



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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10 December 2019

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CONFIDENTIAL ATTACHMENTS INDEX

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**Councillors are reminded to retain the
OCM Attachments for discussion with the Minutes**

PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr M Bass (<i>arr 7.21pm</i>)	East Ward
Cr J Davis	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward
Cr L Cayoun	West Ward

IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Ms J Gillan	Director Development and Communities
Mr M Ralph	Acting Director Infrastructure Services
Ms A Forte	Executive Manager People and Organisational Development
Mr J Olynyk, JP	Manager Governance
Mr V Popescu	Manager City Projects
Mr W Loh (<i>dep 9.41pm</i>)	Manager Planning Services
Mr S Morrison (<i>dep 9.18pm</i>)	Manager Works
Mrs L Langford (<i>dep 9.41pm</i>)	Coordinator Design Projects
Ms D Morton	A/Coordinator Marketing and Communications
Ms J Barnes	Senior Governance Officer
Ms S Bartley	Governance Officer

There were 45 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

7.07pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read the Acknowledgement of Country.

Before I begin I would like to acknowledge the traditional owners of the land on which we are meeting today, the Noongar Whadjuk people, and pay respect to Elders past, present and future leaders.

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

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

2. APOLOGIES AND LEAVE OF ABSENCE

Cr G Sekulla, JP, Deputy Mayor (Apology)	West Ward
Cr R Rossi, JP (Apology)	West Ward
Cr B Ryan (Apology)	East Ward

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

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

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

7.09pm The Presiding Member drew the public gallery's attention to the Disclaimer.

The Presiding Member advised the following:

'I wish to draw attention to the Disclaimer Notice contained within the Agenda document and advise members of the public that any decisions made at the meeting tonight can be revoked, pursuant to the Local Government Act 1995.

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received.'

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

The following questions were taken on notice at the 19 November 2019 Ordinary Council Meeting. Mr Childs was provided with a response on 27 November 2019. The response from the City is recorded accordingly:

1. Can you Mr Mayor confirm that Belmont City Council is the only Council in Australia that has contracted YMCA to solely run their youth programmes?

Response

No, Belmont is not the only Council in Australia that YMCA works as a service provider for. Nationally, the YMCA has 16 associations for which they provide a diverse range of supports and services. These are contracted by state, federal and local government funders.

2. After the expense of \$750k per year on a free after school minding service for high school students providing food and activities, is there any evidence of gratitude from those who receive the service?

Response:

The YMCA WA, at the Base @ Belmont provide opportunities for young people to grow in body, mind, and spirit through a range of educational and recreational opportunities tailored to their expressed needs.

The Base @ Belmont provides a safe and supportive environment for young people to develop positive relationships, explore a range of interests and experiences, explore their identity, have a voice and participate in legitimate decision making on issues that are important to them.

Item 5.1.1 Continued

Young people regularly express gratitude for the services and supports they access at the Base. Furthermore, to date at least 80% of participants report they have learned something new as a result of accessing services at the Base, with over 90% reporting they are happy with what they can do when accessing the centre.

5.1.2 MS L HOLLANDS, 2 MILLER AVE, REDCLIFFE ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP INC. (BRRAG)

The following questions were taken on notice at the 19 November 2019 Ordinary Council Meeting. Mr Childs was provided with a response on 28 November 2019. The response from the City is recorded accordingly:

1. How often would you get the water tested?

Response

There is no legislative requirement to sample for PFAS/PFOS however the City conducts sampling once per year, at the beginning of the irrigation season.

2. How many complaints from residents have been received by the City of Belmont regarding staff, including Directors and the Chief Executive Officer in the last two years and how many of these were known to have any substance?

Response:

It is not entirely clear from the question as to what type of complaint is being referenced. The City receives general complaints about perceived problems with the service received from a range of areas across the City's operations and these are reviewed internally and resolved accordingly. It can only be assumed that this is not the kind of complaint being referred to, rather it is the formal written complaints lodged against specific staff where there has been a request for further investigation. It is these cases that have been included in this response.

With regard to these types of complaints received in the timeframe referred to above, there have been five. Four of these have been found to have no case to answer and the fifth is still under review.

3. At the last Council meeting, one of the members of the gallery made false statements regarding people that attended the Electors Meeting, I have been corresponding with you Mr Mayor, when will I expect a response? I refer to Melville and the inquiry.

Response:

It is considered that the Mayor's previous email response dated 14 November 2019 to Ms Hollands answers this question.

5.1.3 Ms J GEE, 97 GABRIEL ST CLOVERDALE

The following questions were taken on notice at the 19 November 2019 Ordinary Council Meeting. Ms Gee was provided with a response on 29 November 2019. The response from the City is recorded accordingly:

1. I like that the Ascot Kilns have been prominent in the shopping centre. Does the Council have an update as to what is happening with the kilns and that area?

Response:

In November 2016 the Department of Planning, Lands and Heritage (DPLH) submitted a draft Local Development Plan for the Ascot Kilns site to the City of Belmont for assessment and consideration. The draft Local Development Plan was considered by Council at its 12 December 2017 meeting (Item 12.2), where Council resolved to require a number of modifications to the draft Local Development Plan. One of the key modifications was to restrict the height of any development on the site to five storeys or lower. The DPLH have since advised that the restriction of development on the site to five storeys or lower significantly affects the feasibility outcomes, and related developer interest in the site at this time. As a result, the DPLH is not proceeding with the requested Local Development Plan modifications at this time.

Notwithstanding the above, the DPLH recognise the need for works to the Kilns and Stacks to ensure their stability. They have therefore engaged engineering consultants to prepare a remediation program for the kilns complex, and are currently investigating suitable funding mechanisms in order for works to be undertaken.

2. What is the Council doing, going forward, about high rise developments considering a lot of people are up in arms about what is being suggested for the Golden Gateway?

Response:

The recent development of high rise buildings across the wider Perth metropolitan region is aligned with the State Government's sustainable development strategy to deliver additional housing in established metropolitan areas.

The concerns surrounding increased density and high rise developments often relate to a loss of neighbourhood character, impacts on streetscape amenity and demand for car parking. To address this, the State Government recently introduced new planning requirements which aim to improve apartment design, with a particular focus on tree protection, quality landscaping outcomes and solar orientation. The City will be establishing a 'design review panel' comprising independent design experts; this will ensure that high quality design outcomes in line with the State's Policies as well as local design guidelines are achieved.

Item 5.1.3 Continued

3. The Town of Victoria Park give a statutory amount to people who put closed-circuit television (CCTV) in their own houses with view to the street with a condition that the police have access to the recordings. Would Council consider as part of reducing crime?

Response:

The City of Belmont budgets a significant sum annually to provide a number of community safety programs and initiatives, including its CCTV program. The City has over 390 cameras installed in public places such as shopping centres, parks and community centres. In addition the City's three Community Watch patrols vehicles are fitted with CCTV cameras.

The City is aware of the Town of Victoria Park's CCTV Partnership Program where eligible applicants can receive up to \$750 towards the cost of a CCTV system. The funding is available to residents, businesses and community groups and must be installed by a registered security business.

Town of Victoria Park officers provide on site CCTV installation advice, pre-installation approval and provision of any rebate, post-installation. This initiative has some similarities to the City's Alarm Assist program where residents and businesses received grant money (that had to be repaid) for the installation of intruder alarms and monitoring. This initiative, while successful, took up a lot of officer time and was wound up in 2018.

In regards to the installation of CCTV systems the City has always focussed on high activity public areas that provide a wide community benefit. To comply with the requirements of the *Surveillance Act 1982* the City installs at all locations highly visible signage and has strict protocols as to what areas are covered and how captured footage is managed, viewed and released. This has in part been to avoid complaints of covert surveillance and allegations of 'big brother', as well as ensuring the City's compliance with the requirements of the Act.

The Town of Victoria Park's CCTV Partnership Program however has a condition of approval that any funded system must provide overlooking coverage of public areas. This raises concerns about compliance with the Act and the ongoing provision of appropriate signage (or lack of) in the area being covered. The local authority also has no control as to how any footage captured on a part funded system is used or distributed or where the cameras could be repositioned post-installation. The resident could also relocate and take the part funded system to their new property or even sell it.

It is debatable as to what level of community benefit such a small and limited system would have and also their potential to reduce crime.

The City provides free security assessments of residences and businesses where officers may suggest that a CCTV system would be beneficial. The City is however of the opinion that the installation of any security systems or equipment on private property would be the responsibility of the tenant or owner.

The City would therefore not be in favour of providing funding to pay for the installation of CCTV systems on private property.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

The Presiding Member advised that Public Question Time during Council meetings is audio recorded for minute verification purposes and requested the Senior Governance Officer to commence recording.

7.10pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda and on the public question form. In accordance with rule (I), the Mayor advised that he had registered eight members of the public who had given prior notice to ask questions.

The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. Four further registrations were forthcoming.

5.2.1 MS L HOLLANDS, 2 MILLER AVE, REDCLIFFE ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP INC. (BRRAG)

1. How many youth centres, metres from residential homes, on battleaxe blocks with a 5.6 metre driveway (as this building will have two kerbed areas for run-off water) which accommodates vehicles, pedestrians, pushbikes and wheelchairs have been approved in other Councils in WA? Please provide numbers, Councils, traffic numbers on the road where the developments are on and any details of any accidents that have occurred. This information will assist both the public and the councillors.

Response

The question itself is unreasonable and to research the question would take inordinately longer than three days as it would involve requesting information from all of the 137 Councils in Western Australia. Notwithstanding that, whether there were none or several that met the criteria outlined in the question, the information would be of little relevance as you would not necessarily be comparing 'like with like' as each site and its circumstances are somewhat unique. The proposal must be considered on its planning merits and on the basis of the information provided and it is now up to Council to decide whether to approve or refuse the application based on those merits.

2. The Hardey Road development matter that has been set down for SAT on the 20 December if it fails to get through tonight. Mr Loh represented the City of Belmont and when dates for this hearing were discussed, which is what happens at SAT, given the close proximity to the Council meeting and the fact that it is Christmas and everything, is anyone aware if Mr Loh asked for it to be set back a bit to give councillors more time to consider as well as any submissions as there are a lot of residents, that did submissions and were not aware of this tonight and last week?

Response

Whether Mr Loh asked for alternate dates or not, the common practice during mediation is negotiating dates at SAT and to choose the most reasonable dates for both the applicant and the defendant, which in this case is the Council. It would be reasonable to assume that the December meeting was achievable.

Item 5.2.1 Continued

3. Given that there are missing Councillors tonight, why has this still remained on the agenda and, because we have found out that the people that did do submissions the first time were not notified of this, and why is it coming across that it is being rushed to get through?

Response

The Mayor replied that we have a quorum and as such the meeting will proceed. Once there is a quorum, it is incumbent on the Presiding Member to continue. A letter has been sent to you regarding this.

The Mayor asked the Director Development and Communities to respond as to why people weren't notified.

All people who put formal submissions in when the application was originally advertised were advised in writing that this was coming to Council. There seems to be some misunderstanding that people who actually asked questions last time this matter was raised at Council seem to think that they would get a referral response. However, the questions that were asked at the last Council meeting were answered. As they did not put formal submissions in, they did not receive a referral.

4. I believe you did get Mr Neville's questions?

Response

The Mayor replied that he did get Mr Neville's questions and he is due to ask them tonight.

5. The City of Belmont spent \$600,000 chasing one resident for something and various amounts of money chasing other people and we are talking about 72 people here when we are talking about how much this will cost when this goes to SAT. Seventy two people that either put in submissions or signed a petition to give their view on it and it would seem to me that those 72 people are not being regarded however the City can quite easily spend \$600,000 chasing one person.

Response

The Mayor replied that Council is aware of the situation referred to and that those particulars will not be discussed beyond the reality that the case had Australia wide implications.

7.21pm Cr Bass entered the meeting.

Item 5.2.1 Continued

6. But if this is deferred tonight and it goes back it could cost, the figure I have heard is \$60,000 - \$70,000, for the 72 people who have put in submissions that pales into insignificance?

Response

The Mayor advised that interpretation is wrong. However, the City must be mindful that it doesn't end up facing substantial costs such as those the City of Bayswater faced following a SAT decision.

7. So you just pass things because of that?

Response

No.

8. The officers have quoted AS1428.2 for the width of a footpath to accommodate a wheelchair. They advised the rule was one metre, we advised it was 1.2 metres which Councillor Rossi brought up last week and he stated he read 1.2 metres on three government websites, section 31.1 of the Disabilities Discrimination Act 1992 clause 241 reads: the unobstructed width of an access path must be 1200mm that's AS1428.2. So I would like to know Mr Mayor, as the face of disability here in Belmont, how do you feel about people with disabilities going on a path that is under the recommended width and could potentially be a breach of the Discrimination Act?

Response

There are numerous technical documents that specify pedestrian paths greater than one metre. The Off Road Guide to Road Design Part 6A, Paths for Walking and Cycling and the Planning and Designing for Pedestrians Guidelines refer to widths of 1.2 metres but to clarify these guidelines relate primarily to walking and cycling paths in the public realm which is within the road reserve rather than on private property. The National Construction Code 2018, Building Code of Australia Volume 1, Amendment 1 references relevant Australian Standards within Table 1, Schedule of Reference Documents specifically Table 1 references AS1428.1 2009 Design for Access and Mobility.

Item 5.2.1 Continued

The Australian Standards defines accessible, accessible as being for disabled persons as follows:

“Continuous, accessible path of travel: an uninterrupted path of travel to, into or within a building providing access to all accessible facilities.”

The Australian Standard further expands on the required width of a continuous, accessible path of travel as:

“Continuous, Accessible Path of Travel Part 6, 6.3 Width of a Continuous, Accessible Path of Travel, unless otherwise specified such as doors, kerb ramps and similar the minimum unobstructed width of a Continuous, Accessible Path of Travel shall be 1000mm and the following shall not intrude into the minimum unobstructed width of a continuous, accessible path, so therefore the 1000mm is acceptable.”

9. This building is going to be used for public access, why is the 1200mm not being applied?

Response

The Mayor stated that this is a private site. As it is private property one metre is allowed.

10. With respect to the hours, the centre wants to run hours that are greater than The Base, and its right next door to people's homes, we have already provided the hours with The Base. Why can't we find in the management plan the activities that will be happening at what times and you would think that after two years the developer would have some sort of an idea if he knows what hours he needs to have it open you would think we would have some sort of base point to look at the hours?

Response

The hours have been amended in negotiation with the applicant. To ask for a management plan that details all of the activities in a community building is simply not reasonable. This would not be found in any facility including the Base or the Oasis. The activities change depending on demand and needs so there is not an expectation for the operator to lock in exactly what activities occur and when. However the hours are clearly stated and reflected in the recommended conditions.

11. The conditions that you put on this development we heard at the Council meeting last week that you cannot enforce them, can you clarify that please?

Response

This is not correct, if the conditions are passed here tonight, they are enforceable unless SAT remove them on appeal.

Item 5.2.1 Continued

12. Councillor Ryan last week asked a specific question, he asked if this development and the associated roads were safe. The response was that it complies, but didn't answer the question so can we please have a yes or no as to whether this is going to be safe, in terms of the traffic?

Response

Yes, as far as all the standards and safety from an engineering, technical and traffic safety background the proposal will comply with the standards of the day.

The Mayor stated that as it complies with the standards, it is considered safe.

5.2.2 MR B HANNAM, 6/12 KIMBERLEY ST, BELMONT

Mr B Hannam or a representative did not attend the meeting. In accordance with the Rules of Public Question Time the questions will be answered via written correspondence.

5.2.3 MR P NEVILLE, MANAGER COUNTRY COMFORT MOTEL, 249-263 GREAT EASTERN HIGHWAY BELMONT

Mr P Neville or a representative did not attend the meeting. In accordance with the Rules of Public Question Time the questions will be answered via written correspondence.

5.2.4 MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE

1. In reference to page 46 of the agenda – “Sending letters to owners and occupiers within and surrounding the Development Area 6 (DA6) precinct.” Will this “surrounding area” also include the owners and occupiers of Ascot/Tibbradden, Stanton, Epsom, Durban, Morrison, Lyall and Moreing as they have issues or will be affected because of the train station?

Response

It has not yet been determined what extent the advertising will be beyond the boundaries of the DA6 precinct area but we would expect it will be some radius, similar to what was done for the Golden Gateway Structure Plan area. In any event, the City will also advertise through other means to ensure residents hear about it and put in a submission.

2. Why does there seem to be no investigation by the City of Belmont with the soon to be upgraded Dunreathe/Tonkin interchange of extending the connection of Dunreathe to Sydenham to facilitate easier access to the airport from the greater Belmont and maintain the “historical link” to the airport and help to reduce traffic down Stanton Road, Redcliffe?

Item 5.2.4 Continued

Response

In regard to the Tonkin Highway part of the question, that is under the care and control of Main Roads Western Australia. When the Tonkin Highway was upgraded as part of the Gateway Project there were possible connections looked into from the Dunreath Drive interchange through to Belmont via Sydenham Street, the costs and implications of these were obviously too great at the time and the resultant impact on residents of this were also taken into consideration. We will be looking at all opportunities to improve the Stanton Road situation, but I would suggest something as significant as this link would have its own implications and would need to be discussed with relevant agencies.

3. With the above question and with regards to traffic down Stanton Road, wouldn't the greater Belmont landowners also have to be taken into consideration if a Specified Area Rate (SAR) is introduced because they would be benefiting from the redevelopment in the DA6?

Response

The Officer Recommendation is not supportive of a SAR. However, when looking at cost to apportion, whether it is through a development plan or through a SAR, you examine what is reasonable, what the wider community will contribute and potentially what the Council might contribute. We are not currently at the level of preparing figures to that detail. Pre-consultation is being sought to get community feedback on all levels, whether people love it, hate it or are in between. There will be a series of different consultative exercises which take on board the issues before coming up with a detailed list of what the costs are likely to be and who pays for what. This is just the beginning of a long process.

5.2.5 MR R FERGUSON 57 HARDEY ROAD, BELMONT

1. Is the proposed youth centre at 49 Hardey Road the wrong place to have 17 to 25 year olds around liquor and maybe creating antisocial behaviour for the surrounding residents and the patrons of the motel that adjoins the new facility?

Response

In regards to access to liquor, that is covered under liquor licensing. The service of alcohol to under aged persons could result in the removal of a liquor license. The adverse impact of noise that was raised is actually addressed in the officer's report and covered under relevant conditions so it does comply with noise regulations. In regards to crime and antisocial behaviour, there is no correlation between crime and this kind of facility.

Item 5.2.5 Continued

2. Is there a possibility that petty crime will rise with the increased volume of youth in the area?

Response

What we are actually hearing about is a perception of crime and a perceived link between young people and petty crime, there is no evidence to suggest that will occur and in fact when you have youth that are actually engaged in activities and are part of the community, they are less likely to enter into petty crime because they have something to do. The other issue is that you can have crime anywhere but needs to be addressed by the community overall and reported if it does occur.

3. Is there an opportunity that the adults visiting the Youth Centre are likely to stray to the premises next door to consume liquor and the supervisors at the centre, are they likely to be drinking liquor, would this lead to the younger people straying to next door?

Response

As previously outlined, service of alcohol has to be in accordance with the liquor license. In regard to this particular facility, it is to be run as an Islamic Youth Centre and alcohol is not condoned as part of the Islamic belief system.

4. Is the development of this centre going to have an impact on the resident's lifestyles with the increase of local traffic in the vicinity, arguments between the patrons of the centre and the general rowdy behaviour?

Response

This is a perception issue rather than based on fact. However Officers can talk to the group that will be running the centre to break down some of those barriers and allay some of those fears. This is something we can work on further down the line, to actually engage with the community around so there isn't this perception.

5. Is this an acceptable position and is there potential, with two arterial roads that the safety on the roads could be jeopardised by drop off and pick up at the proposed Youth Centre?

Response

As previously highlighted, this development meets all the necessary standards and makes it no different to any other development. There are obviously pedestrian movements in and around this area with a hotel and bottle shop and other associated activities. It is no different and it is not envisaged to have any highlighted issue at this particular location.

Item 5.2.5 Continued

6. Does this facility confine the youth to indoors and should they be able to have some place outside where they can run around. Is it reasonable to accept that confining them indoors is acceptable?

Response

The building is custom designed for the people to be inside and the noise attenuation measures relate to the design itself. In regard to outdoor activity, they can use any of the public open spaces within the City of Belmont or surrounds but would have to go offsite to do so. This particular application relates to the facility itself.

7.47pm The Mayor requested a mover and seconder to extend question time.

CAYOUN MOVED, WOLFF SECONDED

CARRIED 6 VOTES TO 0

5.2.6 DR R JNEID 411A ACTON AVENUE, KEWDALE

1. Is the Council aware that I have worked with council officers for more than three years to ensure that the land uses shown on development plans accurately represent the aims and objectives of the Youth Centre?

Response

The Director Development and Communities believed this to be accurate.

2. Is the Council aware that I have been involved in this project since 2016 for more than three years now?

Response

The Mayor replied yes.

3. Is the Council aware that we have adjusted the setback of the building?

Response

The Mayor replied yes.

4. Is the Council aware that I worked with the council officers to make sure the access to the property is safe?

Response

The Mayor replied there was obvious work done to the access to make it safe.

Item 5.2.6 Continued

5. Is the Council aware that if the councillors are not going to approve this project, I will continue fighting this with the tribunal, and will pursue whatever necessary steps I need to?

Response

The Mayor stated that would be the decision of the applicant and that the Council will make a decision on the facts to produce the correct decision. It is the planning facts that will be considered in making the decision.

6. Is the Council aware that if this matter has to go to tribunal or the court it will cost both the tax payer and the youth centre, which is registered with ACNC as a not for profit organisation, a lot of money and I will be forced to take it to the media and the government official as I believe it is discrimination against one party?

Response

The Mayor stated that he believed Councillors were aware of that but there are planning laws in place and the Councillors must vote according to those laws.

7. Is the Council aware that the Youth Centre does not have a café or prayer hall?

Response

The Mayor confirmed a café is not in the plans.

8. Is the Council aware that the Centre will be open for the wider community and not just for Muslims?

Response

The Mayor answered that there has been some comment on this and it has been made very clear that the intention is the centre is open for all youth.

5.2.7 Ms B SCHARFENSTEIN 140 COOLGARDIE AVENUE, REDCLIFFE

1. Given that Google Maps is directing thousands of airport destination vehicles originating from outside of the City to the airport via Epsom Avenue, Durban Street, Stanton Road, Second Street and Central Avenue, resulting in the City's roads being used as a route to the airport; and that the airport occupies one third of the City, how much infrastructure funding is Perth Airport contributing to the Redcliffe Station Activity Centre?

Response

The Mayor replied that he had looked at the traffic report brought out recently regarding the increase in traffic, and there has been a 10% increase in the last 12 months.

Item 5.2.7 Continued

The Director Development and Communities continued that to hold the airport responsible for Google Maps directing people through the area is spurious. Perth Airport is not proposing to contribute; however, the boundaries of the development area extend well beyond the Development Area 6 and are being addressed by Council. The airport is not suggesting the City contribute to what they intend to do within that area.

2. I refer to Table 42 of the Draft Redcliffe Station Activity Plan. Does the City propose a SAR will equal the Contribution Rates per square metre of site area quoted for cost contribution rates?

Response

No, a SAR would be worked out completely differently to a Development Contribution Plan (DCP) Rate so those rates are completely different.

3. Would making a payment of this SAR then entitle the resident to remain living in DA6 and not participate in the land consolidation/land assembly? And, if a significant portion of landowners paid the SAR and refused to leave the area, would this then be an impediment to achieving the build out of DA6 in accordance with the vision for high density built form?

Response

Any resident would be entitled to remain living in DA6 irrespective of a SAR or a DCP and whether or not they choose to develop is entirely up to them. If they choose not to develop, then the build out of the area will slow down and ultimately they may be impeding their neighbouring properties that may choose to develop because there is a minimum lot size proposed.

4. Does the City dispute FAL construction delays due to sink holes and other unforeseen setbacks, adverse economic conditions resultant from the mining bust as being the major contributing factors to a “two year delay” in progression of the DA6 Vision Plan? Or does the City believe a few residents who have queried aspects of the Vision Plan are main proponents responsible for delaying DA6?

Response

The Director Development and Communities stated it is not believed either instance is applicable. This is a complex area that involves multiple parties, different schedules, different resourcing and different standards. There are a lot of issues that are not easy and so you would expect significant delays to occur. What happens is if one issue arises it has implications on others so, no one party is responsible

5.2.8 Ms J GEE 97 GABRIEL STREET, CLOVERDALE

1. I would like to know how Councillors can vote on the minutes tonight as being correct, when they are not. I asked four questions last time and only three have been responded to in writing and put in the minutes. I asked a question about the parking solution that was brought up by Cr Powell two years ago.

Response

If you believe the minutes are not correct please inform the CEO in writing and this will be investigated. The question about parking was answered at the last Ordinary Council Meeting, 19/11/19. It was clarified by the Mayor at the conclusion of Ms Gee's questions that the four questions asked by Ms Gee at the previous meeting are recorded in the minutes of that meeting.

2. I would like to have in writing an answer what is happening with the Glass Works, it's been two years since going to SAT and all my questions revolved around the health aspect of it.

Response

The understanding is that Colmax have ceased operations, but this will be confirmed in writing to Ms Gee.

3. Regarding the footpath to the proposed Hardey Road Youth Centre being on private land, it is not private land and according to the minutes and on page 12 of item 12.1 it shows that the development is for public purpose. In regards to the one metre versus 1.2 metre footpath, is this private land or public land?

Response

This is private land. Public purpose does not necessarily have to be a public purpose facilitated by public agencies such as Federal, State or Local Government. Public land is often associated with some form of Crown land. However, in this case it is privately owned land with a public purpose land use proposed.

4. Regarding noise at Hardey Road Youth Centre, I have always advocated that this is a good proposal but it is in the wrong place and it needs to have a buffer zone. Is the noise unacceptable according to the scenarios put forward in the report?

Response

It is believed that Ms Gee is referring to the acoustic consultant's report, covering various scenarios and recommendations to ensure that the development will comply with noise regulations. These are reflected in the development conditions on the recommended proposal. Notwithstanding that, should the development go ahead and there are issues with noise, then these will be investigated under the noise regulations. At this point in time, to the best of our ability, based on expert reports and relevant conditions the proposal is acceptable from an acoustic viewpoint.

Item 5.2.8 Continued

5. Have Council actually discussed or thought about discussing whether there would be a suitable location and/or do a land swap?

Response

This has previously been considered. However, there are limited land opportunities in the Belmont area.

5.2.9 MR R REAKES, 203 KEYMER STREET, BELMONT

1. On page 23 of the proposed Youth Centre development report, it states, "A geotechnical investigation is required to certify that the site is capable of accommodating the proposed development." If this is needed to decide if the site is suitable for the proposed development why has this not been done before now?

Response

This is a standard condition that would be placed on a development of this size and, in particular, what is requested where it is known that there may be an issue with ground/soil conditions, influencing whether this would cater for either on-site or off-site storage.

2. Item 12.2 Vehicle Access Plan it states a condition of the subdivision is that there is a VAP. Who put the condition on the subdivision, the WA Planning Commission or the City of Belmont?

Response

All subdivision approvals are issued by the WA Planning Commission, therefore they put the condition on.

3. Why is the City of Belmont letting the Hardey Road Youth Centre come to Council when there might be poly-fluoro alkyl substances (PFAS) and there is no environmental report and could this endanger the environment and the residents?

Response

Conditions have been recommended as precautionary measures that relate to PFAS; however the Department of Water and Environmental Regulation would have been happy with advice notes in regards to the proposal.

5.2.10 Ms M SALDANA OWNER OF 337 SYDENHAM STREET, BELMONT

1. Relating to Item 12.2 of the Agenda, has the Council advised the owners of the affected properties that the value of their properties will drop the moment the Vehicle Access Plan (VAP) is adopted by the Council?

Response

The Director Development and Communities advised that valuation is not a planning matter; however it is very clear to anyone purchasing one of these properties, if they had done their due diligence, that the policy and the density have always related to having an adopted VAP and, if anything, would give more certainty to development outcomes than not having a VAP.

2. For clarification, are the front properties on Gladstone Road basically affected by that planning policy that said that any developments on Orrong Road have to have a VAP?

Response

Under the relevant local planning policies it is very clear which properties are impacted and what standards relate to it.

3. So basically under the policy, my understanding is that the properties on Gladstone Road are not affected and hence by you putting this VAP on their properties now you are actually devaluing their properties and they should be made aware of this.

Response

This is incorrect. The split codings make it very clear that the local planning policy relates to a number of properties, including the ones along Gladstone Road.

4. For clarification, which policy does this refer to?

Response

Local Planning Policy number 2.

5. Have the owners been advised that in order to implement the VAP they have to provide an easement in gross in favour of the City of Belmont, free of cost?

Response

It would generally either be a VAP or reciprocal right of carriageway; this would not be enacted until the development conditions were such that it required the VAP. So if the development was a single house it wouldn't be required but if they wanted to do anything greater than a single dwelling the requirement to provide the VAP would exist. The City also has a detailed information sheet on VAP's which covers a lot of these issues. The owners have had multiple meetings and telephone conversations regarding the matter.

Item 5.2.10 Continued

6. Have the owners been advised that the easement in gross runs with the land title and is permanent in nature? So once the easement is put on the property it can never be removed, or it is very very unlikely that it can ever be removed.

Response

This is a standard requirement and once an easement is on it remains until the relevant parties agree it is no longer required. One party would be the City and the other parties are the other landowners. The easement is there to provide access to all the parties.

7. Have the owners been advised that they have to pay for the ongoing maintenance of the vehicle access road and that they have no control whatsoever of the amount of traffic that will use the easement?

Response

Effectively with an easement they would have to consent to the easement going on as a condition of the development application so, yes, they would be aware. There have been discussions between the owners and officers and there is also an information sheet that covers this.

8. Have the owners been advised that they have to rely on other property owners to maintain the road to an acceptable standard? There is no strata company or body corporate or anything of the like to collect contributions to ensure the road is maintained.

Response

This is one of the dis-benefits of keeping the land to yourself so it doesn't become public land. It still remains the private property of the individual land owner, there is just an easement for access over that but where neighbours actually get along it is an easy arrangement to come to.

9. What is the City of Belmont doing to ensure that my easement is not a public road?

Response

The Director Development and Communities stated that a reply would not be made in regard to Ms Saldanha's specific case but took the question in general on notice.

10. For the Councillors that are going to vote on this, are you aware of the case, the 600 thousand dollar expense that the City bore?

Response

The Mayor replied that he is sure the Councillors are aware of the case that came to multiple courts and we do not intend to discuss the case. A decision was made in favour of the Council's position.

5.2.11 Ms J FAMLONGA, 78 COHN STREET, KEWDALE

1. In regards to the proposed Youth Centre at 49 Hardey Road, how many community centres are there in the City of Belmont now?

Response

To provide an accurate response, the Director Development and Communities took the question on notice.

2. Why do we need another community centre, is there a shortage of centres and places for youth in the City?

Response

As it relates to a planning application, “need” is not a consideration, rather it is whether it can be considered and does it comply with the standards. Under our Strategic Community Plan, we do have a key result area in Social Belmont which is developing community capacity and self-reliance and that is to assist community clubs and groups to be viable and active. As such it does meet that objective and strategy and to some extent self-reliance and allowing people to empower themselves to provide their own facilities.

3. I don't understand the combination of footpath and road way and how that is even going to work. Is it actually common to have a footpath particularly for disabled people with a bay for them to have a rest in immediately next to a road?

Response

It is quite unusual. However, Council did highlight concerns dealing with the delineation of access, disabled access in particular, when it was deferred in June May .This was one of the issues pursued and discussed at mediation so this is an option that has been recommended.

There is not usually a requirement for a designated footpath per se, as long as an accessible access road to the building is evident. The City have taken this next step because it has been highlighted to the City, the potential of delineation, and the officers and applicant going beyond what is normally required. It is very common for these to not be delineated separately.

4. If somebody does get killed who is liable / responsible?

Response

**In any shared environment, driver and pedestrian behaviour would be the main factors that would be taken into account as part of any investigation
The CEO added that if there was a fatality the police would be involved and a further investigation would be undertaken.**

- 8.32pm As there were no further questions, the Presiding Member declared Public Question Time closed and requested that the Governance Officer cease audio recording.**

6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX

**6.1 ORDINARY COUNCIL MEETING HELD 19 NOVEMBER 2019
(Circulated under separate cover)**

OFFICER RECOMMENDATION

DAVIS MOVED, WOLFF SECONDED

That the Minutes of the Ordinary Council Meeting held on 19 November 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 6 VOTES TO 0

**6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 3 DECEMBER 2019
(Circulated under separate cover)**

OFFICER RECOMMENDATION

POWELL MOVED, WOLFF SECONDED

That the Matrix of the Agenda Briefing Forum held on 3 December 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 6 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

8.2.1 CR CAYOUN

1. What is the process if determined after the fact that minutes are not accurate, how is that amendment dealt with and would this need to be revoked at the next meeting?

Response

If this is the case, a report will be issued and taken to the Council for reconfirmation. Cr Powell confirmed that the item questioned by Ms Gee is on page 10 of the OCM Minutes dated 19 November 2019 and correct.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Wolff
Item 12.3 was withdrawn at the request of Cr Cayoun
Item 12.6 was withdrawn at the request of Cr Wolff
Item 12.7 was withdrawn at the request of Cr Powell
Item 12.8 was withdrawn at the request of Cr Cayoun

BASS MOVED, DAVIS SECONDED,

That with the exception of Items 12.1, 12.3, 12.6, 12.7 and 12.8, which are to be considered separately, the Officer or Committee Recommendations for Items 12.2, 12.4, 12.5, 12.9, 12.10, and 12.11 be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 6 VOTES TO 0

8.38pm The Mayor requested a mover and seconder to adjourn the meeting for a short period.

DAVIS MOVED, POWELL SECONDED

CARRIED 6 VOTES TO 0

8.44pm The Mayor requested a mover and seconder to re-open the meeting.

WOLFF MOVED, DAVIS SECONDED

CARRIED 6 VOTES TO 0

**12.1 STATE ADMINISTRATIVE TRIBUNAL MATTER - PROPOSED COMMUNITY PURPOSE
BUILDING – LOT 801 (49) HARDEY ROAD, BELMONT**

BUILT BELMONT

Attachment No	Details
Attachment 1 – Item 12.1 refers	Development Plans
Attachment 2 – Item 12.1 refers	Waste Management Plan (updated)
Attachment 3 – Item 12.1 refers	Traffic Impact Assessment Report (amended)
Attachment 4 – Item 12.1 refers	Centre Management Plan (amended)
Attachment 5 – Item 12.1 refers	Acoustic Report

Voting Requirement : Simple Majority
Subject Index : 115/001–Development/Subdivision/Strata-Applications
and Application Correspondence
Location / Property Index : Lot 801 (49) Hardey Road, Belmont
Application Index : 113/2018/SAT
Disclosure of any Interest : Nil
Previous Items : 12 December 2017 Ordinary Council Meeting
Item 12.4 (withdrawn by applicant)
25 June 2019 Ordinary Council Meeting Item 12.1
Applicant : Muslim Youth Centre Western Australia Inc
Owner : Muslim Youth Centre Western Australia Inc
Responsible Division : Development and Communities Division

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

Item 12.1 Continued

PURPOSE OF REPORT

For Council to reconsider a development application for a Community Purpose building at Lot 801 (49) Hardey Road, Belmont.

SUMMARY AND KEY ISSUES

- The proposed Community Purpose building at 49 Hardey Road, Belmont was previously considered by Council at the 25 June 2019 Ordinary Council Meeting (OCM). Council considered that the proposed boundary setbacks of the development, the vehicle and pedestrian access arrangements, as well as the hours of operation would adversely impact on the amenity of the locality. On this basis, Council resolved to defer determining the application to allow further time to negotiate an acceptable outcome with the applicant.
- As Council had not determined the application within the 90 day statutory period, the application was deemed to be refused.
- The proponent chose to exercise their right of review, and lodged an application for the State Administrative Tribunal (SAT) to review the 'deemed refusal'.
- The Belmont Residents and Ratepayers Action Group (BRRAG) applied to participate as a third party in mediation at the Tribunal. On this basis, the Tribunal allowed BRRAG to make a submission at the commencement of mediation.
- Further to mediation, the applicant has submitted an amended set of development plans. The amended plans address the concerns raised by Council by:
 - Increasing the setback along the south eastern boundary.
 - Improving pedestrian connectivity to the building through the incorporation of a pedestrian path and pedestrian refuge area along the driveway.
 - Reducing the hours of operation between Sundays to Wednesdays inclusive.
- It is recommended that Council approve the amended proposal subject to conditions.

LOCATION

The subject site is a battleaxe lot located at Lot 801 (49) Hardey Road, Belmont near the intersection of Great Eastern Highway, as shown in Figure 1 below. Lot 801 has a total area of 1,417 square metres.

The Country Comfort Hotel is located along the north western boundary, and the Country Comfort's serviced apartments along the north eastern boundary of the site. The property to the south east is developed with a number of two-storey grouped dwellings.

Item 12.1 Continued

The subject lot previously formed part of the Telstra exchange site. The site was subdivided by Telstra in 2014 and sold to the Muslim Youth Support Centre Western Australia Inc who is the current owner of the site. The property in front of Lot 801 continues to be used for Telstra telecommunications infrastructure purposes.

