



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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15 July 2008

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ATTACHMENTS INDEX

- **Council Attachment 1 – Item 6.2 refers**
- **BB Attachment 2 – Item 12.1 refers**
- **BB Attachment 3 – Item 12.1 refers**
- **BB Attachment 4 – Item 12.2 refers**
- **BB Attachment 5 – Item 12.2 refers**
- **BB Attachment 6 – Item 12.4 refers**
- **SB Attachment 7 – Item 12.8 refers**
- **SB Attachment 8 – Item 12.8 refers**
- **SB Attachment 9 – Item 12.8 refers**
- **NB Attachment 10 – Item 12.10 refers**
- **BEXB Attachment 11 – Item 12.11 refers**
- **BEXB Attachment 12 – Item 12.12 refers**
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CONFIDENTIAL ATTACHMENTS INDEX

- **Confidential Attachment 1 – Item 12.15 refers**
- **Confidential Attachment 2 – Item 12.16 refers**
- **Confidential Attachment 3 – Item 12.17 refers**

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 15 JULY 2008, COMMENCING AT 7.10PM.

MINUTES

PRESENT

Cr G Godfrey, Mayor	East Ward
Cr P Marks, Deputy Mayor	East Ward
Cr C Hanlon	East Ward
Cr R Rossi	West Ward
Cr B Martin	West Ward
Cr P Hitt	West Ward
Cr B Whiteley	South Ward
Cr S Wolff	South Ward
Cr G Dornford	Central Ward
Cr B Brennan	Central Ward

IN ATTENDANCE

Mr S Cole	A/Chief Executive Officer
Mr J Olynyk JP	A/Director Corporate & Governance
Ms J Gillan	A/Director Community & Statutory Services
Mr J Christie	A/Director Technical Services
Mr M Ridgwell	Principal Governance & Compliance Advisor
Mr K Knapp (<i>departed 8.18pm</i>)	Coordinator Leisure, Art & Cultural Services
Ms G Carlucci	Governance Officer

MEMBERS OF THE GALLERY

There were 10 members of the public in the gallery and 1 press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.10pm, welcomed those in attendance and invited Cr Hitt to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Hitt 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

2.1 APOLOGIES & LEAVE OF ABSENCE

Cr Powell

South Ward

3. DECLARATIONS OF INTEREST

7.11pm The A/Director Corporate & Governance read aloud the declarations of interest.

3.1 FINANCIAL INTERESTS

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

3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Name	Item No. & Title
Cr Wolff	12.8 – Belmont Sister City Association
Cr Brennan	12.8 – Belmont Sister City Association

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcements –

“The Australian Business Excellence Awards are recognised as Australia’s premier business awards. They present an opportunity for a broad range of businesses and organisations from across Australia to celebrate and showcase their excellence against internationally recognised business principles. The theme for 2008 was Sustainable Excellence.

The Better Business Awards Ceremony, held in Sydney last Wednesday, 9 July, brought together award winners and leaders from the Australian business community to share their learning’s about how they have achieved and sustained success. I was very pleased to represent the City of Belmont as the ‘Governance’ system award winner and was presented with this trophy. The winner of the Gold award went to Hobart City Council.

I will also advise that there will be a Special Council Meeting on the 22 July 2008 to consider the recruitment of the City’s Chief Executive Officer.

Thank you for your attention“

4.2 DISCLAIMER

7.12pm The Presiding Member drew the public gallery’s attention to the Disclaimer and the A/Director Corporate & Governance read the Disclaimer aloud.

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Mr R Broinowski, 66 Armadale Road, Rivervale

The following questions were taken on notice at the Ordinary Council Meeting of 17 June 2008. The responses from the City are recorded accordingly –

Mr Broinowski made mention of a map that showed a possible area of Belmont affected by Dieldrin.

Response: The maps submitted, which were accompanied by a compliments slip from an officer of the Department of Agriculture, are generalised maps that show large areas of South Perth, Rivervale, Maylands, East Victoria Park, Rivervale, Cloverdale and Belmont with hatching over them.

A Department of Agriculture Farmnote leaflet on "Production of stock feeds from organochlorine contaminated land" has also been provided.

The officer from the Department of Agriculture's email states that the growing of vegetables in soils affected by Organochlorine residues is very low risk. Over this email someone, presumably Mr Broinowski, has written "not so with eggs". The reason for the hatching over the mapped areas is not explained and no comment can be made on the maps or the generalised comments made by the officer from the Department of Agriculture. No reference is made specifically to Dieldrin (although it is an organochlorine).

The question is therefore best directed to the Department of Agriculture or the Department of Environment & Conservation.

"Can Council please reassure the public that agricultural chemicals cannot be absorbed by vegetables with only exception being if potatoes are not washed properly?"

Response: Refer to above question.

"Will Council consider allowing the public to ask questions before and after Council meetings and a short period allocated to the public to ask a brief statement?"

Response: The City currently allows for deputations (statements) to be made on items being considered at an Agenda Briefing Forum as well as public question time on all matters related to the functioning of the City of Belmont. The City does not see the inclusion of a second round of public question time as beneficial to the conduct of the meeting process.

5.1.2 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe

The following questions were taken on notice at the Ordinary Council Meeting of 17 June 2008. The responses from the City are recorded accordingly –

“Councillors; what incentive is there for Council’s weed spraying contractor to apply the minimum amount of herbicide across this City (on a spot-spraying-as-needed-only-basis) if under the existing contract he is still being paid on a per lineal metre/per square metre basis; that is; ‘the more chemical sprayed the more he gets paid’, basis?”

Response: The Contractor spot treats weed growth in the kerbs and paved areas and is paid based on the lineal metres of kerbs, and the square metres of paved area. The Contractor spot treats the weeds, but still has to travel the entire distance of the City’s road network. Therefore the less the contractor sprays the greater the profit

“What does the City of Belmont’s weed spraying contract specify in relation to the contractor; spraying where weeds are not present, and, spraying in the rain?”

Response: The Contractor does not spray where weeds are not present. The tender document includes the following condition:

“The Contractor must be able to distinguish appropriate environmental conditions for spraying and not proceed if conditions are unsuitable.”

“Please define those spraying requirements in relation to each of the foregoing (questions), and, list the actual inspections made in the past twelve months, and, the reports made on those inspections?”

Response: The requirement is that all weeds are to be treated with the herbicide. Random inspections are conducted 3 weeks after the initial spraying (3 applications per annum), subject to the inspections, if the weeds are dead payment is authorised. No written reports are prepared as part of the inspections.

“Are Councillors aware that despite a phone call on 8 May 2008 to CoB Design Coordinator Terry Selten, and, subsequent email to East Ward Councillors (including the Mayor and Deputy) and Council Officers that day, and, despite our question asking Council to reconsider and to modify the median island layout for the T Junction of First Street with Redcliffe Road;

Item 5.1.2 continued

- *our subsequent meeting with the Mayor on-site on Monday 26.5.2008, when we again asked that work not continue until Council had had time to consider our submission to find a solution to the problem of high speed, high volume through-traffic through these Residential streets, and,*
- *our agreement that Council would supply ASAP to us current traffic median speed and volume counts for First Street and current timeline/plans for the closure of Brearley Avenue, so that we could make an informed submission to Council, (by 3.6.2008), (the data requested has still not been received to date), and,*

- *that work has proceeded on 29 May 2008 against the aim and spirit of that agreement, and, that the original median island layout continuing to give priority to that through-traffic has proceeded, and, is now in fact cast in concrete?, and,*
- *that any submission now made by the local community to solve the problem of speeding through-traffic appears not only redundant, but also superfluous, and,*
- *that in view of the considerable additional cost (to Ratepayers) of modifying the median islands to remove that priority to speeding through-traffic, and, to repairing the resulting damage to the road surface, (having ignored the lawful request of the local community to this Council and on-site to the Mayor to have the continuation of work suspended, until the data had been received by, and the Residents' submission had been made to, and been considered by this Council).*

The later part of Mr Greenwood's question, not included in the minutes, made reference to the Director of Technical Services in a manner that did not accord with the Rules of Public question time. The Presiding Member at completion of Mr Greenwood's question announced that Mr Greenwood's last comment toward the Director of Technical Services was out of order and asked Mr Greenwood to withdraw his last statement. Mr Greenwood did not do so and the question was therefore declared out of order.

Councillors, while it is acknowledged that median islands will reduce speed through the T Junction, (thank you) the present configuration still leaves the major part of the problem unresolved;

That is of continuing to give priority to unlawfully speeding through-traffic through Residential streets; Coolgardie Avenue and First Street, to allow drivers to deliberately by-pass the traffic light controlled intersection of Brearley Ave/Great Eastern Highway.

As Councillor Marks remarked; the problem he had with the Residents' request was that there had been no major accidents in the last five years; to which every thinking person who has witnessed the many near misses should respond; 'we wish to prevent rather than have to react after tragic event/s'."

The Presiding Member advised Mr Greenwood in future to address the Chair rather than individual Councillors and Staff.

Response: The City is not able to advise what individual Councillors are aware of but the City is aware that the treatment at the corner of Coolgardie Ave and First St will address ratepayers concerns of the speed of traffic through that road junction and that the requested traffic data has been provided.

“Councillors, following on from the cost effective implementation by the UK City of Woking (of 90,000 people) in 10 years now 80% carbon neutral and electricity generation/heating/cooling self sufficient, the City of Greater London has decided to implement a similar strategy to move London to a massive 60% reduction in carbon emissions (in 7 years) by 2015, (primarily to reduce the risk of flooding).”

Councillors, are you aware that we are literally in the calm before the storm, as much of the City of Belmont will also be directly affected by the same Sea Level rise that is of concern to Greater London, (and as all cities on rivers close to the ocean will be), by Global Heating?”

Response: The City is not able to advise what individual Councillors are aware of but the City is aware of the global warming issue.

“Councillors, are you aware that there are relatively simple and cost effective steps that we can take to reduce the carbon emissions from this City; such as requiring all new buildings in Belmont to be designed to be completely energy neutral, and, to require that all buildings constructed in the City of Belmont use only fly ash cement/concrete (manufactured from coal fired power station waste) which is stronger than, and completely eliminates (the significant) CO2 emissions from cement/concrete manufacture using calcium carbonate: (CaCO3 = CaO +CO2) (Councillor Steve Wolff may be best able to explain the polymer chemistry to you)?”

Response: The City is not able to advise what individual Councillors are aware of but the City is aware that building materials influence carbon emission.

“Councillors, when are we going to make the hard decisions to move this City to a sustainable future? “(go to ABC.net.au/catalyst then programme of 22.5.2008)

Response: The City is already committed to ensuring a sustainable future for its residents. For further information refer to the City’s website and the Environment Section.

“Councillors, if a City of seven million (Greater London) can realize how little time there is now left to make the changes needed, and can implement a massive plan of action to achieve a 60% carbon reduction in just seven years (by 2015), can the City of Belmont (with around 30,000 people) implement a similar plan?”

Response: The City has reduced its greenhouse gas emissions by 23% since 1998 and intends to further reduce emissions to 30% by 2010. This clearly demonstrates the City’s commitment to greenhouse gas reduction.

5.1.3 Mr E Richards, 5 Sugars Court, Redcliffe

The following question was taken on notice at the Ordinary Council Meeting of 17 June 2008. The response from the City is recorded accordingly –

“Can Council consider better lighting at Middleton Park as the current lighting is not sufficient for the grounds?”

Response: Council has no plans for further lighting at this reserve. The lighting at Middleton Park is not intended to light the whole of the reserve and was only designed as training lights, in conjunction with the users. It was designed to light an area of approximately 100m x 50m at an appropriate lux level for football training.

If the users require more lighting they can apply to Council along with a completed Community Sport and Recreation Facilities Fund (CSRFF) application. To date Council has not received such a request.

5.1.4 Mr R Harris, 10/10 Jupiter Street, Carlisle

The following questions were taken on notice at the Ordinary Council Meeting of 17 June 2008. The responses from the City are recorded accordingly –

“The Springs” is a major development with the City of Belmont, why is there no plan or model available (of what is proposed) in the Belmont Library for public information and comment?

Response: The Acting Director Community and Statutory Services advised that the Structure Plan and Local Planning Policy relating to ‘The Springs’ area was publicly advertised for comment in accordance with statutory requirements and that a copy of both were still available for viewing at the Civic Centre or on Council’s website.

“Why is Cracknell Park excluded from ‘The Springs’ Gross Subdivisible Area (for the purpose of calculating the amount of POS required), then included as (Council’s) Contribution Towards POS?”

Response: The Acting Director Community and Statutory Services advised that Cracknell Park is excluded from the Subdivisible Area as ‘The Springs’ area is defined under Town Planning Scheme No. 14 and does not include Cracknell Park. The Park is included as POS as it is owned freehold by Council and due to its location forms an integral part of the development area – in acknowledgement of this Council has agreed to ensure that the Park remains as such.

“Why is Cracknell Park not included in ‘The Springs’ Subdivisible Area (for the purpose of calculating the 10% required as POS) when 10,334 SqM would be required, (instead of the present 9,820 SqM), an increase in POS of some 500SqM?”

Response: No private development is proposed on Cracknell Park and it falls outside Development Area 11.

“Is it either fair or reasonable for the Ratepayers of this City to be contributing Cracknell Park (presently calculated as 90% of 5712 or 5141SqM?), or 54% of total POS to the development, against the Hawkesburn Road Linear Park at 1735 SqM, and, the Rowe Avenue Amphitheatre at 2619 SqM giving total developers’ contribution of 4354 SqM or (only) 46% of the 9820 SqM requirement for POS?”

Response: That is a “Councillors, from this response may we assume that a minimum of 20m radius from the trunk matter for Council to consider. However, the future benefit to the City of Belmont of the high quality redevelopment of ‘The Springs’ area is justification for the inclusion of Cracknell Park and its retention as POS.

“Councillors from this response may we assume that minimum of 20m radius from the tree trunk of tree 212 know as ‘Tolkein’s’ tree will be protected from root damage by excavation during development?”

Response: The Director Technical Services advised that the advice of a qualified Arboriculturalist would be relied on in determining how best to protect trees within ‘The Springs’ area including Tree 212.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.16pm 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), she advised that she had registered three members of the public who had given prior notice to ask questions.

5.2.1 Ms R Holmes – 1/152 Great Eastern Highway, Ascot

“Would Council, especially in its role as Trustees, please confirm that it is currently legally able to develop the ‘Grove Farm Trust Land’ for recreational use of Belmont residents and ratepayers in accordance with the terms of the Trust?”

The Presiding Member confirmed that Council as Trustees can develop the Trust Land for recreational use.

“Would Council please explain in detail how spending \$70 000 of ratepayers money on legal action regarding the ‘Grove Farm Trust Land’ in the interests of residents and ratepayers when this land is already available for recreational use by all residents and ratepayers in accordance with the terms of the Charitable Trust that the land be used ‘for the purposes of public recreation and enjoyment and for those purposes only’?”

The Presiding Member explained that unfortunately there are still a number of complex Trustee related matters that need to be resolved and she advised Ms Holmes to approach the A/Chief Executive Officer after the meeting for further information.

5.2.2 Mr R Fraser – 24/152 Great Eastern Highway, Ascot

“Would the Council please explain why the second question I asked at the previous Council meeting on the 17 June 2008 concerning \$70 000 itemised in the 2008/09 budget for legal expenses in a Supreme Court action concerning the ‘Grove Farm Trust Land’ was not recorded in the minutes?”

The Presiding Member advised that she did not recall the question being asked.

“The question was when there has never been any legal obstacle to using the ‘Grove Farm Trust Land’ in accordance with the Trust’s Deed clear direction that it be used for ‘recreation and enjoyment’ only, why did the Council spend \$6 214 on legal fees in consulting an ‘Advisory Trustee’ in 2007/08 and now why is the Council budgeting to spend \$ 70 000 in the 2008/09 year for legal action in the Supreme Court”?

The Presiding Member explained the Advisory Trustee was appointed on the basis of the Trust requiring specialist advice with respect to the matter currently between the Trust, the City and the Ascot Waters Consortium.

“In the Budget 2008/09 page 99 it lists services and gardening as having increased from zero in 2007/08 to \$31 687 in 2008/09. Why is there this increase?”

The A/Director Technical Services advised that it reflects the cost maintenance of the Belmont Trust Land and the costs have been reflected in previous budget review periods during 2007/08.

5.2.3 Mr R Harris – 10/10 Jupiter Street, Carlisle

“Is Council aware of the severe traffic accident at Kooyong Road shops on Friday 11 June approximately 10am involving two cars, on truck and a near miss to outdoor dinners adjacent and 50% of façade of Vinnie’s demolished?”

The Presiding Member explained the Council was aware and that Western Power was investigating the lighting issue on Kooyong Road. She further noted that the accident was believed to be caused by the driver having had a heart attack.

“In regards to an eminent court hearing soon to be addressed will Council take out a Caveat on the defendant’s house given that the defendant has an indefensible case?”

The Presiding Member responded with reading out the following resolution of Council:

MARKS MOVED, WHITELEY SECONDED, That Council –

- 1. Ceases funding pursuant to the applicant’s original application for legal representation funding that was granted in accordance with resolution 13.2 made at its ordinary meeting dated 26 September 2006;*
- 2. In accordance with the applicant’s new application for legal representation funding made on 20 December 2007 the City will make the provision of funding for legal representation for the Councillor with the Firm and Barrister as advised to the City only when the proceedings have ceased and subject to;*
 - a) a limit on the amount of legal representation funding at \$50,000 excluding GST; and either*
 - b) the applicant being found not guilty and acquitted by a duly convened court of law; or*
 - c) the charge against the applicant being withdrawn or dismissed.*

The Mayor invited the public gallery members, who had yet to register their interest to ask a question, to do so. Two further registrations were forthcoming.

5.2.4 Mr R Greenwood – 151 Coolgardie Avenue, Redcliffe

“Councillors, with a budgeted 60% drop in return on some \$ 16.4 Million of Ratepayers funds from a 5.9% or (\$975 000) return, to a measly 2.4% (or \$400 000) return on their funds (in a rising interest rate market, and with South Perth, Bassendean and Bayswater Councils budgeting for increases in their expected returns on Ratepayers funds for the same period) will this Council now review the performance indicators and the employment of both Council’s financial advisor; Grove Financial Services

The later part of Mr Greenwood’s question, not included in the minutes, made reference to an officer of the City in a manner that did not accord with the Rules of Public Question time. And have therefore not been re-produced as part of the question.

The A/Chief Executive Officer advised that the City had already provided Mr Greenwood with a detailed letter explaining the above and that investments are continuously under review. The A/Chief Executive Officer also advised that Grove Financial Services were one of the few Investment Advisors who did not advise their customers to invest in CDO’s – something that should be seen as prudent. If the current financial climate does not change, then decisions will be taken in consultation with its Advisors, however some of the longer term investments that are exposed to some growth assets will experience some volatility. The current financial climate that is affecting the credit market is unprecedented and will be carefully monitored to ensure future investments are structured accordingly.

The Presiding Member advised Mr Greenwood and members of the gallery that in future to directly address questions to her rather than Councillors and Officers

“Councillors; as Trustees for the investments by this Council and with stated investments in Aberdeen Cash plus, BGI Diversified Stable Fund, QIC Cash Enhanced Fund, and Perennial Cash enhanced Fund, Blackrock Diversified Credit Fund, (formally Merrill Lynch), and, perhaps other very poor performers,

- *What amounts have been invested in which accounts (numbers) and for what terms, and what has been the annualised net return on each of these investments?*
- *What is the City of Belmont Council’s policy direction to officers of this Council on the investments of Ratepayers’ funds?*
- *Is each of the stated investments of Ratepayers’ funds within that policy?”*

The A/Chief Executive Officer advised that the information that Mr Greenwood is requesting is reported to Council via the Elected Members Bulletin quarterly. The City’s investments are in accordance with its policy. The performance of the City’s Investment portfolio is under constant review and in consultation with its Investment Advisors.

“Councillors you may recall that since 22 April 2008 BRRAG has asked a series of questions on the First Street/Coolgardie Ave T Junction median island layout (which still gives priority to and encourages high-speed-through-traffic in residential streets, to bypass traffic lights at Great Eastern Highway/Brearley Avenue), and, that despite meeting with the Mayor on-site in 26 May have still not received the (promised current) median traffic speed/volume data (to enable BRRAG to make a submission to solve the problem). Is that satisfactory consultation with local communities?”

The Presiding Member advised that Council and the City are still continuing investigation into these traffic issues.

“Councillors, similarly it would appear that local Ratepayers/Ratepayer groups were not consulted in the likely source/s of oil dumping, or, if a major trap/centrifuge installation was needed on Coolgardie Avenue (prior to the living stream project and the river). What is the total cost of that oil trap apparatus and installation, when it was approved by this Council, and, what will be the ongoing running and servicing cost of the Coolgardie Avenue stormwater drain oil trap/centrifuge?”

The Presiding Member took this question on notice.

“Councillors, to reduce cost to Ratepayers, can you please consider putting a policy of consultation by COB Officers with local communities/community groups during the planning stages and BEFORE works schedules are approved?”

The Presiding Member took this question on notice.

At 7.50pm, ROSSI MOVED, DORNFORD SECONDED, to extend Public Question Time.

5.2.5 Mr R Broinowski, 66 Armadale Road, Rivervale

“Although the accident on Kooyong Road was due to a driver’s heart attack, will Council consider that the narrow streets and overhead hanging light poles are a hazard and a possible caused of the accident?”

The Presiding Member explained that Western Power were investigating the lighting issue on Kooyong Road

“Is Council aware that there is no speed zone on Kooyong Road?”

The A/Direct Technical Services advised that the City has been in contact with Main Roads WA and that consideration has been given to implementing a 40kp/h speed zone and flashing lights crosswalk for a pedestrian crosswalk. He further clarified that Main Roads WA are the only approving authority on this matter.

7.57pm 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 17 JUNE 2008
(Circulated under separate cover)

WHITELEY MOVED, BRENNAN SECONDED, That the minutes of the Ordinary Council Meeting held on 17 June 2008 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 10 VOTES TO 0

**6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM
HELD 8 JULY 2008****

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

HITT MOVED, ROSSI SECONDED, That the Information Matrix for the Agenda Briefing Forum held on 8 July 2008 as circulated in the attachment, be received and noted.

CARRIED 10 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

**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

11.1 STANDING COMMITTEE (ENVIRONMENTAL) HELD 24 JUNE 2008
(Circulated under separate cover)

ROSSI MOVED, WOLFF SECONDED, That the Minutes for the Standing Committee (Environmental) meeting held on 24 June 2008 as previously circulated to all Councillors, be received and noted.

CARRIED 10 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.3 was withdrawn at the request of Cr Rossi.
Item 12.5 was withdrawn at the request of Cr Hitt.
Item 12.7 was withdrawn at the request of Cr Marks.
Item 12.8 was withdrawn at the request of Cr Martin
Item 12.14 was withdrawn at the request of Cr Hitt.

HITT MOVED, BRENNAN SECONDED, that with the exception of Items 12.3, 12.5, 12.7, 12.8 and 12.14 which are to be considered separately, the Officer Recommendations of items 12.1, 12.2, 12.4, 12.6, 12.9, 12.10, 12.11, 12.12, 12.13, 12.15 and 12.16 be adopted en bloc.

CARRIED BY ABSOLUTE MAJORITY 10 VOTES TO 0

12.1 PROPOSED DESIGN GUIDELINES FOR SHADE STRUCTURES TO GROUPED DWELLING DEVELOPMENT: 51 TIDEWATER WAY, ASCOT; AND A PROPOSED VARIATION TO LOCAL PLANNING POLICY NO. 6 FOR A PATIO ADDITION TO STRATA LOT 22 (22/51) TIDEWATER WAY, ASCOT

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
BB Attach 2	Item 12.1.2 OCM Minutes 30/10/07
BB Attach 3	'Review and Formulation of Design Guidelines - Shade Structures to Grouped Dwelling Development: 51 Tidewater Way, Ascot'

Voting Requirement	:	Simple Majority
Subject Index	:	115/001 - Development Applications/Application Correspondence P/TDW.051 - Property File
Location / Property Index	:	51 Tidewater Way, Ascot
Application Index	:	179/2008/DA - Development folder
Disclosure of any Interest	:	Nil
Previous Items	:	12.1.1
Applicant	:	Vince Di Rosso
Owner	:	Allwild Nominees Pty Ltd
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input checked="" 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 checked="" type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application / matter that directly affects 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> |

12.1 Continued

PURPOSE OF REPORT

To consider:

1. A proposed amendment to LPP No. 6 to incorporate 'Design Guidelines for Shade Structures to Grouped Dwelling Development: 51 Tidewater Way, Ascot' for the purpose of advertising; and
2. An application for a patio over an existing ground floor terrace on Strata Lot 22 (22/51) Tidewater Way, Ascot, which represents a variation to the setback requirements of Local Planning Policy No.6 – Ascot Waters Special Development Precinct (LPP No.6).

