



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

TABLE OF CONTENTS

20 February 2007

ITEM	SUBJECT HEADING	PAGE
NOTICE OF MEETING		
1.	OFFICIAL OPENING.....	2
2.	APOLOGIES & LEAVE OF ABSENCE	2
2.1	APOLOGIES	2
2.2	LEAVE OF ABSENCE	2
3.	DECLARATIONS OF INTEREST	2
3.1	FINANCIAL INTERESTS	2
3.2	DISCLOSURE OF INTEREST THAT MIGHT CAUSE A CONFLICT	3
4.	ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS	4
4.1	ANNOUNCEMENTS	4
4.1.1	Worksafe Plan Gold Certificate of Achievement	4
4.1.2	Kidz Fest	4
4.2	DISCLAIMER	5
4.3	DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING.....	5
4.4	DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 12.1	5
5.	PUBLIC QUESTION TIME	6
5.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE.....	6
5.1.1	Mr Wolff, 191 Kew Street, Kewdale	6
5.1.2	Mr Garry Hodgen, 7 Cemy Place, Kewdale	6
5.2	QUESTIONS FROM MEMBERS OF THE PUBLIC	7
5.2.1	Ms D Atkins, 15a Chester Street, Belmont.....	7
5.2.2	Mr S Wolff, 191 Kew Street, Kewdale	8
5.2.3	Ms L Fitzgerald, 132 Epsom Avenue, Belmont	8
5.2.4	Mr J Zadnik, 48 Riversdale Road, Rivervale	9

ITEM	SUBJECT HEADING	PAGE
5.2.5	Mr R Harris, 481 Abernethy Road, Belmont.....	9
5.2.6	Ms L Fitzgerald, 132 Epsom Avenue, Belmont.....	10
6.	CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX....	11
6.1	ORDINARY COUNCIL MEETING HELD 19 DECEMBER 2006.....	11
6.2	SPECIAL COUNCIL MEETING HELD 25 JANUARY 2007	11
6.3	INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 13 FEBRUARY 2007**	11
7.	QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)	12
8.	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	12
9.	NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION	12
10.	BUSINESS ADJOURNED FROM A PREVIOUS MEETING	12
11.	REPORTS OF COMMITTEES	12
12.	REPORTS OF ADMINISTRATION	13
12.1	BUILT BELMONT	13
12.1.1	Proposed Closure of Portion of Crown Reserve 42189 (pedestrian access between Chester Street, Belmont and Signal Hill Bushland Reserve)**	14
12.1.2	City of Belmont Town Planning Scheme No. 14 – Proposed Amendment – To Re-zone Lot 151 (44) Somers Street, Belmont from ‘Place of Public Assembly’ to ‘Residential R20’ Zone.....	24
12.1.3	City of Belmont Town Planning Scheme No. 14 – Amendment No. 49 – To introduce seven further areas requiring Structure Plans **	28
12.1.4	City of Belmont Town Planning Scheme No. 14 – Amendment No. 50 – To rezone Lots 10 & 152 (11) Hehir Street, Belmont from ‘Place of Public Assembly – Place of Worship’ to ‘Mixed Use’ and to rezone Lot 11 (12-14) Lapage Street, Belmont from ‘Residential R20’ to ‘Mixed Use’**	45
12.1.5	Lot 35 (113–151) Abernethy Road, Belmont – Proposed Multi-Storey Office Development (Edessa Park)**.....	52
12.1.6	Lot 26 (82) Belmont Avenue, Rivervale – Glass Service Pty Ltd - External Storage of Waste Materials.....	66
12.1.7	Lot 50 (285) Great Eastern Highway, Belmont – Change of Use – Bel Eyre Tavern - Gaming Nights	71
12.1.8	Lot 603 (60) Riversdale Road, Rivervale – Proposed Demolition of ‘Character Residence’ listed on the Municipal Heritage Inventory**	77
12.1.9	Lot 352 (9) Valentine Road, Kewdale - Visy Recycling - Non-compliance with Planning Approval**.....	83
12.1.10	Proposed Deletion of Policy C6.7.1 Licensing Storage of Flammable Liquid from Council’s Policy Manual**	89
12.1.11	Draft Structure Plan for ‘The Springs’**	93
12.1.12	Consideration of Draft Brochure – Proposed Community Consultation Plan - Proposed Excision from Location 14000 (Reserve 12237) and Locations 14002 and 14003 (78) Great Eastern Highway (Balance of Hardey Park) and Locations 14004 & 14005 Tanunda Drive, Rivervale**	106
12.1.13	Petition – Lots 39 and 40 (53) Ross Street, Cloverdale**	112