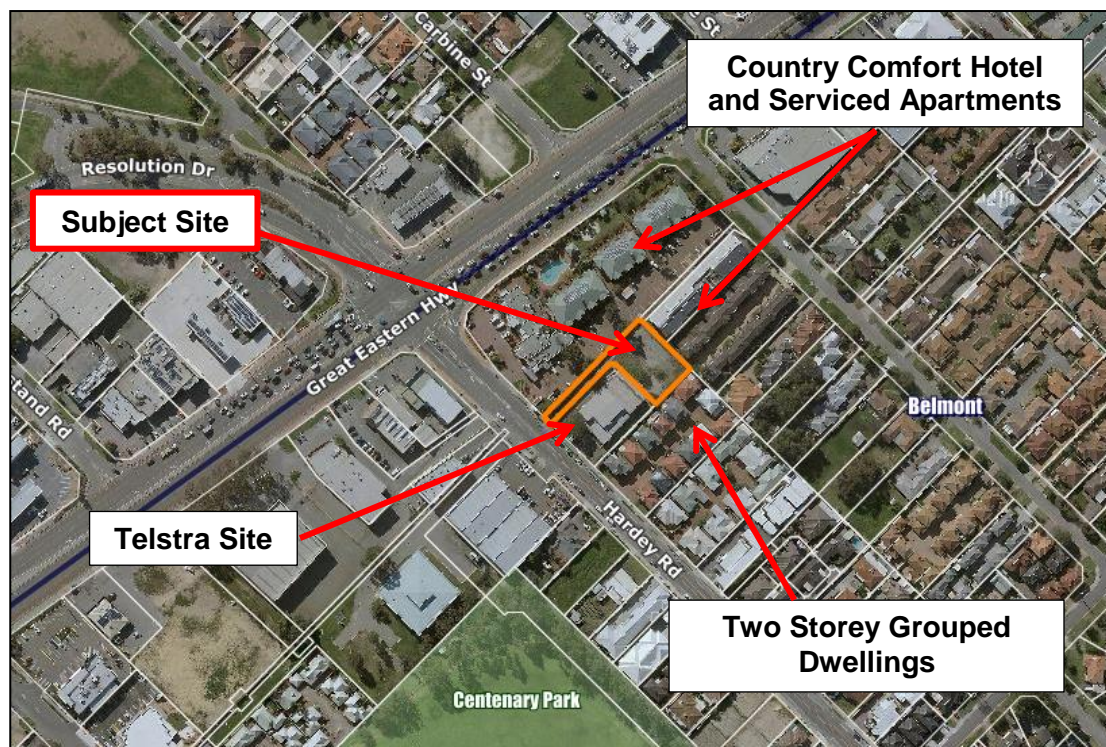


Figure 1: Location of Subject Property

CONSULTATION

The purpose of consultation with the community is to assist in identifying planning concerns that may not be immediately apparent to the decision maker. The development proposal was previously advertised to surrounding landowners and occupiers. In response to concerns raised from advertising, the applicant made significant modifications to the design of the development to address a number of concerns – particularly to aspects relating to building height, overshadowing, noise, and visual privacy. In addition to this, the applicant has made further modifications to address Council’s concerns relating to setbacks, access and hours of operation.

Given previous consultation has already taken into account the community’s concerns, it was not considered necessary to readvertise the proposal.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Achieve a planned City that is safe and meets the needs of the community.

Strategy: Encourage a wide choice and consistent implementation of development approaches.

Key Corporate Action: Implement LPS 15

Item 12.1 Continued

In accordance with the Strategic Community Plan Key Result Area: Social Belmont.

Objective: Develop community capacity and self-reliance.

Strategy: Assist clubs and community groups to be viable and active.

POLICY IMPLICATIONS

State Planning Policy 7.3–Residential Design Codes Volumes 1 and 2

The Residential Design Codes (R-Codes) provide a comprehensive basis for the control of residential development in Western Australia. Given the development's interface with existing residential development, guidance has been taken from the standards contained within the R-Codes.

STATUTORY ENVIRONMENT

State Administrative Tribunal Act 2004

Section 31 of the *State Administrative Tribunal Act 2004* provides for SAT to invite the decision maker to reconsider its decision. In doing so, the decision maker may:

- (a) Affirm its decision; or
- (b) Vary its decision; or
- (c) Set aside its decision and substitute it with a new decision.

Local Planning Scheme No. 15

The majority of the subject property is reserved as a 'Local Scheme Reserve–Public Purposes (Telstra)'. Approximately 215 square metres along the north western boundary is zoned 'Mixed Use' under Local Planning Scheme No. 15 (LPS 15) as shown in Figure 2.

Item 12.1 Continued

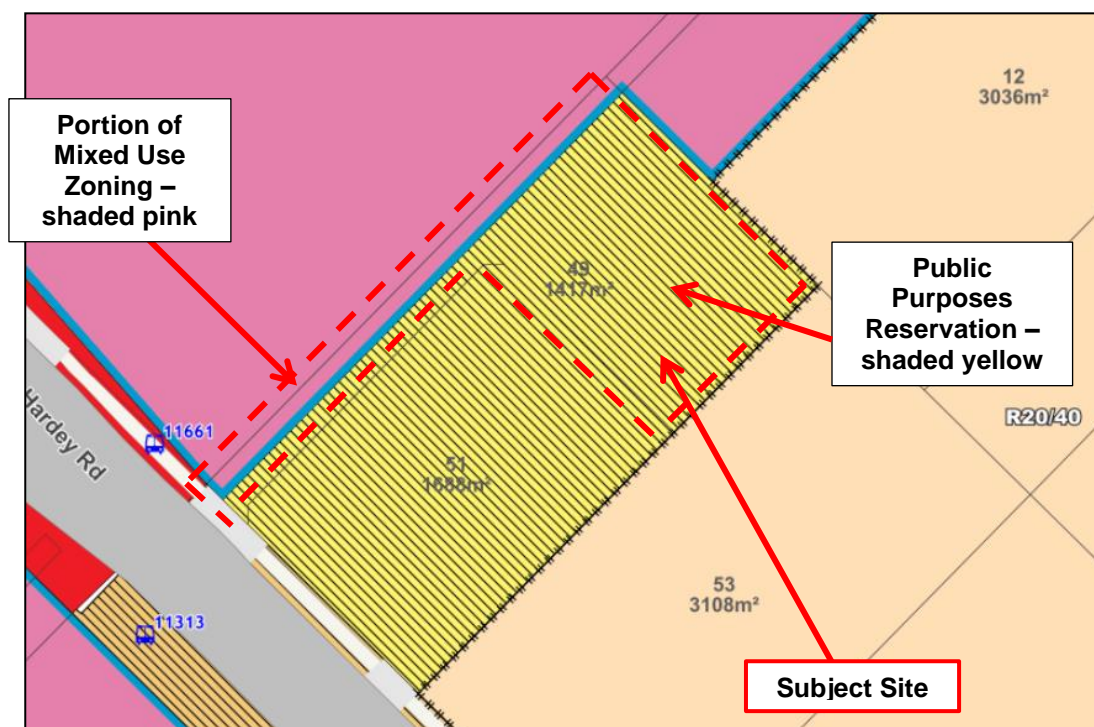


Figure 2: Property Zoning and Reservation

Clause 3.4 of LPS 15 specifies that where development is proposed on a Local Reserve, the Council must have due regard for the ultimate intended purpose of the reserve.

Schedule 1 of LPS 15 defines a 'Community Purpose' land use as:

"means the use of any land or building primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit".

A 'Public Purpose' reserve as referenced in the *Planning and Development Act 2005* is defined as a purpose which serves or is intended to serve the interests of the public or a section of the public and includes a public work.

The proposed 'Community Purpose' land use is consistent with the intent of the 'Public Purpose' reservation and Council may approve the development subject to consideration for the matters listed under Clause 67 of the Deemed Provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states the matters to be considered by local government in determining a development application. The following matters are of particular relevance to this application:

Item 12.1 Continued

- “(j) in the case of land reserved under the Scheme... the objectives for the reserve...”*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality...*
- (n) the amenity of the locality...*
- (o) the likely effect of the development on the natural environment...*
- (s) the adequacy of:*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles”.*
- (t) the amount of traffic likely to be generated by the development particularly in relation to the capacity of the road system...*
- (u) the availability and adequacy for the development of the following –*
 - (i) public transport services;*
 - (ii) public utility services;*
 - (iii) storage, management and collection of waste;*
 - (iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
 - (v) access by older people and people with disability;*
 - (y) any submissions received on the application”.*

Deemed Refusal and Right of Review

At the 25 June 2019 OCM, Council resolved to defer the application to allow time for the applicant to further consider the setbacks, access arrangements and hours of operation of the proposed development. As the application was not determined within the 90 day statutory timeframe, it was ‘deemed to be refused’. On this basis, the applicant lodged an application to review the ‘deemed refusal’ with SAT.

Further to mediation at the Tribunal, the applicant has modified the proposed development plans to address Council’s concerns. The Tribunal has now invited Council to reconsider its decision pursuant to Section 31 of the *State Administrative Tribunal Act 2004*.

If the applicant is aggrieved by the reconsidered decision of Council, they may seek to proceed to a hearing for the Tribunal to determine the application.

Item 12.1 Continued

BACKGROUND

Lodgement Date:	22 March 2018	Use Class:	Use Not Listed (Community Purpose)
Lot Area:	1,417m ²	LPS Zoning and Reservation:	Local Scheme Reserve - Public Purposes (Telstra) and portion Mixed Use on the north western boundary
Estimated Value:	\$650,000	MRS:	Urban

Proposal

The development application proposes a three-storey Community Purpose building. The proposed building is 11 metres in height and encompasses an undercroft parking area with 23 car parking bays (including one disabled bay) plus one minivan bay and 10 bicycle racks (refer [Attachment 1](#)).

The ground floor consists of an entrance lobby, a meeting room, office rooms, and utility and storage areas. The first floor consists of a 467 square metre gymnasium, toilet and change room facilities, a meeting room and storage areas. The mezzanine level consists of a meeting hall with an approximate floor area of 82 square metres.

The proposed Community Purpose Building was previously considered by Council at the 25 June 2019 OCM. At that meeting, Council resolved that it:

1. *Expresses its concerns with the impact of the building proposed in Item 12.1 on nearby residents, specifically in relation to setbacks, access and hours of operation and defers the item until the August OCM to allow time to negotiate further with the applicant on the issues herein; and*
2. *Note its strong support for improving the provision of youth services in Belmont to a diverse range of young people.*

Reason:

To allow more time to negotiate the terms of the application to minimise potential negative impacts on surrounding residents.

Amended Proposal

Further to mediation at the Tribunal, the applicant has modified the development proposal to address the concerns raised by Council. These changes are summarised as follows:

Setbacks

- An increased setback on the first floor, for portions of the wall along the south eastern façade of the building from 2.5 metres to 4.6 metres.

Access

- A 1 metre wide pedestrian and wheelchair accessible footpath from the front boundary of the site to the main entry of the building.

Item 12.1 Continued

- The incorporation of an additional access door from the undercroft parking area to the main entry lobby of the building.

Hours of Operation

- The previous proposal outlined the hours of operation from 8:00am to 9:00pm seven days a week. The applicant now proposes a one hour reduction in the hours of operation between Sundays and Wednesday (from 8:00am to 8:00pm), with the 8:00am to 9:00pm hours of operation from Thursdays to Saturdays to remain unchanged.

The following supporting documents have been updated or amended to reflect the proposed modifications:

- The Waste Management Plan, to reflect the updated development plans ([Attachment 2](#)).
- An amended Traffic Impact Assessment Report which addresses the modified access arrangements ([Attachment 3](#)).
- An amended Centre Management Plan reflecting the modified hours of operation ([Attachment 4](#)).

The Acoustic Report that was submitted with the initial proposal remains unchanged ([Attachment 5](#)).

There are no changes to the proposed activities associated with the development. There are also no alterations to the number of car parking bays or maximum number of persons permitted at the site at any given time.

The modifications result in improvements to the building's interface with neighbouring properties through increased setbacks, as well as to the urban design of the development in the form of improved pedestrian access and connectivity. These matters are further discussed below.

OFFICER COMMENT

Setbacks – South Eastern Boundary

The previous development plans proposed an outdoor storage area to the south east of the subject site. This storage area was setback 2.5 metres from the boundary with the adjoining grouped dwelling development to the south east, and was screened by a 1.8 metre high wall for the full 17.3 metre length as indicated in Figure 3 below. The R-Codes specify that a wall of this height and length with no major openings should be setback at least 1.2 metres from the boundary. Nonetheless, the extent of this wall was considered to add to the perceived bulkiness of the proposed development. On this basis, Council considered that a modification to the building setback was necessary.

Item 12.1 Continued

In lieu of the screened outdoor storage area, the modified development plans propose an enclosed storage area and meeting room (refer to Figure 3 below). This amended design provides an increased setback (marked in 'green', Figure 3 below) for portions of the building along the south east boundary. The modified design satisfies the standards of the R-Codes, and significantly reduces the perceived bulkiness of the development as viewed from the grouped dwellings on the neighbouring 53 Hardey Road.

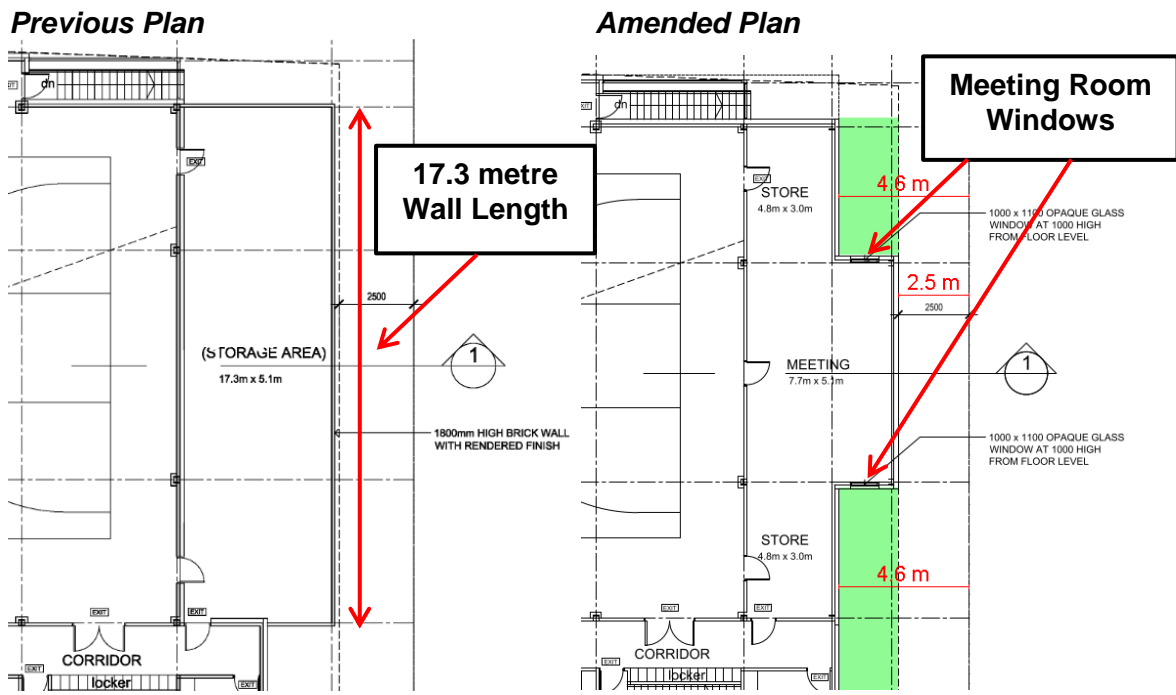


Figure 3: Proposed Changes to Setbacks along South Eastern Façade

Visual Privacy

It is noted that the opaque windows to the proposed meeting room (refer 3 above) are operable awning windows, which can be opened and may result in overlooking to the backyards of the neighbouring grouped dwellings. A condition has therefore been recommended to require these windows to be fixed or limited in operation to prevent overlooking. This will ensure that the visual privacy of the neighbouring dwellings is protected.

Overshadowing

Along with the modified design to increase the boundary setback to the south east façade of the building, the applicant has proposed to enclose the space for the purposes of accommodating a meeting room and storage area. This improves the functionality of that space; it also eliminates the risk of the previously proposed outdoor storage area being used as an informal space for people gathering and conducting activities that may cause a noise nuisance for the neighbours. Notwithstanding this, the roof structure added for the purposes of enclosing the space marginally adds to overshadowing of the adjoining grouped dwelling.

Item 12.1 Continued

The previous design resulted in 13% overshadowing of the neighbouring grouped dwelling lot. Overshadowing will increase to 18% with the roof structure proposed by the modified design. It is noted that up to 35% overshadowing is acceptable under the standards of the R-Codes. The design principles of the R-Codes also states that the orientation of a proposed building should minimise overshadowing onto the solar collectors of neighbouring properties. In this case, the shadow cast at 12 noon on the day of the winter solstice does not impact the solar collectors of the adjoining dwelling. Given this, the marginal increase in overshadowing is considered to be acceptable.

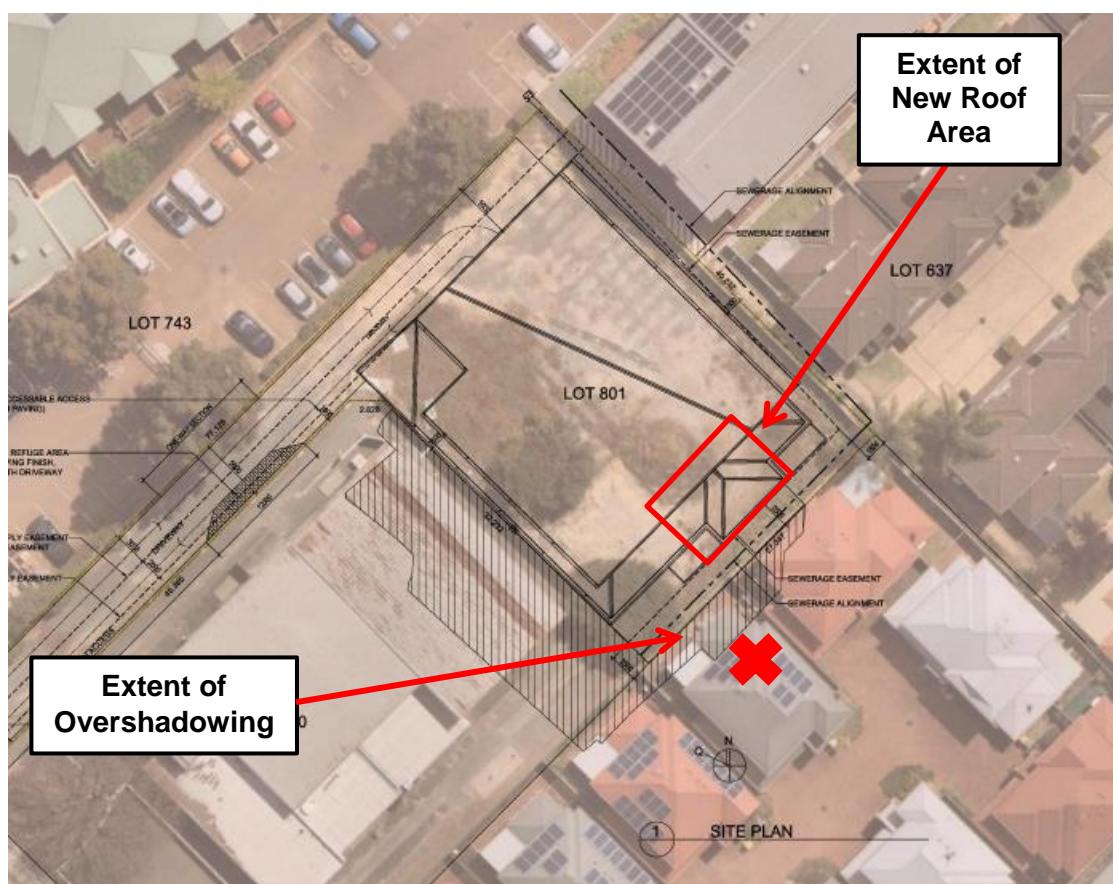


Figure 4: Strata Lot Subject to Overshadowing

Access

Council indicated that the applicant should consider modifications to the development proposal to address concerns over access to the property. In particular, concerns were raised over the adequacy of the 6 metre wide accessway for two-way traffic, the potential conflict between vehicles and pedestrians, and the provision for disability access.

The cadastre boundaries of the property provide a 6 metre width for the full length of the driveway. A 0.2 metre wide barrier kerb on each side of the driveway is desirable for the purposes of directing stormwater runoff, and to create a non-mountable vehicle barrier along the property boundary. This leaves a 5.6 metre wide carriageway for vehicles and pedestrians. The Australian Standards (AS2890.1:2004) specify that a minimum width of 5.5 metres between two kerbs is required for two-way traffic flow. On this basis, the width of the driveway is considered to be appropriate for two-way traffic.

Item 12.1 Continued

Pedestrian Path

To facilitate pedestrian and wheelchair access along the driveway, the applicant has proposed that a 1 metre wide path is delineated as a pedestrian walkway. The width of this walkway is consistent with the requirements of Australian Standard 1428.1–2009 (Design for Access and Mobility) to achieve a continuous accessible path of travel for disabled access. The walkway is also consistent with Part D3.2 (Access to Buildings) of the National Construction Code 2016, Building Code of Australia–Volume One (Amendment One) as it provides a footpath connection between the pedestrian entry of the proposed development to the street boundary.

To delineate the pedestrian path, the applicant has proposed that the walkway is painted in a different colour to the proposed bitumen driveway. This visual delineation indicates to drivers that vehicles should stay clear of the walkway. In effect, this infers that the width of the driveway is reduced to 4.6 metres. In reality, two vehicles passing one another can use the full 5.6 metre width of the sealed carriageway by driving over the delineated pedestrian path if the walkway is not in use by a pedestrian at that point in time. The delineation also indicates that pedestrians have priority over that section of the access way. This means that if a pedestrian is present, it is reasonable to expect that drivers should apply courtesy where one vehicle stops on the delineated pedestrian path to ensure the safety of pedestrians, while allowing the other vehicle to pass. Once the oncoming vehicle has passed, the stationary vehicle may then manoeuvre off the delineated pedestrian path to continue along the driveway.

This arrangement is considered appropriate given the relatively small car park (23 spaces), and that the driveway is a low speed traffic environment.

Pedestrian Refuge Area

Given the length of the driveway, it is considered beneficial for a pedestrian refuge to be provided at an interim point along the driveway. Typically, refuge areas are provided to assist pedestrians in crossing the road, particularly when it is difficult to cross the full width of the road in one stage.

The modified development plan incorporates a pedestrian refuge (refer Figure 5 below). The pedestrian refuge is proposed to be flushed with the level of the driveway, and constructed in a brick paved finish to visually delineate the area. In effect, this refuge area reduces the perceived width of the driveway to further slow vehicles down. It also accentuates the requirement for drivers to stop and allow oncoming vehicles to pass before they proceed to manoeuvre around pedestrians. The flushed level of the refuge ensures that it is accessible for pedestrians and those with disabilities. In the same instance, it allows vehicles to drive over the delineated area if it is not in use by pedestrians.

The location of the proposed refuge is considered to be ideal. It provides sufficient space for vehicle queuing within the lot to reduce the likelihood of vehicle queueing onto Hardey Road.

Item 12.1 Continued

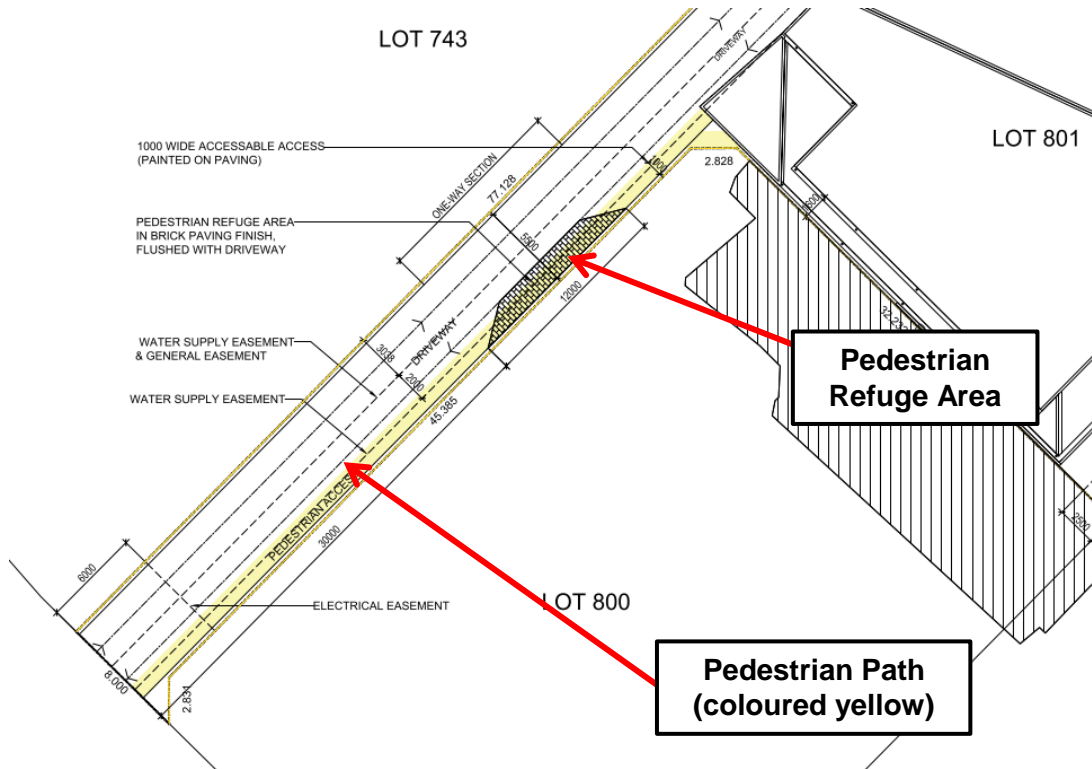


Figure 5: Proposed Pedestrian Footpath and Refuge Area

While the pedestrian refuge area is visually delineated along the driveway, there are no physical or tactile features to further discourage vehicles from traversing the area. It is therefore recommended that 'Pavement Flaps' and 'Raised Reflective Pavement Marker' (RRPM) devices are installed (refer to Figure 6 below for examples).

These are enhanced lane separation devices, with retro-reflective sheeting that is used as an intensified form of visual delineation. Pavement Flaps are collapsible and RRPM devices can be driven over to facilitate two-way vehicular movement if the area is not in use by pedestrians. Nonetheless, these devices act as a physical and tactile barrier to discourage vehicle incursion of the refuge area, and is an additional measure to ensure the safety of pedestrians. On this basis, a condition has been recommended requiring the installation of a combination of these treatments to ensure pedestrian safety is enhanced.



Figure 6: Examples of Pavement Flap and RRPM Devices

Item 12.1 Continued

Lobby Access

The proposal has also been amended to include an additional doorway to the ground floor lobby of the building (refer Figure 7 below). This is an improvement from the previous application as the additional entry point will allow for direct pedestrian access from the car park, which eliminates the need for patrons from the car park to walk along the driveway to access the entry lobby. This change reduces pedestrian and vehicular conflict, and enhances access for pedestrians and people with disability between the car park and the lobby.

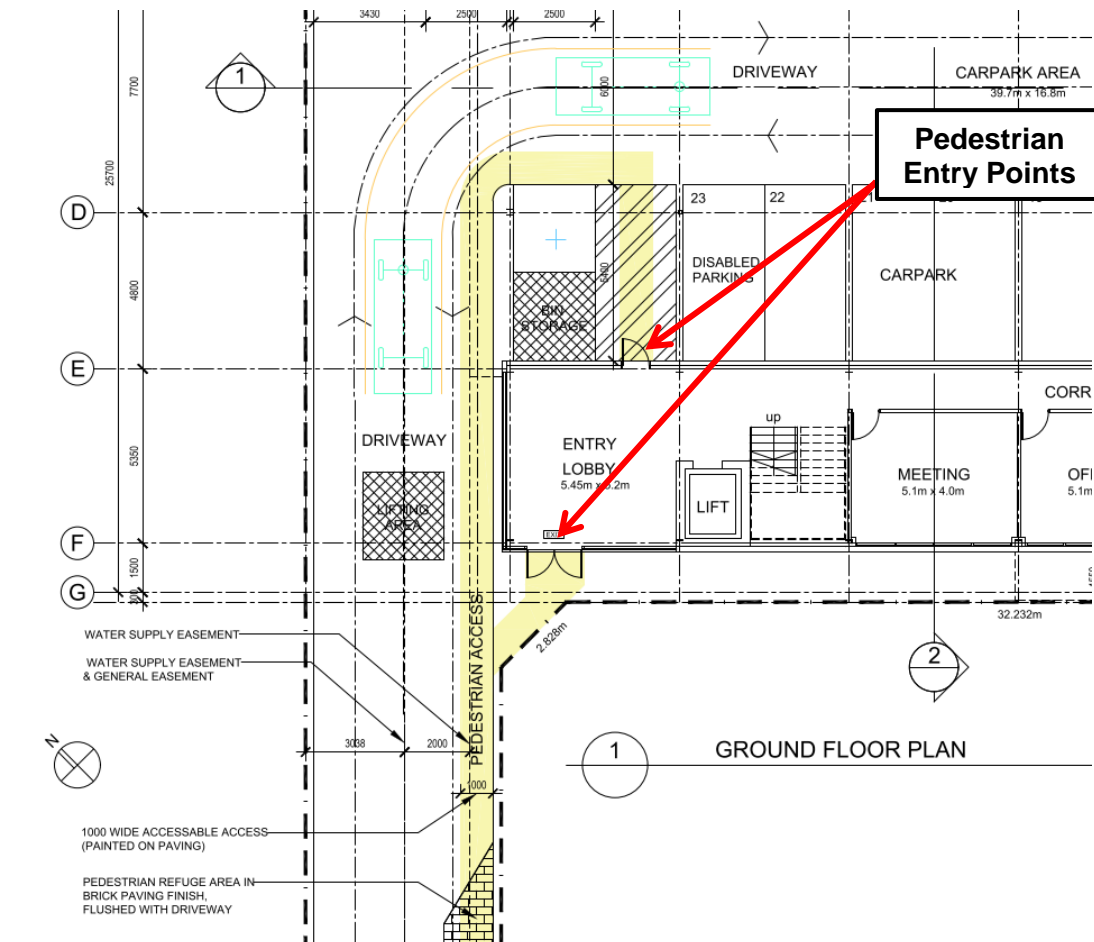


Figure 7: Additional Entry to Main Lobby from Car Park

Hours of Operation

The applicant previously proposed that the facility will operate from 8:00am to 9:00pm, seven days a week. Council expressed concern that the Centre remaining open until 9:00pm may generate noise that would impact on the amenity of neighbouring properties. The applicant has therefore reduced the proposed hours on Sundays to Wednesdays so that the facility operates from 8:00am to 8:00pm. The applicant seeks for the hours on Thursdays to Saturdays to remain between 8:00am to 9:00pm. In any case, it is noted that activities at the property will at all times need to comply with the requirements of the *Environmental Protection (Noise) Regulations 1997*.

Item 12.1 Continued

Noise from Activities in the Car Park

The acoustic report submitted in support of the application does not address noise generated from vehicles and associated activities in the car park. It is considered that a suitably constructed wall along the boundary will assist with noise attenuation. The development plans do not specify the type of fencing proposed along the boundary with the adjoining properties. The existing Colorbond fencing erected along the perimeter of the subject site is in fair condition, and the applicant has indicated that they do not believe that it is necessary to construct masonry walls along the boundary with the adjoining properties for the purposes of noise amelioration.

It is noted that the adjoining grouped dwellings on 53 Hardey Road, as well as the Serviced Apartment units on 47 Hardey Road and 12 Kimberley Street are less than 5 metres from the boundary with the car park. On this basis, it is considered that a masonry wall will reduce noise transmission between the car park and the adjoining noise sensitive properties. A condition of development approval has been recommended to require the applicant to construct a 2.4 metre high masonry wall along the south-east and north-east boundaries abutting the grouped dwellings and serviced apartments respectively.

Possible Contamination on Adjoining Site

It is noted that the site of the adjoining Country Comfort Hotel (47 Hardey Road) was formerly used as a fire station and fire training academy between 1962 and 2000 (refer to Figure 8 below). A memorial pursuant to the *Contaminated Sites Act 2003* is registered on the Certificate of Title of 47 Hardey Road. The memorial classifies the site as 'Possibly Contaminated – investigation required'.



Figure 8: 47 and 49 Hardey Road, Belmont

It is understood that the basis of the 'Possibly Contaminated – investigation required' classification on the adjoining 47 Hardey Road related to the possible release of fire-fighting foam containing Perfluoroalkyl and Polyfluoroalkyl substances (PFAS).

Item 12.1 Continued

Effect of Memorial registered on Adjoining Site

Where a memorial is registered on a property's Certificate of Title, subdivision or development applications must be referred to the Department of Water and Environmental Regulation (DWER). There is no requirement to refer development proposals for adjacent properties such as 49 Hardey Road, which has no memorial registered on the Certificate of Title.

Under the *Contaminated Sites Act 2003*, the person who has or may have caused the contamination is obliged to report the matter to DWER. A landowner is also obliged to report to DWER where they are aware, or have reason to suspect that contamination has occurred. The City is not privy to any details relating to the actual use or release of fire-fighting foam into the environment, or the prevalence or period of activities leading to the possible contamination. On this basis, there is no reason for the City to report the matter to DWER.

It is understood that the Belmont Residents and Ratepayers Action Group (BRRAG) intends to (if they have not already done so) lodge a Form 1 under Section 11 of the *Contaminated Sites Act 2003*, to report their view that 49 Hardey Road may be contaminated. Where DWER has accepted the report and classified the site, they are required to advise the City in writing. As no formal advice has been received from DWER in relation to any Form 1 reports or classification of 49 Hardey Road, there is no reason to change the development assessment procedure. Notwithstanding this, the City's officers have been in contact with DWER. The information from DWER as well as the concerns raised by BRRAG are further considered and discussed below.

It is generally understood that PFAS may be mobilised through the movement of soils and groundwater, and absorbed in humans through contact and ingestion. The nature of the proposed Community Purpose building land use is unlikely to involve activities that mobilises soils and groundwater, causing continual contact or ingestion of PFAS contaminated matter.

Where there is an imminent or clear environmental implication associated with a proposed development, it would be reasonable for a decision maker to require further environmental investigation to ascertain what intervention or management measures are required. It is noted that the 'Possibly Contaminated' classification of the neighbouring 47 Hardey Road does not indicate the extent of possible contamination. It is understood that the Department of Fire and Emergency Services (DFES) are conducting further investigations at prescribed locations in consultation with DWER to address the matter. At this stage, the scope of their investigation does not include the proposed development site at 49 Hardey Road. On this basis, the proximity of the subject property to the former fire station site in itself does not merit the requirement for an environmental investigation for the purposes of considering this development application.

At face value the potential for the development to give rise to environmental or health risks arising from PFAS contamination appears small. Nonetheless, it is understood that the investigation of the adjoining 47 Hardey Road by DFES has progressed significantly, and DWER have advised that based on draft technical data recently submitted, they have concerns that groundwater is not suitable for use. Given this, they are considering classifying 49 Hardey Road as 'Possibly Contaminated – investigation required'. The proposed classification requires consultation with the Department of Health before it can be formalised. DWER have also advised that the DFES report will require review by an auditor before further direction on the matter is established.

Item 12.1 Continued

The proponent of this development application for 49 Hardey Road has no control over the timing of the DFES investigation associated with the adjoining site. There is also no certainty over the outcomes and direction from the DFES investigation. On this basis, it is not reasonable to halt determination of this development application. However, it is reasonable to adopt a precautionary approach, and require the proponent to conduct a site specific environmental investigation prior to the commencement of works for the subject site. The applicant has indicated that they are open to carrying out an environmental investigation to address the matter. It is considered that an incremental approach in this instance is appropriate. This would involve conducting an environmental investigation to first establish whether soil or groundwater at the site contains an elevated level of PFAS. Subject to that finding, restrictions and controls to manage the risk of PFAS on human health may be considered. A condition of development approval to this effect has been recommended.

Stormwater Drainage

A geotechnical investigation is required to certify that the site is capable of accommodating the proposed development. The investigation shall also ascertain suitable means of stormwater disposal for the property. Having regard for this, it is appropriate to apply a condition of development approval requiring that recommendations from the geotechnical report relating to stormwater disposal shall have regard for outcomes and recommendations from the environmental report relating to any presence or management of PFAS.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

The wider environmental concern of possible contamination on the adjoining site has been discussed in the Officer Comment section of this report. Environmental factors associated with the subject development site will be considered through the site specific environmental investigation, which is to be carried out as a condition of development approval.

SOCIAL IMPLICATIONS

The proposed development will provide a place where young people within the community can be engaged and supported. This is consistent with the Social Belmont objective to “*develop community capacity and self-reliance*”.