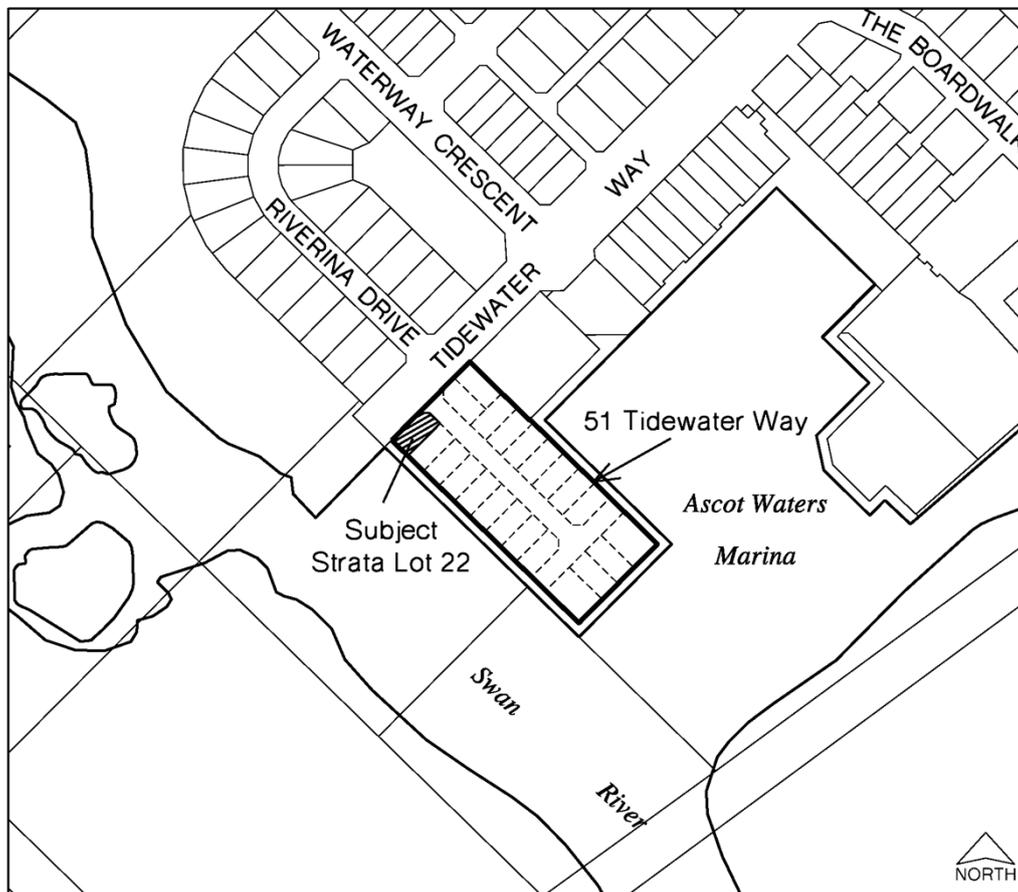
SUMMARY AND KEY ISSUES

- The development at 51 Tidewater Way, located within Ascot Waters, consists of 22 survey strata lots housing a mix of two to three storey dwellings. The rear boundary of many of these dwellings abuts the boardwalk along the water's edge, which is classified Public Open Space (POS).
- Council previously considered an application for patio additions to an existing grouped dwelling on the subject property at its meeting of 30 October 2007 (BB Attach 2 refers). Council approved a proposed third floor patio subject to conditions and refused a proposed roof covering of the ground floor terrace in the rear setback. Council also resolved to investigate the impacts of shade structures in the rear setback of properties at 51 Tidewater Way.
- The City retained the services of consultants Overman and Zuideveld to conduct a review of the guidelines for Ascot Waters to investigate the impact of shade structures within the rear setback area and to formulate a set of guidelines for such structures. The guidelines have been completed and are presented for Council's consideration.
- A new application for a patio over an existing ground floor terrace at 22/51 Tidewater Way was submitted to Council on 18 April 2008. The application should be considered in conjunction with the review of design guidelines for Ascot Waters carried out by Overman and Zuideveld.

12.1 Continued

LOCATION

Strata Lot 22/51 Tidewater Way, Ascot



CONSULTATION

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

The application has been referred to the Swan River Trust as the subject site is separated from the Swan River Trust's Development Control Area by a 4 metre wide public access marina boardwalk.

STRATEGIC PLAN IMPLICATIONS

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

12.1 Continued

POLICY IMPLICATIONS

Local Planning Policy No. 6 – Ascot Waters Special Development Precinct

Local Planning Policy No. 6 (LPP No. 6) governs all development within the Ascot Waters estate. LPP No. 6 was developed to ensure a consistently high standard of development is maintained and to facilitate a harmonious and attractive living environment which can be appreciated by both residents of the estate and the wider community.

Section 3 of LPP No. 6 requires development to achieve an average setback of 4.0 metres to public open space (POS) boundaries. The proposed patio covering of the terrace at 22/51 Tidewater Way does not conform to the LPP No. 6 standards.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

The subject properties are zoned 'Residential R20/100' under the City's Town Planning Scheme No. 14.

Deemed Refusal

Under Clause 5.5.1 of the City of Belmont Town Planning Scheme No. 14 an application is 'deemed to be refused' if it is not determined within a 60 day period.

Clause 5.5.2 of the City of Belmont Town Planning Scheme No. 14 applies where a land use 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 passed on 17 May 2008 and the applicant already has deemed refusal rights.

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

Owner:	Allwild Nominees Pty Ltd	Ward:	Central
Lodgement Date:	18 April 2008	Use Class:	Grouped Dwelling / 'D'
Lot Area:	160m ²	TPS Zoning:	Residential R20/R100
Estimated Value:	\$8,000	MRS:	Urban

12.1 Continued

History

In 2002, the Western Australian Planning Commission granted approval for the creation of 22 vacant survey strata lots on parent lot 335 Tidewater Way, which is located within the Ascot Waters Marina Precinct. Council subsequently approved the development of 22 grouped dwellings on the vacant lots in 2003. The development contains a mix of two to three storey dwellings with the majority of the dwellings having now been fully constructed.

Strata Lot 22 (22/51) Tidewater Way

Council previously considered an application for patio additions to the existing grouped dwelling at Strata Lot 22 (51) Tidewater Way in 2007 (Item 12.1.2 OCM 30/10/2007 refers). The grouped dwelling on the subject property comprises three storeys and has two separate outdoor living areas located on the ground floor (deck area) and third floor (roof terrace area).

The application proposed the addition of colorbond patio structures to provide cover for two outdoor living areas – the third floor roof terrace and the ground floor terrace. The third floor addition proposed to cover approximately 40% of the roof terrace area, while the ground floor patio addition proposed to cover the entire deck area. The applicant stated that the purpose of the patio additions was to improve the useability of the outdoor areas by providing protection from excessive heat, wind and rain.

Council resolved to approve the third floor patio addition subject to conditions, but refused the ground floor terrace addition on the basis that:

- it represented a major deviation from the setback provisions of LPP No. 6 (which requires structures to be set back 4m from any POS) and, if supported, similar requests could result in adverse impacts on public open space areas in the long term;
- the proposed zero setback to the rear boundary was inconsistent with the setback objectives LPP No. 6, which aim to achieve a consistent elevation to the adjoining boardwalk and waterway; and
- it would create an undesirable precedent without adequate investigations being undertaken in terms of a coordinated design solution for the overall development.

Council further directed Planning officers to investigate the issue of setback variations in relation to the entire grouped dwelling development at 51 Tidewater Way and ensure any proposed variation to LPP No. 6 be considered by all of Ascot Waters through a public consultation process.

Review of Design Guidelines

In order carry out Council's directive, the City engaged consultants Overman and Zuideveld to conduct a review of the impact of shade structures within the rear setback area, and formulate a set of guidelines for such structures at 51 Tidewater Way, Ascot. The findings of the consultant's review and the ensuing draft guidelines are detailed in BB Attach 3 to this report.

12.1 Continued



View of terraces - 51 Tidewater Way

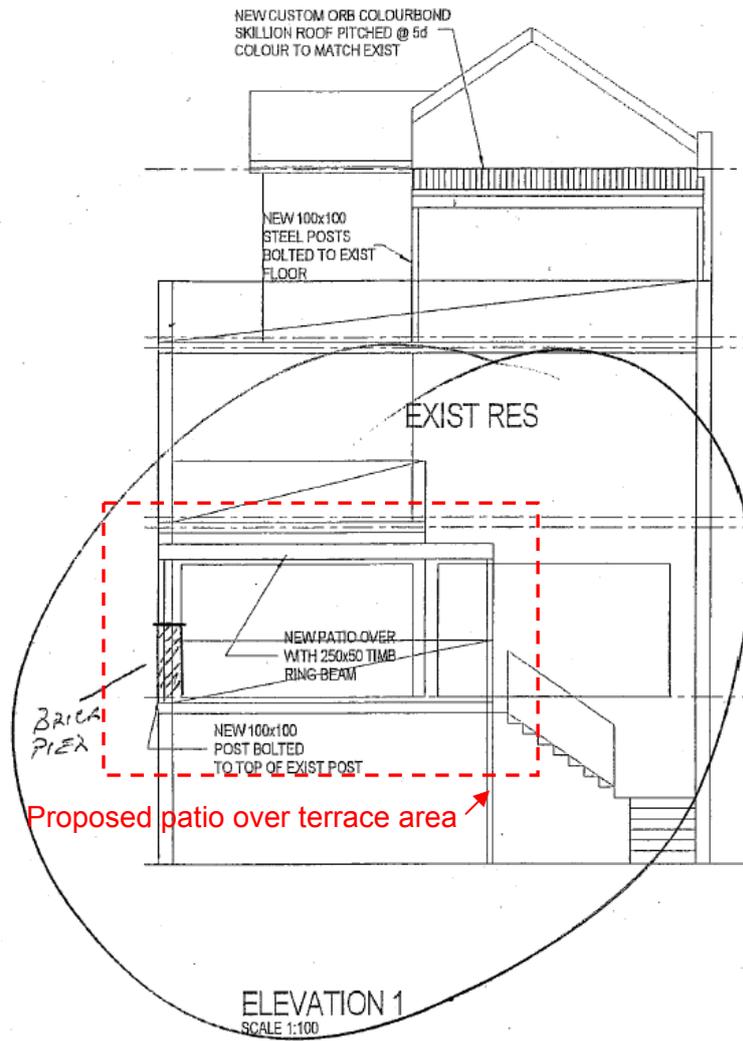
The proposed guidelines recommend that shade structures to the store roof terraces in the form of roofs, pergolas and tensile shade materials be permitted, provided they structures adhere to specific design criteria. The guidelines cover the following elements:

- support framing (allowable materials that may be incorporated);
- height (in relation to adjacent floors and/or separate dwellings);
- pitched roofs (not permitted over terraces);
- wind protection (screening and glazing requirements);
- stormwater management; and
- waste management.

Current Development Application - Strata Lot 22 (22/51) Tidewater Way, Ascot

In April 2008, Council received a new application for a patio covering the ground floor terrace of 22/51 Tidewater Way, Ascot. The plan (below) submitted is identical to that considered by Council in 2007.

12.1 Continued



12.1 Continued



Indicative elevation proposed patio

This application may now be considered in conjunction with the proposed 'Design Guidelines for Shade Structures to Grouped Dwelling Development: 51 Tidewater Way, Ascot' prepared by Overman and Zuideveld.

12.1 *Continued*

OFFICER COMMENT

As noted previously, Council is being requested to consider two separate issues:

1. advertising of the proposed 'Design Guidelines for Shade Structures to Grouped Dwelling Development: 51 Tidewater Way, Ascot'; and
2. a development application for a patio over an existing ground floor terrace.

These will be discussed in turn.

Proposed Design Guidelines for Shade Structures

As detailed in the Background section the draft Guidelines propose a number of variations to the existing LPP No. 6.

The current setback provisions of LPP No. 6 require a 4 metre average to be maintained for all development abutting POS areas in order to establish a clear demarcation between the private and public realms. The provisions aim to ensure that the scale of development does not adversely impact on adjoining POS (the boardwalk and waterway). The consultant's analysis is that the roofing of ground floor terrace areas for 51 Tidewater will not erode or eliminate the transition zone between the POS and private dwellings if appropriate design standards are applied. Moreover, it is acknowledged that the roofing of highly exposed ground floor terrace areas will provide protection from the elements to residents. However, before such principles are applied across the board, the issue should be tested with those residents of Tidewater Way and Ascot Waters who will potentially be impacted by such a variation.

In accordance with the Acceptable Development standards of the R Codes, an outdoor living area of a minimum 16m² with 2/3 of that uncovered were incorporated into the developments in the form of open deck areas. Whilst some of the dwellings constructed may have additional uncovered terrace areas elsewhere on site that will enable them to continue to strictly comply with the Acceptable Development standards of the R Codes, there may be some cases where the covering of the rear terrace will result in a lesser standard for outdoor living areas being applied for. The question arises as to whether Council is prepared to support a lesser standard under the Performance Criteria of the Codes that varies the 2/3 uncovered standard. Alternately, Council could specify that in the case where the rear terrace is the sole outdoor living area the roof cover should be a Vergola or similar product capable of allowing adjustment to changing solar conditions.

The grouped dwelling development for the total site was approved on the basis that 48% open space was provided overall (a minimum of 45% was possible). However, in arriving at the total figure all outdoor terrace/balconies were factored in the open space calculations. In the event that the policy addendums are eventually finalised, if all rear terrace areas are covered, this will impact on the open space provision overall in that the 45% minimum will not be maintained. If the minimum was to be maintained, the likely result is that those persons who apply for roof covers at a later date could be penalised for the delay. As such, if the draft provisions are adopted, it is considered that the 45% minimum should be varied to ensure consistency of streetscape and equity in opportunity.

12.1 Continued

Notwithstanding those issues detailed above, the advertising of the draft 'Design Guidelines for Shade Structures to Grouped Dwelling Development: 51 Tidewater Way, Ascot' is supported. Through advertising and consultation with all impacted residents, the variations being proposed as well as the design standards specified can be tested as to their adequacy and appropriateness to the site.

Development Application - Strata Lot 22 (22/51) Tidewater Way

Due to the timing of the proposal, the patio application has been assessed in accordance with existing and proposed LPP No. 6 and the R Codes. Consequently there are a number of options available to Council in determining the proposal. These options are detailed below. It should be noted that several of the options relate to delegation of authority to officers - this is due to the fact that Council is still awaiting comment from the Swan River Trust.

It should also be noted that if approved, the proposed roof cover over the existing ground floor terrace will not affect the dwelling's compliance with the outdoor living area requirements of the R Codes. This is because the roof terrace has an area of 53m², which is in excess of the minimum 16m² prescribed by the original approval.

Option 1

That Council delegate authority to officers under Clause 9.10 of the Scheme to determine the development application as a variation to LPP No. 6 following receipt of comments from the Swan River Trust.

While this decision will address the immediate concerns of a single landowner, it is considered that such support would be premature given that the previous concerns which led to the refusal of the previous proposal have not been addressed and the revised policy document has not been publicly advertised for comment.

Option 2

That Council delegate authority to officers under Clause 9.10 of the Scheme to determine the development application as a variation to LPP No. 6 and subject to the developments compliance with the proposed 'Design Guidelines for Shade Structures to Grouped Dwelling Development: 51 Tidewater Way, Ascot'.

The option of amending the development proposal to comply with the draft standards has been discussed with the applicant who has indicated that he is unwilling to modify his proposal on the basis that he disagrees with the standards specified in the draft Guidelines. Given that the applicant is unwilling to comply with this option it is not viable to implement. Moreover, the applicant may have valid concerns in regard to the Guidelines that can only be tested through the consultation process with all impacted residents.

Option 3

That Council defer consideration of the development application pending consultation with residents of Ascot Waters on the proposed 'Design Guidelines for Shade Structures to Grouped Dwelling Development: 51 Tidewater Way, Ascot'.

This option provides Council with the opportunity to consider the views of all residents of Ascot Waters and the Swan River Trust, not just those of a single landowner, prior to making its decision. It also allows the applicant's comments in regard to the standards specified in the draft Guidelines to be tested.

12.1 Continued

Option 4

That Council refuse the development application on the basis that it represents a significant departure from LPP No. 6 and will set an undesirable precedent for the development.

The development application does indeed represent a significant departure from the standards of LPP No. 6 which led Council to refuse the identical proposal in 2007. Given the draft Guidelines and its recommendations to allow for variation subject to specified design standards, this is not a preferred option at this time.

It is noted that the applicant currently has a right of appeal to SAT. Notwithstanding that the applicant may pursue his appeal right, it is considered that Option 3 is the most appropriate as the option provides Council with the opportunity to consider the views of all residents of Ascot Waters and the Swan River Trust, not just those of a single landowner, prior to making its decision. It also allows the applicant's comments in regard to the standards specified in the draft Guidelines to be tested.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

OFFICER RECOMMENDATION

That Council:

- A) *Adopt the proposed 'Design Guidelines for Shade Structures to Grouped Dwelling Development: 51 Tidewater Way, Ascot' prepared by Overman and Zuideveld on 9 June 2008, as identified in BB Attach 3 of this report, for the purpose of public advertising.***

- B) *Defer consideration of development application 179/2008/DA as detailed in plans dated 18 April 2008 submitted by V Di Rosso for Strata Lot 22 (No. 22/51) Tidewater Way, Ascot, pending consultation with residents of Ascot Waters on the proposed 'Design Guidelines for Shade Structures to Grouped Dwelling Development: 51 Tidewater Way, Ascot', and receipt of comments from the Swan River Trust.***

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

12.2 ACTIVITIES ON THOROUGHFARES AND TRADING IN THOROUGHFARES AND PUBLIC PLACES AMENDMENT LOCAL LAW 2008

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
BB Attach 4	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2008
BB Attach 5	Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law

Voting Requirement	:	Simple Majority
Subject Index	:	76/006 : Thoroughfares and Trading in Thoroughfares and Public Places
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 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 affects 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 the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2008* and to advertise for public comment pursuant to s.3.12(3) of the *Local Government Act 1995*.

12.2 *Continued*

SUMMARY AND KEY ISSUES

The Technical Services Division has undertaken a review of *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* in relation to verge treatments. It was identified that an amendment to the local law was required due to changing customer needs in relation to water conservation and reduced verge maintenance costs (physical and financial). The amendments are aimed at meeting the challenges faced by residents in the current climate of water restrictions.

LOCATION

N/A

CONSULTATION

Consultation with officers of the City has taken place to determine the amendments required.

STRATEGIC PLAN IMPLICATIONS

This review is in line with the requirements under the City's Streetscape Strategy.

POLICY IMPLICATIONS

Council Policy 4.1.3: Streetscape Policy

STATUTORY ENVIRONMENT

S. 3.12(2) and (3) of the *Local Government Act 1995 (WA)*.

Local law making procedure

Under s. 3.12(2) it is required that the presiding member give notice to the Council meeting of the purpose and effect of the proposed local law. The purpose of the local law is to:

amend the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001* to increase the area of installation of a permissible verge treatment from 1/3 to 1/2 of the area of the verge; and to remove an election sign as an advertising sign on thoroughfares.

The effect of the local law is to:

amend the *City of Belmont Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law 2001* to ensure that verge treatments throughout the City of Belmont are undertaken within accepted parameters, and to prohibit election signs on thoroughfares.

12.2 *Continued*

Under s. 3.12(3) a local government is required to give statewide and local public notice that the local government proposes to make a local law. The notice is to include:

- (a) A statement that the local government proposes to make the local law and summarise the purpose and effect of the local law;
- (b) Advise that copies of the proposed local law can be obtained from the local government; and
- (c) Is to invite submissions for six weeks after giving the notice.

BACKGROUND

Council resolved at its Ordinary Council Meeting of August 2001 to adopt the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law*. The local law appears to have been a model local law that was amended to suit the needs of the City. Part 4 of the local law was amended on 26 June 2007 to incorporate clauses relating to shopping trolleys. This amendment appears to have been in response to a change in the model local law as a number of local governments made similar amendments during this time.

With regard to Part 2 of the local law relating to permissible verge treatments, Technical Services has over the last twelve months conducted its own review of the local law in response to the increasing number of requests from residents to implement alternative verge treatments i.e. brickpave/concrete whole verge. These requests are as a result of increased concern over water shortages and the cost imposed on residents to maintain the verge (watering, lawn mowing etc).

The current local laws on *Activities on Thoroughfares and Trading in Public Places* outline that residents don't need a permit to install permissible verge treatments and these permissible verge treatments are defined as:

- a) Reticulation pipes and sprinklers;
- b) The planting and maintenance of lawn;
- c) The planting and maintenance of a garden provided that –
 - (i) clear visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare; and
 - (ii) where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb; or
- d) The installation over no more than one third (1/3) of the area of the verge (excluding any vehicle crossing) of an 'acceptable material' in accordance with paragraph (c), and the planting and maintenance of either lawn or a garden on the balance of the verge in accordance with paragraph (a) or (b).

The term 'acceptable material' is defined under the local laws as follows:-

"acceptable material" means any material which will create a hard surface, and which appears on a list of acceptable materials maintained by the local government.

12.2 Continued

In recent times, with water restrictions and the move towards low-cost gardens, it has been identified that amendments taking into consideration these factors is required.

The local law also requires amendment to ensure that it complies with the directions of the Joint Standing Committee on Delegated Legislation.

In recent times, the Committee will not allow local laws which attempt to adopt policies and make them enforceable. It is considered an attempt to avoid the process in the Act and the scrutiny of Parliament. The City is required then to make sure that the local law is able to stand alone and not refer to policies.

OFFICER COMMENT

The proposed amendment to the local law does not significantly alter the principal local law.

1. Proposed amendment

The amendment is as follows –

a. Delete the existing definition of “acceptable material” in clause 2.6 Interpretation and insert a new definition for acceptable material as follows –

“acceptable material” means any of the following:-

(a) Mulch – particle size not greater than 20mm; and

(b) Impervious materials but specifically:-

(i) compacted limestone with particle size not greater than 10mm;

(ii) compacted gravel with particle size not greater than 10mm;

(iii) compacted aggregate/roadbase with particle size not greater than 10mm;

(vi) coloured concrete (earthy tones, not grey) to a minimum thickness of 75mm and maximum thickness of 100mm;

(v) brick paving, installed to the manufacturer’s specifications; and

the impervious materials set out in (i) to (iii) shall be compacted to such a degree that there are no loose stones on the verge surface.

The inclusion of what constitutes acceptable material and the removal of reference to ‘a list’ ensures that the local law will not be disallowed for reference to any policy that might be considered unenforceable by the Joint Standing Committee on Delegated Legislation. It also provides residents with a clear definition of what is acceptable and what is not so that the local law may be read alone without reference to another document.

b. In clause 2.6 Interpretation insert after the definition of acceptable material a definition for “50% Rule” as follows –

“50% Rule” means the installation of a verge treatment in accordance with Schedule 2 in a proportion of 50% of those permissible verge treatments included in clause 2.7(2)(b)(c) or (d) and 50% of an acceptable material.

12.2 Continued

This allows for the City to incorporate greater flexibility for residents when completing a verge treatment. The inclusion of the clause allows for the local law to be read alone without reference to the City's policy on verge treatments.

- c. *Delete the existing clause 2.7 Permissible Verge Treatments and replace with a new clause 2.7 as follows –*

2.7 Permissible verge treatments

- (1) *An owner or occupier of land which abuts a verge may on that part of the verge directly in front of her or his land install a permissible verge treatment.*
- (2) *The permissible verge treatments are –*
 - (a) *reticulation pipes and sprinklers;*
 - (b) *the planting and maintenance of a lawn;*
 - (c) *the installation of a permeable artificial grass onto compacted aggregate or roadbase which has a particle size not greater than 10mm and the artificial grass must be pegged down in such a manner that there are no protrusions or trip hazards;*
 - (d) *the planting and maintenance of a garden provided that -*
 - (i) *it complies with the provisions of Clause 2.1 subclause (a); and*
 - (ii) *clear sight visibility is maintained at all times for a person using the abutting thoroughfare in the vicinity of an intersection or bend in the thoroughfare or using a driveway on land adjacent to the thoroughfare for access to or from the thoroughfare; and*
 - (iii) *where there is no footpath, a pedestrian has safe and clear access of a minimum width of 2m along that part of the verge immediately adjacent to the kerb;*
 - (e) *the installation over no more than one half of the area of the verge (excluding any vehicle crossing or footpath) of an acceptable material under the 50% Rule;*
 - (f) *the installation to a verge of an acceptable material where permitted under Schedule 2.*

It was easier for drafting purposes to repeal the entire clause 2.7 than to amend the clause. The amendment in clause 2.7(e) and (f) takes into account community requests for low-cost and water wise gardens. The Technical Services Division gave consideration to the requirement to allow residents to cover only 1/3 of the verge with each type of permissible treatment/acceptable materials. The previous requirement had mostly been applied to ensure adequate drainage on the verge so that stormwater and other road drains were not choked with verge debris or water overflow.

12.2 Continued

The amendment proposes to increase the allowable area to be covered with minimal impact to drainage issues.

Advice from the City's Project/Development Engineer is that any increase in impervious verge treatments will ultimately contribute to increased stormwater runoff into the street drainage system however the impact will be very gradual.

Clause 2.7(d)(i) inserts the requirements of clause 2.1(a) into clause 2.7 relating to permissible verge treatments. Clause 2.1(a) prevents the planting of plants on a verge that are poisonous, prickly or hazardous plants, the planting of any plant within 2 metres of a carriageway, and the planting of any plant that exceeds 0.5 metres in height within 6 metres of an intersection. The amendment ensures that the general prohibition is clearly stated.

- d. Amend clause 2.11(2) by inserting the word 'permissible' before the word 'verge'.*

The clause is simply administrative in nature.

- e. Amend clause 3.1 by deleting in the definition of an advertising sign the words "but does not include an "election sign"."*

This amendment is to ensure uniformity throughout the local law by removing reference to an election sign wherever it appears.

- f. Delete the definition of an "election sign" in clause 3.1.*

This amendment is to ensure uniformity with the deletion of clause 3.5 of the local law.

- g. Delete clause 3.5 from the local law.*

Town Planning Scheme No. 14 and Local Planning Policy No. 12 – 'Sign Applications' control advertising signs on land zoned or reserved under the Scheme. The City's *Local Law relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places* controls signs within thoroughfares and allows for the placement of portable election signs on thoroughfares, subject to granting of a permit and specific conditions. Consequently, there is an overlap between the TPS No. 14 and the local law with respect to thoroughfares.

