



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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17 December 2013

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

PRESENT

Cr P Marks, Mayor	East Ward
Cr R Rossi JP, Deputy Mayor	West Ward
Cr L Cayoun	West Ward
Cr P Hitt	West Ward
Cr M Bass	East Ward
Cr B Ryan	East Ward
Cr P Gardner	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr N Deague	Director Community and Statutory Services
Mr R Garrett	Director Corporate and Governance
Mr R Lutey	Director Technical Services
Mr J Olynyk, JP	Manager Governance
Mrs R Brockman	Senior Governance Officer
Ms M Miller	Minutes Secretary

MEMBERS OF THE GALLERY

There were 42 members of the public in the Public Gallery. There was one press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.07pm, welcomed those in attendance and invited Cr Rossi to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Rossi read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title
Cr P Gardner	Item 13.2 Notice of Motion (Cr Gardner) Local Government Amalgamation Opposition and Poll
Cr L Cayoun	Item 13.2 Notice of Motion (Cr Gardner) Local Government Amalgamation Opposition and Poll

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

4.1 ANNOUNCEMENTS

The Mayor wished everyone a very Merry Christmas and a safe and Happy New Year.

4.2 DISCLAIMER

7.08pm The Presiding Member advised the following:

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

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.10pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Presiding Member advised that he had registered ten members of the public who had given prior notice to ask questions, these being Bella Scharfenstein, John Darroch, Seleana Powell, Richard Foster, George Homsany, Daniel Somers, Erin Benson-Lidholm, Janet Gee, Bill Childs and Terrace Weston.

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

5.2.1 Ms B Scharfenstein, 140 Coolgardie Avenue, Redcliffe

1. How will the redevelopment of DA6 be funded? How much of this cost will be borne by the City of Belmont, how much by the State Government and how much if any by Perth Airport Pty Ltd? Will this capital works expenditure impact on resident's rates or be levied against residents? Could the City of Belmont please provide residents detailed advice of what all the likely scenarios and cost will be?

Response

The Director Community and Statutory Services advised that at this stage there was no way that the City can do any analysis in that regard. We have laid the very preliminary step of producing a Concept Plan or a Vision Plan which is the foundation for further work comprising many detailed studies which need to take place. On the assumption that the Council accept the Vision Plan, we can then approach the State Government and ascertain their involvement over time and better respond to some of the questions asked.

2. Will Council Officers please clarify who will bear the costs for upgrading the utilities and infrastructure in all the residential streets subject to DA6? Will it be the resident/ratepayers? If so ratepayers are entitled to be advised of how much will these costs be.

Item 5.2.1 Continued.

Residents are entitled to be forewarned about what this redevelopment will cost them. Many of the residents in this area are older people and pensioners who will be forced to leave their homes because they do not have the means to pay for this unjust impost, for a redevelopment they don't want.

Response

The Director Community and Statutory Services advised that generally speaking the developer at the time will bear a portion of the costs. What does need to be ascertained is the additional requirements for infrastructure, water, power etc and does there need to be further upgrades. The servicing authorities will accept a portion of those costs.

Sometimes the local government also makes a contribution. This is as a general rule and costs have not been given consideration as yet.

Conversations would need to take place with the State Government in that respect with older people. In some cases, redevelopment can occur around people who wish to stay.

3. If residents from greater Belmont wish to commute from the Airport West rail station, it is likely they will travel along Stanton Street to access the rail station/car park. Once there are 3500 residential units in the DA6 area housing approximately 6,000 residents, they too will need to travel into the greater Belmont area, i.e. to Belmont Forum, Belvidere Street shops and medical centres etc. via Stanton Street.
 - a) Therefore, will Stanton and Second streets be widened to accommodate the increased traffic flow, and, have the residents of Stanton Street and streets feeding onto Stanton been informed of any upgrade to these roads and how such upgrades may affect them? Have they been informed about DA6?
 - b) Are the survey markings on the Stanton Street Bridge there because the road on the bridge will be widened?

Response

The Director Community and Statutory Services advised that there is a proposed dedicated bus route from the town centre to the proposed rail station via the Boud Avenue interchange. People will be encouraged to use public transport. A dedicated bus route will be very important. Research shows City of Belmont residents move within the area and there is unlikely to be large volumes of traffic from outside the area.

There has been no discussion with residents of Second Street.

The Director Technical Services advised there is no proposal to widen the bridge at Stanton Road.

Item 5.2.1 Continued.

4. In view of the above residents of Coolgardie Avenue and surrounding streets request that further consultative workshops are conducted, at which residents/ratepayers are thoroughly appraised of the consequences to them, particularly in relation to the costs they will have to bear in relation to the DA6 proposal. We Request:
 - a. Written, comprehensive responses addressing all the concerns that have been put forward by residents to Council.
 - b. Provide ratepayers/residents a schedule of monthly consultative meetings between City of Belmont and residents to discuss the implications of DA6. This will assist to minimise the social impact, which the agenda currently states does not exist. However, residents are already suffering anxiety from the imposition of DA6 on their lives. We request Council adopt an inclusive rather than exclusive approach in progressing their vision into the future.

Response

The Director Community and Statutory Services advised that closer dialogue is encouraged with residents during the structure planning stage. It is however too early to say what any meeting schedule may look like.

To date, every effort has been made to inform and engage the community, including letters and a number of workshops.

This is only a concept at this stage, to encourage the government to adhere to the commitment for a rail station.

5.2.2 Mr J Darroch, 168 Coolgardie Avenue, Redcliffe

1. Time line on the concept plan: Coolgardie Ave would open after Brearley closed which would be after the domestic closure. Last week we saw that Coolgardie would open and Brearley close years before Qantas moves across the airport.

Response

The Mayor advised that there was a recommendation this evening which may alleviate that concern.

2. The Coolgardie cul-de-sac is just over 500m from Great Eastern Highway, according to the transport guidelines residents in this area could walk to the new station therefore, no need for Coolgardie to be opened. Further, 7,000 cars a day making Coolgardie another Epsom Ave is inappropriate. If the city pays for a plan which comes back just stupid why can't you tell the consultant it is not good enough and to redo it?

Item 5.2.2 Continued.

Response

The Director Community and Statutory Services advised that this concept plan was done by a reputable planning consultancy Taylor Burrell Barnett. I have independently reviewed the Plan and think it is a very sound plan. I am of the opinion there is too much detail and as a consequence it is really tending to look more like a Structure Plan, rather than a Vision Plan which has given rise to confusion.

When you look at it, the residential densities, the concept of an urban village and removal of as much 'through traffic' are all sound planning objectives. Further, looking at the possibility of a future rail station and major office precinct this development makes sense.

Part of that structure planning stage is looking at each element carefully and testing each item. Examining what is appropriate? Looking at traffic, the environment, heritage and planning. Consultation with the community and residents of the area would be extensive.

Bearing in mind too, a timeframe needs to be considered. The Plan largely depends on the consolidation of the airport terminals and the Main Roads closure of Brearley Avenue. Main Roads Western Australia has intended to close Brearley Avenue for at least the past two decades.

3. If Main Roads close Brearley Avenue could the City not take it over?

Response

The Director Community and Statutory Serviced advised that Brearley Avenue is a designated Main Road.

The Director Technical Services said any consideration to taking over Brearley Avenue would require an agreement with Main Roads. Any intersection with Great Eastern Highway is not guaranteed and would still be determined by Main Roads.

4. If Coolgardie is opened up, would it become a Main Roads road? If it does not become a Main Roads road, could the City of Belmont refuse to open it up to the increased traffic flow?

Response

The Director Technical Services advised that he believed Coolgardie Avenue would not be taken over by Main Roads. The Structure Planning stage would determine the requirements of the road network in the precinct.

5.2.3 Ms S Powell, 130 Coolgardie Avenue, Redcliffe

1. On page 21 references are made to the construction and completion of Airport West Station by 2018. How will the public access the station if as per the amendment on page 27. "In relation to implementation, identify 'the removal of Coolgardie Avenue Cul-de-sac and instatement of through access shall be the subject of detailed structure planning but if determined to be required shall not occur prior to the completion of the Perth Airport Terminal Consolidation' current forecast to be 2024". Where on page 26 point 3, updated to "Coolgardie Ave designed as a Neighbourhood Connector Road and act as an entry point to residential neighbourhood and connection to Airport West Station. I am confused by these points.

Response

The Director Community and Statutory Services advised there is currently information stating the airport consolidation won't occur prior to 2024.

Prior to that, structure planning would determine the necessary requirements. At this time, the Vision Plan has indicated that Coolgardie Avenue needs to be opened, but it is really far too early to make that decision.

2. On page 21, regarding vehicle crossovers and access points from private property, how will vehicles be able to enter the street in forward gear? Does this mean we all have to initially reverse in off the street?

Response

The Director Community and Statutory Services advised that further investigation needs to be undertaken on the eventual design of Coolgardie Avenue. Traffic calming measures may be considered to prevent access as a through road.

Easements in gross are generally only considered for roads such as Orrong Road, Great Eastern Highway and Abernethy Road to try and reduce entry points on to such roads. These would not be envisaged for Coolgardie Avenue.

3. Last week two surveyors were observed working in Coolgardie Ave. Two residents questioned what they were doing, they advised they were surveying for a Road Alignment. Does this mean City of Belmont has progressed to undertaking works associated with a structural plan before Council has voted on accepting the vision plan?

Response

The Director Technical Services advised that there are no plans for the City to complete any work in that street and as such comment can't be made as to whether they were City of Belmont employees or not.

5.2.4 Mr R Foster, 140 Coolgardie Avenue, Redcliffe

1. Taking into consideration that Qantas will not be moving until 2024 and Brearley Avenue is forecast to be closed in 2016, currently an 8 year gap and the City of Belmont is awaiting the Perth Airport Pty Ltd's vision plan to add to the DA6 vision. Will the City of Belmont add a recommendation to the DA6 vision and forward into the structure plan confirming that Coolgardie Avenue will not provide any access into the Airport West Precinct while there is still commercial aviation operations' occurring at the airport?

Response

The Mayor advised that discussions regarding the recommendation will occur at the item.

2. The DA6 Executive Briefing Paper states "Taylor Burrell Barnett has not been engaged by the City of Belmont and Perth Airport Proprietary Limited to prepare a vision statement and implementation for the development of DA6" question; If Taylor Burrell Barnett are doing this DA6 vision statement for both parties, why wasn't the airport vision presented with the City of Belmont DA6 vision plan? And if the City of Belmont is not privy to the airport vision because it hasn't been released, how can the city of Belmont say that Coolgardie Avenue connecting to Brearley Avenue will not be a main access to the current airport terminal, as shown in maps on your vision statement? Which, after the relocation of QANTAS now flagged for 2024 will be used as another fly in fly out terminal because of an increased need for parking of aeroplanes with the increase in mining air traffic and the need to get aeroplanes onto a runway faster and more efficiently.

Response

The Director Community and Statutory Services advised that the airport land will be set aside as an office precinct. A Concept Plan in its true form would have that generalised as a circle.

The Chief Executive Officer advised that the Airport is completing a review of their five year master plan and this is required to be submitted to the Federal Government by October 2014. The development of that office park will be market driven.

3. How much land is owned or able to be developed by the state Government or the City of Belmont or representatives of, in the DA6 area bounded by Coolgardie Avenue, Great Eastern Highway, Tonkin Highway and the Airport boundary, taking into account more specifically what we know as the Brearley Avenue road reserve? As a memory jogger, the land where the Heritage Redcliffe Hall was demolished, at least 3 houses owned by Main Roads in Boulder Avenue, the swing park or playground at the junction of Bulong Street and Brearley Avenue and the "square" of Brearley Avenue, Second Street and Central Avenue where, in your vision plan, buildings are indicated? And if there is, wouldn't there be a conflict of interest in regards to the closure of Brearley Avenue by the state Government, the City of Belmont / or its representatives, taking into consideration that most of that land is currently unusable for redevelopment.

Item 5.2.4 Continued.

Response

The Brearley Avenue road reserve is proposed for Public Recreation. In previous plans prepared this was set aside as residential in an effort to generate income for the State. However at the workshops held, the public put a high value on the vegetation and trees in that area and wanting this retained.

4. Taking into consideration Mirror Lane and their problems with the R-codes that were recommended by the officers of the City of Belmont for this development that are well documented in Council minutes, it is probably fair to say that the City of Belmont set the R-codes for the area and the Mirror Lane development/developer complied. And when presented to council, was sent back to the developers with comments from the Officers of the City of Belmont to council, that this will be sent to SAT and a Councillor would have to represent City of Belmont at that tribunal. My question is in two parts;

- a) Will the City of Belmont be capable of setting R-codes from R40 up to and including R160 taking into consideration up to 3500 dwellings with general waste and recycling bins, a total of up to 7,000 bins or 1,260 square meters of rubbish bins, the average block size in Redcliffe is approximately 800sqm. Similarly up to 3,500 automobiles parked, covers a space of 45,360 square metres of 4.536 hectares?
- b) Will the city of Belmont need to budget for a permanent representative at the tribunal to cope with the associated problems that are a result of recommendations for the City of Belmont

Could consideration be given to deferring the decision for atleast two months? Maybe mediation is necessary to prevent this from going around and around in circles. I am not sure how many imperatives and best practices I can stand.

Response

The Director Community and Statutory Services advised that this plan is looking at 10-15 years time. Measures regarding waste will be put in place as the development progresses.

7.41pm ROSSI MOVED, GARDNER SECONDED, that public question time be extended by a further 30 minutes.

CARRIED 9 VOTES TO 0

5.2.5 Mr G Homsany, 128 Coolgardie Avenue, Redcliffe

1. As my mother of 84 years said me, George, I regard the Honourable Mayor and Councillors as people who will make the right decision for the people affected, she is a mother who is rarely wrong. We will re-iterate how we as a community object to the preposterous idea of re-opening these quite little cul-de-sac streets to the future possibility of increased traffic flow exposure, unnecessary risk and disruption of lifestyle.

Remember we do not object to the future vision plan we embrace it as a Community, the City of Belmont need more community input, though we do object to opening our streets now or in the future. No person would wish to live on a busy street let alone expose themselves to unnecessary risk.

Which brings me to my question to all Planners and Councillors, as Bella so eloquently posed at Planners and Councillors last meeting, how would you feel if this was to happen in your own street? It has been a week which is a fair time period to answer this very important question.

May I pose this same question to the planners, how would you feel if this were to happen within your community. Disregarding what position you hold within our community as representatives, please only answer in honesty and integrity. If you do not wish to answer this will be respected.

Response

The Mayor advised Mr Homsany to not personalise further questions.

The Director Community and Statutory Services advised that this was a hypothetical question. The City is planning for 20 years time. As with any planning decision, there are people who will welcome the challenges and those who won't.

2. Was the decision of zoning proposed and discussed at past workshops with the residents present from the zoned area. If there was, what area did they represent?

Response

The Director Community and Statutory Services advised that he was not present at those workshops. The workshops were conducted by a planning consultant and senior planning staff were in attendance. From the information collected when participants registered, there was a cross section of members of the community present.

The Mayor advised that he had in fact opened the workshops and there was a cross section of people present.

The Chief Executive officer advised that it is important to note that everyone was written to, both owners and occupiers and it is their choice to attend or not. The Council process is very vigorous and members of the community will continue to be given opportunities to present their opinions.

Item 5.2.5 Continued.

3. Can the City of Belmont planning incorporate a policy of development for present land holders within their own property which is inclusive instead of exclusive to the developments with regards to DA6.

Finally as a comment we as a community feel as though we have been rush through this process, some answers to our questions are non plausible and at times contradictory. The consultation process in planning is flawed and required vast improvement, the proof of this is the small percentage representing the majority of concerned people here tonight and previous nights.

Response

The Director Community and Statutory Services advised that this question has been previously given a response. It would be unwise to approve developments that would have a significant prejudicial effect on the future plans. Each development application would be considered on its extent and scale.

5.2.6 Mr D Somers, 136 Coolgardie Avenue, Redcliffe

1. If the vision plan is approved and becomes a structural plan, what is the likelihood of the decision of opening Coolgardie Ave being reversed or is it set in stone by that stage?

Response

The Director Community and Statutory Services advised that this is a vision plan and not a structure plan. Any structure plan would end up being very different and changed over time as the precinct develops.

The Mayor advised that any plans may change. As an example, the Springs Development saw eight structure plans developed.

2. The report presented on this item states there are no social implications. I think evidenced from the turnout this evening this is a flawed statement.

Response

The Director Community and Statutory Services advised that it is unfortunate that comments are being taken out of context. There are a number of detailed reports that need to be completed prior to any consideration of closure of roads.

Regarding matters for 20 years time, the technology around then may be vastly different to what is around now and may also have an impact on the Vision Plan.

5.2.7 Mr E Benson-Lidholm, 7 Mirror Lane, Ascot

1. Following the Ordinary Council Meeting of 26 November 2013, where Councillors Carried an Alternative Motion to defer the decision to block the development to enable further consideration of Ascot residents concerns (especially related to pedestrian safety in Mirror Lane and re-engineering rubbish collection amongst other issues) with the applicant; Can you please explain to the residents of Ascot Waters who are present, what transpired between Officers of the Council and the applicant that lead to a heading in SAT?

Response

The Director Community and Statutory Services stated that there is an understanding that the applicant is under a contract of sale and required a decision of Council. The applicant elected to go to State Administrative Tribunal (SAT) under a 'deemed refusal'. The applicant decided that in order to try and finalise a decision, they would take the matter to SAT.

The Mayor further advised that this is a right of the applicant.

2. What is hoped to be achieved, could negotiations not have taken place with Officers?

Response

The Director Community and Statutory Services advised that negotiations did occur as part of the mediation process. Those mediations must be held in confidence.

5.2.8 Ms J Gee, 44B Treave Street, Cloverdale

1. Thank you for putting one yellow line in Gild Street. When are you going to put on the other side of the corner?

Response

The Director Technical Services advised that the request had been issued to the City's contractor. The line will be painted when that contractor is able.

Item 5.2.8 Continued.

2. Regarding Item 12.1 – Planning Application – 35 Multiple Dwellings – Lot 341 (2) Marina Drive, Ascot, when are you going to inform the residents of the outcome and how?

Response

The Director Community and Statutory Services advised that there is a process to be followed. This will involve Council making a decision this evening. That will then be communicated to SAT who will issue orders. Up until that time, everything remains confidential. There has been a second mediation session scheduled for 19 December 2013 in the event that the appellant is unhappy with the decision of Council this evening.

The final outcome will be communicated by letter to all those who made a submission.

3. It is time to start writing to the Ministers advising of the problems that the Council are facing.

Response

The Mayor advised that discussions had taken place with senior staff at the Department of Planning. Residents are able to write directly to the Minister voicing their concerns.