Item 12.1 Continued

OFFICER RECOMMENDATION

That Council:

A. Approve planning application 113/2018 as detailed in plans dated 7 November 2019 submitted by Dr R Jneid on behalf of the owner Muslim Youth Support Centre Western Australia Inc. for a Community Purpose building at Lot 801 (49) Hardey Road subject to the following conditions:

1. Development/land use shall be in accordance with the attached approved plan(s) dated 7 November 2019 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City's Manager Planning Services.
2. A detailed schedule of external materials, finishes and colours to be used in the construction of the development shall be submitted to the City prior to lodgement of an application for a building permit to the satisfaction of the City's Director Development and Communities, Manager Planning Services, Coordinator Planning or Coordinator Design Projects.
3. A landscaping and irrigation plan for the subject development site is to be prepared and submitted to the City for approval prior to lodgement of a Building Permit application.
4. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City's Manager Parks and Environment.
5. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
 - (a) The approved plan;
 - (b) Schedule 11 of City of Belmont Local Planning Scheme No. 15; and
 - (c) Council's engineering requirements and design guidelines.

The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City's Director Infrastructure Services. All parking bays must be clearly line marked.

6. Prior to occupation of the development, a minimum of 29 bicycle bays, 18 ventilated equipment lockers, and two male and two female showers are to be installed and maintained for the course of the development to the specifications contained within the City's Supplementary Planning Guidelines for End of Trip Facilities, to the satisfaction of the City's TravelSmart Officer.
7. There shall be no more than 92 persons on the site at any given time.
8. The operating times for the Community Purpose Building shall be limited to the hours of 8:00am to 8:00pm Sundays to Wednesdays, and 8:00am to 9:00pm Thursdays to Saturdays.
9. The applicant shall arrange for the preparation and implementation of a construction and traffic management plan in accordance with the requirements of AS 1742 Pt 3 prior to the commencement of site works within

Item 12.1 Continued

the Hardey Road reserve. The Construction and Traffic Management Plan shall be submitted for the approval of the City's Infrastructure Services no later than 14 days prior to the commencement of site works.

10. Provision to be made so that all vehicles (including trucks and commercial vehicles) shall ingress and egress the site in forward gear. No reversing of vehicles to or from the site via a public road is permitted.
11. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
12. Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City's Infrastructure Services (Infrastructure Services Approval Notice), construct a vehicle crossover in accordance with the approved plans and the City's engineering specifications to the satisfaction of the City's Manager Infrastructure Development.
13. Prior to submitting an application for a building permit, the applicant/owner shall submit an Environmental Report to the City for approval. The Environmental Report shall:
 - (a) be prepared by a suitably qualified expert;
 - (b) investigate and report on whether soil or groundwater at the site is subject to Perfluoroalkyl and Polyfluoroalkyl substances (PFAS) contamination;
 - (c) subject to the findings of the investigation, make recommendations for any restrictions and controls relating to PFAS risk that should be put in place during construction and the ongoing use of the development.

The development must be carried out in accordance with any restrictions or controls relating to PFAS risk which are required by the City, having regard for the Environmental Report, upon advice from the Department of Water and Environmental Regulation.

14. A Geotechnical Report shall be prepared by an appropriately qualified consultant. The report must identify suitable means of stormwater disposal for the development, having regard for the possible impact of stormwater disposal on any contamination that may be identified by an Environmental Report for the subject site. The Geotechnical Report must also certify that the ground is capable of accommodating the proposed development, and shall be lodged with the City prior to application for building permit, at the cost of the owner/applicant, to the satisfaction of the City's Manager Infrastructure Development.

Item 12.1 Continued

15. All stormwater from roofed and paved areas shall be collected and disposed of as recommended by the endorsed geotechnical report in accordance with the City of Belmont's engineering requirements and design guidelines.
16. The owner/applicant shall submit a detailed stormwater plan for approval of the Manager Infrastructure Development prior to application for a building permit, showing the proposed drainage system to the standards of the City of Belmont's engineering requirements and design guidelines.
17. The development shall be connected to the reticulated sewerage system.
18. The bin storage area must be paved with an impervious material and must not drain to a stormwater drainage system or to the environment.
19. The staircase located along the north-eastern boundary and the staircase along the south-eastern boundary of the development site as marked in 'RED' on the approved plans, shall be modified to provide screening so to maintain visual privacy to abutting residential properties to the satisfaction of the City's Director Development and Communities, Manager Planning Services, Coordinator Planning or Coordinator Design Projects.
20. *Any lighting installed on the building or car parking areas shall be located and designed in a manner that ensures:*
 - (a) *All illumination is confined within the boundaries of the property; and*
 - (b) *There will not be any nuisance caused to an adjoining residents or the local area*

to the satisfaction of the City's Manager Health and Community Safety.
21. The following noise attenuation measures shall be put in place:
 - (a) The external walls are to be constructed to a standard of $R_w + C_{tr} > 45$. All holes and gaps in external walls are required to be acoustically sealed.
 - (b) A 140 millimetre insulation layer under the colourbond sheets are to be provided.
 - (c) All gaps between ceilings and external walls are to be acoustically sealed.
 - (d) All windows are to be glazed to a standard of $R_w + C_{tr} > 36$. All windows shall be fixed.
 - (e) Gaps between window frames and external walls are to be acoustically sealed.
 - (f) All external doors are to be constructed to standard of $R_w + C_{tr} > 30$ and acoustically sealed around the head, jamb and foot.
 - (g) External doors shall be designed to automatically close.

Item 12.1 Continued

- (h) Engineered noise control measures are to be provided to reduce the noise emissions of the air-conditioning units by 5 dB and are to be installed at the same time as the air-conditioning units.
- (i) Construct a 2.4 metre high masonry wall along the south east boundary that abuts the residential properties of 53 Hardey Road, and the north east boundary that abuts the Serviced Apartments of 47 Hardey Road and 12 Kimberley Street.

So as not to exceed the assigned levels under the *Environmental Protection (Noise) Regulations 1997*. As-constructed drawings documenting the above measures are to be submitted to the satisfaction of the City prior to use of the development.

- 22. The landowner shall implement the approved Waste Management Plan (as well as any subsequently updated and approved versions of the Waste Management Plan) to the satisfaction of the City's Manager Works.
- 23. Prior to use of the development, an updated Centre Management Plan for the site shall be submitted to the satisfaction of the City's Manager Planning Services. The updated Centre Management Plan is to address the following:
 - (a) Provision for 30 minute gaps between programs to ensure there is no conflict between activities or programs and meetings occurring on site.
 - (b) A log book to register the activities and programs on site. The log book shall be made available for inspection by the City upon request.
 - (c) Maintenance of a register of any complaints and issues received. The register shall record details of the time taken to respond to issues and any associated measures undertaken to address them.
 - (d) Information on car parking management measures, including details regarding the allocation of car parking bays for employees, visitors, management and maintenance measures, and the promotion of non-car based travel modes, which encourages the use of such as bicycles and public transport.
 - (e) Deletion of the reference to the outdoor storage area which is no longer proposed by the revised plans.
- 24. The landowner shall implement the approved Centre Management Plan (as well as any subsequent updates and approved versions of the Centre Management Plan) to the satisfaction of the City's Manager Planning Services.
- 25. The Centre Management Plan shall be reviewed within the first six months of operation, to address any relevant issues raised, to the satisfaction of the City's Director Development and Communities, Manager Planning Services, Coordinator Planning or Coordinator Design Projects.

Item 12.1 Continued

26. The north eastern and south western facing windows on the first floor as marked in 'RED' on the approved plans, shall be modified to ensure windows are fixed opaque glass to the satisfaction of the City's Director Development and Communities, Manager Planning Services and Coordinator Planning or Coordinator Design Projects.
27. Prior to the commencement of the use, the landowner/applicant shall clearly delineate a 1 metre wide pedestrian walkway and pedestrian refuge area along the access leg of the subject property through appropriate line markings and surface treatments. The treatments shall include installation of a combination of Pavement Flaps and Raised Reflective Pavement Marker device treatments along the perimeter of the pedestrian refuge area as annotated on the approved plans. The line marking and surface treatments shall be carried out to the satisfaction of the City's Manager Infrastructure Development.

B. Write to those who made a submission advising them of Council's decision.

Note: During debate on the above Item, Cr Davis moved a Procedural Motion under the *Standing Orders Local Law 2017 11.1 (g)* to defer this Item back to an Information Forum.

PROCEDURAL MOTION

DAVIS MOVED, CAYOUN SECONDED

That the Item be deferred back to an Information Forum.

LOST 3 VOTES TO 4

*For: Davis, Cayoun, Bass
Against: Marks, Powell, Wolff
Casting vote by Mayor Against*

9.18pm The Manager Works departed the meeting and did not return.

AMENDED OFFICER RECOMMENDATION

WOLFF MOVED, POWELL SECONDED

That Council:

- A. **Approve planning application 113/2018 as detailed in plans dated 7 November 2019 submitted by Dr R Jneid on behalf of the owner Muslim Youth Support Centre Western Australia Inc. for a Community Purpose building at Lot 801 (49) Hardey Road subject to the following conditions:**
 1. **Development/land use shall be in accordance with the attached approved plan(s) dated 7 November 2019 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City's Manager Planning Services.**

Item 12.1 Continued

2. A detailed schedule of external materials, finishes and colours to be used in the construction of the development shall be submitted to the City prior to lodgement of an application for a building permit to the satisfaction of the City's Director Development and Communities, Manager Planning Services, Coordinator Planning or Coordinator Design Projects.
3. A landscaping and irrigation plan for the subject development site is to be prepared and submitted to the City for approval prior to lodgement of a Building Permit application.
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The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City's Director Infrastructure Services. All parking bays must be clearly line marked.

6. Prior to occupation of the development, a minimum of 29 bicycle bays, 18 ventilated equipment lockers, and two male and two female showers are to be installed and maintained for the course of the development to the specifications contained within the City's Supplementary Planning Guidelines for End of Trip Facilities, to the satisfaction of the City's TravelSmart Officer.
7. There shall be no more than 92 persons on the site at any given time.
8. The operating times for the Community Purpose Building shall be limited to the hours of 8:00am to 8:00pm Sundays to Wednesdays, and 8:00am to 9:00pm Thursdays to Saturdays.
9. The applicant shall arrange for the preparation and implementation of a construction and traffic management plan in accordance with the requirements of AS 1742 Pt 3 prior to the commencement of site works within the Hardey Road reserve. The Construction and Traffic Management Plan shall be submitted for the approval of the City's Infrastructure Services no later than 14 days prior to the commencement of site works.
10. Provision to be made so that all vehicles (including trucks and commercial vehicles) shall ingress and egress the site in forward gear. No reversing of vehicles to or from the site via a public road is permitted.

Item 12.1 Continued

11. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
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 - (c) subject to the findings of the investigation, make recommendations for any restrictions and controls relating to PFAS risk that should be put in place during construction and the ongoing use of the development. The development must be carried out in accordance with any restrictions or controls relating to PFAS risk which are required by the City, having regard for the Environmental Report, upon advice from the Department of Water and Environmental Regulation.
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16. The owner/applicant shall submit a detailed stormwater plan for approval of the Manager Infrastructure Development prior to application for a building permit, showing the proposed drainage system to the standards of the City of Belmont's engineering requirements and design guidelines.
17. The development shall be connected to the reticulated sewerage system.
18. The bin storage area must be paved with an impervious material and must not drain to a stormwater drainage system or to the environment.

Item 12.1 Continued

19. The staircase located along the north-eastern boundary and the staircase along the south-eastern boundary of the development site as marked in 'RED' on the approved plans, shall be modified to provide screening so to maintain visual privacy to abutting residential properties to the satisfaction of the City's Director Development and Communities, Manager Planning Services, Coordinator Planning or Coordinator Design Projects.
20. *Any lighting installed on the building or car parking areas shall be located and designed in a manner that ensures:*
- (a) *All illumination is confined within the boundaries of the property; and*
 - (b) *There will not be any nuisance caused to an adjoining residents or the local area*
- to the satisfaction of the City's Manager Health and Community Safety.*
21. The following noise attenuation measures shall be put in place:
- (a) The external walls are to be constructed to a standard of $R_w + C_{tr} > 45$. All holes and gaps in external walls are required to be acoustically sealed.
 - (b) A 140 millimetre insulation layer under the colourbond sheets are to be provided.
 - (c) All gaps between ceilings and external walls are to be acoustically sealed.
 - (d) All windows are to be glazed to a standard of $R_w + C_{tr} > 36$. All windows shall be fixed.
 - (e) Gaps between window frames and external walls are to be acoustically sealed.
 - (f) All external doors are to be constructed to standard of $R_w + C_{tr} > 30$ and acoustically sealed around the head, jamb and foot.
 - (g) External doors shall be designed to automatically close.
 - (h) Engineered noise control measures are to be provided to reduce the noise emissions of the air-conditioning units by 5 dB and are to be installed at the same time as the air-conditioning units.
 - (i) Construct a 2.4 metre high masonry wall along the south east boundary that abuts the residential properties of 53 Hardey Road, and the north east boundary that abuts the Serviced Apartments of 47 Hardey Road and 12 Kimberley Street.

So as not to exceed the assigned levels under the Environmental Protection (Noise) Regulations 1997. As-constructed drawings documenting the above measures are to be submitted to the satisfaction of the City prior to use of the development.

22. The landowner shall implement the approved Waste Management Plan (as well as any subsequently updated and approved versions of the Waste Management Plan) to the satisfaction of the City's Manager Works.

Item 12.1 Continued

23. **Prior to use of the development, an updated Centre Management Plan for the site shall be submitted to the satisfaction of the City's Manager Planning Services. The updated Centre Management Plan is to address the following:**
 - (a) **Provision for 30 minute gaps between programs to ensure there is no conflict between activities or programs and meetings occurring on site.**
 - (b) **A log book to register the activities and programs on site. The log book shall be made available for inspection by the City upon request.**
 - (c) **Maintenance of a register of any complaints and issues received. The register shall record details of the time taken to respond to issues and any associated measures undertaken to address them.**
 - (d) **Information on car parking management measures, including details regarding the allocation of car parking bays for employees, visitors, management and maintenance measures, and the promotion of non-car based travel modes, which encourages the use of such as bicycles and public transport.**
 - (e) **Deletion of the reference to the outdoor storage area which is no longer proposed by the revised plans.**

24. **The landowner shall implement the approved Centre Management Plan (as well as any subsequent updates and approved versions of the Centre Management Plan) to the satisfaction of the City's Manager Planning Services.**

25. **The Centre Management Plan shall be reviewed within the first six months of operation, to address any relevant issues raised, to the satisfaction of the City's Director Development and Communities, Manager Planning Services, Coordinator Planning or Coordinator Design Projects.**

26. **The north eastern and south western facing windows on the first floor as marked in 'RED' on the approved plans, shall be modified to ensure windows are fixed opaque glass to the satisfaction of the City's Director Development and Communities, Manager Planning Services and Coordinator Planning or Coordinator Design Projects.**

27. **Prior to the commencement of the use, the landowner/applicant shall clearly delineate a 1 metre wide pedestrian walkway and pedestrian refuge area along the access leg of the subject property through appropriate line markings and surface treatments. The treatments shall include installation of a combination of Pavement Flaps and Raised Reflective Pavement Marker device treatments along the perimeter of the pedestrian refuge area as annotated on the approved plans. The line marking and surface treatments shall be carried out to the satisfaction of the City's Manager Infrastructure Development.**

28. **Prior to the commencement of site works, the applicant/owner shall submit a Construction Environmental Management Plan to address the following:**
 - (a) **If dewatering is required during construction – a Dewatering Management Plan, including testing of groundwater for contamination; appropriate treatment and disposal, having regard for occupational health and safety to ensure the safety of workers and environmental receptors.**

Item 12.1 Continued

- (b) Appropriate management of any works on site that disturbs soils to ensure the safety of human and environmental health receptors.**
- (c) Appropriate testing and management of any off-site soil disposal.**
- (d) Any findings of the Environmental Report.**

The applicant/owner shall be responsible for the costs associated with preparation and implementation of the Construction Environmental Management Plan. The preparation and implementation of the plan shall be to the satisfaction of the City upon the advice of the Department of Water and Environmental Regulation.

- B. Write to those who made a submission advising them of Council's decision.**

CARRIED 5 VOTES TO 1

*For: Wolff, Powell, Bass, Cayoun, Marks
Against: Davis*

**12.2 VEHICLE ACCESS PLAN – LOTS 144 AND 145 (133 AND 135) ORRONG ROAD,
RIVERVALE AND LOTS 151 AND 150 (120 AND 122) GLADSTONE ROAD, RIVERVALE**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6 – Item 12.2 refers	Schedule of Submissions
Attachment 7 – Item 12.2 refers	Proposed Vehicle Access Plan

Voting Requirement	:	Simple Majority
Subject Index	:	117/016–Vehicle Access Plan (VAP)
Location / Property Index	:	Lots 144 and 145 (133 and 135) Orrong Road and Lots 151 and 150 (120 and 122) Gladstone Road, Rivervale
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	29 May 2019 Ordinary Council Meeting Item 12.1
Applicant	:	Urbanista Town Planning
Owner	:	M Alsaady, Nicmar Property Pty Ltd, G D Woodhead and I Kale
Responsible Division	:	Development and Communities Division

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To consider the adoption of a Vehicle Access Plan (VAP) for Lots 144 and 145 (133 and 135) Orrong Road and Lots 151 and 150 (120 and 122) Gladstone Road, Rivervale.

Item 12.2 Continued

SUMMARY AND KEY ISSUES

- A proposed VAP for the same lots was previously considered by Council at the 28 May 2019 Ordinary Council Meeting (OCM) (Item 12.1). The purpose of the VAP was to facilitate an application that was submitted to the Western Australian Planning Commission (WAPC) for subdivision of 133 Orrong Road.
- During advertising of the draft VAP, one of the adjoining landowners had objected to the plan. Further to this the consultant acting for the owner of 133 Orrong Road expressed a preference for subdivision to be allowed without a VAP. On this basis, Council did not carry the officer recommendation to adopt the VAP.
- The owner of 133 Orrong Road, Rivervale has subsequently obtained approval from the WAPC to subdivide their property into two strata lots. A condition of this subdivision approval requires that a VAP be prepared and adopted.
- The applicant is therefore now seeking that Council adopts a VAP for 133 and 135 Orrong Road, and 120 and 122 Orrong Road, Rivervale. The proposed VAP is the same as the previous plan considered by Council in May 2019.
- The VAP was readvertised for comment for a period of 22 days. Five submissions were received; three from landowners within the proposed VAP and two from referral agencies. Of the five submissions received, four were in support and one objecting to the proposal.
- Having regarding for the submissions, it is considered appropriate to adopt this VAP as the proposed design provides equitable development opportunities for each of the subject lots.
- It is recommended that the proposed VAP be adopted by Council.

Item 12.2 Continued

LOCATION

The proposed VAP straddles four properties located between Orrong Road and Gladstone Road in Rivervale (see Figure 1 below).



Figure 1: Location of Proposed VAP, lots bordered yellow

CONSULTATION

Category C applications are those that need external referrals from third parties such as the Environmental Protection Authority, WAPC, Swan River Trust, Heritage Council etc. Category C applications may also require statutory advertising, referral to neighbours or consideration by Council.

The proposed VAP was advertised to affected landowners, Main Roads Western Australia (MRWA) and the Department of Planning, Lands and Heritage (DPLH) from 1 November 2019 to 22 November 2019 (total of 22 days).

Of the five submissions received, two were from referral authorities; being MRWA and DPLH. Both confirmed that they remain supportive of the proposed VAP, as it seeks to rationalise access to Orrong Road.

The remaining three submissions were from the landowners within the proposed VAP. Two landowners expressed support for the proposal on the basis that it will enable development above the base code. One landowner objected on the basis that:

- The VAP prevents landowners from developing up to the maximum R60 density.
- No formal agreement being established between landowners for the proposed VAP.
- A lack of flexibility for development options and access arrangements in the future.
- The timeframes and operation of the VAP.

These matters will be addressed in the 'Officer Comment' section of this report.

Item 12.2 Continued

A Schedule of Submissions and associated officer comments is attached ([refer Attachment 6](#)).

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Achieve a planned City that is safe and meets the needs of the community.

Strategy: Encourage a wide choice and consistent implementation of development approaches.

Corporate Key Action: Implement Local Planning Scheme No. 15 (LPS 15).

POLICY IMPLICATIONS

Western Australian Planning Commission Development Control Policy No. 5.1– Regional Roads (Vehicular Access)

Development Control Policy No. 5.1 (DC Policy 5.1) outlines the planning principles to be considered when determining proposals for access to regional roads. Policy Measure No. 3.3 'Development Requirements' 3.3.3 of DC Policy 5.1 states:

“An arrangement whereby adjoining owners enter into cross-easement agreements to provide reciprocal rights of access across adjacent lots may be required as means of rationalising access to the regional road”.

The proposed VAP aligns with Policy Measure 3.3.3 of DC Policy 5.1 as it will allow for reciprocal rights of access for lots and ensures long-term access is taken from Gladstone Road and not Orrong Road.

Local Planning Policy No. 2 – Orrong Road

These properties are located within the Local Planning Policy No. 2 (LPP 2) policy area and are coded R20/60. The LPP 2 policy provisions specify that to develop above the R20 base code within a split coded area, there must be an adopted VAP in place. This enables the redevelopment of what the Policy refers to as 'streetblocks'.

The 'streetblock' in this instance are the four properties included in the VAP. These four properties have been selected as none have redeveloped above the R20 base code.

The provisions of LPP 2 coupled with an adopted VAP will allow these properties to develop above the R20 base code, whilst also meeting the conditions of the approved subdivision for 133 Orrong Road, Rivervale.

Item 12.2 Continued

STATUTORY ENVIRONMENT

Local Planning Scheme No. 15

The subject properties affected by the proposed VAP are zoned 'Residential R20/60' under the City of Belmont LPS 15 (see Figure 2 below).

Orrong Road is classed as an 'Other Regional Road' reserve under the Metropolitan Region Scheme (MRS). Clause 5.7.1 of LPS 15 states:

"Where residential land abuts a regional road reserve, vehicular access to that road shall not be permitted for residential development other than for a single house, unless a vehicular access plan has been approved by the responsible authority".



Figure 2: LPS 15 zoning – Residential R20/60, properties shaded yellow

Both LPS 15 and LPP 2 require that if development is to occur above the base code of R20, an adopted VAP must be in place.

Deemed Refusal

Applicants do not have deemed refusal rights as a VAP only sets out future strategic access. The adoption of the proposed VAP is not an application for development approval requiring a quasi-judicial decision of Council.

Right of Review

Is there a right of review? Yes No

Item 12.2 Continued

BACKGROUND

Lodgement Date:	Not applicable	Use Class:	Not applicable
Lot Area:	133 Orrong: 822m ² 135 Orrong: 822m ² 120 Gladstone: 814m ² 122 Gladstone: 814m ² Total Lot Area: 3272m ²	LPS Zoning:	Residential R20/60
Estimated Value:	Not applicable	MRS:	Urban

Purpose of a Vehicle Access Plan

A VAP provides alternative access to properties that abut a regional road reserve. A VAP allows strategic and coordinated planning of 'streetblocks' to occur and reduces the impact of vehicular access onto regional roads.

Development or subdivision of the subject lots are subject to the requirements of LPP 2. The policy requires that a VAP depicting the proposed vehicle access arrangements for a 'streetblock' must be adopted before subdivision or development above the R20 base density code can be supported.

In early 2019, the owner of 133 Orrong Road sought approval to subdivide their property above the R20 base density code. A draft VAP for the subject lots was therefore developed in April 2019 to facilitate the subdivision. The draft VAP was advertised to the landowners of each property for comment in April 2019. One formal objection was received from the owner of 122 Gladstone Road during this advertising period.

An item for this draft VAP was presented for Council to consider at the 28 May 2019 OCM. The draft VAP was intended to facilitate the orderly subdivision of 133 Orrong Road in a manner that is consistent with the requirements of the local planning framework. Notwithstanding this, the consultant acting for the owner of 133 Orrong Road indicated that they considered the requirement for the subdivision to align with an adopted VAP to be onerous, and that their preference was that the subdivision proceeds without a VAP.

Given the apparent lack of desire by the proponent's consultant to progress the draft VAP and the objection of an adjoining landowner, Council resolved not to adopt a VAP for that streetblock.

Since then, the WAPC approved a two lot subdivision at 133 Orrong Road, Rivervale subject to several conditions including the following:

- "2. Prior to endorsement of a diagram or plan of survey (deposited plan) for the creation of the lots proposed by this application, a Vehicular Access Plan shall be prepared by the applicant/landowner, and approved by the City of Belmont consistent with Clause 5.7.1 of the City of Belmont's Local Planning Scheme No. 15."*

The landowner of 133 Orrong Road is now seeking for Council to adopt a VAP that is identical in design to the draft VAP that was considered at the 28 May 2019 OCM. A copy of the proposed VAP is provided in [Attachment 7](#).

Item 12.2 Continued

Existing Development

All four properties are developed as single houses, with the exception of 135 Orrong Road which has a single house and an ancillary dwelling. At present, all properties take vehicular access via a single crossover to their respective street frontage.

No property has been developed above the R20 base code, with the exception of 133 Orrong Road, which has conditional approval for a two lot subdivision.

Proposal

The proposed VAP does not differ in size or layout from the proposal previously considered by Council. The proposed VAP relates to the same properties, with only minor modifications to wording on the proposed plan.

The proposed VAP designates that access for all four properties is only to be taken from Gladstone Road. The ultimate access scenario proposed by the VAP will only occur if all properties redevelop above the R20 base code. Key features of the VAP include:

- A 6 metre wide easement for the shared vehicle access among the properties.
- A 2 metre by 2 metre truncation at the entry point of the VAP accessway from Gladstone Road.
- A 10 metre setback from the Orrong Road boundary to the termination point of the accessway. No direct vehicle access is proposed from Orrong Road to the subject lots.
- The length and layout of the easement being subject to final subdivision or development design (once all properties have redeveloped).

While a number of design options has been explored, the preferred design (Option 1) has been configured having regard for existing services and infrastructure within the road reserve, street trees and the layout of the approved subdivision at 133 Orrong Road, Rivervale. This preferred VAP design is appended as [Attachment 7](#). An extract of this draft VAP document is reflected in Figure 3 below.

Item 12.2 Continued

Option 1 (Preferred Design): Proposed Vehicle Access Plan

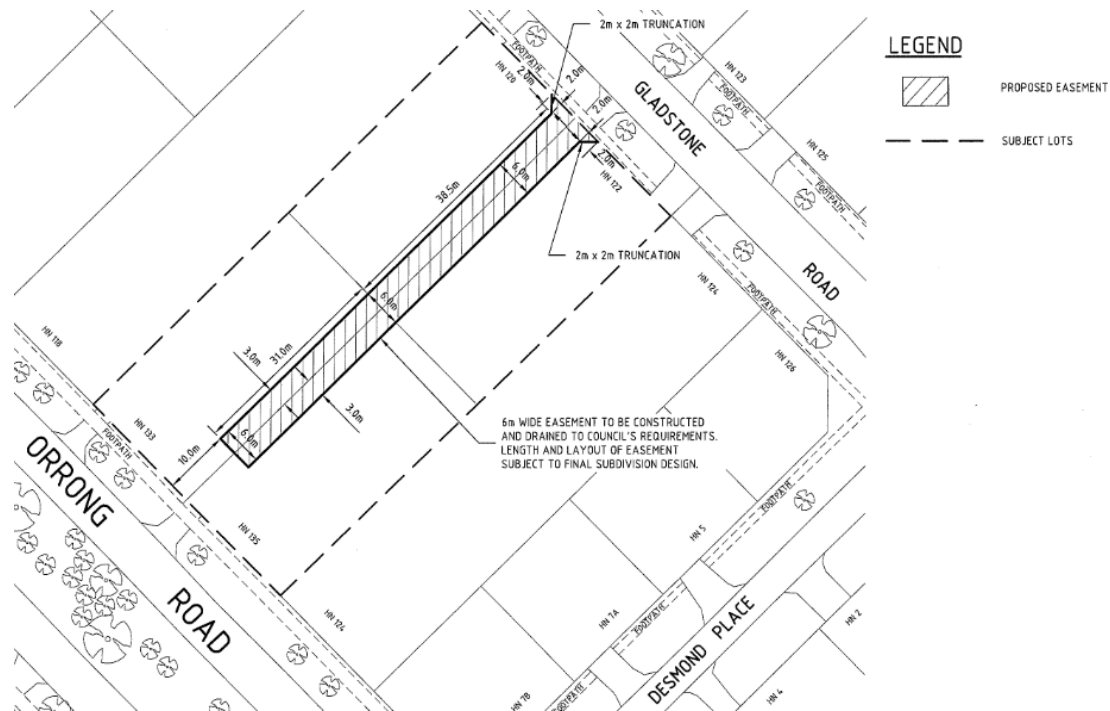


Figure 3: Proposed Vehicle Access Plan

OFFICER COMMENT

Layout of the Vehicle Access Plan

The properties on either side of the four subject lots have already been developed above the R20 base code, with all access occurring via Gladstone Road. The adjoining properties do not rely on Orrong Road for vehicle access. It is therefore not necessary for these neighbouring lots to form part of this VAP, and the VAP can be developed specifically for the four subject lots. Figure 4 below reflects the four lots subject to this VAP in context with the adjoining properties and their access from Gladstone Road.

Item 12.2 Continued

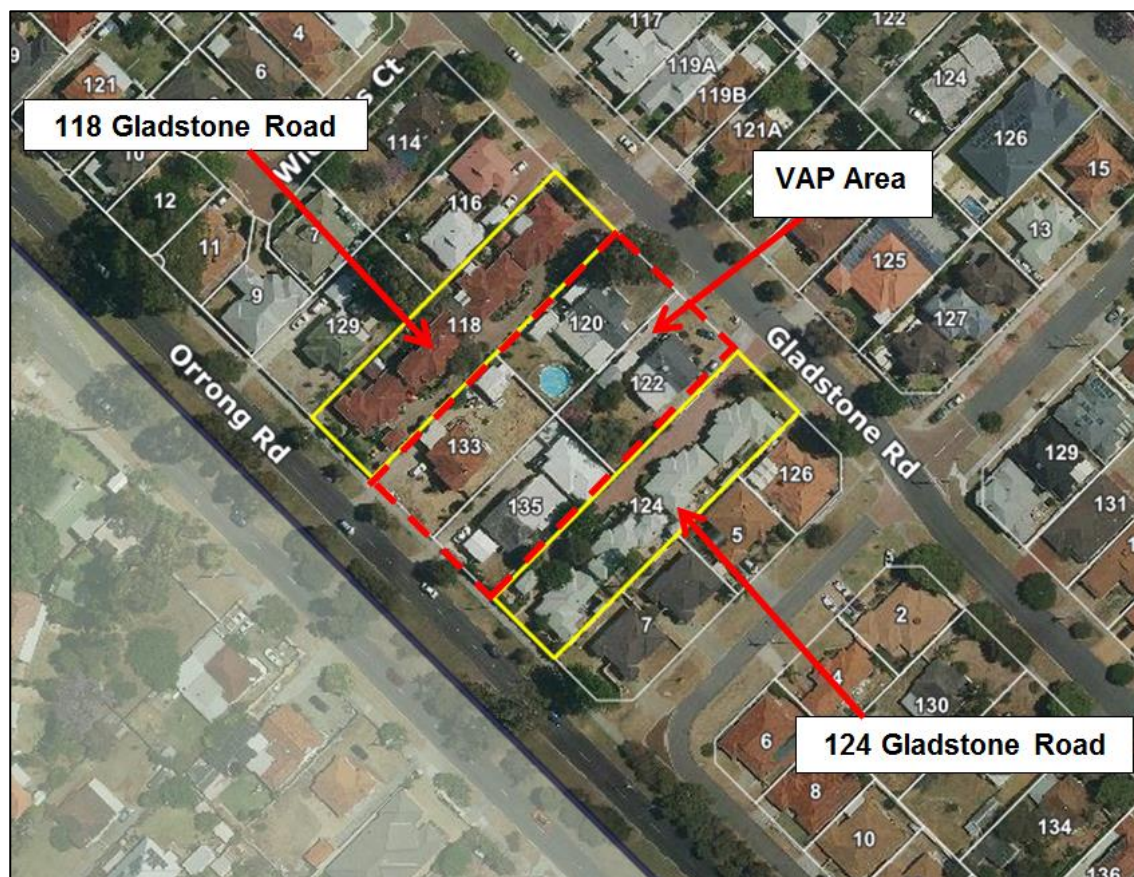


Figure 4: Neighbouring Property Development

As each of the four subject lots is owned by a different landowner, the central location of the proposed access leg within the VAP distributes the access in the most equitable manner. This means the access leg is proportionally shared among the landowners. Typically if a single lot were to redevelop, a 4 metre wide access leg would be required. In this scenario, the VAP only requires that each property provide a 3 metre wide area to contribute to the access leg.

The adoption of a VAP does not prescribe a timeframe in which redevelopment must occur. It also does not compel any of the landowners to redevelop their property once it is adopted. If any of the landowners wish to develop a single house (at the R20 base code), they may do so without the need to implement the VAP. However, if they wish to develop above the R20 base code, the adopted VAP will enable them to do so in a manner that coordinates vehicle access from Gladstone Road among the four properties.

Operation of the Vehicle Access Plan

The owner of 133 Orrong Road has obtained subdivision approval. A condition of this approval requires a VAP be adopted by Council. As the other properties within the VAP have not redeveloped, temporary access from Orrong Road would be granted as an interim measure for this property until such a time when the other three properties have redeveloped.

Should both properties on Gladstone Road not develop (i.e. only 133 and 135 Orrong Road develop), the objective to coordinate strategic access and reduce the impact onto the regional road will still be achieved. This is because instead of each property on Orrong Road having a crossover to service each lot (i.e. two crossovers onto Orrong Road); one crossover will be shared between the two properties through the temporary access arrangement. Figure 5 below depicts how the interim access will occur.

Item 12.2 Continued

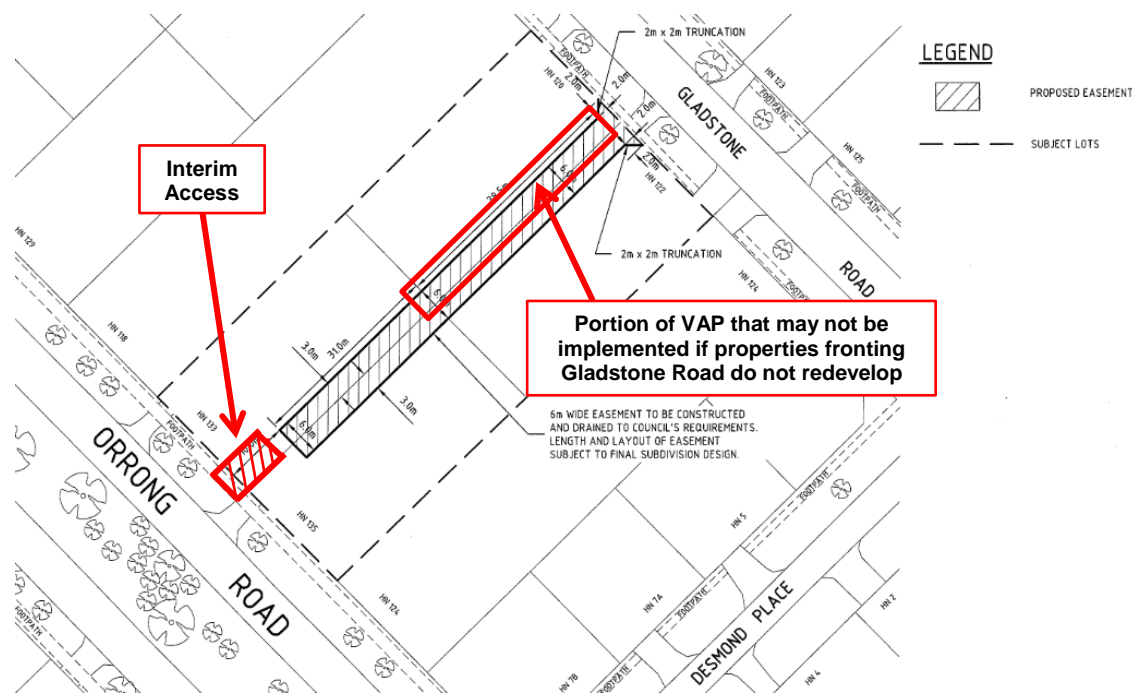


Figure 5: Example of Interim Access Arrangement

Matters Raised in Submissions

R60 Development Potential

A concern raised when the VAP was previously advertised is that the VAP would place a limitation on landowners being able to develop at the maximum density of R60.

Local Planning Policy No. 2 requires that in order to develop at the R50 or R60 density, a minimum lot size of 2,000 square metres is required. This would mean that at least three properties within this VAP need to be amalgamated to achieve the minimum lot size.

The VAP does not prevent any of the properties from being amalgamated to facilitate development at the higher density.

It is considered appropriate to adopt the VAP on the basis that alternative development scenarios can still occur.

Alternative Design Options

A concern raised during advertising was that the proposed VAP lacks flexibility for alternative access options.

An alternative access arrangement may be possible subject to the design demonstrating the following:

- Rationalising vehicle access to eliminate crossovers to Orrong Road.
- Providing access to all four properties.
- Each property contributing an equitable portion of land to the VAP.

Item 12.2 Continued

Although alternative access arrangements may be possible, the proposed design of the VAP is considered the most efficient and equitable for all four landowners at this point. There is flexibility to consider modifications subject to future subdivision or development design.

