



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES
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15 December 2009

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ATTACHMENTS INDEX

- Attachment 1 – Item 12.1 refers**
- Attachment 2 – Item 12.1 refers**
- Attachment 3 – Item 12.3 refers**
- Attachment 4 – Item 12.5 refers**
- Attachment 5 – Item 12.6 refers**
- Attachment 6 – Item 12.7 refers**
- Attachment 7 – Item 12.8 refers**
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CONFIDENTIAL ATTACHMENTS INDEX

Confidential Attachment 1 – Item 12.4 refers

Confidential Attachment 2 – Item 12.4 refers

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

MINUTES

PRESENT

Cr G Godfrey, Presiding Member	East Ward
Cr P Marks, Deputy Presiding Member	East Ward
Cr R Rossi	West Ward
Cr P Hitt	West Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward
Cr J Gee	Central Ward
Cr G Dornford	Central Ward

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr N Deague	Director Community & Statutory Services
Mr R Lutey	Director Technical Services
Mr J Olynyk JP	Acting Director Corporate & Governance
Mr J Hardison	Manager Property & Economic Development
Mr M Ridgwell	Principal Governance & Compliance Advisor
Mr S Nancarrow (arr 7.22pm, dep 8.16pm & did not return)	Co-ordinator Crime Prevention & Ranger Services
Ms C McLean	Legal & Compliance Advisor
Ms S Johnson	Governance Officer

MEMBERS OF THE GALLERY

There were 18 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.04pm, welcomed those in attendance and invited Cr Dornford to read the affirmation to which he declined. Cr Gee was then requested to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Gee read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Councillors and Officers of the City of Belmont. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability. We 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 & LEAVE OF ABSENCE

Cr Martin (Leave of Absence)	West Ward
Cr Hanlon (Leave of Absence)	East Ward
Cr B Whiteley (Apologies)	South Ward
Mr R Garrett (Apologies)	Director Corporate & Governance

3. DECLARATIONS OF INTEREST

7.05pm The Acting Director Corporate & Governance read aloud the declarations of interest.

3.1 FINANCIAL INTERESTS

Name	Item No. & Title	Nature of Interest (and extent, where appropriate)
Cr Dornford	12.7 Accounts for Payment	Rate Refund.

3.2 DISCLOSURE OF INTEREST THAT MIGHT CAUSE A CONFLICT

Name	Item No. & Title
Cr Rossi	13.2 Councillor Motion: The Kilns - Lots 713, 237, 236 and Pt 197 (80) Grandstand Road, Ascot

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcement:

The City of Belmont has had a successful year winning many awards and this afternoon we held a volunteers luncheon which was another huge success.

Thank you to Councillors and Officers for your support in achieving our goals in 2009 and we look forward to our break in January and come back refreshed in 2010.

4.2 DISCLAIMER

7.06pm 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

The following question was taken on notice at the Ordinary Council Meeting of 24 November 2009. Ms Brodie-Hall was provided with a response on 2 December 2009. The response from the City is recorded accordingly –

3. Please also note that at the Ordinary Council Meeting of 27 October 2009, in reply to our question regarding the amount of rental to be paid for the large Ascot Waters advertising sign adjacent to Great Eastern Highway on the Trust Land opposite Belmont Primary School and whether it is equal to or less than the rental valuation prepared by Valuations WA, it was replied that "Officers have been requested to provide the information that supports this resolution. This will be provided for the next Ordinary Council Meeting". Since this information was not provided at the OCM 27 October 2009, would it be possible to provide it at a forthcoming OCM?

Response

In August 2008 the Belmont Trust unanimously agreed not to establish a lease for the land affected by the signage at 154 Great Eastern Hwy, Ascot. The primary reason for this decision was that a decision to establish a lease for the sign would be a retrospective action that would not support the partnership approach taken between the Belmont City Council and Ascot Fields Nominees for the development of Ascot Vale. As such no lease income is being charged.

The following question was taken on notice at the Ordinary Council Meeting of 24 November 2009. Ms Bass was provided with a response on 2 December 2009. The response from the City is recorded accordingly –

3. Ms Bass queried the procedure for assessing land rates by the Valuer General's Department and asked whether the Council would adjust its rates charges as she believed she had been overcharged?

Response

Each month all Councils are required to provide a report to the Valuer General's Office (VGO) which lists all properties that have received building licence approvals. This was the case regarding the property at 77 Keymer Street which received such an approval during June 2009.

The interim rate notice sent on the 6 November was based on the VGO amended gross rental value (GRV) advised to the City through their standard processes. Following a telephone conversation with Ms Bass, an Officer of the City contacted the VGO on her behalf to assist her with her enquiry. It is understood that following this, an inspection of her property was undertaken by the VGO at which point Ms Bass was made aware that the amended gross rental value was considered accurate and would not be altered.

The City is legislatively required to levy rates based on the Gross Rental Value advised to it by the VGO and the City has correctly complied with this requirement. Consequently, unless an amended valuation is received by the City from the VGO, rates applicable to the property remain as levied.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.10pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Presiding Member advised that she had registered four members of the public who had given prior notice to ask questions, these being Ms R Holmes, Mr A Senior, Mr R Greenwood, Mrs M Bass.

The Presiding Member invited the public gallery members, who had yet to register their interest to ask a question, to do so.

Three members of the public gallery stated their intention to ask a question. These were Mr V Mort, Mr S Mort and Ms V Waghorn.

5.2.1 Ms R Holmes, 1/152 Great Eastern Highway, Ascot (on behalf of The Friends of Belmont Riverside Parks)

- 1 With reference to Item 5.1.1.3 of the agenda, in response to our question regarding rental to the Belmont Trust for the large 'Ascot Waters' advertising sign on the Trust's riverside land opposite Belmont Primary School land which is held in trust for 'recreational purposes only', Council has replied that the Trustees 'agreed not to establish a lease for the land affected by the sign', ie not to charge the private developer for hosting the sign. However this reply ignores the request made by the Trustees to the Council for compensation to the Trust for the rental which could be obtained on the sign, particularly when the Council is recording all expenses incurred on the Trust land for later recovery. What was or is the Council's response to the Trustees' request for compensation for the sign that has been on Trust land for over ten years, bearing in mind that the Councillors are also the Trustees of the Trust land?

Response

The City's position is one that supports the Trust decision of 4 August 2008, specifically part 3 of the resolution which states "Does support the modifications to the sign located at Lot 49 (154) Great Eastern Highway, Ascot, and requests the City of Belmont to agree that the monies being accrued as income from the Municipal Fund be offset against expenditures incurred for the Trust.". As this is accrued income and whilst it would have been clearer had it been brought to account at 30 June 2009 the accrual will be effected in the current financial year. This accrued income will in effect reduce the expenditure that the City has been recording should it decide to recover that expenditure.

- 2 With reference to Item 5.1.1.3 of the agenda, and our previous question regarding rental to the Belmont Trust for the large 'Ascot Waters' advertising sign on the Trust's riverside land opposite Belmont Primary School land which is held in trust for 'recreational purposes only', Council has replied that the reason that the Trustees 'agreed not to establish a lease for the sign - was that a decision to establish a lease for the sign would - not support the partnership approach taken between the Belmont City Council and Ascot Fields Nominees for the development of Ascot Vale'. Since the sole purpose of the Trust is that the land be used 'for recreational purposes only', could Council please enlarge upon why the Trustees of the Trust felt that taking into account support for the partnership between the Council and a private developer was in accord with the Trust's sole purpose, when there is no mention in the Trust Deed of the Trust having any interest in such partnerships, or any interest in any purpose other than the recreational use of the land?

Response

As pointed out in your first question Councillors of the City are also Trustees for the Trust. The Trust has no obligation toward any partnership arrangements between the City and any other party. The decision of the Trust supports the purpose of the Trust by way of income generation which will assist in offsetting expenses currently being accrued.

5.2.2 Mr A Senior, 6 Sedgeland Way Ascot, (on behalf of Friends of Ascot Waters)

In reference to Item 13.2 - Councillor Motion: The Kilns - Lots 713, 237, 236 and Pt 197 (80) Grandstand Road, Mr Senior asked the following question:

Are the Councillors aware:

- 1 That the kilns and stacks are in extremely poor condition and in addition to being an eyesore, present a serious health and safety issue? The estimated cost of refurbishment was estimated two years ago at \$5-6 million.

The only likely source of funding is from the developer assuming a commercially viable project can be developed on the site retaining typically three kilns and a stack.

Response

The Presiding Member stated that the item would be discussed on the agenda tonight.

5.2.3 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe

- 1 Does Council have any input into the location of major electricity poles in the City?

Response

The Director Technical Services replied that the Council did not have input into the location of any major electricity poles in the City.

- 2 Is Council aware of a problem with the location of a electricity pole on the corner of Kew Street and Jeffrey Streets?

The Presiding Member took the question on notice.

5.2.4 Mrs M Bass, 77 Keymer Street, Belmont

In reference to Item 12.7 Accounts for Payment, Mrs Bass asking the following questions:

- 1 Why was payment 781378 made to the City of Swan for \$2,200 and what benefit does it give ratepayers?

Response

The Presiding Member replied that the question was answered at the ABF Meeting of 8 December 2009 stating “..the City of Swan held a golf tournament sponsorship for a charitable foundation set up in honour of the late Mr Charlie Gregorini. The City of Belmont has a budget for miscellaneous sponsorship. In consultation with the Mayor it was agreed to support this foundation.”

The benefit for ratepayers is the forming of a partnership of regional Councils joining together in support of a beneficial trust that works across the region.

- 2 Why was payment EF010808 made to Wally Zajac for \$1,390 for Bee Removal?

Response

The Presiding Member stated that the payment was made for bee removal which is a service the City provides to ratepayers where a hive is located on public land.

- 3 Why was a payment of \$7,775 spent in November for Senior Officers and the Chief Executive Officer to attend conferences? Does the City realise that it takes paid Officers away from the work place and causes lost productivity?

Response

The Presiding Member replied that Mrs Bass was entitled to her view, however she believed that the attendance at conferences by Councillors and Staff was a good investment for the City.

5.2.5 Mr V Mort, 1-13 Belmont Avenue, Belmont

Mr Mort asked several questions regarding the application to renew a liquor licence for Studio Seven Night Club Lot 13 (9) Belmont Avenue, Belmont.

- 1 How will the Night Club effect the residential feel of the neighbourhood?
- 2 How does it add value to the community?
- 3 Who will compensate him for the stress and cost to his business?

Response to Questions 1 - 3

The Chief Executive Officer stated that the City's role was only in regard to the planning and land use and nothing to do with the liquor licensing aspect of the premises. As the City does not have responsibility of managing liquor licences, the Chief Executive Officer encouraged Mr Mort and other residents to make a submission to the Department of Racing, Gaming and Liquor in respect to their opposition to the renewal of the liquor licence. The submission would then be taken into consideration when the Department considered the reissuing of the licence.

- 4 Where will the customers park their cars?

The Presiding Member took the question on notice.

- 5 How can a liquor licence be renewed when it is not requested by the original applicant?

Response

The Director Community and Statutory Services advised that planning approval runs with the land in perpetuity and emphasised that the approval was given many years ago and is still valid.

5.2.6 Mr S Mort, 1-13 Belmont Avenue, Belmont

In reference to the application to renew a liquor licence for Studio Seven Night Club Lot 13 (9) Belmont Avenue, Belmont Mr Mort asked:

- 1 Is Council aware that the Belmont Police Station runs on a part time basis and how can the Police respond to problems associated with the Night Club when there is no one there?

Respond

The Presiding Member replied she was aware of the part time hours and stated Cannington Police Station was open 24 hours.

The Chief Executive Officer replied that he was also aware of the part time hours the station was open and added that the Council had been lobbying for better opening hours for some time. Encouragement was given to residents to also lobby for longer opening hours.

7.22pm The Co-ordinator Crime Prevention and Ranger Services entered the meeting.

5.2.7 Mrs V Waghorn, 2 Davis Street, Ascot

In reference to the application to renew a liquor licence for Studio Seven Night Club Lot 13 (9) Belmont Avenue, Belmont Mrs Waghorn asked:

1 Can Council confirm when the liquor licence was first issued?

Response

The Director Community and Statutory Services replied that the City did not have responsibility for issuing the liquor licence. The licence is issued by the Department of Racing, Gaming and Liquor.

2 Is Council aware that there is insufficient parking for the business to operate?

The Presiding Member took the question on notice.

3 What type of people will the Night Club attract?

4 Why should ratepayers have to foot the bill for any damage?

Response to Questions 3 - 4

The Chief Executive Officer reiterated the need for the residents to contact the Department of Racing, Gaming and Liquor to voice their opposition.

5.2.8 Mr V Mort, 1-13 Belmont Avenue, Belmont

In reference to the application to renew a liquor licence for Studio Seven Night Club Lot 13 (9) Belmont Avenue, Belmont Mr Mort asked:

1 Is it possible for Council to change its policies so as not to allow for night clubs to be approved in the City?

Response

The Director Community and Statutory Services replied it was possible, however as there is a valid planning approval, under the City of Belmont Town Planning Scheme No.14 the property would enjoy non conforming rights and to have the use cease would involve compensation from the Council.

The Chief Executive Officer undertook to liaise with the Department of Racing, Gaming and Liquor in order to demonstrate to affected residents, the organisation's understanding of the community's opposition to the renewal of the liquor licence and will report back to Council.

7.41pm As there were no further questions, the Presiding Member declared Public Question Time closed.

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 24 NOVEMBER 2009
(Circulated under separate cover)

***POWELL MOVED, GEE SECONDED*, That the minutes of the Ordinary Council Meeting held on 24 November 2009 as printed and circulated to all Councillors, be confirmed as a true and accurate record.**

CARRIED 7 VOTES TO 1

Against: Dornford

Note:

Cr Dornford stated that as discussions of elected members were not recorded electronically and reflected in the minutes, it was his belief that they were not a true and accurate record. The Chief Executive Officer reiterated that according to the Standing Orders, there was no requirement to record every word said at a meeting, as long as decisions of Council were accurately recorded. The current practice of the City accords with the legislative requirements of the *Local Government Act 1995* and Council Policy.

**6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM
HELD 8 DECEMBER 2009**
(Circulated under separate cover)

***POWELL MOVED, WOLFF SECONDED*, That the Information Matrix for the Agenda Briefing Forum held on 8 December 2009 as printed and circulated to all Councillors, be received and noted.**

CARRIED 8 VOTES TO 0

7.43pm The Acting Director Corporate & Governance departed the meeting.

7.44pm The Legal & Compliance Advisor departed the meeting.

7.47pm The Acting Director Corporate & Governance returned to the meeting.

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

The following question was taken on notice at the Ordinary Council Meeting of 24 November 2009. The Presiding Member read aloud the question and response.

"I note in the Community Newspaper, Tuesday, 10 November 2009, that there is an advertisement for the leasing of the old Ascot Day Centre and Ascot Park Clubrooms.