ITEM	SUBJECT HEADING	PAGE
12.1.14	Use of Traffic Signs and Devices for Events on Roads – Instrumental Authorisation**	117
12.1.15	Road Closure – Portion of Ritchie Way road reserve adjoining Lot 10 (no. 9) Vidler Street, Cloverdale	120
12.2	SOCIAL BELMONT	124
12.3	BUSINESS (ECONOMICS) BELMONT	124
12.4	NATURAL BELMONT	125
12.4.1	ICLEI Water Campaign Milestone 3 – Water Action Plan**	125
12.5	BUSINESS EXCELLENCE	134
12.5.1	Financial Reports as at 30 November 2006	135
12.5.2	Financial Reports as at 31 December 2006	141
12.5.3	Accounts for Payment November 2006	147
12.5.4	Accounts for Payment December 2006	150
12.5.5	Timetable – Annual Budget for 2007-2008**	153
12.5.6	Annual Electors Meeting – 13 December 2006**	156
12.5.7	Disposal of lease – 2 Greenshields Way, Redcliffe** (ABSOLUTE MAJORITY REQUIRED)	160
12.5.8	Rental Determination – Belmont Child Care Centre, Lot 6 (1) Grand Parade, Redcliffe**	167
12.5.9	LATE ITEM – Local Government Amendment Bill No.2 2006 – Submission to Parliamentary Standing Committee on Environment and Public Affairs – Proportional Preferential Voting**	174
13.	REPORTS BY THE CHIEF EXECUTIVE OFFICER	179
13.1	INFORMATION BULLETINS	179
13.2	REQUESTS FOR LEAVE OF ABSENCE	179
14.	MATTERS FOR WHICH THE MEETING MAY BE CLOSED	180
15.	CLOSURE	180

ATTACHMENTS INDEX

- **Council Attachment 1 – Item 6.2 refers**
- **Council Attachment 2 – Item 6.3 refers**
- **BB Attachment 3 – Item 12.1.1 refers**
- **BB Attachment 4 – Item 12.1.3 refers**
- **BB Attachment 5 – Item 12.1.4 refers**
- **BB Attachment 6 – Item 12.1.5 refers**
- **BB Attachment 7 – Item 12.1.8 refers**
- **BB Attachment 8 – Item 12.1.9 refers**
- **BB Attachment 9 – Item 12.1.10 refers**
- **BB Attachment 10 – Item 12.1.11 refers**
- **BB Attachment 11 – Item 12.1.11 refers**
- **BB Attachment 12 – Item 12.1.11 refers**
- **BB Attachment 13 – Item 12.1.11 refers**

ITEM	SUBJECT HEADING	PAGE
**BB Attachment 14	– Item 12.1.12 refers	
**BB Attachment 15	– Item 12.1.13 refers	
**BB Attachment 16	– Item 12.1.14 refers	
**NB Attachment 17	– Item 12.4.1 refers	
**BEXB Attachment 18	– Item 12.5.1 refers	
**BEXB Attachment 19	– Item 12.5.2 refers	
**BEXB Attachment 20	– Item 12.5.3 refers	
**BEXB Attachment 21	– Item 12.5.4 refers	
**BEXB Attachment 22	– Item 12.5.5 refers	
**BEXB Attachment 23	– Item 12.5.6 refers	
**BEXB Attachment 24	– Item 12.5.8 refers	
**BEXB Attachment 25	– Item 12.5.9 refers	

CONFIDENTIAL ATTACHMENTS INDEX

****Confidential Attachment 1 – Item 12.5.7 refers**

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 20 FEBRUARY 2007, COMMENCING AT 7.02PM.

