Environmental Enhancement***
 - r. ***C4.3.4 Verge Bonds***
 - s. ***C4.6.1 Murals on Council Owned Buildings***
 - t. ***C4.6.2 Improvements to Become the Property of Council***
 - u. ***C4.6.3 Acknowledgement of Unauthorised Structures***
 - v. ***C4.7.1 Development on Reserved Lands and Council Owned Lands***

Item 11.4.1 Continued

- w. **C4.7.2 Work on Council Reserves**
 - x. **C6.1.2 Licensing on Un-Titled Lots**
 - y. **C6.1.4 Licences Where Applications Require Planning Approval**
 - z. **C6.2.1 Directional Signs on Road Reserves**
 - aa. **C6.4.1 Caravan and Park Homes – Aluminium Annexes and Structures Erected in Association with a Caravan or Park Home**
 - bb. **C6.4.5 Residences, Garages and Out Buildings on Boundaries (Class 1 and 10)**
 - cc. **C6.5.1 Overheight Front Fencing**
2. **That the following Policies be deleted from the City’s Policy manual, as they are no longer relevant: -**
- a. **C6.4.2 Developments – Incomplete**
3. **That the following NEW Policies, outlined within the Attachments be adopted, specifically: -**
- a. **C3.1.4 Pensioner’s Rates Arrears**
4. **That the following Corporate Services, Planning and Development and Works and Technical Services Divisions related policies remain unchanged: -**
- a. **C1.7.6 Local Business Purchase Reference**
 - b. **C3.1.3 Rubbish Charges**
 - c. **C3.2.1 Council Authority to Apply for Grants**
 - d. **C3.4.2 Electricity Costs on Council Reserves**
 - e. **C3.4.3 Rounding Down – Withdrawal of Copper Coins**
 - f. **C3.5.1 Purchase of Goods When Tenders Not Required**
 - g. **C3.5.2 Tenders – Calling and Acceptance**
 - h. **C3.5.3 Environmental Purchasing Policy**
 - i. **C3.7.2 Indexing of Values**
 - j. **C4.1.5 Street Re-Naming and Re-Numbering Policy**
 - k. **C4.10.1 Authorised Persons to Act in Relation to Provisions Relating to Land**
 - l. **C4.10.2 Community Clothing Collection Bins**
 - m. **C6.1.3 List of Building Licences Issued**
 - n. **C6.3.1 Strata Certificate Building Inspections**
 - o. **C6.6.1 Dangerous Trees**
 - p. **C6.7.1 Licensing Storage of Flammable Liquid**
 - q. **C7.1.1 Temporary Caravan Accommodation**
 - r. **C7.4.1 Use of Incinerators and Burning on the Ground**
 - s. **C4.1.1 Bus Shelters Installation**
 - t. **C4.1.3 Street Tree Care**
 - u. **C4.2.1 Crossover Subsidies**
 - v. **C4.2.2 Services Located in Proposed Crossover**
 - w. **C4.2.3 Redundant Crossovers**
 - x. **C4.3.1 Verge Filling and Mowing**
 - y. **C4.4.1 Manholes and Stormwater Connections**
 - z. **C4.7.3 Remarking of Playing Fields, Netball Courts and the Installation of Goal Posts**
 - aa. **C4.9.2 Schools – Supply of Sand**
 - bb. **C4.9.3 Private Works**
 - cc. **C4.9.4 Fees – Subdivision Works**
 - dd. **C6.6.1 Dangerous Tree**

Item 11.4.1 Continued

- 5. Council note that Policy C5.4.1 Naming of Streets, Parks and Reserves is to be reviewed.**

CARRIED 9 VOTES TO 1

*For: Passeri, Richardson, Rossi, Blair, Grant,
Godfrey, Marks, Powell, Whiteley*

Against: Teasdale

11.4.2 Financial Reports as at 31 January 2005****CS Attachment 9 – Item 11.4.2 refers**

Report by Corporate Services Division

DATE

9 February 2005

PURPOSE OF REPORT

To provide Council with information relating to accounting reports and statements.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

The statutory monthly financial report consists of an operating statement, and the statutory quarterly report consists of an operating statement, together with a statement of other income and expenditure.

Officer Recommendation Summation

That the Monthly Financial Reports as at 31 January 2005, be received.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

32/009 – Financial Operating Statements

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

Item 11.4.2 Continued

CONSULTATION

No public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

No Strategic Plan implications are evident.

Operational Plan

No Operational Plan implications are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 6.4 of the Local Government Act 1995 in conjunction with Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires monthly and quarterly financial reports to be presented to Council.

Regulation 34(1a) states – “A local government need not prepare a quarterly or triannual report for the period ending on 30 June in any year if, before that date, the council resolves* that such a report is not necessary.

**Absolute majority required.”*

Council resolved to this effect at its Ordinary Council meeting of 28 July 1997.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 require that financial statements are presented on a monthly and quarterly basis to Council.

OFFICER COMMENT

The statutory monthly financial report consists of an operating statement, and the statutory quarterly report consists of an operating statement, together with a statement of other income and expenditure.