As the recently approved modifications to LPP No. 12 were more detailed and specific than the local law with regard to control and placement of election signs, Council at its meeting held on 19 February 2008 directed the Manager of Building Services to remove references to election signs from the City's *Local Law relating to Activities on Thoroughfares and Trading in Thoroughfares and Public Places* in conjunction with any future amendment(s) to the local law.

- h. Amend schedule 1 – Prescribed offences by deleting the following –*

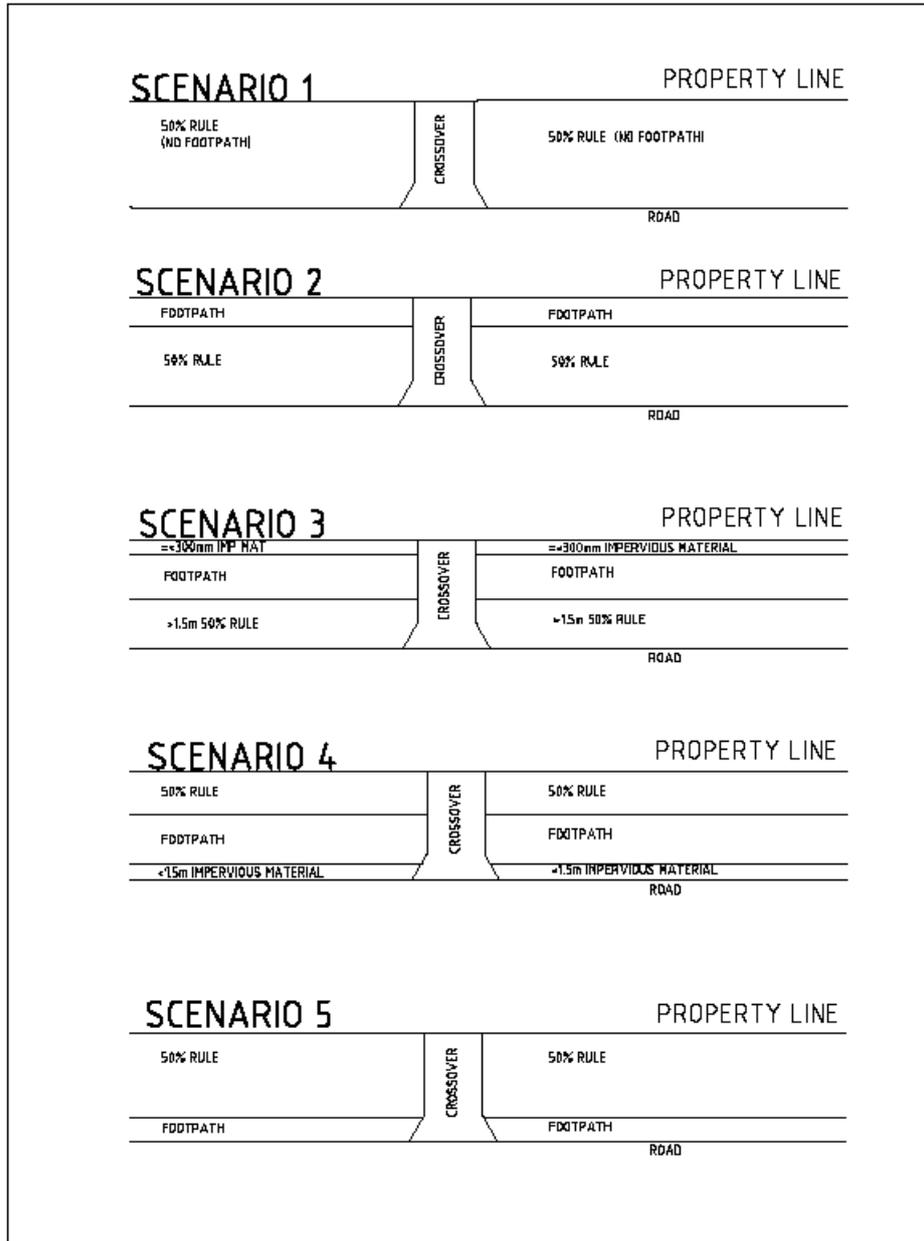
"3.5(1) Erecting or placing an election sign on a thoroughfare without a permit \$100"

This amendment is to ensure uniformity with the deletion of clause 3.5 of the local law.

12.2 Continued

i. Insert a new schedule 2 as follows –

Schedule 2
Verge Treatment Scenarios



Schedule 2 highlights the various verge scenarios that have been identified and verge treatment options applied for each scenario.

12.2 Continued

The proposed treatment options are:

50% Rule: Verge treatment can be 50% each of any two of the following acceptable materials:-

- (a) Lawn
- (b) Plants (subject to clause 2.1(a))
- (c) Mulch
- (d) Mulched plants
- (e) Impervious material

The scenarios contemplated by schedule 2 are stipulated in clause 2.7.

From the discussion above, it is evident that the amendment to the *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* is not significant and will allow residents more flexibility in developing their verges in a water wise and low cost manner.

2. National Competition Policy Review

There are no restrictions on competition within this local law which call for a National Competition Policy Public Benefit Test in accordance with the *National Competition Policy Local Law Review Guidelines*.

3. Conclusion

The proposed amendment to the local law will go a long way towards satisfying the needs of the City of Belmont's customers in this era of climate change and is a sensible approach to verge management.

The perceived benefits of amending the local law on permissible verge treatments includes:

- That it will make it easier for residents to maintain the verge at an overall lower cost;
- Improved customer relations;
- Improved aesthetics of streetscapes; and
- Improved water conservation.

FINANCIAL IMPLICATIONS

Advertisement fees for the public submissions notice for the proposed *Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2008*.

ENVIRONMENTAL IMPLICATIONS

The perceived benefits of amending the local law are:

- That it will make it easier for residents to maintain the verge at an overall lower cost;
- Improved customer relations;
- Improved aesthetics of streetscapes; and
- Improved water conservation.

12.2 *Continued*

OFFICER RECOMMENDATION

That Council advertises the proposed Activities on Thoroughfares and Trading in Thoroughfares and Public Places Amendment Local Law 2008 as contained in BB Attachment 4 for public comment, in accordance with the requirements of section 3.12(3) of the Local Government Act 1995.

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

12.3 LOT 94 (14) AURUM STREET, ASCOT – STABLES

Built Belmont

ATTACHMENT DETAILS

Nil

Voting Requirement : Simple Majority
Subject Index : 115/001
Location / Property Index : P/AUR.14, Lot 95 (14) Aurum Street, Ascot
Application Index : 193/2008/DA
Disclosure of any Interest : Nil
Previous Items : NA
Applicant : Avalon Sheds & Stables
Owner : M L Williams 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 affects 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 a development application for retrospective approval for four stables located at Lot 95 (14) Aurum Street, Ascot.

12.3 Continued

The application was referred to the adjacent 'Mixed Use' zoned property. No response was received.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT - *"Encourage the upgrading and compatible redevelopment of the City of Belmont."*

BUSINESS BELMONT - *"Maximise business development opportunities within the City."*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

The subject lot is zoned 'Residential and Stables' under Town Planning Scheme No. 14 (TPS14). The 'Residential and Stables' zone is intended to provide for compatible usage of land in close proximity to the Ascot Racecourse by residential accommodation and stables and ancillary functions of the horse racing industry. Setbacks for stables and yards shall comply with Clause 10.7.4 and the provisions of Council's Stables Local Law.

Clause 5.11 of TPS14 permits Council to grant approval of existing developments provided the development conforms to the provisions of the Scheme.

Health (Stables Premises) Local Law 1999.

Health (Stables Premises) Local Law 1999 specifies the standards required for the construction of stables (materials and size) and specifies the setbacks required from any dwelling on the subject lot and any dwelling, office or commercial premises on adjacent lots.

Deemed Refusal

Under Clause 5.5.1 of the City of Belmont Town Planning Scheme No. 14 an application is 'deemed to be refused' if it is not determined within a 60 day period.

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.

12.3 *Continued*

The deemed refusal date for this application is 23 July 2008. 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:	24 April 2008	Use Class:	Stables – ‘P’ Use
Lot Area:	911m ²	TPS Zoning:	Residential and Stables
Estimated Value:	\$18,000	MRS:	Urban

History

A routine inspection of the subject site stables by the Health Department undertaken on 13 June 2007 confirmed that there were horses and stables on site. Further investigation confirmed that no prior planning or building approvals had been sought. Letters were sent to both the owner and occupier advising that the property did not have planning or building approval or stables registration and was therefore in contravention of the City of Belmont Health (Stables Premises) Local Law 1999. On 14 September 2007 a further letter was sent to the owner advising that a site inspection had confirmed that horses were being kept on the property and giving 14 days to permanently remove all horses from the site.

A development application and a building licence application for the stables were received by the City on 8 October 2007. On 25 October 2007 the City was advised that the property had changed hands and an amended Form 1 signed by the current owner was submitted.

At the Development Control Group (DCG) meeting held on 14 November 2007 the application for retrospective approval for the stables was considered. The stable block consists of four (4) stalls. The stables are located 0.8m from the rear and 1.06m from the northwest side boundary. These adjacent lots are also zoned Residential & Stables and contain stables. However, the subject stables are located 1.06m from the southeast side boundary which abuts a marine showroom development on a ‘Mixed Use’ zoned property. This setback does not comply with the Health (Stables Premises) Local Law Clause 13(1) which requires a 15m setback from office or commercial premises. Consequently on 27 November 2007 planning refusal was issued stating the following reasons:

- “1. *The stables development does not comply with the separation distances prescribed by Clause 13(1) of the City’s Health (Stables Premises) Local Law 1999.*”

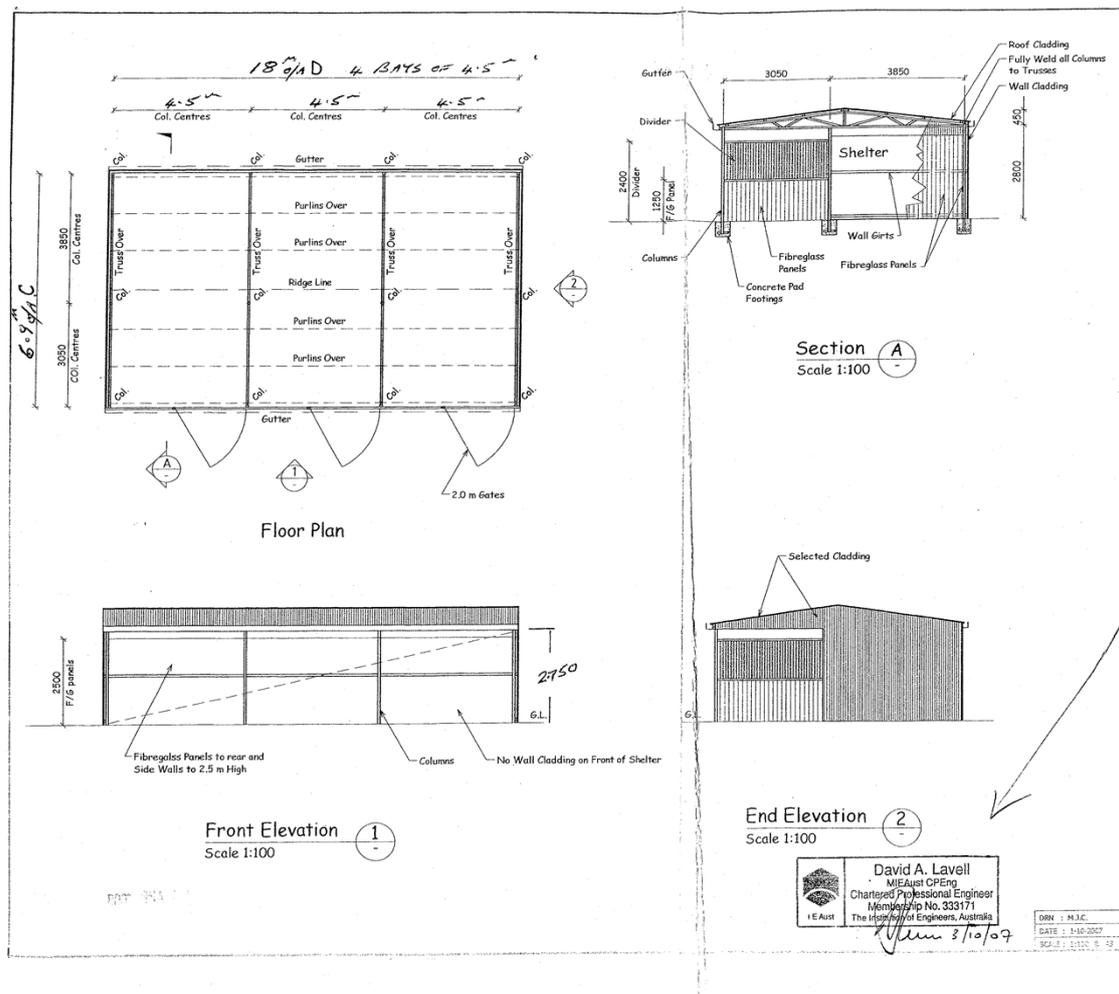
12.3 Continued

2. *Approval of the stables development with a reduced separation distance to an adjoining commercial premises would set an undesirable precedent and be contrary to orderly and proper planning within the Residential and Stables Zone."*

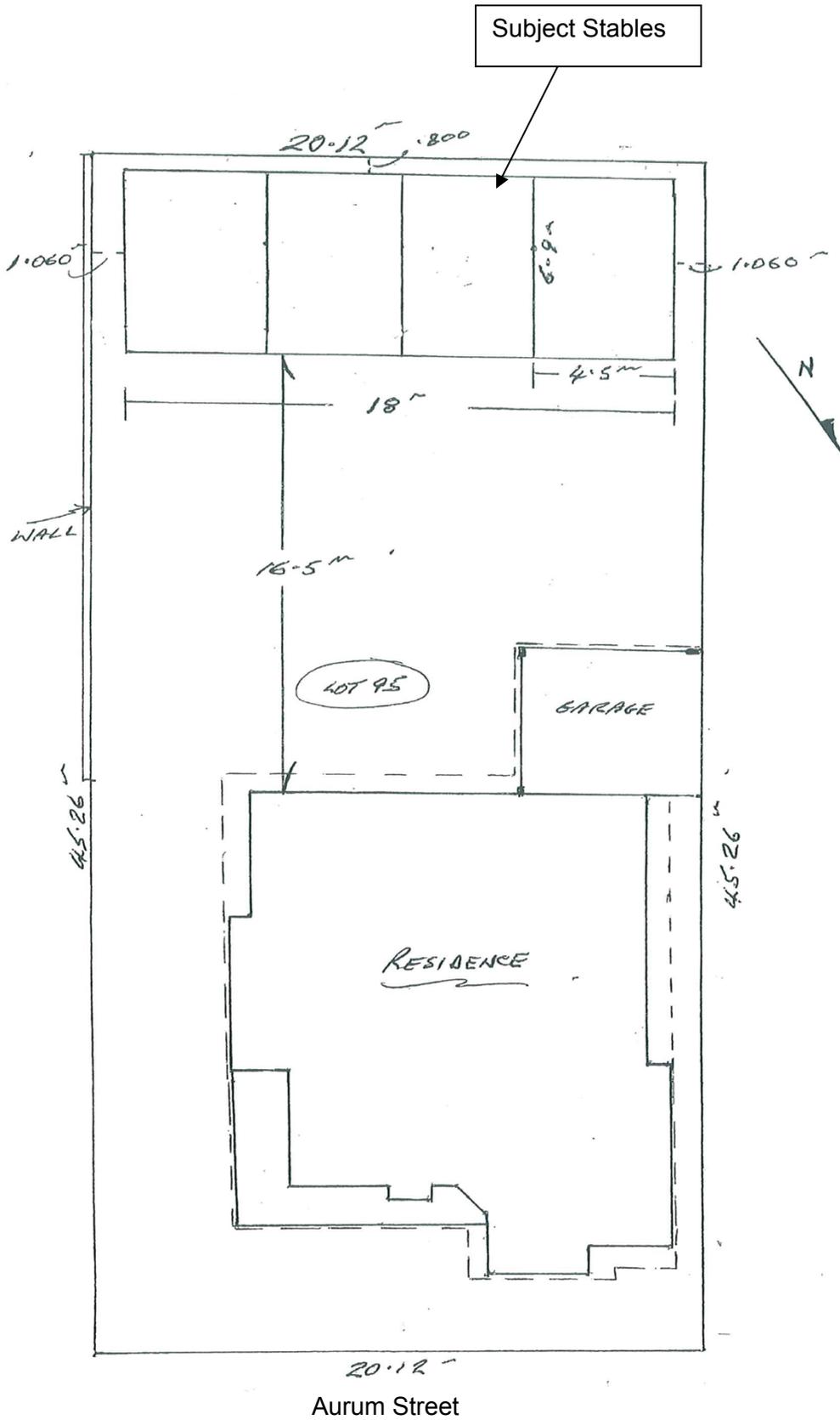
On 24 April 2008 a new development application for retrospective planning approval for the stables development was submitted. It is noted that the 28 day time limit to appeal to the State Administration Tribunal had lapsed.

Proposal

The application dated 24 April 2008 is for retrospective planning approval for stables (total of four stalls), located behind the existing dwelling at Lot 95 (14) Aurum Street, Ascot. The stables are constructed of colorbond and fibreglass walls with colorbond roof and sand floors. Each stall measures 4.5m wide x 6.9m deep. The stables are located 0.8m from the rear and 1.06m from both side boundaries (refer site plan, floor plan and elevations below). This application is exactly the same as the previous application which was refused on 27 November 2007.



12.3 Continued



Power Supply

This site has above ground power. There is one power pole located along the frontage of the site adjacent to the side boundary.

12.3 *Continued*

OFFICER COMMENT

Land Use

Stables are a permitted use in the 'Residential and Stables' zone and therefore the development is consistent with the zoning of the land. Applications for stables are assessed in accordance with the provisions of TPS14 Clause 10.7 which specifies that subject to the provisions of the Stables local law, stables require a 24m front setback, and 6m from any other street boundary and may allow zero setbacks on the other boundaries. The proposed stables comply with TPS14.

Health (Stables Premises) Local Law 1999.

The subject stables comply with the Health (Stables Premises) Local Law 1999 with respect to materials and size of the stalls, however they do not comply with the 15metre setback requirement to adjacent commercial premises. This 15metre setback from offices and commercial premises is imposed in order to minimise any detrimental impacts associated with noise and smell. In accordance with Clause 13 (3) of this local law, Council may vary the stables setback requirements "*where if in the opinion of Council, exceptional circumstances justify a variation and no likely adverse health affect will arise as a result of the variation.*"

The Manager Health & Ranger Services confirmed that in this instance no exceptional circumstances exist. The applicant (Avalon Sheds & Stables) has previously constructed stables in the Ascot area having first obtained planning approval and a building licence, and is well aware of the requirements of the City's local law relating to stables. As the subject stables are located 1.06m from the side boundary and the adjacent commercial premises is 2metres from the boundary, should the 15metre setback be imposed, only one of the four stalls could be registered as stables with the three stalls closest to the adjacent commercial premises being classified as storage and outbuilding use only.

A check of the City's records revealed that approval for stables has been granted by Council with the 15metre setback requirement reduced on the basis that the stables incorporated a 5.3metre high concrete tilt up boundary wall along the rear and side boundary abutting 'Mixed Use' zoned land. The rationale was that the design created a barrier to the neighbouring property which internalised any impacts of the stables and created a more useable rear area of the lot. The Manager Health Services at that time supported the proposal, stating that the variation did not represent a precedent and was acceptable given the design of the stable block and internalisation of any impacts.

Given the above, although the adjoining commercial property did not object to the stables, retrospective approval of the subject stables could be considered subject to the construction of masonry boundary walls to create a physical and visual barrier between the stables and the adjoining commercial property, which would minimise any potential noise or odours.

It should also be noted that the existing stables located on the adjacent property to the rear of the subject site do not comply with the 15metre setback; however, these stables were constructed prior to 1999 when the current local law was gazetted.

12.3 Continued

The following options are therefore provided for Council consideration.

Option 1

Refuse the application on the basis that the stables do not comply with the 15metre setback required between stables and adjoining commercial premises as set out in the City's Stables local law. Approval would set an undesirable precedent and is contrary to orderly and proper planning within the 'Residential and Stables' Zone.

Should Council support Option 1, the applicant would have the right to appeal, within 28 days, to the State Administrative Tribunal, in accordance with the provisions of the Planning & Development Act 2005. Given that no objection was received and that stables are a permitted use and consistent with the zoning of the land, on balance it is possible that an appeal may be upheld and the stables permitted to remain. This option is therefore not supported.

Option 2

Approve the application subject to compliance with the City's Stables local law, which means that any horse stall closer than 15metres to the adjacent commercial building must be used as storage outbuilding only and cannot be registered as a stable.

In considering Option 2, by endorsing the 15metre setback provision, only one stall would be permitted to be used by a horse. As the subject building is a purpose built stable with four stalls, and stables are a permitted use within the Residential & Stables zone, it is also possible that an appeal may be upheld and the stables permitted to remain. This option to effectively approve one stall for horses and permit the remaining stalls be used for storage only is not supported.

Option 3

Approve the application subject to the construction of masonry boundary wall measuring a minimum of 3.4metres high (consistent with the rear boundary wall of the adjoining Lot 87 (19) Keymer Street) along the rear boundary and extending lengthwise along the southeast side boundary for a minimum distance of 10 metres in order to minimise any potential impacts.

With respect to Option 3, consideration must be given to the objectives of both the 'Mixed Use' zone and the 'Residential and Stables' zone to ensure compatibility and amenity issues are addressed. The local law specifies a 15metre setback between stables and commercial premises to provide a suitable buffer between these uses to minimise any amenity conflicts and health issues which may arise. The adjacent 'Mixed Use' zoned property contains a service workshop for marine boats with a 2metre boundary setback. It is noted that this current use may change as the 'Mixed Use' allows for a variety of commercial uses such as office, showroom, warehouse, restaurant and residential. However, the marine showroom fronting Great eastern Highway adjacent to the workshop is newly constructed and a change of use on this site is seen as highly unlikely.

It is therefore considered that construction of a masonry boundary wall along the rear boundary and extending lengthwise for a minimum distance of 10 metres along the southeast side boundary could provide the necessary buffer between the two properties, as it would assist in reducing any potential impacts that may arise from the stables. In addition, the amenity of both the stables and commercial uses would be preserved.

12.3 Continued

The question therefore arises of how high this boundary wall should be in order to minimise potential impacts between the two land uses. It is not uncommon for 'Mixed Use' zoned developments to have boundary walls of 5metres or higher. A check of the City's records confirmed that the existing adjacent workshop building is a maximum of 6.5m high to the apex, with the rear brick boundary wall of the adjacent stables being 3.4metres high. Given the height of the workshop wall (which has no opening), and the existing stables to the rear of the subject site - a minimum wall height of 3.4metres is considered appropriate to provide a suitable barrier between the zones.

In conclusion, Option 3 is preferred because stables are a permitted use in the 'Residential and Stables' zone. Although the location of the subject stables does not comply with the City's local law with respect to a 15metre buffer setback requirement to commercial premises, a variation to this provision could be supported. It is considered that by constructing a boundary wall along the rear boundary and portion of the side boundary abutting the adjacent 'Mixed Use' zoned land, this would provide the necessary barrier between the two developments to alleviate any potential detrimental impacts and as such address the local law requirement.

It is therefore recommended that Council support Option 3.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

OFFICER RECOMMENDATION

That Council grant retrospective planning approval for application 193/2008/DA as detailed in plans dated 24 April 2008 submitted by Avalon Sheds and Stables on behalf of the owner M L Williams Pty Ltd for Stables at Lot 95 (No. 14) Aurum Street, Ascot subject to the following conditions:

1. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.
2. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's Engineering Requirements and Design Guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from any thing.
3. Masonry boundary wall, measuring minimum 3.4m high, to be constructed along the rear boundary and extend along the southeast side boundary for a minimum of 10 metres to ensure the attenuation of potential impacts to the satisfaction of the Manager Planning Services or Manager Health & Ranger Services.

12.3 *Continued*

Notation

The A/Director Community & Statutory Services advised that the subject stable building does not comply with the 15metre setback required under the City's Local Law. Variation to this Local Law may be made where there are exceptional circumstances. As there are no exceptional circumstances (and the applicant has not provided any such justification), the application for four stables cannot be approved.

Therefore the A/Director Community & Statutory Services proposed the following Alternative Officer Recommendation.