Figures 6 and 7 below demonstrate alternative access scenarios which are not efficient.

Option 2: Alternative Vehicle Access Plan

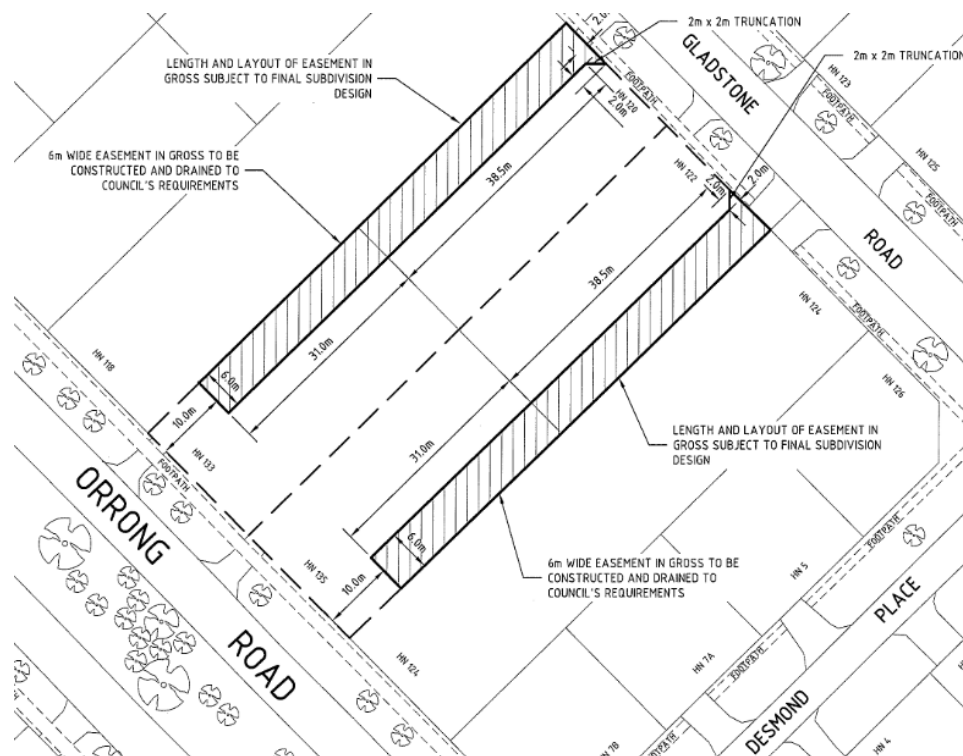


Figure 6: Alternative Access Design

- Two crossovers onto Gladstone Road are required, as opposed to one.
- Each landowner is required to provide a 6 metre wide driveway instead of 3 metres.
- The driveway traversing 120 Gladstone road may conflict with an existing street tree located in the verge at the front of the property.
- The location of each proposed driveway is close to two existing driveways on either side of 120 and 122 Gladstone Road. This may impact on the amenity of the streetscape with two large driveways fronting onto Gladstone Road, as opposed to one.

Item 12.2 Continued

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

The proposed VAP aligns with the City's Urban Forest Strategy. The strategy identifies that through LPS 15 and Local Planning Policies, the retention of verge trees can be achieved through the consolidation of crossovers. The proposed VAP rationalises vehicle crossovers by consolidating access to these properties.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- A. Adopt the Vehicle Access Plan ([Attachment 7](#)) for Lots 144 and 145 Orrong Road and Lots 150 and 151 Gladstone Road, Rivervale.**
- B. Forward a copy of the adopted Vehicle Access Plan to the Department of Planning, Lands and Heritage and Main Roads Western Australia.**
- C. Directs the Chief Executive Officer to write to all landowners/occupiers of properties associated with the adopted Vehicle Access Plan to inform them of Council's decision.**

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.3 DRAFT REDCLIFFE STATION ACTIVITY CENTRE PLAN (DEVELOPMENT AREA 6)

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 8 – Item 12.3 refers	Draft Redcliffe Station Activity Centre Plan
Attachment 9 – Item 12.3 refers	Summary of Draft Redcliffe Station Activity Plan
Attachment 10 – Item 12.3 refers	Traffic Impact Assessment

Voting Requirement	:	Simple Majority
Subject Index	:	116/112–Development Area 6–Structure Plan
Location / Property Index	:	Various Lots
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	Various
Responsible Division	:	Development and Communities Division

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

For Council to consider the draft Redcliffe Station Precinct (Development Area 6) Activity Centre Plan (ACP), ([Attachment 8](#)) for the purpose of undertaking preliminary public consultation.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

The draft Redcliffe Station ACP seeks to coordinate the future subdivision, zoning and development of the Development Area 6 (DA 6) precinct. It has been prepared in accordance with Council's adopted DA 6 Vision Plan, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*) and various State Planning Policies. In doing so, it addresses:

- The proposed zoning, reservation and density-coding of land within the area, and prescribes the suitability of land uses.
- Built form controls including minimum site area requirements, plot ratio, minimum and maximum building height, street setbacks and car parking requirements.
- The provision of public open space (POS) and public realm improvements.
- The identification of a road hierarchy and movement network for vehicles, pedestrians and cyclists, as well as the consideration of street design and traffic management and safety measures.
- Strategies for the management and treatment of stormwater runoff within the precinct.
- The identification of infrastructure and servicing requirements required for the redevelopment of the precinct.
- Infrastructure funding and delivery measures, including consideration of staging and implementation.

The draft ACP proposes that a Development Contribution Plan (DCP) be endorsed as a statutory mechanism that is administered by the City of Belmont and provides for the sharing of common infrastructure delivery costs amongst landowners. It also identifies infrastructure items which should be funded and delivered by the State Government.

Given the complexities associated with the draft ACP, it is considered important that the community and key stakeholders are afforded as much opportunity as possible to provide feedback. Due to the limitations of the statutory process outlined in the *Regulations*, it is recommended that Council adopts the approach of undertaking preliminary consultation of the draft ACP.

LOCATION

The draft Redcliffe Station ACP relates to the DA 6 precinct, which encompasses land bound by Great Eastern Highway, Coolgardie Avenue, Redcliffe Road, Perth Airport and Tonkin Highway, Redcliffe (refer to Figure 1).

Item 12.3 Continued

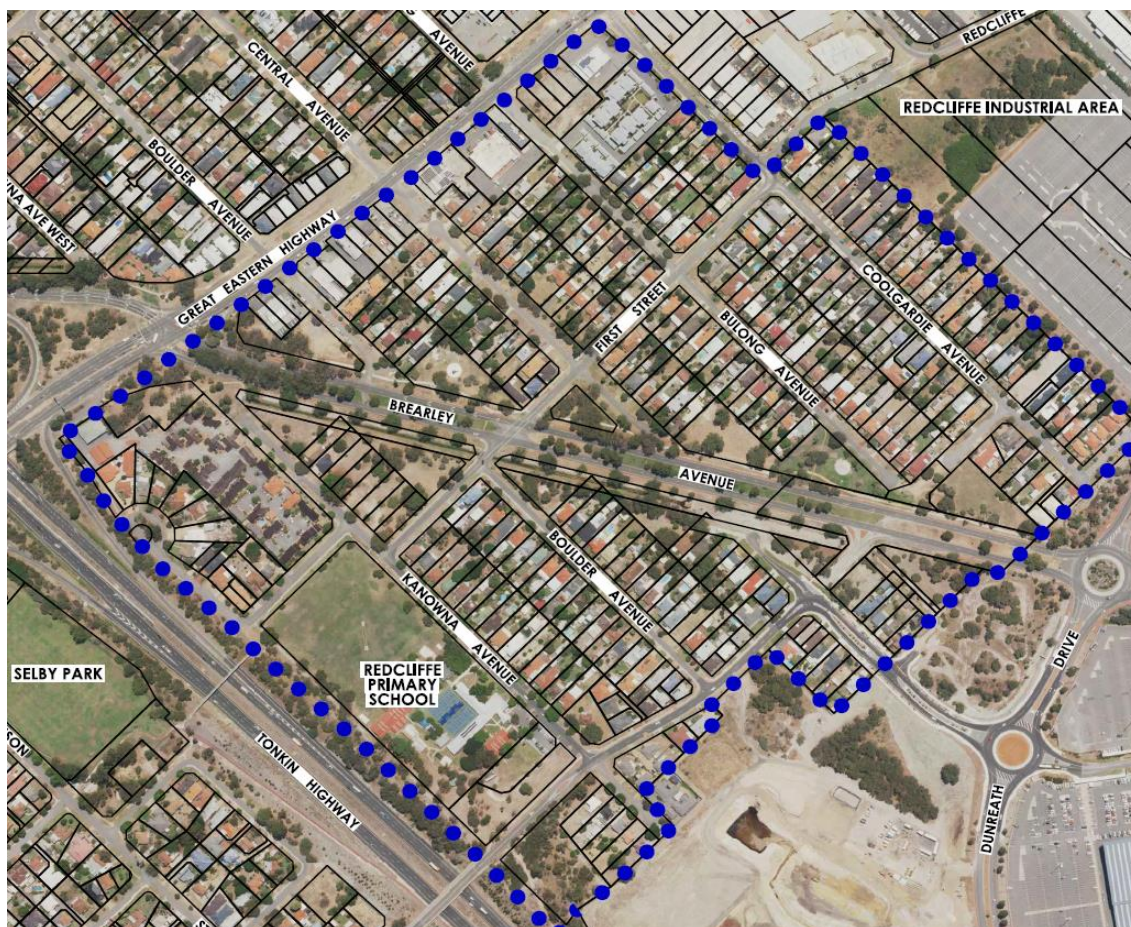


Figure 1: Redcliffe Station Activity Centre Plan Area

CONSULTATION

The draft Redcliffe Station ACP has been prepared on the basis of the DA 6 Vision Plan and Implementation Strategy which was formulated through extensive community engagement, including:

- **Community Visioning Workshops (May 2013):** Two community visioning workshops were held to provide a forum for stakeholders and the local community to express their expectations and desires for the future redevelopment of DA 6.
- **Community Information Forum (July 2013):** A community information forum was held to present a draft vision that was formulated from the feedback received in the visioning workshops. The information forum involved exercises that allowed participants to discuss and provide feedback on the draft vision.
- **Formal Advertising #1 (September–October 2013):** The draft vision was formally advertised for public comment which included sending 403 letters to landowners, occupiers and relevant stakeholders.
- **Community Open Day (March 2015):** The City facilitated a community open day to discuss the draft DA 6 vision with the community. This open day provided an opportunity for attendees to complete feedback forms to provide input on the planning and development within the area.

Item 12.3 Continued

- **Community Reference Group (January–May 2015):** A Community Reference Group was established and a series of meetings were held to discuss and obtain feedback on various elements of the draft vision plan.
- **Community Open Days (November 2015):** Two community open days were held to allow the community to review the DA 6 vision and provide feedback on key elements relating to land uses, movement, built form and the public realm.
- **Formal Advertising #2 (November–December 2015):** A revised vision was formally advertised for public comment which included sending 747 letters to landowners and occupiers within the precinct and surrounding area.

It should be noted that the ‘gap’ in engagement between 2013 and 2015 represents the period between when the Vision was adopted in December 2013 and the State Government’s announcement in August 2014 that it would proceed with the Forrestfield Airport Link. As such, it was necessary for the City to review the adopted Vision Plan and seek further additional community feedback in 2015.

The formulation of the draft ACP involved substantial technical input from several agencies and experts which was undertaken as follows:

- **Project Working Group (August 2016–Present):** A Project Working Group was formed to guide and review the preparation of the planning framework for the precinct. It included representatives from the City of Belmont, the Department of Planning, Lands and Heritage (DPLH) (including Metronet), Main Roads Western Australia (MRWA), Water Corporation, Public Transport Authority (PTA), Landcorp, Perth Airport Pty Ltd, Department of Communities and the Department of Water and Environmental Regulation (DWER).
- **Metronet Workshop (August 2017):** A two-day workshop was held with the Project Working Group and representatives from Metronet, the Office of the Government Architect and the Australian Urban Design Research Centre. The purpose of this workshop was to review the adopted Vision Plan and identify any further opportunities and constraints not previously apparent or available.
- **Developer Reference Group (June 2018–February 2019):** A Developer Reference Group was established to gain expert advice on market considerations. This assisted in the preparation of the draft planning framework.

This report seeks Council’s determination on whether the draft ACP is acceptable for the purposes of public consultation. The progression of the draft ACP to advertising provides an opportunity to seek feedback from the community on key elements and consult with the relevant State Government agencies on the proposed infrastructure funding and delivery strategy, amongst other technical matters.

Formal advertising is required under Part 5 of the Deemed Provision in order to progress an ACP to final determination by the Western Australian Planning Commission (WAPC). When a local government has formally accepted a draft ACP for advertising, it is required to be progressed in accordance with the statutory requirements of the Deemed Provisions, including:

Item 12.3 Continued

- The duration of advertising being no less than 14 days and no greater than 28 days, unless otherwise approved by the WAPC.
- An opportunity to readvertise any modifications proposed to an ACP can only be undertaken once, unless otherwise approved by the WAPC.
- The City being required to prepare a report of recommendation to the WAPC within 60 days of the conclusion of the advertising period.

Given the complexities associated with the draft ACP, it is considered that pre-consultation should occur first, outside of the formal statutory process. This would allow for a longer advertising period and multiple opportunities for further modifications and refinements to the ACP, prior to it being formally progressed to the WAPC. It is therefore recommended that Council adopt the following approach to consultation:

- Advertising the draft ACP for a period of 45 days;
- Sending letters directly to owners and occupiers within and surrounding the DA 6 precinct.
- Sending letters to relevant agencies and stakeholders, including the Department of Education and Perth Airport Pty Ltd.
- Setting up an information booth in the precinct area on two weekends during the advertising period.
- The preparation of a brochure that provides key details of the draft ACP.
- Providing information on the City's website.
- Publishing an advert in the Southern Gazette advising of community consultation.
- Advertising on the City's Facebook page.
- Providing a copy of the draft ACP at the City's office.

It is considered that the above methods will lead to informed feedback from the community and key stakeholders to allow the formalisation of the draft ACP. Following advertising, the City will review submissions and report back to Council with a recommendation on how to progress the draft ACP.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Natural Belmont.

Objective: Protect and enhance our natural environment.

Strategy: Develop quality Public Open Space (POS) in accordance with community needs.

Item 12.3 Continued

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Achieve a planned City that is safe and meets the needs of the community.

Strategy: Encourage a wide choice and consistent implementation of development approaches.

Objective: Provide a safe, efficient and well maintained transport network.

Strategy: Encourage a broad range of transport alternatives and provide adequate management of traffic density, parking, congestion and safety of the transport network, in and surrounding the City of Belmont.

In accordance with the Strategic Community Plan Key Result Area: Business Excellence.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

Objective: Maximise organisational effectiveness and reputation as an organisation, employer and a community.

Strategy: Ensure effective communication and consultation with the community and other stakeholders.

POLICY IMPLICATIONS

Local Planning Policy No. 14 – Development Area 6 Vision

Local Planning Policy No 14 (LPP 14) was adopted by Council on 23 February 2016 and provides a statutory basis for implementing the DA 6 Vision Plan, and includes the requirement for any Structure Plan to have regard to the Vision Plan. In summary, the Vision Plan for DA 6 provides:

- The identification of the future Redcliffe Train Station in the eastern portion of the precinct;
- The redevelopment of the existing residential neighbourhood, with a mix of three, six, eight and 13 storey buildings, with higher intensity mixed use development being focussed around Redcliffe Train Station and properties fronting Great Eastern Highway.
- Modifications to the internal road networks, including:
 - The closure of Brearley Avenue;
 - Connecting Bulong Avenue and Second Street, on the northern side of the train station;
 - Connecting Central Avenue across the former Brearley Avenue road reserve;
 - Connecting Boulder Avenue and Kanowna Avenue East across the former Brearley Avenue road reserve.

Item 12.3 Continued

- The creation of a linear POS area spanning between Great Eastern Highway and the future Redcliffe Station, with the existing Southern Main Drain being redeveloped into a living stream.

An extract of the DA 6 Vision Plan is provided below (Figure 2).

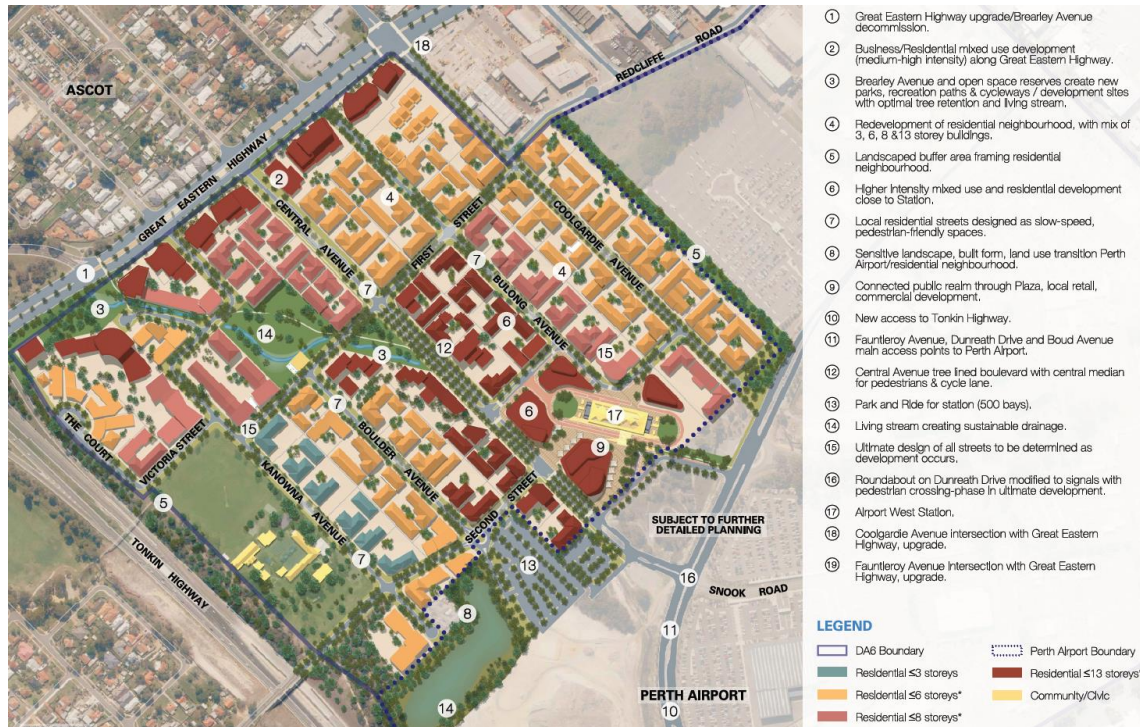


Figure 2: Development Area 6 Vision Plan

STATUTORY ENVIRONMENT

Strategic Planning Framework

Perth and Peel @ 3.5 Million

The State strategic framework documented under the WAPC 'Perth and Peel @ 3.5 million' guides the planning direction of the City. It recognises that a 'business-as-usual' approach to planning will not adequately accommodate Perth's growth, and is likely to result in significant detriment to the liveability of the Perth metropolitan area. It is also likely to put strain on finances, resources and the environment. There is a directive from the State Government to plan areas in such a way that would:

Item 12.3 Continued

- Promote a more energy efficient and consolidated urban form.
- Reduce the overall need to travel.
- Support the use of public transport, cycling and walking for access to services, facilities and employment.

It is widely accepted that higher residential densities and mixed use developments within walkable catchments of activity centres and high frequency transit nodes has the potential to reduce car dependence, increase accessibility for those without access to private cars, and therefore reduce road congestion and infrastructure demand. It also provides for housing diversity and opportunities for more affordable living within vibrant areas that are well connected with services, employment and public transport.

Perth and Peel @ 3.5 million identifies the DA 6 precinct as forming part of the wider Perth Airport activity centre. Activity centres are intended as hubs that attract people for a variety of activities and would mainly consist of a concentration of commercial uses with a varying proposition of other uses such as residential, or in the case of Perth Airport, aviation services. Ultimately, the residential area surrounding the future Redcliffe Station should be planned to accommodate transit-oriented development and made an attractive place to live and work.

Draft Great Eastern Highway Urban Corridor Strategy

The Great Eastern Highway Urban Corridor Strategy is a draft planning document that establishes a 'vision' for the Great Eastern Highway corridor and proposes a series of implementation strategies to ensure that the vision is realised. The Strategy will be implemented through Scheme provisions, structure planning and local planning policies.

The Strategy identifies four precincts along Great Eastern Highway and aims to provide area-specific guidance on their future growth and development in accordance with the urban design framework. Precinct 4 of the Strategy includes the section of Great Eastern Highway between Tonkin Highway and Ivy Street, of which the southern side falls within the DA 6 precinct. The key recommendations of the Strategy that are relevant to planning the DA 6 precinct are as follows:

- The establishment of the Coolgardie Avenue Activity Node focussed around the Coolgardie Avenue/Great Eastern Highway intersection that will form a community focal point along the Corridor.
- An 'urban plaza' has been identified at the Coolgardie Avenue Activity Node which is intended to be integrated with the future built form upon redevelopment of the site.
- The former Brearley Avenue road reserve will be transformed into a larger green space and provide a connection to the Redcliffe Train Station.
- Access to properties fronting Great Eastern Highway is to be provided from a secondary street and parking is provided behind buildings.
- Two pedestrian overpasses are identified between Coolgardie Avenue and Tonkin Highway to facilitate pedestrian access from the residential area on the northern side of Great Eastern Highway to the future Redcliffe Train Station.

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It should be noted that the Great Eastern Highway Urban Corridor Strategy remains in draft form and may be revised in light of any amendments to the draft ACP, prior to being formally adopted by Council. Notwithstanding, the draft ACP is generally consistent with the draft Strategy.

Statutory Planning Framework

Planning Control Area 116 – Airport West Station

A portion of the DA 6 precinct is subject to Planning Control Area 116 (PCA) which was declared pursuant to Section 112 of the *Planning and Development Act 2005* in August 2015 (refer to Figure 3). The purpose of the PCA is to protect land associated with the future Redcliffe Train Station. In doing so, any development within the PCA requires approval from the WAPC. The PCA will remain valid until August 2020, unless otherwise revoked at an earlier date or extended by the Minister for Planning.

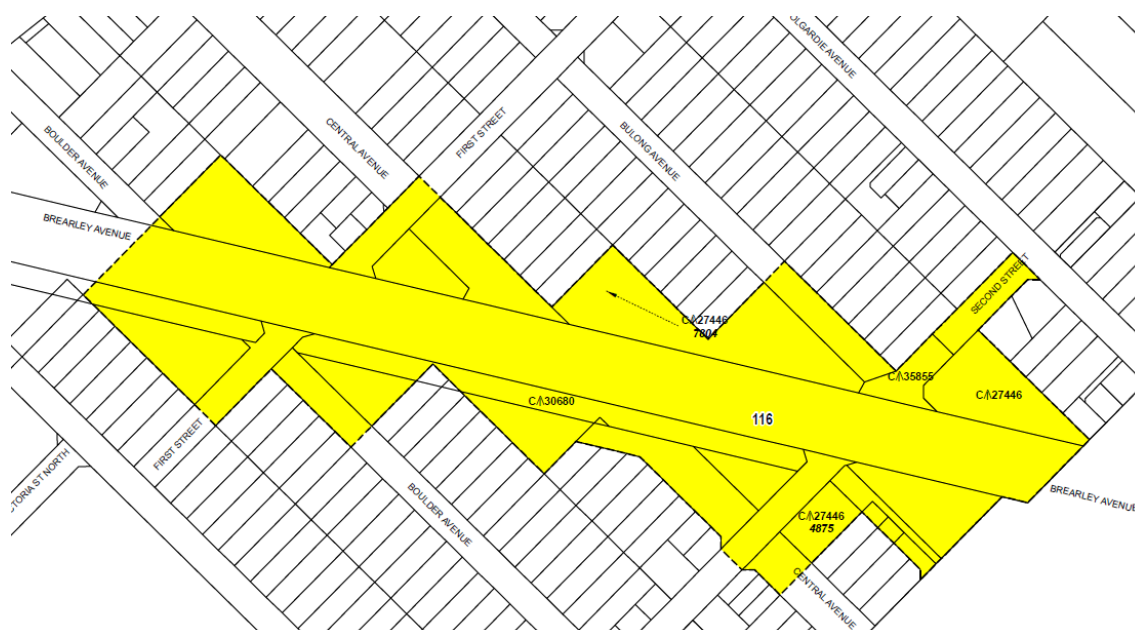


Figure 3: Planning Control Area 116 – Airport West Station

Metropolitan Region Scheme

The DA 6 precinct is predominantly zoned 'Urban' under the Metropolitan Region Scheme (MRS). Portions of the precinct are reserved for 'Primary Regional Roads' (PRR) under the MRS in association with existing, proposed or former road alignments of Great Eastern Highway and Tonkin Highway, which abut the precinct area. The MRS should be amended to reclassify the PRR reservation over these portions of land to 'Urban' as detailed below:

- A portion of land located in the north-west of the precinct associated with the former Brearley Avenue and Great Eastern Highway intersection which is no longer required for road purposes.

Item 12.3 Continued

- Land adjacent to Tonkin Highway and Stanton Road in the south of the precinct that was previously set aside for expansion works to Tonkin Highway and Perth Airport. This land is no longer required for these purposes and has since been on-sold to the Department of Communities. The WAPC recently advertised MRS Amendment 1355/57 to reclassify this land to 'Urban' under the MRS.
- A strip of land in the south-west of the precinct adjacent to Tonkin Highway, between Great Eastern Highway and Stanton Road. This land does not appear to be utilised or required for the purposes of a PRR, and therefore should be investigated for other purposes.

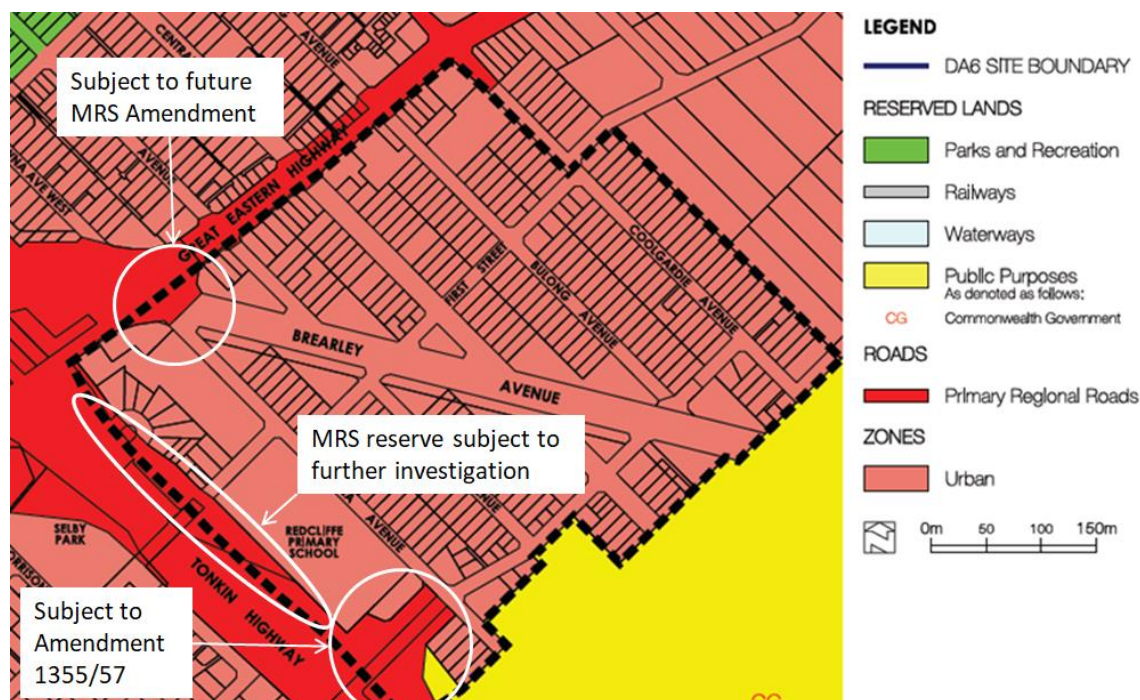


Figure 4: Metropolitan Region Scheme Map

Local Planning Scheme No. 15

Local Planning Scheme No. 15 (LPS 15) predominantly zones private land within the precinct 'Residential', with properties near Great Eastern Highway being zoned 'Mixed Use'. There is one land parcel within the precinct zoned 'Service Station'. The precinct also comprises several areas of POS adjacent to the former Brearley Avenue road reserve, which are reserved for 'Parks and Recreation' under LPS 15. The existing Redcliffe Primary School is reserved 'Public Purpose–Primary School' under LPS 15.

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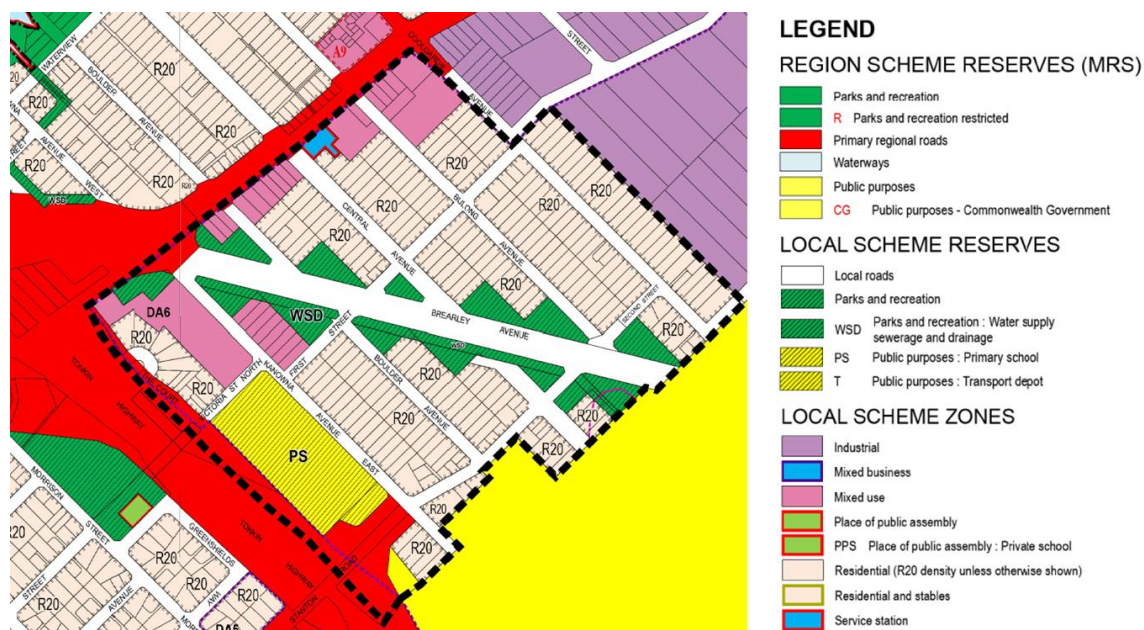


Figure 5: Local Planning Scheme No. 15 Scheme Map

Part 6 and Schedule 14 of LPS 15 identifies several 'Special Control Areas', referred to as 'Development Areas', which require a structure plan to be prepared over an area prior to any subdivision or development being undertaken. The DA 6 precinct is one area identified by LPS 15 as requiring a structure plan in order to coordinate future subdivision, development and zoning of the precinct.

Planning and Development (Local Planning Schemes) Regulations 2015

Activity Centre Plan Requirement

In accordance with the *Regulations*–Schedule 2–Deemed Provision, there are two statutory planning instruments available that can guide the zoning and structural elements in the planning and development of land: a Structure Plan and an ACP. An ACP is effectively the same as a Structure Plan, except that it can also encompass built form requirements and is specifically applied to activity centres.

Clauses 15 and 31 of the Deemed Provisions stipulate instances where a Structure Plan and an ACP can be prepared. It is important to note that in the case of an ACP, Clause 31 does not provide for a local planning scheme to require an ACP, and rather it has to be designated by the WAPC or specifically required by a State Planning Policy. Given that the DA 6 precinct is intended to be developed as an activity centre, it was considered that an ACP would be the most appropriate planning instrument to provide for the orderly and proper planning of the area. As such, in accordance with Clause 31(b) of the Deemed Provisions, the WAPC formally declared on 28 May 2019 that the DA 6 precinct requires an ACP to ensure that future subdivision, zoning and development takes place in a coordinated manner.

Activity Centre Plan Consultation Process

Part 5 of the Deemed Provisions outlines the procedure for the preparation and advertising of an ACP, with the key requirements being:

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- The local government must advertise an ACP within 28 days of the ACP being accepted for assessment and advertising.
- The timeframes for advertising an ACP shall be at least 14 days but not more than 28 days, unless otherwise approved by the WAPC.
- A structure plan must be advertised in one or more of the following ways:
 - By giving notice of the proposed ACP to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the structure plan;
 - By publishing a notice of the proposed ACP in a newspaper circulating the district;
 - By publishing a notice of the proposed ACP on the local government website; and/or
 - By erecting a sign or signs in a conspicuous place on the land the subject of the proposed ACP.
- The local government must make the proposed ACP and material accompanying it available for public inspection during business hours at the office of the local government during the advertising period.
- Following the conclusion of the advertising period, the local government must consider all submissions made on the proposed ACP.
- The local government may readvertise any modifications proposed to the structure plan to address issues raised in submissions however, modifications to the ACP cannot be advertised on more than one occasion without approval from the WAPC.
- The local government must prepare a report to the WAPC within 60 days from the last day for making submissions which includes the following:
 - A list of the submissions considered by the local government;
 - Any comments by the local government in respect of those submissions;
 - A schedule of any proposed modifications to address issues raised in the submissions;
 - The local government's assessment of the proposal based on appropriate planning principles; and
 - A recommendation by the local government on whether the proposed ACP should be approved by the WAPC.
- On receipt of a report on a proposed ACP from the local government, the WAPC must within 120 days consider the plan and determine whether to approve the ACP, require the ACP to be modified, or refuse the Structure Plan.

Item 12.3 Continued

- The WAPC may direct the local government to readvertise the ACP where it considers that major modifications have been made however; it cannot direct the local government to readvertise the ACP on more than one occasion.

Scheme Amendment Requirements

The formal progression of the draft ACP, including modifying the zoning and reservation of land and establishing a DCP, will require amendments to the City's LPS 15. Section 75 of the *Planning and Development Act 2005* provides for an amendment to be made to a local planning scheme, with the procedures for undertaking an amendment being set out in Part 5 of the *Regulations*.

State Policies

State Planning Policy 3.6 – Development Contributions for Infrastructure

State Planning Policy 3.6 (SPP 3.6) sets out the principles and considerations that apply to development contributions for the provision of infrastructure in new and established urban areas, as well as the form, content and process to be followed. It identifies DCPs as statutory instrument established under a planning scheme that provides for the sharing of infrastructure delivery costs amongst landowners.

A DCP operates by requiring landowners to make a financial contribution towards infrastructure when undertaking subdivision and/or development, with the funds collected being expended in accordance with an adopted staging plan. The guiding principles for the preparation and administration of DCPs are as follows:

- **Need and Nexus:** The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
- **Transparency:** Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.
- **Equity:** Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.
- **Certainty:** All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.
- **Efficiency:** Development contributions should be justified on a whole of life capital cost basis, consistent with maintaining financial discipline on service providers by precluding over-recovery of costs.
- **Consistency:** Development contributions should be applied uniformly across a development contribution area, and the methodology for applying contributions should be consistent.

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- **Right of Consultation and Review:** Landowners and developers have the right to be consulted on the matter in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe that the calculation of the contributions is not reasonable.
- **Accountable:** There must be accountability in the manner in which development contributions are determined and expended.

It should be noted that the provisions provided in SPP 3.6 are established under Clause 6.3 of LPS 15.

State Planning Policy 3.7 – Planning in Bushfire Prone Areas

The southern portion of the DA 6 precinct is designated as ‘bushfire prone’ due to its proximity to bushfire prone vegetation located within the Tonkin Highway reservation and Perth Airport (refer to Figure 6). State Planning Policy 3.7 requires that any strategic planning proposal containing bushfire prone areas should be accompanied by a Bushfire Management Plan (BMP) to ensure that the threat posed by any hazard is appropriately mitigated in accordance with the WAPC’s Bushfire Protection Guidelines.



Figure 6: Development Area 6 Bushfire Prone Area

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State Planning Policy 4.2 – Activity Centres for Perth and Peel

State Planning Policy 4.2 (SPP 4.2) sets out the principles and design criteria for the planning and development of activity centres. It is concerned with the distribution, function, land use and urban design of activity centres and their integration with public transport. It also seeks to provide an even distribution of jobs, services and amenities throughout the Perth and Peel region, and in doing so establishes an activity centre hierarchy that categorises activity centres based on their function and characteristics.

In accordance with the activity centre hierarchy, Perth Airport is identified as a 'Specialised Centre' and is intended to accommodate land uses that complement the aviation and logistics services offered by the airport. The area immediately surrounding the future Redcliffe Train Station is proposed to function as a new 'Neighbourhood Centre' by providing local conveniences for residents.