PRESENT

Cr G Godfrey, Mayor	East Ward
Cr P Marks, Deputy Mayor	East Ward
Cr M Bass	East Ward
Cr R Rossi	West Ward
Cr B Martin	West Ward
Cr P Hitt	West Ward
Cr B Whiteley	South Ward
Cr J Powell	South Ward
Cr T Teasdale	South Ward
Cr G Dornford (<i>departed at 9.02pm and did not return</i>)	Central Ward
Cr B Brennan	Central Ward

IN ATTENDANCE

Dr S Silcox (<i>departed at 9.30pm and did not return</i>)	Chief Executive Officer
Mr N Deague	Director Community & Statutory Services
Mr R Lutey	Director Technical Services
Mr R Garrett	Acting Director Corporate & Governance
Mr J Olynyk JP	Manager Governance
Mr J Hardison	Manager Property & Economic Development
Ms S Johnson	Agenda & Minutes Officer
Ms J Everett	Clerical Officer (Minute Taker)

INVITED GUESTS (*departed at 7.16pm*)

Mr B Bradley	Director General, Department of Consumer & Employment Protection
Ms N Lyhne	Commissioner, Worksafe
Mr B Gilgren	Director, Worksafe Operations
Ms D Barker	Manager Community & Library Services
Ms A Forte	Manager Human Resources
Ms C Corney	Coordinator Occupational Health & Safety
Ms S Whittaker	Risk Insurance Officer
Mr G Keld	Homecare Administration Assistant
Mr R Medbury	EMRC, Safety & Environment Advisory Member
Ms K McNeil	Local Government Insurance Group
Mr J Martin	Occupational Health & Safety Representative
Mr J Demanser	Occupational Health & Safety Representative
Ms Z Pearce	Occupational Health & Safety Representative
Mr S Sydlowski	Occupational Health & Safety Representative

MEMBERS OF THE GALLERY

There were 18 attendees in the gallery and one press representative.

1. OFFICIAL OPENING

The Mayor will cause the Affirmation of Civic Duty and Responsibility to be read aloud by a Councillor.

The Mayor opened the meeting at 7.02pm, welcomed those in attendance, and invited Cr Bass to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Bass read aloud the affirmation.

2. APOLOGIES & LEAVE OF ABSENCE**2.1 APOLOGIES**

Mr S Cole
Mr J Blanchard

Director Corporate & Governance
Principal Legal & Compliance Adviser

2.2 LEAVE OF ABSENCE

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

Nil.

3. DECLARATIONS OF INTEREST

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

3.1 FINANCIAL INTERESTS

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

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

Name	Item No. & Title
Cr Bass	12.1.7 Lot 50 (285) Great Eastern Highway, Belmont – Change of Use – Bel Eyre Tavern - Gaming Nights
Cr Teasdale	12.5.3 Accounts for Payment November 2006
Cr Teasdale	12.5.4 Accounts for Payment December 2006
Cr Dornford	12.5.8 Rental Determination – Belmont Child Care Centre, Lot 6 (1) Grand Parade, Redcliffe

3.2 DISCLOSURE OF INTEREST THAT MIGHT CAUSE A CONFLICT

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The employee / member must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

Name	Item No. & Title
Cr Rossi	12.1.4 City of Belmont Town Planning Scheme No. 14 – Amendment No. 50 – To rezone Lots 10 & 152 (11) Hehir Street, Belmont from 'Place of Public Assembly – Place of Worship' to 'Mixed Use' and to rezone Lot 11 (12-14) Lapage Street, Belmont from 'Residential R20' to 'Mixed Use'
Cr Bass	12.1.8 Lot 603 (60) Riversdale Road, Rivervale – Proposed Demolition of 'Character Residence' listed on the Municipal Heritage Inventory
Cr Bass	12.1.12 Consideration of Draft Brochure – Proposed Community Consultation Plan - Proposed Excision from Location 14000 (Reserve 12237) and Locations 14002 and 14003 (78) Great Eastern Highway (Balance of Hardey Park) and Locations 14004 & 14005 Tanunda Drive, Rivervale
Cr Hitt	12.1.12 Consideration of Draft Brochure – Proposed Community Consultation Plan - Proposed Excision from Location 14000 (Reserve 12237) and Locations 14002 and 14003 (78) Great Eastern Highway (Balance of Hardey Park) and Locations 14004 & 14005 Tanunda Drive, Rivervale
Cr Dornford	12.1.12 Consideration of Draft Brochure – Proposed Community Consultation Plan - Proposed Excision from Location 14000 (Reserve 12237) and Locations 14002 and 14003 (78) Great Eastern Highway (Balance of Hardey Park) and Locations 14004 & 14005 Tanunda Drive, Rivervale.
Cr Dornford	12.5.7 Disposal of lease – 2 Greenshields Way, Redcliffe.
Cr Hitt	12.5.7 Disposal of lease – 2 Greenshields Way, Redcliffe.
Cr Bass	12.5.8 Rental determination – Belmont Child Care Centre, Lot 6 (1) Grand Parade, Redcliffe.
Cr Hitt	12.5.8 Rental determination – Belmont Child Care Centre, Lot 6 (1) Grand Parade, Redcliffe.