ALTERNATIVE OFFICER RECOMMENDATION

ROSSI MOVED, MARKS SECONDED, That Council:

A. Grant retrospective planning approval for application 193/2008/DA as detailed in plans dated 24 April 2008 submitted by Avalon Sheds and Stables on behalf of the owner M L Williams Pty Ltd for Stables at Lot 95 (No. 14) Aurum Street, Ascot subject to the following conditions:

- 1. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.**
- 2. All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's Engineering Requirements and Design Guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from any thing.**
- 3. That stall 1 closest to the northwest boundary is to be utilised as a Stable.**
- 4. That stalls 2, 3 and 4 are to be used for storage purposes only.**

B. Advise the applicant that in accordance with the City's Health (Stables Premises) Local Law 1999, only stall 1 can be registered as a stable as all others are located within the required 15 metre setback area

CARRIED 10 VOTES TO 0

12.4 LOTS 7, 21, 65-71 & 91-96 (70) GRANDSTAND ROAD ASCOT - PROPOSED STREET NAMES FOR NEW STREETS WITHIN THE 'ASCOT VALE' SUBDIVISION AREA

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
BB Attach 6	City of Belmont Schedule of Names Reserved for Streets and Parks

Voting Requirement	:	Simple Majority
Subject Index	:	115/006 – Development/Subdivision/Strata – Applications & Applications Correspondence
Location / Property Index	:	Lots 21 & 90-96 (No. 70) Grandstand Road Ascot
Application Index	:	7/2007/SUB – Subdivision Application
Disclosure of any Interest	:	Nil
Previous Items	:	Not Applicable
Applicant	:	McMullen Nolan and Partners Surveyors Pty Ltd
Owner	:	City of Belmont, Department for Planning and Infrastructure, and Western Australian Turf Club.
Responsible Division	:	Community & Statutory Services - Planning

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, town planning schemes & policies</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application / matter that directly affects 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

For Council to consider the suitability of the following street names for the new road reserves created as a result of the conditional subdivision approval issued by the Western Australian Planning Commission on 23 May 2007 (WAPC Ref: 133731), for Lots 7, 21, 65-71 & 90—96 (70) Grandstand Road Ascot:

12.4 Continued

- Northerly Avenue;
- Artesian Lane;
- Eurythmic Way;
- Ngawyni Lane;
- Scarpia Walk; and,
- Waterway Crescent (extension of existing road reserve).

SUMMARY AND KEY ISSUES

The landowners of the subject land have submitted the proposed street names which relate to the new road reserves created as a result of the conditional subdivision approval issued by the Western Australian Planning Commission on 23 May 2007 (WAPC Ref: 133731).

The applicant/landowner is currently in the process of complying with the conditions of subdivision approval.

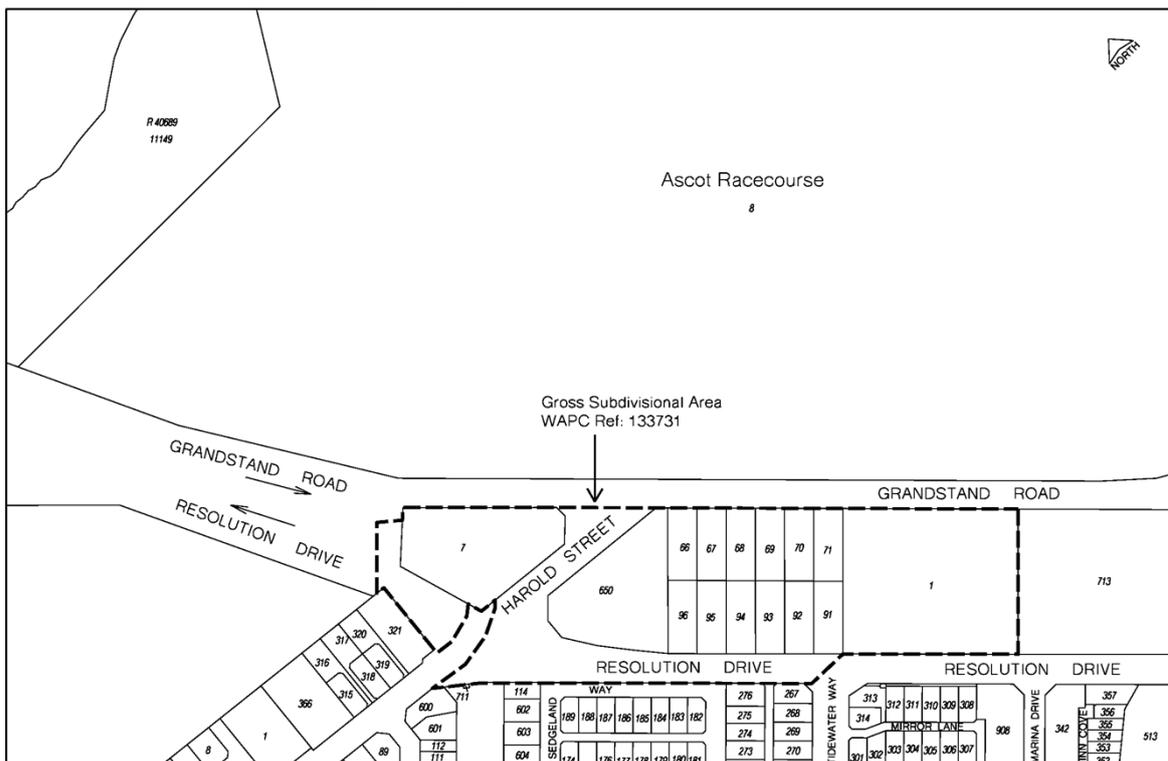
The new diagram of survey (Deposited Plan) requires approved street names before the survey can be approved and new Certificates of Title obtained.

The proposed street names must be endorsed by Council and approved by Landgate's Geographic Names Committee.

It is recommended that Council endorse the proposed street names.

LOCATION

Lots 7, 21, 65-71 & 90—96 (No. 70) Grandstand Road Ascot



12.4 Continued

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT - "Encourage the upgrading and compatible redevelopment of the City of Belmont."

POLICY IMPLICATIONS

City of Belmont Policy Manual C5.4.1 'Naming of Streets, Parks and Reserves'.

"Policy Objective:

To ensure the naming of streets, parks and reserves within the City conform to accepted criteria.

Policy Statement:

1. *A Schedule of Names Reserved for Streets and Parks be maintained by the Planning Department following advice from the Geographic Names Committee of the Department of Land Information (DLI).*
2. *The Planning Department will be responsible for recommendations to the Council that relate to the naming or renaming of all streets, parks and reserves within the City. Such recommendations are to comply with the Guidelines of the Geographic Names Committee of the DLI or justification be provided for any exception to the Guidelines that is likely to be acceptable to the Geographic Names Committee.*
3. *Unless otherwise determined by resolution of the Council, names shall be drawn from the following sources:*

Criteria for Recognition

- (a) *The surnames of pioneering families.*
- (b) *Prominent district identities.*
- (c) *Persons who have made a significant contribution to the community.*
- (d) *Councillors who have retired and completed a service to the community of approximately six years or more. (Corresponding to the original two terms of three years).*
- (e) *Encouragement of ethnic and gender diversity.*
- (f) *Horses that have been winners of two or more major racing events.*
- (g) *Flora and fauna that is recognised as being unique to the location encompassed by the Swan Coastal Plains.*

Priority for Use of Names

The use of a name be determined by where the person resided. The horse names to apply to Ascot.

12.4 Continued

4. *The Schedule of Names Reserved for Streets and Parks be reviewed biennially for a report to the Council.*

STATUTORY ENVIRONMENT

Landgate's Geographic Names Committee – Principles, Guidelines and Procedures (May 2006) includes the following guidelines for Selection of Names and Procedure for Naming New Roads under the section 'Road Naming Guidelines':

Selection of Names

Suitable Names - Preferred sources of names include names from Aboriginal languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant community contribution, war casualty lists and thematic names (eg nautical, sporting etc). Ethnic and gender diversity is encouraged. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.

Unsuitable Names - Names characterised as follows are to be avoided - given/first names, corrupted, unduly cumbersome or difficult to pronounce names, obscene, derogatory, racist or discriminating names, company or commercialised names (unless in an historical context).

Name Duplication - Name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10 km from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within similar sounding suburbs even if more than 10 km away. In rural areas the distance should be at least 50 km away.

Names of Living Persons - The names of living persons are not normally suitable for road names, and if proposed will be subject to a more rigorous selection process. The proposal must be accompanied by comprehensive biographical details including details of community involvement, and also an indication of strong community support for the proposed name.

Procedure for Naming Roads

New Roads - Survey documents require approved road names before the survey can be approved. The developer or their agent should be prompt in lodging a concept plan and a proposal for road names conforming to the above guidelines with the relevant local government. It may also be helpful to supply a copy to the Secretary, Geographic Names Committee. Local governments then propose the names to Landgate for approval. Following agreement between the Department and the local government, the names will be approved and all interested parties advised.

12.4 Continued

The selection of names is at local government discretion, and many local governments maintain lists of preferred names. There must be sound justification to propose alternative names, but some local governments allow developers discretion, particularly with larger developments. Short names are encouraged for short roads.

BACKGROUND

Lodgement Date:	6 June 2008	Use Class:	Not Applicable
Lot Area:		TPS Zoning:	Place of Public Assembly, Residential, Mixed Use
Estimated Value:	Not Applicable	MRS:	Urban

This proposal relates to a subdivision application which was approved by the Western Australian Planning Commission on 23 May 2007 (WAPC Ref: 133731).

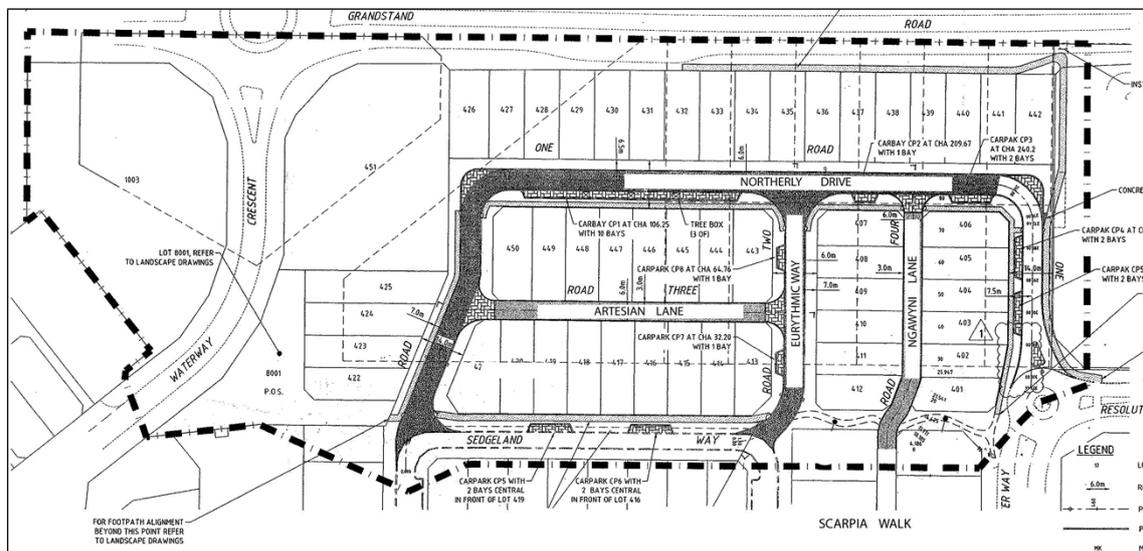
The applicant is currently undertaking works to comply with the conditions of subdivision approval which will result in the creation of 50 new residential lots, four new road reserves and the extension of an existing road reserve.

The requirement to seek approval for street names is not a condition of the subdivision approval. However, the Registrar of Titles will not approve the Deposited Plan without names for the newly created road reserves. Subsequently, the applicant will not be able to apply for Certificates of Title for the new lots.

On 6 June 2008 the applicant submitted the following proposed street names:

- Northerly Avenue;
- Artesian Lane;
- Eurythmic Way;
- Ngawyni Lane;
- Scarpia Walk; and,
- Waterway Crescent (extension of existing road reserve).

A plan showing the allocation of the proposed street names is provided below:



12.4 Continued

Waterway Crescent will be applied to the extension of an existing road reserve of the same name.

Artesian Lane and Scarpia Walk have been selected from names of horses which are currently included on the City's Schedule of Names Reserved for Street and Parks. The background information included on the schedule states:

- Artesian - Perth Cup Winner 1911 and 1913.
- Scarpia - Perth Cup Winner 1893-1894.

The applicant has also proposed three alternative names - Northerly Avenue, Eurythmic Way and Ngawyni Lane – which are not currently included on the Schedule. The names are also derived from horse names in accordance with the City's Criteria of Recognition "(f) Horses that have been winners of two or more major racing event.". The names have been selected by the landowner for the horses' achievements and association to the City of Belmont.

The following background information has been submitted for the proposed alternative names:

- **Eurythmic**
Purchased by Ernest Augustus Lee Steere (who later became Chairman of the WATC) Eurythmic began his racing career in the west and was a champion juvenile. Eurythmic won 31 of his 47 races and at the time of his retirement as a six-year-old he was the highest prize money earner in Australia. He was considered to be the best galloper of his generation and was deservedly the first Western Australian galloper inducted into the Australian Racing Hall Of Fame. Some of his victories included:
 - The 1919 Western Australian Derby and the 1919 Perth Cup;
 - The 1920 Caulfield Cup, as the shortest priced favourite ever; and,
 - The 1921 Sydney Cup, which was hailed as a miraculous triumph, after blowing the start, carrying 9st 8lb (61kg) - subsequent to being transferred to Jack Holt in Melbourne.
- **Ngawyni**
He originally started his career under the ownership of a fridge mechanic from Cloverdale and a farmer from the wheatbelt, Ngawyni was trained in Ascot by John Davison, before heading to Sydney to be trained by Bart Cummings. Ngawyni was considered to be a quality stayer, winning 14 of his 35 starts, and securing \$221,950 in stakes. His victories included:
 - The 1975 West Australian three-year-old feature treble. This included the Guineas, Derby and Melvista Stakes, which was a Herculean performance lumping 64 kilos;
 - The 1977 Australian Cup; and,
 - The Hill Stakes in Sydney, and runner-up to Reckless in the Brisbane Cup.

12.4 Continued

- **Northerly**

Started his racing career at Ascot Racecourse and was known throughout Australasia as “The Fighting Tiger”. Northerly captured the imagination of West Australian racegoers and continually showed his supremacy over the best Australia had to offer. At his top, when he found the front, there was no getting past him. Arguably WA’s greatest ever galloper with two Cox Plates, two Australia Cups, a Caulfield Cup, two Underwood Stakes and this State’s premier event, the Group 1 Railway Stakes. Northerly won 19 of his 31 starts with close to \$10 million in prize money to his credit. His victories included:

- The 2000 Group 1 Railway Stakes at Ascot;
- The 2000 Listed Aquanita Stakes at Ascot;
- The 2001 Listed Goodwood Sprint at Belmont;
- The 2001/2002 racing season, and his first visit to the Melbourne Spring Carnival, Northerly left undefeated victorious in the Feehan, Underwood and Yalumba Stakes, which was topped off by his first Cox Plate triumph. Three of those four races are at Group 1 level, which is considered to be no mean feat;
- The 2001 & 2003 Australia Cup; and,
- The 2002 Caulfield Cup.

In the event that one of the abovementioned options is not supported by either the Council or Geographic Names Committee, the following substitutes (spare names) have also been selected from the City’s Schedule of Names Reserved for Streets and Parks:

- Reeves - Colonel G M Reeves, 1852. Formed first West Australian Turf Club. First race meeting held 13 April 1853.
(Refer Item 11.1.1 – 7 February 2006 Council minutes);
- Oberne - Thomas Oberne, prominent trainer. Extract from "Ever Flowing Forward - The Story of Belmont"; and,
- Venables - Coach builder early 1900s. Extract from "Ever Flowing Forward – The Story of Belmont".

OFFICER COMMENT

All of the proposed road names - Northerly Avenue, Artesian Lane, Eurythmic Way, Ngawyni Lane, and Scarpia Walk - are derived from the names of horses.

As noted in the Background section, the names Artesian and Scarpia have been selected from the City’s current Schedule of Names Reserved for Streets and Parks.

The alternative names Northerly, Eurythmic and Ngawyni meet the City’s Criteria of Recognition “*(f) Horses that have been winners of two or more major racing events*”.

The use of horse names within the Ascot locality also complies with the City’s Policy Manual Clause 5.4.1 Policy Statement 3 Priority for Use of Names which states “*The horse names to apply to Ascot.*” Their relationship to Ascot Racecourse has been established in the Background section and is considered to be highly appropriate.

12.4 Continued

As previously noted in the Background section, in the event that Council or the Geographic Names Committee finds the first preferences unsuitable, the names 'Reeves', 'Oberne' and 'Venables' are provided as a secondary options. Alternatively, Council may recommend other names from the City's Schedule of Names Reserved for Streets and Parks (BB Attach 6). If choosing a name from the Schedule Council should note that it will also need to comply with the Geographic Names Committee's road naming guidelines which are provided in the Statutory section.

Council should also note that all proposed road names and substitute names comply with the relevant Geographic Names Committee's road naming guidelines. Formal approval for the proposed names and confirmation of appropriate suffix (road types) will be sought from the Geographic Names Committee following endorsement by the Council.

It is recommended that Council endorse the proposed road names.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

OFFICER RECOMMENDATION

That Council:

1. ***Endorse the application of the following street names to the new road reserves created as a result of the conditional subdivision approval issued by the Western Australian Planning Commission on 23 May 2007:***
 - ***Northerly Avenue;***
 - ***Artesian Lane;***
 - ***Eurythmic Way;***
 - ***Ngawyni Lane;***
 - ***Scarpia Walk; and,***
 - ***Waterway Crescent.***
2. ***Endorse the name Reeves, Oberne and Venables as a potential substitute in the event that the Geographic Names Committee rejects one of the proposed names.***
3. ***Forward the Council's endorsement of the proposed street names to the Geographic Names Committee for its consideration to apply the names as appropriate to the new road reserves created as a result of the conditional subdivision approval issued by the Western Australian Planning Commission on 23 May 2007.***
4. ***Advise the applicant, McMullen Nolan and Partners Surveyors Pty Ltd of its decision.***

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

**12.5 LOT 38 (13) LOVE STREET CLOVERDALE - ADDITIONS AND CHANGE OF USE FROM
'SHOP' TO A 'RESTAURANT/TAKE-AWAY' AND 'LOCAL NEIGHBOURHOOD BAKERY'**

Built Belmont

ATTACHMENT DETAILS

Nil

Voting Requirement : Simple Majority
Subject Index : 115/001
Location / Property Index : Lot 38 (13) Love Street Cloverdale
Application Index : 194/2008/DA
Disclosure of any Interest : Nil
Previous Items : Not Applicable
Applicant : DT Duong
Owner : DT Duong & YL Tran
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 affects 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 consider a development application proposing additions and a change of use from a 'Shop' to a 'Restaurant/Take-Away' and 'Local Neighbourhood Bakery' at Lot 38 (13) Love Street Cloverdale.

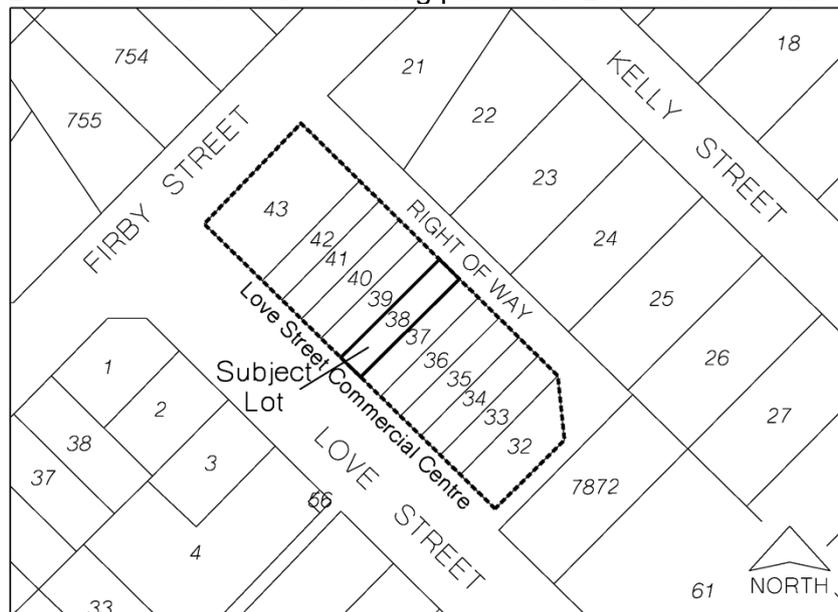
12.5 Continued

SUMMARY AND KEY ISSUES

- The proposed change of use from a 'Shop' to a 'Restaurant' is a 'P' use in the Commercial zone under TPS No. 14. 'Take-Away' is considered a 'P4' use in the Commercial zone and is subject to advertising where the land abuts the Residential zone.
- Council must determine if the proposed land use 'Local Neighbourhood Bakery' may be considered as a 'Use Not Listed' in the Zoning Table of TPS No. 14, and assess if it is consistent with the objectives and purposes of the Commercial zone.
- The proposed development includes a car parking shortfall of nine bays which must be considered as to its acceptability.
- Council's Commercial Strategy and Shopping Centre Revitalisation Study identify the Love Street Commercial Centre as being in need of revitalisation. Presently there are only three businesses in operation.
- The development application was referred to surrounding owners/occupiers in accordance with the Scheme's requirements for the 'Take-Away' land use and 'Use Not Listed' provisions. A total of two submissions were received. Submissions have been assessed and are summarised for Council's consideration.

LOCATION

Lot 38 (13) Love Street Cloverdale - forming part of the Love Street Commercial Centre



12.5 Continued

CONSULTATION

Category B applications are those that need advertising, additional information, documentation or revisions, approvals from other bodies such as Committees or Council, or are building licences that required a development application. Category B applications may need statutory advertising, referral to neighbours or consideration by Council.

Public Consultation

In accordance with Clause 4.2.3(b), Clause 10.4.2 and Clause 5.7 of the Scheme, the City referred the application to 41 surrounding likely affected residential land owners and occupiers for a 21-day comment period. The referral started on 20 May 2008 and closed on 10 June 2008.

On closure of the referral period two objections were received. The comments related to potential increase in noise, odours, traffic and antisocial behaviour that may result from the proposed hours of operation and baking activities. These issues are addressed in the table below.

Copies of the full submissions are available to Councillors on request.

SUBMISSION	OFFICER COMMENT
Submission Number 1:	
<p>(a) The business is not required in this area. There is already a bakery at the Belgravia Street shops.</p> <p>(b) The business activities will increase noise, lighting, odours and traffic within the residential area.</p> <p>(c) Operating into the evening may encourage groups of people to linger in the area resulting in a potential security risk.</p> <p>(d) The proposal does not meet Department for Environmental Protection guidelines for separation distances between bakeries and residential land as stated in a previous agenda item for retail and wholesale bakery at Lot 31 (25) Love Street Cloverdale.</p>	<p>(a) There is an established precedent for Local Neighbourhood Bakeries within the City of Belmont, such as the existing bakery at the Belgravia Street Commercial Centre. The proposed business is intended to serve more of the local community. The WAPC's 'Liveable Neighbourhood' guidelines for walkable communities encourage businesses to locate within a walkable catchment of customers of 400-450metres.</p> <p>(b) Business activities are expected to result in a minimal increase noise, lighting, odour and traffic. The proposed uses are comparable in terms of noise, lighting, odour and traffic to existing permitted land uses in the Commercial zone such as a 'Restaurant'. Further discussion on noise and odours are detailed in the Officer Comment section of this report.</p> <p>(c) The land use is unlikely to increase antisocial behaviour. The City's Crime Coordinator has advised that Crime Prevention through Environmental Design (CPTED) principles encourage mixed use areas. The business may actually assist in reducing antisocial behaviour due to increased activity and passive surveillance.</p> <p>(d) The land use activities of the previous application for a wholesale bakery for Lot 32 (25) Love Street differs significantly from the current application for a local neighbourhood bakery as proposed for Lot 38 (13) Love Street. The buffers referred to in the previous Council report relate to both small and large bakeries with recommended distances from 100 to 500metres depending on the scale and operational hours. These general guidelines mean that the City must consider each proposal based on its individual merits.</p>

12.5 Continued

Submission Number 2:	
(a) The closing time of 9pm will impact sleep patterns due to the impact of noise.	(a) Refer to (1b) above.
(b) Concern over existing antisocial behaviour around the shops and Telstra public telephone. Perpetrators may be encouraged to loiter around the area and cause a nuisance.	(b) Refer to comment 1c). In addition, if landowners in the surrounding area have an issue with the provision of a Telstra public telephone at this location then they may petition Telstra for its removal.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – “Attract and support high quality, high employment businesses to the City of Belmont.”

BUILT BELMONT – “Encourage the upgrading and compatible redevelopment of the City of Belmont.”

BUSINESS BELMONT – “Maximise business development opportunities within the City.”

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

A ‘Restaurant/Take-Away’ is defined as “any building having a liquor licence or not, used for the sale of food to customers in a form ready to be eaten without further preparation where provision is made for the food either to be eaten on the premises or to be taken away and eaten elsewhere. The term does not include a hotel, restaurant, fast food take-away outlet or a lunch bar.”

The use is not listed on the zoning table however has consistently been supported in the past in the same manner as a ‘Restaurant’.

The ‘Local Neighbourhood Bakery’ activities of manufacturing edible goods for retail sale does not fall within the interpretation of any of the Scheme’s use classes and is therefore not listed.

12.5 Continued

Clause 4.2.3 of TPS14 provides a number of options in dealing with 'Uses Not Listed', as follows:

- “(a) Determine that the use is consistent with the objectives and purposes of the zone and process the application as a permitted use; or*
- (b) Determine that the proposed use may be consistent with the objectives of the zone and proceed with advertising the proposal as per Clause 5.7 of TPS14; or*
- (c) Determine use is not consistent with the objectives of the zone and is therefore not permitted.”*

In this instance, the 'Local Neighbourhood Bakery' has been processed as a Use Not Listed in accordance with the abovementioned option (b) and referred for public comment in accordance with Clause 5.7.3(a) of the Scheme.

Council is required to determine if the 'Local Neighbourhood Bakery' land use is consistent with the objectives and purposes of the Commercial zone. In determining if the land use is compatible the Council shall have regard for the requirements of Clause 5.8 of the Scheme.

Clause 10.4 of the Scheme contains provisions for development on Commercial zoned land. This includes compliance with Table 2 'Car Parking Requirements' which lists car parking requirements for various land uses.