In addition to the statutorily required reports, Council is provided quarterly with a complete copy of the Monthly Management Report utilised by officers for daily budget control over the Municipal Fund. This report is accumulated into cost Centres and reports at a detailed level within each of these cost centres.

In order to provide more details regarding significant variations in the attached report, the following summary is provided.

Item 11.4.2 Continued

Report Section	Budget	Actual	Comment
Operating Expenditure			
120 - Donations and Grants	47,400	41,624	Chaplaincy Program 10,000; Constable Care 7,100 and ESL charges 21,861.35
145 - Insurance	-74,194	-100,607	Internal recovery processed
222 - Alternative Youth Programs	45,355	33,332	VIP Plus Program 2004/05 Council contribution plus Direct Instruction Program
390 - Tennis Club	32,960	28,235	Annual contribution
965 - Grounds Overheads	36,748	65,092	Timing difference
820 - Building Overheads	4,034	-7,621	Timing difference
866 - Carlisle Depot Development	0	16,347	Fees associated with sale of Lots 101/102/103 and 107 Cohn Street
930 - Public Works Overheads	34,235	159,393	Timing difference
Operating Revenue			
100 - Rates	-19,912,897	-19,767,456	Total Revenue brought to account in July
135 - Financing Activities	-780,852	-736,805	Strong managed funds performance
150 - Transfer to Reserve	-100,000	-167,144	Release of units 43/9/59&53
825 - Health	-60,800	-62,427	Annual Stable licenses and Eating House Registrations
800 - Town Planning	-184,500	-167,915	Application fees
680 - Aged Care & Housing Assistance	-56,364	-42,273	Dept of Health & Ageing 50 % of funding received
630 - Community & Recreation Service	-16,500	-14,323	Art fees
830 - Sanitation Charges	-2,609,784	-2,599,492	Total Revenue brought to account in July
370 - Belmont Oasis	-107,000	-106,426	Advanced payments to Leisure Co. to be forwarded to Belgravia Leisure when Invoiced
450 - Ruth Faulkner Library	-79,650	-75,348	"Finding my place" project extension
945 - Other Public Works	-83,500	-107,629	Reimb for private works and contributions to crossovers

*Item 11.4.2 Continued***Contributions**

No significant variances to report

Disposal of Assets

No significant variances to report

FINANCIAL IMPLICATIONS

The presentation of these reports to Council ensures compliance with the Local Government Act 1995 and associated Regulations, and also ensures that Council is regularly informed as to the status of its financial position in an accrual accounting format.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
9	Operating Statement for the period ended 31 December 2004 (Monthly Report)

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 January 2005, be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.4***

11.4.3 Accounts for Payment****CS Attachment 10 – Item 11.4.3 refers**

Report by Corporate Services Division

DATE

9 February 2005

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

A list of cheque payments is presented to Council each month for confirmation and endorsement in accordance with the Local Government Finance regulations.

Officer Recommendation Summation

That the Authorised Cheque Listing as included in the Attachment to this item be confirmed and endorsed.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

54/007 – Creditors – Payment Authorisations

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

Item 11.4.3 Continued

CONSULTATION

No public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

No Strategic Plan implications are evident.

Operational Plan

No Operational Plan implications are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 states:

“If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.”*

BACKGROUND

Checking and certification of Accounts for Payment required in accordance with Local Government (Financial Management) Regulations 1996, Clause 12.

OFFICER COMMENT

The following payments as detailed in the Authorised Cheque Listing are recommended for confirmation and endorsement.

<i>Municipal Fund Cheques</i>	756294-756727	\$2,308,588.85
<i>Trust Fund Cheques</i>	905143-905145	\$10,779.16
<i>Property Development Fund Cheques-</i>		\$-
	Total of Jan 05 Cheques	\$2,319,368.01

A copy of the Authorised Cheque Listing is included as an Attachment to this item.

FINANCIAL IMPLICATIONS

Provides for the effective and timely payment of Council's contractors and other creditors.

Item 11.4.3 Continued

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
10	Accounts for payment listing

OFFICER RECOMMENDATION

That the Authorised Cheque Listing as included in the Attachment to this item be confirmed and endorsed.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.4***

12. REPORTS BY THE CHIEF EXECUTIVE OFFICER**12.1 INFORMATION BULLETINS**

The following Elected Members Bulletin was distributed to Councillors:-

Elected Members Bulletin 11 February 2005.

BLAIR MOVED, GRANT SECONDED, that the information provided to all Councillors and listed in the following Elected Members Bulletin be noted and received –

Elected Members Bulletin 11 February 2005.

CARRIED 10 VOTES TO 0

12.2 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

NOTE: Section 5.23(2) of the Local Government Act 1995, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: - matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters, security matters, among others.

NOTE: Section 5.93 of the Local Government Act 1995, details that an elected member or employee may not make improper use of any information acquired in the performance of their function under this Act or any written law. Penalty \$10,000. The City of Belmont Standing Orders Local Law Clause 4.2(2) details that an elected member or employee in receipt of Confidential Information may not disclose such information to any person other than another City of Belmont elected member or employee. Penalty \$5,000.

Nil.

14. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 8.03pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 1 March 2005 were confirmed as a true and accurate record at the Ordinary Council Meeting held 22 March 2005:

Without amendment

With amendment

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____