5.2.9 Mr B Childs, 122 Sydenham Street, Kewdale

I have five questions derived from a response to my questions taken on notice at the October 2013 Ordinary Council Meeting.

1. The answer neglected to acknowledge the content of the withdrawn web posting showing all services available to 12 to 25 years.

We are pleased the new service is now inline with the award winning terminated team.

2. I'm not referring to a play station game, you have again confirmed the asset register is inaccurate. What do you advise to resolve this impasse?
3. What specific risks exist in our City and Community that is not in hundreds of other local government communities?
4. In October I sat with David (YMCA) and the Principal of the Islamic College, I asked David two questions;
 - a. Do you have any Islamic College students involved with the Youth Centre? Answer no.
 - b. Do you have any activities that extend to the Islamic College site? Answer no.

Item 5.2.9 Continued.

5. Can you confirm that the policies and management practices of the Christian Organisation YMCA have delivered the same excellent mix of staff that were assembled by Director Deague? I.e: is there multi cultural, multi lingual, multi qualified from multi backgrounds with spiritual diversity?

Response

The Chief Executive Officer advised that these questions will be taken on notice and a response prepared in writing. These questions will form part of the minutes of the meeting.

6. We are not past two years since the off the cuff, unplanned termination of the Youth and Family Services staff to implement a better for more for less. I.e: better service, for more of our youth for less money. Can I be directed to where I might find the progress to this worthy mantra?

Response

The Chief Executive Officer advised that this would need to be taken on notice and a response prepared. The response will also include information on the upcoming holiday program and results.

7. At the OCM in October, we heard the Chief Executive Officer say the 'YMCA are doing a good job'. I read from the minutes of the OCM 23 August 2011 that he was very proud of the Youth and Family Services team and the programs they deliver.

Within six weeks, the whole team suffered instant termination. The CEO still maintains he did nothing wrong and would do that same again. Does this mean YMCA should be worried that they are also nearing termination?

Response

The Chief Executive Officer advised that the YMCA is doing an outstanding job and should not be concerned about termination.

5.2.10 Mr T Weston, 15 Mathews Place, Belmont

1. At the recent Council Elections, the Belmont Community Group ran five candidates. I ask the Council and to the Belmont Community Group Secretary, Councillor Cayoun and the Treasurer, Councillor Gardner:

Are the members of this community group, in particular, Sue Pethick, Jenny Davies, Paul Hitt, Lauran Cayoun, Patrick Gardner and their President Cassie Rowe; Union Members and members of the Labor Party?

Item 5.2.10 Continued.

Response

The Mayor advised that this would need to be taken on notice as it is political in nature.

Cr Gardner advised that he is not aware that it is a conflict of interest to have any political affiliation.

The Chief Executive Officer advised that this would be a matter for each Councillor to determine the extent of any conflict and would be the same for any members of any group.

2. Is the Belmont Community Group (BCG) in fact a front for the Union Movement and the Labor Party?

Response

The Mayor advised that he is not a member of any party group or union.

Cr Gardner advised that in relation to political conflicts, declarations will be made where required. Any affiliation and membership will be judged and acted upon accordingly.

Cr Gardner advised that the BCG is a collection of local residents concerned around the advocacy of particular interests regarding amalgamation and the effects for Belmont. Among other things, the BCG ran on a strong line to support the opening of a 24 hour police station. Again, where conflicts or interests need to be declared, these will be done as required.

3. At the recent election it seemed the Belmont Community Group appeared to spend a lot of money on direct mailing, large numbers of fliers, several front and inside page advertising and telephone marketing campaign. Can the Council tell me if the Group members have produced their declarations of gifts over \$200 or receipts of monies paid over \$200 to the Council?

Response

The Chief Executive Officer advised that he is the Officer entrusted with receiving declarations related to gifts and electoral matters and that none have been received to date.

Cr Gardner advised that his campaign was funded out of his own pocket. That the most effective method had not been spending money, but knocking on doors.

Cr Cayoun advised that her campaign had been paid for out of her own pocket.

5.2.11 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe on behalf of the Belmont Residents/Ratepayers Action Group

We have previously established that the Residents and ratepayers of Redcliffe were not advised of the disadvantages by Belmont Council before Council's decision to include their homes and properties (with a substantial part of Perth domestic airport adjoining) into a 'development area' known as City of Belmont DA6.

1. East Ward Cr Mayor marks did you make sure that each Redcliffe Resident and ratepayer who elected you was fully aware of Council's process, (after the event), to consider the potential impacts on Redcliffe Residents of being lumped into DA6 without consultation? Did you even advise Redcliffe Community leaders you have known for thirty years?
2. Mayor and Councillor for East Ward Marks; with around 39,000 vehicle movements, (incl. Almost 4,000 heavy truck movements), per day, on Brearley Avenue likely to be funnelled down Residential streets Coolgardie Avenue and others on the closure of Brearley; as a Councillor for the East Ward Mayor Marks and voting for DA6 inclusion, do you consider that you have represented the best interests of the Perth Airport Corporation?
3. Mayor Marks and all Councillors, will you tonight ensure that the DA6 Vision Plan is not approved to become the Structure Plan before a proper consultation process with Redcliffe Residents, advising them of all the disadvantages to the of DA6, has been carried out?

Response

The Mayor advised that as Mayor he is a juror of this process and is to consider the facts and make a decision. If it is preferred that the Mayor participate in such discussions, then a declaration would be required and I would need to be taken out of the decision making process.

Consultation will occur between the City Officers, Perth Airport, residents and community members.

8.22pm CAYOUN MOVED, HITT SECONDED, that public question time be extended by a further 30 minutes.

CARRIED 9 VOTES TO 0

5.2.12 Ms S Pethick, 110 Coolgardie Avenue, Redcliffe

What would it take to defer any decision on DA6 so a more vigorous public consultation process could take place?

Response

The Mayor advised it would require a foreshadowed motion by one of the Councillors.

8.24pm There being no further questions, the Presiding Member closed Public Question Time.

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 26 NOVEMBER 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, WOLFF SECONDED, That the minutes of the Ordinary Council Meeting held on 26 November 2013 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM
HELD 10 DECEMBER 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

HITT MOVED, POWELL SECONDED, That the Information Matrix for the Agenda Briefing Forum held on 10 December 2013 as printed and circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

The Presiding Member stated that the following responses were given to Councillor Gardner on 6 December 2013 regarding questions asked at the Ordinary Council Meeting held on 26 November 2013.

8.1 COUNCILLOR GARDNER

1. Previously, we have discussed the way in which the Marketing area of the City of Belmont operates and reviews that do or do not occur. The Southern Gazette featured an advertisement placed by the City on 27 August 2013 promoting the Business Environment Awards. The advertisement included photos and visuals of Member of Parliament including Steve Irons the Federal Member for Swan. This occurred two weeks out from a Federal Election. Is this considered a responsible use of Councils money and time?

Response

The advertisement published on 27 August 2013 was, as stated, an advertisement promoting the City of Belmont Business Environment Awards. It contained a header photograph of the winners of the 2012 Awards along with the Mayor, Coordinator Environment and the Federal Member for Swan. The inclusion of a Member of Parliament, of any status, in the promotion of these awards is a strong endorsement of the awards to the public generally, and was also intended as an encouragement for businesses to nominate.

Under the circumstances, despite the Local and Eastern Region State Members of Parliament being invited as well, the only Member of Parliament in attendance on the day was the Federal Member for Swan. Consequently the only parliamentary representative available for inclusion in a photograph with the award winners was Mr Steve Irons, Federal Member for Swan. Had any Local State Member been in attendance, it is likely they would have been included either instead, or as well.

8.2 COUNCILLOR GARDNER

1. Is it appropriate for the City of Belmont to feature Members of Parliament in its paid advertising during a formal election campaign?

Response

The Chief Executive Officer advised that the purpose of the advertisement in question was to promote the Belmont Business Environment Awards. The advertisement contained no caption or reference other than to what the advertisement was about. On that basis, the promotion of the event was the sole intent of that advertisement. Had anyone else been in attendance, their photograph would have been included also.

Item 8.2 Continued.

2. As a follow up, if the City of Belmont is comfortable with that position, why then was that same photo used two weeks later with that Member of Parliament cropped.

Response

The Mayor advised that the question would need to be taken on notice and investigated.

The Chief Executive Officer advised that matters related to Policy direction can be altered to ensure Councillors are comfortable with the direction being taken by Officers. The Chief Executive Officer also provided assurance that there was no political aspect involved.

3. The perception is the concern. Whilst the intent may not have been there, it is not appropriate for a Member of Parliament to be featured. I would request that consideration be given to a review and redrafting of policies around production of that material.

Response

The Mayor advised that a Policy will be considered by Council.

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 18 NOVEMBER 2013
(Circulated under separate cover)**

OFFICER RECOMMENDATION

HITT MOVED, POWELL SECONDED, That the Minutes for the Standing Committee (Environmental) meeting held on 18 November 2013 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

11.2 STANDING COMMITTEE (COMMUNITY VISION) HELD 25 NOVEMBER 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, WOLFF SECONDED, That the Minutes for the Standing Committee (Community Vision) meeting held on 25 November 2013 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Rossi
Item 12.5 was withdrawn at the request of Cr Gardner
Item 12.9 was withdrawn at the request of Cr Rossi.

POWELL MOVED, GARDNER SECONDED, That with the exception of Items 12.1, 12.5 and 12.9 which are to be considered separately, that the Officer Recommendations specifically for Items 12.2, 12.3, 12.4, 12.6, 12.7 and 12.8 be adopted en-bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 FINAL ADOPTION OF DRAFT LOCAL PLANNING POLICY NO. 14 'DEVELOPMENT AREA 6 VISION' FOLLOWING PUBLIC ADVERTISING

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	<u>Submission Table</u>
Attachment 2 – Item 12.1 refers	<u>Draft Local Planning Policy No. 14</u>
Attachment 3 – Item 12.1 refers	<u>Development Area 6 Vision Plans</u>
Attachment 4 – Item 12.1 refers	<u>Development Area 6 Vision Report</u>

Voting Requirement	:	Simple Majority
Subject Index	:	116/112 and LPS15/014
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	10 November 2003 Planning Development Committee Item 10.3.10 20 February 2007 Ordinary Council Meeting Item 12.1.3 27 August 2013 Ordinary Council Meeting Item 12.1 26 November 2013 Ordinary Council Meeting Item 12.5
Applicant	:	City of Belmont and Perth Airport Pty Ltd
Owner	:	Various
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, local planning schemes and policies.</i>
<input type="checkbox"/>	Review	<i>When Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	Quasi-Judicial	<i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

Item 12.1 Continued.

PURPOSE OF REPORT

To consider:

1. The submissions made during the advertising of Draft Local Planning Policy No 14 (Development Area 6 Vision); and
2. The final adoption of the draft Policy.

SUMMARY AND KEY ISSUES

Council at the Ordinary Council Meeting of 27 August 2013 adopted a Vision Plan for Development Area 6 (DA6).

Following adoption, Council initiated draft Local Planning Policy No. 14 (LPP14) for the purpose of public advertising. Draft LPP14 contained the DA6 Vision Plan and was intended as an interim measure to articulate Council's vision prior to structure planning commencing.

Draft LPP14 was advertised for 25 days. A number of submissions were received, some of which objected to the future use of Coolgardie Avenue as a thoroughfare between Great Eastern Highway and the planned Airport West Station.

A number of the concerns raised are matters dealt with at the structure planning stage; however it is recommended that the Vision Plan be updated to provide clarity on certain components of the plan.

It is recommended that draft LPP14 be granted final adoption.

LOCATION

DA6 is the land generally bounded by Tonkin Highway, Great Eastern Highway, Coolgardie Avenue, Redcliffe Road, Fauntleroy Avenue, Perth Airport Precincts 1A and 1B, as shown in Figure 1.

Item 12.1 Continued.

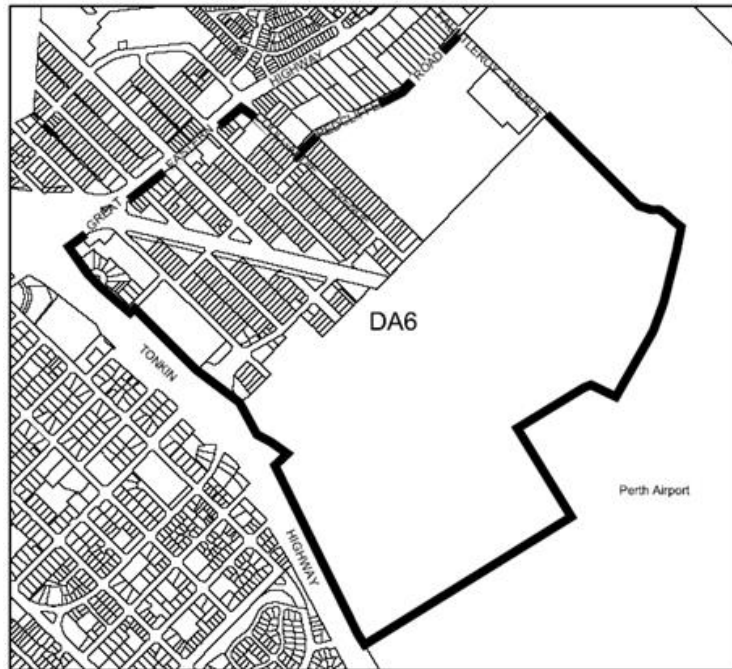


Figure 1: Location Plan

CONSULTATION

Draft Local Planning Policy

Consultation is a statutory process required under Clause 2.4 of the Local Planning Scheme No 15 (LPS15) where a draft local planning policy has been prepared, as follows:

- A draft local planning policy is required to be publicly advertised for a minimum of 14 days. This occurs through notice of the draft policy being published once a week for two consecutive weeks in the Southern Gazette. Letters may also be sent to landowners within the area that the draft policy relates, or to whom may be affected by the provisions of the draft policy.
- Following conclusion of the advertising period, Council shall review the draft policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.

Draft LPP14 was advertised from Monday 16 September 2013 to Friday 11 October 2013 (25 days). The following measures were undertaken to advertise the proposal:

- Advertisements were included in the Public Notices of the Southern Gazette on Tuesday 17 September 2013 and Tuesday 1 October 2013
- Four hundred and three (403) letters were sent to owners, occupiers, government agencies and other stakeholders.

Item 12.1 Continued.

At the conclusion of the advertising period 40 submissions were received, as follows:

- Eighteen (18) submissions were either in support of, or provided neutral feedback on draft LPP14 and the DA6 Vision Plan
- Twenty-two (22) submissions provided specific objections to draft LPP14 and/or the DA6 Vision Plan.

The 22 objections raised a variety of matters that revolve around:

- The closure of Brearley Avenue
- The identified reinstatement of through access along Coolgardie Avenue in order to provide vehicle access between Great Eastern Highway and the Airport West Station
- The implementation of the DA6 project
- The impact of the DA6 project on the existing community (dwellings and residents).

A detailed summary of the submissions (including a summarised response to the content of the submission) is contained in [Attachment 1](#). Full copies of submissions have been provided to Councillors. Further discussion of the above matters has been undertaken in the Background and Officer Comment sections of this report.

Petition

In addition to the submissions received during the advertising period, a petition containing 54 signatures was received on 31 October 2013. The petition reads as follows:

"We the undersigned electors of the City of Belmont express the concerns of the community in regard to Draft Local Planning Policy No. 14 Development Area Vision 6 (DA6), particularly in relation to the change of road use for Coolgardie Avenue".

The petition states the following reasons:

"The adverse impact of opening up of Coolgardie Avenue on the residents of the street and surrounding community".

The details of the petition have been considered in conjunction with the submissions received during the advertising period.

Item 12.1 Continued.

DA6 Vision Plan

Prior to the advertising of LPP14, a series of correspondence was mailed to landowners within the DA6 project area throughout the formulation of the Vision Plan. The following letters have been sent in relation to DA6 since the commencement of the project:

- 1. 30 April 2013**
A project initiation letter was sent to all owners and occupiers in DA6 (368 letters in total)
- 2. 7 May 2013**
An invitation to attend one of two community workshops was sent to all owners and occupiers in DA6 (368 letters in total), as well as to other stakeholders (government agencies, servicing authorities, etc)
- 3. July 2013**
An invitation to a Community Focus Group session was sent to workshop attendees who expressed an interest in further dialogue on the development of the Vision Plan (19 letters sent)
- 4. 10 July 2013**
A letter was sent to all owners and occupiers advising of the availability of a report outlining the proceedings and outcomes of the Community Workshops (370 letters sent)
- 5. 14 August 2013**
A letter was sent to all owners and occupiers within the DA6 project area notifying them that the Vision Plan had been referred to Council for adoption (370 letters sent)
- 6. 16 September 2013**
A letter inviting comment on draft LPP14 was sent to all landowners and occupiers within the DA6 project area as well as government agencies (403 letters in total).

In order to provide a forum for stakeholders and the local community to participate in the visioning exercise and express their expectations and desires for the way in which redevelopment progresses in DA6, the City of Belmont and Perth Airport Pty Ltd hosted two Community Visioning Workshops (on 17 and 18 May 2013). The workshops were facilitated by Taylor Burrell Barnett (TBB), a professional planning and urban design firm appointed by the City of Belmont and Perth Airport Pty Ltd as the Project Consultant. A total of 51 community stakeholders (including residents, business owners and state government staff) attended the Visioning Workshops. The names and details of the Community Workshop delegates have been provided to Councillors.

Each workshop followed the same format, focusing on three main exercises with briefing and presentations provided by the Project Team before each exercise. The exercises incorporated participation by all attendees and allowed discussion and preferences to be expressed and recorded. A report summarising the proceedings at the Community Workshops has previously been provided to Council, but can be recirculated upon request.

Item 12.1 Continued.

An additional Community Information Forum was hosted on 19 July 2013 as a means of refining the preferred Vision Concept. The Community Information Forum was facilitated by TBB and attended by 18 residents (who had expressed interest in further dialogue), five Councillors and eight members of the Project Team. The names and details of the Information Forum delegates have been provided to Councillors.

The session involved presentation of the 'Preliminary Vision Plan' concept which was developed as a result of feedback from the Visioning Workshops and emerging information from relevant government bodies regarding other related infrastructure projects (ie Perth Airport Rail, Gateway Western Australia and Great Eastern Highway Upgrade). The Community Information Forum involved two exercises relating to 'Land Use and Built Form', as well as 'Movement and Public Domain'. The exercises involved participation by all attendees and allowed discussion and comments to be made on the Preliminary Vision Plan. A report summarising the proceedings at the Community Information Forum has previously been provided to Council, but can be recirculated upon request.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Objective: Provide and maintain a safe and efficient transport infrastructure.

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

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

Objective: Maximise Business Development Opportunities.