Clause 10.9.4.3 of the Scheme also states *“When making decisions relative to parking provision, the Council shall at all times have regard to any existing or proposed public parking facilities nearby.”*

Deemed Refusal

Under Clause 5.5.1 of the City of Belmont Town Planning Scheme No. 14 an application is 'deemed to be refused' if it is not determined within a 60 day period.

Clause 5.5.2 of the City of Belmont Town Planning Scheme No. 14 applies where a land use 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 passed on 23 June 2008 and the applicant already has deemed refusal rights.

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.

12.5 Continued

BACKGROUND

Lodgement Date:	24 April 2008	Use Class:	Restaurant/Take-Away and Local Neighbourhood Bakery
Lot Area:	182m ²	TPS Zoning:	Commercial
Estimated Value:	\$50,000.00	MRS:	Urban

Site Details

The Love Street Commercial Centre consists of 12 lots which have a total combined area of 2543m². All of the lots have existing buildings with a combined gross floor area of 1900m² (approximately). Due to various reasons the majority of the buildings are currently vacant, with only three businesses presently operating.

Lot 38 (13) Love Street has a lot size of 182m² (6.04metres by 30.18metres). The existing building was formerly occupied by a newsagency but is currently vacant. A fish and chip shop and a hardware store are located on either side.

The commercial centre is surrounded by residential properties, separated from the commercial zoned land by the Love Street and Firby Street road reserves; and, a Right-of-Way (ROW) which provides access for delivery to the rear of the commercial lots. Surrounding properties have a flexible density code of R20/40 based on their proximity to the Love Street commercial centre.

Due to the small sizes of the lots, the businesses have shared (reciprocal) car parking arrangement which serves both customers and staff. A total of 33 shared car bays are located within the Love Street and Firby Street road reserves.

Previous Bakery Proposals and Existing Local Neighbourhood Bakeries

In 2007 Council considered (Item 12.1.3 OCM 17/7/2007 refers) an application for a 'Shop' - 'Retail Bakery' and a 'Use Not Listed - Wholesale Bakery' for Lot 32 (25) Love Street Cloverdale. The proposed land use activities included both retail and wholesale bakery functions. The wholesale component included delivery from the site to other shops and cafes within the metropolitan area; and wholesale and bakery hours between 10:30pm and 1:00am.

Council refused the application on the basis that *"The wholesale bakery is considered to be inconsistent with the objectives of the 'Commercial' zone in this location, due to the sites close proximity to residential properties and the expected nuisance and disturbance to residents from increased noise, traffic and odours during business operations conducted outside normal business hours."*

Within the City of Belmont Commercial and Town Centre zones there are a number of existing Local Neighbourhood Bakeries as listed below:

- 'Belmont Bakery' at Lot 10 (40) Belvidere Street Belmont within the Belvidere Street Commercial Centre;
- 'Crusty Fresh Bread' at Lot 291 (96-100) Kooyong Road Rivervale in the Kooyong Road Commercial Centre; and,
- 'Upper Crust Bakery' at Lot 1 (Shop 5/268) Belmont Avenue within the Town Centre.

12.5 Continued

Local Commercial Strategy and Shopping Centre Revitalisation Study

The City's Local Commercial Strategy identifies that this commercial centre "*should be positively encouraged to remain at about their present size and function but be modernised and otherwise improved where practical.*"

The need for revitalisation of the commercial centre has also been highlighted in the City's Shopping Centre Revitalisation Study which has been ongoing since 2005. As part of this study a 'Dialogue with the City's Program' included consultation with residents and business owners via a series of workshops. Major outcomes from the workshops indicated that local residents and business owners were all concerned with streetscape aesthetics, infrastructure and security. One of the study's key objectives states "*once the presentation of the area improves it is hoped that there will be a corresponding improvement in patronage, with the intention of promoting full occupancy of the centres.*"

In April 2008 the City's Business Development and Planning Departments met again with business/land owners from the Love Street Commercial Centre. The meeting provided a forum for the City to gain business perspectives on draft streetscape concept plans which aimed to address streetscape aesthetic and security issues. The meeting also enabled land owners to raise questions regarding development control requirements. Businesses were generally supportive of the plans and were unsure of their options in regard to redevelopment opportunities under the Scheme.

The Proposal

In April 2008 the applicant submitted a development application for a 'café/patisserie' which includes additions to the rear of the building, modifications to the front façade and internal modifications to create a 16 seat café style area, take-away retail sales and on-site kitchen and pastry room facilities to manufacture edible goods such as cakes, pastries, bread and Asian style foods.

Business hours will be 6am to 9pm weekdays and 10am to 9pm on weekends (changes subject to demand and legislation). Delivery of supplies will occur during normal working hours (9am to 5pm weekdays) and will be made to the rear of the premises via the ROW.

The application also states that there will be a maximum of three employees.

The development requires a total of ten car parking bays, but only proposes the provision of one car bay and one delivery truck bay on-site (both of which will be accessible via the ROW). Due to the small size of the subject lot, which makes it impossible to comply with car parking requirements, the applicant requests that the City accept the on-site parking shortfall with consideration of the use of the 33 reciprocal use car parking bays located within the Love Street road reserve. In addition, the applicant also requests the ROW be considered as an alternative location to the provision of an on-site truck delivery bay.

12.5 *Continued*

OFFICER COMMENT

Land Use

In determining whether the use is consistent with the objectives and purposes of the zone, Clause 5.8 of TPS No. 14 requires Council to consider matters such as compatibility, amenity, traffic, landscaping and any relevant submissions received when exercising discretion. In this instance, the crux of the matter is the compatibility of a 'Local Neighbourhood Bakery' with adjacent residential properties and whether it will generate a nuisance detrimental to the amenity of the district. The key considerations to this proposal are outlined below.

Hours of Operation

The Coordinator Environmental Health has advised that the most suitable business hours in terms of noise regulations are 7.00am to 7.00pm Monday to Saturday. The opening time of 6am (a difference of 1hour) should not result in a negative impact on the amenity of surrounding residential land. The closing time of 9pm is also suitable as the comparable permitted use of 'Restaurant' would typically have a closing time of around 10pm (if not later).

Noise and Odour

A search of the Council's records show that similar sized bakeries located in the City's local commercial centres of Belvidere Street and Kooyong Road have not received any odour or noise complaints. Moreover, there is an established precedent for similar sized bakeries to be situated in residential areas within the City and throughout the Perth Metropolitan Region.

It is also noted that the business will have to comply with Health Regulations pertaining to noise and odour emissions. Any noise or odour complaint will be dealt with by the City's Health Department. Council may also impose conditions on the planning approval to control the operational times and minimise odour emissions.

Lighting

Any light spill from the subject property during early morning and evening activities will be contained to the subject property and is highly unlikely to negatively impact on the amenity of surrounding residential properties.

Traffic

It is anticipated that any increase in traffic will be minimal and will be consistent with the intended use of the Local Commercial Centre. Given the proximity to medium density development, it is considered that many patrons will walk to the business.

In summary, It is considered that the both the proposed 'Local Neighbourhood Bakery' and the 'Restaurant/Take-Away' are compatible with surrounding land uses based on the rationale that the proposal:

- will not detrimentally impact on the amenity of surrounding residential properties;
- is comparable in impact to that of other permitted land uses such as 'Restaurant' and 'Fast Food/Take-Away' which are considered consistent with the intentions and purposes of the Commercial zone;
- provides a function catering for the medium density development which exists around the commercial centre; and

12.5 Continued

- will improve the viability of the Love Street Commercial Centre in keeping with the aims of the City's Local Commercial Centre Strategy and Shopping Centre Revitalisation Study.

Parking

The development application requires a total of ten car parking bays, and proposes the provision of one on-site car parking bay. Given the small size of the subject lot it is considered that it is not feasible to provide the required ten car parking bays on-site.

The commercial lots are small and therefore do not facilitate on-site car parking. In this instance there are 33 reciprocal use car parking bays located within the Love Street and Firby Street road reserves, which are shared in a reciprocal use arrangement by all businesses within the commercial centre. The shopping centre itself has a combined lot size of 2543m², and its built form covers approximately 1900m² (74.71%) of the Commercial zoned area. This equates to a ratio of approximately 1 car bay per 77m² of lot area. As such, the subject lot would be allocated approximately 2 or 3 car parking bays. If these are credited that would leave a 6 car bay shortfall.

Given the reciprocal nature of the off-site parking area and operating hours for the various existing and potential future business it is unlikely that the additional requirement for six off-site car parking bays will negatively impact on the provision of parking for other businesses. In addition, it is expected that significant proportion of traffic to the new business will be in the form of pedestrian movement from nearby residential properties.

As the application proposes a parking shortfall the Council may consider imposing a condition requiring a cash-in-lieu contribution for six bays. However, it is recommended that such a condition should not be imposed for the following reasons:

- The cash-in-lieu would need to be used by the City to provide the additional parking bays in a nearby related location. However, a viable alternative location is not presently available.
- If the cash-in-lieu is not used for the creation of new bays within a nearby location then the City would not be permitted to use the funds elsewhere, nor retain the funds for future upgrading or maintenance works of the nearby parking area. This is because the operative Scheme does not presently contain provisions allowing the Council to create a fund to retain these contributions.

Therefore it is recommended that the six parking shortfall be supported as the off-site reciprocal parking can adequately accommodate the parking requirements for this development, without conflicting with the current or future parking demands for other businesses within the commercial centre.

Summary

The Love Street Commercial Centre is in a rundown state with only three businesses currently operating in the centre. It is important that the City's local commercial centres are maintained as a community node to provide basic services and act as an public meeting area for pedestrians. Both the City's Local Commercial Strategy and Shopping Centre Revitalisation Study state that there is a need to encourage redevelopment and modernisation in order improve the area an increase patronage. The Commercial Centre also justifies the flexible density coding of the residential area surrounding.

12.5 Continued

It is recommended that Council conditionally approve the development application for a 'Restaurant/Take-Away' and 'Local Neighbourhood Bakery' at Lot 38 (13) Love Street on the basis that:

- The proposed 'Local Neighbourhood Bakery' land use activities are consistent with the objectives and purposes of the Commercial zone;
- The on-site parking shortfall is acceptable; and,
- The proposed development will improve the viability and vitality of the Love Street Shopping Centre in accordance with the intentions of the City of Belmont Local Commercial Strategy and Shopping Centre Revitalisation Study.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

OFFICER RECOMMENDATION

That Council:

1. Support the six car bay shortfall at Lot 38 (13) Love Street, Cloverdale on the basis that the parking shortfall may be adequately met by the 33 reciprocal use car parking bays; it will not impact on the availability of parking for other businesses within the commercial centre; and the development will improve the vibrancy and viability of the commercial centre.
2. Determine that the 'Local Neighbourhood Bakery' is a 'Use Not Listed' which is consistent with the objectives and purposes of the 'Commercial' and 'Town Centre' zones.
3. Approve planning application 194/2008/DA as detailed in plans dated April 2008 submitted by DT Duong on behalf of the owner DT Duong and YL Tran for Additions and a Change of Use from a 'Shop' to a 'Restaurant/Take-Away' and 'Local Neighbourhood Bakery' at Lot 38 (No. 13) Love Street Cloverdale subject to the following conditions:
 - (1) Operational hours shall be restricted to 6:00am to 9:00pm on weekdays and 10:00am to 9:00pm on weekends and public holidays.
 - (2) A maximum of 16 seats being provided on site.
 - (3) Prior to the issue of a building licence the applicant shall submit a management strategy pertaining to the control of potential odour and noise emissions to the satisfaction of the City's Manager Health and Ranger Services.

12.5 Continued

- (4) All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's Engineering Requirements and Design Guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from any thing.
 - (5) Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, line marked and kerbed in accordance with:
 - (a) The approved plan (one space measuring a minimum of 2.5 metres x 5.5 metres);
 - (b) Schedule 3 of the City of Belmont Town Planning Scheme No. 14; and
 - (c) Council's engineering requirements and design guidelines, with respect to drainage requirements.The areas must be paved in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the Director Technical Services. All parking bays must be clearly line marked.
 - (6) The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.
 - (7) If external lighting is installed, all illumination shall be confined within the property boundaries.
4. Pursuant to Clause 9.10 of Town Planning Scheme No. 14 delegate to the Director-Community & Statutory Services or Manager Planning Services the authority to deal with any subsequent amendments for Planning Approval for application number planning application 194/2008/DA as detailed in plans dated April 2008 submitted by DT Duong on behalf of the owners DT Duong and YL Tran for a Additions and a Change of Use at Lot 38 (No. 13) Love Street Cloverdale.
 5. Notify all those who made submission on the proposal of the decision.

Notation

Cr Hitt proposed an Amended Motion altering point 3(1) so that operational hours will be 6:00am to 10:00pm on weekdays and 8.00am to 10:00pm on weekends and public holidays rather than 6:00am to 9:00pm on weekdays and 10:00am to 9:00pm on weekends and public holidays as proposed in the original Officer Recommendation. Cr Hitt stated that these hours will assist in the revitalisation of the centre and allow less restrictive operating hours.

12.5 Continued

HITT MOVED, ROSSI SECONDED, That Council:

1. **Support the six car bay shortfall at Lot 38 (13) Love Street, Cloverdale on the basis that the parking shortfall may be adequately met by the 33 reciprocal use car parking bays; it will not impact on the availability of parking for other businesses within the commercial centre; and the development will improve the vibrancy and viability of the commercial centre.**
2. **Determine that the 'Local Neighbourhood Bakery' is a 'Use Not Listed' which is consistent with the objectives and purposes of the 'Commercial' and 'Town Centre' zones.**
3. **Approve planning application 194/2008/DA as detailed in plans dated April 2008 submitted by DT Duong on behalf of the owner DT Duong and YL Tran for Additions and a Change of Use from a 'Shop' to a 'Restaurant/Take-Away' and 'Local Neighbourhood Bakery' at Lot 38 (No. 13) Love Street Cloverdale subject to the following conditions:**
 - (1) **Operational hours shall be restricted to 6:00am to 10:00pm on weekdays and 8.00am to 10:00pm on weekends and public holidays.**
 - (2) **A maximum of 16 seats being provided on site.**
 - (3) **Prior to the issue of a building licence the applicant shall submit a management strategy pertaining to the control of potential odour and noise emissions to the satisfaction of the City's Manager Health and Ranger Services.**
 - (4) **All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's Engineering Requirements and Design Guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from any thing.**
 - (5) **Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, line marked and kerbed in accordance with:**
 - (a) **The approved plan (one space measuring a minimum of 2.5 metres x 5.5 metres);**
 - (b) **Schedule 3 of the City of Belmont Town Planning Scheme No. 14; and**
 - (c) **Council's engineering requirements and design guidelines, with respect to drainage requirements.****The areas must be paved in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the Director Technical Services. All parking bays must be clearly line marked.**
 - (6) **The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.**

12.5 Continued

- (7) ***If external lighting is installed, all illumination shall be confined within the property boundaries.***
4. ***Pursuant to Clause 9.10 of Town Planning Scheme No. 14 delegate to the Director-Community & Statutory Services or Manager Planning Services the authority to deal with any subsequent amendments for Planning Approval for application number planning application 194/2008/DA as detailed in plans dated April 2008 submitted by DT Duong on behalf of the owners DT Duong and YL Tran for a Additions and a Change of Use at Lot 38 (No. 13) Love Street Cloverdale.***
5. ***Notify all those who made submission on the proposal of the decision.***

CARRIED 10 VOTES TO 0

**12.6 PROPOSAL TO INCLUDE THE NAME FRED MCKENZIE IN THE CITY OF BELMONT
SCHEDULE OF NAMES RESERVED FOR STREETS AND PARKS**

Built Belmont

ATTACHMENT DETAILS

Nil

Voting Requirement : Simple Majority
Subject Index : 117/008
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : Councillor Robert Rossi
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*
- Review** *When Council reviews decisions made by Officers*
- Quasi-Judicial** *When Council determines an application / matter that directly affects 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 consider the suitability of including the name 'Fred McKenzie' in the City's 'Schedule of Names Reserved for Streets and Parks':

12.6 Continued

SUMMARY AND KEY ISSUES

A request has been received to include the name 'Fred McKenzie' in the City's Schedule of Names Reserved for Streets and Parks.

The name complies with the requirements of the City of Belmont Policy Manual C5.4.1 'Naming of Streets, Parks and Reserves' Policy Statement 3 Criteria for Recognition categories: (b) Prominent district identities; and, (c) Persons who have made a significant contribution to the community.

It is recommended that the name 'Fred McKenzie' be included in the City's Schedule of Names Reserved for Streets and Parks.

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

City of Belmont Policy Manual C5.4.1 'Naming of Streets, Parks and Reserves'.

"Policy Objective:

To ensure the naming of streets, parks and reserves within the City conform to accepted criteria.

Policy Statement:

- 1. A Schedule of Names Reserved for Streets and Parks be maintained by the Planning Department following advice from the Geographic Names Committee of the Department of Land Information (DLI).*
- 2. The Planning Department will be responsible for recommendations to the Council that relate to the naming or renaming of all streets, parks and reserves within the City. Such recommendations are to comply with the Guidelines of the Geographic Names Committee of the DLI or justification be provided for any exception to the Guidelines that is likely to be acceptable to the Geographic Names Committee.*
- 3. Unless otherwise determined by resolution of the Council, names shall be drawn from the following sources:*

12.6 Continued

Criteria for Recognition

- (a) *The surnames of pioneering families.*
- (b) *Prominent district identities.*
- (c) *Persons who have made a significant contribution to the community.*
- (d) *Councillors who have retired and completed a service to the community of approximately six years or more. (Corresponding to the original two terms of three years).*
- (e) *Encouragement of ethnic and gender diversity.*
- (f) *Horses that have been winners of two or more major racing events.*
- (g) *Flora and fauna that is recognised as being unique to the location encompassed by the Swan Coastal Plains.*

Priority for Use of Names

The use of a name be determined by where the person resided. The horse names to apply to Ascot.

4. *The Schedule of Names Reserved for Streets and Parks be reviewed biennially for a report to the Council."*

STATUTORY ENVIRONMENT

The City does not require approval from Landgate's Geographic Names Committee in order to include a name on the City of Belmont Schedule of Names Reserved for Streets and Parks.

However, future application of the name to a road, park or reserve will be governed by Landgate's Geographic Names Committee – 'Principles, Guidelines and Procedures (May 2006)' document.

BACKGROUND

A request has been received from Councillor Robert Rossi that the name 'Fred McKenzie' be included in the City's Schedule of Names Reserved for Streets and Parks.

The following provides a brief summary on the life of Fred McKenzie. The information is paraphrased from descriptions provided by Councillor Rossi and as also detailed in Fred McKenzie's obituary printed in The West Australian newspaper on Tuesday, 20 May 2008.

Fred McKenzie was born in West Perth on 1 December 1933. In 1962 Fred married Helen Manoff in 1962 and in 1969 they moved to Belmont where he resided until his passing on 18 March 2008. He is survived by his wife Helen, daughter Terri, son Scott and grandchildren Amy, Erin, Christopher and Nicolas, sister Fay and younger brother James.

Fred was significantly involved in the railway industry in Western Australia. Fred's whole working life was all about rail; all the way from his time as a trainee guard with Midland rail right through to being a long-term member of the Executive Committee of Midland Railway Company and to the leadership positions he held in the powerful Australian Railways Union, which ultimately led to his election to parliament.

12.6 Continued

During his 16 years service as a politician in the Legislative Council, which began in 1977, he represented the North-East Metropolitan Province which included Belmont in its electorate.

He served as Labor Party Whip for 13 years and at the time of his retirement, in May 1993, was President of the State Parliamentary Labor Party. On the recommendation of the Premier, the Governor of the day Sir Francis Burt approved that he should retain the title of "Honourable" for his length of service to the Legislative Council.

In his obituary printed in The West Australian newspaper on Tuesday, 20 May 2008 Fred was portrayed for his contributions to the community, his unwavering loyalty to the needs and interests of working people and his reputation for integrity and honesty.

Fred's contributions to the City of Belmont local community and broader state community included:

- Playing an integral role in getting funds to rebuild Belmont Senior High School, now Belmont City College;
- Serving on the Belmont Community Youth Support Scheme, of which he was the Chairman for several years;
- Long serving helper with Meals on Wheels in Belmont from 1993 until 2008;
- Vice Chairman of the Faulkner Park Retirement Village, and part of the inaugural Board from 1995 until 2008;
- Organiser of the joint door knock appeal for cancer, heart and arthritis;
- Collector for the Red Cross and Princess Margaret Children's Hospital Annual Appeal;
- Vice President of the WA Scout Association for a period of 5 years; and,
- Patron of the Milford & Fairholme Parents and Friend Association, where he worked with intellectually handicapped people.

His efforts in serving the community have been duly recognised through a number of awards including:

- 1993 City of Belmont Community Services Award awarded for his contribution to Belmont;
- 1998 Australian Day Order of Australia Medal for service to the community;
- WA Scout Association Meritorious Award; and,
- The Australian Pensioner's League Meritorious Award.

OFFICER COMMENT

The name 'Fred McKenzie' is considered to meet the City of Belmont Policy Manual C5.4.1 'Naming of Streets, Parks and Reserves' Policy Statement 3 Criteria for Recognition categories: (b) Prominent district identities; and, (c) Persons who have made a significant contribution to the community.

12.6 Continued

It is recommended that Council approved the inclusion of the name 'Fred McKenzie' in the City of Belmont Schedule of Names Reserved for Street and Parks.

Please note that any future application of the name to a street, park or reserve shall require Council endorsement and will also require formal approval from Landgate's Geographic Names Committee.

In seeking formal approval for any application of the name 'Fred McKenzie', the City would need to comply with the Geographic Names Committee 'Principles, Guidelines and Procedures' document. This document governs the naming of roads, parks and reserves by detailing criteria for the selection of suitable names and setting limits for the duplication of the same or similar sounding names within the metropolitan area.

For example, at present the road naming guidelines would not permit the use of 'McKenzie' for a road - as the name has already been used more than the permitted five times within the metropolitan area. Additionally, it is unlikely that 'Fred McKenzie' would be approved for a road name as the guidelines do not encourage the use of double barreled names for roads. 'McKenzie' or 'Fred McKenzie' may however, be used for the name of a park or reserve as this has not previously been used for a park within the metropolitan area. It would also be highly appropriate to apply the name within the suburb of Belmont as this is where Fred McKenzie resided.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

12.6 Continued

OFFICER RECOMMENDATION

That Council:

1. **Determine that the request to include the name 'Fred McKenzie' in the City of Belmont Schedule of Names Reserved for Street and Parks meets the City of Belmont Policy Manual C5.4.1 'Naming of Streets, Parks and Reserves' Policy Statement 3 Criteria for Recognition categories: (b) Prominent district identities; and, (c) Persons who have made a significant contribution to the community.**
2. **Approve the inclusion of the name 'Fred McKenzie' in the Schedule of Names Reserved for Street and Parks with the following summary:**

Fred McKenzie**	(Born 1 December 1933, Died 18 March 2008) A prominent Western Australian Labour MP who was heavily involved in contributing to the local City of Belmont community and broader State community. Some of his contributions included: <ul style="list-style-type: none">• Playing an integral role in getting funds to rebuild Belmont Senior High School, now Belmont City College;• Serving on the Belmont Community Youth Support Scheme, of which he was the Chairman for several years;• Long serving helper with Meals on Wheels in Belmont from 1993 until 2008;• Vice Chairman of the Faulkner Park Retirement Village, and part of the inaugural board from 1995 until 2008;• Organiser of the joint door knock appeal for cancer, heart and arthritis;• Collector for the Red Cross and Princess Margaret Children's Hospital Annual Appeal;• Vice President of the WA Scout Association for a period of 5 years; and,• Patron of the Milford & Fairholme Parents and Friend Association, where he worked with intellectually handicapped people.
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**OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12**

12.7 PROPOSED STRUCTURE PLAN - DEVELOPMENT AREA 5

Built Belmont

ATTACHMENT DETAILS

Nil

Voting Requirement	:	Simple Majority
Subject Index	:	116/114
Location / Property Index	:	Land bound by Greenshields Way, Morrison Road, Stanton Road and Tonkin Highway - Lot 24 (14), Lot 23 (16), Lot 22 (18), Lot 21 (20), and Lot 20 (22) Greenshields Way; Lot 19 (51), Lot 18 (53 and Lot 17 (55) Morrison Street; Lot 16 (61), Lot 15 (63), Lot 14 (65) and Lot 13 (67) Stanton Road, Redcliffe.
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

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input checked="" 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 affects 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

To consider adoption of a proposed Structure Plan for DA5 for the purpose of advertising.

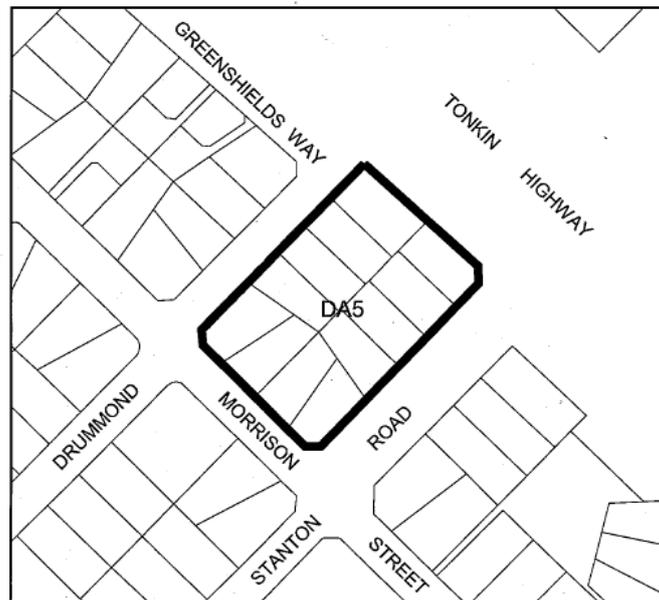
12.7 Continued

SUMMARY AND KEY ISSUES

- Amendment No. 49 (gazetted 2 May 2008) designated seven additional areas within the City, including DA5, as Development Areas. As such, a Structure Plan is required for DA5 prior to consideration of subdivision or development.
- Many of the properties within DA 5 are in poor condition and in need of redevelopment. However, the current configuration of the properties and the presence of Primary Regional Road reservations along two boundaries mean that the street block has restricted redevelopment opportunities.
- Three design options for redevelopment of the area have been prepared for Council's consideration.
- The preferred option proposes that the layout of the area incorporate regular lot sizes and a central vehicle access way for the rear lots, which will also act as a buffer to Tonkin Highway.