As one of the main reasons given to both Councillors and residents for the vacation of these premises was that there was a risk of antisocial behaviour and possible violent assaults on staff. I would ask what steps have been taken to reduce the risk to potential leasees or their customers by Council and if the premises are leased, would Council be liable knowing that there could be a possible risk to people or staff using the premises?"

Response

The Ascot Adult Day Care services were moved from the premises at 60 Parkview Parade for two reasons. Firstly, the building did not provide adequate facilities for the ongoing care and management of persons with dementia. Secondly, there were concerns expressed by some staff over security issues. Again, these concerns were exacerbated by the fact that they had the potential to involve aged persons with dementia.

A risk assessment of the premises has been conducted by the City's Coordinator Crime Prevention and Rangers. This assessment indicates that, for normal use, 60 Parkview Parade does not present a greater risk to occupants than the majority of public premises within the City of Belmont. As such, there is no need to put in place special steps for the management of 60 Parkview Parade. Further, the risk assessment does not indicate that Council carries any extra liability associated with leasing the premises.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

In regard to an application to renew a liquor licence for Studio Seven Night Club, Lot 13 (9) Belmont Avenue, Belmont, Cr Dornford asked the following questions:

- 1 How long is a liquor licence valid for?
- 2 Is Council aware of the lack of parking?

Response to Questions 1 - 2

The Presiding Member took the questions on notice.

- 3 Can Council make changes to its Town Planning Scheme so that night clubs will not be permitted within the City?

Response

The Director Community and Statutory Services replied it was possible but raised the matter of non-conforming use rights which allow the use to continue. There was no 'quick fix'.

7.45pm The Legal & Compliance Advisor returned to the meeting.

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 Rossi.
Item 12.7 was withdrawn at the request of Cr Marks.
Item 12.10 was withdrawn at the request of Cr Rossi.
Item 13.2 was withdrawn at the request of Cr Rossi.

HITT MOVED, POWELL SECONDED, That with the exception of Items 12.1, 12.7, 12.10 and 13.2 which are to be considered separately, that the Officer Recommendations specifically for Items 12.2, 12.3, 12.4, 12.5, 12.6, 12.8 and 12.9 be adopted enbloc.

CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0

Item 12.1 Continued

PURPOSE OF REPORT

To consider the standard conditions imposed on:

- Planning approvals; and
- Subdivision referrals from the Western Australian Planning Commission.

SUMMARY AND KEY ISSUES

- The standard list of conditions for development applications and for subdivision referrals are to be reviewed by the Council annually.
- The Council last reviewed and adopted both lists of standard conditions in December 2008 (Item 12.2 - OCM 16/12/08 refers).
- Some new conditions are proposed to be added, some deleted, and some clarified.

LOCATION

Not applicable.

CONSULTATION

No public consultation was considered to be required in respect to this matter, as it is administrative in nature.

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

- Under Clause 5.9.1(c) of the City of Belmont District Planning Scheme No. 14 Council may grant approval to development applications subject to conditions and requirements it deems fit.
- Under the *Planning and Development Act 2005*, the Western Australian Planning Commission is the decision making authority with respect to subdivision/strata applications.

Item 12.1 Continued

BACKGROUND

Development Approvals

When a development application is lodged with the City of Belmont, there are a number of standard conditions that may be imposed on it, depending on the circumstances. These are drawn from a list of standard conditions endorsed by the Council and imposed by the Director Community and Statutory Services, the Manager Planning Services or the Senior Planning Officer under the Council's delegated authority register (refer Clause 9.10 of TPS No. 14 and 09/10 DA18 – Development Applications, City of Belmont Delegations Register).

It is considered to be sound organisational practice that the Council approves the 'standard conditions' that will be imposed where warranted. The Council last endorsed a list of standard development conditions in December 2008 (Item 12.2 – OCM 16/12/2008).

Subdivision/Strata Application Referral Responses

Applications for subdivisions and survey strata developments are lodged with the Western Australian Planning Commission (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 actually inspect properties. Therefore, the City acts in an advisory capacity to recommend appropriate conditions to the Commission.

There are a number of standard conditions that may be imposed on a subdivision/strata application, depending on the circumstances. These are drawn from a list of standard conditions endorsed by the Council and imposed by the Director Community and Statutory Services, the Manager Planning Services or the Senior Planning Officer under the Council's delegated authority register (refer Clause 9.10 of TPS No. 14 and 09/10 DA18 – Development Applications, City of Belmont Delegations Register).

Annual Review of Conditions

On the basis of the above, it is desirable that the Council approve the 'standard conditions' that will be imposed where warranted. The standard conditions for development application and for subdivision/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.

It should be noted that for specific applications, 'non-standard' conditions are sometimes required.

Item 12.1 Continued

OFFICER COMMENT

There has not been any need to completely rewrite the standard conditions used by the City to date, as these existing conditions have been operating effectively. However, some new conditions are proposed to be added, some deleted, and some reworded to provide further clarity.

Planning Approval Conditions

The updated list of development conditions is provided under Attachment 1. New conditions or existing conditions that require modification are shown in **bold** text.

New Conditions

The following is a brief rationale behind the inclusion of the five (5) new conditions in the list of standard conditions for planning approvals:

Replacement Street Tree Provision

Proposed condition:

"The existing _____ street tree shall be removed and replaced with a 100L _____ as per the City's Street Tree Strategy, to the satisfaction of the Manager Parks & Environment".

Rationale:

This condition provides standard wording for a situation where a new street tree/s is required to replace a street tree proposed to be removed as part of a development (having been supported by the City of Belmont Parks Department). A standard footnote has also been drafted to provide clarity in relation to Parks & Environment's requirements.

Vehicle Crossover Setback from Street Tree

Proposed condition:

"Vehicle crossovers to be setback a minimum of _____ metres from the existing street tree, to the satisfaction of the Manager Parks & Environment.

Rationale:

This condition provides standard wording for a situation where an existing new street tree/s may be impacted by a proposed vehicle crossover. The condition ensures that a suitable setback is maintained, having regard to advice from the Parks Technical Officer. A standard footnote has also been drafted to provide clarity in relation to Parks & Environment's requirements.

Item 12.1 Continued

Parking Management Strategy

Proposed condition:

“A Management Statement / Strategy with respect to parking provisions on site being prepared to the satisfaction of the Director Community and Statutory Services or the Manager Planning Services that includes allocation of visitor and tandem employee parking bays, and encourages the use of bicycles and public transport”.

Rationale:

This condition ensures that car parking on certain development sites is effectively managed on an on-going basis. This may be relevant where there are a number of tenancies sharing car parking, access or communal TravelSmart facilities, or where arrangements are in place such as the use of car lifts, etc.

Application of Anti-Graffiti Agent

Proposed condition:

“The _____ shall be treated with two coats of a non-sacrificial anti graffiti agent to the specification and satisfaction of the Director Community & Statutory Services, Manager Planning Services or Senior Planning Officer”.

Rationale:

A condition that requires the application of two coats of anti-graffiti agent has been consistently applied to certain aspects of new non-residential development and other development in the City that is likely to be a target for criminal damage. Anti-graffiti agents prevent paint from bonding to the surface, which deters criminal damage and assists greatly with the cleaning up of graffiti.

Maintenance of Shade Structures

Proposed condition:

“Shade sails / shade structures are to be maintained to the specification and satisfaction of the Manager Planning Services”.

Rationale:

Shade structures are generally exempt from the provisions of the Residential Design Codes, and as such do not generally require planning approval. This condition will ensure that any shade structures can be regulated on a long-term basis by the City's Planning Department.

Deleted Conditions

Two (2) conditions have been deleted and been replaced by footnotes attached to other conditions.

Item 12.1 Continued

Revised Conditions

A number of conditions have been reworded to reinforce the planning purpose and clarity. Some aspects of the revised conditions have been deleted and instead incorporated as footnotes attached to other conditions.

Subdivision Conditions

The list of standard subdivision conditions that will continue to be used by the City is included in Attachment 2.

One change is proposed to the existing standard conditions for subdivision/strata applications. This relates only to the provision of cash-in-lieu of public open space, by which the required land area is to be specified.

No other changes to the subdivision condition are proposed at this point in time. The rationale for this is that the Western Australian Planning Commission will be undertaking a review of their standard subdivision conditions in early 2010, and as such any review of the City's standard conditions should be undertaken at that point in time.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Note:

The Co-ordinator Crime Prevention and Ranger Services briefed Councillors on the application of a non-sacrificial anti-graffiti agent and its associated costs.

OFFICER RECOMMENDATION

That Council:

1. Adopt the updated list of standard development conditions for planning approvals provided under Attachment 1 titled 'Standard Development Conditions for Planning Approvals (Updated)'.
2. Adopt the list of standard subdivision/strata conditions for subdivision referrals provided under Attachment 2 titled 'Standard Subdivision/Strata Conditions for Subdivision Referrals (Updated)'.

Item 12.1 Continued

Note:

Cr Rossi put forward a motion to change the Officer Recommendation as he wished to ensure applicants apply the non-sacrificial anti-graffiti agent.

COUNCILLOR MOTION

ROSSI MOVED, HITT SECONDED, That Council:

1. Adopt the updated list of standard development conditions for planning approvals provided under Attachment 1 titled 'Standard Development Conditions for Planning Approvals (Updated)' with an amendment to condition P8.7 which now reads -
Prior to occupation or use of the development, all boundary walls shall be
 - a) finished in face brick; or
 - b) rendered and painted; or
 - c) painted brick work; andshall be treated with a sufficient coating of a non-sacrificial anti-graffiti agent.
2. Adopt the list of standard subdivision/strata conditions for subdivision referrals provided under Attachment 2 titled 'Standard Subdivision/Strata Conditions for Subdivision Referrals (Updated)'.

LOST 2 VOTES TO 6

For: Hitt, Rossi

OFFICER RECOMMENDATION

DORNFORD MOVED, MARKS SECONDED, that Council:

1. ***Adopt the updated list of standard development conditions for planning approvals provided under Attachment 1 titled 'Standard Development Conditions for Planning Approvals (Updated)'.***
2. ***Adopt the list of standard subdivision/strata conditions for subdivision referrals provided under Attachment 2 titled 'Standard Subdivision/Strata Conditions for Subdivision Referrals (Updated)'.***

CARRIED 6 VOTES TO 2

Against: Hitt, Rossi

Comment [JO]: Add those against as well.

12.2 DRAFT CITY OF BELMONT LOCAL PLANNING SCHEME NO. 15

Built Belmont

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	116/091 Review of Local Commercial Strategy 116/090 Review of Local Housing Strategy 116/086 Town Planning Scheme No. 14 – Review 116/087 Non Conforming Use Register 116/089 Safety & Security Strategy 116/093 Local Environmental Planning Strategy 116/105 Business Planning Strategy 116/107 Public Open Space Strategy 2007 116/120 Public Art Policy
Location / Property Index	:	Various
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 11.1.5 OCM 05/07/05; Item 1.1 Special OCM 25/11/2008
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community & Statutory Services

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, town planning schemes & 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 town 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 12.2 Continued

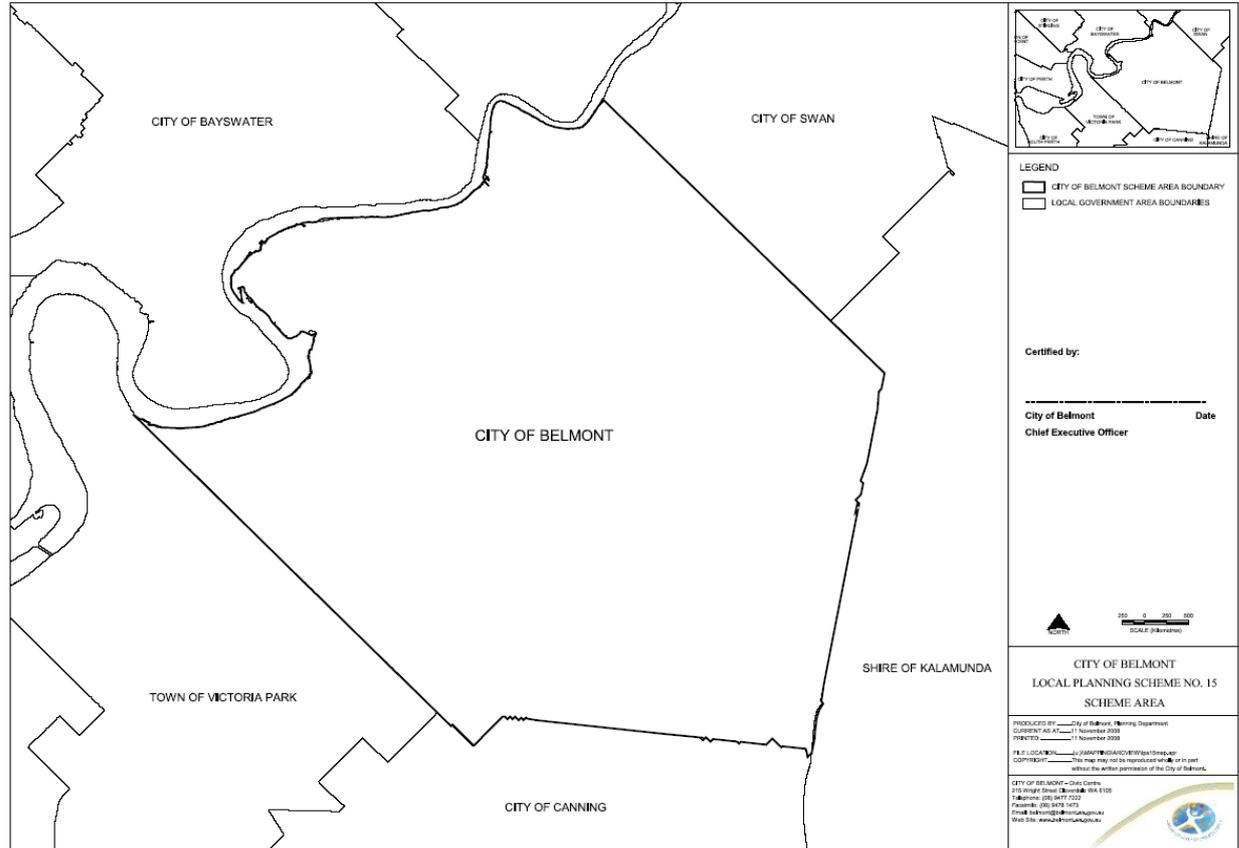
PURPOSE OF REPORT

To consider modifications required by the Western Australian Planning Commission (WAPC) prior to public advertising of draft Local Planning Scheme No. 15 (draft LPS No. 15) and supporting documents.

SUMMARY AND KEY ISSUES

- At the Special Council Meeting of 28 November 2008, the Council resolved to prepare and adopt a new Scheme for the purpose of public advertising.
- On 31 March 2009 the Environmental Protection Authority advised that the Scheme had been assessed and did not require any advice or recommendations.
- On 8 October 2009 the WAPC advised that the Minister for Planning had given consent for the Scheme to be advertised subject to detailed modifications. The modifications are considered substantial.
- Council is to consider whether to effect modifications and proceed with the advertising of the draft Scheme or to request the Commission to review its position.