Strategy: In partnership with Westralia Airports Corporation, support the business development of the airport.

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

Objective: Protect and enhance our natural environment.

Strategy: Develop quality public open space in accordance with community needs.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 12.1 Continued.

STATUTORY ENVIRONMENT

Under the Metropolitan Region Scheme (MRS), the subject land is zoned 'Urban' and partially reserved for 'Primary Regional Road' and 'Public Purposes (Commonwealth Government)', as shown in Figure 2.

The Public Purposes (Commonwealth Government) portion of the land is not regulated by the MRS, but instead is subject to the provisions of the *Airports Act 1996* which is administered by the Federal Government. This means that neither the State Government nor the City of Belmont have any jurisdiction over land use and development within the Airport land.

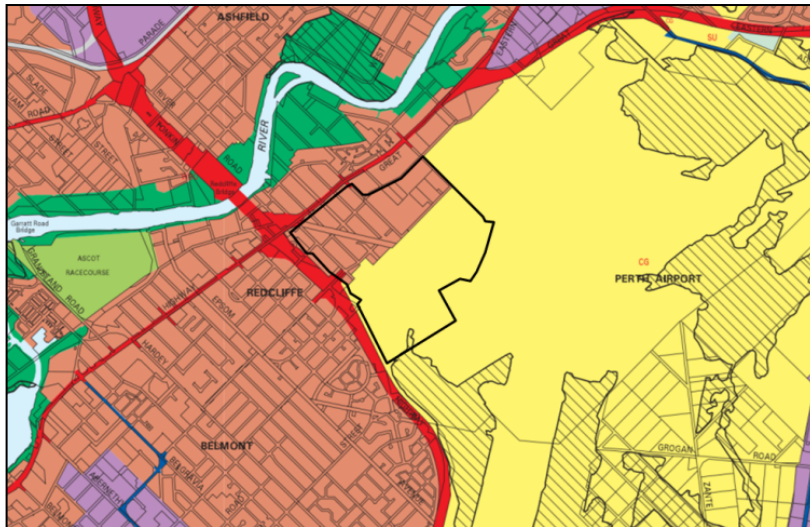


Figure 2: MRS Zoning and Reservations

Local Planning Scheme No. 15

The subject land is identified as a 'Special Control Area' under LPS15, this being 'Development Area 6'. The land within DA6 has various zonings and reservations LPS15, including Residential (R20), Mixed Use, Industrial and Service Station. Local Scheme reservations include Public Purpose (Primary School) and Parks and Recreation.

Clause 6.2.4 of LPS15 states that the City is not permitted to approve development and/or consider recommending subdivision of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area.

The procedure for making and amending a Local Planning Policy is outlined under clause 2.4 of LPS15.

Perth Airport

In accordance with the *Airports Act 1996*, Perth Airport Pty Ltd (as the lessee of the Airport land) is required to have a Master Plan and an Environment Strategy reviewed and approved every five years by the Commonwealth Minister for Transport and Regional Services.

Item 12.1 Continued.

The current Environment Strategy was approved in September 2009 and the Master Plan was approved in November 2009 by the Commonwealth Government. Both documents are due for review in 2014.

The current Master Plan provides a concept for future development at the Airport, including consolidation of the international and domestic operations. In addition to outlining aeronautical development and airport infrastructure expansion plans, the Master Plan outlines a number of areas for non-aeronautical development. It sets aside over 300 hectares for conservation purposes, and approximately 690 hectares is identified as being suitable for non-aviation related development.

The 690 hectares identified for non-aviation development has been divided into a series of Precincts. The area under consideration as part of DA6 includes Precincts 1A and 1B (Figure 3). Whilst land uses are broadly assigned under the Master Plan, there is no precinct structure planning in regard to road networks and how land uses are located to ensure compatibility with uses occurring on zoned land located abutting the Airport.

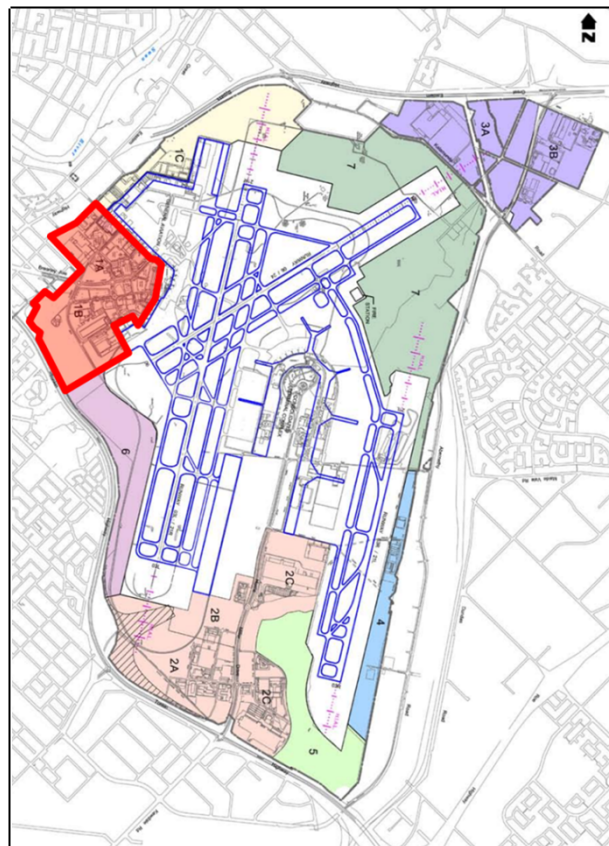


Figure 3: Perth Airport Master Plan – Precinct 1A and 1B

Under section 89 of the *Airports Act 1996*, any major development (being non-Terminal buildings costing greater than \$20 million, or development likely to have significant environmental/ecological impact, or development likely to have a significant impact on the local or regional community) require a major development plan to be submitted to the Commonwealth of Australia for approval. These proposals also require an extensive consultation process with all stakeholders, including local government.

Item 12.1 Continued.

The *Airports Act 1996* also considers sensitive developments which are prohibited on Airport land (other than in exceptional circumstances). Sensitive developments defined in the Act include residential dwellings, community care facilities, childcare and educational institutions, and hospitals.

BACKGROUND

Development Area 6 Project Team

In order to progress the planning for DA6, a project team was established. The core members of the project team were:

- Coordinator Planning Services, City of Belmont
- Manager Property and Economic Development, City of Belmont
- Airport Planning Manager, Perth Airport Pty Ltd
- Executive General Manager Integrated Planning, Perth Airport Pty Ltd
- Mr Ben de Marchi – Director, Taylor Burrell Barnett
- Ms Karen Hyde – Associate, Taylor Burrell Barnett
- Ms Jesse Dunbar – Planner, Taylor Burrell Barnett.

Other technical staff from the City of Belmont, Perth Airport Pty Ltd and Taylor Burrell Barnett (including sub-consultants) had involvement with specific components of the preparation of the DA6 Vision Plan.

Adoption of Vision Plan

Council at its Ordinary Council Meeting (OCM) of 27 August 2013 adopted a Vision Plan for DA6 ([Attachment 3](#)). A supporting report is contained in [Attachment 4](#), and detailed in the OCM Minutes of 27 August 2013.

The DA6 Vision Plan is a broad level strategic plan that is intended to set the scene for future redevelopment of the precinct. In summary, the Vision Plan provides the achievement of a “*transit-oriented urban village in a landscaped setting*”, which is consistent with a vision statement identified in the Community Visioning Workshops. In doing so, the Vision Plan provides for the following:

- Preferred rail alignment being underground, generally along the existing Brearley Avenue alignment
- A new train station and ‘Station Plaza’ within Perth Airport land abutting the boundary, including bus drop off and pick up
- Approximately 3,500 dwellings, with a variety of housing typologies and residential densities ranging from R40 to R160

Item 12.1 Continued.

- 21,500m² of commercial floor space, primarily along Great Eastern Highway
- Significant future expansion of commercial development at Perth Airport (dictated by the Perth Airport Master Plan).
- The closure of Brearley Avenue, which integrates the community by removing the physical separation that currently divides the existing residential precinct in two halves and subsequently allow for the creation of a minimum of 4 hectares of public open space (POS) primarily in a linear form along the former road alignment
- Improved movement and connectivity within the precinct and to the wider Redcliffe and Belmont areas, including the future upgrade and enhancement of Coolgardie Avenue to exist as a key access between Great Eastern Highway and Airport West Rail Station
- Retention of existing vegetation where possible and enhancement with additional landscaping.

The Vision Plan has been prepared with regard to four key elements – Land Use, Built Form, Movement and Public Domain. These elements exist as sub-plans to the broader Vision Plan.

Local Planning Policy No. 14

In conjunction with the adoption of the DA6 Vision Plan, Council resolved to adopt draft LPP14 (containing the Vision Plan) for the purposes of public advertising. In acknowledging that the DA6 Vision Plan is a strategic document with no statutory weight, draft LPP14 was prepared as an interim measure until structure planning is substantially progressed to ensure that the significance of DA6 as a strategic transit orientated development is clearly recognised.

As outlined, LPP14 was advertised for 25 days. At the conclusion of the advertising period 40 submissions were received (18 submission in support or neutral and 22 objections).

Matters Outlined in Objections

All 22 objections, as well as the petition with 54 signatures, identified specific objection to the reinstatement of through vehicle access to Coolgardie Avenue by virtue of the closure of Brearley Avenue. Although a small number of submissions specifically disputed the closure of Brearley Avenue, the primary concern related to the future road use and character of Coolgardie Avenue as a key road connection to the residential neighbourhood and Airport West Station. The key reasons for these objections were:

- Brearley Avenue is a four lane dual carriageway that carries high volumes of traffic – Coolgardie Avenue is not suitable as a replacement road as it does not have the capacity or design to accommodate high traffic volumes and use by commercial vehicles, buses, taxis, etc.

Item 12.1 Continued.

- Significant upgrades would be required to Coolgardie Avenue in order for it to function in the proposed manner. This would require significant widening of the road reserve, land resumption and infrastructure upgrades, which would impact existing dwellings and represent a significant cost to the Council, the State Government and potentially landowners.
- Other existing and planned roads (eg Fauntleroy Avenue, Dunreath Drive and Boud Avenue) can readily provide access to the Airport West Station precinct, are more suitable for this purpose and would represent a lesser cost to Council.
- The cul-de-sac on Coolgardie Avenue was installed at the request of local residents to avoid high levels of traffic. The proposal undermines this.
- The proposal is at odds with the existing character of Coolgardie Avenue, which is currently a quiet residential street with a large number of families, children and retirees.
- The proposal will negatively change the character of the area and result in amenity impacts on the local community, such as traffic, noise, air pollution, rubbish and personal safety.
- Many of the residents in Coolgardie Avenue have a long-term association with the area and consider that the proposal is neither in their best interests nor that of the broader community.
- Illegal parking associated with the airport currently exists on Brearley Avenue and is not effectively policed by the City of Belmont – this will occur on Coolgardie Avenue if the plan goes ahead.

Some submissions suggested alternative access arrangements that would limit any impact on the existing residents of Coolgardie Avenue. Some of the suggestions that were identified during and post advertising included:

- The use of Fauntleroy Avenue and Boud Avenue
- The retention of Brearley Avenue, or the closure of only one half
- A new access point at Ben Street
- Relocate the cul-de-sac so that it is closer to Second Street
- Close the intersection of Coolgardie Avenue at Great Eastern Highway.

A number of questions have also been asked (either during or after the advertising period), which are summarised as follows:

- Why does Brearley Avenue need to be closed?
- What are the expected traffic volumes that will use Coolgardie Avenue?
- Will Coolgardie Avenue be widened, and if so by how much?

Item 12.1 Continued.

- If Coolgardie Avenue is widened, will land be acquired from adjoining property owners, and how will they be compensated?
- What is meant by minimising access points along Coolgardie Avenue?
- How will the impacts of increased traffic, noise and air pollution to residents be mitigated?
- How will services such as sewage, gas, electricity telecommunications and water be relocated and how will the costs be met?
- What is the actual location of the proposed train station and the rail route and where will parking be provided?
- How will parking (including the illegal parking that is occurring on Brearley Avenue) be addressed?
- When will works commence?
- Does Council intend to fund the project through increases in rates?
- Will residents be forced to move? What will happen if residents are displaced by this proposal?

The information contained in the Officer Comment broadly responds to all of the above matters.

Petition

The petition received on 31 October 2013 reiterates the objection reasons outlined above, and requests that the City of Belmont consider expanding Fauntleroy Avenue to cater for traffic needing to access Perth Airport precinct in lieu of opening Coolgardie Avenue (which should service local residents only). The petition has also been broadly responded to in the Officer Comment.

OFFICER COMMENT

The adopted Vision Plan for DA6 was the subject of a significant amount of technical input from the DA6 Project Team, as well as positive feedback received at the time through workshops with members of the local community.

Notwithstanding this, the advertising of draft LPP14 has subsequently exposed a fundamental concern regarding the future role of Coolgardie Avenue that has been strongly expressed by existing residents of this street. With this in mind, in making a decision on the final adoption of LPP14 Council must also decide whether the adopted Vision Plan is acceptable, or whether there are necessary changes.

Item 12.1 Continued.

Role of Vision Plans

A number of concerns raised by residents appear to have been made on the assumption that the DA6 Vision Plan is a technical implementation plan and that works will be commencing within an immediate timeframe. This is not the case.

The DA6 Vision Plan is a broad level strategic plan that is intended to set the scene for the future of an area that Council has earmarked as a key urban redevelopment precinct since 2003. Despite years of uncertainty regarding the future of this precinct, the State Government's announcement that a rail line will be provided to service Perth Airport and the subsequent progression of the Public Transport Authority's (PTA) technical feasibility has given Council the required level of certainty to contemplate the most optimal future redevelopment outcome for this precinct.

Vision plans are not statutory in nature (ie do not have the force of law), nor do they intend to rigidly imply that what is depicted in the plan will be implemented in a 'like for like' manner within an immediate timeframe. The dynamic nature of vision plans has been evident through the City's experience with redevelopment areas such as The Springs and Ascot Waters, in which the implemented development plan for each area was very different from the initial 'vision' articulated at the commencement of the process.

Vision plans are not intended to be implementation plans because they focus on the 'big picture' as a starting point for the contemplation of the most optimal strategic outcomes. The definition of a vision for an area ensures that all relevant stakeholders have a clear idea of the strategic direction for an area, which then gives Council (and other agencies assisting the implementation project) confidence to explore the technical detail of how the vision can realistically be implemented. This process is known as 'structure planning', which is where the various options for implementation are technically analysed and tested, and then incorporated into a plan that is endorsed by both Council and the Western Australian Planning Commission (WAPC).

The technical analysis undertaken at structure planning stage takes into account all factors, including (but not limited to):

- Land use distribution and the identification of development guidance, including the allocation of density codes, specification of building heights, setbacks, etc
- The design, hierarchy and function of the road and movement networks, including street design, traffic movements and traffic volumes, cycleways and footpaths, etc
- Civil infrastructure provision (sewer, water, power, telecommunications, etc)
- Any required land acquisitions
- Implementation and funding arrangements
- Economic feasibility.

The structure planning for DA6 will also take into account the potential implications resulting from other major infrastructure projects, including the Perth Airport rail line,

Item 12.1 Continued.

Perth Airport terminal consolidation, Gateway WA project and the upgrade of Great Eastern Highway.

Any adopted structure plan for DA6 will have statutory backing through the City's local planning scheme and will therefore be more rigid in nature. Additional community engagement and consultation is also a major component of structure planning.

A number of the specific concerns and questions about the implementation of the Vision Plan raised in the submissions cannot be clearly answered at this point in time, as the structure planning process will deal with these matters. It is premature to address these matters as part of a visioning exercise. Council does however have the ability to revisit certain components of the Vision Plan should they wish to provide further clarity in response to the submissions, as outlined in the following sections of this report.

Coolgardie Avenue

The Vision Plan identifies that Coolgardie Avenue will have an important future role in providing access to the both the residential precinct of DA6 and Airport West Station. The identification of Coolgardie Avenue for this purpose has been based on a number of factors:

- Existing traffic signals in place at the intersection of Great Eastern Highway and Coolgardie Avenue, which allows a controlled movement of traffic into and out of the precinct
- The existing road alignment is straight and directly concludes at the Airport West Station site (proposed to be located on Perth Airport land in the street block bounded by Brearley Avenue, Dunreath Drive, Snook Road and Ross Drive)
- The road is located on the periphery of the residential precinct and will provide opportunities for increased medium-high density residential and mixed use development abutting the Airport land as an integrated transition between the residential and non-residential land uses.

The primary concern raised in submissions is that Coolgardie Avenue is not suitable for higher traffic volumes, and the upgraded road will have a negative impact on the local community and existing residents.

It is acknowledged that some of the concern from the local community has resulted from the limited detail relating to the design of Coolgardie Avenue within the Vision Plan. For this reason, many residents have concluded that the road will be a substitute airport access road (in design and traffic volume) following the closure of Brearley Avenue. This is not the intent.

Item 12.1 Continued.

Detailed traffic analysis has not been undertaken as part of the preparation of the Vision Plan, as this level of analysis occurs as part of the structure planning process. However, the intent for Coolgardie Avenue under the Vision Plan is for it to be designed as a residential-natured 'neighbourhood connector' or 'local distributor' road which will have a dual function of providing access to the residential precinct and as an access point to the Airport West Station primarily for the local community. The character of the road that is envisaged is:

- A single lane of vehicle flow in each direction, with a primarily painted median
- Traffic speed consistent with residential neighbourhoods (50-60km/h)
- On-street car parking (with appropriate time restrictions)
- On-street cycle lanes and footpaths in the verges
- Traffic calming measures to discourage larger vehicles and ensure lower traffic speeds
- Vehicle crossovers and access points from private property directly onto Coolgardie Avenue to be minimised, strategically located and designed to allow vehicles to enter the street in forward gear in order to promote safety for road users, cyclists and pedestrians.

The Vision Plan also intends for the majority of vehicles entering the commercial precinct to use the new interchange at Tonkin Highway and Boud Avenue/Dunreath Drive (for vehicles coming from the south, north and west) and Fauntleroy Avenue (for vehicles coming from the east) given this is presently designed for commercial traffic. It is expected that the use of these routes will be more desirable for the majority of vehicles accessing the train station and the commercial precinct given:

- Fauntleroy Avenue is further east than Coolgardie Avenue, meaning that Fauntleroy Avenue will be a more convenient access route than Coolgardie Avenue for vehicles accessing the area from the east.
- The use of Tonkin Highway, Boud Avenue and Dunreath Drive when accessing the precinct from the west and north will be significantly quicker given the higher traffic speeds (70km/h–100km/h) and continuous traffic flow from Tonkin Highway direct to the station. In contrast, commuter travel time will be influenced by two sets of traffic lights on Great Eastern Highway (Tonkin Highway off-ramp and Coolgardie Avenue) plus slower traffic speeds (max 60km/h) if access is taken via Great Eastern Highway and Coolgardie Avenue.
- Fauntleroy Avenue and Dunreath Drive can be designed to accommodate commercial vehicles and higher traffic speeds given the abutting land uses are commercial.