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

4.1 ANNOUNCEMENTS

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

4.1.1 Worksafe Plan Gold Certificate of Achievement

The Mayor welcomed to the meeting Director General Brian Bradley of the Department Consumer Employment & Protection, Commissioner Nina Lyhne of Worksafe Western Australia and Director Worksafe Operations Mr Bjorn Gilgren and Council's safety representatives.

Mr Bradley provided a verbal brief and congratulated Council, staff and management on receiving a Gold Certificate of which only a few were awarded last year. Mr Bradley officially presented to the Mayor and Chief Executive Officer a Worksafe Plan Gold Certificate of Achievement.

The Mayor and Chief Executive Officer accepted and thanked Mr Bradley for the award stating the City was proud of their achievements and congratulations would be extended to all staff and colleagues.

****7.16pm Invited guests for the Worksafe presentation left the Meeting.**

4.1.2 Kidz Fest

The Mayor announced that the "*Kidz Fest*" event will be held in Faulkner Park on Saturday 24 February 2007 from 1.00pm and encouraged Councillors and members of the public to support this event.

4.2 DISCLAIMER

****7.18pm The Mayor drew the public gallery's attention to the Disclaimer and the Manager Governance read the Disclaimer aloud.**

Any statement, comment or decision made at a Council or Committee meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of a written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or any thing sought to be relied upon as a representation by the City should be sought in writing and should make clear the purpose of the request.

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

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

Nil.

4.4 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 12.1

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

Nil.

5. PUBLIC QUESTION TIME

****7.18pm** The Mayor drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that she had registered five members of the public who had given prior notice to ask questions, these being:

**Ms Atkins
Mr Zadnik
Mr Wolff
Mr Greenwood
Ms Fitzgerald**

The Mayor invited the public gallery members, who had yet to register their interest to ask a question, to do so. No further registrations were forthcoming from the gallery.

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Mr Wolff, 191 Kew Street, Kewdale

The following question was taken on notice at the Ordinary Council Meeting of 19 December 2006. Mr Wolff was provided with a response on 3 January 2007. The response from the City is recorded accordingly –

1. Have the trades' people working on the Cityscape Hill 60 Development been given permission to park on the Hardey Park Reserve, if yes, who gave them permission, if no, why are they parking there?

The City has not issued an approval(s) or given authorisation for anyone to utilise Hardey Park for parking purposes. However an approach is being made to the building contractor of the Hill 60 development to enter into an agreement with the City of Belmont that will allow the building contractor to utilise Hardey Park for parking purposes. This is subject to an agreed financial contribution which will be used in the development and maintenance of Hardey Park. If an acceptable agreement cannot be reached the City's Rangers will monitor the situation and issue infringements in accordance with the provisions set out under the City's parking local laws.

5.1.2 Mr Garry Hodgen, 7 Cemy Place, Kewdale

The following questions were taken on notice at the Ordinary Council Meeting of 19 December 2006. Mr Hodgen was provided with a response on 3 January 2007. The response from the City is recorded accordingly –

1. City of Belmont Town Planning Scheme No. 14 – Amendment No. 51 (Amending Scheme to include under Schedule 2 – Additional Landuses, a new point 12 to approve the additional use 'Service Station' and 'Convenience Store' at Part Lots 1344, 1345 & 1348 (291, 293 and 295) Orrong Road, Kewdale).

Item 5 continued

Apart from the “reported” survey into the effects of:

- noise
 - air quality (fumes, and traffic pollution)
 - traffic hazards
 - crime, including graffiti
 - Light penetration throughout the night.
- a) How much, if any, investigation and assessment has been made into the hydrological effect of underground storage facilities and a bore. In other words, the effect on the ground water movement and quality effects on bores on the down hill sides of the elevated “recharge” area on which the proposed Service Station and Convenience Store would be located?
- b) What level of enquiry and investigation has been made into the control of Rainbow Lorikeet numbers, noise, fowling and disease which would result from the tree belt around the proposed installation?