In accordance with SPP 4.2, the establishment of new activity centres should be identified by an adopted local planning strategy and supported by an analysis of the 'retail needs' of a precinct and the wider community. In this regard, the DA 6 precinct is not currently identified as an 'activity centre' under the City's Local Planning Strategy as it predates the requirements of SPP 4.2. Notwithstanding, the City is currently undertaking a review of the City's activity centre hierarchy, including identifying new activity centres such as DA 6, through the preparation of an Activity Centres Planning Strategy.

State Planning Policy 5.4 – Road and Rail Noise

The DA 6 precinct is bounded by Tonkin Highway and Great Eastern Highway and is therefore subject to transport noise and the requirements of State Planning Policy 5.4 are applicable. State Planning Policy 5.4 aims to protect major transport corridors from incompatible urban encroachment and protect people from unreasonable levels of transport noise by establishing a standardised set of criteria to be used in the assessment of proposals. Figure 7 below illustrates the areas of the DA 6 precinct which are potentially affected by transport noise.

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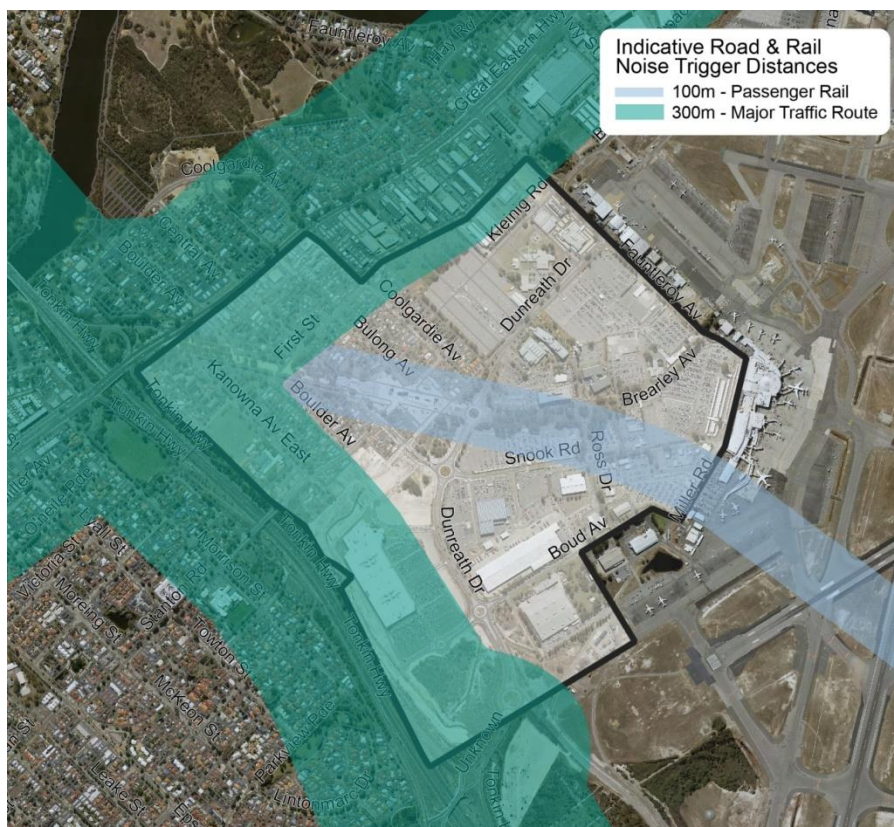


Figure 7: Areas affected by Transport Noise

State Planning Policy 7.3 – Residential Design Codes

State Planning Policy 7.3 establishes built form controls for all residential development within Western Australia (WA). It is premised on the allocation of residential densities that correlate to specific built form requirements under Volume 1 or Volume 2 of the Residential Design Codes (R-Codes). Volume 1 of the R-Codes establishes standards for single houses and grouped dwellings, as well as multiple dwellings at densities up to R30. Volume 2 of the R-Codes specifically relates to multiple dwelling developments, including mixed use development, at the R40 density and above.

Liveable Neighbourhoods

Liveable Neighbourhoods is an operational policy that guides planning in greenfield and large urban infill areas. It provides guidance on the design of movement networks, activity centres, subdivision design and POS provision.

BACKGROUND

Development Area 6 Precinct

Description and Context

The DA 6 precinct is located in the suburb of Redcliffe and comprises approximately 49 hectares of land bound by Great Eastern Highway to the north-west, Coogardie Avenue to the north-east, Perth Airport to the north-east and south-east, and Tonkin Highway to the south-west. The area is located approximately 350-400 metres south-east of Garvey Park and the Swan River, and is located adjacent to Selby Park (west), and the Redcliffe Industrial Area (east).

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The DA 6 precinct has long been characterised by the dissection of Brearley Avenue, which served as the main access point to the Perth Airport domestic terminal until its closure in October 2018. Redcliffe Train Station is currently being constructed as part of the State Government's Forrestfield Airport Link project. It is located in the south-eastern end of the Brearley Avenue reserve, adjacent to the Perth Airport estate. The Southern Main Drain, an open-channel regional drain that carries water from Kalamunda to the Swan River, is located adjacent to the Brearley Avenue road reserve between Kanowna Avenue East and Central Avenue. There are also various 'pocket parks' located adjacent to the Brearley Avenue road reserve that contain significant mature trees and serve both a drainage and recreational function.

Figure 8 below shows the location of DA 6 in relation to the surrounding area.



Figure 8: Development Area 6 Surrounding Context

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The area is predominantly residential in nature, except for a mix of commercial uses located along Great Eastern Highway. Redcliffe Primary School is located in the south-western portion of the precinct, adjacent to Tonkin Highway. Lot sizes within the area range from 209 square metres to 15,970 square metres, with most properties being approximately 800 square metres and 1,000 square metres in area (refer to Figure 9). Landownership within the area is highly fragmented. Of the 288 lots in the precinct, only 55 of the lots are two or more adjoining properties owned by the same person/entity. The existing housing stock within the precinct is characterised predominantly by older 1950s/1960s dwellings, although there are instances where properties have been subdivided and developed with newer housing.

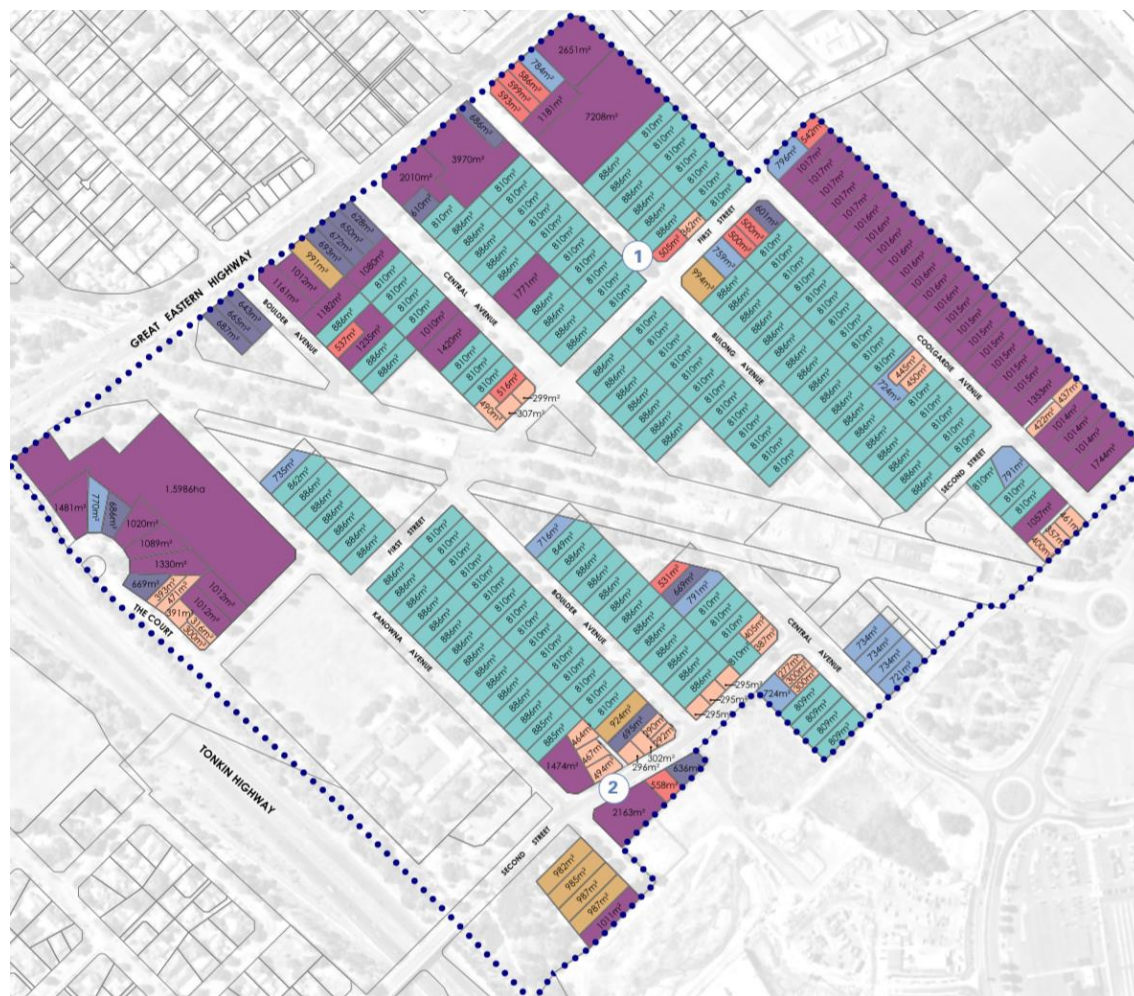


Figure 9: Existing Development Pattern

Planning Framework

Since the adoption of the Vision Plan in 2016, the City engaged planning consultants Taylor Burrell Barnett (TBB) to prepare the planning framework for DA 6. The components of the planning framework are described below:

- *Improvement Plan*: A planning instrument used to facilitate the development of land in areas requiring special State-led planning.
- *Improvement Scheme*: A special local planning scheme that applies to areas subject to an Improvement Plan which overrides any applicable local planning scheme.

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- *Activity Centre Plan:* A planning instrument that is similar to a structure plan in that it provides for the coordination of future subdivision, zoning and development of an area, but it relates specifically to planning in an identified 'activity centre.'
- *Design Guidelines:* A document that will outline specific development and built form criteria for the area.
- *Development Contribution Plan:* A statutory cost sharing mechanism that provides the sharing of common infrastructure costs amongst landowners.

The subject report is seeking Council's consideration of the draft ACP and DCP component of the planning framework. The preference for development of the area to be implemented through an Improvement Scheme is discussed in the Officer Comment section of this report. It should be noted that the Design Guidelines are still under preparation and will be informed by the progression of the draft ACP.

An outline of the key elements of the draft ACP follows.

Draft Redcliffe Station Activity Centre Plan

The draft Redcliffe Station ACP has been prepared to coordinate future redevelopment of the DA 6 precinct. More specifically, it addresses:

- The proposed zoning, reservation and density coding of land within the precinct, and prescribes the suitability of certain land uses.
- Built form controls premised on precinct areas, including minimum site area requirements, plot ratio, minimum and maximum building height, street setbacks and car parking requirements.
- The provision of POS and public realm improvements.
- The identification of a road hierarchy and movement network for vehicles, pedestrians and cyclists, as well as the consideration of street design and traffic management and safety measures.
- Strategies for the management and treatment of stormwater runoff within the precinct.
- The identification of infrastructure and servicing requirements required for the redevelopment of the precinct.
- Infrastructure funding and delivery measures, including consideration of staging and implementation.

A copy of the draft ACP is provided as [Attachment 8](#). A summary of the key elements of the draft ACP is provided in [Attachment 9](#).

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OFFICER COMMENT

The DA 6 precinct is recognised as an area with significant redevelopment potential due to its low development density and ageing housing stock, as well as its strategic location adjacent to Perth Airport. In addition to this, the new Redcliffe Train Station is currently under construction as part of the Forrestfield Airport Link and the State Government's wider Metronet program. This provides an opportunity to comprehensively plan a transit-orientated precinct.

Notwithstanding the opportunities, there are significant challenges associated with achieving a coordinated planning outcome in DA 6, particularly due to the existing fragmentation of landownership within the precinct. Redevelopment of the area also requires significant investment in infrastructure that is necessary to encourage and support new development. This requires extensive collaboration between developers, State Government agencies and the City of Belmont.

The draft Redcliffe Station ACP will provide a framework to achieve coordinated planning and development within the DA 6 precinct. It has been prepared on the basis that it will provide for the long-term transformation of the area in accordance with Council's adopted Vision Plan. To provide for the funding and delivery of infrastructure in the precinct, a DCP is proposed as a mechanism for sharing the cost of common infrastructure amongst landowners within the precinct.

The key matters for Council's consideration on the draft ACP are discussed below.

Precinct Areas

The draft ACP proposes the establishment of five precinct areas based on their intended character and function, key attributes and urban design vision. Each precinct area has specific controls for density, building height and setbacks. A summary of these precinct areas and their intended purpose is outlined by Table 1 below.

Precinct Area	Description	Purpose
Centre Precinct	This precinct encompasses land immediately surrounding the future Redcliffe Train Station.	This precinct is intended to provide for more intensive activity and built form around the core that is the train station. It will be zoned to allow for both commercial and residential development, with built form achieving a minimum and maximum height of 4 and 13 storeys respectively.
Centre Transition Precinct	This precinct represents land between the Centre and Residential Core precincts.	This precinct is intended to provide a transition in built form intensity between the Centre and Residential core precincts. The precinct will be purely residential in nature, with built form ranging in height from 3 to 8 storeys.
Residential Core Precinct	This precinct is intended to be the core residential area within DA 6.	This precinct will form the core residential area within DA 6. Built form will range in height from 2 to 6 storeys.
School Interface Precinct	This precinct encompasses land immediately abutting or fronting the existing Redcliffe Primary School.	Similar to the Residential Core Precinct, this precinct will form part of the core residential area within DA 6. Built form will range in height from 2 to 3 storeys to provide a lower scale to respect its position

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Precinct Area	Description	Purpose
		next to Redcliffe Primary School.
School Interface Precinct	This precinct encompasses land immediately abutting or fronting the existing Redcliffe Primary School.	Similar to the Residential Core Precinct, this precinct will form part of the core residential area within DA 6. Built form will range in height from 2 to 3 storeys to provide a lower scale to respect its position next to Redcliffe Primary School.
Urban Corridor Precinct	This precinct includes land adjacent to Great Eastern Highway.	This precinct is intended to provide for intensive mixed use development adjacent to Great Eastern Highway. Built form in this precinct will range in height from 2 to 13 storeys.

Table 1: Proposed Precinct Areas

Primary Controls

The draft ACP includes 'primary controls' that establish standards for minimum site area and configuration, minimum residential density, maximum plot ratio, minimum and maximum building height and building setback requirements. The purposes of these controls are to ensure that future development:

- Aligns with Council's adopted Vision Plan in terms of the built form scale, particularly building heights.
- Provides sufficient intensity to support the future Redcliffe Train Station and the viability of a future neighbourhood centre.
- Respects the existing and future character of the area, particularly surrounding Redcliffe Primary School as well as the interface between identified precinct areas.
- Occurs on consolidated land parcels that are more conducive to high quality built form outcomes.
- Responds to State Government infill targets for activity centres and transit precincts.

Discussion on the key primary controls follows.

Minimum Lot Size and Frontage

The draft ACP includes primary controls that require lots to achieve minimum site area and lot frontage requirements to be able to develop. More specifically, lots will need to achieve a minimum site area of 1,600 square metres and a frontage of 30 metres for all precincts, with the exception of the Activity Corridor precinct where the requirement is 1,000 square metres and 20 metres respectively. Lot sizes within the precinct are predominantly 800 square metres to 900 square metres in area and approximately 15 metres wide and 50 metres deep. As such, in order to achieve the minimum site area and configuration requirement, it will be necessary for most lots within the precinct to be amalgamated with an adjoining lot. To illustrate this, a preferred amalgamation scenario has been developed for the precinct (refer to Figure 10 below).

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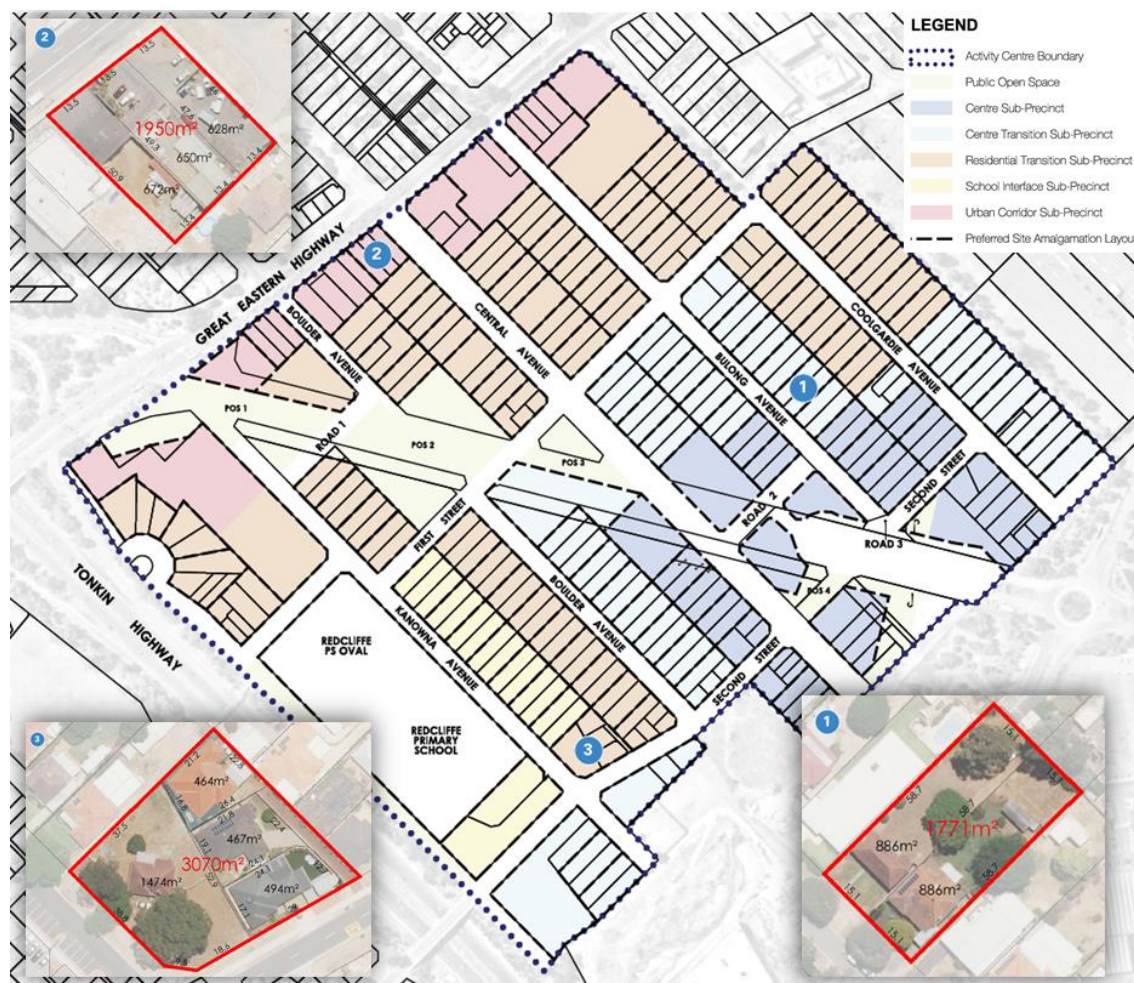


Figure 10: Preferred Amalgamation Scenario

The purpose of this control is to deliver the high quality built form outcomes identified by the Vision Plan through the creation of consolidated land parcels. Small and narrow lots are not conducive for the development intensity envisioned for the area, nor do they represent an efficient or desirable form of development. Consolidated development sites are able to deliver more extensive areas of open space, landscaping and setbacks which are necessary to maintain a high level of amenity for existing and future residents.

Notwithstanding the above, it is acknowledged that requiring land amalgamation will likely slow the redevelopment process. The reason is that landowners who are willing to undertake development will need to purchase an adjoining property or undertake a joint development, but might be prevented from doing so by an unwilling neighbour. This is common in an urban infill setting where land amalgamation occurs where market conditions are favourable for landowners to sell to developers. Given that market conditions are variable, it is considered that land consolidation should prevail in favour of good built form outcomes.

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Minimum Dwelling Requirement

The draft ACP includes a primary control that requires development to achieve a minimum amount of residential dwellings on a site. The requirement operates by stipulating a minimum dwelling ratio per 100 square metres of site area, which is scaled based on individual precinct areas. As an example, a typical development site of 1,770 square metres in the Residential Core precinct would need to achieve a minimum of 0.66 dwellings per 100 square metres of site area, resulting in a minimum requirement for 12 dwellings. For the Urban Corridor precinct, this requirement can be met by short-stay accommodation units.

The purpose of this control is to ensure that the area delivers the necessary population to support the viable operation of the future neighbourhood centre and the Redcliffe Train Station. It is acknowledged that this control may slow the redevelopment process if market conditions are not conducive to the intensity of development required by the draft ACP. Notwithstanding, as market conditions vary, the absence of this control increases the risk that development could occur in a manner that undermines the overall vision for the precinct.

Building Height

The draft ACP includes controls on the minimum and maximum building heights for each precinct area, and includes criteria for 'bonus' height to be permitted where a development incorporates facilities that benefit the wider community. It should be noted that the maximum building heights in the DA 6 Vision Plan was adopted through extensive community consultation. This has been used to guide the building height requirements in the draft ACP. The building heights proposed by the draft ACP are shown in Figure 11 below.



Figure 11: Building Height Plan

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In terms of minimum building height, the purpose of this requirement is to ensure that new development provides a suitable urban interface to the public realm that maximises opportunities for passive surveillance. In essence, the requirement does not allow for single storey development directly abutting the street, and rather any single storey development would need to be 'sleeved' behind buildings that achieve the minimum height requirement. The minimum building height requirement also assists with securing the more intensive built form that is intended by the Vision Plan.

The maximum and bonus building heights proposed by the draft ACP generally align with the adopted Vision Plan, with the exception of several minor differences to properties at the edge of the proposed precinct boundaries. It is considered that the spatial allocation of building heights in the draft ACP better promotes an intensive core immediately surrounding the Redcliffe Train Station, as well as adjacent to Great Eastern Highway. It also better respects the existing character of the area through limiting building heights to 4 storeys, or 6 storeys with a bonus, within the Residential Core precinct. For these reasons, the minor disparities between the adopted Vision Plan and the draft ACP are supported.

In terms of the 'bonus' building height criteria, the draft ACP requires a development to provide facilities that would support a wider community benefit in order for a bonus to be permitted. Several examples of potential facilities identified include:

- The provision of affordable housing in collaboration with the State Government or not for profit housing provider;
- Dwellings that achieve universal design requirements that support disability access and ageing in place;
- A dedicated community space, such as a meeting room or exhibition space that is available for use by external community groups; and/or
- The provision of publicly accessible private open space on a property that can provide informal gathering space.

The allowance for building height 'bonuses' to be granted subject to performance criteria was identified by the Vision Plan and is supported for the purposes of achieving a greater community outcome through the redevelopment process.

Car and Bicycle Parking

The draft ACP establishes minimum and maximum car parking and minimum bicycle parking requirements for development within the DA 6 precinct. In considering the proposed requirements, the following points are relevant:

- The proposed minimum car parking requirement for residential development is as per the adopted standard under the R-Codes (specifically Volume 2–Apartment Design) for development located within a walkable catchment to a train station or high frequency transit stop. This standard is widely applied across the Perth Metropolitan Region and it recognises that development accessible to public transport is less reliant on private vehicles.

Item 12.3 Continued

- While a limit on the number of car parking spaces for residential development is proposed, this limit does not undermine the minimum parking provision required by the R-Codes (Volume 1 and 2) – i.e. the limit is greater than the minimum specified under the R-Codes. This is intended to limit the reliance on private vehicles whilst not being onerous for developers who wish to offer some additional car parking.
- The proposed requirements for residential development do not allow for additional visitor parking bays above the minimum required by Volume 2 of the R-Codes. This is intended to limit the supply of visitor parking in the precinct to encourage the use of alternative modes of transport (e.g. the Redcliffe Train Station).
- A universal car and bicycle parking standard is proposed for retail and commercial uses. This differs from the standards under LPS 15 which requires a different number of spaces depending on the specific land use. Adhering to the LPS 15 standards can overcomplicate the provision of car parking and is not considered appropriate in the context of a mixed use, transit-oriented precinct which demands a level of flexibility and adaptability.
- The proposed minimum and maximum car parking requirements for commercial and retail uses is less than the LPS 15 requirement for a 'Shop' land use, but similar to the requirement for an 'Office' land use. This is considered to represent an appropriate balance for the likely mix of uses that will be provided within the Centre and Urban Corridor precincts.
- There is no specific car and bicycle requirement proposed for civic and community type uses, and rather the draft ACP provides for a merit based assessment. This is premised on civic and community uses generally having varied parking demands and therefore the imposition of a standard is considered to be impractical.
- The bicycle parking requirement proposed by the draft ACP is greater than the minimum requirements established by both the R-Codes and LPS 15 on the basis that cycling should be encouraged in this precinct.

Based on the above reasons, the car and bicycle parking standards proposed by the draft ACP are considered appropriate in the context of a future mixed use transit-oriented development area.

Traffic and Access

The DA 6 precinct is dominated by the presence of the major primary distributor roads of Great Eastern Highway and Tonkin Highway on the northern and western boundaries respectively, with the Perth Airport estate to the south. Access to the precinct is currently provided from Great Eastern Highway, Stanton Road and Dunreath Drive (via Central Avenue), with no access being provided directly from Tonkin Highway.

Item 12.3 Continued

The DA 6 precinct has recently undergone substantial change in respect of its transport network through:

- The upgrading of Tonkin Highway through the Gateway WA project which included the construction of a new interchange at Dunreath Drive to form a new main access point to Perth Airport.
- The closure of Brearley Avenue which previously dissected the precinct and provided the primary access point to Perth Airport's Terminals 3 and 4.
- Construction activities associated with the Forrestfield Airport Link project, namely the construction of the Redcliffe Train Station within the Brearley Avenue reserve and subsequent changes being made to local access arrangements.

Aside from the redevelopment of the precinct itself, the area will be subject to further changes to the transport network with significant upgrades proposed to Tonkin Highway between Dunreath Drive and Guildford Road, as part of the 'Tonkin Highway GAP project'. This will include modifications to the Tonkin Highway and Great Eastern Highway interchange immediately adjacent to the DA 6 precinct. While Great Eastern Highway between Tonkin Highway and the Bypass have been identified for future upgrades, the nature and timing of this upgrade are unknown.

Existing Road Network

The preparation of the draft ACP required detailed consideration of the existing road network which is summarised as follows:

- Great Eastern Highway and Tonkin Highway are both designated as 'Primary Distributor Roads' under the MRWA Functional Road Hierarchy as they perform a regional traffic function. Tonkin Highway is currently designed to a freeway standard with no direct access being provided from private property, whereas Great Eastern Highway still includes direct access subject to MRWA controls.
- Access to Great Eastern Highway is currently provided via Coolgardie Avenue, Bulong Avenue, Central Avenue and Boulder Avenue. More specifically:
 - The Bulong Avenue and Central Avenue intersections provide uncontrolled full movement access, however cul-de-sacs between the Great Eastern Highway properties and residential properties prevent through movements to First Street.
 - Access from Boulder Avenue is currently restricted to left-in/left-out movements only, but it connects to First Street via a portion of the former Brearley Avenue.
 - The intersection of Coolgardie Avenue and Great Eastern Highway is currently signalised to provide for full movement, as well as U-turn movements for the eastbound traffic on Great Eastern Highway.

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- Stanton Road provides access into the precinct from the south-west by crossing Tonkin Highway and connecting Second Street to the wider Redcliffe area. Both Stanton Road and Second Street are designated as 'Local Distributor Roads' under the MRWA Functional Road Hierarchy, on the basis that they carry through traffic between Epsom Avenue and Central Avenue (and formerly Brearley Avenue).
- Traffic counts undertaken in November 2019 indicate that Stanton Road and Second Street carry approximately 9,600-10,400 vehicles per day (vpd).
- All other roads within the DA 6 precinct are designated as 'Access Roads' under the MRWA hierarchy as they mainly provide for local property access. Traffic counts from November 2019 indicate that these roads currently carry less than 2,000 vpd, with Coolgardie Avenue (First Street to Great Eastern Highway) and Boulder Avenue carrying approximately 1,800 and 1,000 vpd, respectively.
- Traffic speeds throughout the DA 6 precinct are currently within acceptable parameters however they are being monitored on an ongoing basis.

Traffic Impact Assessment

The preparation of the draft ACP involves an analysis of the existing and future road network function, capacity, project traffic volumes and safety, particularly as a result of:

- The introduction of the Redcliffe Train Station;
- The redevelopment and intensification of use within the DA 6 precinct over time;
- The continued operation of Qantas from Terminal 3 at Perth Airport, and its ultimate relocation to the consolidated terminals precinct; and
- The significant commercial development occurring within Perth Airport estate.

In 2015, the PTA undertook an assessment of traffic impacts within the precinct as part of the Forrestfield Airport Link project to ascertain forecast volumes to the year 2021 and 2031. Many of the recommendations from this report have since been implemented, including the closure of Brearley Avenue and the upgrading of the Coolgardie Avenue and Fauntleroy Avenue intersections with Great Eastern Highway.

In preparing the draft ACP, a further assessment has been undertaken to consider the proposed road network and traffic implications to the year 2031 in accordance with the requirements of the WAPC's Transport Impact Assessment Guidelines. This assessment is premised on the previous assumptions used in the modelling undertaken by the PTA, with the following modifications:

- The modelling is premised on the precinct being fully built out by 2031 at a moderate yield so that the modelling overestimates impacts in the event that development occurs faster than anticipated.
- The modelling now includes the Direct Factory Outlet (DFO) and Costco development in Perth Airport estate.
- Central Avenue and Bulong Avenue have been modelled based on their current cul-de-sac configuration.

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A summary of the key findings and recommendations made in both assessments, as relevant to the draft ACP, are as follows:

- Traffic will increase on most roads over time particularly from the introduction of the Redcliffe Train Station and uses undertaken in Perth Airport estate. Traffic increases will also occur from the redevelopment and intensification of uses within the DA 6 precinct however this is expected to occur over a longer time frame (including beyond 2031).
- Modelling indicates that PM peak period experiences a higher level of traffic in the precinct, predominantly from vehicles accessing the commercial land uses in Perth Airport estate. Peak hour vehicle trip generation for each land use are shown in Table 2 below.

Land Use	AM Peak Hour		PM Peak Hour	
	Arrival	Departure	Arrival	Departure
Commercial	174	31	41	164
Residential	260	779	870	429
Redcliffe Primary School	125	125	0	13
Costco and DFO	145	97	494	494
Train Station (Park n Ride and Kiss n Ride)	500	200	200	500
Total	1,204	1,232	1,605	1,600

Table 2: Estimated Peak Hour Trip Generation by Land Use (2031)

- Traffic generated from land uses contained within the DA 6 precinct will have limited impact on surrounding land uses, with the type and scale of traffic generated by adjacent commercial land uses overall exceeding and having a more apparent impact on the network.
- Modelling of peak hour street network volumes for 2021 and 2031 (refer to Table 3 and Figure 10 below) indicates that:
 - Coolgardie Avenue and First Street will serve as an access route through the precinct to commercial land uses in Perth Airport estate.
 - Traffic volumes on Central Avenue, Second Street and Stanton Road are predominantly attributed to Qantas operations at Terminal 3, the DFO and Costco developments, and in the future the Redcliffe Train Station.
 - In the long term, the relocation of Qantas operations will marginally decrease traffic volumes experienced on Central Avenue, Second Street and Stanton Road.

Street Segment	2021 Forecast Flows		2031 Forecast Flows	
	AM	PM	AM	PM
Coolgardie Avenue (Between Great Eastern Highway and First Street)	480	500	1,260	1,480
First Street (Central Avenue to Coolgardie Avenue)	180	200	930	1,070
Kanowna Avenue (First Street to Second Street)	40	90	250	80

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Stanton Road (Morrison Street to Kanowna Avenue)	890	1,230	830	920
Central Avenue (Dunreath Drive to Second Street)	840	1,260	1,160	1,370

Table 3: Forecast Peak Hour Traffic Volumes by Street (2021 and 2031)

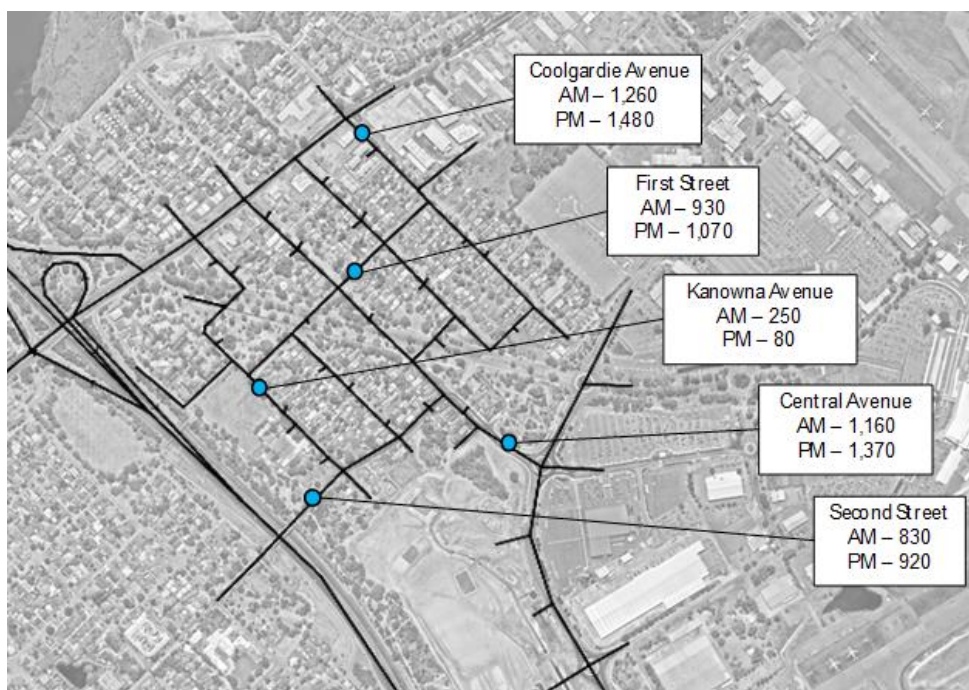


Figure 12: 2031 Street Network Modelling Results

- There is potential for vehicle through-movement in the DA 6 precinct due to continuing activities on the Perth Airport estate, namely the operation of Qantas from Terminal 3 and the DFO and Costco developments.
- Coolgardie Avenue will reach practical design capacity during both the AM and PM peak periods from traffic predominantly accessing the Redcliffe Train Station Park 'n' Ride facility and commercial land uses in Perth Airport estate.
- Aside from Coolgardie Avenue, all streets and intersections will be capable of accommodating forecast traffic subject to the implementation of traffic management measures.

To address several issues identified through modelling, the TIA proposes measures to minimise through movements in the precinct and overall improve safety. More specifically, it recommends the following:

- Road and streetscape upgrades should be designed to slow traffic, including measures such as on-street parking, differing pavements, narrowed carriageway (in certain areas) and encourage pedestrian movements.

Traffic speeds should be controlled through a posted speed limit of 40 kilometres per hour and the implementation of various traffic calming/management measures.

- The Central Avenue/Second Street intersection should be signalised to manage traffic volumes, discourage through movements and to facilitate pedestrian movements to the future Redcliffe Train Station.

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- The through-connection of Bulong Avenue and Central Avenue to Great Eastern Highway should only occur when:
 - Great Eastern Highway is widened to six lanes with a solid median strip in the middle that restricted access to left-in/left-out movements only.
 - Qantas relocates all operations from Terminal 3 at Perth Airport (earmarked to occur in 2025).
 - Further analysis is undertaken by the City and MRWA to determine that the overall function of the road network warrants additional connections to Great Eastern Highway for local traffic movements.
- All roads within the DA 6 precinct should maintain their existing classification under the MRWA Functional Road Hierarchy as their intended purpose will not change.

A copy of the Traffic Impact Assessment is contained as [Attachment 10](#).

Car Parking Management

The DA 6 precinct could potentially experience significant public car parking demand from:

- Development sites not adequately catering for resident and visitor parking demand, leading to overflow parking occurring on the street;
- Construction occurring within the precinct requiring builders to utilise available on-street parking;
- External visitors to the proposed POS areas within the precinct;
- Overflow parking from commercial uses on Perth Airport estate;
- Overflow parking from the Redcliffe Train Station Park 'n' Ride facility; and
- The enforcement of paid parking in Perth Airport estate and the Redcliffe Train Station Park n Ride facility, which may encourage patrons to seek alternate free parking within DA 6.

In light of the above, it is necessary to ensure that car parking is appropriately managed to address local demands in a manner that does not impact the function, design and amenity of the area. In this regard, a series of car parking management measures are proposed which are summarised as follows:

- The precinct will be upgraded to support walking, cycling and public transport use.
- All local roads within the precinct will accommodate embayed on-street parking and will be time limited on streets immediately surrounding the Redcliffe Train Station and adjacent to Redcliffe Primary School and the central POS Corridor (POS 1–3).
- Minimum parking requirements will be imposed on residential and non-residential development within the precinct.