The above points are supported by Main Roads Western Australia (MRWA).

Item 12.1 Continued.

Based on the existing character and nature of development on Coolgardie Avenue, the upgrade of the road to provide a through connection into the Domestic Terminal precinct would be entirely inappropriate if it were to happen immediately. As stated, the Vision Plan is strategic in nature and is simply defining the future strategic role that Coolgardie Avenue could have once a number of other milestones have occurred. These milestones are:

1. The progression and finalisation of structure planning for DA6 (estimate is 2015-2018)
2. Redevelopment of existing properties along Coolgardie Avenue (unable to estimate as this will depend on the implementation staging identified in the DA6 Structure Plan as well as the individual aspirations of landowners and agencies progressing the implementation)
3. The completion of the Boud Avenue/Dunreath Drive access point and interchange at Tonkin Highway (latest estimate from Gateway WA is June 2016)
4. The closure of Brearley Avenue (latest estimate from MRWA is by the end of 2016 following completion of the Boud Avenue and Tonkin Highway interchange)
5. The construction and completion of the Perth Airport Rail Line and Airport West Station (latest estimate from PTA is by the end of 2018)
6. The relocation of all commercial aviation operations to the consolidated Perth Airport site (latest forecast from Perth Airport is 2024).

From an implementation viewpoint, it is considered inappropriate for any through connection of Coolgardie Avenue to be provided prior to the cessation of all commercial aviation operations at the existing Domestic Terminal, as the vision does not intend for Coolgardie Avenue to be used for aviation traffic. Notwithstanding this, the road connection does form a critical component of the vehicle movement network within the precinct and therefore should be retained. However, additional clarity should be provided in the Vision Plan to ensure that it is clear what Coolgardie Avenue's role and function is when structure planning is commenced and the road/movement network options are analysed and tested.

It is acknowledged that upgrades would be required to Coolgardie Avenue in order for it to function in the proposed manner. The extent of any upgrades will be dependent on technical analysis that is undertaken at the structure planning stage; however the expected works would include widening of the road carriageway, installation of traffic islands and other calming measures, installation of new footpaths, cycle-lanes, upgraded lighting and tree planting.

Item 12.1 Continued.

On the basis of the above, there is also some likelihood that the existing Coolgardie Avenue road reserve would require widening to satisfy the road design widths outlined in Liveable Neighbourhoods. The existing Coolgardie Avenue road reserve width is 16 metres wide, whereas Liveable Neighbourhoods suggests a width of 24.4 metres for Category A Neighbourhood Connectors. It should however be noted that any road widening would be predicated on the redevelopment and consolidation of adjoining properties in accordance with the Vision Plan, and subject to specific details regarding the implementation of the project. Should land be required from affected property owners, they will be compensated accordingly based on market value of the land. Again, this will be the subject of consideration at structure planning stage.

Extension of Mixed Use Abutting Great Eastern Highway

One submission requests that the Mixed Use designation should be extended further east of Great Eastern Highway, so as to ensure that there are appropriate transitional land uses to act as buffers between existing entertainment uses on Great Eastern Highway and adjoining residential development.

Although this request is sound in principle, it should be noted that the Vision Plan is not intending to define or limit the extent of any zoning at this point in time – this occurs at structure planning stage. It is also inappropriate to adjust the vision based on specific existing commercial uses, as these will be expected to change over time (either independently or as part of the implementation of the Vision Plan), however it is considered that the existing notations can be adjusted to reflect this aspiration.

Implementation – Involvement of Other Agencies

As stated, the next steps of implementation are not explicitly clear at this point in time given the involvement of other agencies. However, it is expected that the implementation of the Vision Plan will generally be subject to (in no particular order):

- Discussions with the WAPC regarding the potential involvement of land development agencies, such as the Metropolitan Redevelopment Authority and/or the Western Australian Land Authority (Landcorp) to assist with the progression of structure planning
- PTA's confirmation of the rail alignment and station location
- Completion of the Gateway WA project
- MRWA's plans and timing for the closure of Brearley Avenue and upgrade of Great Eastern Highway between Tonkin Highway and Great Eastern Highway Bypass
- Perth Airport's terminal consolidation.

Item 12.1 Continued.

In relation to the rail project, it must be noted that Airport West Station is not intended to exist as an airport station. It is intended to exist as a station that services both the residential community (commuters) and the future business park (destination). Advice from the PTA is that a railway station at Airport West is optional and the lowest priority of the three proposed stations on the Airport/Forrestfield line given the comparative expense. This means that funding of the station will only be justified if it is clearly demonstrated that minimum patronage numbers 2000-2500 boardings per day can be assured (in addition to other factors).

The DA6 Vision Plan is the critical document that gives the PTA the certainty that the Airport West station is viable. Failure to define a vision for the area may result in losing the opportunity for a railway station in this area, which would undermine Council's long-term campaign for this important transport node. Additionally, given structure planning may take some time to be finalised, it is also important that the DA6 Vision Plan is finalised so as to give this certainty that the DA6 project is seriously entertained.

Options

In making a decision on draft LPP14, Council have three options. These are:

- **Option 1**
Accept the Vision Plan as proposed and grant final adoption to draft LPP14; or
- **Option 2**
Accept the Vision Plan as proposed with additional clarity included in relation to the future intention of Coolgardie Avenue having regard to the submissions received on draft LPP14.
- **Option 3**
Rescind Council's adoption of the Vision Plan and request the Planning Department prepare an alternative Vision Plan that does not require the use of Coolgardie Avenue for through access to Airport West Rail Station.

In making a decision on this matter, Council is reminded that DA6 is a redevelopment area, and strategic planning exercises are required to be forward thinking. Although it is acknowledged that the upgrade of Coolgardie Avenue with existing development remaining in the present fashion would not be reasonable, it would also be improper for Council to base decision-making on strategic plans around maintaining the existing status quo and undermine the strategic opportunities that are presented. In the case of visioning exercises, Council should be assuming a leadership role and promoting best practice urban planning and design principles, which in many cases may be at odds with the existing character and nature of an area.

The DA6 Vision Plan integrates leading practice in urban design to create character and a sense of place with sufficient intensity to support a mix of facilities and activities, as well as a movement network that facilitates these outcomes. The Vision Plan is considered to represent the highest and best land use and will promote development outcomes that take advantage of the strategic opportunities provided by the rail line. For these reasons, Option 3 would be contrary to Council's strategic objectives and is therefore not recommended.

Item 12.1 Continued.

Equally, the concerns of local residents regarding Coolgardie Avenue are noted and do hold consistency with the intent of the road under the Vision Plan. Given the significance of the additional community input provided during the advertising of LPP14, it is inappropriate to disregard these matters. Option 1 is therefore not recommended.

A decision based on Option 2 is considered to be appropriate for a number of reasons:

- It allows for the concerns of the residents to be validated and incorporated into the Vision Plan
- It still allows for the Vision Plan to be finalised which gives the ability for the Council and City Officers to progress the initiation of structure planning; and
- It ensures that a clear position has been established on the future of the area which will give certainty of Council's support for coordinated redevelopment to Perth Airport Pty Ltd in their progression of the Perth Airport Master Plan review.
- It will ensure that decision-making by other agencies gives due regard to the Vision Plan, so as to ensure that the strategic objectives of the area are not compromised due to insufficient articulation of the desired future of the precinct.

On the basis of the above, it is recommended that Council give final adoption to draft LPP14 as an interim measure and make updates to the Vision Plan to give greater clarity in relation to the future of Coolgardie Avenue, as well as the desire for appropriate interface between residential and non-residential land uses.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.1 Continued.

OFFICER RECOMMENDATION

That Council:

1. Amend the Development Area 6 Vision Plan ([Attachment 3](#)) as follows:
 - (A) In relation to Vision Plan:
 - (i) Point 2 be updated to 'Mixed-use development (R80 density coding) along Great Eastern Highway, with landscaped frontage and appropriate interface with adjoining residential land use'
 - (ii) Point 3 be updated to 'Coolgardie Avenue designed as a 'Neighbourhood Connector' or 'Local Distributor' road and act as an entry point to residential neighbourhood and local connection to Airport West Station'
 - (iii) New Point 15 stating 'Fauntleroy Avenue, Dunreath Drive and Boud Avenue to be main access points to Perth Airport Business Park and Airport West Station'.
 - (B) In relation to Vision Plan (Land Use):
 - (i) Notation L9 (Compatible land use and building scale interface with residential neighbourhood) be additionally delineated for Commercial development along Great Eastern Highway.
 - (C) In relation to Vision Plan (Movement):
 - (i) Point M3 be updated to 'Coolgardie Avenue designed as a 'Neighbourhood Connector' or 'Local Distributor' road and act as an entry point to residential neighbourhood and local connection to Airport West Station'
 - (ii) Point M7 be updated to 'Fauntleroy Avenue, Dunreath Drive and Boud Avenue to be main access points to Perth Airport Business Park and Airport West Station'
2. Amend the DA6 Vision Plan Report ([Attachment 4](#)) as follows:
 - (A) To incorporate the amendments contained in Part 1 of the resolution
 - (B) In relation to Implementation, identify 'the removal of the Coolgardie Avenue cul-de-sac and instatement of through access shall be the subject of detailed structure planning but if determined to be required shall not occur prior to the completion of the Perth Airport Terminal Consolidation', currently forecast to be 2024.
3. Adopt Local Planning Policy No. 14 'Development Area 6 Vision' in accordance with Clause 2.4 of the City of Belmont Local Planning Scheme No 15 as detailed in [Attachment 2](#), with the proposed amendments to the Vision Plans as detailed in Parts 1 and 2 of this resolution.

Item 12.1 Continued.

Note:

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, WOLFF SECONDED, That Council:

1. Amend the Development Area 6 Vision Plan ([Attachment 3](#)) as follows:

(A) In relation to Vision Plan:

- (i) Point 2 be updated to 'Mixed-use development (R80 density coding) along Great Eastern Highway, with landscaped frontage and appropriate interface with adjoining residential land use'**
- (ii) Point 3 be updated as follows:**
 - (a) Coolgardie Avenue to be considered as an entry point to the residential neighbourhood.**
 - (b) NO other changes or uses to be considered for Coolgardie Avenue until a Technical Traffic Study and Traffic Modelling are undertaken and based on detailed evidence of the Perth Airport Pty Ltd (PAPL) Development Land and the Residential Area.**
 - (c) The Traffic Study is to include a study of the history of the present road layout and its connection to Great Eastern Highway and road closures in the 1970s-1980s period.**
 - (d) There shall be public consultation throughout the Structure Planning process.**
 - (e) The study shall take into account that the residential area is a Transit Oriented Development (TOD) and as such, the neighbourhood must be designed as low speed, low traffic, pedestrian friendly, "non-rat run" area.**
 - (f) The area is not to be regarded as an entrance to the airport.**
- (iii) New Point 15 stating 'Fauntleroy Avenue, Dunreath Drive and Boud Avenue to be main access points to Perth Airport Business Park and Airport West Station'.**

(B) In relation to Vision Plan (Land Use):

- (i) Notation L9 (Compatible land use and building scale interface with residential neighbourhood) be additionally delineated for Commercial development along Great Eastern Highway.**

Item 12.1 Continued.

(C) In relation to Vision Plan (Movement):

- (i) Point M3 to be updated to 'Coolgardie Avenue to be considered as an entry point to the residential neighbourhood.'**
- (ii) Point M7 be updated to 'Fauntleroy Avenue, Dunreath Drive and Boud Avenue to be main access points to Perth Airport Business Park and Airport West Station'**
- (iii) Points M5, M11, M13 to be updated to:**
 - (a) 'No street changes to be considered until a Technical Traffic Study and Traffic Modelling are undertaken and based on detailed evidence of the Perth Airport Pty Ltd (PAPL) Development Land and Residential Area.'**

(D) In relation to Vision Plan (Public Domain):

- (a) P9 – Deleted**

(E) Closure of Brearley Avenue:

- (a) At the time of closure of Brearley Avenue there shall be no change to the other roads of the residential area for a period until a real time traffic study is conducted to ascertain the actual and true traffic through the area without Brearley Avenue.**
- (b) There shall be no change to the road system until the domestic and International airports are consolidated and Qantas moves to the International Airport.**

2. Amend the DA6 Vision Plan Report ([Attachment 4](#)) as follows:

- (a) To incorporate the amendments contained in Part 1 of the resolution**
- (b) In relation to Implementation, identify 'the removal of the Coolgardie Avenue cul-de-sac and instatement of through access shall be the subject of detailed structure planning but if determined to be required shall not occur prior to the completion of the Perth Airport Terminal Consolidation', currently forecast to be 2024 and when Qantas relocates to the International Airport.**

3. Adopt Local Planning Policy No. 14 'Development Area 6 Vision' in accordance with Clause 2.4 of the City of Belmont Local Planning Scheme No 15 as detailed in [Attachment 2](#), with the proposed amendments to the Vision Plans as detailed in Parts 1 and 2 of this resolution.

CARRIED 5 VOTES TO 4

For: Marks, Rossi, Ryan, Powell, Wolff
Against: Bass, Cayoun, Gardner, Hitt

Item 12.1 Continued.

REASON

To make it clear to residents in Development Area 6 that for roads under Council control, no changes to roads in the area will occur until after detailed studies as part of the Structure Planning process and Perth Airport Terminal Consolidation occurs.

8.33pm The Manager Governance departed the meeting.

8.36pm The Manager Governance returned to the meeting.

**12.2 CITY OF BELMONT LOCAL PLANNING SCHEME NO. 15 – SCHEME AMENDMENT
NO. 3 (TO MODIFY CLAUSE 5.5.1 VARIATIONS TO SITE AND DEVELOPMENT
STANDARDS AND REQUIREMENTS)**

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 5 – Item 12.2 refers	<u>Submission Table</u>

Voting Requirement	:	Absolute Majority
Subject Index	:	LPS15/003
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	27 August 2013 Ordinary Council Meeting Item 12.3
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, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To consider final adoption of Scheme Amendment No 3 to the City of Belmont Local Planning Scheme No.15 (LPS15) following public advertising of the Amendment.

Item 12.2 Continued.

SUMMARY AND KEY ISSUES

To consider final adoption of Scheme Amendment No 3 to the City of Belmont LPS15 following public advertising of the Amendment.

The current wording of clause 5.5.1 of LPS15 restricts the exercise of discretion where the Residential Design Codes (R-Codes) apply.

Rewording of the clause is recommended to clarify that the standards of the Scheme may be varied where they relate to Residential zoned land.

LOCATION

N/A.

CONSULTATION

The Amendment was advertised in accordance with the relevant *Town Planning Regulations 1967*. The statutory local planning consultation requirements in relation to Local Planning Scheme Amendments are considered adequate in terms of informing the community of the proposal.

Amendment No 3 was advertised from 7 October 2013 to 22 November 2013. At the conclusion of the advertising period, five submissions were received. Three submissions were non-objections to the proposal and two submissions were in support of the amendment.

One late submission was received from the City of Swan in support of the amendment.

The submission table is under [Attachment 5](#). Copies of the full submissions are available to Councillors on request.

Pursuant to Regulation 18 of the *Town Planning Regulations 1967*, the Council is required to make a recommendation in respect of each submission.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 12.2 Continued.

STATUTORY ENVIRONMENT

Section 75 of the *Planning and Development Act 2005* refers to the amendment of a Local Planning Scheme. The procedures for amending a Local Planning Scheme are contained within the Act.

The clauses of LPS15 relevant to this report are clauses 5.5, 5.7.3 and 10.2.

Clause 5.5 of LPS15 refers to 'Variations to Site and Development Standards and Requirements'. The clause states:

5.5.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2. In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to:

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation.*

5.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- (b) the non compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

5.7.3. In dealing with development applications involving or contemplating development of land within any of the flexible coded area up to a maximum density of R50 depicted on the Scheme Map, the base R20 code shall apply to any dwelling but may, at the discretion of City, be increased to a higher code up to the maximum specified provided:

- (a) The frontage of the lot is not less than 16 metres; and*
- (b) Any existing building or development which, in the opinion of the City, is of low quality and incapable of being upgraded to a standard commensurate with new development is demolished; and*

Item 12.2 Continued.

- (c) Developments of two or more dwellings shall have a minimum side setback of six metres between the side wall of the first dwelling fronting the public street and the side boundary of the parent lot; and*
- (d) Rear dwellings shall be designed so that significant sections of the front elevations have an outlook to, and be visible from the public street; and*
- (e) Single storey dwellings shall be permitted only up to an R30 density with a mix of single and two storey dwellings up to a density of R40 provided that 50% or greater of the dwellings are two storey; and*
- (f) Solid external or internal fencing is not permitted where, in the opinion of the City, views from dwellings to the public street will be limited; and*
- (g) Dwellings located on the front portion of a lot, or where there is more than one street frontage, shall be oriented to address the public street(s); and*
- (h) Dwellings located adjacent to public open space shall be oriented to provide informal surveillance of public areas; and*
- (i) Solar design principles shall be incorporated in the dwelling design; and*
- (j) For developments that propose dwellings adjacent to each other, carports and garages shall be incorporated into the house design so they do not dominate the appearance of the dwelling and the streetscape; and*
- (k) Development on corner lots or lots with more than one frontage shall have driveways from the street with lesser traffic; and*
- (l) The number of crossovers for any development shall be minimised.*

10.2 Matters to be considered by local government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application:

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (c) any approved statement of planning policy of the Commission;*
- (d) any approved environmental protection policy under the Environmental Protection Act 1986;*

Item 12.2 Continued.

- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*
- (h) the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;*
- (i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;*
- (k) the cultural significance of any place or area affected by the development;*
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (q) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*
- (s) whether public utility services are available and adequate for the proposal;*

Item 12.2 Continued.

- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
- (u) whether adequate provision has been made for access by disabled persons;*
- (v) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) whether the proposal is likely to cause soil erosion or land degradation;*
- (x) the potential loss of any community service or benefit resulting from the planning approval;*
- (y) any relevant submissions received on the application;*
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;*
- (za) any other planning consideration the local government considers relevant.*

BACKGROUND

At the Council Meeting of 27 August 2013, Scheme Amendment No 3 was initiated for the purposes of public advertising. The Amendment proposed to modify clause 5.5.1 to allow for the exercise of discretion to vary Scheme standards where it relates to Residential zoned land.

Applications for subdivision and survey strata approval are dealt with by the Western Australian Planning Commission (WAPC).