It should be noted that at some intersections with trees within the effects of street lighting in Brisbane Queensland, the 24 hour noise levels from Rainbow Lorikeet numbers is so great that motorist can’t hear their radios nor can they hear emergency sirens from police, fire and ambulance vehicles. There is a real potential for such a situation to arise if this installation goes ahead in the location as proposed.

In response to question (a), this matter would be investigated by the Environmental Protection Authority (EPA) as part of its assessment, if the proposed amendment document was submitted to them for approval. The proposed amendment is not permitted to be advertised for public comment unless the approval of the EPA is obtained.

In response to question (b), if this matter became an issue the City would seek the advice of the Department of Agriculture.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5.2.1 Ms D Atkins, 15a Chester Street, Belmont

1. Can the Council assure all residents in the vicinity of the laneway in Chester Street who use it regularly, that if the said laneway is closed that the Council will endeavour to provide a simple single pathway for all residents so that they will have continued access to Signal Hill and Alexander Road where they can access public transport?
2. Would it be possible for the access to remain where it is now, but narrow the path width to say 30 to 32 inches to enable one person to walk through?

The Chief Executive Officer responded that he could not predict Council’s decision this evening and offered to meet with residents if the outcome of Council’s decision was still a concern. In respect to the suggested narrowing of the existing pathway, the Chief Executive commented that the same problems accessing the area would probably remain.

Item 5 continued

5.2.2 Mr S Wolff, 191 Kew Street, Kewdale

In reference to Item 12.5.7 of this meetings agenda.

1. Can the Mayor assure me that in regard to the tendering process of the lease of 2 Greenshields Way, Redcliffe that Councillors have been or will be made aware of the errors made during the process, in particular the pre-notification of who had won the lease of the building?

The Mayor responded that these questions would be addressed during the agenda item of this meeting by the Manager Property Economic & Development

In reference to the following response to a question taken on notice on 19 December 2006:

"The City has not issued an approval(s) or given authorisation for anyone to utilise Hardey Park for parking purposes. However an approach is being made to the building contractor of the Hill 60 development to enter into an agreement with the City of Belmont that will allow the building contractor to utilise Hardey Park for parking purposes. This is subject to an agreed financial contribution which will be used in the development and maintenance of Hardey Park. If an acceptable agreement cannot be reached the City's Rangers will monitor the situation and issue infringements in accordance with the provisions set out under the City's parking local laws."

Mr Wolff asked the following question:

2. Has an agreement been entered into and what has been agreed?

The Chief Executive Officer responded that the City had not yet entered into any agreement and that Mr Wolff could request a copy of the agreement when it is finalised.

5.2.3 Ms L Fitzgerald, 132 Epsom Avenue, Belmont

In reference to Item 12.5.7 of this meetings agenda.

1. Why did I (Jacaranda Community Centre) receive a letter dated 19 January on 23 January 2007 advising that Mulberry Tree Childcare was the successful applicant when it had not gone through the Council?

The Chief Executive Officer apologised and responded that this was an administrative error due to a change over of staff and all affected parties have since been notified. He also commented that management have been requested to address this issue to ensure this incident is not repeated and that there was no breach legally.

2. Why at the site meeting and briefing were we told that monetary consideration was not high but the desire is to have the building used for children; and now in the Agenda on page 147 for this meeting, there is reference to finance as 2 of 4 of the officer comments?

Item 5 continued

The Chief Executive Officer responded that the advice given was correct and the reference to finance by the officer is part of the agenda report template which requires disclosure of financial implications. He also added that finance made up only 10% of the assessment criteria. The Manager Property & Economic Development advised that the remaining weighting criteria was as follows:

- *Demonstrated experience with the delivery of similar services in Belmont, other areas or with similar organisations - 40%*
- *Services to be provided and how these services will meet the needs of the Belmont community - 40%*
- *Ability to establish and sustain an effective working relationship with the Belmont community and the staff of the City of Belmont - 10%*

5.2.4 Mr J Zadnik, 48 Riversdale Road, Rivervale

In reference to Items 12.1.3 and 12.1.11 of this meetings agenda.

1. Do the Councillors know that the development I am proposing will have no overshadowing on other properties?
2. Do the Councillors know and understand:
 - a) my proposed development would enhance the whole of "The Springs" redevelopment with an "icon" building of only 8 storeys?
 - b) Landcorp is proposing buildings of up to 18 storeys for their benefit and that Council has approved several 9 and 10 storey buildings along the foreshore including the Hill 60 development and Balneum apartments?