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- Consider the application of cash-in-lieu payments for car parking shortfalls which would be expended on constructing additional public parking within the precinct.
- Consider the introduction of a resident and school parking permit system.

A detailed outline of the car parking management measures is provided in [Attachment 10](#). It is considered that the proposed car parking management measures should address the demand for public parking within the precinct. Notwithstanding, these measures will require on-going monitoring for their effectiveness and additional or modified measures may be required. The City may also need to liaise with Perth Airport and the PTA should any issues arise with the management car parking associated with the commercial land uses in Perth Airport estate and Redcliffe Train Station.

Public Open Space

The existing POS provision in the DA 6 precinct is 3.614 hectares and comprises several 'pocket parks' surrounding the Brearley Avenue road reserve. The draft Redcliffe Station ACP proposes approximately 3.68 hectares of POS which comprises of existing parks and recreation, road and drainage reserves and a small area of private land. This represents a proposed 736 square metre increase in POS for the entire precinct.

Public Open Space Provision

The criteria for POS provision is set out in the WAPC's Liveable Neighbourhoods (LN) and Development Control Policy 2.3–POS in Residential Areas. The usual requirement is that 10% of developable land is to be provided as POS, which may include a range of functions such as recreation, conservation and drainage, although there are limitations on credit allowances, including:

- Existing schools, reserves, dedicated drainage (detention of stormwater for a 1:1 year storm event) and purely commercially zoned land is not credited as POS.
- A minimum of 8% of the required 10% POS must provide for active and passive recreation, but may also include drainage areas that do not accommodate storm events equal to or less than a 1:5 year event.
- The remaining 2% (of the 10%) may comprise 'restricted POS', being areas that incorporate stormwater captured from between 1:1 year and 1:5 year events.

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Table 4 below provides a comparison of the existing and proposed POS provision in DA 6 having regard to the above standards.

Provision	Existing	Proposed
Gross Area	49.0907ha	49.0907ha
Deductions		
Redcliffe Primary School	3.4952ha	3.262ha
Primary Regional Road Reservation (Tonkin Highway and Great Eastern Highway)	3.4003ha	0ha
Brearley Avenue Road Reservation	3.6913ha	0ha
Dedicated Drainage (1:1 year) and Drainage Reserves	1.0358ha	0.3567ha
Mixed Use and Commercial Zones (25%)	1.2660ha	2.1726ha
Redcliffe Train Station	0ha	1.2871ha
Total Deductions	13.1048ha	7.0784ha
Total Net Developable Area	35.9859ha	42.0123ha
POS Required @ 10%	3.5986ha	4.2012ha
Total POS Provided	3.6140ha	3.6876ha
Total POS Provision	10.04%	8.78%

Table 4: Existing and Proposed Public Open Space Provision in DA 6

As indicated above, the DA 6 precinct requires approximately 4.2 hectares of POS, however only 3.68 hectares is proposed, representing a shortfall of approximately 0.51 hectares or 1.2%. In considering this variation from the standard 10% requirement, the following points are relevant:

- Public Open Space provision in the precinct is proposed to change from 3.6140 hectares to 3.6876 hectares, representing an increase of 736 square metres.
- The draft ACP aligns with the adopted DA 6 Vision Plan, with the exception of POS 5 (Linear Woodland Link), which is provided as an additional area of POS.
- The proposed POS areas comprise approximately 3.41 hectares or 8.12% of unrestricted POS, which exceeds the requirements under LN. Additional areas of POS could be provided as restricted POS to achieve the 10% requirement, but would provide no additional recreational benefit.
- Additional unrestricted POS could be provided to achieve the 10% requirement however this would be at the expense of either existing privately-owned land or proposed development sites.
- There is an opportunity to explore the shared use of the existing Redcliffe Primary School oval (comprising approximately 1.5 hectares) for public recreation purposes, subject to negotiation with the Department of Education. While the school oval cannot technically be included for the 10% POS calculation purposes, it would in reality provide an additional 1.5 hectares of open space for public recreation. Although not formally accepted as POS, this would lift the precinct's open space to 10.25%.

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- There is an opportunity for areas of POS to be provided adjacent to the DA 6 precinct, within Perth Airport estate.
- The DA 6 precinct is located within close proximity to Selby Park which can be accessed via the pedestrian bridge linking Victoria Street North to Selby Park.

It light of the above, there is merit to consider a POS provision less than the 10% standard in DA 6. Given the site's context in an activity centre and contemporary planning principles' emphasis on design, it is considered logical for POS provision to be determined based on design, function, accessibility and deliverability. This is discussed further in the following section of this report.

Public Open Space Composition

The draft ACP identifies the following POS areas:

- Public Open Space Corridor (POS 1–3);
- Station Plaza (POS 4); and
- Linear Woodland Green Link (POS 5).

The POS Corridor (POS 1–3) will comprise approximately 2.35 hectares in total and represents the proposed primary POS area within the precinct, as identified by the DA 6 Vision Plan. It will consist of existing POS areas and drainage and road reserves, and constitute three distinct areas separated by roads. The POS Corridor will serve several distinct purposes, including:

- A central recreational area accommodating open lawn areas and play equipment. Public Open Space 2 is the largest and most central area of POS and would likely accommodate the more significant POS amenities.
- A pedestrian and cycling link between Great Eastern Highway and the future Redcliffe Train Station.
- A drainage function, accommodating a realigned Southern Main Drain as an 'urban stream' with planted banks and a combination of tiered drainage channels and where practical, piped infrastructure.

As the main POS area for the DA 6 precinct, it will be essential for the POS Corridor to be developed as a high amenity space for the benefit for the community. It is anticipated that the costs associated with the development of this POS will be borne by the developers of the precinct through an appropriate infrastructure funding mechanism, but potentially pre-funded by the City so as to deliver this critical asset at the earliest stages of redevelopment.

The Station Plaza (POS 4) area constitutes 5,581 square metres of land immediately surrounding the future Redcliffe Train Station. It is intended to be developed as an 'urban plaza' to accommodate high levels of activity associated with surrounding mixed use development, as well as through movements to/from the Redcliffe Train Station and commercial uses in the adjacent Perth Airport estate. The Station Plaza will represent an example of public space that is not necessarily used for traditional recreational purposes, but nonetheless still provides opportunities for social interaction and gathering. The early delivery of the Station Plaza is necessary to support the

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operation of the train station, but will also serve as a catalyst for redevelopment and provide opportunities for community capacity building through placemaking initiatives.

The Linear Woodland Link (POS 5) comprises a 5,073 square metre strip of land located between Redcliffe Primary School and Tonkin Highway. This area currently forms part of the Tonkin Highway road reserve and is approximately 315 metres long, 13 metres to 21 metres wide and contains existing trees and vegetation. It has been identified as potential surplus road reserve land which could be converted into a linear parkland to provide a pedestrian and cyclist link between Victoria Street North and Stanton Road, with opportunities also identified for its integration with the Redcliffe Primary School oval. There are several concerns with the appropriateness, design and deliverability of this POS area, being:

1. The area is not identified for POS purposes by the adopted DA 6 Vision Plan.
2. The area currently forms part of the Tonkin Highway road reservation and no certainty exists that this land can be made available for POS purposes, or the process and costs involved in transferring this land to POS. This issue requires further consultation with MRWA.
3. The size, configuration and position of the area between Redcliffe Primary School and Tonkin Highway means that it will have limited passive surveillance or opportunities for use/activation beyond a pedestrian and cycling link.
4. The benefit of a pedestrian and cycling link in this location is questionable given that a link already exists between Victoria Street North and Selby Park, on the western side of Tonkin Highway.

In light of the above, whilst there is merit in incorporating additional areas of POS within DA 6, it is difficult to ascertain whether the Linear Woodland Link should be pursued in the absence of consultation with MRWA and the Department of Education. As such, if Council resolve to endorse the draft ACP for the purpose of public consultation, it is considered that direct consultation should be undertaken with those agencies. It should be noted that consultation with the Department of Education can also present an opportunity to discuss shared use of the Redcliffe Primary School oval.

Infrastructure Funding and Delivery

The redevelopment of DA 6 requires significant investment in infrastructure to support both new development in the area and the operation of the future Redcliffe Train Station. The key infrastructure required in the area includes:

- The realignment and landscaping of the Southern Main Drain;
- The development of POS;
- The construction of new roads;
- The upgrading of existing roads, including intersection treatments;
- The undergrounding of existing powerlines;

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- The upgrading of water and wastewater infrastructure; and
- Relocation of certain service infrastructure.

Public infrastructure is funded through various sources, including State Government taxes, local government property rates, federal assistance grants, user and access charges and development contributions. Local governments have limited capacity to provide additional infrastructure and facilities necessary to accommodate future growth, and whilst they are still responsible for providing infrastructure, this is typically limited to asset renewal and enhancement, or infrastructure that has a wider community benefit (e.g. libraries). State Government agencies are responsible for regional infrastructure works and State asset renewal (e.g. major road upgrades, public transport and major service upgrades).

The principle in Western Australia for infrastructure delivery is one in which the 'beneficiaries pay', meaning that developers are responsible for the provision of standard infrastructure, such as water supply, sewer, drainage, roads, parks and power, which are necessary to support development. Infrastructure that is not reasonable or necessary to service redevelopment must be funded through other means (i.e. by State or local governments).

The fragmented landownership and established nature of DA 6 presents a significant challenge whereby no one developer can be reasonably expected to fund and deliver infrastructure. Furthermore, the timing of development is subject to the intentions of individual landowners, making funding and delivery difficult to synchronise. It is therefore accepted that a degree of coordination is necessary in the DA 6 precinct. To address this, the draft ACP proposes the establishment of a DCP to provide for the sharing of common costs for infrastructure amongst landowners. It also identifies infrastructure items that should be funded by the City or State government agencies due to their regional benefit, or simply because there is no clear link between the infrastructure and the demand created from the redevelopment of the area.

Development Contribution Plan

A DCP is a statutory instrument established under a planning scheme, and administered by State agencies or local governments, that provides for the sharing of infrastructure delivery costs amongst landowners. A DCP operates by requiring landowners to make a financial contribution towards infrastructure when undertaking subdivision and/or development, with the funds collected being expended in accordance with an adopted staging plan. A DCP is required to clearly identify the infrastructure items which are proposed to be funded through the DCP, and outline the manner in which costs will be apportioned across a precinct area. They are intended to operate for a limited period of time (i.e. 5-10 years), or until such time that the redevelopment process is complete and the funded infrastructure is delivered in accordance with the DCP.

Whilst a DCP provides a suitable mechanism for developers to share the cost of infrastructure, they can pose a significant financial burden for local governments. The main risk is that the funds collected may not be sufficient to meet the cost of infrastructure required, which could result from an escalation in the cost of infrastructure or delays in the provision of infrastructure if landowners choose not to develop. With the volume of development potential in DA 6, full build-out of the area may take several decades and the amount of expenditure in the early stages of development is likely to exceed funds collected by the DCP. It is therefore anticipated that the City would need to adopt an approach of pre-funding infrastructure works in the precinct with reimbursement from the DCP occurring overtime as contributions are made by developers. There is a risk that the City may never fully recover costs associated with infrastructure delivery, as this would be

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wholly dependent on development uptake and the WAPC's willingness to allow the DCP to operate over an extended time period.

Specified Area Rate

In the absence of a DCP, the only viable mechanism available to fund infrastructure is through the adoption of a Specified Area Rate (SAR). In accordance with the *Local Government Act 1995*, the City can impose an SAR on rateable land within a portion of its district for the purpose of meeting the cost of a specific work, service or facility, if it is considered that the ratepayers and residents within that area:

- (i) have benefited or will benefit from that work, service or facility;
- (ii) have access to or will have access to that work, service or facility; or
- (iii) have contributed or will contribute to the need for that work, service or facility.

The delivery of infrastructure in DA 6 will benefit existing and future ratepayers and residents in the area by way of improved amenity and services, thereby making an SAR a potential option for infrastructure funding. The benefit of an SAR is that it would guarantee income for infrastructure at its inception, whereas a DCP would rely on development occurring for funds to be collected. Notwithstanding, an SAR still does not guarantee when funds will be collected and therefore the timing surrounding full reimbursement to the City will be unknown, along with the duration for which a SAR would need to be applied. Furthermore, an SAR would immediately impact existing ratepayers within the area, some of whom may have no immediate appetite for development. Such a situation results in misalignment of the nexus of development and the need for infrastructure improvements within the area. Based on these reasons, a DCP is the preferred approach to infrastructure funding in DA 6.

Cost Apportionment Methodology

A DCP is required to establish a methodology for the apportionment of cost contributions across a precinct area. In considering a methodology, the following key principles are relevant:

- There must be a clearly demonstrated 'need and nexus' between the infrastructure funded and the demand created by the development.
- The manner in which development contributions are applied must be clear, transparent and simple to understand and administer.
- Development contributions should be levied from all developments based on their relative contribution to need.
- Development contributions should be applied uniformly across a precinct and the methodology for applying contributions should be consistent.

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In considering the above principles, there are two logical methods which could be applied to the DA 6 precinct, being:

- Single Contribution Rate: This methodology represents the simpler approach that would see a single contribution rate allocated to all developable land within DA 6, regardless of its demand for the infrastructure being funded.
- Scaled Contribution Rate: This methodology is based on the principle that higher densities have a greater development potential and therefore will place more demand on infrastructure. It would require contribution rates to be calculated by allocating a proportionate share of the total infrastructure cost to the total area of land within each density code shown on the ACP.

In considering these options, it is acknowledged that applying a single contribution rate would be more transparent by virtue of it being easier to comprehend and administer. Notwithstanding, there are shortfalls in its ability to meet the principle of 'equity' as it penalises land with lower development potential which would have to pay the same rate as land with more development potential. Given that there are significant variations in development potential between precinct areas, it is considered that a scaled contribution rate based on development potential would represent the fairer methodology for applying developer contributions in DA 6.

State Government Investment

The draft ACP identifies infrastructure works that are recommended to be funded and delivered by the State Government, including:

- Regional road upgrades (Great Eastern Highway and Tonkin Highway);
- Southern Main Drain realignment;
- Removal of Brearley Avenue and the realignment of utility services within the road reserve;
- The development of the Station Plaza (POS 4);
- The construction of Roads 2 and 3, which immediately abut the Redcliffe Train Station;
- The signalisation of the Central Avenue and Second Street intersection; and
- The construction of a roundabout at the Second Street and Boulder Avenue intersection.

A detailed outline of the infrastructure proposed to be apportioned to the State Government to fund and deliver is outlined in [Attachment 9](#). The basis for the apportionment is that the infrastructure is regional in nature or is required as a result of the Redcliffe Train Station. It should be noted that of the above infrastructure items listed above, only the removal of Brearley Avenue, the construction of Road 3 and the construction of the roundabout have been committed to by the State Government. Further consultation is therefore necessary with the relevant State Government agencies on the funding and timely delivery of the abovementioned infrastructure.

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City of Belmont Investment

In accordance with the principles of SPP 3.6, it would be inappropriate for the City to use municipal funds to pay for the redevelopment of the DA 6 precinct purely to the benefit of private landowners. Notwithstanding, the City has so far invested in the preparation of the statutory planning framework for DA 6 and it is expected that the following further financial investment may be required:

- Costs associated with pre-funding infrastructure upgrades not attributed to the DCP, such as the costs associated with borrowing capital to fund works;
- Costs associated with investigating and implementing alternative open space opportunities with Redcliffe Primary School and potentially Perth Airport, including initial negotiations and investigations, contributions to any capital works costs and ongoing shared maintenance responsibilities (if applicable).
- The costs associated with any public works and improvements not included within the scope of the DCP or funded by the State Government;
- Costs of any unforeseeable shortfall of funds within the DCP that are not captured or corrected through annual reviews; and
- Costs associated with ongoing asset renewal.

The above items reflect the City's likely significant role in the delivery of infrastructure in an area where the staging and fragmentation of landownership is such that no one landowner could be reasonably expected to coordinate delivery.

Staging and Implementation

The redevelopment of the DA 6 precinct is expected to occur over an extended period of time and therefore it is necessary to consider how infrastructure delivery will be staged to align with development. The adoption of the ACP will simultaneously increase development potential across the area thereby making it challenging to anticipate the likely staging of development, as developments will be led by market response to public infrastructure and the intentions of individual landowners. Nonetheless, the draft ACP has identified the following infrastructure staging priorities for the area relative to the expected demand from the operation of the Redcliffe Train Station, commercial development in Perth Airport estate and the redevelopment of the DA 6 precinct:

- Infrastructure works required for the operation of the Redcliffe Train Station has been identified as the highest priority that should be delivered prior to the opening of the station in 2021. These works include the development of the Station Plaza (POS 4) and the construction of roads and intersection controls needed to service the Redcliffe Train Station and Park and Ride facility.
- Infrastructure works required to deliver of the POS Corridor (POS 1–3) and State Government development sites was identified as a high priority on the basis that it will bring significant amenity improvements to the area, and therefore should be undertaken within five years of the opening of the Redcliffe Train Station (i.e. 2021–2026). These works include the realignment of utilities in the Brearley Avenue reserve, the realignment of the Southern Main Drain and design and landscaping works.

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- The upgrading of local roads was identified as a medium priority that was subject to ongoing monitoring of the traffic demand and the roll-out of development. The local road upgrades are expected to occur in stages and be undertaken with the undergrounding of power and upgrades to water, wastewater and gas reticulation to improve efficiency and minimise disruption to residents.
- The delivery of the Linear Woodland Link (POS 5) and the investigation of additional areas of POS, including the shared use of the Redcliffe Primary School oval, have been identified as a low priority as the demand and benefit will be insignificant at the early stages of redevelopment.

A detailed outline of the infrastructure staging priorities is provided in [Attachment 9](#).

Further Technical Reports

There are further technical reports that are required to finalise the preparation of the draft ACP. These include:

- **Local Water Management Strategy:** A broad drainage strategy for a development area that addresses the management of additional quantities of stormwater created from urban development.
- **Bushfire Management Plan:** A plan that identifies the bushfire attack level across the precinct and assess the development against the WAPC's Bushfire Protection Guidelines.
- **Noise Level Contour Map:** A map illustrating the noise forecast levels across a precinct based on its proximity to major transport infrastructure.

These documents will inform future consultation with the DWER, the Water Corporation and the Department of Fire and Emergency Services. As such, they will be finalised prior to undertaking formal consultation of the draft ACP with these agencies.

Statutory Considerations

To provide for the progression and implementation of the draft ACP, it will be necessary to rezone the DA 6 precinct and introduce Scheme provisions to establish a DCP. This would occur either through an Improvement Scheme or an amendment to LPS 15. An Improvement Scheme is required to be initiated by the State Government and would act as a special planning scheme that overrides any applicable local planning scheme. In the absence of an Improvement Scheme over the precinct, the zoning and provisions of LPS 15 would still apply unless otherwise amended.

The WAPC has indicated that an Improvement Scheme is not a necessary planning implementation instrument for DA 6. Contrary to the WAPC's view, it is considered that a Local Planning Scheme does not have equivalent provisions as an Improvement Scheme to deal with the complexities associated with implementing the ACP. Particularly the ability to consolidate fragmented land parcels, and coordinate the delivery of significant infrastructure. It is considered that State-led planning through an Improvement Scheme is a more appropriate approach. Advertising the draft ACP presents an opportunity to identify any further potential implementation concerns, which can then be considered in consultation with the State.

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FINANCIAL IMPLICATIONS

- All costs associated with the preparation of the draft Redcliffe Station ACP have been met by the Planning Services operational budget.
- The establishment of a DCP represents a significant potential financial burden on the City of Belmont, but nonetheless it will facilitate the funding and delivery of infrastructure to the precinct in accordance with SPP 3.6.
- There are costs associated with advertising the draft Redcliffe Station ACP, including the costs associated with a large mail-out, the preparation of advertising material and staff wages for work outside normal business hours. These costs will be covered by the Planning Services operational budget.

ENVIRONMENTAL IMPLICATIONS

There are no overarching environmental implications associated with the consideration of the draft ACP. Environmental considerations associated with future development within the precinct would be based on the nature of the proposed development, and the specific conditions of each development site.

SOCIAL IMPLICATIONS

Pre-consultation on the draft ACP will lead to increased community awareness and knowledge of the DA 6 project and the various planning consideration. It will also enhance the City's relationship with the community and increase participation in the planning process.

OFFICER RECOMMENDATION

That Council:

- A. Adopts the draft Redcliffe Station Activity Centre Plan for the purpose of pre-consultation with the community and relevant stakeholders.
- B. Adopts the proposed approach to infrastructure funding and delivery in the Redcliffe Station Precinct, including the preparation of a Development Contribution Plan to provide for the sharing of infrastructure costs amongst developing landowners within the precinct, and to facilitate the implementation of the Activity Centre Plan.
- C. Require pre-consultation to occur over a 45 day period and include, but not be limited to, the following consultation measures:
 - Sending letters directly to owners and occupiers within and surrounding the Redcliffe Station precinct.
 - Sending letters to relevant agencies and stakeholders, including the Department of Education and Perth Airport Pty Ltd.

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- Setting up an information booth in the precinct area on two weekends during the advertising period.
- Preparing brochures that provide key details of the draft Activity Centre Plan.
- Providing relevant information on the draft Activity Centre Plan on the City's website.
- Publishing an advert in the Southern Gazette advising the community of the draft Activity Centre Plan and the advertising period.
- Advertising the draft Activity Centre Plan on the City's Facebook page.
- Providing a copy of the draft Activity Centre Plan at the City's office.

Note: Cr Cayoun put forward the following Alternative Councillor Motion

ALTERNATIVE COUNCILLOR MOTION

CAYOUN MOVED, BASS SECONDED

That Council:

- Adopts the draft Redcliffe Station Activity Centre Plan for the purpose of pre-consultation with the community and relevant stakeholders, subject to the draft Activity Centre Plan being first modified to remove the Public Open Space designation over Lots 453, 454 and 455 Central Avenue and update documents accordingly to reflect this.**
- Adopts the proposed approach to infrastructure funding and delivery in the Redcliffe Station Precinct, including the preparation of a Development Contribution Plan to provide for the sharing of infrastructure costs amongst developing landowners within the precinct, and to facilitate the implementation of the Activity Centre Plan.**
- Affirms that it will not impose a Specified Area Rate on landowners in DA6.**
- Require pre-consultation to occur over a 45 day period and include, but not be limited to, the following consultation measures:**
 - **Sending letters directly to owners and occupiers within and surrounding the Redcliffe Station precinct.**
 - **Sending letters to relevant agencies and stakeholders, including the Department of Education and Perth Airport Pty Ltd.**
 - **Setting up an information booth in the precinct area on two weekends during the advertising period.**
 - **Preparing brochures that provide key details of the draft Activity Centre Plan.**

Item 12.3 Continued

- **Providing relevant information on the draft Activity Centre Plan on the City's website.**
- **Publishing an advert in the Southern Gazette advising the community of the draft Activity Centre Plan and the advertising period.**
- **Advertising the draft Activity Centre Plan on the City's Facebook page.**
- **Providing a copy of the draft Activity Centre Plan at the City's office.**

CARRIED 6 VOTES TO 0

*For: Cayoun, Bass, Davis, Marks, Powell, Wolff,
Against: Nil*

9.41pm **The Manager Planning Services and the Coordinator City Projects departed the meeting and did not return.**

12.4 PROPOSED WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION MOTION TO AMEND PREFERRED MODEL – THIRD PARTY APPEAL RIGHTS FOR DECISIONS MADE BY DEVELOPMENT ASSESSMENT PANELS

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 11 – Item 12.4 refers	<u>WALGA Preferred Model – Third Party Appeal Rights for Decisions Made by Development Assessment Panels</u>
Attachment 12 – Item 12.4 refers	<u>27 February 2018 Ordinary Council Meeting Item 12.2</u>

Voting Requirement : Simple Majority
Subject Index : 119/005–Policy and Directives
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 27 February 2018 Ordinary Council Meeting Item 12.2
(Third Party Appeal Rights in Planning)
Applicant : N/A
Owner : N/A
Responsible Division : Development and Communities

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

For Council to provide comment to the Western Australian Local Government Association (WALGA) regarding proposed amendments to their Preferred Model for Third Party Appeal Rights for decisions made by Development Assessment Panels (DAPs).

Item 12.4 Continued

SUMMARY AND KEY ISSUES

- Western Australian planning legislation currently does not allow for planning Third Party Appeal Rights.
- The introduction of Third Party Appeal Right provisions under the *Planning and Development Act 2005* has been a topic of discussion amongst State Government agencies over the past decade.
- At its February 2018 Ordinary Council Meeting (OCM), Council resolved to advise WALGA that the City of Belmont supports the introduction of Third Party Appeal Rights in Western Australia, relating to decisions made by a Development Assessment Panel (DAP) only.
- Western Australian Local Government Association endorsed its Preferred Model for Third Party Appeal Rights at its May 2018 State Council Meeting. The Preferred Model supports the introduction of Third Party Appeal Rights for local governments against decisions made by DAPs.
- At its August 2019 Annual General Meeting (AGM), WALGA members raised and carried a motion to amend the Preferred Model, to support appeal rights for other third parties in addition to local governments.
- Prior to WALGA's State Council considering this motion at its March 2020 meeting, they are seeking comment from member Councils.
- Inclusion of third parties other than local government should not be supported as it could result in an increased risk of unsubstantiated third party appeal applications, loss of certainty for applicants and increased legal fees for local government.
- It is recommended that the City of Belmont advise WALGA that it does not support the proposed motion to amend the Preferred Model.

LOCATION

Not Applicable.

CONSULTATION

There has been no public consultation undertaken in respect to this matter. The Western Australian Local Government Association has invited Council to provide comments, after which they will consider the motion to amend their Preferred Model.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.4 Continued

STATUTORY ENVIRONMENT

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

BACKGROUND

Unlike most of the other states in Australia, Third Party Appeal Rights in Western Australia do not exist under the *Planning and Development Act 2005*. The potential introduction of Third Party Appeal Right provisions under the *Planning and Development Act 2005* has been a topic of discussion amongst State Government agencies over the past decade.

At its February 2018 OCM, Council resolved to advise WALGA that the City of Belmont supported the introduction of Option 1 regarding Third Party Appeal Rights in Western Australia, relating to decisions made by a DAP only. This would allow local governments to appeal a DAP decision but not all third parties. Item 12.2 of the 27 February 2018 OCM report is attached and details all the options considered by Council in depth ([Attachment 12](#)).

In May 2018, WALGA presented a Preferred Model in support of Third Party Appeal Rights, but only for local governments against decisions made by Development Assessment Panels ([refer Attachment 11](#)).

Proposed Amendment to WALGA Preferred Model

At its May 2019 meeting, WALGA's State Council further considered their Preferred Model and resolved that WALGA:

1. *Continues to advocate for the State Government to introduce Third Party Appeal Rights for decisions made by Development Assessment Panels; and*
2. *Endorses the 'Preferred Model' as presented in the May 2019 Agenda, as the Third Party Appeals process for decisions made by Development Assessment Panels and in future give consideration to broadening Third Party Appeal Rights to other parties relating to Development Assessment Panel decisions.*

Broadening Third Party Appeal Rights to other parties relating to DAP decisions was considered further at the August 2019 AGM, where the following motion was carried by WALGA members:

1. *That there be an amendment to the Third Party Appeals Process Preferred Model, being that third parties in addition to Local Governments are able to make an appeal.*
2. *That there be an amendment to the Third Party Appeals Process Preferred Model, being that closely associated third parties in addition to Local Governments are able to appeal decisions made by the Western Australian Planning Commission and the State Administrative Tribunal, in addition to Development Assessment Panels.*

Item 12.4 Continued

WALGA has requested that member Councils respond to indicate whether they support or do not support the motion to amend the Preferred Model. Comments are due to be provided to WALGA before 30 January 2020. WALGA will then consider the matter at their March 2020 State Council Meeting.

OFFICER COMMENT

Support for Western Australian Local Government Association Preferred Model

The City has previously expressed support for WALGA's Preferred Model, as it has a clear and narrow focus and relates only to decisions made on DAP applications as defined and determined under the *Planning and Development (Development Assessment Panel) Regulations 2011*.

When DAP applications are progressed, the City is part of the administration process, but not the determining authority. Limiting Third Party Appeals to DAP applications ensures that these rights would only apply to development which has high impact or is of state significance.

The right to appeal as a third party would only be exercised if the City considered it appropriate to do so. The City would not act as an advocate for other third parties wishing to pursue an appeal. The decision of a DAP could have significant implications and set a precedent for development in the City. It would therefore be appropriate to have the opportunity to appeal that decision.

Proposed Amendment to Western Australian Local Government Association Preferred Model

At the August 2019 WALGA Annual General Meeting, a motion was proposed seeking to amend the Preferred Model to include third parties in addition to local governments as parties that can make an appeal. The proposed motion also sought to amend the Preferred Model to allow closely associated third parties in addition to local governments to be able to appeal decisions made by the Western Australian Planning Commission (WAPC) and the State Administrative Tribunal (SAT), in addition to DAPs.

The introduction of third parties in addition to local governments to the Preferred Model, as well as broadening the scope of decisions that could be appealed against by third parties, should not be supported.

Widening the scope of appeals to other third parties has the potential to increase the risk of unsubstantiated appeal applications, particularly as there is no guidance as to what constitutes a 'closely associated' third party. This lack of clarity has the potential to cause uncertainty and inconsistency in rights of appeal for third parties.

The increased likelihood of third party appeals has the potential to significantly impact the operations of local government as additional resources will need to be dedicated to respond to such applications. Responding to an increased number of appeals will also result in additional costs to applicants and/or local government to cover the associated legal fees.

The proposed amendments are also likely to create increased uncertainty for the wider community. Current statutory processes allow for development applications to be referred for comment through public advertising. Those who were consulted during advertising are subsequently notified of the outcome. Allowing further third party appeal rights bring into question the authority of decision makers at both the State and local government level. This undermines the intent of ensuring an effective decision making process.

Item 12.4 Continued

The proposed amendments are likely to make the planning process more uncertain as any application submitted could potentially be contested by a number of unknown third parties. This has the potential to delay development, and create a situation where the wider community is uncertain of the outcome of any development application. This uncertainty is inconsistent with State Government initiatives such as Streamline WA and the Action Plan for Planning Reform which seek to remove red tape and streamline government regulatory processes.

The existing SAT system provides an efficient means for reconsidering the merits of planning applications. The current channels for third parties to be involved through a judicial review or the provisions of the *State Administrative Tribunal Act 2004* ensures that only third parties with a genuine interest are permitted to participate in reconsidering the merit of planning applications. These existing measures are considered appropriate for third party involvement in planning reviews, and include:

- Being called as a witness by the respondent.
- Making a submission under Section 242 of the *Planning and Development Act 2005*.
- Intervening under Section 37(3) of the *State Administrative Tribunal Act 2004*, whereby the third party acquires rights and responsibilities as a party under the *Act*.
- Possible participation in mediation.

For example, the SAT may currently allow a third party to intervene in a planning matter under Section 37(3) of the *State Administrative Tribunal Act 2004*. If SAT allows a third party to intervene, then the third party acquires rights and responsibilities as a party under Section 36(1) of the *State Administrative Tribunal Act 2004*. This provides a certain degree of accountability for potentially aggrieved parties and the planning merits of their argument rather than creating an additional appeals process by accommodating adversarial or vexatious claims.

Widening the scope for third parties to be involved is unlikely to bring further significant benefit to planning decisions. It is recommended that WALGA be advised that the City does not support the proposed motion to amend WALGA's Preferred Model.

FINANCIAL IMPLICATIONS

Staff resources and costs would be incurred in responding to an appeal by other third parties.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Item 12.4 Continued

OFFICER RECOMMENDATION

That Council:

- A. Does not support the motion proposed at the August 2019 Western Australian Local Government Association Annual General Meeting to amend Western Australian Local Government Association's Preferred Model-Third Party Appeal Rights for decisions made by Development Assessment Panels.**
- B. Direct the Chief Executive Officer to write and advise Western Australian Local Government Association of Council's position.**

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.5 ANNUAL REVIEW OF STANDARD DEVELOPMENT AND SUBDIVISION CONDITIONS

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 13 – Item 12.5 refers	List of Standard Conditions of Development Approval
Attachment 14 – Item 12.5 refers	List of Standard Subdivision Conditions

Voting Requirement	:	Simple Majority
Subject Index	:	115/001–Development/Subdivision/Strata-Applications and Application Correspondence
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	11 December 2018 Ordinary Council Meeting Item 12.3
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Development and Communities

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

For Council to review the City's standard conditions imposed on:

- Development approvals ([refer Attachment 13](#)); and
- Subdivision advice and built strata approvals ([refer Attachment 14](#)).

Item 12.5 Continued

SUMMARY AND KEY ISSUES

The standard list of conditions for development applications and for subdivision referrals are reviewed by the Council annually.

Council last reviewed and adopted both lists of standard conditions in December 2018 (11 December 2018 Ordinary Council Meeting (OCM) Item 12.3).

A number of new development approval conditions and footnotes are proposed to be added while some have been modified. In addition, subdivision conditions have been modified along with new and modified subdivision footnotes.

It is recommended that Council adopt the revisions to the standard development and subdivision conditions.

LOCATION

Not Applicable.

CONSULTATION

No public consultation is necessary as the revision to the standard conditions is administrative in nature.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Achieve a planned City that is safe and meets the needs of the community.

Strategy: Encourage a wide choice and consistent implementation of development approaches.

POLICY IMPLICATIONS

The standard conditions for development and subdivision have been prepared having regard for State and Local Planning Policies.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

The *Planning and Development Act 2005 (Act)* is the head of power in relation to development and subdivision decision making in Western Australia. The *Act* contains legislative provisions related to:

Item 12.5 Continued

- The establishment, role and function of the Western Australian Planning Commission (WAPC);
- The creation of State planning policies;
- The creation of region and local planning schemes;
- The relationship between planning schemes, planning control provisions and written laws;
- Subdivision and development control;
- The establishment, role and function of Development Assessment Panels;
- Enforcement and legal proceedings; and
- Applications for review of decisions.

Under the *Planning and Development Act 2005*:

- Section 135 requires that subdivision of land shall not be undertaken without the approval of the WAPC; and
- Section 162 requires that development shall not commence unless approval has been obtained under a planning scheme, and the development is carried out in accordance with any relevant conditions.

Metropolitan Region Scheme

Under the Metropolitan Region Scheme (MRS), decision making authority is granted to local government on certain classes and kinds of development.

City of Belmont Local Planning Scheme No. 15

Decisions on development applications are made pursuant to the provisions of Local Planning Scheme No. 15 (LPS 15), as outlined within Part 5 'General Development Requirements'.

The standard conditions for development and subdivision have been prepared having regard to the provisions of LPS 15.

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2, Clause 68 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* outlines that a local government may determine an application for development approval by:

- Granting development approval without conditions; or
- Granting development approval with conditions; or
- Refusing to grant development approval.

Item 12.5 Continued

Planning and Development (Development Assessment Panels) Regulations 2011

The *Planning and Development (Development Assessment Panels) Regulations 2011* grant decision making authority for development applications to a Development Assessment Panel (DAP) for certain kinds and classes of proposals. The Panel makes its decision based on a recommendation (including relevant conditions) from the local government.

Right of Review

An applicant/owner aggrieved by a condition of:

- Development approval imposed by the City of Belmont, WAPC and/or a DAP; or
- Subdivision approval imposed by the WAPC; or
- Strata approval imposed by the WAPC and/or the City of Belmont,

Has the right to seek review of the condition to the State Administrative Tribunal (SAT) subject to Part 14 of the *Act*. Applications for review must be lodged with the SAT within 28 days of a decision.

BACKGROUND

Development Approvals

When a development application is approved by the City of Belmont, the WAPC and/or a DAP, there are a number of conditions that may be imposed on that approval, depending on the type and nature of the application.

In relation to the City of Belmont, development approvals and relevant conditions may be imposed by Council or by delegated officers. The list of delegated officers is contained within Delegation DA25 and 26 of the City of Belmont Delegated Authority Register 2019/2020.

Subdivision/Strata Application Referral Responses

Applications for green title and survey strata subdivision are lodged with the WAPC and subsequently referred to the City of Belmont for comment and a recommendation. Although the WAPC is the determining authority for all subdivisions within Western Australia, its Officers rarely have an opportunity to inspect properties, and therefore the City acts in an advisory capacity to recommend appropriate conditions to the WAPC.

Applications for built strata are assessed and determined by the City of Belmont under the WAPC's delegation arrangements.

There are a number of conditions that may be imposed on green title/survey-strata/built strata applications depending on the circumstances. In providing a recommendation to the WAPC on subdivision applications, or making a decision on built strata applications, the City's delegated officers may recommend conditions.

Item 12.5 Continued

Principles of Conditions

The SAT and other appeal bodies in Australia have adopted the approach taken in *Newbury DC v Secretary of State for the Environment (1981) AC578* when considering the validity of specific conditions. That decision held that, in order to be valid, a condition must:

- Be imposed for a planning purpose;
- Fairly and reasonably relate to the development for which permission is given; and
- Be reasonable, that is, be a condition which a reasonable planning authority, properly advised, might impose.

The principles considered by the High Court have been adopted and generally applied in relation to development and subdivision approvals in Western Australia.