LOCATION



Item 12.2 Continued

CONSULTATION

A Public Consultation Plan for the review of *Town Planning Scheme No. 14* was prepared prior to the commencement of the review. The Plans were authorised in late 2005. The Plan addressed a number of projects and produced individual consultation plans as detailed in the table below:

Name Project	Consultation Proposed
Invite Submissions on Desirability of Scheme Review	Inform
Production of Population Statistics	Inform
Update List of Heritage Properties	Inform
Ensure Compatibility with Metropolitan Region Scheme	Inform
Production of Open Space Strategy	Inform
Production of Safety and Security Strategy	Involve Mixed
Production of Mixed Use Study Part 2	Consult
Production of Commercial Strategy	Inform
Produce Business Strategy	Inform
Non Conforming Use Register	Inform
Produce Environmental Strategy	Inform
Review of Local Housing Strategy	Involve Mixed
Review Local Planning Policies	Inform
Production of Scheme Report	Inform
Advertising of Draft TPS 15	Involve Mixed
Advertising of Gazettal of TPS 15	Inform

Extensive further public consultation is required once consent to advertise the draft Scheme is granted. Due to the importance of the Scheme, key stakeholders need to be engaged through brochures, public workshops, media releases, advertisements, mail outs to key stakeholders and public displays. These Consultation Tools are recommended under the endorsed Consultation Plan for the Advertising of the Scheme.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – *“Revise the Town Planning Scheme to reflect current and emerging needs”.*

BUILT BELMONT – *“Encourage a wide choice of residential development (housing choice) to suit the needs of a balanced demographic profile and to satisfy the social economic and environmental needs of the community.”*

BUILT BELMONT - *“Encourage the upgrading and compatible redevelopment of the City.”*

BUILT BELMONT – *“Recognise and protect areas of historical significance.”*

SOCIAL BELMONT – *“Promote the development of public art to enhance the culture of the district”.*

BUSINESS BELMONT – *“Attract and support high-quality high employment businesses to the City of Belmont”.*

NATURAL BELMONT – *“Maintain public open space in accordance with the needs and expectations of the community.”*

NATURAL BELMONT – *“Implement the Environment Plan”.*

Item 12.2 Continued

POLICY IMPLICATIONS

Town Planning Scheme No. 14 allows Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme Area so as to apply:

- (a) Generally or for a particular class or classes of matters; and
- (b) Throughout the Scheme Area or in one or more parts of the Scheme Area;

And may amend or add to or rescind a Policy so prepared.

Any Local Planning Policy must be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail. While a Local Planning Policy is not part of the Scheme and shall not bind the Council in respect of any application for Planning Approval, the Council must have due regard to the provisions of any Policy and the objectives which the Policy is designed to achieve before making its decision.

Clause 2.5 of the Scheme details the procedures for making and amending a local planning policy.

A number of existing local planning policies are proposed to be retained, with others being deleted or incorporated into new Scheme provisions.

Three new policies are proposed and are intended to be advertised concurrently with the draft Scheme.

STATUTORY ENVIRONMENT

Section 72 of the *Planning and Development Act 2005* refers to the preparation of a Local Planning Scheme.

Right of Appeal

Is there a right of appeal? Yes No

BACKGROUND

A Scheme is a statutory control mechanism. A Scheme has the force of law (i.e. same status as an Act of Parliament). It specifies the zoning of land, what can and cannot be approved on land and what standards are applied.

A Scheme is comprised of a Scheme Report (Local Planning Strategy), Scheme Text and Scheme Maps. Numerous strategic planning documents underlie all three.

The *Planning and Development Act 2005* effectively requires a Scheme to be reviewed every five years following its gazettal. *Town Planning Scheme No. 14* was gazetted in December 1999. Under the previous *Town Planning and Development Act 1928* (Section 7AA), a Local Government was required to consolidate its Scheme and advertise for public comment the desirability of a review of the Scheme.

Item 12.2 Continued

Under Section 88(3) of the new *Planning and Development Act 2005*, it is now specified that a Local Government is not required to prepare a consolidation of the scheme if the Local Government resolves instead to prepare a new scheme in substitution for that scheme.

In July 2005 (Item 11.1.5 OCM 05/07/05 refers), the Council resolved to consolidate the Scheme and seek public comment on the desirability of a review of the Scheme. The consolidated scheme was advertised between 9 August 2005 and 9 September 2005 with one submission being received objecting to any potential change in zoning for Lot 21 (100) Great Eastern Highway, Belmont. That lot has since been acquired by Council for the purpose of Parks and Recreation.

Following advertising of the consolidated Scheme (which had occurred in accordance with the requirement of the *Town Planning and Development Act 1928*), the submission and consideration of whether to proceed with a review of the Scheme was not referred back to Council for consideration as the new Act (assented to on 12 December 2005) no longer required a consolidation to occur prior to a Local Government resolving to prepare a new Scheme.

At the Special Council Meeting of 28 November 2008, the Council considered whether to prepare and adopt a new Scheme for the purpose of public advertising. The Council resolved:

- “1. *In pursuance of Section 88(3) of the Planning and Development Act 2005 resolve not to prepare a consolidation of Town Planning Scheme No. 14 and prepare Local Planning Scheme No. 15 in substitution for that Scheme.*
2. *In pursuance of Section 72 of the Planning and Development Act 2005, prepare the Local Planning Scheme No. 15 with reference to an area situate wholly within the City of Belmont and enclosed within the inner edge of the black border on a plan now produced to the Council of the local government and marked and certified by the Chief Executive Officer of the City of Belmont under his hand dated the 11th November 2008 as “Scheme Area Map”.*
3. *Adopt for the purpose of public advertising Local Planning Scheme No. 15 consisting of:*
 - *Scheme Text;*
 - *Scheme Map;*
 - *Local Planning Strategy;*
 - *Local Planning Strategy Supporting Documents (Community Statistics; Local Housing Strategy; Heritage; Business; Local Commercial Strategy 2008; Environment; Safety and Security; Public Open Space Strategy.*
4. *Adopt the following new and revised Local Planning Policies for the purpose of public advertising concurrently with Local Planning Scheme No. 15:*

Item 12.2 Continued

- *LPP No. 2 - Orrong Road*
 - *LPP No. 4 - Belgravia / Barker Streets Policy Area*
 - *LPP No. 5 - Belgravia Residential Estate & Self Assessment Form*
 - *LPP No. 6 - Ascot Waters Special Development Precinct*
 - *LPP No. 7 – Design Guidelines for The Springs*
 - *LPP No. 8 - Invercloy Estate Special Development Precinct*
 - *LPP No. 11 - Public Art Contribution Policy*
 - *LPP No. 12 - Sign Applications*
5. *Forward Local Planning Scheme No. 15 to the Environmental Protection Authority for assessment prior to commencing advertising for public inspection in accordance with the provisions of the Planning and Development Act 2005.*
6. *Forward Local Planning Scheme No. 15 to the Western Australian Planning Commission seeking consent for advertising for public inspection in accordance with the provisions of the Planning and Development Act 2005.”*

The Council also resolved to:

- “1. *Adopt the following new and revised Local Planning Policies for the purpose of public advertising concurrently with Local Planning Scheme No. 15:*
- *LPP No. 1 - Town Centre Density Bonus Requirements*
 - *LPP No. 3 - Abernethy Road (Gabriel Street to Dempsey Street) Policy Area*
 - *LPP No. 9 - Child Care – Child Care Premises and Child Family Day Care*
 - *LPP No. 10 - Residential Landuses in the ‘Mixed Business’ Zone”*

On 31 March 2009 the Environmental Protection Authority advised that the Scheme had been assessed and did not require any advice or recommendations.

Item 12.2 Continued

On 8 October 2009 the WAPC advised that the Minister for Planning has given consent for the Scheme to be advertised subject to detailed modifications. The WAPC advised that:

“While the Western Australian Planning Commission appreciates the effort and good work that Council has put into the review of its local planning scheme and strongly supports the overall strategic directions of the scheme, it has observed that there are significant inconsistencies with the provisions and layout of the Model Scheme Text. In view of the importance of ensuring a state-wide standard, the Commission has, unfortunately, no option but to require the modifications listed in the attached schedule of modifications.”

OFFICER COMMENT

Whilst the advice from the WAPC is that the Scheme has consent to advertise many of the modifications required are so major as to drastically alter the intent of the Scheme itself raising the question of whether to proceed with a new Scheme or consolidate the existing Scheme No. 14 and abandon a full review.

The WAPC’s requested modifications are detailed in bold with Officer’s Comment following each heading:

a) Rewording of each Part of Draft LPS No.15 to reflect the contents of the MST

The Model Scheme Text referred to in the Schedule of Modifications is the 1999 Model Scheme Text (Appendix B of the *Town Planning Regulations 1967*). On 18 May 2009, the then Department for Planning and Infrastructure released a discussion paper which set out a proposal to redraft the Model Scheme Text. The Discussion Paper proposed introducing standard provisions to be applied across the State, “*while providing some flexibility for local variation*”. Following the consultation period, the intention was to provide drafting instructions to the Parliamentary Counsel’s Office for the preparation of a revised Model Scheme Text and new regulations. At a briefing session by the DPI on the Discussion Paper it was indicated that revised documents would be prepared by February/March 2010.

It is an area of great concern that the WAPC requires the Scheme Text to be reworded and reformatted so that it is completely in accordance with the 1999 Model Scheme Text (MST). The requirement is inappropriate at this time based on the following facts:

- The clauses from the MST in question relate to clauses that are largely of interest to planners in terms of administration and process – laypersons who have been waiting a considerable time to comment on the intent of the Scheme will not be interested in the MST related information and those issues can be resolved prior to finalisation of the Scheme.
- Existing *Town Planning Scheme No. 14* was considered to be in line with the MST in 1999 when it was gazetted. Given that the draft Scheme Text is consistent with TPS No. 14. LPS 15 therefore should also be considered acceptable.
- The MST is currently under review. Council has previously provided the following comments on that review:

Item 12.2 Continued

“REVIEW OF THE TOWN PLANNING REGULATIONS 1967 AND THE MODEL SCHEME TEXT (MST)”

In reference to the above, please find detailed a number of comments in regard to various aspects of the review of the Regulations and MST.

General Comments:

The format of the MST should be user friendly. It is recommended that:

- *The sections relating to zones, use of land, general development standards and requirements should all be grouped together;*
- *The sections relating to development of land, applications for planning approval and procedure for dealing with applications should be grouped together and precede those sections relating to zones, use of land etcetera.*

It is suggested that the actual clauses of the MST be reviewed – if the clauses were updated to reflect best practice they are more likely to be used consistently across the board by all local governments. If that was the case, a proposal for regulations to be applied across the board may not be necessary.

If the MST is introduced to override existing Scheme provisions, enough time must be given prior to introduction of the requirement so that LGAs may review their Schemes and amend them where necessary - otherwise the intent of the operative Schemes may change. If enough time is not given, there is concern that rather than simplifying and streamlining the process it will just add to problems at statutory implementation stage. A good example of this is that when the City of Belmont TPS No 14 was gazetted in 1999 a number of changes were required to make it consistent with the MST (which was not released until the draft Scheme was completed). Whilst the changes were effected in the gazetted Scheme it took a number of years and Amendments to the Scheme to remove all the anomalies that resulted.

Any days referred to in the MST should be clarified as working days. Where statutory time frames are referred to there should also be the ability to ‘stop the clock’ where information is required from the applicant to progress a proposal – that would limit delaying tactics by applicants who proceed to appeal as a result of time overruns.

MST Content Comments:

PRELIMINARY –

Any provisions should still include opportunity for LGA’s to include ‘Aims’ specific only to that Scheme as aims will vary between LGAs and the purpose for which the Scheme is to be implemented.

RESERVES –

The section should include clarification of what occurs when reserved land has not been acquired by the relevant authority. It is recommended that:

Item 12.2 Continued

- *Development of a single dwelling should be a permitted use on any lot shown as a Local Reserve on the Scheme Map that is not already owned by a public authority; and*
- *Development application is required to enable the City to confirm that the proposal conforms with the standards and requirements and other relevant provisions of the Scheme; and*
- *Development is not to commence in accordance with the planning approval until the public authority for whose purpose the land is reserved has been notified of the development proposal and after 60 days has failed to provide satisfactory assurance to the City that it will acquire the Local Reserve; and*
- *Where a public authority provides satisfactory assurance to the City that it will acquire a Local Reserve the subject of an application for planning approval, the City is to refuse the application on the ground that the Local Reserve is required for the purpose for which it is reserved.*

Additional land designations in scheme text and scheme map – further detail is required as to how additional land designations are to overlay zoning or reservation in regard to special control areas. Assessment of the impact of the provisions on existing controls is problematic without specific wording.

USE OF LAND –

Explanation should also be provided for ‘IP’ use – a use that is not permitted unless it is determined by the Council to be incidental to a use determined by the Council to be the predominant use and is approved as such by the Council.

The non conforming use provisions of the existing MST should be completely reviewed. The City of Belmont has previously made detailed comment on the matter under Amendment No. 15. A copy is attached.

STRUCTURE PLANS -

If the WAPC are the approving agency for all structure plans, this makes a mockery of the LGAs comments – will the WAPC then accept any liability arising out of their decision where contrary to the recommendation of a local government?

There is concern over the proposal that compliance with a checklist is all that is required prior to accepting a Structure Plan for advertising and there is to be no attempt made in checking the accuracy of information provided. If such information is to be accepted on face value it should be accompanied by certification that the proponent accepts all liabilities arising from any inaccuracies found in the information (proof should also be provided of appropriate insurances, including public liability).

There is no proof supporting the statement that the “new proposed system will encourage applicants to enter into early discussions” with the LGA and WAPC – an alternate view is that these provisions can be used to effectively blindside often under-resourced LGAs and increasing exposure to risk.

Item 12.2 Continued

With an increased risk of exposure will the State indemnify local government particularly where there are transitional arrangements?

Further detail is required as to the definition of the types listed under the Structure Plan Hierarchy.

HERITAGE PROTECTION –

The right of review to the SAT where a property is listed on a heritage list is not supported. This will effectively act as a deterrent on a LGA making a comprehensive list as they may have multiple potential SAT appeals running concurrently as a result. The right of appeal to SAT should remain only once – that being where a demolition or development proposal is refused or made conditional due to heritage issues.

DEVELOPMENT OF LAND -

Exemption of the construction of a single house is conditionally supported subject to compliance not only with the R Codes but specific Scheme provisions. The exemption could also refer to any extension, ancillary outbuildings and swimming pools.

The exemption of a ‘P’ Use where all the development standards and requirements are met is not supported. This has been trialed previously by the City of Belmont and found not to work. For your information, on gazettal of the City of Belmont Town Planning Scheme No. 14 in 1999, a clause was incorporated that specified exemption for “(f)The use of land which is a permitted (‘P’) use in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.”