The Mayor responded that these questions would be addressed during the agenda items of this meeting.

Chief Executive Officer Comment

These questions raised by MrZadnik were not addressed during discussion of Items 12.1.3 and 12.1.11 and have been retrospectively taken on notice.

5.2.5 Mr R Harris, 481 Abernethy Road, Belmont

In reference to Item 12.1.12 of this meetings agenda.

1. Tonight will you give a firm date for the return of 60% of restored grass with reticulation at Hardey Park as promised and advertised on your public notice board 9 years ago?

The Mayor responded that this question would be addressed during the agenda item of this meeting.

Chief Executive Officer Comment

This question raised by Mr Harris was not addressed during discussion of Item 12.1.12 and have been retrospectively taken on notice.

Item 5 continued

5.2.6 Ms L Fitzgerald, 132 Epsom Avenue, Belmont

In reference to Item 12.5.7 of this meetings agenda.

1. Does an organisation have the right of appeal for Expression of Interest or Tenders through the Council or was attending the Agenda Briefing forum held 13 February 2007 the only avenue?

The Chief Executive Officer responded that he was unaware of any right of appeal process however an individual or organisation could lodge a complaint about Council with either the Department of Local Government & Regional Development or the Ombudsman. He further added that there is also an opportunity to lodge a submission during the Expression of Interest/Tender process.

2. Why are the submissions presented by people incorrectly reported in the minutes of the Agenda Briefing meeting of 13 February 2007 and then published on the website?

The Chief Executive Officer responded that the Agenda Briefing Forum is not a decision making meeting. The forum is open to the public to present submissions and to give Councillors the opportunity to get additional background information. He further added that the notes for this forum were not verbatim and if Mrs Fitzgerald had further concerns that she provide the corrected information needed to rectify Council records.

3. Can a Community based Children's Service be identified by Council as a Commercial day care and who makes that definition?

The Chief Executive Officer responded Community based organisations can be a profit or non for profit organisation. The assessment criteria used by Council would be different for each of these organisations, however both would be assessed on the greatest benefit to the City.

4. Why is the proposed lease price not the same as other Commercial day care centres within the City of Belmont?

The Mayor responded that the proposed lease price was submitted as part of the Expression of Interest/Tender process and that all day care leases are rated differently due to this process.

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

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX**6.1 ORDINARY COUNCIL MEETING
HELD 19 DECEMBER 2006**

POWELL MOVED, BRENNAN SECONDED, that the minutes of the Ordinary Council Meeting held on 19 December 2006 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 11 VOTES TO 0

**6.2 SPECIAL COUNCIL MEETING
HELD 25 JANUARY 2007**

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

WHITELEY MOVED, BRENNAN SECONDED, that the minutes of the Special Council Meeting held on 25 January 2007 as circulated in the attachment, be confirmed as a true and accurate record.

CARRIED 11 VOTES TO 0

**6.3 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM
HELD 13 FEBRUARY 2007****

****Council Attachment 2 – Item 6.3 refers**

OFFICER RECOMMENDATION

That the Information Matrix for the Agenda Briefing Forum held on 13 February 2007 as circulated in the attachment, be received and noted.

Chief Executive Officer Comment

Prior to voting on Item 6.3, the Mayor advised Council that an administration error had been discovered after the circulation of the Information Matrix for the Agenda Briefing Forum held on 13 February 2007. An amended motion was subsequently voted on as follows:

~~POWELL MOVED, MARKS SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 13 February 2007 as circulated in the attachment, be received and noted including the following amendment on Page 6:~~

~~** 8.58pm Cr Martin departed the meeting and did not return.~~

CARRIED 11 VOTES TO 0

Revoked
Vide
Resolution
Item 6.1
13/03/07
OCM

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

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

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

NOTE: Council in receiving and noting the Minutes of Standing Committee are not adopting or in anyway endorsing the recommendations or comments contained therein. Committee Recommendations will be the subject of separate reports to Council at this or a future Council Meeting, at which time Council will consider the matter.

Nil.