LOCATION

Land bound by Greenshields Way, Morrison Road, Stanton Road and Tonkin Highway - Lot 24 (14), Lot 23 (16), Lot 22 (18), Lot 21 (20), and Lot 20 (22) Greenshields Way; Lot 19 (51), Lot 18 (53 and Lot 17 (55) Morrison Street; Lot 16 (61), Lot 15 (63), Lot 14 (65) and Lot 13 (67) Stanton Road, Redcliffe.



CONSULTATION

The proposed structure plan must be advertised in accordance with Clause 10.17.9 of TPS 14.

12.7 Continued

STRATEGIC PLAN IMPLICATIONS

The City of Belmont Strategic Plan

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14 designates areas within the City, including DA5, as Development Areas. As such, a Structure Plan is required prior to consideration of subdivision or development within these areas, in order to guide development. This includes the location of roads, utilities, density of development and lot layout. It will ensure that when development occurs it will happen in a certain way, but it does not force landowners to develop all at once.

Right of Appeal

Is there a right of appeal? Yes No

Clause 10.17.17 of Scheme 14 details that an owner who has submitted a proposed structure plan under clause 10.17.8.1 may appeal against a failure to advertise or determine a structure plan. Council is not an owner so there is no right of appeal.

BACKGROUND

History

Coordinated Redevelopment

The City's previous approach of encouraging coordinated redevelopment proved effective where there were a limited number of landowners and where the development was on a small scale (i.e. the requirement for amalgamation of two to three lots only). Coordinated redevelopment was relatively easy to achieve in those areas through the preparation of a Local Planning Policy. However, where there were a large number of landowners (or landowners in dispute), and there were no specific controls incorporated within the Town Planning Scheme, coordination was slow and/or problematic.

Amendment 43

Amendment No. 43 to TPS No. 14 introduced provisions for the operation of special control areas. As part of this amendment, four development areas were included in the Town Planning Scheme No. 14 (Item 10.4.1 PDC 20/09/2004 refers).

12.7 Continued

Amendment 49

Amendment No. 49 proposed the introduction to the scheme of a further seven areas requiring structure plans, in addition to the existing four which were implemented as part of Amendment No. 43.

DA5 was included in the amendment because it abuts Tonkin Highway and is made up of lots that are relatively small in size (759-1007m²). It was considered that any redevelopment within this street block would require a high degree of coordination between property owners if a proliferation of battleaxe lots is to be avoided and alternate access provided.

At the time Amendment 49 was adopted for final approval, Council resolved to “*take a facilitatory role in the preparation of Structure Plans for development control areas DA5, DA6 and DA9*” (refer Item 12.1.3, 20/02/07 OCM minutes).

Given the above, Council’s role with regard to DA5 is to facilitate the preparation of a structure plan for the subject area.

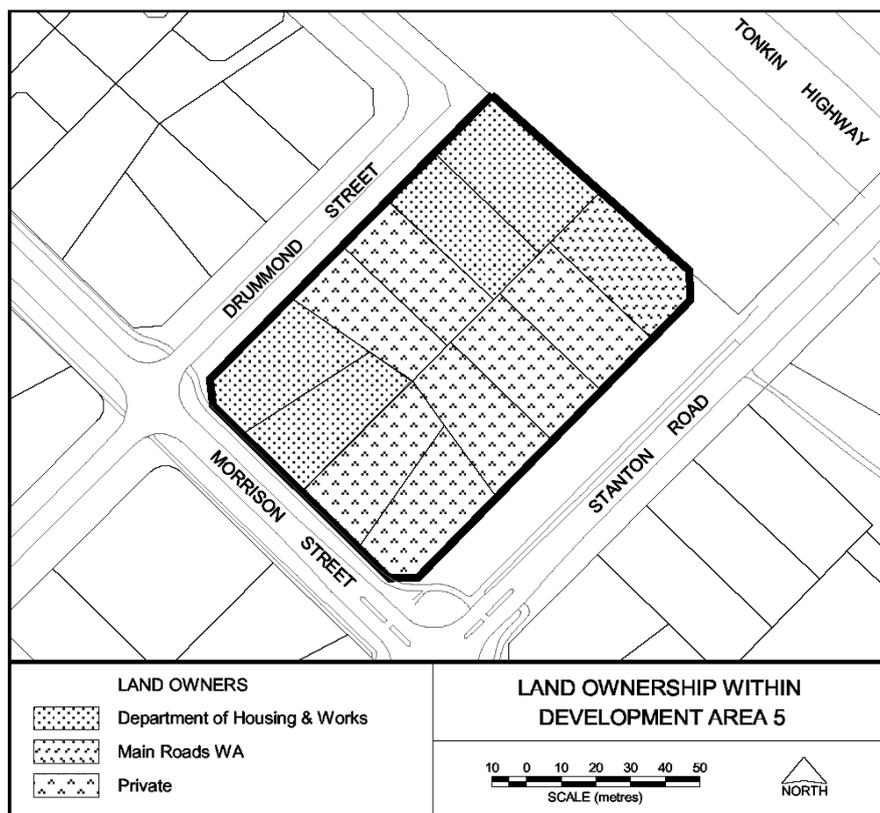
Development Area 5

Zoning

Twelve properties are included within DA 5. The subject properties are all currently zoned ‘Residential’ with a density coding of R20 under the City of Belmont Town Planning Scheme No. 14.

DA5 is currently zoned Residential R20 under Town Planning Scheme No.14. Many of the properties within the street block are in poor condition and in need of redevelopment. However, the current configuration of the properties and the presence of Primary Regional Road reservations along two boundaries are factors which restrict redevelopment opportunities in the area. Almost half of the properties within DA5 are in ownership of the State as illustrated below.

12.7 Continued



In view of the redevelopment constraints affecting the street block, three plans were prepared by the City to represent the redevelopment/subdivision potential of DA5. These plans will be reviewed and the merits of each discussed in the Officer Comment section.

Adoption of a Structure Plan

Section 10.17 of Town Planning Scheme No. 14 contains clauses detailing the process for preparing, adopting and amending a structure plan.

Should Council resolve to adopt one of the plans as a proposed structure plan for the purpose of advertising, it will need to be advertised in accordance with the Scheme requirements and referred to the Western Australian Planning Commission (WAPC) for comment within seven days of adoption.

If the WAPC requires modifications to be made to the proposed structure plan, the City is to consult with the WAPC in making the required changes. Any substantial changes to the proposed structure plan will need to be re-advertised in accordance with the Scheme requirements.

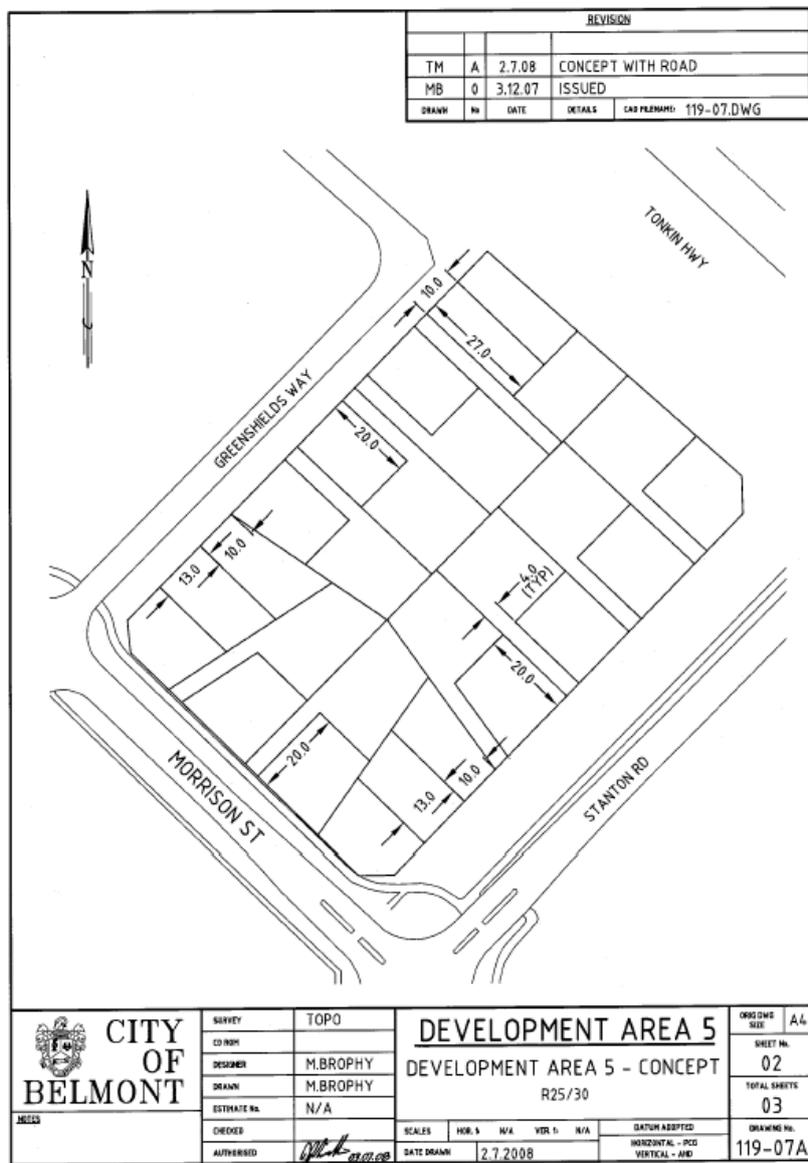
A report to Council will then be made detailing any changes and submissions, and consideration of adoption. Once adopted, the proposed structure plan is forwarded to the WAPC for its endorsement.

12.7 Continued

Redevelopment in this form may be undertaken by adjoining landowners with limited coordination. However it should be noted that increasing the number of crossovers along Stanton Road is undesirable given traffic volumes and present connection to Brearley Avenue (primary route to the domestic airport). This option provides little incentive to landowners to redevelop given the low lot yield. From a planning perspective there is also limited benefit in terms of design outcomes, as the increased number of crossovers and irregular lot layout will not contribute to the desired streetscape.

Option 2

The plan below represents the redevelopment potential of DA 5 if it were recoded to R25/30, without alternate road access.



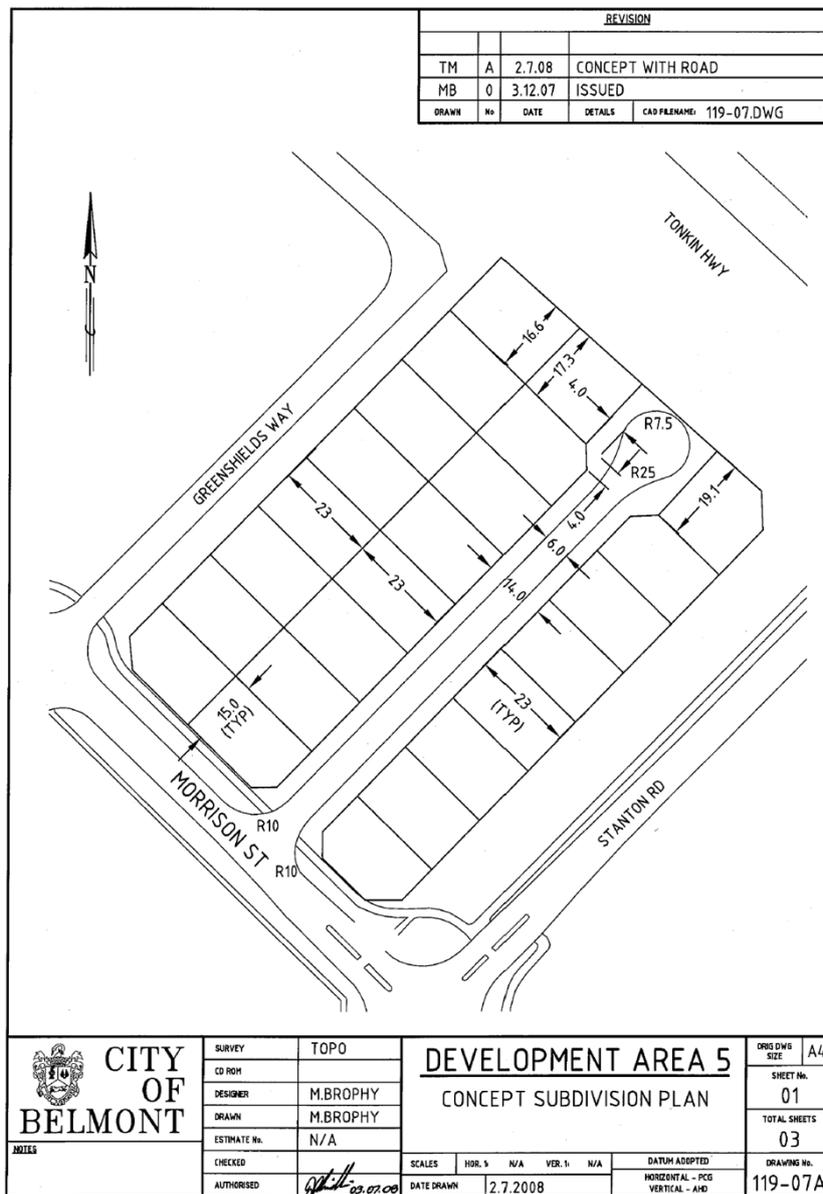
12.7 Continued

Given that the surrounding street blocks are code R20 and the subject area is not located in close proximity to amenities or commercial and other activity nodes; the redevelopment of the street block to a density code of R40 or above is considered inappropriate.

No coordination between landowners would be required in this case and the lot yield would more than double its current state. However, as shown by the plan, there would be a proliferation of battleaxe lots which is undesirable from a design and streetscape perspective. The increased number of crossovers is also undesirable given the volume of traffic currently on that road.

Option 3

The plan below indicates the potential for coordinated redevelopment of DA 5 inclusive of an increase in density to approximately R25.



12.7 Continued

The lot yield would be nearly double; however, the more important outcomes would be the alternative access to the lots abutting Stanton Road and regular lot layouts.

The adoption of Option 3 as a structure plan would provide many benefits to the area:

- Lot yield will be increased, encouraging development in the area.
- The streetscape will be improved by the regular layout of the lots.
- The creation of a secondary access way to the new lots which will improve the amenity and safety of the area, by avoiding the creation of multiple crossovers and battleaxe legs.

Given the above, and the fact that Option 3 is of greater benefit to the community in comparison to the other scenarios presented, it is recommended that Council adopt Option 3 as a draft structure plan for DA5 for the purpose of advertising.

FINANCIAL IMPLICATIONS

Advertising the Structure Plan will incur a cost.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

OFFICER RECOMMENDATION

That Council adopt Option 3 as contained within this report as a proposed structure plan for DA5 for the purpose of advertising in accordance with Clause 10.17.9 of Town Planning Scheme No. 14.

Notation

Cr Marks withdrew Item 12.7 and proposed a Deferral motion suggesting that Council defer the item to allow Main Roads WA to be contacted about selling part of the road reserve. This will open up the possibility for Council to use this part of the road reserve.

MARKS MOVED, ROSSI SECONDED, That Council defer item 12.7 Proposed Structure Plan – Development Area 5 until Main Roads WA has been contacted about selling part of the road reserve.

CARRIED 10 VOTES TO 0

12.8 BELMONT SISTER CITY ASSOCIATION (BSCA)

Social Belmont

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
SB Attach 7	Notes of the Belmont Sister City Association meeting – 17 June 2008
SB Attach 8	Communication Structure 2008
SB Attach 9	Proposed Memorandum Of Understanding - Belmont Sister City Association and City Of Belmont

Voting Requirement	:	Simple Majority
Subject Index	:	106/002 Sister Cities
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	ISCF 6 May 2008 Item 12.2.2 OCM 17 July 2007
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Technical Services

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> |
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| <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

To seek council support for changes in the future operations and budget of the Belmont Sister City Association (BSCA).

12.8 Continued

SUMMARY AND KEY ISSUES

Over the past few years and increasingly over the past twelve months, concerns have been raised by Councillors, members of the public and Council Officers as to the costs incurred by the City in supporting the Belmont Sister City Association and the level of return measured in meaningful and effective cultural exchange between the City of Belmont and Adachi – ku in Japan. Particular concern has been raised at the cost of sending delegations of young people and chaperones on an annual basis to Japan.

In addition to the costs involved, questions have also been raised as to the relevance of the delegation in terms of its representation of the wider Belmont community and its effectiveness in achieving a “true” cultural exchange with Adachi.

LOCATION

N/A

CONSULTATION

The Belmont Sister City Association (BSCA) has been consulted on this matter. In May 2008 the Belmont Sister City Association was provided with a draft outline of the four (4) year proposal drafted by Council officers following the Information Strategy Concept Forum meeting held on 6 May 2008. A response was provided as per the Notes from a meeting of the BSCA held on 17 June 2008 (SB Attachment 7).

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

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

BACKGROUND

At the Ordinary Council Meeting (OCM) held on 17 July 2007 Council moved to delay a decision on the future of the operations and funding of the BSCA until after it had had a chance to review the report entitled “Analysis of the Belmont – Adachi Sister City Relationship” and after it had received a response on the article from both the Eastern Metropolitan Regional Council (EMRC) and the BSCA.

12.8 Continued

At the ISCF presentation on 6 May 2008, Council were presented with proposals and information on the Sister City Association that included the report entitled "Analysis of the Belmont – Adachi Sister City Relationship, feedback from EMRC and BSCA as well as a suggested new Memorandum of Understanding, communication process between the Association and copies of the minutes from the 17 July 2007 OCM, item 12.2.2.

Following the ISCF on 6 May 2008, a summary of the discussions, viewpoints and suggestions were tabled and summarized by Council officers into a suggested four year plan for the funding and operations of the Sister City Association. The draft plan was presented to the BSCA in May 2008 for comment.

OFFICER COMMENT

Following discussions at the ISCF held on 6 May 2008 and feedback from the BSCA, the following options are suggested as to budgets, operation and communication of the BSCA for the next 4 years. The options take into account the impact of making significant changes in 2008/2009 as arrangements for the 2009 delegation to Japan were already well under way in 2008, the significance of 2009 being the anniversary year (25th) of the Sister City relationship with Japan and the requirement for improved communication between the City and the BSCA. It should also be noted that no consultation on this matter has been undertaken with Adachi and that it is felt that this would be best done prior to making any significant changes. The City has an opportunity at this stage to look at making changes to the delegations that travel to Japan to truly reflect the cultural diversity and wealth of the City of Belmont.

SISTER CITY RECOMMENDATIONS

YEAR 1 - 2008

Option A

Budget:

Same as 2007 but consider adjustment at budget review if only one Chaperone travels to Japan and Adachi Sister City Association Conference is not attended by a member of Council or Council officer (Saving \$5000).

Communication:

- Refer to Communication Structure 2008 (SB Attachment 8)
- Council Officer (s) only to represent City of Belmont at the BSCA Committee Meetings

MOU:

- Adopt new Memorandum Of Understanding (SB Attachment 9)

Delegation:

- Processes and policies to be reviewed and improvements made by BSCA and communicated to Council
- Only 1 Chaperone to travel to Japan
- Sister City to streamline its organisation – No longer have an Executive Committee

12.8 Continued

Option B

Reduce the budget by \$20,000; seek funding from elsewhere to support the delegation and other operational expenses.

YEAR 2 - 2009 (25TH ANNIVERSARY)

Option A

Budget:

Consideration needs to be given for a one – off increase to do justice to the significance of the 25th Anniversary. Details to be provided to Council in 2008, possible larger delegation (30 people).

Communication:

As per Year 1 – 2008.

Delegation:

- Form Cross Cultural Working Group to investigate “new look” delegation (Cultural Exchange Programme)
- Group comprised of SC, Council, Coordinator LAC, (selected invitees from within the community) Senior Citizens, Business, Youth, Schools and Church Groups, CaLD, OMI
- Seek input from Adachi
- Belmont Cultural Exchange = True representation of Belmont
- Proposal to be discussed presented to and adopted by Council in 2009
- Consider interests of students and other ways (web sites and chat rooms) to facilitate cross cultural experience with Japan
- Consider the resources we have to offer

Operations:

- Investigate and report on implications, pros and cons of bringing the organisation of Sister City more under the control of the City of Belmont
- City to take on Secretarial duties?

Option B

Revert to 2007 budget and cover additional “Anniversary” expenses through fundraising and cost savings elsewhere in the budget.

12.8 Continued

YEAR 3 - 2010

Option A

Budget:

- Reduce the annual budget by \$20,000 by not having Chaperones (i.e. size of delegation) and seeking funding and support from business to subsidise travel for delegates – increase fundraising requirement by SC and seek voluntary secretarial services.
- Reduce the cost to the City by seeking funding from other areas e.g. Office of Multicultural Interests by promoting a cross cultural approach to delegate visits

Delegation:

- Possible new Delegation to include;
- Belmont Cultural Exchange
- Elderly, Youth, Indigenous, under privileged (make a speech in Japanese), Disabled, High achievers from Business Community (Young Business Man/Woman of the Year) - Sponsorship
- Tales of Times Past – story telling
- Music and Art
- Scholarships, fully and partially funded
- No Chaperones, Councillor and Council Officer to lead the delegation
- Mix of adults and youth provide own role models and mentors – buddy system, learn from each other as well as from the experience in Japan.

Option B:

No longer support delegations and provided minimal support to promote the activities of the Association and support interactive web site and other cultural exchange initiatives which do not require a travelling delegation.

Suggested budget \$20,000

YEAR 4 - 2011

Option A or B from Year 3

Summary:

It is recommended that a combination of Options A and B be considered as it allows for the necessary changes to budget and operations over time, adequately provide for appropriate level of celebration of the 25th Anniversary of the Sister City relationship with Adachi, and make the Sister City Association more self funded in the future while continuing to recognise the valuable role BSCA plays in cultural exchange.

12.8 Continued

Financial Year	2008/9	2009/10	2010/11	2011/12
Budget	\$65,284	\$65,284	\$45,284	\$45,284
Comments	\$5000 could be saved by having only 1 Chaperone and not attending ASCA Conference	One off increase to original budget to mark Anniversary year	Reduce funding by \$20,000 – seek alternative funding source	Reduce funding by \$20,000 – seek alternative funding source

FINANCIAL IMPLICATIONS

Financial Year	2008/9	2009/10	2010/11	2011/12
Option A	\$65,284	\$80,000	\$45,284	\$45,284
Comments	\$5000 could be saved by having only 1 Chaperone and not attending ASCA Conference	Increase for Anniversary year and larger delegation	Reduce funding by \$20,000 – seek alternative funding source	Reduce funding by \$20,000 – seek alternative funding source
Option B	\$45,284	\$65,284	\$20,000	\$20,000
Comments	Reduce funding by \$20,000 – seek alternative funding source	One off increase to original budget to mark Anniversary year	Minimal support – BSCA to seek alternative funding source	Minimal support – BSCA to seek alternative funding source

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

12.8 Continued

OFFICER RECOMMENDATION

That Council:

1. Adopt the following option as tabled below:

Financial Year	2008/9	2009/10	2010/11	2011/12
Budget	\$65,284	\$65,284	\$45,284	\$45,284
Comments	\$5000 could be saved by having only 1 Chaperone and not attending ASCA Conference	One off increase to original budget to mark Anniversary year	Reduce funding by \$20,000 – seek alternative funding source	Reduce funding by \$20,000 – seek alternative funding source

2. Adopt the Communication Structure 2008 as detailed in SB Attachment 8.

Notation

Cr Martin proposed to defer item 12.8 Belmont Sister City Association (BSCA) pending information being supplied to Councillor Wolff's questions dated 14 July 2008.

MARTIN MOVED, MARKS SECONDED, That Council defer Item 12.8 Belmont Sister City Association (BSCA) pending information being supplied to Councillor Wolff's questions dated 14 July 2008.

LOST 3 VOTES TO 7

*Against: Cr Whiteley
Cr Hitt
Cr Dornford
Cr Brennan
Cr Rossi
Cr Hanlon
Cr Wolff*

Notation

As the motion was lost, Cr Martin foreshadowed the following Alternative Motion.

12.8 Continued

MARTIN MOVED, ROSSI SECONDED, That Council:

1. Adopt the following option as tabled below:

Financial Year	2008/9	2009/10	2010/11	2011/12
Budget	\$65,284	\$65,284	\$45,284	\$45,284
Comments		One - off increase to original budget to mark Anniversary year	Reduce funding by \$20,000 – seek alternative funding source (s) with the Belmont Sister City Association (BSCA) to increase its contribution in fundraising from \$4500 to \$9000.	Reduce funding by \$20,000 – seek alternative funding source. Review of the BSCA to take place and report presented to Council to consider future support.

2. **Council communicate with Belmont Sister City Association to undertake discussion to take one chaperone only.**
3. **Adopt the Communication Structure 2008 as detailed in SB Attachment 8 with the addition that the Tour Leader (member of Council) be included on the Committee with a proxy.**
4. **That the Memorandum of Understanding (SB Attachment 9) be updated as required reflecting changes in fundraising contributions by BSCA in 2010.**

Note

If Council is putting funds into Sister City then one Councillor should be on that committee with a proxy. A Councillor should be the Tour Leader. In addition increasing the money to be reimbursed back to council will help the organization to become more independent.