As a consequence of the exemption of ‘P’ uses from planning approval under Scheme No. 14, there was a high proportion of discretionary (‘D’) uses under Scheme No. 14 within particular zones (eg the then Central Belmont Area Mixed Use Zone). This had a marked impact on landowners with a lack of certainty resulting within the market from the discretionary nature of the majority of landuses that could be considered.

It should also be noted that the lack of need for an approval caused confusion for land owners wanting to change from one use to another (in that without an assessment they couldn’t prove that they met all development standards). Furthermore, without some form of official consent that they did meet all standards at a given time it is quite probable that at a later date should a use achieve non confirming use status it would be more difficult to prove that they did not need approval at that time. Consequently, the City removed the exemption of P Uses from approval under Amendment No. 52 to Town Planning Scheme No. 14.

DEFINITIONS -

Many definitions are custom designed to a particular scheme. The landuse designation in a zoning table may require amendment as a result of a change to a landuse definition – automatic changes are foreseen as problematic. The range of definitions under the MST could also be reviewed as well as an updating of existing definitions.”

Item 12.2 Continued

- What guarantee would Council have that, if resources are put into modifying the Scheme Text prior to advertising, Council would not again have to redo that work prior to finalisation of the Scheme (due to likely changes to the MST itself)?
 - Given that the City has expended considerable resources and time in preparing detailed documentation (inclusive of all the supporting strategic documents) to get the Scheme to a stage where it is ready to go out for comment, the imposition of an onerous reformatting exercise is contrary to the intent of such WAPC documents as 'Building a Better Planning System'. That document speaks of the current range and multiple layers of planning instruments adding to the complexity of the planning system and reducing its effectiveness through overlapping and at times ambiguous requirements. It is considered that the requirement to ensure complete consistency with a Model Scheme text that is out of date and under review is inappropriate and would do nothing to improve effectiveness.
- b) Deletion of all clauses that are not contained within the MST, with the exception of the following clauses that may be retained and any other minor clauses that may be retained following liaison with Officers of the Department of Planning:**
- 1) **Tree preservation provisions;**
 - 2) **Structure plan provisions;**
 - 3) **Developer contribution provisions;**

Refer previous comments on MST

- c) Redrafting of all clauses that do not match those contained within the MST. Draft LPS No.15 clauses should exactly match those of the MST except for minor variations otherwise agreed by Officers of the Department;**

Refer previous comments on MST

- d) Deletion of any reference to 'IP' incidental uses from the general text and the zoning table;**
- e) Deletion of any scheme definitions that become superfluous following deletion of non-MST clauses from the general scheme text. Any definitions in the scheme that are also contained within the MST are to exactly match those of the MST with the exception of minor variations agreed following liaison with Officers of the Department;**

Refer previous comments on MST definitions

- f) Modification of the following permissibility of uses in the Use Class Table:**
- 1) **Deletion of all 'IP' uses;**
- Refer also to the submission on the MST.

Item 12.2 Continued

IP uses were included to simplify the zoning table as a number of specific uses (such as Shops in the Mixed Business or Mixed Use zone) were included as being permissible where ancillary to a predominant use. This was done through the insertion of notes that related to separate clauses within the Scheme. However, should the WAPC wish to retain the existing 'note' and 'clause' system, it can be redone.

2) 'Office' to be made an 'X' use in the 'Industrial' zone. Any existing stand-alone offices in the industrial zone are to be made 'Additional Uses' and listed in Schedule No.2 of the Scheme;

Offices have been a discretionary use in the Industrial zone since *Town Planning Scheme No. 6* (Gazetted 17/11/72, 'Office' is listed as an 'AA' use in the Industrial Zone). *Town Planning Scheme No. 11* (gazetted 17/6/1988) listed Office as an 'AA' use in the Industrial Zone. Scheme No. 14 (gazetted 10/12/1999) lists Office as 'D' in the Industrial Zone. Whilst the use is proposed as a Permitted use under the draft LPS No. 15 on the basis that the use is so well accepted and due to the predominant large lot sizes in the zone is not viewed as a threat to the continued Industrial focus of the Zone. However, notwithstanding that there is no objection to amending the designation to remain 'D' discretionary. An 'X' use classification is however unreasonable (and unjustified).

The City would have to pull the files for every development application in Kewdale and Redcliffe on Industrial zoned land to ensure that all 'Office' uses are identified in order to avoid the potential for the creation of ad hoc non conforming uses. This is considered time consuming and pointless.

In any event, the incorporation of such additional uses is unwieldy – the attempt has been made to reduce the number of additional or restricted uses wherever possible under the new draft Scheme.

<p>3) 'Sex Related Use' to be deleted. This is an illegal activity and as such does not require listing in the Scheme;sex related use</p>	<p>Means a use lawfully carried on, associated with the provision of sexual services or products:</p> <ul style="list-style-type: none">a) Whether incidental to or as part of the provision of sexual services or otherwise; andb) Whether on the same or adjacent premises or otherwise. Without limiting the generality of the foregoing, the use:c) Includes an office for administration, accounting or other purposes related to the provision of sexual services or products; andd) Includes the provision of entertainment activities such as peep shows; bute) Does not include sex novelty shops or any other use more appropriately covered by the "restricted premises" use class, unless ancillary to the predominant use;
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Item 12.2 Continued

The claim that all sex related uses are illegal is unfounded – this only currently applies to prostitution. The definition does not currently apply to prostitution as it is illegal, however, in the event that prostitution is ever legalised the definition would be applied.

Sex related uses that the definition could currently be applied to include the filming of pornography (the *Classification (Publications, Films and Computer Games) Enforcement Act 1996* does not deal with the filming of pornography); sex therapy; peep shows; strip shows/burlesque/lap dancers and skimpy barmaids.

4) 'Home Occupation' and 'Home Business' uses to made 'P' uses in all zones in which any form of residential dwelling is permitted or can be considered by Council.

The Draft LPS 15 Text already specifies Home Occupation and Home Business uses are 'P' uses where residential dwellings are 'P' Uses (with the exception of Caretakers dwelling which is already ancillary to an existing business use).

It is considered inappropriate to make Home Occupation and Home Business uses 'P' in those zones where residential dwellings are discretionary as that would then remove the discretion to consider the impact of a home occupation and home business separately. Where the residential use is discretionary, so too should the home occupation or home business. Accordingly Home Occupation and Home Business should be discretionary 'D' in the Town Centre and Commercial zones.

Should the WAPC insist they be 'P' uses Council should consider making all residential uses X in the Town Centre zone.

g) Clause 10.11.1 – Endorsement by the Commission to be modified to read '21 days' in place of '7 days'.

No objection to modification.

h) In regards to clause 9.2.2(3)(a) the Commission requires that guidelines or a Council policy be prepared indicating the criteria that Council will use to assess the suitability of an existing dwelling for retention, upgrading or demolition. These details must be provided to the Commission when the Scheme is submitted for final consideration.

Preparation of supporting Guidelines are currently underway.

i) Modification of the Commercial Strategy to reflect the requirements of the Draft State Planning Policy – Activity Centres for Perth and Peel and the Model Centre Framework (Guidelines for the planning and design of Activity Centres) document. However, given the SPP is still under review it is considered that these modifications need not be made until after the Draft Strategy has been advertised for public comment;

Item 12.2 Continued

Given such a requirement it is recommended that the revised Strategy be scrapped and the previously adopted strategy maintained. A full rewrite of the Strategy based on the draft Framework will be extremely resource intensive and will value add little to the review of the scheme.

- j) Modification of the Commercial Strategy prior to advertising to incorporate more detailed justification, to the satisfaction of the WAPC, in regards to the maximum 70,000m² retail NLA proposed for the Belmont Town;**

It is unclear why this has been requested when the Draft Model Centres Framework deletes retail caps.

- k) Deletion of all strategy and scheme references to the ‘Warehouse Retail Outlet’ landuse that were originally contained in Amendment No.55 and incorporated into the draft scheme. This also requires the deletion and/or modification of the other landuse definitions proposed under Amendment No.55;**

Amendment No. 55 was referred to the WAPC in April 2008 for final approval following public advertising.

DATE INITIATED BY COUNCIL	REFERRED TO EPA	REFERRED TO DPI	ADVERTISING PERIOD DATE FROM DATE TO	DATE ADOPTED BY COUNCIL FOR FINAL APPROVAL	DATE TO DPI FOR FINAL APPROVAL
Item 12.1.5 OCM 17/07/2007	Letter to EPA posted 11/10/2007. EPA response dated 29/10/2007	Letter to DPI posted 30/11/2007	Advertising starts 4/12/2007 Closes 08/02/2008	Item 12.1.4 01/04/2008 OCM	Sent to DPI 17/04/2008

The City is still awaiting advice on the finalisation of the amendment after 19 months. It is of great concern to the City that the clauses contained within Amendment 55 are slated for removal from draft LPS 15 without any explanation (particularly given that the amendment was prepared following extensive retail analysis and public consultation).

It should also be noted that Amendment 55 is considered to be consistent with the recommendations of the Draft State Planning Policy ‘Activity Centres for Perth and Peel’ which states:

“5.9 Bulky goods retailing

The responsible authority should manage the location of quasi-retailing such as bulky goods (showroom) retail outlets to ensure that pedestrian-based shopping is located in a pedestrian-friendly urban environment.

Mixed business zones or similar zones accommodating bulky goods retail (showrooms) should be:

- *Located in designated activity centres in order to promote the centres and discourage the encroachment of commercial activities into residential and industrial areas, and*

Item 12.2 Continued

- *Integrated as peripheral precincts, generally adjacent to other commercial-zoned land in primary centres, strategic city centres, regional town centres and district town centres, accessible to the regional road network and public transport.”*

I) The Housing Strategy Map that is included within the separate Housing Strategy document should be inserted into the draft Local Planning Strategy document. The Business Planning Strategy Map (page 7) within the Local Planning Strategy is of a scale that is too small to read easily and should be incorporated as an A3 plan.

Agreed.

In light of the above, the Chief Executive Officer, Mr Stuart Cole and the Director Community and Statutory Services, Mr Neville Deague decided to meet with the Department of Planning Director – General, Mr Eric Lumsden PSM, to seek his advice on the action the Council could consider.

The main issue was the requirement to redraft the Local Planning Scheme No 15 Text to comply with the 1999 Model Scheme Text. A supplementary matter was the requirement to make the ‘Office’ Use Class a prohibited use in the ‘Industrial’ Zone.

Fortunately, Mr Lumsden could appreciate the City’s position and he requested that a letter be directed to him so that he could act on the issues as appropriate.

FINANCIAL IMPLICATIONS

There are financial implications associated with the cost of advertising a Scheme.

ENVIRONMENTAL IMPLICATIONS

The environmental implications of the Scheme Review are detailed in the Local Planning Strategy Supporting document entitled ‘Environment’. The document recognises the important role that the City of Belmont plays in ensuring that adequate provision for key environmental issues is made in the City’s planning and development policies and processes. The document assesses the Local, State and Federal legislative and policy context and indicates that the Council is meeting its statutory obligations. The document also identifies the key environmental planning issues facing the City and from that basis constraints are detailed and opportunities for improvement outlined.

SOCIAL IMPLICATIONS

The draft LPS No. 15 embodies the principles of sustainable development by its framework and processes. The process principles are as follows:

- Integration of the ‘triple bottom line’ (sustainability requires that economic, social and environmental factors be integrated by simultaneous application of these principles seeking mutually supportive benefits with minimal trade-offs).

Item 12.2 Continued

- Accountability, transparency and engagement.
- Hope, vision, symbolic and successive change.
- Precaution (avoiding poorly understood risks).

Ultimately the outcome should be a more 'liveable' city.

OFFICER RECOMMENDATION

That Council in respect to the Draft City of Belmont Local Planning Scheme No 15;

- 1. Note the advice from the Minister for Planning as detailed in the letter from the Western Australian Planning Commission dated 8 October 2009.***
- 2. Seek an extension of time from the Minister for Planning for the issues associated with the required modifications to be resolved.***
- 3. Direct the Chief Executive Officer to write to the Director – General Department of Planning requesting his assistance to resolve the issues associated with the modifications.***

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

**12.3 PROPOSED EVAPORATIVE AIR-CONDITIONING AND DUCTING – HILL 60
HOMESTEAD – LOT 885 (16) TANUNDA DRIVE, RIVERVALE**

Built Belmont

ATTACHMENT DETAILS

Attachment No	Details
Attachment 3 – Item 12.3 refers	Development Plans

Voting Requirement : Simple Majority
Subject Index : 115/001
Location / Property Index : Lot 885 (16) Tanunda Drive, Rivervale
Application Index : 394/2009/DA
Disclosure of any Interest : N/A
Previous Items : N/A
Applicant : Combe Nominees Pty Ltd
Owner : Combe Nominees Pty Ltd
Responsible Division : Community & Statutory Services

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, town planning schemes & 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 town 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 grant planning approval for an evaporative air-conditioning unit and ducting at Lot 885 (16) Tanunda Drive, Rivervale.

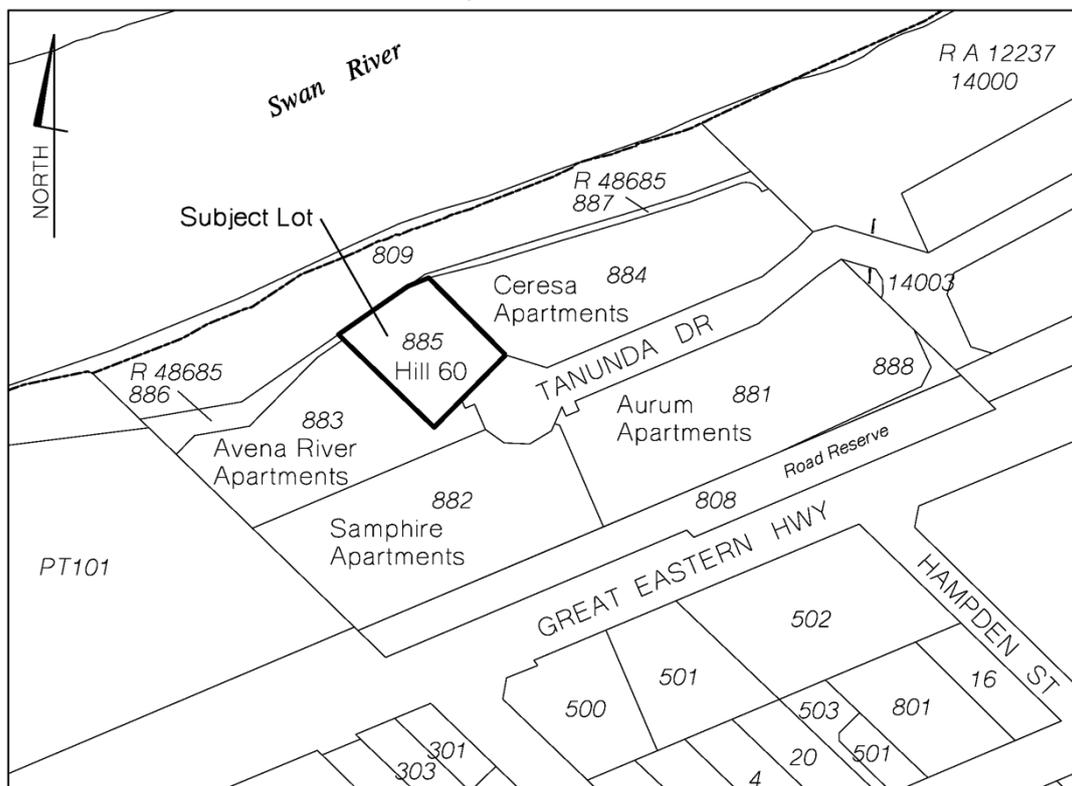
Item 12.3 Continued

SUMMARY AND KEY ISSUES

- An application has been received to install an evaporative air-conditioning unit and ducting to the Hill 60 homestead.
- The Hill 60 homestead is listed on the State Register of Heritage Places, and therefore the application requires the determination of the Council.