To ensure consistency in decision making, it is considered to be sound organisational practice that the Council approves a list of 'standard conditions' that are commonly imposed. For this reason, Council maintains a list of standard development and subdivision conditions, which are reviewed annually. The WAPC also maintains a 'model conditions schedule' for subdivision, survey-strata and strata approvals.

It should be noted that for specific applications, 'non-standard' conditions are sometimes required, and having a 'standard conditions' schedule does not limit the ability to adjust the wording of conditions where appropriate.

OFFICER COMMENT

Having regard to the need for consistency in decision making, it is desirable that the Council approve the 'standard conditions' that may be imposed from time to time. It is also important that the standard conditions for development applications and for green title/survey-strata/strata referrals are reviewed on an annual basis to:

- Assess whether conditions need to be modified;
- Draft new conditions to control specific problems or issues as they arise; and
- Take into account any changes in policy or legislation.

Although the majority of development and subdivision approval conditions have been operating effectively, there is a need for adjustments to the wording of some conditions to reflect internal working practices, conflicting interpretations or difficulties in sufficiently implementing City policy.

Development Conditions

The updated list of development conditions is provided under [Attachment 13](#). New conditions or existing conditions that have been modified are shown in red text and strikethrough. In summary:

Item 12.5 Continued

- Nine new development approval conditions and seven new footnotes are proposed;
- Eighteen (18) existing conditions and four footnotes have been modified; and
- The wordings of various conditions and footnotes have been modified for clarity.

New Development Conditions

Stormwater Drainage Disposal:

In addition to the current development conditions relating to stormwater, one new condition (P10.03B) is proposed:

- *'All new and existing stormwater drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction'.*

This condition is to be included where it is considered necessary to assist in preventing build-up of sediment in on-site stormwater pits and soakwells. This will assist in reducing the on-site and off-site spread of contaminants.

Two other development conditions relating to stormwater disposal methods are also proposed. Condition P10.04 is to be applied in circumstances where a combination of on-site and off-site stormwater disposal is required. Condition P10.16B requires stormwater runoff from paved areas to pass through an approved oil and silt separator prior to discharge to any on-site soakwells. This standard condition is to be applied for service stations where stormwater from paved areas is to be disposed of wholly or partly on-site.

Lighting Plans

A new standard development condition (P15.02) requiring the preparation and implementation of a lighting plan is proposed. This condition reflects the provisions of the Residential Design Codes (R-Codes) which requires lighting to be installed to pathways, communal open space and car parking areas within low density grouped and multiple dwelling developments.

The installation of lighting throughout a development is not a new requirement and this condition has previously been placed on development approvals as needed. It is proposed to introduce this standard condition to ensure that the requirement is consistently applied. This will improve the amenity, liveability and safety of developments within the City.

Section 70A Notifications

Two new conditions (P21.04 and P87.03) are proposed to be applied when development is approved within a bush fire prone area or when noise sensitive development is proposed in an area subject to transport noise.

Item 12.5 Continued

These new conditions reflect the requirements of WAPC State Planning Policy 3.7– Planning in Bushfire Prone Areas and State Planning Policy 5.4–Road and Rail Noise, and set out the requirement for the preparation of a Section 70A notification on the Certificate of Title. This notification is to advise owners and prospective purchasers that the site is affected by transport noise and/or is located within a bush fire prone area.

Tyre Storage

A new standard development condition (P25.04) is proposed for applications that include tyre fitting, retreading or storage. This condition limits tyre storage to no more than 500 tyres on site at any one time for approved tyre fitting premises and no more than 100 tyres for all other approved uses that have a tyre storage component.

This condition has been prepared to reflect the requirements of the *Environmental Regulations 1987*. If storage of tyres occurs above these thresholds, then the activities on-site would be classed as an 'Industry-Noxious' land use, and would require a specific development approval.

Public Art

A new standard condition (P30.04) is proposed where public art is required to be provided but has not been incorporated into the proposed design. In these instances, often the wall that is to be treated with public art is left blank on the development plans and notated as 'future public art'.

The proposed condition requires the applicant/owner to submit plans that further detail the aesthetic treatment of the walls that are proposed to have public art, for approval by the City. The approved treatment is then required to be implemented prior to the occupation or use of the development and then maintained to the satisfaction of the City.

Short-Stay Accommodation

The City has received an increasing number of applications for short-stay accommodation land uses, particularly in residential areas. The preparation and implementation of a Property Management Plan (PMP) is a key component in the approval and subsequent operation of short-stay accommodation land uses. Having a PMP in place sets the expectation for how any potential impacts on amenity will be managed by the operator.

As part of the application assessment process, the applicant is required to prepare and submit a PMP outlining matters including check-in and check-out times, maximum numbers of guests allowed, and the behaviour expected of guests during their stay. In some instances the PMP is updated during the assessment process to ensure that it reflects the expectations of the City in terms of minimising any potential impacts on amenity.

A new standard development condition (P88.03) is proposed, requiring the landowner to modify their PMP to include elements that the City deems appropriate. This allows for applications that otherwise meet the requirements of the City's planning framework to continue operating, so long as updates are made to the PMP to deal with unforeseen issues that have arisen since the initial approval of the development.

Item 12.5 Continued

Modified Development Conditions

Planning conditions must be clear and provide certainty to what is required to satisfy the condition. Ambiguity in the wording of planning conditions gives rise to contention and inability to enforce the requirement of the condition in some cases.

Approval Entity

As reflected in the attachments, reference to specific staff position titles has been modified throughout the standard development conditions to refer to 'the City'. Under the *Planning and Development (Local Planning Schemes) Regulations 2015*, the authority to approve modifications to plans and clear conditions ultimately lies with the City, with individual staff members operating under delegated authority.

Modification of the approval entity to 'the City' allows for more concise wording of conditions and removes the need to modify conditions in the future when position descriptions or roles change. Relevant footnotes will still refer to specific staff in order to provide further direction to applicants.

Landscaping Plans

The current standard conditions require landscaping to be maintained in accordance with an approved landscaping plan for a minimum of 12 months. Reference to the minimum 12 month period (P05.02) has been deleted. This removes the impression that landscaping need not be maintained after that time.

Street Trees

Three standard development conditions relating to street trees have been modified. One standard condition (P06.02) has been amended to refer to the relevant Australian Standard. This will ensure that tree protection requirements are aligned with contemporary standards.

Another standard condition (P06.03A) has been modified to more clearly set out the requirement to maintain the street tree for a period of 12 months. The condition also requires payment of a financial contribution by the owner when it is not possible to plant a replacement street tree on the verge immediately adjacent to the subject property. In this situation, a replacement tree will be planted at a suitable location elsewhere in the City.

The third standard development condition (P06.04) has been updated to require an Arboricultural Method Statement to be submitted and approved by the City prior to lodgement of a Demolition Permit (where applicable) rather than prior to lodgement for a Building Permit. This is intended to avoid a situation where trees are impacted during demolition.

End of Trip Facilities

The standard development condition (P07.02) relating to end of trip facilities has been amended to remove reference to the City's Supplementary Planning Guidelines for End of Trip Facilities, replacing them with the relevant Australian Standards. This will ensure that the requirements for provision of end of trip facilities is consistent, and aligned with contemporary standards.

Item 12.5 Continued

The standard condition has also been modified to include an option for unisex showers. This will assist smaller scale developments where it is not considered necessary to require the provision of both male and female shower facilities.

Service Station Fuel Dispensing Areas

Existing development conditions (P10.12 and P10.13) have been modified to provide further clarity regarding the requirements for protection of the fuel dispensing area and in doing so, ensuring that any run off is effectively managed.

The modifications state that fuel dispensing area drainage must be connected to the reticulated sewerage system to the satisfaction of the City. Furthermore, an area shall be provided on-site for disposal of treated fuel dispensing area run off in accordance with the *Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

Visual Privacy

A standard development condition relating to visual privacy (P12.01) has been modified to capture all development that is raised 0.5m above natural ground level, and not just second storey development. This modification will provide additional clarity regarding visual privacy requirements and reflects the intent of the R-Codes.

Outdoor Storage

The standard development condition relating to outdoor storage (P13.02) has been modified to clarify that the City's approval for the proposed method of screening is to be obtained, prior to lodgement of an application for building permit.

Section 70A Notifications

In a recent Supreme Court decision (*Metro Central JDAP v 43 McGregor Road Pty Ltd* [2018] WASC 98), the Supreme Court determined that only the local government can lodge a Section 70A notification on title, however the owner's consent is needed. Therefore, two existing conditions have been modified (P19.01 and P21.01), to reflect this position. The conditions relate to approvals for aged and dependant persons' dwellings or applications subject to aircraft noise.

Noise Management

Two standard development conditions (P22.01 and P22.02) relating to noise management have been modified. The modifications:

- Clarify that noise generated from the site shall not exceed the assigned levels specified within an approved Noise Management Plan; and
- Require the applicant/owner to implement the recommendations provided in the acoustic report that is submitted with an application.

Construction Management Plans

The standard development condition relating to management plans (P24.01) has been amended. Management plans may be required in order to demonstrate how the impact of matters such as waste, dust or noise will be managed for a development.

Item 12.5 Continued

The amended condition not only requires the preparation and lodgement of a management plan, but now clarifies that development is to be carried out or the site is to operate in accordance with the approved management plan.

Acid Sulfate Soils

The standard development condition relating to Acid Sulfate Soils self-assessment (P25.01) has been modified. The existing condition requires the completion of an Acid Sulfate Soils self-assessment form and if required, the preparation and lodgement of an Acid Sulfate Soils Investigation report.

If required as a result of the Acid Sulfate Soils Investigation Report, the applicant/owner will need to prepare and submit an Acid Sulfate Soils Management Plan for approval. This modification provides further clarity regarding the purpose of this condition and better reflects the requirements of the Acid Sulfate Soils self-assessment process.

Environmental Investigations

Existing Condition P25.02 is utilised where site contamination is likely to exist on a property. The condition has been amended to make it clear that the applicant/owner is required to address the condition by undertaking the necessary investigations to the specifications of the Department of Water and Environmental Regulation.

Development Contributions

The standard development condition relating to development contributions (P27.01) has been modified to more succinctly reflect the requirements of LPS 15 and *State Planning Policy 3.6 Development Contributions for Infrastructure*. The modified wording sets out the requirement for the landowner or applicant to contribute towards development infrastructure prior to the commencement of development.

Other Development Conditions

As reflected in the attachments, a number of other standard development application conditions have been modified with minor rewording for clarity and accuracy and to reflect the correct departments, staff and/or officers responsible for a relevant development condition or footnote.

References to 'planning applications' and 'planning approvals' have been modified to 'development applications' and 'development approvals' to reflect the terminology used within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The standard conditions relating to preparation of geotechnical reports (P11.03B) and provision of public art (or cash-in-lieu) (P30.01) have been amended to require preparation prior to lodgement of a Building Permit.

Condition P11.03B previously required submission of a geotechnical report prior to commencement of construction on site. Requiring a geotechnical report prior to lodgement of a Building Permit allows for any site condition issues to be identified and addressed much earlier in the process.

Item 12.5 Continued

Condition P30.01 previously required the owner/applicant to seek approval from the City for an artist to provide public art (or make arrangements for the payment of cash-in-lieu) within 28 days of the date of approval. Amending the condition will require these matters to be actioned at an appropriate milestone of the development process instead of a date that would require follow up by the City if not met by the applicant.

Existing Condition P19.03 sets out the Section 70A notification requirements for dependent persons' dwellings. This condition has been removed to avoid duplication as Condition P19.01 already reflects these requirements.

New Development Footnotes

Planning footnotes must be clear and provide guidance on what is required to satisfy the relevant condition(s) it is associated with. Therefore, the following additional development footnotes are recommended.

Arboricultural Method Statements

A new footnote (PF06.04) is proposed, to clearly set out the information required to be submitted as part of an Arboricultural Method Statement. The footnote provides clarity to applicants regarding the need for the Arboricultural Method Statement as well as the specific items to be addressed. It also refers applicants to the City's checklist for further guidance.

Service Station Fuel Dispensing Areas

Two new standard development footnotes are proposed to align with the modified fuel dispensing standard development condition. The footnotes outline the need for an application to be submitted as required by Health regulations (PF10.11) and provide further information regarding requirements for paved areas beyond the fuel dispensing area (PF10.15B).

Fencing

A new standard development footnote (PF14.01A) is proposed for applications in non-residential zones where fencing or walls have not been proposed. The footnote makes it clear that no fencing and/or walls are permitted within primary or secondary street frontages or boundaries unless a separate development approval is sought and obtained from the City of Belmont.

Environmental

Three new standard development footnotes are proposed in order to provide more clarity to standard environmental development conditions. Two proposed footnotes (PF25.07 and PF25.08) are to be used for applications that fall below the thresholds of a 'prescribed premises' or 'Industry-Noxious' land use. The footnotes notify applicants that if an increased level of activity in operations or capacity occurs, then a new development application will be required.

A new standard development footnote (PF25.09) is proposed to provide further guidance to the limits of tyre storage on a property.

Item 12.5 Continued

Modified Development Footnotes

Wash Bays

A standard footnote (PF26.02B) is in place for approved development that does not incorporate vehicle washing, however the nature of the use may require vehicle washing to occur on-site in future. The existing footnote advises applicants that no vehicle washing is to occur on-site and any future vehicle washing will require a development approval.

The standard footnote has been modified, clarifying that any application for vehicle washing on-site may only be supported in a designated wash bay. The proposal will require development approval from the City. This ensures that applicants are aware that vehicle washing must occur within an approved wash bay.

Other Modified Footnotes

A number of existing development footnotes have had to be modified to ensure that they are in line with modified conditions and current legislation, are clear and concise, as well as reflect the correct departments, staff and/or officers responsible for a relevant development condition or footnote.

Subdivision

Two subdivision conditions have been modified. One new subdivision footnote is proposed and two subdivision footnotes have also been modified. The updated list of subdivision conditions and footnotes is provided under [Attachment 14](#). New conditions or existing conditions that have been modified are shown in red text and strikethrough.

Modified Subdivision Conditions

National Construction Codes

One standard condition of subdivision approval (S03.01) has been modified to reference the National Construction Codes instead of the Building Code of Australia. This modification reflects the fact that the National Construction Codes are an overarching document that encompasses the Building Code of Australia.

Vehicle Access

One standard condition of subdivision (S07.01) has been modified in order to remove the requirement for a battleaxe access leg to be constructed and drained at the subdivision stage.

As a property accessed via battleaxe arrangements will be under a single ownership, there is no need to require construction of the access at the subdivision stage. Instead, construction of the battleaxe access leg can be required as part of a future development approval.

The standard condition still requires common property access to be constructed and drained at the subdivision stage. This is because with common property access, there are multiple landowners, sharing the use of the common property area. It is impractical to coordinate the construction of a common property driveway with multiple landowners who may wish to proceed with development at different times.

Item 12.5 Continued

New Subdivision Footnotes

Legal Agreement

One new subdivision footnote (SF07.02) has been proposed, to be used in circumstances where a legal agreement is required to be prepared to ensure that reciprocal rights of access are provided over portions of an adjoining property. The new footnote outlines the process involved in preparing a legal agreement and explains that the legal agreement shall be prepared by the City's solicitors at the landowner's cost.

Modified Subdivision Footnotes

As reflected in the attachments, two subdivision footnotes (SF03.01B and SF07.01) have been modified in order to align with the modified conditions relating to the National Construction Codes and driveway construction.

Other existing subdivision footnotes have had to be modified to reflect changes in website links and to reflect the correct departments, staff and/or officers responsible for a relevant subdivision condition or footnote.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. Adopt the updated list of standard development conditions for development approvals provided under [Attachment 13](#) titled 'List of Standard Conditions of Development Approval'.**
- 2. Adopt the list of standard subdivision/strata conditions for subdivision referrals provided under [Attachment 14](#) titled 'List of Standard Subdivision Conditions'.**

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

**12.6 TENDERS FOR MUSEUM EXHIBITION FITOUT AND LOOSE FURNITURE FITOUT –
FAULKNER CIVIC PRECINCT COMMUNITY CENTRE**

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.6 refers	<u>Work Package Summaries – Estimates and Budget Allocations</u>

Voting Requirement : Absolute Majority
Subject Index : 114/2017-09–Construction of Faulkner Community Centre
Location/Property Index : Lot 33 (215) Wright Street, Cloverdale
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 28 July 2015 Ordinary Council Meeting Item 10.4
15 December 2015 Ordinary Council Meeting Item 12.2
26 April 2016 Ordinary Council Meeting Item 12.3
26 July 2016 Ordinary Council Meeting Item 12.8
27 September 2016 Ordinary Council Meeting Item 12.2
28 February 2017 Ordinary Council Meeting Item 12.5
28 March 2017 Ordinary Council Meeting Item 12.6
22 November 2017 Special Council Meeting Item 6.2
Applicant : N/A
Owner : N/A
Responsible Division : Development and Communities Division

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

Item 12.6 Continued

PURPOSE OF REPORT

To seek Council endorsement to delegate authority to the Chief Executive Officer (CEO) to accept a tender, including any associated negotiation with a preferred tenderer, for the following fitout packages for the Faulkner Civic Precinct Community Centre (Community Centre):

- (a) Museum Exhibition Fitout
- (b) Loose Furniture Fitout.

SUMMARY AND KEY ISSUES

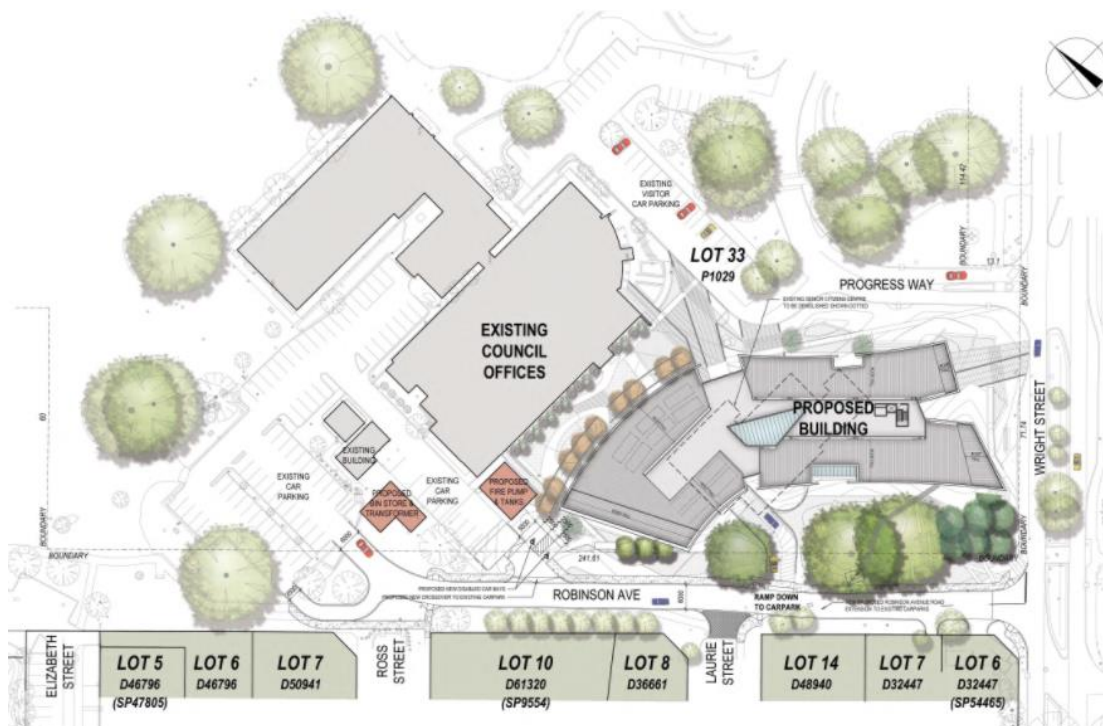
This report details a proposal to delegate authority to the CEO to award tenders for the Museum Exhibition Fitout and Loose Furniture Fitout that are part of the overall Community Centre project. A delay in the award of the tenders will impact on the timely delivering of the project.

The reason for the need for delegation of authority is to enable the timely award of the fitout work packages which fall between the last Ordinary Council Meeting (OCM) for 2019 and the first for 2020.

The evaluation of tenders, recommendation of a preferred tenderer for each, and any relevant negotiations and award will be undertaken in accordance with the requirements of the *Local Government Act 1995*.

LOCATION

The Community Centre is located at Lot 33 (213) Wright Street, Cloverdale.



Item 12.6 Continued

CONSULTATION

Discussions between the Director Development and Communities, Manager Community Placemaking, Manager City Projects, Coordinator Procurement and the Community Centre Project Control Group.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Built Belmont.

Objective: Maintain Public Infrastructure in accordance with sound Asset Management practices.

Strategy: Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.

POLICY IMPLICATIONS

BEXB28–Purchasing

Policy Objective: This policy aims to deliver a high level of accountability whilst providing a flexible, efficient and effective procurement framework.

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states that “a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services”.

BACKGROUND

The overall Community Centre project includes a number of fitout and associated works packages that are being implemented as separate contracts to the main building contract, and which need to be coordinated with practical completion and handover of the building.

Two significant fitout packages that are currently in the procurement stage are the Museum Exhibition Fitout and the Loose Furniture Fitout. The estimated value of the fitout packages and amounts allocated in the current 2019-2020 budget are set out in [Confidential Attachment 1](#).

OFFICER COMMENT

It is proposed that the on-site components of the Museum Exhibition Fitout and Loose Furniture Fitout be implemented upon handover of the building; however both require appropriate lead times for the supply of materials, goods and, in the case of the Museum Exhibition Fitout, off-site fabrication.

Item 12.6 Continued

In order to provide sufficient lead-time ahead of the anticipated handover of the building, it is proposed that tenders for each fitout package be duly evaluated and respective contracts be awarded between late-January and mid-February 2020. This period of time is in between the last scheduled OCM for 2019 (10 December) and the first scheduled for 2020 (25 February).

Due to the time sensitivities associated with lead-times and handover of the building, it is proposed that authority to accept a tender for the respective fitout packages, including any relevant tender negotiation with a preferred tenderer, be delegated to the CEO. Upon the contracts being awarded, an information memorandum(s) would be issued to Councillors notifying them of the outcomes of each tender process, along with any relevant negotiations and the contracts that have been awarded.

FINANCIAL IMPLICATIONS

The current 2019-2020 budget includes amounts for both the Museum Exhibition Fitout and Loose Furniture Fitout as set out in [Confidential Attachment 1](#).

ENVIRONMENTAL IMPLICATIONS

Both the Museum Exhibition Fitout and Loose Furniture Fitout incorporate provisions that support the overall project aim to achieve a minimum '5 Star Green Star' rating utilising the current 'Design and As Built' rating tool of the Green Building Council of Australia, consistent with the City's Environment and Sustainability Policy (NB3) and the 'Natural Belmont' objectives/strategies of the Strategic Community Plan.

Use of the 'Green Star' rating tool will also ensure that Action 5.4 of the City of Belmont Environment and Sustainability Strategy 2016–2021 is completed:

- Achieve a 5 Star Green Star rating (Design and As Built) for the new Faulkner Civic Precinct Community Centre.

SOCIAL IMPLICATIONS

Both the Museum Exhibition Fitout and Loose Furniture Fitout are consistent with the key objectives of the Community Centre development.

Item 12.6 Continued

OFFICER RECOMMENDATION

That Council:

1. Delegate authority to the Chief Executive Officer to accept tender 13/2019 for the Museum Exhibition Fitout, provided the tender to be accepted is within budget provisions.
2. Delegate authority to the Chief Executive Officer to accept tender 16/2019 for the Loose Furniture Fitout, provided the tender to be accepted is within budget provisions.
3. Delegate authority to the Chief Executive Officer to, as necessary, undertake relevant tender negotiations to determine an acceptable tender for each.
4. Request the Chief Executive Officer to inform Council of the outcome of tenders and any relevant negotiations.

AMENDED OFFICER RECOMMENDATION

WOLFF MOVED, POWELL SECONDED

That Council:

1. **Delegate authority to the Chief Executive Officer to accept tender 13/2019 for the Museum Exhibition Fitout, provided the tender to be accepted is within budget provisions.**
2. **Delegate authority to the Chief Executive Officer to accept tender 16/2019 for the Loose Furniture Fitout, provided the tender to be accepted is within budget provisions.**
3. **Delegate authority to the Chief Executive Officer to, as necessary, undertake relevant tender negotiations to determine an acceptable tender for each.**
4. **In the event of no tenders being received for either or both tenders, delegate authority to the Chief Executive Officer to implement further procurement actions, as necessary, to establish a contract price that is within budget provisions of the related fitout package.**
5. **Request the Chief Executive Officer to inform Council of the outcome of tenders and any relevant negotiations and/or additional procurement actions.**

CARRIED BY ABSOLUTE MAJORITY 6 VOTES TO 0

**12.7 BELMONT BUSINESS AND ENTERPRISE CENTRE FUNDING REQUEST SUPPORT FOR 2020
BELMONT AND WESTERN AUSTRALIAN SMALL BUSINESS AWARDS**

BUSINESS BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 15 – Item 12.7 refers	27th Belmont Small Business Awards 2020 Sponsorship Proposal
Attachment 16 – Item 12.7 refers	26th Belmont Small Business Awards 2019 Media Release
Confidential Attachment 2 – Item 12.7 refers	2019 and 2020 Budget Allocation
Confidential Attachment 3 – Item 12.7 refers	2019 Awards Statistics

Voting Requirement : Absolute Majority
Subject Index : 22/003 – Funding – Donations and Sponsorships
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 28 February 2017 Ordinary Council Meeting Item 12.3
28 March 2017 Ordinary Council Meeting Item 12.7
12 December 2017 Ordinary Council Meeting Item 12.8
11 December 2018 Ordinary Council Meeting Item 12.4
Applicant : Carol Hanlon, Belmont Business Enterprise Centre
Owner : N/A
Responsible Division : Development and Communities Division

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

Item 12.7 Continued

PURPOSE OF REPORT

The report seeks the approval of Council for an allocation of funds in the 2020-2021 Annual Budget for the purpose of supporting the Belmont Business Enterprise Centre (BBEC) in delivering the 2020 Belmont and Western Australian Small Business Awards.

SUMMARY AND KEY ISSUES

The BBEC is seeking funding support to run the Belmont and Western Australian (WA) Small Business Awards in 2020. If approved, this activity would be included in the draft 2020-2021 Annual Budget.

The BBEC is seeking \$38,950 (excluding GST) for the 2020 Belmont and WA Small Business Awards. Further, the BBEC is requesting that half of this funding to be paid upon approval of this Council item within the current budget and a commitment of the same amount in the future budget period.

It is important to note the Council resolution of 28 March 2017 set the terms for the maximum amount that the contribution for the 2019 Belmont and WA Small Business Awards, that can be is \$38,623.

The BBEC has run the Belmont Small Business Awards since 1994. The City of Belmont has traditionally provided some level of funding support for the Small Business Awards and has traditionally sponsored an award.

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Belmont.

Objective: Achieve and maintain an image of Belmont as an ideal location for business growth and opportunities.

Strategy: Promote the City of Belmont through various promotional and informative materials, facilitated networks and media to make it clear that the City is a great place to do business.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.7 Continued

STATUTORY ENVIRONMENT

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

BACKGROUND

The BBEC is a community based organisation operating from 216 Belmont Avenue, Cloverdale.

The BBEC seeks funding from a range of sources to provide low cost advisory services in the areas of business planning advice, advice on loans and banking products including preparing for and seeking access to credit through financial service providers, development of simple marketing plans, assistance accessing legal and accounting services, leasing guidance and advice on government regulation or mentoring for business.

The BBEC has run the annual Belmont Small Business Awards since 1994. The Awards attract a certain level of local media interest and corporate support and seek to recognise businesses that strive for business excellence.

The 2019 Awards Presentation Night was held at the Perth Convention and Exhibition Centre. Further information on the 2019 Awards Night as well as the request for 2020 funding support, is provided in the attachments to this report (refer [Attachments 15](#) and [16](#), and Confidential Attachments [2](#) and [3](#)).

The City has historically been a venue for the launch of the Awards. This was declined in 2019 due to the works associated with the construction of the new Community Centre severely restricting the amount of parking available in the Civic Centre Precinct. This is expected to be the case again in 2020.

In summary, the BBEC is seeking \$38,950 (excluding GST) direct financial support and the use of the Belmont Civic Centre, in April 2020, for the official launch of the Awards. However based on the Council resolution of the 28 March 2017 Ordinary Council Meeting (OCM) (Item 12.7) the maximum amount that the contribution for the 2019 Belmont and WA Small Business Awards can be is \$38,623.

28 March 2017 Ordinary Council Meeting Item 12.7 Resolution

“That Council:

1. Approve the inclusion of \$37,250 (ex GST) for the 2017 Belmont and Western Australian Small Business Awards within the 2017/2018 Annual Budget for the purpose of sponsoring the Best New Business Award.
2. Agree to immediately prefund \$18,625 (ex GST) of the amount contained in Item 1 for the same event, upon approval of this item, from the 2017/2018 Annual Budget.
3. Approve the application of an annual CPI increase to the amount referred to in Item 1 above (\$37,250) effective from 1 July 2018.

Item 12.7 Continued

4. As a condition of sponsorship for all future funding approved to the Belmont Business Enterprise Centre for the Belmont and Western Australian Small Business Awards require:
 - i. The Belmont Business Enterprise Centre, prior to payment of sponsorship, provide information to the City of Belmont detailing:
 - a. the expected total cost of the Event,
 - b. details of the judges for the Event,
 - c. the marketing and advertising that the City will receive at the Event, and as a result of the Event.
 - ii. The Belmont Business Enterprise Centre, following the Awards Night, provides a report to the City of Belmont detailing:
 - a. the number of Belmont businesses compared to the total number of finals participants,
 - b. the benefits that the Event has provided to the City of Belmont.”

OFFICER COMMENT

The Annual Belmont Small Business Awards are a well organised and well attended celebration of business achievement. The Awards attract sponsorships from a diverse range of organisations, including Belmont Forum and Perth Airport. Through sponsorship the City continues to publicly demonstrate its support for business.

This proposal is considered to be generally in line with the City's sponsorship guidelines, though the level of funding makes it a very significant contribution from the City. The City of Belmont has traditionally provided some level of funding support for the Small Business Awards and has traditionally sponsored an award. In the past few years this level of sponsorship has grown significantly (see graph below). The information provided in the attachments whilst consistent with that presented last year may lack some of the detail expected from such a significant sponsorship contribution. As such the City will continue to monitor, analyse and report on the benefits and best allocation of funds to support local businesses versus sponsorship of awards as part of the ongoing review of the City's Economic Development Strategy.

In previous years, the City has sponsored the Best New Business Award. If it is agreed to provide sponsorship, it is felt that this is the most appropriate award to sponsor.

Prior to 2017 concerns were held that the level of annual contributions requested by the BBEC had been increasing significantly in excess of annual consumer price index (CPI) increases. However, at the 28 March 2017 OCM, Council adopted a recommendation that any increase in annual funding for the Business Awards be consistent with annual increases in the CPI in addition to a range of conditions relating to the sponsorship.

A history of funding by the City of Belmont for the BBEC Business Awards, with a comparison of historical CPI increases, is shown in Table 1.

Item 12.7 Continued

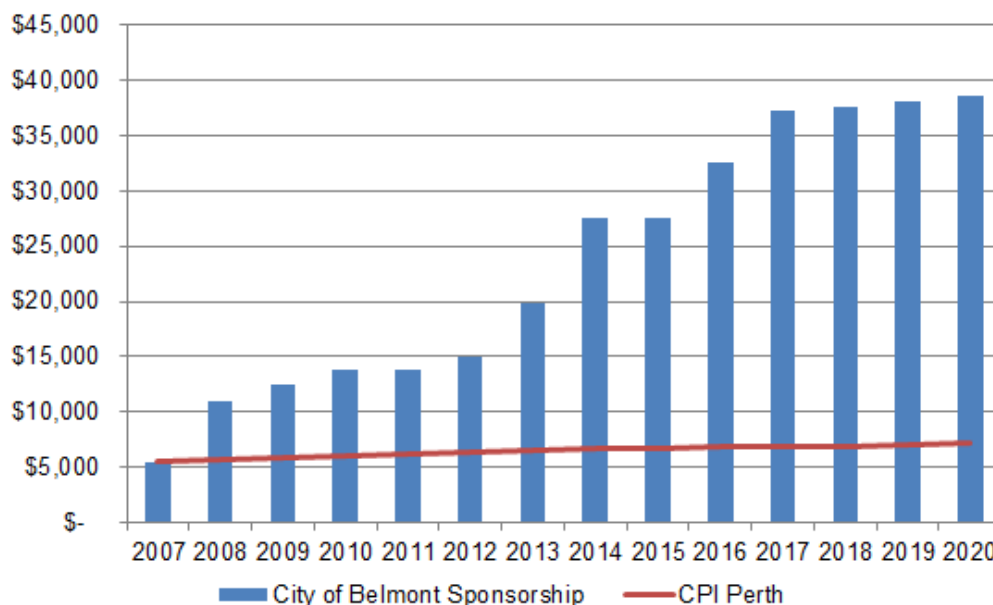


Table 1 – Belmont Business Awards Contributions by Year

The proposal from the BBEC seeks \$38,950 (excluding GST) for the 2020 Belmont and WA Small Business Awards. This is a 2.48% increase over the 2019 package.

The sponsorship funding paid in 2019 was \$38,008 (excluding GST). The Perth CPI (all groups) for the 12 months to September 2019 was 1.62%. In accordance with the 2017 Council resolution to allow for CPI, the level of funds that can be provided for the 2020 Awards can be no higher than \$38,623. The BBEC has requested that half of this funding, \$19,311.50 (excluding GST), be paid upon approval of this Council item. As such, the current request means a forward commitment of \$19,311.50 from the 2020-2021 budget.

The works associated with the construction of the new Community Centre have severely restricted the amount of parking available in the Civic Centre Precinct. As a result the request to use the Civic Centre for the launch of the Awards cannot be supported.

The City also dedicates two pages of the Belmont Business Talk publication to showcase the Belmont based businesses who win awards at the Small Business Awards. This is neither a direct, nor indirect subsidy for the Awards themselves as the purpose of the article is to promote local business excellence to the rest of the business community. However, it is a cost that is related to the Business Awards. The cost of these two pages is approximately \$700.

FINANCIAL IMPLICATIONS

There is currently sufficient allocation of funds available from within the 2019-20 Budget allocation to fund the request for the first half of the funding as requested. The remaining allocation of funds will need to be included into the upcoming 2020-21 budget process.

Item 12.7 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

9.51pm The Director Development and Communities departed the meeting.

Note: Cr Powell put forward the following Procedural Motion under the *Standing Orders Local Law 2017 11.1 (g)*.

PROCEDURAL MOTION

POWELL MOVED, MARKS SECONDED

That Council refer Item 12.7 to a future Information Forum.

LOST 1 VOTE TO 5

For: Powell
Against: Bass, Cayoun, Davis, Marks, Wolff

Reason: To enable further information regarding the total amount including sponsorship, rent and in kind contributions be provided to Elected Members.

OFFICER RECOMMENDATION

DAVIS MOVED, WOLFF SECONDED

That Council:

1. Endorse a payment of \$19,311.50 for the 2020 Belmont and Western Australian Small Business Awards from within the current Economic and Community Development 2019-2020 Annual Budget allocation for the purpose of sponsoring the Best New Business Award.
2. Approve the inclusion of \$19,311.50 for the 2020 Belmont and Western Australian Small Business Awards within the 2020-2021 Annual Budget for the purpose of sponsoring the Best New Business Award.
3. Advise the Belmont Business Enterprise Centre that the Civic Centre Function Room is not available for the launch of the Belmont and Western Australian Small Business Awards.

CARRIED BY ABSOLUTE MAJORITY 6 VOTES TO 0

9.54pm The Director Development and Communities returned to the meeting.

12.8 2019 POLICY MANUAL REVIEW

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 17 – Item 12.8 refers	Policy Manual Review – Amendments List 2019
Attachment 18 – Item 12.8 refers	Policy Manual (with track changes)
Attachment 19 – Item 12.8 refers	Policy Manual (clean copy)

Voting Requirement	:	Absolute Majority
Subject Index	:	32/015 Council Policy Manuals / Code of Conduct
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 12.2 – 25 September 2018 OCM
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To seek Council endorsement of the reviewed and amended Policy Manual for the City of Belmont (City) ([refer Attachment 19](#)).

SUMMARY AND KEY ISSUES

In accordance with section 2.7(2)(b) of the *Local Government Act 1995*, Council is to determine the local government's policies. Council endorsement is sought for the 2019 review of the Policy Manual.

Item 12.8 Continued

The 2019 review of the Policy Manual is inclusive of policies requiring review annually, those scheduled for review in 2019 and the review, amendment and inclusion of any other policies as required by legislative or operational change. All policies due for review in 2019 have been fully risk assessed.

LOCATION

Not applicable.

CONSULTATION

Consultation was undertaken with the relevant policy owners, the Operational Leadership Team (OLT) and the Executive Leadership Team (ELT).

The 2019 Policy Manual Review was presented to the 15 October 2019 Information Forum to discuss the proposed amendments and seek input and guidance from Councillors.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

The development and regular review of policies ensures a consistent and adopted approach for the City to effectively achieve strategic objectives contained within the Key Result Areas of the Strategic Community Plan.