CARRIED 8 VOTES TO 2

**Against: Cr Godfrey
Cr Marks**

12.9 SUBSIDISED ORGANISED SPORT FOR JUNIORS IN THE CITY OF BELMONT

Social Belmont

ATTACHMENT DETAILS

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

Voting Requirement	:	Simple Majority
Subject Index	:	34/002 – Arrange seasonal hire of facilities
Location / Property Index	:	NA
Application Index	:	NA
Disclosure of any Interest	:	NA
Previous Items	:	NA
Applicant	:	NA
Owner	:	NA
Responsible Division	:	Technical Services

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 affects 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

To seek Council support for the reclassification of “juniors” in organised sport within the City of Belmont to include any member of a sporting club under the age of 18 who is a registered player with a sporting club.

12.9 Continued

SUMMARY AND KEY ISSUES

The City is committed to supporting its sporting clubs and in particular young people engaged in organised sport. One of the ways the City supports young people engaged in organised sport is to waive the seasonal reserve hire charge for juniors.

Traditionally the term junior has referred to players 16 years old and under. 17 year olds are charged \$38 per player, and if the player happens to be resident outside of the City but plays for a Belmont based club they are charged \$58.

These charges are placing a burden on the City's sporting clubs and particularly clubs like the Belmont Junior Football Club as they have only junior members. It is recognised that the transition from junior into senior sport is very much influenced by cost and that the drop out rate is high in 16 – 18 year olds across most sports.

LOCATION

N/A

CONSULTATION

Lengthy discussions have recently taken place between the City of Belmont Coordinator Leisure, Art and Cultural Services and the President of the Belmont Junior Football Club (BJFC). The BJFC currently have 31 junior members in the 17+ age group, 10 of whom are not residents of the City of Belmont. The President of the Club raised a concern that the financial burden placed on his Club due to the charges and the high proportion of 17 year olds playing junior football was resulting in the loss of members to the Club.

STRATEGIC PLAN IMPLICATIONS

Social Belmont

- Assist clubs and community groups to provide services and facilities.
- Provide and facilitate leisure and recreation programmes and facilities that meet the needs of the community
- Provide equitable access and inclusion for all people in city activities and infrastructure

POLICY IMPLICATIONS

The City of Belmont Fees and Charges Manual 2008/2009 will be amended to reflect the definition of juniors.

STATUTORY ENVIRONMENT

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

12.9 Continued

BACKGROUND

Information was sought from a former City of Belmont Coordinator Leisure and Youth Services who was in a position to provide some background information as to the history of the junior fees within the City. The waiving of fees for juniors has been in place for several years and has been formally recognised in the list of fees and charges administered by Leisure, Art and Cultural Services and adopted by Council during the budget process.

OFFICER COMMENT

Historically, the definition of junior has excluded 17 year olds and it is precisely this group that are often the most vulnerable and most likely to become involved in less healthy pursuits and antisocial behaviour. Young people at that age often succumb to the pressures of school and their peers, "fast food" sports and sedentary activities. By supporting all young people under the age of 18, retention levels of youth in organised sport can be improved and the future sustainability of sporting clubs can be assisted.

City of Belmont Leisure, Art and Cultural Services has as one of its key performance indicators the number of young people engaged in organised sport. The proposed reclassification will assist in giving a particularly at risk group of young people within the community the chance to continue playing sport and enjoy the health and social benefits associated with organised sport.

FINANCIAL IMPLICATIONS

There are currently between 40 and 50 juniors involved in organised sport in the City for whom the clubs are charged reserve hire. Approximately two thirds are non residents of the City of Belmont. The loss of revenue to the City by waiving reserve hire charges for all members of organised sports 18 year and under is summarised in the table below.

17 year olds in organised sport

	Number	Charge	Total
Residents	35	\$ 38	\$ 1330
Non - Residents	15	\$ 58	\$ 870
Total	50		\$ 2200

Historically the number of players in this category has been stable and significant increases are not anticipated. However, should the clubs become successful in retaining young players the loss of revenue to the City from reserve hire charges could increase. The offset to this would be that increased participation in junior sports would lead to increased participation in senior sports, for which the City does receive payment.

12.9 *Continued*

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

OFFICER RECOMMENDATION

That Council waive seasonal reserve hire charges for all junior members of City of Belmont Junior League Sports Clubs and that “junior” is defined as any player under the age of 18 who is registered to play in a junior league sporting club.

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

12.10 REVIEW OF CORPORATE GREENHOUSE GAS EMISSION REDUCTION GOAL

Natural Belmont

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
NB Attach 10	Cities for Climate Protection 2007 Inventory Report (EMRC, Feb 2008)

Voting Requirement	:	Simply Majority
Subject Index	:	48/004: Interdepartmental Energy Team
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	11.1- SC(ENV) 24/06/2008
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 affects 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 present a review of the Corporate greenhouse gas emission reduction goal to Council for endorsement.

12.10 Continued

SUMMARY AND KEY ISSUES

The City of Belmont joined the International Council for Local Environmental Initiatives (ICLEI) Cities for Climate Protection (CCP) Program in 2001. CCP aims to assist Local Governments to reduce energy use and greenhouse gas emissions that contribute to global warming and climate change.

The City has progressed through the five milestones of the program, and is currently at CCP Plus level. As part of Milestone 2, the City adopted the following emission reduction goals in 2002:

- Stabilise community greenhouse gas emissions at 1998 levels by 2010
- Reduce Corporate greenhouse gas emissions to 20% below 1998 levels by 2010.

Inventories of greenhouse gas emissions for the community and Council operations (Corporate) have been completed for 1998, 2003 and 2006/07 years.

The results of the 2007 inventory indicate that the City has surpassed the Corporate emission reduction goal of 20%, having recorded a reduction in emissions of 24% below 1998 levels.

To encourage continued action to further reduce energy use and emissions it is recommended that the goal be revised, based on the results of the 2007 inventory. A new goal of a 30% reduction below 1998 levels by 2010 is proposed. Based on continuation of current programmes and implementation of the Greenhouse Action Plan, it is envisaged that this new goal is achievable.

The revised goal was presented to a meeting of the Standing Committee (Environmental) on the 24 June 2008, with the following recommendation made:

That the Standing Committee (Environmental) recommends that Council endorse a new corporate emission reduction goal, for a 30% reduction in emissions from 1998 levels by 2010.

CARRIED 5 VOTES TO 0

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Review of the Corporate emission reduction goal will assist in achieving the following 'Natural Belmont' objectives of the Strategic Plan.

- Protect and enhance the quality and amenity of our natural environment.
- Minimise pollution of the environment.
- Increase community and staff capacity to better protect and manage the natural environment.

12.10 Continued

It is also consistent with the following objective of the 'Energy Use & Greenhouse Gas Reduction' chapter of the City of Belmont Environment Plan 2005- 2010, to:

- To promote the efficient use of energy and reduce reliance on fossil fuels.

POLICY IMPLICATIONS

This item is consistent with policy C4.8.1: Environmental Enhancement Policy.

STATUTORY ENVIRONMENT

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

BACKGROUND

The City of Belmont joined the International Council for Local Environmental Initiatives (ICLEI's) Cities for Climate Protection (CCP) Program in 2001. CCP aims to reduce energy use and greenhouse gas emissions that contribute to global warming and climate change.

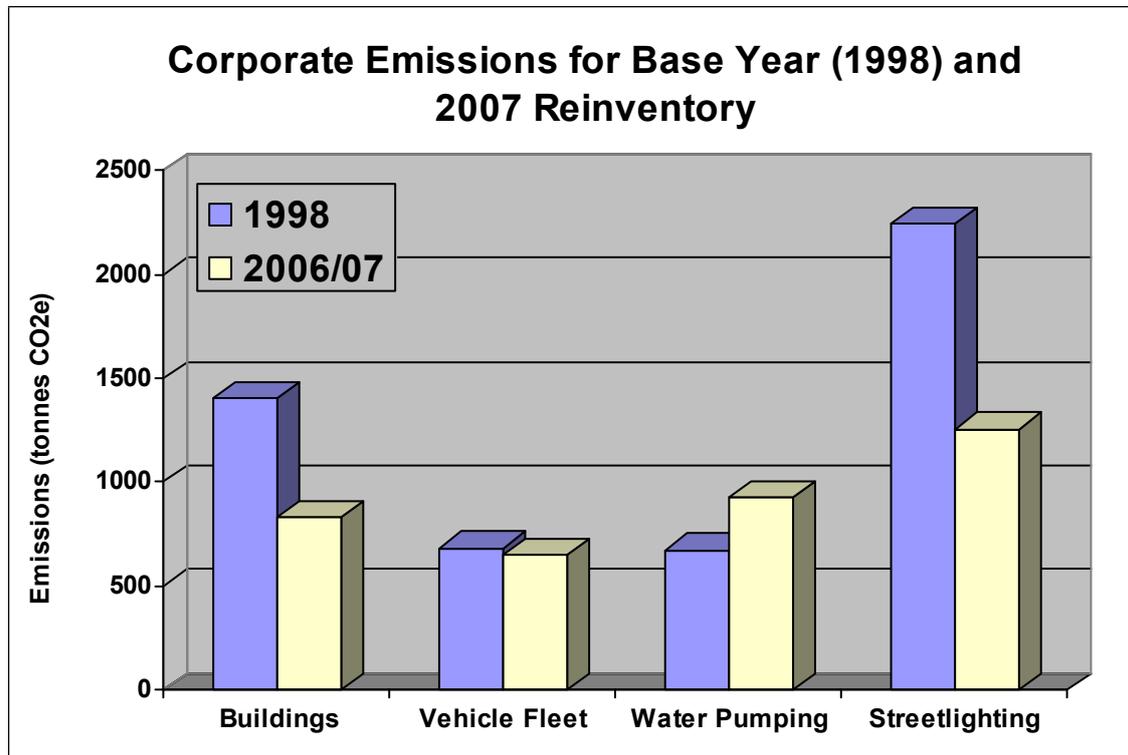
The City has progressed through the five milestones of the program, and is currently at CCP Plus level. As part of Milestone 2, the City adopted the following emission reduction goals in 2002:

- Stabilise community greenhouse gas emissions at 1998 levels by 2010
- Reduce Corporate greenhouse gas emissions to 20% below 1998 levels by 2010.

Inventories of greenhouse gas emissions for the community and Council operations (Corporate) have been completed for the 1998, 2003 and 2006/07 years. Corporate greenhouse gas emissions are produced from energy use associated with Council operations in the Buildings, Vehicle Fleet, Water Pumping and Streetlighting Sectors, as well as breakdown of waste.

The results of the 2007 inventory demonstrate that the City has surpassed the emission reduction goal of 20%, having recorded a reduction in emissions of 24% from 1998 levels.

12.10 Continued



OFFICER COMMENT

To encourage continued action to further reduce energy use and emissions, it is recommended that the reduction goal be revised to a 30% reduction below 1998 levels by 2010. Based on continuation of current programmes and implementation of the Greenhouse Action Plan, it is envisaged that this new goal will be achievable.

In particular, the commencement of purchase of 100% Natural Power for streetlighting from 1 July 2008 will result in emissions associated with this sector being reduced to zero (a reduction of 1254 tonnes from 2007 levels). If all other sectors remain constant, this will result in an overall reduction in emissions of 52% below 1998 levels.

Additional activities likely to further reduce corporate emissions over the next two years include:

- Operation of a solar PV system on the roof of Ruth Faulkner Library, installed May 2008
- Light emitting diode (LED) lighting trial at Civic Centre and Operations Centre
- Replacement of quartz dichroic spotlights in Civic Centre foyer with energy efficient alternatives
- Implementation of the Travel Smart Sustainable Travel Plan.

However, from July 2008 emissions associated with energy use in the Buildings Sector are likely to increase in the short term. From July 2008, Green Power provided by Landfill Gas and Power will no longer be accepted by ICLEI towards emission abatement. This means a reduction goal of greater than a 30% reduction in emissions from 1998 levels is not likely to be achievable.

12.10 Continued

Landfill Gas and Power currently supply 75% Green Power for the Civic Centre, Library, Senior Citizens Centre and the Operations Centre. Alternative options are being investigated, including alternative accredited suppliers, purchasing of carbon offsets and participation in WALGA's Energy Procurement Tender. This may take up to 12 months to be resolved.

The revised goal was presented to a meeting of the Standing Committee (Environmental) on the 24 June 2008, with the following recommendation made:

That the Standing Committee (Environmental) recommends that Council endorse a new corporate emission reduction goal, for a 30% reduction in emissions from 1998 levels by 2010.

CARRIED 5 VOTES TO 0

FINANCIAL IMPLICATIONS

There will be no direct financial implications associated with endorsement of the revised emission reduction goal. Suitability of a reduction goal of 30% has been assessed based on continuation of current programmes and implementation of the Greenhouse Action Plan.

Reduction in energy use will result in cost savings. This is particularly pertinent given the planned increases in electricity tariffs by up to 53% by 2011/12. The payback period for any retrofits will be assessed, and will only be implemented if within 4 years.

ENVIRONMENTAL IMPLICATIONS

Review of the emission reduction goal will provide greater motivation for continued action to reduce energy use and greenhouse gas emissions associated with Council operations. It will also set an example to the community, and encourage similar practices amongst residents and businesses of the City. This will contribute towards the local, State, National and International efforts to minimise emissions resulting in global warming and climate change.

COMMITTEE RECOMMENDATION

That Council endorse a new corporate emission reduction goal, for a 30% reduction in emissions from 1998 levels by 2010.

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

12.11 FINANCIAL REPORT AS AT 31 MAY 2008

Business Excellence Belmont

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
BEXB Attach 11	Monthly Financial Activity Statement as at 31 May 2008

Voting Requirement	:	Simple Majority
Subject Index	:	32/009 – Financial Operating Statements
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate & Governance Division

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, 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 affects 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

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.

12.11 *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 July 2007, Council adopted 10 percent of the budgeted closing balance as the materiality threshold.

12.11 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.

As identified above, Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards (AASB1031).

AASB1031 discusses the principles to be applied in determining if a variance is material. AASB1031 states that:

Material Omissions or misstatements of items are material if they could, individually or collectively, influence the economic decisions of users taken on the basis of the financial report. Materiality depends on the size and nature of the omission or misstatement judged in the surrounding circumstances. The size or nature of the item, or a combination of both, could be the determining factor.

In the case of Council’s Annual Budget (and related monthly Statement of Financial Activity), it is felt that the potential impact on the estimated closing balance should determine if an item is material or not. For this reason, Council adopted 10 percent of the budgeted closing balance as the materiality threshold

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of AASB1031 as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council. Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual vs year to date budget.

12.11 Continued

In order to provide more details regarding significant variations in the attached report (BEXB Attach 11), the following summary is provided.

Report Section	YTD Budget	YTD Actual	Comment
Applications of Funds – Capital			
Computing	367,618	243,879	Delayed Business applications purchases.
Rangers	104,071	58,019	Security Camera Upgrade rebudgeted next year.
Community Services	130,000	1,090	Bus purchase delayed.
Technical Services	191,279	95,506	Environmental Project awaiting payment. Ascot Racecourse lake rebudgeted for 08/09.
Belmont Oasis	51,500	1,690	Equipment Items yet to be purchased.
Grounds Operations	1,522,679	642,925	Delays in approvals from SRT & WAPC for development of 712 Great Eastern Highway
Roadworks	4,721,598	3,483,186	Outstanding invoices relating to Grandstand Road & Dod Reserve.
Streetscapes	157,938	58,317	Capital works commenced, costings inconsistent with anticipated budget spread.
Operations Centre	1,290,840	953,507	Fleet & Plant Items yet to be purchased / invoiced.
Building Operations	1,320,715	808,403	Majority of capital works completed, awaiting invoices.
Applications of Funds – Operating			
Finance Department	1,194,774	1,060,178	Salaries slightly below budget.
Computing	1,150,460	869,049	Payments for business applications maintenance and software not yet finalised.
Marketing & Communications	873,484	828,286	Timing issue with the budget spread.
Chief Executive Officer	355,709	449,097	Salaries & LSL payout of departing CEO
Human Resources	704,359	622,995	Consultancy fees below budget due to Mercer review not yet undertaken
Governance	2,527,612	2,140,456	Cost associated with election lower than anticipated. ABC allocation below budget.
Accommodation Costs	288,070	343,710	Power consumption higher than anticipated and equipment maintenance cost timing inconsistent with budget period spread.
Rates	1,371,215	1,257,869	Invoice relating to revaluation costs not yet paid
Crime Prevention & Comm Safety	193,280	105,731	Project Management Services not realised.
Town Planning	1,249,955	1,201,448	Timing issue with the budget spread.
Sanitation Charges	2,974,367	2,015,290	Timing issues with the budget spread. ABC Allocation below budget.
Public Facilities Operations	242,010	198,730	Some subsidies yet to be journalled.
Belmont Oasis	374,953	327,911	Timing issues with the budget spread.
Ruth Faulkner Library	1,248,680	1,002,976	Finding My Place program grants not paid
Community & Recreation Services	456,237	411,421	Timing issues with the budget spread.

12.11 Continued

Report Section	YTD Budget	YTD Actual	Comment
Building – Active Reserves	288,418	237,636	Some maintenance work not commenced as anticipated.
Grounds Operations	2,875,966	2,455,264	Timing issues with the budget spread.
Streetscapes	1,049,030	890,317	Timing issues with the budget spread.
Drainage Works	107,301	170,759	Additional maintenance undertaken.
Operations Centre	400,553	472,498	Incorrect costings to be journalled.
Building Control	721,805	678,391	Timing issues with the budget spread.
Public Works Overheads	815,892	937,034	Leave and associated wages higher than anticipated.
Technical Services	1,387,095	1,254,869	Local Area Management Committee payment yet to be made.
Other Public Works	506,423	766,094	Private works in progress and not yet invoiced.
Sources of Funds – Capital			
Property & Economic Development	(451,663)	(40,636)	Proposed land sale will not be occurring this year.
Belmont HACC Services	(83,000)	(31,909)	Some fleet sales not yet occurred.
Ascot Close Housing	(45,837)	(0)	Reserve transfer will occur at year end
Road Works	(989,779)	(871,871)	Some grant funding yet to be received.
Footpath Works	(48,864)	(0)	Contribution from Perth Bicycle Network yet to be received.
Operations Centre	(1,025,688)	(351,274)	Plant replacement reserve, end of year process.
Public Works Overheads	(51,794)	(0)	Miscellaneous Entitlements & LSL reserve, end of year process.
Sources of Funds – Operating			
Finance Department	(1,171,159)	(1,060,178)	ABC Allocation lower than anticipated.
Computing	(963,875)	(869,049)	ABC Allocation lower than anticipated.
Transfer to Reserve	(91,663)	(381,394)	Re-Lease of units Faulkner Park Retirement Village
Accommodations Costs	(282,612)	(343,710)	Recovery of ABC Allocations higher than anticipated in budget.
Rates	(24,228,877)	(24,419,246)	Interim Rates.
Financial Activities	(830,951)	(381,280)	Interest income less than anticipated.
Health	(173,955)	(123,317)	Recovery of ABC Allocations lower than anticipated in budget.
Community Services	(135,773)	(211,534)	Recovery of ABC Allocations higher than anticipated in budget.
Belmont HACC Services	(1,304,511)	(1,404,958)	Timing issues with the budget spread.
Town Planning	(791,635)	(633,218)	Additional application fees higher than anticipated in budget.
Sanitation Charges	(3,188,462)	(3,295,031)	Additional rubbish charged in initial levy rather than interims.
Ruth Faulkner Library	(24,604)	(246,853)	Additional unbudgeted Income received for Finding my Place Program.
Building Control	(572,761)	(628,993)	Additional application fees higher than anticipated in budget.
Public Works Overheads	(743,514)	(1,004,211)	Recovery of overheads higher than anticipated in budget.
Plant Operating Costs	(1,171,925)	(1,094,737)	Recovery of plant usage lower than

12.11 Continued

Report Section	YTD Budget	YTD Actual	Comment
			anticipated in budget.
Other Public Works	(119,000)	(292,424)	Additional contributions received for some projects.

In accordance with Local Government (Financial Management) Regulations 1996, Regulation 34 (2)(a) the following table explains the composition of the net current assets amount which appears at the end of the attached report.

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 May 2008	\$	Comment
Cash and investments	19,851,064	Includes municipal, reserves & deposits
- less non rate setting cash	-10,581,337	Reserves and deposits held
Receivables	1,551,155	Mostly rates levied yet to be received
- less non rate setting receivables	-258,371	ESL levied and GST payable
Stock on hand	191,632	
Total Current Assets	\$10,754,143	
Current Liabilities		
Creditors and provisions	-5,002,696	Includes deposits
- less non rate setting creditors & provisions	3,124,171	ESL, GST and deposits held
Total Current Liabilities	-\$1,878,525	
Nett Current Assets 31 May 2008	\$8,875,618	
Nett Current Assets as Per Financial Activity Report		
Less Committed Assets	-\$8,458,148	All other budgeted expenditure
Estimated Closing Balance	417,470	

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

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.

12.11 *Continued*

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 May 2008 as included in BEXB Attachment 11 be received.

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

12.12 ACCOUNTS FOR PAYMENT

Business Excellence Belmont

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
BEXB Attach 12	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	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance Division

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, 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 affects 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

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.

12.12 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	779089-779303	\$420,691.20
Municipal Fund EFTs	EF003752-EF004090	\$2,020,960.72
Trust Fund Cheques	905262-905264	<u>\$29,142.42</u>
Total Payments for May 2008		\$2,470,794.34

A copy of the Authorised Payment Listing is included as BEXB Attachment 12 to this item.

12.12 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.

OFFICER RECOMMENDATION

That the Authorised Payment Listing as provided under BEXB Attachment 12 be received.

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

12.13 REQUEST FOR RATE EXEMPTION – PERTH ALLIANCE CHURCH

Business Excellence Belmont

ATTACHMENT DETAILS

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

Voting Requirement	:	Simple majority
Subject Index	:	98/008
Location / Property Index	:	6/41 Belmont Avenue, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Perth Alliance Church
Owner	:	Christian and Missionary Alliance of Australasia Property Trust
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|--|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.</i> |
| <input 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 checked="" type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application / matter that directly affects 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

To consider the request for rate exemption on 6/41 Belmont Avenue, Belmont.

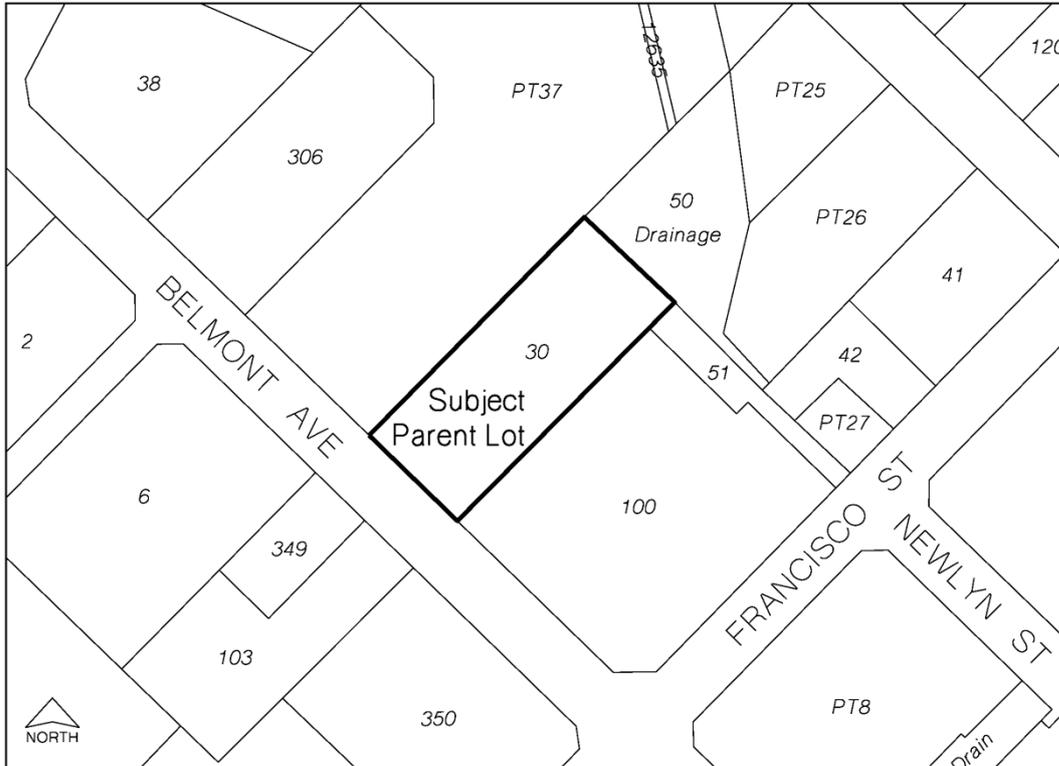
SUMMARY AND KEY ISSUES

Request for rate exemption for Perth Alliance Church under section 6.26 (2) (d) and Section 6.53 of the Local Government Act 1995.

12.13 Continued

LOCATION

Strata Lot 6 on Strata Plan 20909, known as 6/41 Belmont Avenue, Belmont



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.

12.13 Continued

STATUTORY ENVIRONMENT

There are two sections of the Local Government Act that apply.

1. Section 6.26 of the Local Government Act states:

Except as provided in this section all land within a district is rateable land.

(2) *The following land is not rateable land*

(d) "land used or held exclusively by a religious body as a place of public Worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood."