LOCATION

The subject property is the Hill 60 Homestead, located on Lot 885 Tanunda Drive, Rivervale, as detailed on the location plan below.



CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

12.3 Continued

POLICY IMPLICATIONS

Local Planning Policy No. 20 (Hill 60 Development Guidelines)

Local Planning Policy No. 20 (LPP 20) states that the objectives for the 'Hill 60' residence are to:

- Conserve the heritage value attributed to the Hill 60 site;
- Contribute to the character and identity of the project; and
- Accommodate a commercially viable concern (independent of the project at large) that supports the building's ongoing maintenance and conservation.

STATUTORY ENVIRONMENT

State Register of Heritage Places

The Hill 60 Homestead is listed on the State Register of Heritage Places. The State Register identifies that the homestead is culturally significant for the following reasons:

- The place is important as an early homestead in the Belmont area;
- The homestead is an interesting blend of Federation Queen Anne style, which has been overlaid with elements of Inter-War Free Classical style;
- The place is historically important for its association with mining and racing identity Thomas Ryan, and in that it provided the opportunity for the establishment of the first hospital in the district;
- The place is rare as it is one of the few remaining examples of early residences in the Belmont district;
- The place has the potential to demonstrate a distinctive way of life of prosperous landowners of the Belmont district;
- The site is important for the existence of a fresh water spring to which neighbours had access; and,
- The place is prominently located on a high portion of land between Great Eastern Highway and the Swan River with extensive views up the river and across to the City of Perth.

Municipal Heritage Inventory

The Hill 60 Homestead is listed on the City's Municipal Heritage Inventory. The management category is:

“High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place”.

Town Planning Scheme No. 14

The property is zoned 'Mixed Use' under Town Planning Scheme No. 14 (TPS 14). Part 7 of the TPS 14 relates to Heritage Conservation and Preservation.

12.3 Continued

Deemed Refusal

Clause 5.5.2 of the City of Belmont Town Planning Scheme No. 14 applies where a landuse is classified as a 'D' or 'S' use under the City of Belmont Town Planning Scheme No. 14 Zoning Table and is subject to advertising requirements detailed in Clause 5.7 of the Scheme. As such, the application is 'deemed to be refused' if it is not determined within a 90 day period.

The only exception to these cases is where there is a written agreement for further time between the applicant and the City of Belmont. In this case, there is no written agreement for the statutory time period to be extended.

The deemed refusal date for this application is 5 December 2009. Should Council defer this item then the deemed refusal rights will arise before the matter is referred back to Council.

Right of Appeal

Is there a right of appeal? Yes No

The applicant / owner may appeal a planning approval / planning refusal to the State Administrative Tribunal (SAT) subject to Part 14 of the *Planning and Development Act 2005*. Appeals must be lodged with SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

BACKGROUND

Lodgement Date:	6 October 2009	Use Class:	Office (existing)
Lot Area:	1945m ²	TPS Zoning:	D
Estimated Value:	\$8,000	MRS:	Urban / Abuts Parks & Recreation

Development Application

The subject development application for air conditioning and ducting was received by the City on 6 October 2009. The proposal intends to install an evaporative air-conditioning system and associated ducting to all rooms except for the reception (Room 1) and conference room (Room 2). These rooms have not been included as they have decorative ceilings which may be damaged by the evaporative system. Alternative air-conditioning solutions for these rooms will be considered in the future.

The requirement for planning approval relates to the heritage status of the building. The installation of ducting in the roof has the possibility to impact the heritage integrity of the dwelling. Notwithstanding this, a Building Licence is not required.

The application was referred to the Heritage Council of Western Australia for comment. Advice received from the Heritage Council supported the proposal subject to a number of conditions, these being:

1. Ducting is not to be installed in Room 2 and 3 of the Hill 60 Homestead.
2. The installation of ducting does not impact on the lathe and plaster ceilings in Rooms 1, 5, 6 and 32 identified in the Conservation Plan as retaining original material. Further advice should be sought from a heritage consultant if required to ensure that any impact is minimised. Provided under Attachment 3 is a copy of the floor plan indicating rooms.
3. Ducting to be installed so that any visual impact is minimised.

12.3 *Continued*

OFFICER COMMENT

The subject development proposal is minor in nature and if it weren't for the State or local heritage listing attached to the site, a planning approval would not be required.

In considering the proposal under the provisions of TPS 14, there are no considerations that will adversely impact the heritage integrity of the building. Additionally, the Heritage Council has provided support for the proposal subject to the conditions referred to in the 'Background' section of this report.

Having regard to the above, it is recommended that the planning application be approved.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council approve planning application 394/2009/DA as detailed in plans dated 6 October 2009 submitted by Combe Nominees Pty Ltd for evaporative air-conditioning and ducting at the Hill 60 Homestead at Lot 885 (16) Tanunda Drive, Rivervale subject to the following conditions:

- 1. Ducting is not to be installed in Room 2 and 3 of the Hill 60 Homestead.***
- 2. The installation of ducting does not impact on the lathe and plaster ceilings in Rooms 1, 5, 6 and 32 identified in the Conservation Plan as retaining original material.***
- 3. Ducting to be installed so that any visual impact is minimised.***

Non-standard Footnote

- (i) In regard to Condition 2, further advice should be sought from a heritage consultant if required to ensure that any impact is minimised. A copy of the floor plan indicating rooms is attached (Attachment 3).***

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

12.4 SUPPLY, DELIVERY AND REGISTRATION OF ONE MOTOR GRADER WITH TRADE IN OR OUTRIGHT SALE

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 1 – Item 12.4 refers	<u>Comparison of Plant Offered</u>
Confidential Attachment 2 – Item 12.4 refers	<u>Evaluation Scorecard</u>

Voting Requirement : Simple Majority
Subject Index : 135/007
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 : Technical Services

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, town planning schemes & 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 town 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 approval to purchase one Motor Grader with the optional trade in or outright sale of one Volvo / Champion Grader G710 16.4t.

Item 12.4 Continued

SUMMARY AND KEY ISSUES

To seek Council approval to purchase one Motor Grader with the optional trade in or outright sale of one Volvo / Champion Grader G710 16.4t, in accordance with the requirements of the *Local Government Act 1995*.

Four quotations were received as follows:

CJD Equipment Pty Ltd
Hitachi Constructions Machinery (Australia) Pty Ltd
Komatsu Australia Pty Ltd
WesTrac Pty Ltd

A submission for the sale of the old machine was received from:

Wattleup Tractors

WesTrac Pty Ltd is the recommended supplier for the supply, delivery and registration of a CAT 120M Motor Grader with the sale of the current Volvo / Champion Grader G710 16.4t to Wattleup Tractors.

LOCATION

N/A

CONSULTATION

There has been no specific external consultation undertaken in respect to this matter, however Council's Coordinator Contracts and Tenders and staff who will operate the machine have had input into the purchase process.

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Policy Manual Section BEXB28 – Purchasing.

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government (Functions and General) Regulations 1996*, in particular Regulation 11(2) (b) which states that "Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA".

12.4 Continued

BACKGROUND

The West Australian Local Government Association (WALGA) has established a preferred supplier panel for the Supply and Delivery of Plant and Equipment. This arrangement gives Local Governments direct access to the market without the cost or risk of independently tendering for suppliers as this function has been undertaken on their behalf by WALGA. However, the Local Government still has an obligation under the *Local Government Act 1995* to advertise a public tender for the disposal of property and this was advertised by WALGA, on behalf of the City of Belmont, in the West Australian on Saturday, 14 November 2009 closing on Friday, 20 November 2009.

Quotations were sought from four of the panellists for the purchase of the new plant, each supplier offering a different make of plant and equipment. City of Belmont fleet staff and plant operators inspected the graders offered in order to assess their suitability and quality.

OFFICER COMMENT

Evaluation of the plant offered was undertaken by the Coordinator Fleet and Plant, the Senior Works Supervisor and the Construction Supervisor together with two operators. The evaluation panel, together with the Coordinator Contracts and Tenders, visited all the suppliers to assess the machines. A summary of the plant offered, Confidential Attachment 1, and the assessments, Confidential Attachment 2, is attached.

The Komatsu was not favoured by any of the evaluation panel. In comparison with the other plant offered the technology was older and it scored lower in all areas.

The Volvo offered by CJD Equipment is an updated model of the current grader. It shows many improvements but visibility could be better.

Hitachi's John Deere grader impressed the evaluation panel, providing good visibility and a small turning circle.

WesTrac have introduced many new technologies in the CAT 120M, including joy stick controls in place of the traditional steering wheel. As a result extensive training will be required but both training and support will be readily available and it is envisaged that in the future most graders will move to joy stick controls and this will increase the resale value of the CAT. The operators found the visibility on the CAT to be good and the AccuGrade Grade Control system has been designed specifically for this make also. Importantly, WesTrac offer a three year or 6,000 hour warranty on the full machine as compared to a one year or 2,000 hour warranty from the major competitors.

FINANCIAL IMPLICATIONS

Current market conditions, including a downturn in the mining industry, have resulted in a lower than expected value for the grader trade in. The operating budget allocated a \$348,000 expense amount and \$90,000 income from the trade in of the existing plant. The net changeover including the cost of the 2D Cross Slope System of the preferred supplier is \$6,908 in excess of the budget amount for this plant item; however the extra funds can be made available from the Plant Reserve Account.

12.4 *Continued*

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

1. ***That the quotation submitted by WesTrac Pty Ltd for the supply, delivery and registration of a Caterpillar 120M Motor Grader with 2D Cross Slope System as specified for a total cost of \$335,908 excluding GST as specified be accepted as the most advantageous.***
2. ***That the tender submitted by Wattleup Tractors for the purchase of one Volvo / Champion Grader G710 16.4t as specified for \$71,000 excluding GST be accepted as the most advantageous.***

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

12.5 AUDIT PLAN 2010

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4 – Item 12.5 refers	Audit Plan 2010 Schedule

Voting Requirement : Simple Majority
Subject Index : 19/003 Audit and Risk Committee
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 12.12 – 16 December 2008
Applicant : Nil
Owner : City of Belmont
Responsible Division : City of Belmont

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, town planning schemes & 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 town 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 endorsing the City's Audit Plan and Schedule.

SUMMARY AND KEY ISSUES

The City of Belmont has a range of audit activities.

The City has developed a coordinated approach to these audit activities.

An audit plan is presented to Council for endorsement for the 2010 period.

Item 12.5 Continued

LOCATION

N/A

CONSULTATION

This matter has been considered by the Standing Committee (Audit and Risk) at its meeting of 2 November 2009.

STRATEGIC PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Under the *Local Government Act 1995* the City is required to conduct annual financial audits and four yearly financial systems audits. The City must also conduct an annual Statutory Compliance Audit, which is undertaken under the guidance of the Department for Local Government and Regional Development.

Under the International Quality Management Standard ISO 9001:2008 the City is required to conduct a programme of internal audits.

BACKGROUND

A presentation was made to the Standing Committee (Audit & Risk), at its meeting of 2 November 2009 on the organisation's progress in respect to the 2009 Audit Plan and the proposed Audit Plan for 2010.

The Standing Committee (Audit & Risk) was presented with a summary of the results of the Compliance Audit Return to the Department for Local Government. The findings reaffirm that the City's extensive audit program has resulted in improved systems and procedures. Compliance has improved from 98% in 2007 to 99.5% in 2008, more importantly the number of substantive non compliance areas has reduced from 15 to 1.

The Priorities reflected in the 2010 Audit Plan include:

- To present results of second phase of Contracts & Tendering Process Audit.
- Assessment on the City's compliance with its own Records Keeping Plan.
- Assessment of the City's compliance to Delegated Authority.
- Business Excellence Organisational Assessment.
- Continued training and development for the organisation on QA, Business Excellence and Compliance.

Item 12.5 Continued

OFFICER COMMENT

The Audit Plan and Schedule are based on:

- internal audit best practice;
- statutory audit requirements;
- the integration of the internal audit approach with other management system initiatives being introduced by the City (such as quality assurance, risk management and process mapping);
- the need to support the City's chosen governance approach – in particular the Standing Committee (Audit & Risk); and
- the requirement to provide a comprehensive solution that can be undertaken within existing resources.

The Audit Plan and Schedule is presented to Council for endorsement.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council endorse the City of Belmont Audit Plan 2010 as outlined in Attachment 4.

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

12.6 STANDING ORDERS 2010 REPORT

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item 12.6 refers	<u>Proposed Standing Orders Local Law 2010</u>

Voting Requirement	:	Simple Majority
Subject Index	:	76/008 Local Laws – Standing Orders
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 26/09/2006– Item 11.5.3
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate & Governance 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.*
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PURPOSE OF REPORT

To give notice of the purpose and effect of the proposed Standing Orders Local Law 2010.

Item 12.6 Continued

SUMMARY AND KEY ISSUES

- The City in conjunction with McLeods Barristers & Solicitors has drafted a proposed Standing Orders Local Law 2010 to replace the existing Standing Orders Local Law 2006.
- If Council wishes to adopt new local laws then a six week public submission period is required.

LOCATION

N/A

CONSULTATION

Public consultation is a legislative requirement. A period of six weeks is required to allow the public to make submissions on the proposed Standing Orders Local Law 2010. Any submissions from the public that are received will be assessed and a report will be presented to the Council.

STRATEGIC PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Legislation for making local laws is set out in Part 3 - Division 2 of the *Local Government Act 1995*. The statutory procedure for adopting a local law is prescribed in section 3.12 as follows:

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and

Item 12.6 Continued

- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

** Absolute majority required.*
- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
 - (a) stating the title of the local law;
 - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.

BACKGROUND

The City adopted the current Standing Orders Local Law 2006 at the Ordinary Council Meeting of 26 September 2006.