Where an application is made for a survey strata approval in respect of a lot which contains an existing dwelling, upon the WAPC approval of the plan of subdivision, the existing dwelling is converted, as a matter of law, to a grouped dwelling. This results from the definition of 'grouped dwelling' in the R-Codes, which applies to the City's LPS15.

A number of vacant survey strata lots were being approved by the WAPC which retained existing dwellings which did not comply with clause 5.7.3. The WAPC's approach to subdivision approval is that development standards are not a consideration of subdivision. Therefore there is the potential for disconnection to occur between subdivision and development.

The City received legal advice that grouped dwellings on vacant survey strata lots (above an R20 density) where an existing house has been retained which does not comply with the development standards specified under the Scheme cannot be approved.

Item 12.2 Continued.

As the strata subdivision applications dealt with here, and the development associated with them, involves development to which the R-Codes apply, the discretionary provisions of clause 5.5 of LPS15 do not appear to apply. Therefore, there appears to be no discretion for the City under LPS15, to relax the standards in clause 5.7.3.

A number of vacant survey strata lots were identified where the City is unable to approve a grouped dwelling as the City is unable to vary the standards of the Scheme in regard to development where the R-Codes apply (as per the Model Scheme Text requirements).

The wider implications of the advice is that the City is unable to vary the Scheme standards where it relates to Coded land no matter how soundly based the argument is, or how minor the variation to the Scheme requirements. The City does not have the ability to vary those Scheme requirements.

On becoming aware of the issue and wider implications, Council Officers commenced discussions with Officers of the Department of Planning. It was agreed that the simplest solution would be to modify Clause 5.5.1 of the LPS15 Text so that the standards of the Scheme could be varied where arguments support that variation.

OFFICER COMMENT

Amendment No 3 was advertised from 7 October 2013 to 22 November 2013. At the conclusion of the advertising period, five submissions were received. Three submissions were non-objections to the proposal and two submissions were in support of the amendment.

The ability to exercise discretion where warranted is integral to the implementation of the aims of the Scheme and to ensure that common sense can be applied to specific cases. Unthinking adherence to Scheme provisions without reality testing is administratively easier to apply however does not result in good planning outcomes as there are commonly cases where variances can be supported. The checks and balances on these variations come in the form of clauses 5.5.2. and 5.5.3 which allows for: consultation; consideration of the criteria to be applied when exercising discretion (as detailed in clause 10.2); and ensures a proposal will not have adverse effect on the future of the locality.

This principle can be applied to all Scheme clauses with the exception of the clauses pertaining to the Residential zone as the current wording of Clause 5.5.1 restricts the exercise of discretion where the R-Codes apply. In discussion with Department of Planning Officers, that was not the intent of the wording of Clause 5.5.1 and as such some rewording of the clause to clarify that the standards of the Scheme as they relate to Residential zoned land may be varied is highly desirable.

In regard to the potential exercise of discretion in relation to the 'disconnect' which has occurred between subdivision and development, it is proposed that the exercise of discretion should only be applied in those current instances where a new vacant survey strata lot has been created and land ownership has changed from the original subdividing owner thereby catching the new owners in a no-win situation where they have purchased a vacant lot which effectively cannot be developed on.

Item 12.2 Continued.

This exact situation occurred in the instance of 15A Kelly Street and as such the new owners have been caught in a no win situation. However, with any future such proposals for strata subdivision which does not comply with the provisions of Clause 5.7.3 (particularly the six metre side setback) the City shall continue to request that the WAPC impose appropriate conditions and/or footnotes, and, in the event that appropriate conditions or advice notes are not applied, shall write directly to the owner/applicant to advise that they may not acquire an approval for a dwelling on the new lot they are proposing due to non compliance with the Scheme. This will ensure that for any future purchaser it is clear that the owner was aware of the issue and as such liability will lie clearly with them.

FINANCIAL IMPLICATIONS

There are costs associated with the advertising of a Scheme Amendment.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.2 Continued.

OFFICER RECOMMENDATION

1. ***That in relation to Scheme Amendment No 3 to the City of Belmont Local Planning Scheme No 15, Council:***
 - (A) ***Uphold the submissions lodged by Main Roads WA, Water Corporation, Swan River Trust, City of Swan, Peter Giannas and Luke Papaelias in accordance with Regulation 18 of the Town Planning Regulations 1967.***
 - (B) ***Adopt Scheme Amendment No 3 to the City of Belmont Local Planning Scheme No 15 without modification and seek approval of the amendment from the Minister for Planning.***
 - (C) ***Advise those who made a submission of the Council's decision.***
2. ***That Council pursuant to Clause 11.3 of Local Planning Scheme No 15 on gazettal of Amendment No. 3 delegate to the Director Community and Statutory Services or Manager Planning Services the authority to deal with an application for Planning Approval for application number 94/2013/DA as detailed in plans dated 3 April 2013 submitted by Summit Projects on behalf of the owner Luke Papaelias and Chien Low for Single Storey Grouped Dwelling at Lot 2 (No 15A) Kelly Street, Cloverdale.***

(Notes:

- Absolute Majority required.***
- A delegation of authority made by the Council pursuant to subclause 11.3 shall have effect for the period of 12 months following the resolution, unless the Council stipulates a greater or lesser period in the resolution.)***

***ABSOLUTE MAJORITY REQUIRED

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

**12.3 CITY OF BELMONT LOCAL PLANNING SCHEME NO. 15 – SCHEME AMENDMENT
No. 5 (OMNIBUS)**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6 – Item 12.3 refers	<u>Amendment Local Planning Scheme No. 15 Map</u>

Voting Requirement : Simple Majority
Subject Index : 116/126
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider the adoption of Scheme Amendment No. 5 to the City of Belmont Local Planning Scheme No 15 (LPS15) for public advertising.

Item 12.3 Continued.

SUMMARY AND KEY ISSUES

The City of Belmont LPS15 was adopted by Council at the Special Council Meeting of 14 February 2011, and gazetted on 1 December 2011.

As part of the implementation of the Scheme, some drafting errors, technical and administrative matters require attention.

A number of the technical matters have arisen in response to compliance issues, zoning enquires and development applications received. The subject matters are intended to better clarify the City's requirements and provide for optimum land use suitability.

Council is requested to consider adoption of Scheme Amendment No. 5 to LPS15 for public advertising.

LOCATION

N/A.

CONSULTATION

There has been no specific consultation undertaken in respect to this matter at the present point in time. Consultation is however a statutory process required under the *Planning and Development Act 2005* for Scheme Amendments. The Act requires that advertising of a Scheme Amendment be undertaken for 42 days.

Should Council resolve to initiate Amendment No. 5, it is recommended that advertising of the Amendment be undertaken by:

- Placing an advertisement in the West Australian and the Southern Gazette
- Notifying relevant authorities.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Item 12.3 Continued.

POLICY IMPLICATIONS

Development Control Policy 2.4 – School Sites

The objective of Development Control Policy 2.4 is to make provision for school sites and other education facilities related to community needs and to indicate school site requirements, specify criteria for selecting new sites, and to establish guidelines for their design and location in new subdivisions.

Clause 3.3.1 states the sizes of primary school sites adopted by education authorities as a general guide is 4000m². The recommended lot area is based upon the provision by the authorities of fairly standard facilities for a given number of children and assumes the land is all useable.

Local Planning Policy No. 9 – Child Care Premises and Child Family Day Care

The objectives of Local Planning Policy No. 9 (LPP9) are to ensure Child Care Premises in the City are located in areas of compatible use and the needs of users are adequately served. It is also to protect the amenity of landowners adjoining a Child Family Day Care Premises by ensuring adequate development standards and notification.

STATUTORY ENVIRONMENT

Section 75 of the *Planning and Development Act 2005* refers to the amendment of a Local Planning Scheme. The procedures for amending a Local Planning Scheme are contained within the Act.

BACKGROUND

Upon implementation of a Scheme, it is inevitable that there will be certain matters that may need to be revisited in order to ensure that its intent and provisions can be applied. In each amendment provided below the modification is required to ensure all future development is suitable for each local scheme zone.

LPS15 was gazetted on 1 December 2011, and since that time a number of examples have been identified as requiring modification to ensure the Scheme is correctly implemented. The majority of these matters are purely administrative for clarity purposes, however all matters ensure the most suitable land use relate to each zone.

The modifications proposed to LPS 15 Scheme Text and Map includes the following:

1. Child Family Day Care Land Use Suitability
2. Zoning Anomalies – Special Development Precincts
3. LPS 15 Clause 5.18 – Commercial Vehicle Parking
4. Schedule No. 2 – Additional Use – Stables and Horse Sales – Ascot Racecourse
5. Rezoning of Lot 401 (20) Gladstone Road, Rivervale.

Item 12.3 Continued.

Modifications

1. Child Family Day Care Land Use Suitability

Under the City's LPS15 a Child Family Day Care means *'the care of no more than seven children, including the residents' own children, in a private dwelling in a family or domestic environment'*.

The Zoning Table as provided in Table 1 of LPS15 indicates the uses permitted in the Scheme area in the various zones. Table 1 of LPS15 provides that a 'Child Family Day Care' land use is assigned a 'P' use classification in a Residential zone, meaning that the land use is considered appropriate and is permitted by the Scheme. It is also assigned a 'D' Discretionary use within the Residential and Stables zone, Place of Public Assembly, Mixed Business and Mixed Use zones. However, in a Special Development Precinct the land use has an 'X' use classification, which means that the use is considered inappropriate for the zone and is not permitted by the Scheme. Note 4 of Clause 4.3.3 under LPS15 explicitly prohibits Council from approving development with an 'X' use classification. Approval of an 'X' classification may only be entertained by amending the Scheme.

Clause 4.2 provides detail in regard to the objectives of all 10 zones located within the City. Special Development Precinct zone is intended to allow for the development of predominantly residential precincts, however a mix of varied and compatible supporting land uses can be considered having regard to specific guidance provided within a supporting planning document, such as a local structure plan and/or local planning policy.

All development within the Special Development Precincts require planning approval with all development subject to compliance with the performance based criteria contained in each associated local planning policies as follows:

- 'Belgravia Estate' - Local Planning Policy No 5
- 'Ascot Waters' – Local Planning Policy No 6
- 'The Springs' – Local Planning Policy No 7
- 'Invercloy Estate' – Local Planning No 8.

The subject issue came to light when an application for a Child Family Day Care was submitted for a dwelling located in the Belgravia Estate which is zoned 'Special Development Precinct'. The majority of development in this Special Development Precinct is single and two storey dwellings located on lots varying in area from 370m² to 600m², similar to development provided in the Residential zone. The application could not be progressed as the use is prohibited in the zone.

It is proposed to modify Use Class – 'Child Family Day Care' from 'X' use not permitted in the Special Development Precinct zone to a 'D' discretionary use which means a use that is not permitted unless the Local government has exercised its discretion by granting planning approval.

Item 12.3 Continued.

2. Zoning Anomalies – Special Development Precincts

Within the 'Special Development Precinct' zone four areas are identified as 'Special Development Precincts' within the City, these being:

- Ascot Waters
- Belgravia Estate
- Invercloy (Nulsen Haven)
- The Springs.

At the time of gazettal of LPS15, a drafting error was made which did not specifically delineate a generic legend reference for the 'Special Development Precinct' zone. Instead, an underlying zoning of 'Residential' was incorrectly delineated on the Scheme Map and the individual special development precincts were identified through a coloured border. This has the potential to cause confusion as to the correct zoning of land within 'Special Development Precincts'.

Amendment No. 5 to LPS15 therefore intends to correct the anomalies that exist between the zoning provisions related to Special Development Precincts by:

- Removing the underlying zoning of 'Residential' from all Special Development Precincts
- Creating a new legend delineation for 'Special Development Precinct' on the LPS15 Scheme Map under Local Scheme Zones.

3. Commercial Vehicle Parking on Residential Land

Under LPS15 Clause 5.18 a commercial vehicle is not permitted within the Residential zone unless it is parked behind the 'building line' of the primary street. The 'building line' is defined under the Scheme as 'means the line between which and any public space or public reserve a building may not be erected except by or under the authority of a written law and the term 'building set-back line' has a like meaning.

The issue came to light on a corner site at Lot 942 (23) Peacock Street where a commercial vehicle currently parks in the driveway of the secondary street (Middleton Street). The commercial vehicle complies with all planning regulations, but the vehicle is still clearly visible from the secondary street as shown in figure 1 below.

Item 12.3 Continued.



Figure 1

It is proposed to modify the reference to 'front building line' contained within Clause 5.18 (c) to ensure commercial vehicles on residential land are not the dominant feature of the primary or secondary street frontage but are instead located behind the built form.

Item 12.3 Continued.

4. Additional Use – Stables and Horse Sales – Ascot Racecourse

Amendment No. 5 proposes to create an Additional Use of 'Stables and Horse Sales' on Lot 9002 and 7705 (No. 71) Grandstand Road, Ascot (ie Ascot Racecourse).

At present, Ascot Racecourse is zoned 'Places of Public Assembly' under LPS15. The Places of Public Assembly Zone is intended to allow for special places of assembly such as community, sports and public facilities. Within the 'Place of Public Assembly' zone, 'Stables' is an 'X' use, meaning that the use is not permitted. Whilst this is appropriate given the variety of land uses that are intended for the Places of Public Assembly zone, the provision of Stables in conjunction with a horse racecourse is appropriate. Further the racecourse relates directly to the adjoining Residential and Stables zone and is intended to provide for compatible and environmentally responsible use of land in proximity to the Ascot Racecourse and Swan River.

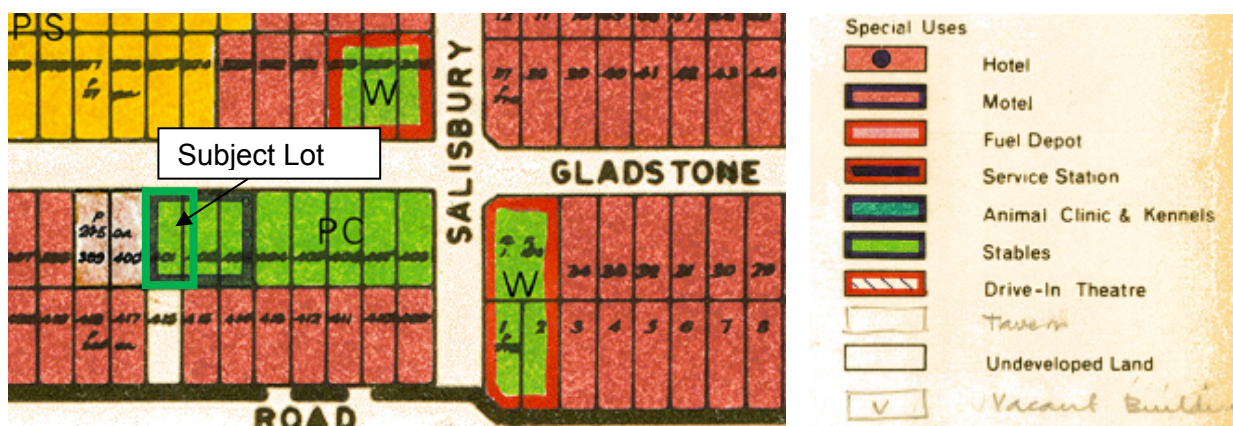
Rather than imposing a generic change to the permissibility of Stables in the Places of Public Assembly Zone, Council has the opportunity to consider identifying it as an 'Additional Use' on the properties related to Ascot Racecourse. An 'Additional Use' is a land use that would ordinarily not be permitted on a property based on its underlying zoning, however may be permitted on a specific property (in addition to the uses already permissible in that zone) where it is considered appropriate to do so. This ensures that a land use proposal can be considered on a site specific basis without impacting the intent of the underlying zone.

Under Amendment No. 5, it is also proposed to include the use of 'Horse Sales' as part of the Additional Use in order to give flexibility for Ascot Racecourse to undertake periodic events focused on horse sales (within certain conditions), such as those run by 'Magic Millions'.

5. Rezoning of Lot 401 (20) Gladstone Road, Rivervale

The property located at Lot 401 (20) Gladstone Road, Rivervale is currently zoned 'Place of Public Assembly' under the City's LPS15.

A single house was originally approved on the subject lot in 1984 under Town Planning Scheme No. 6 and under the scheme map the property was zoned 'Stables'.



Item 12.3 Continued.

Under the gazettal of Town Planning Scheme 11 in 1988 the stables zone was removed as a land use and the subject lot was rezoned as Residential A.

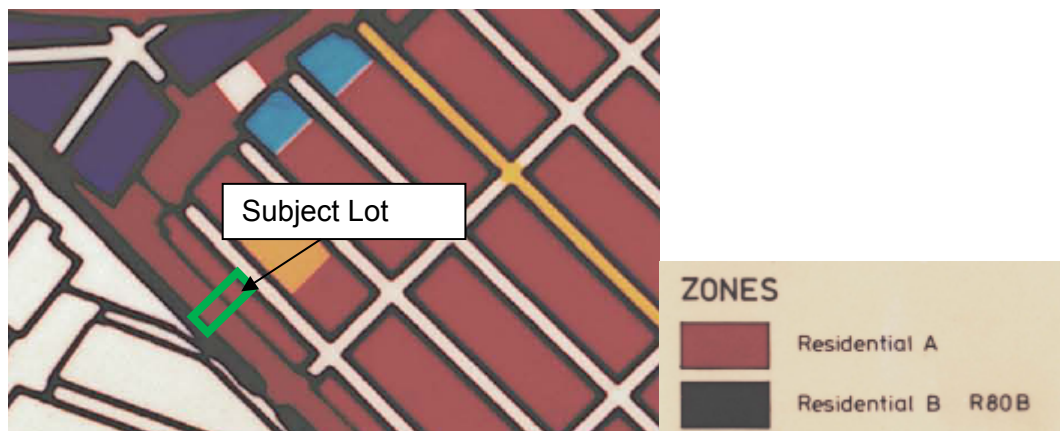


Figure 3: TPS11 Extract

Under the adoption of Town Planning Scheme No. 14 in 1999 a drafting error was made and the subject lot was rezoned for a third time as 'Place of Public Assembly' and denoted as a 'Primary School'. The drafting error remained under the adoption of LPS15 in December 2011. Under LPS15 a single house is an 'X' use within the Public Assembly Zone, meaning it is not permitted. The land use currently has valid non-conforming use rights and currently, under LPS15 Clause 4.9 any extensions or changes to the non-conforming use require the approval of Council.