POLICY IMPLICATIONS

Council endorsement of the reviewed, amended and included policies will necessitate amendment of the current City of Belmont Policy Manual.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* provides the basis for many of the City's policies, therefore consistency with this legislation has been reflected in the review, assessment and amendments proposed.

Section 2.7 of the *Local Government Act 1995* outlines the role of Council.

Section 2.7(2)(b) requires the Council to determine the local government's policies.

Item 12.8 Continued

BACKGROUND

All policies in the Policy Manual have previously undergone a risk assessment and been allocated a risk rating. This risk rating determines how often policies are to be reviewed. The 2019 review of the Policy Manual is inclusive of policies requiring review annually, those scheduled for review in 2019 and the review, amendment and inclusion of any other policies as required by legislative or operational change.

Additionally, Policy Owners were requested to review all policies and highlight those considered to be operational in nature.

OFFICER COMMENT

All policies due for review in 2019 have been risk assessed. A number of policies have been proposed to form a separate Operational Policy Manual to be managed by the Chief Executive Officer as an administrative function.

The table at [Attachment 17](#) outlines the proposed amendments or recommendation for each individual policy, as well as any new policies.

A number of minor amendments have been made throughout the Policy Manual. These amendments include updates to formatting, spelling and grammar, organisational changes, rewording of sections to increase clarity, standardisation of terms used, updates to legislation references and updates to figures in line with Consumer Price Index (CPI) increases. These amendments are considered to be minor as they do not alter the purpose or objective of the policy.

It is proposed that policies continue to be risk assessed; however, going forward all policies will be reviewed on an annual or biennial basis with biennial reviews aligned with the local government election cycle.

Policies identified as having major amendments are discussed in further detail below:

BB3 – Streetscape Policy

A change to the Policy Objective to include reference to multiple modes of transport and safety, together with deletion of information relating to street trees as this is now covered under NB5 – Urban Forest Policy.

BEXB16 – Legal Representation for Elected Members and Employees

Amendments have been made to ensure the Policy complies with legislative requirements and takes into consideration local government's changing environment dealing with issues of defamation against Elected Members and Officers.

BEXB28 Purchasing

Amendments have been made to reflect changes to some Regulations and the inclusion of a new section on purchasing locally and environmentally friendly purchasing.

SB2 – Donations – Financial Assistance

The section on Community Contribution Fund has been removed from this Policy and will become a new Operational Policy.

Item 12.8 Continued

BEXB29 – Organisational Record Keeping, BEXB29.1 – Roles and Responsibilities – Elected Members and BEXB29.2 – Roles and Responsibilities - Employees

Additional referencing to relevant legislation and standards has been included, together with additional detail added to Roles and Responsibilities of Employees.

BEXB45 – Council Meetings – Audio Recording

At the 29 October 2019 Ordinary Council Meeting, following discussion of Cr Cayoun's Notice of Motion, Council endorsed the following:

'AMENDED COUNCILLOR RECOMMENDATION

CAYOUN MOVED, ROSSI SECONDED

That Council:

1. Agrees in principle to adopt a system of electronically audio recording Ordinary Council Meetings and uploading them to the City of Belmont website for public access.
2. Commits to implementing such a system within six months, allowing time for the purchase and installation of necessary equipment in the Chamber and the creation and adoption of a suitable policy to govern the use of such a system.
3. Requests that the Chief Executive Officer provide a report to Councillors at an Information Forum that examines the financial, legal and policy related matters surrounding video recording and live-streaming of Council meetings.
4. Requests that after the system has been in place for six months, the Chief Executive Officer provides a report to Councillors at an Information Forum addressing the operation of the Policy and supporting processes.

Reason:

Members of the public have indicated their support for electronic recording of Council meetings.

Council should introduce a system of recording Ordinary Council Meetings to capture a record of meetings and ensure greater transparency and accessibility of meetings.

This motion provides Council with an opportunity to explore the financial, legal and policy matters associated with considering video recording and live-streaming.

This motion also provides for the review of an electronic recording system and policy after six months of use.

CARRIED 9 VOTES TO 0'

In light of this, Policy BEXB45 has been amended to accommodate the changes endorsed above.

Due to the change in policy numbering, it will be necessary to update the Delegated Authority Register 2019-2020 to make reference to the correct policy numbers. This has been included in the Officer Recommendation below.

Item 12.8 Continued

The clean copy of the Policy Manual ([refer Attachment 19](#)) incorporates all proposed amendments, deletions, inclusion of new policy and re-numbering of policies.

FINANCIAL IMPLICATIONS

There are no significant financial implications associated with this report.

ENVIRONMENTAL IMPLICATIONS

Those policies which have environmental implications are aimed at improving the City's ability to protect and enhance the natural environment.

SOCIAL IMPLICATIONS

A number of policies are aimed at supporting community groups, ensuring community access to required services and facilities, assisting in developing community capacity, enhancing a sense of community and contributing to an environment where residents are safe and feel safe.

OFFICER RECOMMENDATION

That Council endorse:

1. The policy amendments outlined in [Attachment 18](#), specifically in relation to the following policies:
 - BB3 Streetscape Policy
 - BB9 Authorised Person to Act in Relation to provisions relating to land
 - BEXB1 Elected Members – Contact with Employees
 - BEXB6 Procedure for Submission of Amended/Alternative Recommendations
 - BEXB7 Council Meeting Schedule
 - BEXB8 Appointment as Committee Members, Representatives and Delegates
 - BEXB9 Western Australian Local Government Association – Requests for Nominations for State Government Committees
 - BEXB10 Council Delegates – Roles and Responsibilities
 - BEXB11A Elected Members Fees, Allowances and Support
 - BEXB11B Elected Member Professional Development and Authorised Travel
 - BEXB12 Governance Services to Elected Members – Local Government Election Year
 - BEXB13 Gifts to Departing Elected Members
 - BEXB15 Rates and Other Debt Recovering – Elected Members
 - BEXB16 Legal Representation for Elected Members and Employees
 - BEXB20 Gratuity Payments and Gifts to Staff
 - BEXB21 Occupational Safety and Health
 - BEXB22 Collection of Rates

Item 12.8 Continued

- BEXB25 Pensioner/Senior Rates Arrears
 - BEXB28 Purchasing
 - BEXB29 Operational Record Keeping
 - BEXB29.1 Roles and Responsibilities – Elected Members
 - BEXB29.2 Roles and Responsibilities – Employees
 - BEXB33 Quasi-Judicial Role
 - BEXB34 Risk Management
 - BEXB35 Investment of Funds
 - BEXB36 Elected Member Attendance and Participation at Community Workshops
 - BEXB37 Corporate Credit and Debit Cards
 - BEXB38 Business Improvement Policy
 - BEXB43 Street Numbering, Renumbering and Renaming
 - BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions
 - BEXB45 Ordinary Council Meetings – Audio Recording
 - NB1 Environmental Purchasing Policy
 - NB3 Environment and Sustainability Policy
 - NB4 Dangerous Trees
 - NB5 Urban Forest Policy
 - SB1 Council Authority to Apply for Grants
 - SB2 Donations – Financial Assistance
 - SB3 Naming or Renaming of Streets, Parks and Reserves
 - SB5 Honorary Freeman of the City
 - SB6 Civic Dinner – Community Guests
 - SB7 Memorials in Public Open Space
 - SB8 Communication and Consultation – Community and Stakeholders
 - SB9 Donation of Disused Equipment, Machinery and Other Materials
 - SB19 Applications for Council Assistance
2. The following new policy for inclusion in the Council Policy Manual:
- Electoral Caretaker Period Policy
3. The deletion of the following policies :
- BB7 Private Works
 - BB8 Fees – Subdivision Work
 - BSB1 Local Business Purchase Reference
 - BEXB2 Items Submitted by Elected Members
 - BEXB3 Correspondence from Members of the Public

Item 12.8 Continued

- BEXB30 Responsibility for Matters Associated with the Operational Structures of Council
4. The deletion of the following policies from the Council Policy Manual to be included in a new Operational Policy Manual administered by the Chief Executive Officer:
 - BB4 Manholes and Stormwater Connections
 - BEXB5 Deputations at Meetings of Council
 - BEXB17 Reports on Legal Advice to Elected Members
 - BEXB18 Official Council Photograph
 - BEXB24 Waste Collection Charges
 - BEXB26 Rounding Down of Accounts for Payment
 - BEXB27 Financial Management - Major Land Transactions
 - BEXB32 Decision Making Policy
 - NB2 Storm Water Disposal from Private Properties
 - SB12 Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups
 - SB13 Community Clothing Collection Bins
 - SB14 Temporary Caravan Accommodation
 - SB15 Library Borrowing - Restrictions
 - SB16 Community Facilities - Time Limit on Hiring
 - SB17 Hire - Priority Bookings
 - SB18 Commercially Run Temporary and Mobile Food Business Applying to Operate within the City
 - SB20 Dogs - Keeping of Three Dogs
 - SB21 City of Belmont Art Collection Policy
 - SB22 City of Belmont Mural Art Policy
 5. The Council Policy Manual as amended ([Attachment 19](#)).
 6. The amendment of the Delegated Authority Register 2019-2020 to make reference to the appropriate Policies following the change to Policy numbering

Item 12.8 Continued

Note: Cr Cayoun put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

CAYOUN MOVED, BASS SECONDED

That Council endorse:

1. *That Council Policy BEXB4.1: Councillor Refreshment Facilities be altered as follows:*

Policy Objective

To provide guidelines on the use of council refreshment facilities by Elected Members.

Policy Statement

Council refreshment facilities are to be used for Council related business.

Policy Detail

Elected Members present in the Civic Centre on Council business may not partake in any alcoholic beverages unless in accordance with the following policy requirements.

The bar facilities, including alcoholic beverages, shall only be made available to provide hospitality to Elected Members and visitors who are present in the Civic Centre on Council business as authorised by the Mayor. Any Elected Member present in these circumstances may open the bar and offer refreshments on behalf of Council. In the absence of the Mayor an Elected Member, the Deputy Mayor or Chief Executive Officer or the Chief Executive Officer's nominee is authorised to offer hospitality to Elected Members and appropriate visitors.

A register will be maintained to record all authorised hospitality events in the Councillors Lounge.

In relation to Council related functions, Mayoral approval is required for the use of bar facilities.

Where the Mayor is not in attendance or has departed then the person responsible for the exercise of the powers of the Mayor under this policy shall be determined in the following order:

- 1. the Deputy Mayor;*
- 2. a person appointed by the Mayor to exercise the powers of the Mayor under this policy for that specific occasion; or*
- 3. a person appointed by the Deputy Mayor to exercise the powers of the Mayor under this policy for that specific occasion.*

The use of bar facilities shall be in accordance with the principles of the responsible service of alcohol.

The Chief Executive Officer's approval is sufficient for staff-related functions where the Mayor's approval cannot be obtained at short notice.

LOST 1 VOTE TO 5

For: Cayoun

Against: Bass, Davis, Marks, Powell, Wolff

Item 12.8 Continued

Reason: If Councillors choose to consume alcoholic beverages before or after Council meetings, they should foot the bill, not the ratepayers.

Note: Cr Cayoun put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

CAYOUN MOVED, BASS SECONDED

2. *That Council Policy BEXB4.2: Councillor's Lounge – Public Access be altered as follows:*

Policy Objective

To outline the accessibility of and etiquette required of attendees when they are present, following a meeting of Council or an official Council function in the:

1. Council Reception Area; and
2. Councillor's Lounge.

Policy Statement

Elected Members present in the Civic Centre on Council business may not partake in any alcoholic beverages unless in accordance with the following policy requirements. Elected Members who extend invitations to members of the public to attend either the Council Reception Area or Councillor's Lounge must adhere to the accessibility and etiquette requirements as set out in the policy.

Policy Detail

A. Council Reception Area

Members of the public do not have access to the Council Reception Area unless they are specifically invited following a Council meeting or attending an official Council function.

The Mayor may extend an invitation to the general public and the press in attendance at a meeting to join the Mayor and Elected Members in the Council Reception Area.

With the approval of the Mayor or in the absence of the Mayor the Deputy Mayor individual Elected Members are welcome to invite up to a maximum of two members of the public to the Council Reception Area for thirty minutes following the Council meeting or official function, on condition that the Elected Member will:

- i. act as host for guest(s) (e.g. provide them with refreshments);
- ii. take full responsibility for their actions;
- iii. not invite the same guest(s) for two consecutive Council meetings unless they obtain prior approval from the Mayor; and
- iv. escort their guest from the Council Reception Area when their guest wishes to leave or when the allotted time expires, and secure the premises.

It is expected that the Elected Member will remain in the Council Reception Area until their guest(s) depart.

Item 12.8 Continued

B. Councillor's Lounge

Members of the public do not have access to the Councillor's Lounge following a Council meeting or an official Council function.

At the Mayor's discretion invitations may be extended to a special guest(s).

The Councillor's Lounge should be reserved for Elected Members and employees and their families only, and Elected Member's guests should be entertained in the Council Reception Area in accordance with Part A of this policy.

Etiquette

No person shall remain in the Councillor's Reception Area or Councillor's Lounge if they fail to maintain an acceptable dress code or they engage in antagonistic or antisocial behaviour.

The Mayor shall be the sole judge of a breach of etiquette and is authorised to expel a person from the Reception Area or Lounge for such a breach.

Where the Mayor is not in attendance or has departed then the person responsible for the exercise of the powers of the Mayor under this policy shall be determined in the following order:

- i. the Deputy Mayor;
- ii. a person appointed by the Mayor to exercise the powers of the Mayor under this policy for that specific occasion;
- iii. a person appointed by the Deputy Mayor to exercise the powers of the Mayor under this policy for that specific occasion.

The Chief Executive Officer may authorise the use of the Councillors Lounge and Reception area for times when not in use by Elected Members. However, the Mayor has "absolute" authority regarding access to the Councillor's Lounge.

A register will be maintained to record all authorised hospitality events in the Council Reception Area and the Councillors Lounge.

LOST 1 VOTE TO 5

For: Cayoun

Against: Bass, Davis, Marks, Powell, Wolff

Reason: If Councillors choose to consume alcoholic beverages before or after Council meetings, they should foot the bill, not the ratepayers.

Item 12.8 Continued

Note: Cr Cayoun put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

CAYOUN MOVED, DAVIS SECONDED

1. Policy BEXB2.1 Clause 2 – Caretaker Period Protocols – Candidates, iii Candidate Requests on behalf of Electors, Residents or Ratepayers as shown below be removed:

Candidates, including elected members who have nominated for re-election, shall advise the City where they have received a request from an elector, resident or ratepayer for advice, information or responses to matters relevant to the City and shall not respond to the request directly.

Candidate requests made on behalf of an elector, resident or ratepayer and referred to the City will be responded to by the City's Administration directly to the requesting elector, resident or ratepayer. Responses will not be provided to the candidate by the City as the provision of responses to enquiries from electors, residents or ratepayers regarding the operations of the local government is an administrative function.

and the Policy be renumbered accordingly.

CARRIED 6 VOTES TO 0

Reason: Councillors should be able to fulfil their obligations to ratepayers as per usual.

Note: Cr Cayoun moved the balance of items in the Officer Recommendation.

CAYOUN MOVED, BASS SECONDED

That Council endorse:

2. The policy amendments outlined in [Attachment 18](#), specifically in relation to the following policies:
 - BB3 Streetscape Policy
 - BB9 Authorised Person to Act in Relation to provisions relating to land
 - BEXB1 Elected Members – Contact with Employees
 - BEXB6 Procedure for Submission of Amended/Alternative Recommendations
 - BEXB7 Council Meeting Schedule
 - BEXB8 Appointment as Committee Members, Representatives and Delegates
 - BEXB9 Western Australian Local Government Association – Requests for Nominations for State Government Committees
 - BEXB10 Council Delegates – Roles and Responsibilities
 - BEXB11A Elected Members Fees, Allowances and Support
 - BEXB11B Elected Member Professional Development and Authorised Travel

Item 12.8 Continued

- **BEXB12 Governance Services to Elected Members – Local Government Election Year**
- **BEXB13 Gifts to Departing Elected Members**
- **BEXB15 Rates and Other Debt Recovering – Elected Members**
- **BEXB16 Legal Representation for Elected Members and Employees**
- **BEXB20 Gratuity Payments and Gifts to Staff**
- **BEXB21 Occupational Safety and Health**
- **BEXB22 Collection of Rates**
- **BEXB25 Pensioner/Senior Rates Arrears**
- **BEXB28 Purchasing**
- **BEXB29 Operational Record Keeping**
- **BEXB29.1 Roles and Responsibilities – Elected Members**
- **BEXB29.2 Roles and Responsibilities – Employees**
- **BEXB33 Quasi-Judicial Role**
- **BEXB34 Risk Management**
- **BEXB35 Investment of Funds**
- **BEXB36 Elected Member Attendance and Participation at Community Workshops**
- **BEXB37 Corporate Credit and Debit Cards**
- **BEXB38 Business Improvement Policy**
- **BEXB43 Street Numbering, Renumbering and Renaming**
- **BEXB40 Attendance by Dignitaries at Civic Functions, Ceremonies and Receptions**
- **BEXB45 Ordinary Council Meetings – Audio Recording**
- **NB1 Environmental Purchasing Policy**
- **NB3 Environment and Sustainability Policy**
- **NB4 Dangerous Trees**
- **NB5 Urban Forest Policy**
- **SB1 Council Authority to Apply for Grants**
- **SB2 Donations – Financial Assistance**
- **SB3 Naming or Renaming of Streets, Parks and Reserves**
- **SB5 Honorary Freeman of the City**
- **SB6 Civic Dinner – Community Guests**
- **SB7 Memorials in Public Open Space**
- **SB8 Communication and Consultation – Community and Stakeholders**
- **SB9 Donation of Disused Equipment, Machinery and Other Materials**
- **SB19 Applications for Council Assistance**

Item 12.8 Continued

3. **The following new policy for inclusion in the Council Policy Manual:**
 - **Electoral Caretaker Period Policy as amended in Resolution 1. above**

4. **The deletion of the following policies :**
 - **BB7 Private Works**
 - **BB8 Fees – Subdivision Work**
 - **BSB1 Local Business Purchase Reference**
 - **BEXB2 Items Submitted by Elected Members**
 - **BEXB3 Correspondence from Members of the Public**
 - **BEXB30 Responsibility for Matters Associated with the Operational Structures of Council**

5. **The deletion of the following policies from the Council Policy Manual to be included in a new Operational Policy Manual administered by the Chief Executive Officer:**
 - **BB4 Manholes and Stormwater Connections**
 - **BEXB5 Deputations at Meetings of Council**
 - **BEXB17 Reports on Legal Advice to Elected Members**
 - **BEXB18 Official Council Photograph**
 - **BEXB24 Waste Collection Charges**
 - **BEXB26 Rounding Down of Accounts for Payment**
 - **BEXB27 Financial Management - Major Land Transactions**
 - **BEXB32 Decision Making Policy**
 - **NB2 Storm Water Disposal from Private Properties**
 - **SB12 Sausage Sizzle and Low Risk Food Manufacture and Sale by Charities and Community Groups**
 - **SB13 Community Clothing Collection Bins**
 - **SB14 Temporary Caravan Accommodation**
 - **SB15 Library Borrowing - Restrictions**
 - **SB16 Community Facilities - Time Limit on Hiring**
 - **SB17 Hire - Priority Bookings**
 - **SB18 Commercially Run Temporary and Mobile Food Business Applying to Operate within the City**
 - **SB20 Dogs - Keeping of Three Dogs**
 - **SB21 City of Belmont Art Collection Policy**
 - **SB22 City of Belmont Mural Art Policy**

Item 12.8 Continued

6. **The Council Policy Manual as further amended by Resolution 1. above [\(Attachment 19\)](#).**
7. **The amendment of the Delegated Authority Register 2019-2020 to make reference to the appropriate Policies following the change to Policy numbering.**

CARRIED BY ABSOLUTE MAJORITY 6 VOTES TO 0

**12.9 REQUEST FOR RATE EXEMPTION – JEANETTE BERINSON AND BEATRICE SAKER
1B/130 FRANCISCO STREET, BELMONT**

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil

Voting Requirement : Simple Majority
Subject Index : 98/008 Rate Exemptions
Location/Property Index : 1B/130 Francisco Street, Belmont
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : Secondbite
Owner : Jeanette Berinson and Beatrice Saker
Responsible Division : Corporate and Governance

COUNCIL ROLE

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- Legislative** *Includes adopting local laws, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To consider the request for a rate exemption at Unit 1B/130 Francisco Street, Belmont.

SUMMARY AND KEY ISSUES

A letter has been received from the owners of the property requesting a rate exemption on behalf of their tenants, Secondbite, with relevant documentation to support their request for a rate exemption.

Item 12.9 Continued

LOCATION

Part of Lot 850 on Plan 69039 also known as 130 Francisco Street, Belmont.



CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There is no specific strategy associated with rating practices; however the consideration of this report is consistent with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Apply sound and sustainable business management principles.

Strategy: Ensure competitive and sustainable financial performance through effective modelling, financial management and reporting practices which underpin capacity building.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.9 Continued

STATUTORY ENVIRONMENT

The relevant sections of the *Local Government Act 1995* that apply are:

1. Section 6.26 of the *Local Government Act 1995* states:

“Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land

(g) land used exclusively for charitable purposes;”

2. Section 6.53 of the *Local Government Act 1995* states:

“Land becoming or ceasing to be rateable land:

Where during a financial year -

(a) land that was not rateable becomes rateable land; or

(b) rateable land becomes land that is not liable to rates,

the owner of that land -

(c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or

(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,

as the case requires”

3. Section 6.76 of the *Local Government Act 1995* states:

“(1) A person may, in accordance with this section, object to the rate record of a local government on the ground —

(a) that there is an error in the rate record —

(ii) on the basis that the land or part of the land is not rateable land;

(3) An objection under subsection

(1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.”

BACKGROUND

Secondbite is a Not for Profit organisation that began in 2005 who are now leaders in a national food rescue service that rescues surplus fresh food from across the network and redistributes it to local charities and other non-profits around Australia to be handed to those in need.

In 2011 Coles and Secondbite formed a national partnership which lead to the expansion of the organisation’s operations and scale allowing more people to benefit from the food rescue, and over this period of time nationally, has made an equivalent of 85 million meals in the last eight years in this partnership alone.

Secondbite currently have an approved rate exemption at unit 3/130 Francisco Street and have recently taken on this smaller lease at 1B/130 Francisco Street.

The date of this deed was executed by all parties being 1 August 2019 with a renewal period available from 30 June 2021 to 30 June 2023.

Item 12.9 Continued

The business at this Unit (1B) is the collection point for the sorting and packaging of fruit and vegetables that are in turn provided to the charities for distribution to those in need.

There are approximately 10-12 Volunteers working closely under one warehouse supervisor.

Some of their main objectives written into the Constitution are:

- the relief of poverty, sickness, destitution or helplessness in the community by the collection from donors and other persons of nutritious fresh and other foodstuffs for distribution to homeless persons and those other persons in need.
- to make representations to, and enter into agreements with donors and their providers of foodstuffs in order to achieve the objectives of the Company.

OFFICER COMMENT

The following documentation has been provided:

- Letter from the owner requesting the rate exemption on behalf of their tenant.
- An application for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation).
- Statutory Declaration confirming the property use and confirmation that the City will be advised immediately if the use of this part of the property changes.
- Current Constitution.
- 2018 Audited Financial Report.
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office.
- Australian Charities and Not for Profit Commission Certification.

The property known as 130 Francisco Street, Belmont is zoned Mixed Business under the Local Planning Scheme 15. In accordance with Table 1 of that scheme the land use Office, Warehouse and Light Industry are discretionary uses in the Mixed Business zone. The City's Planning Department has confirmed that the operations and activities of Secondbite accords with the approved use.

FINANCIAL IMPLICATIONS

Section 6.26(2)(g) of the *Local Government Act 1995* states that the property must be used exclusively for charitable purposes. Section 6.53 of the *Local Government Act 1995* defines when during a financial year the land is rateable compared to non-rateable.

As the property comprises individual non strata units, the City provided Landgate a copy of the leased area to ascertain a Gross Rental Valuation (GRV) for this particular leased Unit.

At this point in time, the GRV has not been received to ascertain the loss of rate revenue which would be effective from the date the deed was signed being 1 August 2019. The property is rated Industrial.

Item 12.9 Continued

The Fire Services levy is still applicable and is required to be paid in full and the payment forwarded to the Department of Fire and Emergency Services (DFES) as per the current legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

The business provides work opportunities to members of the community who may not otherwise be able to find work elsewhere giving them a sense of purpose and valuable work experience and the opportunity to interact with others.

The redirection of edible, surplus food which could be headed for landfill is redirected to agencies and charities to ensure that those members of the community are able to access fresh food and vegetables which they may not otherwise be able to obtain.

OFFICER RECOMMENDATION

That Council endorse the rate exemption for the unit known as 1B/130 Francisco Street, Belmont under section 6.26 (2)(g) and section 6.53 of the *Local Government Act 1995* effective from 1 August 2019.

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.10 ACCOUNTS FOR PAYMENT – NOVEMBER 2019

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 20 – Item 12.10 refers	Accounts for Payment – November 2019

Voting Requirement	:	Simple Majority
Subject Index	:	54/007-Creditors-Payment Authorisations
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance Division

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

A list of payments is presented to the Council each month for confirmation and endorsement in accordance with the *Local Government (Financial Management) Regulations 1996*.

Item 12.10 Continued

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

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 Payment Listing are recommended for confirmation and endorsement.

Municipal Fund Cheques	788319 to 788344	\$144,469.46
Municipal Fund EFTs	EF064802 to EF065350	\$6,051,487.36
Municipal Fund Payroll	November 2019	\$1,621,141.10
Trust Fund Cheques	905499	\$80.00
Trust Fund EFT	EF0664803 to EF064804 and EF064919 to EF064932	<u>\$15,748.57</u>
Total Payments for November 2019		\$7,832,926.49

Item 12.10 Continued

A copy of the Authorised Payment Listing is included as [Attachment 20](#) to this report.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for November 2019 as provided under [Attachment 20](#) be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

12.11 MONTHLY ACTIVITY STATEMENT - AS AT 30 NOVEMBER 2019

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 21 – Item 12.11 refers	<u>Monthly Activity Statement as at 30 November 2019</u>

Voting Requirement	:	Simple Majority
Subject Index	:	32/009-Financial Operating Statements
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

The following report includes a concise list of material variances and a Reconciliation of Net Current Assets at the end of the reporting month.

Item 12.11 Continued

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no Strategic Community Plan implications evident at this time.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

Regulation 34(1) requires a monthly Statement of Financial Activity reporting on revenue and expenditure.

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are required to be reported to Council as a part of the monthly report. It also requires Council to adopt a “percentage or value” for what it will consider to be material variances on an annual basis. Further clarification is provided in the Officer Comments section.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires that financial statements are presented on a monthly basis to Council. Council has adopted ten percent of the budgeted closing balance as the materiality threshold.

OFFICER COMMENT

The Statutory Monthly Financial Report is to consist of a Statement of Financial Activity reporting on revenue and expenditure as set out in the Annual Budget. It is required to include:

- Annual budget estimates
- Budget estimates to the end of the reporting month
- Actual amounts to the end of the reporting month
- Material variances between comparable amounts
- Net current assets as at the end of the reporting month.

Item 12.11 Continued

Previous amendments to the Regulations fundamentally changed the reporting structure which requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based.

The monthly financial report is to be accompanied by:

- An explanation of the composition of the net current assets, less committed* and restricted** assets
- An explanation of material variances***
- Such other information as is considered relevant by the local government.

**Revenue unspent but set aside under the annual budget for a specific purpose.*

***Assets which are restricted by way of externally imposed conditions of use e.g. tied grants.*

****Based on a materiality threshold of 10 percent.*

In order to provide more details regarding significant variations as included in [Attachment 21](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Computing	98,408	199,736	Variance relates to the budget spread of the website design and development project.
Human Resources	65,939	Nil	Mainly relates to the purchase of fleet that is currently deferred due to usage or as a result of a recent fleet replacement review.
Property and Economic Development	94,875	Nil	Relates to fleet replacement and the purchase of land that has yet to occur.
Health	77,622	Nil	Relates to fleet replacement.
Belmont HACC Services	156,805	22,774	Vehicles including buses are currently on order.
Environment	91,585	32,652	Garvey Park projects currently behind budget.
Belmont Oasis	72,475	2,475	The replacement of strength equipment will occur later in the financial year.
Ruth Faulkner Library	588,939	57,566	Equipment purchases for the new library are currently on order and furniture recently tendered.
Grounds Operations	809,161	507,393	Variance mainly relates to Brearley Avenue POS Irrigation project being under budget.
Road Works	2,476,898	1,654,880	Work has now begun on the Belmont Ave project and will continue through to April. Belgravia St project has not yet commenced.
Drainage Works	155,800	53,360	The conversion program will begin later in the year following progress on major projects. Minor drainage project rescheduled to December.

Item 12.11 Continued

Report Section	Budget YTD	Actual YTD	Comment
Operations Centre	345,531	1,723	Fleet and plant purchases are currently behind budget.
Expenditure – Operating			
Finance Department	959,811	873,791	A majority of the variance relates to the audit fee that is due to be paid in December.
Computing	1,289,667	1,197,464	Variance mainly relates to employee costs.
Marketing and Communications	899,054	782,206	Variance mainly relates to employee and printing costs.
Reimbursements	96,829	182,945	Significant amount of unbudgeted Paid Parental Leave (offset in revenue).
Chief Executive Officer	365,667	295,499	Variance mainly relates to employee and consulting costs.
Organisational Development	230,197	178,718	Variance mainly relates to employee costs.
Governance	1,410,125	1,244,505	Activity Based Costing allocations (ABC's) are below budget.
Property and Economic Development	705,372	528,644	Main two items are employee costs and contributions (e.g. Small Business Awards and accommodation support)
Health	669,503	590,138	Variance mainly relates to employee costs.
Community Services	460,550	386,952	Variance mainly relates to employee costs.
Belmont HACC Services	1,171,535	1,112,261	Variance mainly relates to employee and agency costs.
Town Planning	1,394,622	1,121,487	Variance mainly relates to employee and consulting costs.
Sanitation Charges	2,239,620	2,002,328	Mainly relates to outstanding invoices yet to be processed.
Marketing and Communications	445,383	205,230	Relates to outstanding payments for the 'Let's Celebrate Belmont' event.
Public Facilities Operations	8,532	72,195	Contributions in relation to MOU's were paid earlier than anticipated.
Ruth Faulkner Library	1,121,425	994,375	Variance mainly relates to employee and consulting costs.
Community Place Making	122,311	53,627	Public art projects are currently under budget.
Building - Active Reserves	322,278	257,225	Outstanding costs with contractors paid monthly in arrears.
Grounds Overheads	715,508	623,233	Variance mainly relates to employee costs.
Road Works	480,528	413,807	Maintenance expenditure is variable and budgeted evenly over the year as it is difficult to predict on a monthly basis.
Drainage Works	138,853	83,222	Maintenance expenditure is variable and budgeted evenly over the year as it is difficult to predict on a monthly basis.
Building Operations	534,697	401,464	Employee costs are under budget mainly due to staff leave implications and contractors are paid monthly in arrears.

Item 12.11 Continued

Report Section	Budget YTD	Actual YTD	Comment
Public Works Overheads	792,548	691,695	Variance mainly relates to employee costs.
Technical Services	1,099,937	977,242	Variance mainly relates to employee costs.
Revenue - Capital			
Property and Economic Development	(78,720)	(24,666)	Budget spread issue regarding the disposal of land.
Crime Prevention and Community Safety	(637,000)	Nil	Timing issue regarding receipt of grant income.
Grounds Operations	(249,000)	Nil	Timing issue regarding receipt of grant income.
Road Works	(1,074,533)	(650,999)	Timing issue regarding receipt of grant income.
Operations Centre	(199,445)	(39,520)	Sale of Plant / Fleet is behind budget due to vehicle replacement schedule being extended.
Building Operations	(3,724,839)	(3,002,524)	Timing issue regarding receipt of grant income.
Revenue - Operating			
Computing	(1,063,795)	(1,197,463)	ABC recoveries currently below budget.
Reimbursements	(96,830)	(163,658)	Significant amount of unbudgeted recouped Parental Leave (offset in expenditure).
Human Resources	(709,679)	(504,180)	ABC recoveries currently below budget.
Rates	(49,818,736)	(49,922,740)	Residential and Commercial rates slightly ahead of budget.
Financing Activities	(832,609)	(324,916)	Budget spread does not match the timing of Term Deposit maturities.
Belmont HACC Services	(1,307,451)	(1,365,778)	Fee and grant income slightly better than budget.
Town Planning	(540,928)	(449,577)	ABC recoveries currently below budget.
Sanitation Charges	(6,531,288)	(6,481,051)	Number of bin services are slightly less than expected.
Public Works Overheads	(579,568)	(389,689)	Overhead recovery lower than anticipated.
Plant Operating Costs	(626,968)	(533,317)	Recovery for plant operating costs are lower than anticipated.

Item 12.11 Continued

In accordance with *Local Government (Financial Management) Regulations 1996*, Regulation 34 (2)(a) the following table explains the composition of the net current assets amount which appears at the end of the attached report.

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 30 November 2019	\$	Comment
Cash and investments	85,548,402	Includes municipal and reserves
- less non rate setting cash	(58,574,632)	Reserves
Receivables	14,601,769	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(2,273,804)	ESL Receivable
Stock on hand	211,609	
Total Current Assets	39,513,344	
Current Liabilities		
Creditors and provisions	(12,208,442)	Includes ESL and deposits
- less non rate setting creditors & provisions	5,952,452	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(6,255,990)	
Nett Current Assets 30 November 2019	33,257,354	
Nett Current Assets as Per Financial Activity Report		
Nett Current Assets as Per Financial Activity Report	33,257,354	
Less Restricted Assets	(230,743)	Unspent grants held for specific purposes
Less Committed Assets	(32,526,611)	All other budgeted expenditure
Estimated Closing Balance	500,000	

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.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 30 November 2019 as included in [Attachment 21](#) be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –
REFER TO RESOLUTION APPEARING AT ITEM 12***

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13.2 NOTICE OF MOTION (COUNCILLOR DAVIS) - LOCAL GOVERNMENT ELECTED MEMBERS' ASSOCIATION (WA) INC. (LGEMA) MEMBERSHIP

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil

Voting Requirement	:	Simple Majority
Subject Index	:	35/002 – Notices of Motion
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

Item 13.2 Continued

PURPOSE OF REPORT

To consider the Notice of Motion received from Cr Davis for Council to agree to pay for all City of Belmont Elected Members to have annual membership with the Local Government Elected Members' Association (WA) Inc. (LGEMA).

SUMMARY AND KEY ISSUES

A request has been received from Cr Davis for Council to consider Elected Members having annual membership with the Local Government Elected Members' Association (WA) Inc. (LGEMA).

LOCATION

Not applicable.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

BACKGROUND

The LGEMA is a newly established organisation (date of incorporation, 7 August 2019, ABN registered 30 August 2019) with the aim to be a dedicated advocate in Western Australian Local Government.

Information gained from the LGEMA website includes that the advocacy will be serving the public interest and will include information dissemination, advocacy, grievance support, and model local government governance and administration templates. The website also includes links to the current Department of Local Government, Sport and Cultural Industries consultation, legislation and some common law cases and State Administrative Tribunal decisions.

Item 13.2 Continued

The City currently subscribes to membership of the Western Australian Local Government Association (WALGA). WALGA is constituted as a body corporate with perpetual succession and a common seal as recognised within the *Local Government Act 1995*. WALGA offers subscription services, policy and advocacy advice, training in addition to playing an advocacy role on behalf of 138 Western Australian local governments and negotiates service agreements for the sector.

OFFICER COMMENT

It is important that Elected Members inform themselves through referencing the LGEMA website ([LGEMA Website - lgema.org](http://lgema.org)) and also make reference to the ([WALGA Website - walga.asn.au](http://walga.asn.au)) to understand the role of each of the groups.

FINANCIAL IMPLICATIONS

There will be expenditure associated with the cost of memberships. The cost per membership is \$50.00 per member per annum, with some discounts available for concurrent group registrations.

This membership could be funded from the Elected Member Professional Development allocation within the budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Note: Cr Davis withdrew this Notice of Motion.

COUNCILLOR RECOMMENDATION

That Council agrees to pay for all Elected Members to have annual membership with the Local Government Elected Members' Association (WA) Inc. (LGEMA).

LGEMA is dedicated to supporting Elected Members achieving the best possible community outcomes on behalf of their constituents and to streamline the work of elected members to ensure effective use of their time. LGEMA membership is open to current and former elected members pooling collective skills and knowledge to provide resources, mentoring and networking to all local government elected members throughout WA to assist them to achieve the best outcomes, guided by the principles of openness, accountability, transparency and sustainability.

LGEMA would welcome the invitation to speak to local governments about its work. LGEMA will provide pivotal case studies on good governance. LGEMA hopes to build capacity through governance templates accessible to its members.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

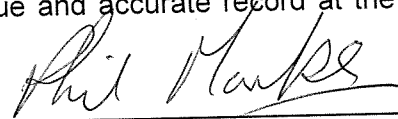
15. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 10.12pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 10 December 2019 were confirmed as a true and accurate record at the Ordinary Council Meeting held 25 February 2020:

Signed by the Person Presiding: _____



PRINT name of the Person Presiding: _____

PHILIP MARKS