In 2008 McLeods prepared a draft model of Standing Orders. This draft model was used as a basis for the preparation of the Standing Orders Local Law 2010. A direct comparison of the current 2006 clauses and the McLeods model was made. The 2010 draft is consequently a combined result of suitable clauses from both these documents.

Item 12.6 Continued

This has resulted in the preparation of a new draft Standing Orders Local Law 2010 to replace the existing Standing Orders Local Law 2006.

OFFICER COMMENT

Nature of the Review

The redraft of the Standing Orders Local Law was undertaken as a comprehensive and comparative review of both the current Standing Orders Local Law 2006 and a McLeods draft model 2008. The review resulted in the proposed Standing Orders Local Law 2010 which are considered a best practice approach to meeting procedures. As a result of the redraft the proposal is to repeal the Standing Orders Local Law 2006 and replace these with the Standing Orders Local Law 2010.

Purpose and Effect

The purpose and effect of the proposed Standing Orders Local Law 2010 is as follows:

- (1) *These Standing Orders provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors and meetings of the trust.*
- (2) *All meetings are to be conducted in accordance with the Act, the Regulations and these Standing Orders.*
- (3) *These Standing Orders are intended to result in:*
 - (a) *better decision making by the Council and committees;*
 - (b) *the orderly conduct of meetings dealing with Council business;*
 - (c) *better understanding of the process of conducting meetings; and*
 - (d) *the more efficient and effective use of time at meetings.*

Major Changes

When conducting the review of the Standing Orders there were a number of changes which were applied to the existing Standing Orders Local Law. These changes are described as follows:

1. **Reorganisation** – There have been some substantial changes to the structure of the Standing Orders to achieve a better structure within the document.
2. **New format** - A new format has been adopted in the draft 2010 version. Direct references from the Act or regulations are provided in a boxed format. These sections are simply meant as footnotes and reference guides. The purpose of reproducing these provisions is to assist the reader by giving a fuller picture of the related legislation. It is expressly stated that these do not form part of the local law and this being the case, the City is not required to amend the local law if the Act and Regulations are amended.

Item 12.6 Continued

3. **Rules of conduct** - Since the 2006 Standing Orders were implemented the *Local Government (Rules of conduct) Regulations 2007* came into force. These rules apply only to Elected Members and provide general principles to guide the behaviour of Council Members. Consequently, where necessary they have been incorporated and in some cases referenced in the proposed 2010 Standing Orders.

Officer Comments on the Proposed Change

The proposed Standing Orders Local Law 2010, as shown in the attachment (Attachment 5) represents a significant change to the existing Standing Orders Local Law 2006. The proposed Standing Orders Local Law 2010 is designed to reflect best practice in local government meeting procedures whilst providing compliance with the relevant legislative processes.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That in accordance with the provisions of the Local Government Act 1995 Council gives notice of the purpose and effect of the proposed Standing Orders Local Law 2010.

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

8.08pm Having earlier declared a financial interest in Item 12.7 – Accounts for Payment, Cr Dornford departed the meeting.

12.7 ACCOUNTS FOR PAYMENT

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 6 – Item 12.7 refers	Accounts for Payment Listing

Voting Requirement	:	Simple Majority
Subject Index	:	54/007 – Creditors Payment Authorisations
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance 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, town planning schemes & 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 town 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

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

A list of payments is presented to Council each month for confirmation and endorsement in accordance with the *Local Government Finance Regulations 1996*.

Item 12.7 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

(a) the payee’s name;

(b) the amount of the payment;

(c) the date of the payment; and

(d) sufficient information to identify the transaction.”

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	781358-781439	\$132,756.36
Municipal Fund EFTs	EF010487-EF010870	\$2,960,689.63
Trust Fund Cheques	905298-905299	\$12,593.90
Trust Fund EFT	EF010589	<u>\$2,277.00</u>
Total Payments for November 2009		\$3,108,316.89

A copy of the Authorised Payment Listing is included as Attachment 6 to this item.

Item 12.7 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

***MARKS MOVED, POWELL SECONDED*, That the Authorised Payment Listing as provided under Attachment 6 be received.**

CARRIED 7 VOTES TO 0

8.09pm Cr Dornford returned to the meeting.

12.8 MONTHLY FINANCIAL ACTIVITY STATEMENT AS AT 30 NOVEMBER 2009

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7 – Item 12.8 refers	<u>Monthly Financial Activity Statement as at 30 November 2009</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 : N/A
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Finance 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, town planning schemes & 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 town 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 provide Council with information relating to accounting reports and statements.

SUMMARY AND KEY ISSUES

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

Item 12.8 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Key Result Area: Business Excellence

“Improve knowledge management and ensure organisational compliance to statutory record keeping obligations”.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

Regulation 34 was amended as at 1 July 2005 to require a Statement of Financial Activity reporting on the sources and applications of funds for that month. A quarterly or tri-annual statement is no longer required under the amended Regulation.

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 Comment section.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* require that financial statements are presented on a monthly basis to Council. In October 2008, Council adopted 10 percent of the budgeted closing balance as the materiality threshold.

12.8 Continued

OFFICER COMMENT

The statutory monthly financial report is to consist of a Statement of Financial Activity reporting on sources and applications of funds 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.

The amendment to the Regulations has fundamentally changed the reporting structure which has been used to 30 June 2005, as it now requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based. The monthly Statement of Financial Activity now ties in more closely with the Management Report provided to Council quarterly.

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 eg tied grants.*

****Based on a materiality threshold of 10 percent of the budgeted closing balance as previously adopted by Council.*

In order to provide more details regarding significant variations in the attached report (Attachment 7), the following summary is provided.

Report Section	YTD Budget	YTD Actual	Comment
Applications of Funds – Capital			
Computing	263,790	85,018	Business applications and equipment not yet purchased.
Crime Prevention & Comm Safety	535,000	127,248	CCTV Project is still in its early stages.
Technical Services	221,470	57,039	Some environmental projects commenced later than budgeted.
Grounds Operations	401,973	127,246	Some Parks Construction projects commenced later than budgeted.
Road Works	1,184,530	1,281,039	Some road works projects commenced earlier than anticipated.
Streetscapes	96,080	35,364	Streetscape infrastructure projects commenced later than budgeted.

12.8 Continued

Report Section	YTD Budget	YTD Actual	Comment
Operations Centre	515,588	385,360	Fleet not yet purchased.
Building Operations	400,482	290,448	Building projects commenced later than budgeted.
Applications of Funds – Operating			
Computing	542,849	488,933	Software and consulting costs slightly below budget.
Insurance	671,452	463,282	Insurance premiums not yet fully taken up.
Executive Services	658,354	593,229	Business Improvement & Legal expenses lower than budgeted.
Property & Economic development	1,042,432	202,972	Contribution to Public Open Space subject to sale of land.
Belmont Community Watch	241,475	184,524	Payment for November is outstanding.
Crime Prevention & Comm Safety	408,707	124,128	CCTV project is still in its early stages.
Community Services	142,458	81,400	Employee related costs lower than anticipated.
Belmont HACC Services	802,481	722,590	Staff vacancies have led to a lower provision of services
Youth Services General	303,008	240,688	Employee related costs lower than budgeted.
Town Planning	585,745	532,370	Legal expenses lower than budgeted.
Sanitation Charges	1,494,082	1,232,325	Invoices for November are outstanding.
Ruth Faulkner Library	655,238	559,872	Finding my place take up slower than anticipated.
Ground Operations	1,527,471	1,456,422	Timing issues with the budget spread.
Streetscapes	527,300	318,166	Street Scape projects commenced later than budgeted.
Public Works Overheads	398,242	546,276	Timing issues with the budget spread.
Technical Services	699,394	648,577	Services – advertising & consulting are lower than anticipated.
Sources of Funds – Capital			
Property & Economic Development	(2,314,165)	(0)	Proposed land sales/purchases still pending.
Ground Operations	(41,665)	(110,000)	Timing issues with the budget spread of grant income.
Road Works	(759,679)	(288,361)	Timing issues with the budget spread of grant income and contributions.
Operations Centre	(200,545)	(64,682)	Fleet / Plant sales behind budget.
Sources of Funds – Operating			
Insurance	(887,806)	(965,359)	Timing issues with budget spread.

12.8 Continued

Report Section	YTD Budget	YTD Actual	Comment
Executive Services	(56,499)	(0)	Timing issues with budget spread.
Rates	(28,043,714)	(28,298,297)	Rates slightly higher than anticipated due to GRV amendments.
Financing Activities	(71,440)	(676,092)	Investment income higher than anticipated.
Crime Prevention & Comm Safety	(349,240)	(12,847)	Grant income to be received later than budgeted.
Faulkner Park Retirement Village	(83,335)	(0)	Property Services management income yet to be received.
Grounds Overheads	(547,652)	(607,628)	Overhead recoveries higher than anticipated.
Road Works	(218,968)	(155,521)	Grant funding to be received later than budgeted.
Public Works Overheads	(480,030)	(429,014)	Overhead recoveries lower than anticipated.
Other Public Works	(554,310)	(862,835)	PTA Income received in advance.

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 (Attachment 7).

Current Assets as at 30 November 2009	\$	Comment
Cash and investments	29,998,280	Includes municipal, reserves & deposits
- less non rate setting cash	-10,965,999	Reserves and deposits held
Receivables	6,282,115	Mostly rates levied yet to be received
- less non rate setting receivables	-966,193	ESL levied and GST payable
Stock on hand	236,644	
Total Current Assets	\$24,584,847	
Current Liabilities		
Creditors and provisions	-5,501,538	Includes deposits
- less non rate setting creditors & provisions	3,255,111	ESL, GST and deposits held
Total Current Liabilities	-\$2,246,427	
Nett Current Assets 30 November 2009	\$22,338,420	
Nett Current Assets as Per Financial Activity Report	\$22,338,420	
Restricted Assets	\$1,022,721	Unspent grant monies held for specific purposes.

12.8 Continued

Less Committed Assets	-	All other budgeted expenditure
	\$20,815,699	
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 at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 30 November 2009 as included in Attachment 7 be received.

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

12.9 GRANT APPLICATIONS FOR REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – STRATEGIC PROJECTS

BUSINESS BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Nil	

Voting Requirement	:	Absolute Majority
Subject Index	:	57/002 – Grants and Funding Enquiries
Location / Property Index	:	215 Wright Street, Cloverdale 1 Fauntleroy Avenue, Ascot
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	City of Belmont
Responsible Division	:	Corporate & 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, town planning schemes & policies.*
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PURPOSE OF REPORT

To seek Council's authorisation for City Officers to prepare submissions for Regional and Local Community Infrastructure Program – Strategic Projects funding that, if successful, will require the City to borrow monies to complement the Commonwealth funding.

Item 12.9 Continued

SUMMARY AND KEY ISSUES

In June 2009 the Australian Government made an additional \$120 million available through the Regional and Local Community Infrastructure Program – Strategic Projects (RLCIP-SP) funding stream. This funding is available to Local Governments on a competitive basis.

RLCIP-SP funding is intended to support local jobs during the project and provide long-term benefits to communities by assisting Council to build and modernise local infrastructure.

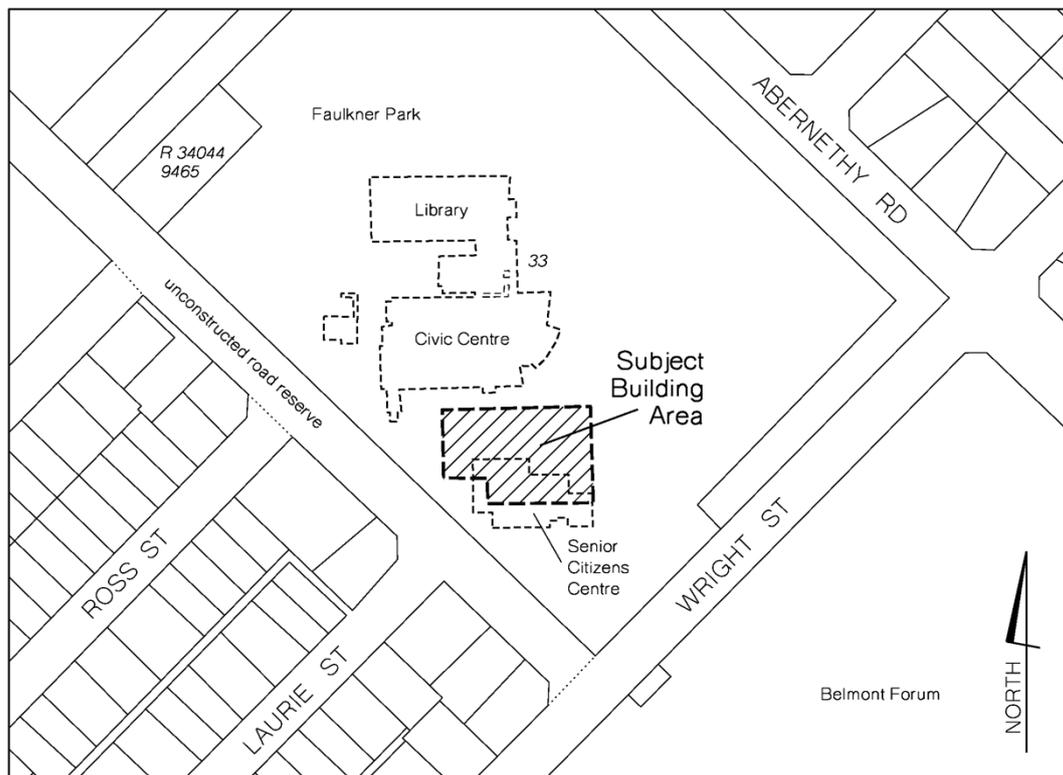
Given the competitive nature of the RLCIP-SP, significant financial contributions by the Local Government to the program are necessary. An additional requirement of the RLCIP-SP is that the nominated projects not be on the current budget.

The City is intending to submit a RLCIP-SP application for the proposed multi-purpose community facility as part of the overall Faulkner Park revitalisation project. The City is also intending to lodge an RLCIP-SP application for the upgrade of the Garvey Park and Ascot Racecourse Foreshore Restoration project. The latter submission will be in conjunction with the Eastern Metropolitan Regional Council (EMRC).

If the submissions are successful, either of them will require the City to borrow funds to complement the Federal funding.