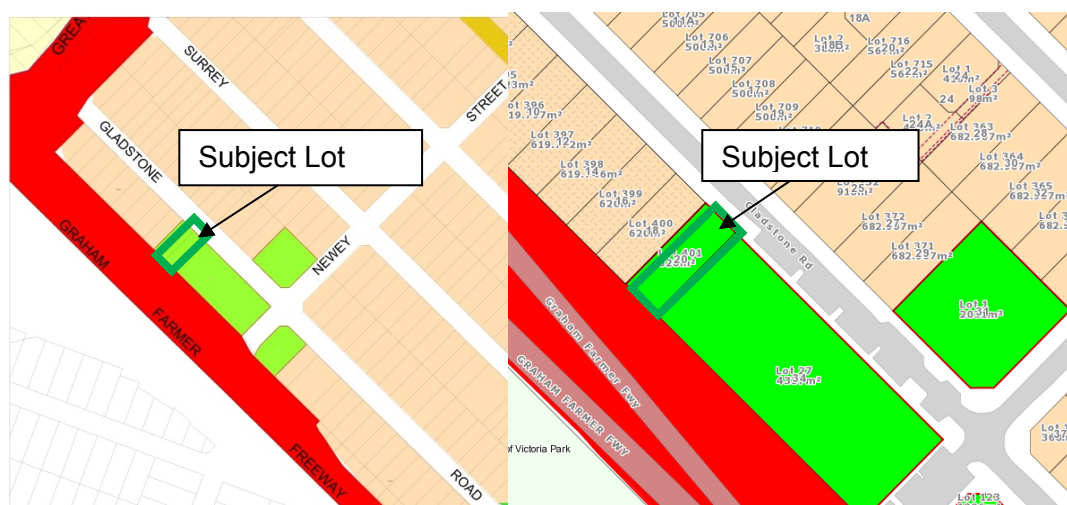


Figure 4: TPS14 Extract

LPS15 Extract

The issue of the incorrect zoning was raised in August 2013 when an enquiry was received by the City for the subject lot. The owner was confused as to why his property was zoned 'Place of Public Assembly' when it had always been used for residential purposes since the approval and construction of the single house in 1984.

It is proposed that Council rezone Lot 401 (20) Gladstone Road, Rivervale as Residential with a density coding of R20/R40 in accordance with the surrounding residential densities. The maximum development potential of the subject lot under the proposed residential zoning remains as a 'single house'.

Item 12.3 Continued.

OFFICER COMMENT

1. Child Family Day Care Land Use Suitability

As stated in the background, Family Day Care allows for the caring of up to seven children in a family home or domestic environment. As there is no difference between a home in a residential zone and a home located in any of the Special Development Precincts, it is therefore reasonable for the Scheme to allow Council to consider these applications. Accordingly, Table 1 is to be amended to include Child Family Day Care as a 'D' use in the Special development Precinct zone (refer to [Attachment 6](#)).

Should the proposed amendment be finalised, minor changes to LPP9 would be required to include a Family Day Care as a 'D' discretionary land use in the 'Special Development Precinct' zone. This will be dealt with at a later stage.

2. Zoning Anomalies – Special Development Precincts

The purpose of the scheme amendment is purely for administrative purposes and to clarify any confusion in regard to the zoning of the Special Development Precincts. The amendment to the Scheme to delineate the Special Development Precinct zone is recommended for approval as shown in [Attachment 6](#).

3. Commercial Vehicle Parking on Residential Land

The intention of commercial vehicles being parked behind the building line is so they do not dominate the streetscape from the primary and secondary frontage and cannot adversely affect the amenity of the streetscape. As the example provided in the background stipulates amenity can be adversely affected due to commercial vehicles not being required to be setback behind the secondary building line. LPS15 Clause 5.18.1 (c) is therefore recommended to be amended to read as follows:

'The vehicle is parked and/or cleaned or serviced entirely on the subject lot and is to be located directly behind the front of the main building on the primary and/or secondary street frontage.'

Upon the Scheme amendment being gazetted the commercial vehicle currently parked in front of the building line on the secondary street will be required to be relocated behind the building and the vehicle will no longer be the dominant feature addressing the street.

The purpose of the subject amendment will ensure that the City's requirements are clearly outlined and implemented. It is considered the modifications will assist in improving the aesthetics of the Residential zone.

4. Schedule No. 2 – Additional Use – Stables and Horse Sales – Ascot Racecourse

The objectives of the Place of Public Assembly zone delineated as 'Racecourse' is to allow uses that are compatible with the Racecourse. Providing an additional use to allow 'Stables' and 'Horse Sales' within the subject zone is in accordance with the intent of the zone.

The purpose of the scheme amendment is to allow additional uses that are compatible with the subject zone and approval is recommended.

Item 12.3 Continued.

5. Rezoning of Lot 401 (20) Gladstone Road, Rivervale

Since the approval and construction of the single house in 1984 the subject lot has always been used for residential purposes. Also, the recommended rezoning of the dwelling will have no impact on the adjoining neighbours or streetscape as the maximum potential of the rezoning remains as a single house.

The purpose of the rezoning is to ensure the land use is consistent with the intent of the past, current and future development of the subject lot and surrounding land use. The proposed amendment to rezone Lot 401 (20) Gladstone Road, Rivervale as Residential with a density coding of R20/R40 under the scheme map and text is recommended for approval.

Conclusion

It is recommended that Council resolve to initiate Amendment No 5 to LPS15 and advertise the Amendment upon receipt of advice from the Environmental Protection Authority.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

- 1. In pursuance of Section 75 of the Planning and Development Act 2005, amend Local Planning Scheme No 15 by:***

(A) Amending Table I (Use Class Table) of Local Planning Scheme No 15 in relation to the following use:

ZONES										
USE CLASSES	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Child Family Day Care	P	X	X	D	D	X	X	D	D	D

(B) Amending the scheme map to remove the underlying zoning of 'Residential' from all Special Development Precincts and creating a

12.4 ANNUAL REVIEW OF STANDARD DEVELOPMENT CONDITIONS AND SUBDIVISION CONDITIONS

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7 – Item 12.4 refers	<u>List of Standard Development Conditions</u>
Attachment 8 – Item 12.4 refers	<u>List of Standard Subdivision Conditions</u>

Voting Requirement	:	Simple Majority
Subject Index	:	115/001
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	18 December 2012 Ordinary Council Meeting Item 12.1
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 checked="" type="checkbox"/> Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

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

- Planning approvals
- Subdivision advice and built strata approvals.

Item 12.4 Continued.

SUMMARY AND KEY ISSUES

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

The Council last reviewed and adopted both lists of standard conditions in December 2012 (18 December 2012 Ordinary Council Meeting (OCM) Item 12.1 refers).

Some new development approval conditions are proposed to be added, some deleted, and some clarified.

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

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

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

Objective: Protect and enhance our natural environment.

Strategy: Ensure the City has policies and practices that safeguard and enhance the natural environment.

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

Objective: Create a city that evokes feelings of wellbeing, security and safety.

Strategy: The City will continue to design and implement programs which enhance safety, security and wellbeing in the community.

Item 12.4 Continued.

POLICY IMPLICATIONS

The standard conditions for development and subdivision have been prepared having regard to the following policies:

- All relevant adopted State Planning Policies (SPP), including the SPP3.1–Residential Design Codes (latest version gazetted on 2 August 2013) and SPP5.1–Land Use Planning in the Vicinity of Perth Airport
- All City of Belmont Local Planning Policies relevant to Local Planning Scheme No. 15 (LPS15)
- Relevant policies of other government and servicing agencies.

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

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

Under the *Planning and Development Act 2005*:

- s135 requires that subdivision of land shall not be undertaken without the approval of the WAPC
- s162 requires that development shall not commence unless approval has been obtained under a planning scheme, and the development is carried out in accordance with any relevant conditions.

Item 12.4 Continued.

Metropolitan Region Scheme

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

Local Planning Scheme No. 15

Decisions on development applications are made pursuant to the provisions of LPS15. Under Clause 10.3(a) of LPS15, a local government may grant approval with or without conditions.

The standard conditions for development and subdivision have been prepared having regard to the provisions of LPS15.

Planning and Development (Development Assessment Panels) Regulations 2011

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

Right of Appeal

An applicant/owner aggrieved by a condition of:

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

has the right to seek review of the condition to the State Administrative Tribunal (SAT) subject to Part 14 of the *Planning and Development Act 2005*. Applications for review must be lodged with SAT within 28 days of a decision.

BACKGROUND

Development Approvals

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

In relation to City of Belmont, planning approvals and relevant conditions may be imposed by Council or by the City's Director Community and Statutory Services, Manager Planning Services, Coordinator Planning Services or Senior Planning Officer under the Council's delegated authority register (refer to Clause 11.3 of LPS15, and 13/14 DA28, 29 and 30–Development Applications, City of Belmont Delegations Register).

Item 12.4 Continued.

Subdivision/Strata Application Referral Responses

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

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

There are a number of conditions that may be imposed on subdivision/survey-strata/built strata applications depending on the circumstances. In providing a recommendation to the WAPC on subdivision applications, or making a decision on built strata applications, the Director Community and Statutory Services, the Manager Planning Services, the Coordinator Planning Services or Senior Planning Officer may recommend a series of conditions under the Council's delegated authority register (refer to Clause 11.3 of LPS15, and 12/13 DA28 and 31–Development Applications, City of Belmont Delegations Register).

Principles of Conditions

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

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

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

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

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

Item 12.4 Continued.

Annual Review of Conditions

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

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

Although the majority of planning and subdivision approval conditions have been operating effectively, there is a need for adjustments to the wording of some conditions. This primarily results from:

- The need to clarify and reinforce the planning purpose
- Changes to the R-Codes and other planning instruments
- Changes to internal working practices.

The updated list of development conditions is provided under [Attachment 7](#). New conditions or existing conditions are proposed for modifications and are shown in bold text in the attachment. In summary:

- Nine new planning approval conditions are proposed
- Twenty-five (25) planning conditions are proposed to be amended (primarily minor wording changes not affecting the original intent of the condition)
- Three conditions are proposed to be deleted.

The updated list of subdivision conditions is provided under [Attachment 8](#). New conditions or existing conditions are proposed for modifications and are shown in bold text in the attachment. In summary:

- One new subdivision approval condition is proposed
- Three existing subdivision conditions are proposed to be amended (minor changes)
- No conditions are proposed to be deleted.

OFFICER COMMENT

Although there are a number of proposed changes to the City's standard development and subdivision conditions, the majority of these do not change the intent of conditions that have been consistently imposed in recent years.

Item 12.4 Continued.

Planning Approval Conditions

New Conditions

The following is a brief rationale behind the inclusion of nine new conditions in the list of standard conditions for planning approvals:

Proposed Condition – Car Parking Provision

“Prior to occupation of the development or commencement of the use, the landowner shall enter into a legal agreement with the City prepared by the City’s solicitors by which the landowner covenants to construct the shortfall of ____ car parking bays when required by the City and agrees to the registration of an absolute caveat against the Certificate/s of Title to the land. The owner is to bear all costs associated with the preparation and stamping of the agreement and the registration of the caveat”.

Rationale

There are times where the construction of all car parking bays associated with a development or land use up front is not reasonable, such as staged developments or those where there is a clear over supply when assessed on Scheme standards. This condition formalises an existing working practice by allowing partial construction of car bays and the deferral of construction of the remaining bays through a legal agreement registered as an absolute caveat on the certificate of title, thus restricting transfer of the property.

Proposed Condition – Customer/Client Limitation

“There shall be no more than ____ customers/clients on the site at any given time”.

Rationale

Some land uses, such as consulting rooms, medical centres and educational establishments have parking based on customer, client or staff numbers. Although these numbers form part of the approval, a supporting condition ensures that the restriction (which affects parking provision) is known to the proponent and any subsequent purchaser of the property. The condition also assists Council with enforcement proceedings should the number of clients, customers or staff members be exceeded.

Proposed Conditions – Commercial Vehicle Parking

“The commercial vehicle shall at all times be parked behind the front building line of the house”.

“No loading, unloading and/or transfer of goods and passengers from one commercial vehicle to another shall occur on the site”.

“The storage of any goods associated with the use of the commercial vehicle is not permitted on the subject site”.

“Major servicing, extensive cleaning and/or detailing of the commercial vehicle is not permitted to occur on the site”.

Item 12.4 Continued.

Rationale

The above conditions relate to development requirements contained in LPS15 relating to the parking of commercial vehicles in residential areas. These conditions ensure that the development standards are adhered to post approval and also assists Council with enforcement proceedings should these requirements be breached.

Proposed Condition – Sightline Truncations

“No buildings, structures (including fencing) and landscaping exceeding 0.75 metres in height above ground level are permitted to be located within a 2.0m x 2.0m truncation at the junction of the common property/access way/driveway (delete not applicable) and the <insert street name> road reserve, as marked in ‘RED’ on the approved plans”.

“No buildings and structures (including fencing) are permitted to be located within a 6.0m x 6.0m truncation at the junction of <insert street name> and the <insert street name> road reserves, as marked in ‘RED’ on the approved plans”.

Rationale

The above requirements are contained in the R-Codes to ensure adequate sightlines at vehicle access points and street intersections are achieved. Typically truncations in property boundaries are facilitated through the subdivision process, however adjustments to the property boundary cannot be achieved through the development application process. These conditions therefore ensure that development does not encroach into the sightline areas.

Proposed Conditions – Massage Services

“All massage services provided on site are to be non-sexual and no other forms of sex related activities are permitted”.

Rationale

Applications for massage business (legitimate or otherwise) are common in the City of Belmont. The majority of suspected illegitimate proposals received are typically able to be discouraged by the Planning Department through requests for specific information about the nature of the business and the insistence of compliance with all other aspects of the LPS15, including car parking. Where a proposal satisfies the Planning Department's scrutiny, planning approval is often issued with the above condition. Its inclusion merely formalises its use as a standard condition.

Deleted Conditions

Three conditions have been deleted, as follows:

- P13.04 (requirement for grouped and multiple dwellings to provide a storeroom) – this condition is superfluous given planning approval will not be issued by the City's Planning Department unless the development plans make provision for a store room.

Item 12.4 Continued.

- P20.01 – (family member occupancy for ancillary accommodation) – this condition is no longer required as the R-Codes have removed this requirement from the deemed to comply provisions.
- P22.03 (air-conditioning plan) – this condition is not a valid planning condition as noise compliance for plant and machinery is dealt with under Health legislation.

The deleted conditions, and a short summary of why they were deleted, are identified in [Attachment 7](#).

Revised Conditions

A number of conditions have had minor adjustments made or reworded:

- For clarity to reinforce the planning purpose; and/or
- To reflect changes to the R-Codes and other planning instruments;
- To reflect changes to internal working practices.

The proposed changes do not impact the original intent of the conditions.

The reworded conditions, and a short summary of why they were reworded, are identified in [Attachment 7](#).

Subdivision Conditions

The review of the City's Standard Subdivision Conditions has seen one new condition (retention of street trees) and minor changes to the wording of three conditions. The proposed changes do not impact the original intent of the conditions.

Short comments regarding the relevant conditions are identified in [Attachment 8](#).

Conclusion

A review of the City's standard development and subdivision conditions has been undertaken which has resulted in a number of standard conditions having minor modifications made to their wording. All conditions, including those that have been changed, have planning purpose and therefore are expected to be legally enforceable should they be subject to appeal or review.

Notwithstanding that standard conditions have been prepared, this doesn't remove the ability for the City to use alternative wording as required, having regard to the circumstances and particulars of the application.

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

FINANCIAL IMPLICATIONS

There are no financial implications at this time.

Item 12.4 Continued.

ENVIRONMENTAL IMPLICATIONS

A number of standard conditions exist to safeguard the natural environment. Other non-standard conditions can be imposed as required based on advice from the City's Parks and Environment Services.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

- 1. Adopt the updated list of standard development conditions for planning approvals provided under [Attachment 7](#) titled 'List of Standard Development Conditions for Planning Approvals'.***
- 2. Adopt the list of standard subdivision/strata conditions for subdivision referrals provided under [Attachment 8](#) titled 'List Standard Subdivision/Strata Conditions for Referrals and Approvals'.***

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

12.5 PUBLIC ART – CENTENARY PARK COMMUNITY CENTRE

SOCIAL BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 9 – Item 12.5 refers	<u>Artist Impressions</u>

Voting Requirement	:	Absolute Majority
Subject Index	:	17/006
Location/Property Index	:	107 Daly Street, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	City of Belmont
Owner	:	City of Belmont and Water Corporation
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 checked="" type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To support the recommendation from the Public Art Advisory Panel (PAAP) to increase the Centenary Park Public Art Project budget.

Item 12.5 Continued.

SUMMARY AND KEY ISSUES

As part of the 2013-2014 budget process, Council approved \$50,000 to be spent on the Centenary Park Public Art project.

The PAAP seek Council support to increase the budget to \$75,000 to ensure a suitable artwork is developed that recognises the significant investment in the community facility.

It is proposed that the extra funds requested (\$25,000) are acquired from the City's Public Art Reserve.

LOCATION

107 Daly Street, Belmont.



CONSULTATION

The PAAP, representing a cross section of the organisation, a community representative, and two Elected Members are all in favour to increase the budget.

Item 12.5 Continued.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Ensure access to services and facilities for a changing community

Strategy: Provide art and cultural opportunities as a means of community engagement and inclusion

Corporate Key Action: Deploy the City's Public Art Directions and Master Plan 2011-2015.

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

Through the 2009-2010 Community Infrastructure Review and the Community Infrastructure Plan 2010, a need was identified for more facilities for recreation groups and community service providers within the City of Belmont. It was also identified through the 2010 Community Wellbeing Survey that the City needs to develop strategies to increase and maintain participation in sports clubs and community organisations in order to increase levels of participation in both sporting and recreation activities.

Officers considered that it was a worthwhile option to refurbish the building located at Centenary Park for the purpose of turning it into a 'multi-use' Community and Recreation Centre. The existing Centenary Park Clubrooms were built in 1988 and were very dated in appearance and did not meet current standards for disability access or current building codes.

The refurbishment includes:

- Upgrading the existing change rooms
- Construction of new male/female and accessible toilets
- Upgrading the Clubroom kitchen, flooring, air conditioning and installation of energy efficient lighting
- Upgrading the front façade, foyer and verandah areas
- Refurbishing the hall.

Item 12.5 Continued.

Community groups including Belmont City College, Belmont Toy Library, Community Link and Network (CLAN) Western Australia, Playgroup Western Australia, Wanslea and the Canning Division of General Practice (now known as Bentley Armadale Medicare Local) and Ascot Cricket Club provided letters of support for the project.

With this support the City was successful in receiving funding from Lotterywest (\$546,025) and the Department of Sport and Recreation (\$139,628) to assist in funding the project.

A number of departments have an involvement in the overall redevelopment of the facility. They include:

Building Services

Coordinating the demolition and the refurbishment of the building and car park lighting. The awarded builders have been on-site since the 4 November 2013.

The approximate cost of the architectural fees and building upgrade is \$1.94 million excluding GST. The car park lighting is estimated to be \$90,000 excluding GST (scheduled for the 2014/2015 financial year).