2. Section 6.53 of the Local Government Act states:

Land becoming or ceasing to be rateable land: *Where during a financial year -(a) land that was not rateable becomes rateable land; or (b) rateable land becomes land that is not liable to rates,*

the owner of that land -(c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land, as the case requires.

BACKGROUND

Perth Alliance Church is an organised member of the Christian and Missionary Alliance of Australasia Property Trust (owner of property) which holds Church services in Mandarin, Cantonese and English.

The main objectives of the Church is to be committed to world missions, stressing the fullness of Christ in personal experience, building the Church and preaching the Gospel to the ends of the earth and to establish local Churches throughout Australia.

OFFICER COMMENT

Perth Alliance Church is a religious organisation that purchased 6/41 Belmont Avenue, Belmont in March 2008 and uses the property as a Church and other religious activities.

The organisation also owns and uses 324 Belmont Avenue, Belmont as a Church and has received rate exemption there since October 1996. Until April 2008 the Church also owned 320 Belmont Avenue which received rate exemption.

Council has received the relevant documents required including a copy of the Churches By-Laws and a Notification of endorsement for charitable tax concessions from the Australian Taxation office.

12.13 *Continued*

FINANCIAL IMPLICATIONS

As the property was previously owned and occupied by Belmont Christian Fellowship who had been granted rate exemption since August 2000, there are no rates levied on the strata unit and therefore no loss of rate revenue.

The Fire Services levy is still applicable and is required to be paid in full and the payment forwarded to the Fire and Emergency Services Authority as per the current legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

OFFICER RECOMMENDATION

The property being (Strata Lot 6 on Strata Plan 20909), known as 6/41 Belmont Avenue, Belmont, be granted rate exemption under Section 6.26(2)(g) and Section 6.53 of the Local Government Act 1995 effective from the confirmed date of settlement, being 17 March 2008.

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

12.14 FORMAL ADOPTION OF THE 2008-2009 BUDGET

Business Excellence Belmont

ATTACHMENT DETAILS

<u>Attachment No.</u>	<u>Details</u>
BEXB Attach 13	City of Belmont Annual Budget 2008-2009

Voting Requirement	:	Absolute Majority Required
Subject Index	:	54/004 - Budget Documentation – Council
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate & 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*
- Review** *When Council reviews decisions made by Officers*
- Quasi-Judicial** *When Council determines an application / matter that directly affects 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's formal adoption of the 2008-2009 Budget in the prescribed manner.

To report to Council on any submissions following the advertising of Council's intended differential rates in the dollar.

12.14 *Continued*

SUMMARY AND KEY ISSUES

The City's Budget must be adopted in the prescribed manner. The attachments accompanying this report are in fact the Budget presented in the prescribed manner. The adoption of the Budget enables the rates to be levied and Budget information to be distributed to the organisation.

LOCATION

N/A

CONSULTATION

The advertising of Council's Plan for the Future and Council's intention to levy differential rates and the invitation to make submissions is designed to fulfil the consultation process required by the Local Government Act.

STRATEGIC PLAN IMPLICATIONS

The annual budget ensures that the financial resources are available for Council to achieve its strategic objectives.

POLICY IMPLICATIONS

The Budget has been prepared in accordance with Council Policy C3.6.1 – Significant Accounting Policies.

STATUTORY ENVIRONMENT

In accordance with Section 6.2 of the Local Government Act 1995 and Part 3 of the Local Government (Financial Management) Regulations 1996 as amended, the 2008-2009 Budget is presented in the prescribed manner for formal adoption. The Statutory Budget has been prepared incorporating the principles of the Australian Accounting Standards.

Council has, in accordance with Section 6.36 of the Local Government Act 1995, advertised its intention to levy differential rates and the applicable rates in the dollar, together with minimum rates, in both the West Australian and the Southern Gazette newspapers and invited submissions to be lodged prior to 4.00pm on 10 July 2008.

Council also, in accordance with Section 5.56 of the Local Government Act 1995 and Regulations 19C and 19D, prepared and advertised a Plan for the Future. At the Ordinary Council held 17 June 2008, Council adopted its Plan for the Future and advertised that adoption accordingly.

12.14 *Continued*

BACKGROUND

In accordance with Section 6.2 of the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 as amended, the 2008-2009 Budget is presented in the prescribed manner for formal adoption. The Statutory Budget (refer to BEXB Attachment 13) has been prepared incorporating the principles of the Australian Accounting Standards and Council's previously adopted Accounting Policies.

Council has, in accordance with Section 6.36 of the Local Government Act 1995, advertised its intention to levy differential rates and the applicable rates in the dollar, together with minimum rates, in both the West Australian and the Southern Gazette newspapers and invited submissions to be lodged prior to 4.00pm on 10 July 2008. At the expiration of the statutory advertising period for Council's rates information on 10 July 2008, no submissions had been received.

Council also, in accordance with Section 5.56 of the Local Government Act 1995 and Regulations 19C and 19D, prepared and advertised a Plan for the Future. At the Ordinary Council held 17 June 2008, Council adopted its Plan for the Future and advertised that adoption accordingly. As part of the consultation process for the Plan for the Future, the Plan was advertised and submissions were invited. At the expiration of the submission period, no submissions had been received.

OFFICER COMMENT

The adoption of the 2008-2009 Budget in the prescribed manner is the culmination of an extensive process that commenced in February 2008. There are a number of statutory processes that are required and have been met ensuring that certain factors of the Budget are put into the public arena.

The Budgets for service delivery and infrastructure maintenance, together with the extensive Capital Works Programme, have been developed within previously adopted strategies. This ensures that Council's assets are maintained and replaced at the appropriate time, thus assisting with the management of long-term financial responsibilities. Future budgets will continue their focus on building reserves for major infrastructure replacement.

The preparation of the 2008-2009 Budget has again highlighted how difficult it is to try and meet all of the community's expectations, contain compliance costs and keep the rate increases at a reasonable level. The 2008-2009 Budget has however, achieved all of these factors due to prudent budgeting and continued growth in the City's rate base.

The Fees and Charges Schedule has under gone a final review to ensure the Council's fees and charges are reviewed and reported through the Budget process.

The 2008-2009 rating period is not as straight forward as those between revaluation years. The 2008-2009 rating year is the subject of a revaluation for all properties within the City of Belmont. This revaluation is provided by the Valuer General's Office on a three yearly cycle.

The Valuer General's Office (VGO) sets the Gross Rental Values (GRV) and the Council determines the rate in the dollar. The GRV is multiplied by the rate in the dollar, to give the total rates payable.

12.14 Continued

Council has four differential rates being Residential, Commercial, Industrial and Marina. The fourth differential rate was introduced in 2006-2007 to satisfy the requirements of an existing lease for Ascot Waters. In accordance with the Deed of Lease between the City of Belmont and Ascot Fields Nominees Pty Ltd there is a provision to apply rates to the Marina Development, specifically the area of the pontoons and pens. The lease specifies that there is a rating concession applicable:

“Fifty percent (50%) of the Lessor’s commercial rates in the dollar on gross rental value during the initial fifteen (15) years of the term and thereafter at the Lessor’s commercial rate.”

Council must also set a minimum rate for each rating category that cannot be charged on more than 50% of the total properties for any rate category i.e. Residential, Commercial, Industrial or Marina.

As was reported during the rate setting budget process, a balanced budget has been achieved with a 4.75% increase in the total rates yield, an increase of 3.36% in the residential minimum rate and a -19.35% reduction in the Commercial and Industrial minimum rate. The rubbish service costs are increasing by \$10.00 to \$210.00 (5%), to cover increased disposal costs, secondary waste treatment project and increased collection costs as the separate rubbish charge is a fee for service.

The Consumer Price Index (CPI) for the Perth metropolitan area for the 12 months ended 31 March 2008 was 4.3% with the Local Government Cost Index showing 5%. Local Government needs to be careful using only CPI as a guide to increase costs, as the Local Government Cost Index better reflects the types of goods and service that a Local Government purchases. Local Governments will need to have more regard for the Local Government Cost Index (published by the Western Australian Local Government Association) in the future or face the risk of cost increases far out weighing the revenue raising capacity and in turn jeopardising the Council’s ability to deliver services, maintain infrastructure and acquire new assets.

The latest economic forecasts as published by the Western Australian Department of Finance and Treasury in their 2008-2009 Budget papers states that the Consumer Price Index is projected to ease to 3.25% for the 2008-2009 budget period. This is not currently reflected in the Western Australian CPI figures as at March 2008 which shows an annual increase of 4.3%. The projection of 3.25% may be some what optimistic given the current boom in WA that is showing little sign of easing and could still further affect inflation drivers like housing, fuel and food costs.

Wages growth is currently 5.75% on average in Western Australia and is expected to continue at 5.25% in 2008-2009. This is being driven by tight labour market conditions.

It is therefore important for Council to adopt a Budget that takes account of any inflationary factors. The Draft Budget has been prepared adopting a responsible approach to rate increases and operating expenditures, but delivering some major projects. This Budget has used a growth factor of 4.75% with CPI currently running at 4.3% with a possibility to increase and the Local Government Cost Index showing 5%. This should be viewed as reasonable as the deliverables to the Community are extensive.

The adoption of the Budget in the prescribed manner ends the 2008-2009 Budget process and enables Council to issue the 2008-2009 rate notices in early August.

12.14 Continued

The whole Budget process has been an organisational team effort, involving a large number of officers throughout the organisation to ensure the City's strategic direction is maintained. Councillors have also participated through the Information / Strategy Concept Forum and Briefing process together with direct contact with all Senior Managers, resulting in a sound and responsible Budget for the 2008 -2009 financial year.

It is also pleasing to note that Council has again been able to maintain its Budget timetable as was adopted in February, ensuring that all its statutory obligations are adhered to and a sound budget is adopted in a timely manner.

The draft document has been included for Council's information however, it should be treated as a draft, as final checking and formatting is still required to ensure a professionally printed final document. Obviously, financial information contained within the document is not subject to any change.

FINANCIAL IMPLICATIONS

The Annual Budget provides the financial framework for the Council to provide the necessary resources to fulfil its strategic objectives, fulfil its statutory and compliance obligations and enhance the Community and its assets in accordance with Council's Vision for the City of Belmont.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

12.14 Continued

OFFICER RECOMMENDATION

That

1. Council adopts the 2008-2009 Statutory Budget as contained in BEXB Attachment 13 which includes:

- Operating Statement;
- Statement of Cash Flows;
- Rate Setting Statement; and
- Supporting notes, tables and other information.

2. Council adopt the following Rate Setting charges and information:

a) That the following general rates be endorsed for rate setting purposes that equate to a 4.75% increase in the rate yield.

<i>Rate</i>	<i>Cents in the Dollar</i>
Residential	6.91900
Commercial	7.12660
Industrial	7.44760
Marina	3.56330

b) That the following minimum rates that equate to a 3.36% increase for Residential properties and a 19.35% decrease for Commercial, Industrial and no change for Marina (Boat Pens) be endorsed.

<i>Rate</i>	<i>\$</i>
Residential	615
Commercial	750
Industrial	750
Marina	520

c) That in accordance with Section 6.46 of the Local Government Act 1995, Council offers a 5% discount to ratepayers who pay the full amount owing within 35 days of issuing the rate notice.

d) That in accordance with previous practice, Council continues to offer incentive prizes for payment of rates within 35 days of issuing the rates notice.

e) That Council offer the following instalments for payment of Council Rates:

Single payment (all charges);

- Two equal instalments (all charges); or
- Four equal instalments (all charges),
- in accordance with Section 6.45 of the Local Government Act 1995.

f) That in accordance with Section 6.45 of the Local Government Act 1995, Council imposes a \$15 Administration Fee for instalment payments and also imposes a 5.5% instalment interest rate.

12.14 *Continued*

- g) That in accordance with Section 6.51 of the Local Government Act, Council imposes an 11% penalty interest rate for overdue rates (including alternate arrangements).
- h) That Council continue to offer arrangements to Ratepayers suffering hardship in accordance with Council's Policy relating to the payment of rates and in accordance with Section 6.49 of the Local Government Act 1995. (In general, this will only apply to single residential property, owner/occupier)
- i) That the payments in lieu of rates received by Council continue to be rated at the Commercial Differential Rate in the dollar on Gross Rental Values.
- j) That the following Rubbish Charges be endorsed that equates to a 5% increase:
- \$210 per annum for one 240 litre cart removed weekly;
 - additional service rubbish = \$147.00;
 - additional service recycling = \$73.50;
 - \$283.50 per annum for non rateable properties for one 240 litre cart removed weekly; (\$210.00 for additional services)
 - Exempted Commercial and Industrial properties = \$80.85,
 - R80B and above coded multi-residential properties = \$161.70 per unit.
- k) That a Swimming Pool Levy be charged to owners of Swimming Pools within the Municipality at a rate of \$12.50 per annum.
- l) That in accordance with Section 6.36 of the Local Government Act 1995, note that the Director – Corporate and Governance has advertised the proposed differential rates in the dollar for the statutory 21 day period.

Notation

The A/Chief Executive Officer stated that as advised at the Agenda Briefing Forum on Tuesday 8 July 2008, final checking of the actual budget document was still taking place and that any necessary amendments would be brought to the Council's attention.

As a result an Alternative Recommendation has been prepared to overcome a problem discovered in point 2 of the recommendation. Two figures quoted in point 2 (j) include GST. These figures should be GST excluded. The Alternative Recommendation includes changes exempted Commercial and Industrial properties from \$80.85 to \$73.50 and R80B and above multi-residential properties from \$161.70 to \$147.00.

8.18pm The Coordinator Leisure, Art & Cultural Services departed the meeting and did not return.

12.14 Continued

HITT MOVED, ROSSI SECONDED, That

1. Council adopts the 2008-2009 Statutory Budget as contained in BEXB Attachment 13 which includes:

- **Operating Statement;**
- **Statement of Cash Flows;**
- **Rate Setting Statement; and**
- **Supporting notes, tables and other information.**

2. Council adopt the following Rate Setting charges and information:

a) That the following general rates be endorsed for rate setting purposes that equate to a 4.75% increase in the rate yield.

Rate	Cents in the Dollar
Residential	6.91900
Commercial	7.12660
Industrial	7.44760
Marina	3.56330

b) That the following minimum rates that equate to a 3.36% increase for Residential properties and a 19.35% decrease for Commercial, Industrial and no change for Marina (Boat Pens) be endorsed.

Rate	\$
Residential	615
Commercial	750
Industrial	750
Marina	520

c) That in accordance with Section 6.46 of the Local Government Act 1995, Council offers a 5% discount to ratepayers who pay the full amount owing within 35 days of issuing the rate notice.

d) That in accordance with previous practice, Council continues to offer incentive prizes for payment of rates within 35 days of issuing the rates notice.

e) That Council offer the following instalments for payment of Council Rates:

Single payment (all charges);

- **Two equal instalments (all charges); or**
- **Four equal instalments (all charges),**
- **in accordance with Section 6.45 of the Local Government Act 1995.**

f) That in accordance with Section 6.45 of the Local Government Act 1995, Council imposes a \$15 Administration Fee for instalment payments and also imposes a 5.5% instalment interest rate.

12.14 Continued

- g) That in accordance with Section 6.51 of the Local Government Act, Council imposes an 11% penalty interest rate for overdue rates (including alternate arrangements).**
- h) That Council continue to offer arrangements to Ratepayers suffering hardship in accordance with Council's Policy relating to the payment of rates and in accordance with Section 6.49 of the Local Government Act 1995. (In general, this will only apply to single residential property, owner/occupier)**
- i) That the payments in lieu of rates received by Council continue to be rated at the Commercial Differential Rate in the dollar on Gross Rental Values.**
- j) That the following Rubbish Charges be endorsed that equates to a 5% increase:**
- \$210 per annum for one 240 litre cart removed weekly;**
 - additional service rubbish = \$147.00;**
 - additional service recycling = \$73.50;**
 - \$283.50 per annum for non rateable properties for one 240 litre cart removed weekly; (\$210.00 for additional services)**
 - Exempted Commercial and Industrial properties = \$73.50;**
 - R80B and above coded multi-residential properties = \$147.00 per unit.**
- k) That a Swimming Pool Levy be charged to owners of Swimming Pools within the Municipality at a rate of \$12.50 per annum.**
- l) That in accordance with Section 6.36 of the Local Government Act 1995, note that the Director – Corporate and Governance has advertised the proposed differential rates in the dollar for the statutory 21 day period.**

CARRIED 10 VOTES TO 0

12.15 TENDER 01/2008 – CRIMINAL DAMAGE & MAINTENANCE

Business Excellence Belmont

ATTACHMENT DETAILS

Attachment No. **Details**
Confidential Attach 1 Evaluation Matrix - Confidential

Voting Requirement : Simple Majority
Subject Index : 114/203 : Criminal Damage & Maintenance
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 & 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 affects 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 award Tender 01/2008 – Criminal Damage & Maintenance.

12.15 Continued

SUMMARY AND KEY ISSUES

To seek Council approval to award Tender 01/2008 in accordance with the requirements of the Local Government Act 1995.

The tender is for the supply of services in undertaking the City's criminal damage & maintenance program.

Seven tenders were submitted, all conforming and were evaluated as per the submitted tender information.

The Pressure King is the recommended supplier for the supply of services in undertaking the City's criminal damage & maintenance program.

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

Policy Manual, Section 3.57 – Tenders – Calling and Acceptance.

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

An Invitation to tender for the supply of services in undertaking the City's Criminal Damage & Maintenance program was advertised in the West Australian on Saturday, 3 May 2008 and closed on Tuesday, 20 May 2008 at 2.00 pm. Opening of tenders took place immediately after closure by the Principal Governance and Compliance Advisor, Senior Governance Officer & Coordinator Crime Prevention & Ranger Services.

12.15 Continued

OFFICER COMMENT

The evaluation assessment of the submitted tenders was undertaken for the services under this tender and is attached as Confidential Attachment 1.

	Criteria	Weighting
1.	Experience	10%
2.	Personnel	5%
3.	Safety	12.5%
4.	Value Adding	10%
5.	Quality	10%
6.	Company Capacity	12.5%
7.	Price	40%
	Total	100%

Evaluation Criteria

The Evaluation Criteria, as per confidential attachment, identifies The Pressure King as the preferred supplier. The Pressure King is the City's current supplier of Criminal Damage removal and maintenance and has provided a high level of service.

FINANCIAL IMPLICATIONS

There has been a nil increase in costs for the 2008/2009 financial period and costs are anticipated to remain within operating budget amounts. Any increase in costs would be as a result of a direct increase in the amount of criminal damage and this would be considered as part of the normal budget review process.

ENVIRONMENTAL IMPLICATIONS

There are no Environmental implications evident at this time.

OFFICER RECOMMENDATION

That Council award Tender 01/2008 – Supply of Services in undertaking the City of Belmont's criminal damage & maintenance program to The Pressure King for a period of three (3) years commencing on 1 August 2008 and expiring on 31 July 2011 with two (2) one (1) year options at the sole discretion of the City of Belmont.

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

12.16 TENDER 14/2008 - SUPPLY, DELIVERY AND REGISTRATION OF A WHEELED LOADER.

Business Excellence Belmont

ATTACHMENT DETAILS

Attachment No. **Details**
Confidential Attach 2 Evaluation Matrix - Confidential

Voting Requirement : Absolute Majority
Subject Index : 114/200 : Supply, Delivery and Registration of a Wheeled Loader, Net Engine Power Range 115kw, Bucket Capacity 2.0m3 Complete with Rear Ripper Attachment with the Optional Trade-In of One Volvo L70C Loader Registration 1AIN:349 Complete with Rear Ripper Attachment

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 affects 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 award Tender 14/2008 – Supply, Delivery and Registration of a Wheeled Loader, Net Engine Power Range 115kw, Bucket Capacity 2.0m3 Complete with Rear Ripper Attachment with the Optional Trade-In of One Volvo L70C Loader Registration 1AIN:349 Complete with Rear Ripper Attachment.

12.16 Continued

SUMMARY AND KEY ISSUES

To seek Council approval to award Tender 14/2008 in accordance with the requirements of the Local Government Act 1995.

The tender is for the supply, delivery and registration of a Wheeled Loader, Net Engine Power Range 115kw, Bucket Capacity 2.0m³ Complete with Rear Ripper Attachment with the Optional Trade-In of One Volvo L70C Loader Registration 1AIN:349 Complete with Rear Ripper Attachment.

Seven tenders were submitted, all conforming and were evaluated as per the submitted tender information. One tender was for the purchase only of the existing vehicle plant, however the tendered amount was less than that offered by CJD Equipment Pty Ltd.

CJD Equipment Pty Ltd for the supply of a Volvo L60F Wheel Loader is the recommended supplier and was the highest rated in the overall evaluation criteria.

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

Policy Manual, Section 3.57 – Tenders – Calling and Acceptance.

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

An Invitation to tender for the Supply, Delivery and Registration of a Wheeled Loader, Net Engine Power Range 115kw, Bucket Capacity 2.0m³ Complete with Rear Ripper Attachment with the Optional Trade-In of One Volvo L70C Loader Registration 1AIN:349 Complete with Rear Ripper Attachment was advertised in the West Australian on Saturday, 26 April 2008 and closed on Wednesday, 14 May 2008 at 2.00 pm. Opening of tenders took place immediately after closure by the Coordinator Tenders & Contracts and Principal Governance and Compliance Advisor.

12.16 Continued

OFFICER COMMENT

The evaluation assessment of the submitted tenders was undertaken for the services under this tender and is attached at Confidential Attachment 2.

	Criteria	Weighting
1.	Experience	10%
2.	Quality	35%
3.	Company Capacity	15%
4.	Price	40%
	Total	100%

Evaluation Criteria

The Evaluation Criteria, as per confidential attachment, (Confidential Attachment 2) identifies CJD Equipment Pty Ltd as one of the preferred suppliers. When factoring into account whole of life costs including fuel consumption and resale value then the Volvo is recommended by Officers.

The City's existing plant is a Volvo L70 and has operated with excellent reliability & performance. The supplied Volvo L60F by CJD Equipment Pty Ltd is a slightly different specification of machine that will satisfy the operating requirements of the City of Belmont.

FINANCIAL IMPLICATIONS

The operating budget allocated a \$244,000 expense amount and \$75,000 income from the trade in of the existing plant. The net changeover of the preferred tenderer is \$4,000 in excess of the set budget amount and the remaining funds will be sourced from the Plant Replacement Reserve.

ENVIRONMENTAL IMPLICATIONS

The Volvo L60F had the best fuel consumption in its class which supports the City's Green Purchasing Policy as well as reducing daily operating costs.

OFFICER RECOMMENDATION

- 1. That Tender 14/2008 – Supply, Delivery and Registration of a Wheeled Loader, including the trade-in of one Volvo L70C Loader Registration 1AIN:349 complete with Rear Ripper Attachment be awarded to CJD Equipment Pty Ltd as per the tender application.***
- 2. That \$4,000 be transferred from the Plant Replacement Reserve Fund and incorporated into the October 2008 budget review process.***

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

12.17 TENDER 15/2008 – SUPPLY OF LABOUR HIRE

Business Excellence Belmont

ATTACHMENT DETAILS

Attachment No. **Details**
Confidential Attach 3 Evaluation Matrix - Confidential

Voting Requirement : Simple Majority
Subject Index : 114/204 : Supply of Labour Hire
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 affects 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 award Tender 15/2008 – Supply of Labour Hire.

12.17 *Continued*

SUMMARY AND KEY ISSUES

To seek Council approval to award Tender 15/2008 in accordance with the requirements of the Local Government Act 1995.

The tender is for the supply of personnel for various skilled labour categories including gardeners, horticulturalists, road hands, traffic hands, painters and carpenters.

Five tenders were submitted, one of which was deemed to be non-conforming as it failed to address the selection criteria.

Flexi Staff Pty Ltd is the recommended provider for the supply of Labour Hire to assist the City of Belmont in ensuring it achieves its operational requirements.

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

Policy Manual, Section 3.57 – Tenders – Calling and Acceptance.

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

An Invitation to tender for the supply of Labour Hire was advertised in the West Australian on Saturday, 3 May 2008 and closed on Tuesday, 20 May 2008 at 2.00 pm. Opening of tenders took place immediately after closure by the Principal Governance and Compliance Advisor, Senior Governance Officer and Coordinator Crime Prevention & Ranger Services.

12.17 Continued

OFFICER COMMENT

The evaluation assessment of the submitted tenders was undertaken for the services under this tender and is attached as a confidential attachment (Confidential Attachment 3).

	Criteria	Weighting
1.	Experience	15%
2.	Value Adding	5%
3.	Safety	10%
4.	Methodology	15%
5.	Quality	15%
6.	Company Capacity	15%
7.	Price	25%
	Total	100%

Evaluation Criteria

The Evaluation Criteria, as per Confidential Attachment 3, identifies Flexi Staff Pty Ltd as the preferred supplier.

FINANCIAL IMPLICATIONS

Funds will be sourced within existing operating expense accounts.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

OFFICER RECOMMENDATION

That Council award Tender 15/2008 – Supply of Labour Hire to Flexi Staff Pty Ltd for a period of one (1) year commencing on 1 August 2008 and expiring on 31 July 2009 with a one (1) year option at the sole discretion of the City of Belmont.

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

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 INFORMATION BULLETINS

BRENNAN MOVED, HITT SECONDED, That the information circulated to all Councillors in the Elected Members Bulletin dated 27 June 2008 be noted and received.

CARRIED 10 VOTES TO 0

13.2 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business to conduct, the Presiding Member thanked those in attendance and closed the meeting at 8.21pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 15 July 2008 were confirmed as a true and accurate record at the Ordinary Council Meeting held 19 August 2008.

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____