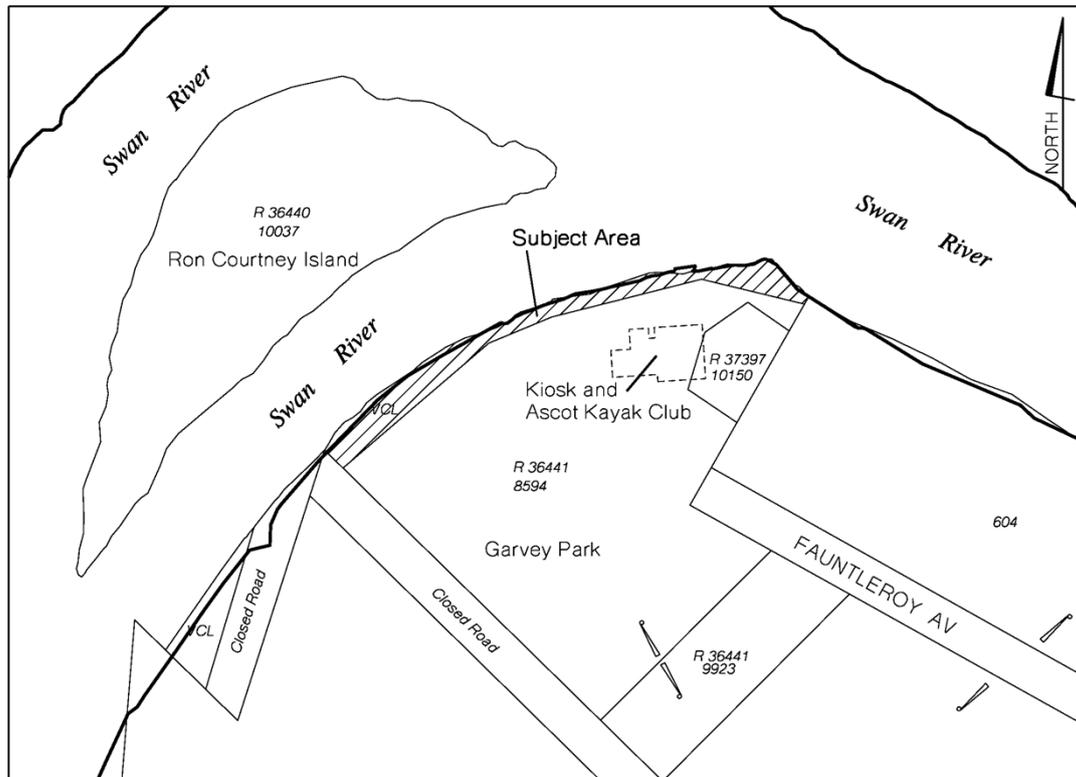
LOCATION

Faulkner Park- multi-purpose community facility location



12.9 Continued

Garvey Park foreshore



CONSULTATION

Faulkner Park revitalisation project

There has been no specific consultation undertaken in respect to this particular agenda item.

There has been a public workshop associated with the Faulkner Park revitalisation project. That workshop supported the idea of establishing a new multi-purpose community facility in Faulkner Park.

Garvey Park and Ascot Racecourse Foreshore restoration project

There has been considerable consultation with key stakeholders in the development of the Garvey Park Foreshore Restoration Project. These stakeholders include Department of Indigenous Affairs (DIA), Swan River Trust, Western Australia Planning Commission, Department of Environment and Conservation and Local Community.

The Ascot Racecourse Foreshore Restoration works is in the concept design phase. These design plans were commissioned by MP Rogers and Associates, further detailed work will include key stakeholder consultation as part of this project.

12.9 Continued

STRATEGIC PLAN IMPLICATIONS

Faulkner Park revitalisation project

STRATEGY	KEY ACTIONS
Provide, or facilitate access to, services and facilities required by seniors and other 'in need' community members.	A coordinated strategy will be designed and implemented to ensure the Civic Centre continues to meet the needs of a changing and diverse community. This will include planning for the establishment of a commercial building, reinvigorating the services for Seniors, establishing a community reference and resource centre, and associated improvements to the structure of Faulkner Park.

Garvey Park and Ascot Racecourse Foreshore restoration project

STRATEGY	KEY ACTIONS
Provide non-vehicular transport routes	Provide a comprehensive cycle path system that is integrated into the Perth Bicycle Network.
	Provide a comprehensive footpath network to key destinations
Maintain public open space in accordance with the needs and expectations of the community.	Further develop and review the Parks and Gardens Annual Maintenance Plan to ensure maintenance standards meet the needs of the user groups. Conduct an annual survey of Parks and Gardens service provisions prior to the preparation of the Plan.
Implement the Environment Plan	Undertake staged implementation of Environment Plan

POLICY IMPLICATIONS

SB1 COUNCIL AUTHORITY TO APPLY FOR GRANTS

Policy Objective:

To ensure that a responsible process is in place to accommodate the application for, and acceptance of, grants and subsidies.

Policy Statement:

Council encourages the application for funds that will have benefit to the community. The Chief Executive Officer has authority to make submissions for grants / subsidies subject to their purpose falling within the Council's overall Strategic Plan.

The Chief Executive Officer can accept grants / subsidies, except in the following cases, which require specific Council authorisation:

12.9 Continued

- Grants / subsidies that require an unbudgeted co-payment of funds;
- Grants / subsidies that result in expenditure not identified and authorised as part of the budget process.

STATUTORY ENVIRONMENT

There are no statutory implications at this time.

BACKGROUND

The RLCIP-SP application for both projects is due to be submitted to Canberra by 15 January 2010. This item is a late Agenda item as there are no Ordinary Council Meetings between now and the deadline date. In addition a Special Council meeting may be called to discuss the details of the applications prior to the submission date.

Faulkner Park revitalisation project

As noted previously, the City's strategic plan has identified a need to ensure the Civic Centre continues to meet the needs of a changing and diverse community. The primary elements of the 'Faulkner Park Community Centre Revitalisation Project' project will include:

1. A new and improved City Library;
2. Enhanced Belmont Senior Citizen's meeting rooms and activity space;
3. A new commercial building on Wright Street;
4. Enhanced museum facilities; and
5. Multi use areas and office space including;
 - flexible office space for the administrative purposes of non-profit organisations;
 - office space for the Community Service Administration Staff;
 - Café / Internet Café; and
 - a flexible function centre for the community to use.

Considerable research has been conducted to date to advance this project. It has been agreed that the lynchpin element of the overall project is the establishment of a multi-purpose community facility. The Federal Government's RLCIP-SP funding presents an ideal opportunity to advance this project. Whilst the final costs for this facility have yet to be determined, it is estimated that a new multi-purpose community facility will cost approximately \$20 million.

Garvey Park and Ascot Racecourse Foreshore restoration project

The Swan River foreshore at these two locations has been identified in a number of reports requiring urgent and significant remedial erosion control works. The park is under various ownerships; including Crown land and the Department of Planning but is vested with and managed by the City of Belmont. The foreshore area has been eroded due to a number of factors including boat wash, pedestrian access, strong easterly winds and the particular location on the Swan River, which has resulted in bank collapse and loss of fringe vegetation. Whilst the final costs for this project have yet to be determined, it is estimated that the initiative will cost approximately \$2.2 million.

12.9 Continued

OFFICER COMMENT

Faulkner Park revitalisation project

A fundamental ingredient to healthy communities is the ever present requirement in providing facilities that have worth. The proposed Community Facilities at Faulkner Park are an opportunity to reinforce the Park as a 'hub' for the City of Belmont.

Public libraries are the most heavily used Australian public buildings and are in the position of attracting a diverse user range through a variety of services. The public library has been identified as the "third place", distinct from home and work where people can learn, think, explore, play, reflect and socialise. An increasing trend in library planning and design is towards a multi-functional community facility that creates this "third place". New libraries are being co-located with other agencies such as a café, art gallery, and community meeting places to create a distinctive informal public gathering space and a community hub.

Garvey Park and Ascot Racecourse Foreshore restoration project

Recommendations for the foreshore at Garvey Park were made in two previous reports, these include Garvey Park and Swan River Foreshore Restoration and Concept Plan (Ecoscape, 1999) and Restoration Proposal for Degraded Swan River Foreshore Suite, Hilton Grove (Bennet Brook Environmental Services, 2006).

Further advice was sought from Swan River Trust, which identified Garvey Park and Ascot Racecourse as of particular concern for the erosion of the clay banks, the undermining of retaining wall structures and the erosion behind the log retaining walls throughout the park foreshore.

These reports and their recommendations concerning Garvey Park foreshore issues have also been identified at Ascot Racecourse. As such, it is felt that a response of a similar nature is required for these two locations on the Swan River. The project objectives developed through the restoration of the erosion control works will form the basis in developing a foreshore stabilisation concept plan. The City will use this concept plan to obtain the necessary approvals prior to the implementation of detailed design plans and on-ground works in the financial year of 2010-2011. The expected outcomes of these projects once completed are:

- Stabilisation and prevention of further erosion of the riverbank;
- Protection of infrastructure and fringing remnant vegetation, particularly old large significant trees;
- Establishment of native and local species to provide habitat for fauna; and
- Retention of current recreational use of the foreshore area.

12.9 *Continued*

FINANCIAL IMPLICATIONS

If either of the funding submissions are successful there will be a requirement for the City to borrow funds. In the case of the Faulkner Park multi-purpose community facility, it is expected that the City would need to borrow approximately \$8 million. In the case of the Garvey Park and Ascot Racecourse Foreshore restoration projects the City would need to borrow approximately \$550,000.

ENVIRONMENTAL IMPLICATIONS

Faulkner Park revitalisation project

It is intended that the multi-purpose community facility will embrace as many environmentally sensitive design principles as possible. There is potential for the City to partner with Green Building Council of Australia in developing a new Green Star rating tool as part of the development of the facility.

Garvey Park and Ascot Racecourse Foreshore restoration project

It is intended that the project will be returning the area back to its original native condition; this will be done through planting local native species, using green building technologies and ecological sensitive principles to restore the foreshore and surrounding area.

SOCIAL IMPLICATIONS

Faulkner Park revitalisation project

- Ensure that the community has access to the services and facilities it needs;
- Assist in developing community capacity;
- Support community groups;
- Enhance a sense of community and the image of Belmont;
- Contribute to an environment where residents are safe and feel safe.

Garvey Park and Ascot Racecourse Foreshore restoration project

- Ensure that the community has access to the services and facilities it needs;
- Assist in developing community capacity;
- Support community groups;
- Enhance a sense of community and the image of Belmont;
- Contribute to an environment where residents are safe and feel safe.

12.9 *Continued*

OFFICER RECOMMENDATION

1. ***That Council authorise the Chief Executive Officer to submit submissions seeking Regional and Local Community Infrastructure Program – Strategic Projects funding for:***
 - a) ***The establishment of a multi-purpose community facility as part of the Faulkner Park revitalisation project; and***
 - b) ***The Garvey Park and Ascot Racecourse foreshore restoration project as a component of the Eastern Metropolitan Regional Council application; titled “Regional implementation of Priority Infrastructure of the Upper Reaches of the Swan River.”***
- 2 ***That Council authorise the Chief Executive Officer to accept the funding if the application is successful.***

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

12.10 TENDER 26/2009 – SUPPLY & INSTALLATION OF CCTV SYSTEMS

SOCIAL BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 3 – Item 12.10 refers	<u>Price Schedule</u>
Confidential Attachment 4 – Item 12.10 refers	<u>Evaluation Matrix</u>

Voting Requirement : Simple Majority
Subject Index : 114/240
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 : Community and Statutory Services

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, town planning schemes & policies.*
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PURPOSE OF REPORT

To seek Council approval to award Tender 26/2009 – Supply and Installation of CCTV Systems.

SUMMARY AND KEY ISSUES

To seek Council approval to award Tender 26/2009 in accordance with the requirements of the *Local Government Act 1995*.

12.10 Continued

The tender is for the Supply and Installation of CCTV Systems for a period of two years commencing 1 January 2010 and expiring 31 December 2012 with the option of a one year extension at the sole discretion of the City.

Thirty sets of tender documents were issued and five tenders were received as follows:

- ADT Security
- Zenien
- Seme Electrical Engineering
- Chubb Electronic Security
- Applicon

Zenien is the recommended supplier for the supply and installation of CCTV systems.

LOCATION

Locations to be targeted for CCTV in order of priority:

- Belmont Village Shopping Centre
- Kewdale Road and Commercial Precinct
- Abernethy Road Commercial Precinct
- Belvidere Shopping Precinct
- Belgravia Shopping Precinct
- Belmont Avenue Precinct
- Love Street Shopping Precinct
- Epsom Avenue Shopping Precinct
- Frederick Street
- Great Eastern Highway

CONSULTATION

Through the development of the Crime Prevention Plan in 2005-2006 and ongoing assessment of crime and safety risks throughout the community, target areas for the implementation of CCTV and alarms into the City of Belmont Community have been identified.

Extensive consultation and communication has taken place between the City of Belmont, the Office of Crime Prevention and the State CCTV Working Group. The City of Belmont Chief Executive Officer, Director Community and Statutory Services, and Coordinator Crime Prevention met with Inspector Petterson and Senior Constable Steve Harrison to outline the CCTV Strategy and Pilot Program. Further, the City presented the proposed strategy and pilot program for CCTV to the State Working Group on 24 June 2009.

Consultation has also included individual potential partners within the community. This consultation included crime and safety risk assessments on premises within the City.

12.10 Continued

Historical police data along with the qualitative crime and safety assessments are used to prioritise potential location for installations.

STRATEGIC PLAN IMPLICATIONS

SOCIAL BELMONT – *“Implement Community Safety and Crime Prevention Plan.”*

POLICY IMPLICATIONS

Policy Manual, Section BEXB28 – Purchasing.

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 City of Belmont has received funding from the Federal Government’s Safer Suburb Program for \$700,000, of which has been allocated to deliver CCTV Camera installation within the City of Belmont.

A pilot program was installed at the Kooyong Street Shopping precinct and the intent of this tender is to find a contractor to supply and install CCTV systems throughout other areas of the City based on the pilot model. The tender provides for supply and installation for a three year period with the option to extend the contract for a further year at the sole discretion of the City.

The Catalyse Community Perceptions Survey identified safety and security as an area that residents wanted addressed further. The number of burglaries within the City has been reduced by 30% since the implementation of the Community Safety and Crime Prevention Plan and it is anticipated that the CCTV program will reduce burglaries by a further 20%.

An invitation to tender for the Supply and Installation of CCTV Systems was advertised in the West Australian on Saturday, 14 October 2009, closing on Tuesday, 1 December 2009 at 2.00pm.

OFFICER COMMENT

Price Schedule

The Price Schedule, Confidential Attachment 3, shows a comparison of the Tenderers’ price submissions.

Evaluation Criteria

The Evaluation Committee consisted of the Coordinator Contracts and Tenders, the Manager Health and Ranger Services and the Coordinator Crime Prevention and

12.10 Continued

Ranger Services. The tenders were assessed based on the same selection criteria that was included within the tender, being:

No	Criteria	Weighting
1	CCTV Camera and Recording Software Technology	20%
2	Ability to Supply	10%
3	Quality of recorded Image	10%
4	Price of Installation per Hour	15%
5	Price of PTZ CCTV and Fixed Cameras Per Unit	15%
6	Price of Recording Device and Licensing	20%
7	Price of Additional Equipment (Mark-Up on cost)	10%

The criteria also detailed risks associated with the program and required responses for how each risk would be treated. Although the submission from Seme Electronic Security was scored it did not fully conform to the specifications as images cannot be recorded in Windows Media Player format.