Works

Coordinating the car park redesign and drainage upgrade over the current and next financial year. The approximate cost of the car park upgrade and drainage is \$320,000.

Parks

Landscaping of the surrounding area and tree cells at an estimated cost of \$210,000. \$70,000 has been allocated for this financial year and \$140,000 carried over for the 2014/2015 financial year. Total approximate cost of the whole redevelopment is anticipated to be approximately \$2.5 million.

Due to the major community facility upgrade, the PAAP identified Centenary Park Community Centre as the next public art project for the 2013/2014 financial year.

As part of the 2013/2014 budget process, Council approved the \$50,000 allocated to the project. At the time, the panel believed that a \$50,000 budget would be sufficient.

OFFICER COMMENT

The City's public art Consultant recently conferred with the appointed Architect to discuss potential locations for public art on the site whereby the following locations were identified:

- The 16 'blades' or concrete pillars of the building (refer to the artist impression of the building in [Attachment 9](#))
- A vertical sculpture in front of the building to contrast the strong horizontal design
- Functional artwork that can act as seating or similar in front of the building.

Item 12.5 Continued.

At the PAAP meeting held on the 5 November 2013, panel members discussed the artist brief, locations and the scope of works for the public art project. The City's Consultant presented a number of similar public art projects in Perth and their corresponding costs.

Upon conclusion of the presentation, it was agreed that the approved budget was not sufficient to fund a significant art work that reflects the significant investment made to refurbish the Community Centre.

The City's art Consultant advised the group that should the City wish to maximise the potential locations and scale of artwork, it is recommended to increase the project budget from \$50,000 to \$75,000.

The PAAP agreed with the advice received and seek Council's support to increase the budget.

FINANCIAL IMPLICATIONS

An additional \$25,000 will be required.

Identification of available funds will be undertaken as part of the March 2014 Budget Review and if required can be sourced from the Public Art Reserve Fund. As at 30 June 2013, the reserve holds \$123,048.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The proposed public art is considered to:

- Enhance a sense of community and the image of Belmont
- Increase a sense of collective identity and community value
- Increase opportunities for self-expression and enjoyment
- Increase cultural capital
- Build community identity and pride
- Lead to positive community norms, such as diversity, tolerance and free expression
- Bring people together that might not otherwise come into contact with each other.

Item 12.5 Continued.

OFFICER RECOMMENDATION

GARDNER MOVED, HITT SECONDED, That Council approve the allocation of an additional \$25,000 for the Centenary Park Community Centre Public Art Project with the source of funds to be identified at the March 2014 Budget Review.

***ABSOLUTE MAJORITY REQUIRED

CARRIED BY AN ABSOLUTE MAJORITY 5 VOTES TO 4

*For: Hitt, Marks, Ryan, Powell, Wolff
Against: Bass, Cayoun, Gardner, Rossi*

12.6 ACCOUNTS FOR PAYMENT – NOVEMBER 2013

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 10 – Item 12.6 refers	Accounts for Payment - November 2013

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.6 Continued.

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no 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*
- (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.

Item 12.6 Continued.

OFFICER COMMENT

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

Municipal Fund Cheques	785304 to 785380	\$174,442.38
Municipal Fund EFTs	EF030354 to EF030815	\$3,479,529.19
Municipal Fund Payroll	November 2013	\$1,269,625.11
Trust Fund Cheques	905397 to 905411	\$73,604.44
Trust Fund EFTs	EF030375, EF030430 and EF030538	<u>\$9,407.17</u>
Total Payments for November 2013		\$5,006,608.29

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for November 2013 as provided under Attachment 10 be received.

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

12.7 MONTHLY ACTIVITY STATEMENT AS AT 30 NOVEMBER 2013

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 11 – Item 12.7 refers	<u>Monthly Activity Statement as at 30 November 2013</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

The following report includes a concise list of material variances and a Reconciliation of Net Current Assets at the end of the reporting month.

Item 12.7 Continued.

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

Regulation 34(1) requires a monthly Statement of Financial Activity reporting on revenue and expenditure.

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are required to be reported to Council as a part of the monthly report. It also requires Council to adopt a “percentage or value” for what it will consider to be material variances on an annual basis. Further clarification is provided in the Officer Comments section.

BACKGROUND

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

Item 12.7 Continued.

OFFICER COMMENT

The Statutory Monthly Financial Report is to consist of a Statement of Financial Activity reporting on revenue and expenditure as set out in the Annual Budget. It is required to include:

- Annual budget estimates
- Budget estimates to the end of the reporting month
- Actual amounts to the end of the reporting month
- Material variances between comparable amounts
- Net current assets as at the end of the reporting month.

Previous amendments to the Regulations fundamentally changed the reporting structure which requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based.

The monthly financial report is to be accompanied by:

- An explanation of the composition of the net current assets, less committed* and restricted** assets
- An explanation of material variances***
- Such other information as is considered relevant by the local government.

**Revenue unspent but set aside under the annual budget for a specific purpose.*

***Assets which are restricted by way of externally imposed conditions of use eg tied grants.*

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

In order to provide more details regarding significant variations as included in [Attachment 11](#) the following summary is provided.

Report Section	YTD Budget	YTD Actual	Comment
Expenditure – Capital			
Finance Department	91,361	40,918	Fleet purchase outstanding.
Computing	57,292	133,341	The purchase of business applications are behind budget.
Chief Executive Officer	53,115	0	Fleet purchase outstanding.
Technical Services	143,014	25,795	Swan River foreshore erosion control project has been delayed (due to start in January) due to a delay in the availability of funding.
Grounds Operations	203,076	141,612	Parks projects are tracking well with invoices paid one month in arrears.
Road Works	2,492,228	1,997,248	Roads projects are tracking well with invoices paid one month in arrears.
Footpath Works	414,445	54,420	The footpath replacement program has

Item 12.7 Continued.

Report Section	YTD Budget	YTD Actual	Comment
			been delayed but it is anticipated the full year program will be delivered.
Operations Centre	417,751	172,441	Chargeable plant is on order and awaiting delivery.
Building Operations	943,417	761,390	Building projects are tracking well with invoices paid one month in arrears.
Expenditure – Operating			
Insurance	953,318	852,726	Outstanding invoice for public liability insurance.
Governance	1,352,135	1,157,422	Activity Based Costing (ABC's) allocations are under budget.
Belmont Trust	62,500	1,346	Consulting costs are below budget.
Property and Economic Development	305,379	245,755	Consulting costs are below budget.
Aboriginal Strategies	130,768	48,081	The Aboriginal Engagement Officer position has only recently been filled and the CALD Officer position is vacant.
Sanitation Charges	1,673,469	1,763,109	Budget spread issued in regards to contractor payments.
Community and Recreations Services	361,102	307,162	Budget spread issues in regards to contractor payments.
Grounds Operations	1,863,808	1,808,165	Consulting costs are below budget.
Grounds Active Reserves	296,906	354,329	Turf maintenance programs are ahead of schedule.
Grounds Overheads	755,768	636,731	Wages are currently under budget.
Road Works	378,361	313,439	Maintenance costs are lower than expected however expenditure will increase as specific projects are scheduled.
Building Operations	273,260	193,028	Relates to an outstanding invoice for the Emergency Services Levy on the City's buildings.
Revenue – Capital			
Belmont Trust	(74,290)	(13,338)	Reserve transfers are lower than anticipated.
Road Works	(223,645)	(145,694)	Capital grants (Roads To Recovery) outstanding.
Technical Services	(24,000)	(96,884)	Earlier than anticipated sales of fleet.
Revenue – Operating			
Rates	(37,981,757)	(38,093,515)	Growth through interim rates is stronger than expected.
General Purpose Income	(115,147)	(205,293)	Financial Assistance Grant received earlier than expected.
Financing Activities	(350,706)	(300,238)	Actual excludes interest accrued on bank deposits.
Volunteer Emergency Services	(30,716)	(103,025)	Grant income received earlier than expected.
Belmont HACC	(1,139,200)	(1,202,003)	The quarterly operating grant allocation

Item 12.7 Continued.

Report Section	YTD Budget	YTD Actual	Comment
Services			was slightly higher than expected.
Town Planning	(596,021)	(536,840)	ABC recoveries are below budget.
Grounds Overheads	(660,951)	(589,147)	The use of contract staff has led to a lower recovery of overheads.
Road Works	(62,501)	(125,003)	Financial Assistance Grant received earlier than expected.
Public Works Overheads	(687,999)	(591,466)	The use of contract staff has led to a lower recovery of overheads.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 30 November 2013	\$	Comment
Cash and investments	57,412,512	Includes municipal, reserves and deposits
- less non rate setting cash	(30,059,032)	Reserves and deposits held
Receivables	9,534,359	Rates levied yet to be received and Sundry Debtors
- less non rate setting receivables	(1,685,331)	ESL levied and GST payable
Stock on hand	263,745	
Total Current Assets	\$37,658,684	
Current Liabilities		
Creditors and provisions	(8,836,507)	Includes deposits
- less non rate setting creditors and provisions	3,976,014	ESL, GST and deposits held
Total Current Liabilities	(\$4,860,493)	
Nett Current Assets 31 October 2013	\$30,606,760	
Nett Current Assets as Per Financial Activity Report	30,606,760	
Less Restricted Assets	(381,027)	Unspent grants held for specific purposes
Less Committed Assets	(29,735,733)	All other budgeted expenditure
Estimated Closing Balance	500,000	

Item 12.7 Continued.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Monthly Financial Report as at 30 November 2013 as included in [Attachment 11](#) be received.

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

12.8 STANDING ORDERS AMENDMENT LOCAL LAW 2013

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 12 – Item 12.8 refers	<u>Proposed Standing Orders Amendment Local Law 2013</u>
Attachment 13 – Item 12.8 refers	<u>Standing Orders Local Law 2012</u>
Attachment 14 – Item 12.8 refers	<u>Joint Standing Committee on Delegated Legislation Letter</u>

Voting Requirement : Simple Majority
Subject Index : 76/008 – Local Laws – Standing Orders
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : OCM 25/06/2013 – Item 12.14
Applicant : N/A
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- ☐ **Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
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PURPOSE OF REPORT

To give notice of the purpose and effect of the proposed *Standing Orders Amendment Local Law 2013* (refer [Attachment 12](#))

Item 12.8 Continued.

SUMMARY AND KEY ISSUES

The *City of Belmont Standing Orders Local Law 2012* (Standing Orders) (refer [Attachment 13](#)) were gazetted on 21 December 2012. On the 11 June 2013 the Joint Standing Committee on Delegated Legislation (the Committee) wrote to the City of Belmont (refer [Attachment 14](#)) seeking an undertaking from Council to make required changes to the Standing Orders or face a notice of motion for the Legislative Council to disallow the entire Standing Orders.

Council resolved at the Ordinary Council Meeting of 25 June 2013 to proceed with the undertaking, consequently the legislative procedure for amending a local law must now be commenced.

LOCATION

N/A.

CONSULTATION

Public consultation is a legislative requirement. A period of six weeks is required to allow the public to make submissions on the proposed Standing Orders Amendment Local Law 2013. Any submissions from the public that are received will be assessed and a report will be presented to the Council.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

Item 12.8 Continued.

- (2) At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to:
 - (a) give Statewide public notice stating that:
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than six weeks after the notice is given.
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister
 - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different to what was proposed.

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

Item 12.8 Continued.

The “prescribed manner” required by section 3.12(2) of the Act, is prescribed in regulation 3 of the *Local Government (Functions and General) Regulations 1996* as follows:

For the purpose of section 3.12 of the Act, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that:

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

BACKGROUND

The City adopted the current *Standing Orders Local Law 2012* at the Ordinary Council Meeting of 27 November 2012.

The Committee wrote to the City of Belmont (11 June 2013) seeking an undertaking from Council to delete Part 12 of the Standing Orders or face a notice of motion for the Legislative Council to disallow the entire Standing Orders.

Part 12 contained the following sections:

12.1 Disclosure of interests

Members and employees must deal with all interests and potential conflicts of interest in accordance with the requirements of the Act, the *Local Government (Rules of Conduct) Regulations 2007*, the Code of Conduct and all other legal obligations.

12.2 Disclosure by members who are observers at committee meetings

The obligation under section 12.1 to disclose an interest is to apply to all Members present at a committee meeting, including an elected member attending a committee meeting in the capacity of an observer.

These sections and the reasons requested for the deletions are set out in the Committee’s letter to the City (refer [Attachment 14](#)). In summary the Committee’s view is that section 3.5(1) of the *Local Government Act 1995* does not permit or authorise sections 12.1 or 12.2 to be prescribed in a local law.

At the Ordinary Council Meeting of 25 June 2013, as advised by the Committee, the Council undertook to do the following within six months:

1. Delete sections 12.1 and 12.2 of the *Standing Orders Local Law 2012*
2. Make consequential amendments to the *Standing Orders Local Law 2012*.

Item 12.8 Continued.

OFFICER COMMENT

Amending Local Law

It should be noted that any amendment to a local law requires full compliance with the same legislative procedure as creation of any new local law. This process commences with the requirement that at a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law.

Purpose and Effect

The purpose and effect of the proposed *Standing Orders Amendment Local Law 2013* is to amend the *Standing Orders Local Law 2012* through the deletion of Part 12.

As a consequential amendment, section 19.1(3) will be deleted, and the remaining subsections in 19.1 will be renumbered to reflect the deletion of Part 12 of the Standing Orders.

FINANCIAL IMPLICATIONS

There will be costs associated with the advertisement and publishing of the *Standing Orders Amendment Local Law 2013*.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That in accordance with the provisions of the Local Government Act 1995, Council gives notice of the purpose and effect of the proposed Standing Orders Amendment Local Law 2013.

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

12.9 AIRPORT CITIES WORLD CONFERENCE 2014

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

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

Voting Requirement : Simple Majority
Subject Index : 35/001–Functions/Courses–Councillor Attendance
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Stuart Cole–Chief Executive Officer
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Executive

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to approve the Mayor (or nominee), Chief Executive Officer (or nominee) and a Senior Planning Officer's attendance at the Airport Cities World Conference in Kuala Lumpur from the 30 March 2014 to 2 April 2014 inclusive.

Item 12.9 Continued.

SUMMARY AND KEY ISSUES

Airports today are much more than aviation infrastructures. They are multimodal, multifunctional enterprises generating considerable commercial development within and well beyond their boundaries.

All commercial functions of a modern metropolitan centre are locating on and immediately around major Airport sites - transforming them from "City Airports" to "Airport Cities".

Strategically located with surplus prime developable land and surrounded by key industrial and commercial precincts, Perth Airport's potential to become an "Airport City" is growing. Add the largest road infrastructure project undertaken in Western Australia - Gateway WA and a rail link, and this potential becomes a reality.

LOCATION

N/A.

CONSULTATION

Consultation was undertaken with the Australian Mayoral Aviation Council Executive as some members are also considering attending and Perth Airport Pty Ltd.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Maximise Business Development.

Strategy: Attract and Support high quality business development and the sustainable use of land in Belmont, including Perth Airport, by providing information and assistance to business seeking to establish operations in the City.

Corporate Key Action: Facilitate the effective interpretation and use of the Town Planning Scheme by business.

Facilitate business investment by advising, supporting and promoting Belmont as a place for business.

Item 12.9 Continued.

POLICY IMPLICATIONS

Policy BEXB11B - Elected Member Professional Development and Authorised Travel specifically refers to the following:

3. Council Nominated Professional Development and Authorised Travel Events

The costs of attendance at Council nominated Professional Development and Authorised Travel listed in this policy, or to which Council resolves to send an Elected Member as a delegate, are not to be deducted from the Professional Development budget limit for that Elected Member. These events include Australian Local Government Association events, Australian Mayoral Aviation Council events and the receipt of awards or approved lobbying on behalf of the City of Belmont.

Unless otherwise resolved by Council;

- a. the Mayor, or the Deputy Mayor; and
- b. the CEO or the CEO's nominee will be the Council delegate for attendance at these events.

7. Interstate and Overseas Professional Development Events

Overseas travel will be subject to Council approval, and shall be limited to one Elected Member attending an event, unless otherwise resolved by Council.

STATUTORY ENVIRONMENT

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

BACKGROUND

At an Australian Airports Association conference in 2012, a senior executive from Perth Airport alerted the Mayor and Chief Executive Officer (CEO) to an annual Airport Cities World Conference that he and other Executives have attended.

In researching the Airport Cities World Conference the following statement was discovered:-

"A new strategic approach to airport planning and associated commercial development is gaining prominence around the world. This is the Airport City and Aerotropolis model. It consists of an airport-centred commercial core (the airport city) and outlying corridors and clusters of aviation-linked business that makes up the greater aerotropolis. Virtually all commercial functions found in a modern metropolitan downtown are establishing themselves in Airport Cities and surrounding aerotropolises.

As an increasing number of commercial activities and businesses locate on and around airports, they are transforming airport areas into new urban growth destinations where air travellers and locals alike work, shop, meet, exchange knowledge, eat, sleep and are entertained without going more than 15 minutes from the airport. Multimodal transportation infrastructure (air, highway, rail and links to ports) connect airport city and aerotropolis businesses and people to markets near and far, driving and shaping their growing local, regional and global significance. The Airport City and its greater aerotropolis are changing the way we work, the way we live, and the way metropolitan regions grow. In the process, they are creating tomorrow's world."

Item 12.9 Continued.

OFFICER COMMENT

The extract above is extremely relevant to Perth Airport given its prominence in the Perth property market, the adjoining areas of Kewdale, Forrestfield and Hazlemere and the terminal consolidation programme.

The significant infrastructure projects now commencing together with Perth Airport's role in the mining industry, its plans to create an office park at the current domestic terminal and the many hundreds of hectares of developable land certainly fit the potential for an "Airport City".

The City's role in working closely with Perth Airport as a key Stakeholder is fundamental for future success and dividends for the wider Belmont Community. The integration of Perth Airport with the surrounding Business and Residential Communities is challenging but offers significant benefits for Belmont, Perth's Eastern Region and Western Australia. The multimodal transport links referred to above are in existence and are now being significantly enhanced to ensure significant economic growth.

The City of Belmont plays a key role in the interface of the Airport with surrounding communities through various positions:-

Mayor

Chairman of the Perth Airport Municipalities Group

WA Representative on the Australian Mayoral Aviation Council

Member of the Perth Airport Noise Committee

Member of the Community Aviation Consultative Group

Chief Executive Officer

Secretary of the Perth Airport Municipalities Group

Accompanies the Mayor to Australian Mayoral Aviation Council Executive meetings

Attends the Perth Airport Noise Committee

Member of the Community Aviation Consultative Group

Member of the Perth Airport Planning Coordination Forum

Member of the Perth Airport Advisory Board

This conference is attended on average by 800 – 1000 delegates from over 45 nations consisting of:-

Mayors and Members of Regional and Local Government

Airport Owners and Operators

Airport Board Members

Developers and Real Estate Executives

Commercial Financiers

Planners

Construction Companies

And Others.