Of the systems offered, only the GPAC system is able to respond to triggers by interfacing with any equipment that can be switched on with an electronic switch, relay or digital signal. The system also allows access to cameras via a standard Internet web browser, thereby allowing police access to the system while still tightly controlling access to cameras and recorded information. The GPAC system is offered by both Zenien and Chubb Electronic Security.

The submission received from Zenien was very comprehensive. It clearly addressed each of the criteria and included a full risk assessment schedule with suggested treatments.

Clarification was sought from all tenderers with regard to pricing, with particular reference to licences, to ensure that comparison was fair and equal. The Evaluation Criteria, as per Confidential Attachment 4 identifies Zenien as the preferred supplier for the contract.

FINANCIAL IMPLICATIONS

The Federal Government funding of \$700,000 will be utilised in paying the cost of supply and installation and acquittal of the CCTV AlarmAssist program. The City currently directly budgets \$120,000 for CCTV in the City of Belmont. The program has been designed to provide ongoing income from residential and business partners that co-contribute to CCTV installation. The City will be responsible for ongoing maintenance and management of the CCTV infrastructure. CCTV Equipment installed is warranted for up to five years. The equipment purchased consists of standard off-the shelf hardware which should provide low cost replacement of components in the event of failure after the warranty period. The cost for redundancy has been estimated at \$2,500 per year per installation on a five year replacement plan. After initial installation of up to 10 locations, the City of Belmont will need to budget approximately \$25,000 for maintenance.

12.10 Continued

The current budget along with resident and business contributions to the system should provide for ongoing maintenance and expansion of the system at the lowest cost available to the City of Belmont.

If the CCTV AlarmAssist program reaches its target of reducing burglary by 50%, the financial and social value and benefit to the City of Belmont community will be immeasurable.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

This project fits into the social aspect of the strategic plan by contributing to an environment where residents are safe and feel safe. The program is designed to reduce crime and the effects of crime within the community by targeting high volume crime in the City of Belmont, in particular burglary. Already the pilot program in Kooyong Road has seen a significant drop in anti-social behaviour and criminal activity, particularly criminal damage (graffiti).

Note:

Cr Rossi expressed his thanks to the Co-ordinator Crime Prevention and Ranger Services for his excellent commitment and performance in carrying out his duties and wished him well in his future career at the City of Bayswater.

OFFICER RECOMMENDATION

ROSSI MOVED, MARKS SECONDED, that

- 1. The tender submitted by Zenien for the Supply and Installation of CCTV Systems as specified be accepted as the most advantageous for a period of three years commencing on 1 January 2010 with the option of a one year extension at the sole discretion of the City.***
- 2. The Chief Executive Officer be authorised to negotiate all terms of the contract.***

CARRIED 8 VOTES TO 0

8.16pm The Co-ordinator Crime Prevention and Ranger Services departed the meeting and did not return.

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

**13.2 COUNCILLOR MOTION: THE KILNS - LOTS 713, 237, 236 AND PT 197 (80)
GRANDSTAND ROAD, ASCOT**

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 8 – Item 13.2 refers	<u>Item 10.1 OCM 24/11/1997 (Adoption of Joint PDC & WTS Minutes 28/10/07); Item 11.3 OCM 26/08/02 (Adoption of Item 8.3.2 PDC Minutes 19/08/02); Item 11.1 OCM 24/02/03 (Adoption of Item 8.7.2 PDC 17/02/03)</u>
Attachment 9 – Item 13.2 refers	<u>Extract of Place Record Form from the Municipal Heritage Inventory on the Kilns</u>
Attachment 10 – Item 13.2 refers	<u>Copy of letter 31 March 2008 to Department of Planning and Reply dated 5 May 2008 from the Department of Planning</u>

Voting Requirement : Absolute Majority / Simple Majority
Subject Index : 86/001
Location / Property Index : 80 Grandstand Road
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : Item 10.1 OCM 24/11/1997 (Adoption of Joint PDC & WTS Minutes 28/10/07)
Item 11.3 OCM 26/08/02 (Adoption of Item 8.3.2 PDC Minutes 19/08/02)
Item 11.1 OCM 24/02/03 (Adoption of Item 8.7.2 PDC 17/02/03)
Item 13.4 OCM 19/02/08
Applicant : N/A
Owner : N/A
Responsible Division : Community and Statutory Services

Item 13.2 Continued

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, town planning schemes & 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 town 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

A Notice of Motion was received from Councillor Rossi in regard to the Kilns. (Note: Councillor Rossi originally raised this matter with the Chief Executive Officer in early August 2009, however research on the status of the matter has delayed presenting this report to the Council. Meetings with the owner, the Western Australian Planning Commission (WAPC), and other interested parties has also only recently occurred).

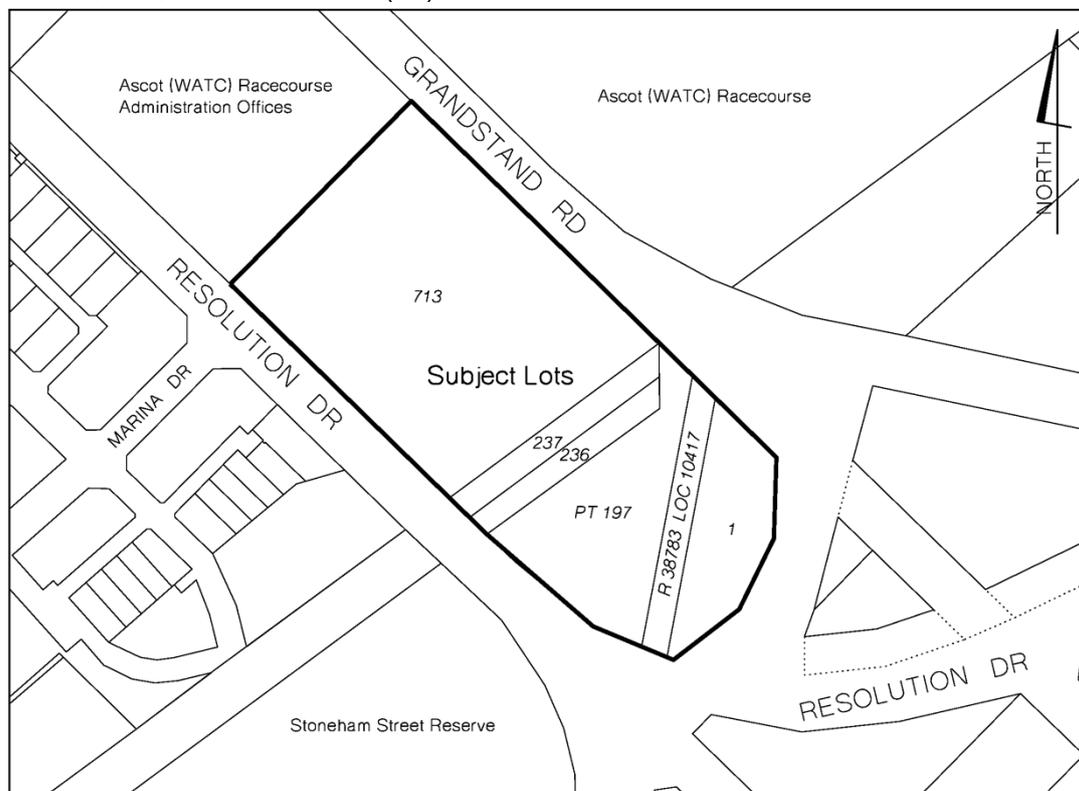
SUMMARY AND KEY ISSUES

- If the Council adopts the proposed motion to retain all stacks and kilns it will require submissions from the landowner and other relevant stakeholders. After consideration of the submissions, the Council must determine its final position.
- Correspondence be directed to the Federal Member for Swan, Mr Steve Irons MP and Local Member Mr Eric Ripper MLA to seek advice on the possibility of Federal and/or State funding to preserve and maintain the Kilns site.

13.2 Continued

LOCATION

Lots 713, 237, 236 and Pt 197 (80) Grandstand Road, Ascot



CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Clause 7.2.6 of the City of Belmont *Town Planning Scheme No. 14* states, “The Council may remove or modify the entry of a place on the Heritage List by following the procedures set out in sub-clause 7.2.3.”

Clause 7.2.3 states that it can only amend the Heritage List after considering any submissions made, which involves inviting the landowner to provide comment within 21 days.

13.2 Continued

BACKGROUND

On the 28 October 1997, there was a joint Planning and Development, Works and Technical Services Committee meeting. The recommendations were adopted by the Council at the meeting of the 10 November 1997. Part 8 stated as follows:

“That Council support the development of a commercial enterprise that incorporates recognition of the heritage significance of the site with the possibility of up to three kilns and a reduced height stack being retained.”

The Council at its 26 August 2002 meeting decided that the management category for the Kilns should be amended to reflect the Council’s position which was to retain three kilns, a chimney stack and possibly a cross section of a kiln. The draft Municipal Heritage Inventory was then advertised for public comment. The Council at its 24 February 2003 meeting resolved to adopt the revised Municipal Heritage Inventory.

The current Municipal Heritage Inventory was adopted by the Council at its 11 December 2007 meeting (Item 12.1.6). In relation to the ‘Management Category’ it states:

“Three kilns and a chimney stack be retained. If possible a cross section to the kiln should also be retained. Photographically record the site prior to any major redevelopment or demolition.”

Provided under Attachment 8 is a copy of the above mentioned items.

The current Municipal Heritage Inventory adopted by the Council is therefore consistent with the previous resolutions of the Council. Please refer to Attachment 9 for an extract of the Place Record Form from the Municipal Heritage Inventory in regard to the Kilns.

The Council at its meeting of the 19 February 2008 (Item 13.4) resolved as follows.

“That Council:

- 1. Inform the Minister for Planning and Infrastructure, the Minister for Heritage, the Western Australian Planning Commission and the Local Member, of its extreme concern with the apparent lack of progress on reaching a solution to the restoration of the Bristle stacks and kilns at Grandstand Road, Ascot and beautification of the subject land. Further, that consideration be given to establishing community markets integrated with this historical site in view of the loss of markets at Subiaco and the Midland Military Markets.*
- 2. Request the Western Australian Planning Commission for its advice on an appropriate role for the Council to assist the Government in restoring the site and achieving a complementary development. In this regard, the Council respectfully requests an appropriate representative from the Department for Planning & Infrastructure to address Councillors on the work done to date.”*

13.2 Continued

A copy of a letter dated 31 March 2008 and a copy of a reply dated 5 May 2008 from the Director General of the Department of Planning is shown under Attachment 10. Advice was received from the Department of Planning that a representative would attend the 7 October 2008 Information Strategy Concept Forum, however the representative cancelled their attendance as there were still matters to be resolved.

There has not been any further action by relevant Government Ministers.

OFFICER COMMENT

There was an on-site meeting held on Tuesday 10 November 2009 to discuss a range of issues with the site. Those in attendance were as follows.

- Mr Gary Prattley, Chairperson of the Western Australian Planning Commission (WAPC)
- Ms Marion Fulker, Chairperson of the Heritage Council
- Mr Graeme Gammie, Director Heritage Council of WA
- Mr Tim Hillyard, Department of Planning
- Mr Michael Glendinning, Ascot Field Nominees (AFN)
- Mr Grant De Longville, representing Ascot Fields Nominees (AFN)
- Mr Neville Deague, Director Community and Statutory Services City of Belmont

The cost of ensuring that the kilns and stacks are at a safe and proper standard of condition is extremely expensive, without adding the ongoing maintenance costs. The current position of the Council is one that appears achievable and possible to work with by the WAPC and Ascot Fields Nominees.

Mr Michael Glendinning advised that he would arrange by February 2010 for the preparation of a proposal for consideration by the WAPC and the Heritage Council. The Council would no doubt receive a copy of this proposal.

The City has been informally advised that the Heritage Council's 'Register Committee' has carried out an assessment of the Kilns site, but there has been to date no formal advice from the Office of Heritage.

There is a statutory process for modifying the 'entry of a place' in the Municipal Heritage Inventory. In this case, the Management Category is to be considered for change. If Council forms the view after considering all submissions, that the Management Category should be changed, then the previous decision should be revoked. This would read as follows:

13.2 *Continued*

That Council:

1. Revoke Part 8 of the decision from the 28 October 1997 joint Planning and Development, Works and Technical Services Committee meeting as follows:
 - “8. That Council support the development of a commercial enterprise that incorporates recognition of the heritage significance of the site with the possibility of up to three kilns and a reduced height stack being retained.”

FINANCIAL IMPLICATIONS

There are no financial implications for the City of Belmont in regard to costs of restoration and maintenance, but if no development of the site occurs, there will be a loss of rates revenue.

Consideration should be given to the principle of ‘opportunity cost’ because taxpayer funds to preserve and maintain the kilns are then not available to be used to service other community needs.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There is an argument that the sense of community could be enhanced by the acknowledgement of industrial heritage and those in the past who worked for Bristle at this location.

COUNCILLOR MOTION

That Council:

1. Propose to amend the Municipal Heritage Inventory Place Record Form Management Category pertaining to the Kilns to read as follows: *‘Retain all stacks and kilns, as it is the largest collection of extant circular downdraught kilns (often referred to as beehive kilns) and associated stacks in Australia, as their significance and rarity lies in the concentration of kilns and stacks in the one area.’*
2. Pursuant to Clause 7.2.3 of the City of Belmont *Town Planning Scheme No. 14*, invite submissions on the City’s proposal from:
 - (a) the landowner of the Kilns, being the Western Australian Planning Commission;
 - (b) the Heritage Council and the Ascot Waters Joint Venture (Ascot Fields Nominees), because of their interest in the Deed of Implementation;

13.2 *Continued*

- (c) the residents of Ascot Waters, the Friends of Ascot Waters, Perth Racing and by an advertisement in the Southern Gazette, the wider Belmont community.
- 3. Assess all submissions and determine whether the Management Category on the Heritage List should remain with or without modification, or the proposed amendment be rejected.
- 4. Write to the Federal Member for Swan, Mr Steve Irons MP and the Local Member for Belmont, Mr Eric Ripper MLA to seek their advice on the possibility of Federal and/or State funding as appropriate to preserve and maintain the Kilns site.

Note:

Cr Rossi put an Alternative Motion to defer the Item in order for Officers to obtain further information to assist Councillors consideration.

DEFERENTIAL MOTION

ROSSI MOVED, POWELL SECONDED, that Item 13.2 - Councillor Motion: The Kilns – Lots 712, 237, 236 and Pt 197 (80) Grandstand Road, Ascot as contained within the Agenda of the Ordinary Council Meeting, 15 December 2009 be deferred pending further information to be presented at the next available Ordinary Council Meeting.

CARRIED 8 VOTES TO 0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business the Presiding Member wished Councillors, Officers and the Public Gallery a "Merry Christmas" and closed the meeting at 8.26pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 15 December 2009 were confirmed as a true and accurate record at the Ordinary Council Meeting held 23 February 2010:

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____