Some of the sessions being presented are as follows:-

- A preconference master class for first time attendees offers a full understanding of the concept of Airport Cities and Aerotropolis.
- A global Airport Cities report.

Item 12.9 Continued.

- The role of Airport Cities in urban renewal and economic development.
- Understanding the importance of stakeholder alignment and governance in a successful Airport City development.
- Commercial development and airport real estate.
- Airport City design.

Other sessions cover non aeronautical revenues development, emerging Asian Airport Cities and how China and India are developing their aviation connectivity.

The need for increasing and diversifying the non-aeronautical revenue streams has never been more important for the financial success of airports and the wider airport city developments.

To gain an insight through these and the many other sessions available will enhance those who are attending understanding of how Airports will develop in the future and the integration challenges for surrounding business and residential communities.

FINANCIAL IMPLICATIONS

The costs per person for Registration, Airfares and Accommodation are estimated to be \$3,000 (a discounted registration fee applies for Government attendees).

The City allocates a budget each year for Airport related matters and these costs will be charged to that account.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.9 Continued.

OFFICER RECOMMENDATION

That Council:

1. Approve the attendance of the Mayor (or nominee) at the Airport Cities World Conference and Exhibition in the City of Kuala Lumpur, Malaysia from the 30 March 2014 to 2 April 2014 Inclusive.
2. Approve the attendance of the Chief Executive Officer (or nominee) at the Airport Cities World Conference and Exhibition in the City of Kuala Lumpur, Malaysia from the 30 March 2014 to 2 April 2014 Inclusive.
3. Approve the attendance of a Senior Planning Officer (Director or Manager) at the Airport Cities World Conference and Exhibition in the City of Kuala Lumpur, Malaysia from the 30 March 2014 to 2 April 2014 Inclusive.
4. Approve this expenditure to be in addition to the Mayor's Professional Development allowance.

ALTERNATIVE OFFICER RECOMMENDATION

ROSSI MOVED, WOLFF SECONDED, That Council:

1. ***Approve the attendance of the Mayor (or nominee) at the Airport Cities World Conference and Exhibition in the City of Kuala Lumpur, Malaysia from the 30 March 2014 to 2 April 2014 Inclusive.***
2. ***Approve the attendance of a Senior Planning Officer (Director or Manager) at the Airport Cities World Conference and Exhibition in the City of Kuala Lumpur, Malaysia from the 30 March 2014 to 2 April 2014 Inclusive.***
3. ***Approve this expenditure to be in addition to the Mayor's Professional Development allowance.***

CARRIED 6 VOTES TO 3

*For: Hitt, Marks, Powell, Rossi, Ryan, Wolff
Against: Bass, Cayoun, Gardner*

REASON

This alternative recommendation reduces the costs by a third. It is important for the Mayor to attend as Perth Airport currently occupies one third of the City and its future development will have a profound impact on the City of Belmont. A significant element of the conference programme is directly related to land use planning therefore a Senior Planning Officer is also essential.

9.34pm The Director Technical Services departed the meeting.

9.37pm The Director Technical Services returned to the meeting.

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

**13.2 NOTICE OF MOTION (CR GARDNER) - LOCAL GOVERNMENT AMALGAMATION
OPPOSITION AND POLL**

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Tabled Attachment 2 – Item 13.2 refers	<u>Local Government Act 1995, Schedule 2.1</u>

Voting Requirement : Simple Majority
Subject Index : 111/008
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : Nil.
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, local planning schemes and policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☐ **Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To submit for Council consideration of a Notice of Motion prepared by Councillor Gardner in regard to Council voicing its opposition to the forced amalgamation between the City of Belmont and the Shire of Kalamunda and the conduct of a poll of eligible electors being conducted in 2014.

Item 13.2 Continued.

SUMMARY AND KEY ISSUES

An Elected Member, Cr Gardner, has submitted a Notice of Motion in regard to Council voicing its opposition to the forced amalgamation between the City of Belmont and the Shire of Kalamunda and the conduct of a poll of eligible electors being conducted in 2014. Cr Gardner has stated that the residents of the City of Belmont are broadly opposed to proposals to amalgamate or merge with other local governments. Council has an obligation to act in the interests of residents, including the provision of a poll to ensure every eligible elector can exercise their democratic rights.

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

LOCAL GOVERNMENT ACT 1995: PART 4 — ELECTIONS AND OTHER POLLS

Division 12 — Polls and referendums

4.99. Election procedures to apply to polls and referendums

- (1) To the extent to which the provisions of this Part are capable of being applied with or without adaptation in respect of polls under another Part, those provisions apply with or without adaptation in respect of those polls.
- (2) Despite subsection (1), regulations may make necessary or convenient provisions in relation to preparing for, conducting and ascertaining the result of polls under another Part of this Act and for ensuring the purity of the conduct of them.

Item 13.2 Continued.

- (3) Regulations may make necessary or convenient provisions in relation to preparing for, conducting and ascertaining the result of polls and referendums held by local governments, whether under local laws or otherwise, and for ensuring the purity of the conduct of them.
- (4) Without limiting subsection (2) or (3), regulations may provide for the electoral rolls that are to be used, or prepared and used, for polls and referendums.

LOCAL GOVERNMENT (ELECTIONS) REGULATIONS 1997: PART 16 — POLLS AND REFERENDUMS

- 88.** Election procedures apply to polls and referendums that are not required under the Act — s. 4.99(3) and (4)

Subject to regulation 89, to the extent to which the provisions of Part 4 of the Act are capable of being applied with or without adaptation in respect of polls and referendums referred to in section 4.99(3), those provisions apply with or without adaptation in respect of those polls and referendums.

- 89.** Election procedures need not be applied in certain cases — s. 4.99(2) to (4)

- (1) A local government can conduct a poll or referendum in such manner as it considers appropriate if —
 - (a) the poll or referendum is not held in conjunction with an election; and
 - (b) voting at the poll or referendum is not confined to electors.
- (2) Where a poll is required by the Minister under Schedule 2.1, clause 7 or 8 of the Act, the Minister may, by notice in writing to the relevant local government or local governments, fix the day on which the poll is to be held.
- (3) Where the Electoral Commissioner is to be responsible for the conduct of a poll, other than an electoral poll, the local governments involved in that poll may, with the agreement of the Electoral Commissioner, abridge the time periods set out in sections 4.20(5) and (6), 4.39(1) and (2), 4.40(1) and (2), 4.41(1), and 4.61(3) and (5), to take account of periods in Part 4 of the Act that only apply to electoral polling.

- 90.** Electoral Commissioner may assist

The Electoral Commissioner may, on behalf of a local government, conduct —

- (a) polls and referendums referred to in section 4.99(3); or
- (b) other kinds of surveys,

on such terms and conditions as the Electoral Commissioner and the local government may agree.

- 91.** Expenses of Electoral Commissioner — s. 2.12A (2) (c)

The expenses of the Electoral Commissioner in connection with a poll conducted under section 2.12A are to be met by the local government to the extent agreed between the Electoral Commissioner and the local government.

Item 13.2 Continued.

92. Declaration and notice of results of poll under section 2.12A

- (1) The RO is to publicly declare the result of a poll under section 2.12A.
- (2) The declaration is to include —
 - (a) the question that was voted on; and
 - (b) the answer to that question as determined by the results of the poll.
- (3) The RO is also to give local public notice of the result of the poll (Form 23).

LOCAL GOVERNMENT ACT 1995: SCHEDULE 2.1

6. Recommendation by Advisory Board

- (1) After formally inquiring into a proposal, the Advisory Board, in a written report to the Minister, is to recommend* —
 - (a) that the Minister reject the proposal; or
 - (b) that an order be made in accordance with the proposal; or
 - (c) if it thinks fit after complying with subclause (2), the making of some other order that may be made under section 2.1.

** Absolute majority required.*

- (2) The Advisory Board is not to recommend to the Minister the making of an order that is significantly different from the proposal into which it formally inquired unless the Board has —
 - (a) given* notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation of its intention to do so; and
 - (b) afforded adequate opportunity for submissions to be made about the intended order; and
 - (c) considered any submissions made.

** Absolute majority required.*

7. Minister may require a poll of electors

In order to assist in deciding whether or not to accept a recommendation of the Advisory Board made under clause 6, the Minister may require that the Board's recommendation be put to a poll of the electors of districts directly affected by the recommendation.

8. Electors may demand poll on a recommended amalgamation

- (1) Where the Advisory Board recommends to the Minister the making of an order to abolish 2 or more districts (the ***districts***) and amalgamate them into one or more districts, the Board is to give notice to affected local governments, affected electors and the other electors of districts directly affected by the recommendation about the recommendation.
- (2) The notice to affected electors has to notify them of their right to request a poll about the recommendation under subclause (3).
- (3) If, within one month after the notice is given, the Minister receives a request made in accordance with regulations and signed by at least 250, or at least 10%, of the electors of one of the districts asking for the recommendation to be put to a poll of electors of that district, the Minister is to require that the Board's recommendation be put to a poll accordingly.
- (4) This clause does not limit the Minister's power under clause 7 to require a recommendation to be put to a poll in any case.

Item 13.2 Continued.

9. Procedure for holding poll

- (1) Where, under clause 7 or 8, the Minister requires that a recommendation be put to a poll —
 - (a) the Advisory Board is to —
 - (i) determine the question or questions to be answered by electors; and
 - (ii) prepare a summary of the case for each way of answering the question or questions; and
 - (b) any local government directed by the Minister to do so is to —
 - (i) in accordance with directions by the Minister, make the summary available to the electors before the poll is conducted; and
 - (ii) subject to subclause (2), declare* the Electoral Commissioner, or a person approved by the Electoral Commissioner, to be responsible for the conduct of the poll under Part 4, and return the results to the Minister.

** Absolute majority required.*

- (2) Before making a declaration under subclause (1) (b) (ii), the local government is to obtain the written agreement of the Electoral Commissioner.

10. Minister may accept or reject recommendation

- (1) Subject to subclause (2), the Minister may accept or reject a recommendation of the Advisory Board made under clause 3 or 6.
- (2) If at a poll held as required by clause 8 —
 - (a) at least 50% of the electors of one of the districts vote; and
 - (b) of those electors of that district who vote, a majority vote against the recommendation,the Minister is to reject the recommendation.
- (3) If the recommendation is that an order be made and it is accepted, the Minister can make an appropriate recommendation to the Governor under section 2.1.

BACKGROUND

The notice of motion provided by Cr Gardner reads as follows:

“The council voices its opposition to the forced amalgamation between the City of Belmont and the Shire of Kalamunda and commits to conduct a poll of eligible electors within the City of Belmont to be held in 2014.

The residents of the City of Belmont are broadly opposed to proposals to amalgamate or merge with other local governments. Council has an obligation to act in the interests of residents, including the provision of a poll to ensure every eligible elector can exercise their democratic rights.”

Item 13.2 Continued.

OFFICER COMMENT

It is important to be clear on the technical circumstances surrounding a “poll” in relation to amalgamation. The following is provided to assist in the consideration of this Notice of Motion.

A poll in relation to amalgamations can be called so as to have a direct influence over the Minister’s decision by only two parties: The Minister, or the affected community (250 electors or 10% of the electors). If called in this way, and it is valid (at least 50% of the electors vote) the Minister is obliged to make his decision based on the outcome.

No other poll or referendum has any legal sway over the Minister’s decision. In the case of a boundary change, only the Minister has the ability to call for a poll which has legal sway over his decision.

The use of the term “poll” relating to the amalgamation/boundary change when not called by the parties entitled to do so may in fact be confusing in its application as it could give the community a false sense of its legislative impact.

To put the above into the context of the circumstances surrounding the City of Belmont and the Shire of Kalamunda, the Local Government Advisory Board (LGAB) is considering both an amalgamation proposal and a boundary change proposal. Should the LGAB recommend the amalgamation to the Minister, either the community or the Minister may call a poll as part of the consultation process. Should the LGAB recommend the boundary change, only the Minister can call the poll.

Taking into account the statements made by the Minister to date, and the legal status of any poll or referendum undertaken outside of the LGAB process, it is considered that it can only provide an indication of community sentiment and is considered unlikely to have any influence over the LGAB’s or the Minister’s decision.

FINANCIAL IMPLICATIONS

In terms of cost to the community, estimates based on past elections and the costs of other referendums undertaken outside the Local Government Election Process indicate that any stand alone poll or referendum on a postal voting basis would cost in the vicinity of \$60,000-\$80,000.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 13.2 Continued.

Cr Gardner declared an Impartiality Interest in Item 13.2 Notice of Motion (Cr Gardner) - Local Government Amalgamation Opposition and Poll.

Cr Cayoun declared an Impartiality Interest in Item 13.2 Notice of Motion (Cr Gardner) - Local Government Amalgamation Opposition and Poll.

COUNCILLOR RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED, That the Council voices its opposition to the forced amalgamation between the City of Belmont and the Shire of Kalamunda and commits to conduct a poll of eligible electors within the City of Belmont to be held in 2014.

Cr Rossi put forward the following amendment to Cr Gardner's Motion.

Amendment 1

ROSSI MOVED, WOLFF SECONDED, That Council:

- 1. Continues to voice its opposition to the forced amalgamation between the City of Belmont and the Shire of Kalamunda.**
- 2. As expressed within its proposal to the Local Government Advisory Board of October 2013 "The opinion of the community by way of a poll is considered as an essential requirement toward the success of this proposal.", commits to pursue a poll of eligible electors within the City of Belmont to be held in 2014 and to accord with the requirements of Schedule 2.1 of the Local Government Act 1995.**

REASON

The resolved position of the City of Belmont since 2009 has been that it does not want to amalgamate with any other local government. This position has never changed.

The City of Belmont in its proposal to the LGAB, adopted on the 2nd October 2013 made it abundantly clear in the Executive Summary of its expectation that the intent and requirements of the Local Government Act 1995 and any supporting regulations, with specific reference to the Poll provisions, will be applied to ensure compliance and that the democratic rights of the community are maintained.

The opinion of the community by way of a poll is considered as an essential requirement toward the success of the City's proposal of October 2013. This amendment will reinforce Council's resolved position and ensure the conduct of a poll that will have real meaning in the decision making process of the LGAB.

CARRIED 9 VOTES TO 0

THE NEW SUBSTANTIVE MOTION WAS PUT AND CARRIED 9 VOTES TO 0

10.28pm **ROSSI MOVED, CAYOUN SECONDED,** *That in accordance with Section 5.23(2)(d) of the Local Government Act 1995 and State Administrative Act 2004 Section 54 (6) the meeting proceed behind closed doors to discuss the confidential items.*

CARRIED 9 VOTES TO 0

10.29pm Cr Rossi departed the meeting.

10.32pm Cr Rossi returned to the meeting.

10.34pm Cr Powell departed the meeting.

10.36pm The Director Corporate and Governance departed the meeting.

10.36pm Cr Powell returned to the meeting.

10.37pm The Director Corporate and Governance returned to the meeting.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1 RECONSIDERATION – 17 MULTIPLE DWELLINGS (EIGHT STOREY RESIDENTIAL TOWER) – LOT 200 (1) BRIGHTON ROAD, RIVERVALE CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(D) AND STATE ADMINISTRATIVE TRIBUNAL ACT 2004 SECTION 54(6)

<u>Attachment No</u>	<u>Details</u>
Confidential Tabled Attachment 1 – Item 14.1 refers	<u>Report Item</u>
Confidential Tabled Attachment 2 – Item 14.1 refers	<u>Grounds for Reconsideration</u>
Confidential Tabled Attachment 3 – Item 14.1 refers	<u>Approved Development Plans</u>
Confidential Tabled Attachment 4 – Item 14.1 refers	<u>Mediation Position</u>

10.46pm The Chief Executive Officer departed the meeting.

10.48pm The Chief Executive Officer returned to the meeting.

10.49pm The Manager Governance departed the meeting.

10.51pm The Manager Governance returned to the meeting.

Item 14.1 Continued.

OFFICER RECOMMENDATION

ROSSI MOVED, WOLFF SECONDED, That Council endorse the mediation position for 17 Multiple Dwellings (Eight Storey Residential Tower) – Lot 200 (1) Brighton Road, Rivervale as detailed in [Confidential Tabled Attachment 4](#).

Note:

Upon completion of the State Administrative Tribunal (SAT) determination related to the subject site, the Confidential Status of the Report and Attachments will be lifted.

CARRIED 9 VOTES TO 0

14.2 PLANNING APPLICATION – 35 MULTIPLE DWELLINGS – LOT 341 (2) MARINA DRIVE, ASCOT CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995 SECTION 5.23 (2)(D)* AND *STATE ADMINISTRATIVE TRIBUNAL ACT 2004 SECTION 54 (6)*

<u>Attachment No</u>	<u>Details</u>
Confidential Tabled Attachment 5 – Item 14.2 refers	Report Item
Confidential Tabled Attachment 6 – Item 14.2 refers	Memo – State Administrative Tribunal Appeal
Confidential Tabled Attachment 7 – Item 14.2 refers	Table of Submissions
Confidential Tabled Attachment 8 – Item 14.2 refers	Current Development Plans (1 November 2013)
Confidential Tabled Attachment 9 – Item 14.2 refers	Traffic Engineering Report
Confidential Tabled Attachment 10 – Item 14.2 refers	Memo – Correspondence from Mcleods
Confidential Tabled Attachment 11 – Item 14.2 refers	Mediation Position

11.03pm The Minutes Secretary departed the meeting.

11.03pm The Director Corporate and Governance departed the meeting.

11.04pm The Director Corporate and Governance returned to the meeting.

11.05pm The Minutes Secretary returned to the meeting.

Item 14.2 Continued.

ALTERNATIVE COUCNILLOR MOTION

BASS MOVED, HITT SECONDED, That Council endorse the mediation position for Planning Application – 35 Multiple Dwellings – Lot 341 (2) Marina Drive, Ascot as detailed in [Confidential Tabled Attachment 11](#).

Note:

Upon completion of the State Administrative Tribunal (SAT) determination related to the subject site, the Confidential Status of the Report and Attachments will be lifted.

CARRIED 9 VOTES TO 0

11.22pm HITT MOVED, CAYOUN SECONDED, That the meeting be re-opened to the Public.

CARRIED 9 VOTES TO 0

No members of the public returned to the meeting.

15. CLOSURE

11.23pm There being no further business to discuss, the Presiding Member thanked everyone for their attendance and closed the meeting.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 17 December 2013 were confirmed as a true and accurate record at the Ordinary Council Meeting held 25 February 2014:

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____