12. REPORTS OF ADMINISTRATION

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

12.1 BUILT BELMONT**WITHDRAWN ITEMS**

Item 12.1.1 was withdrawn at the request of Cr Bass.
Item 12.1.3 was withdrawn at the request of Cr Marks.
Item 12.1.4 was withdrawn at the request of Cr Rossi.
Item 12.1.5 was withdrawn at the request of Cr Hitt.
Item 12.1.7 was withdrawn at the request of Cr Hitt.
Item 12.1.8 was withdrawn at the request of Cr Bass.
Item 12.1.11 was withdrawn at the request of Cr Marks.
Item 12.1.12 was withdrawn at the request of Cr Marks.

MARTIN MOVED, HITT SECONDED, that with the exception of Items 12.1.1, 12.1.3, 12.1.4, 12.1.5, 12.1.7, 12.1.8, 12.1.11 & 12.1.12 which are to be considered separately, the Officer Recommendations in the Built Belmont Key Result Area Reports, specifically Items 12.1.2, 12.1.6, 12.1.9, 12.1.10, 12.1.13, 12.1.14, 12.1.15 be adopted en bloc.

CARRIED 11 VOTES TO 0

12.1.1 Proposed Closure of Portion of Crown Reserve 42189 (pedestrian access between Chester Street, Belmont and Signal Hill Bushland Reserve)******BB Attachment 3 – Item 12.1.1 refers**

Report by Community & Statutory Services Division

DATE

31 January 2007

PURPOSE OF REPORT

To consider proposed closure of portion of Crown Reserve 42189 (pedestrian access between Chester Street, Belmont and Signal Hill Bushland Reserve).

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

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

- Crown Reserve 42189 is vested in the City of Belmont for the purpose of Public Recreation.
- Closure of a portion of the reserve was initiated by Council in 1998, however did not proceed to completion. The land owners abutting the Chester Street access way now wish to proceed with the closure.
- The proposed closure was readvertised from Tuesday, 28 November 2006 to Friday, 12 January 2007. Five submissions, including one petition, were received.

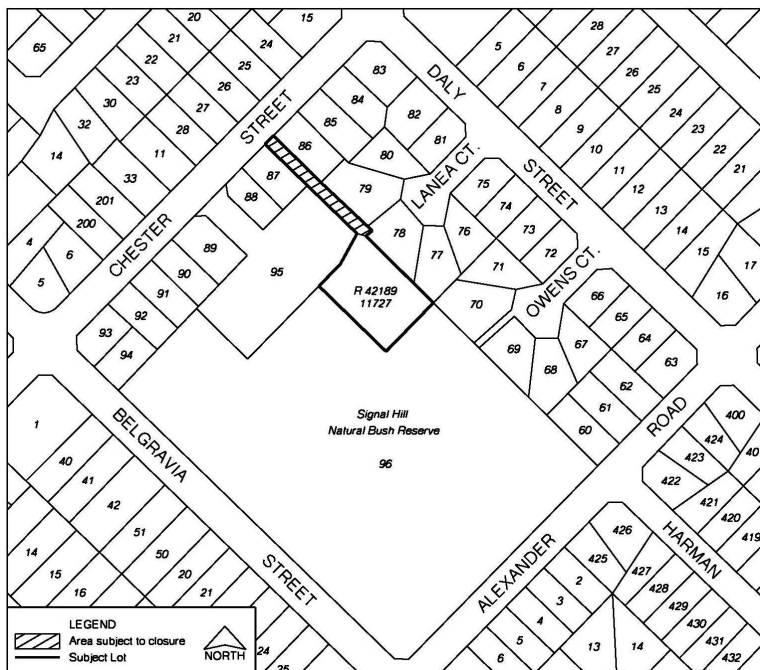
Officer Recommendation Summation

It is considered that the closure of the laneway has merit given the extent to which adjacent properties are affected by anti-social behaviour.

It is recommended that Council proceed with the closure of the portion of Reserve 42189.

*Item 12.1.1 Continued***LOCATION**

Portion of Crown Reserve 42189 (pedestrian access between Chester Street, Belmont and Signal Hill Bushland Reserve).

**APPLICANT**

Not applicable.

FILE REFERENCE

P/CHS.16A Property File
102/007 Subject File

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Council's Manager-Parks, Leisure and Environment, and Coordinator-Crime Prevention have indicated no objection to the closure of the portion of the reserve.

Item 12.1.1 Continued

Prior to disposal of any reserve or portion of reserve, extensive consultation is required. The proposal must first be referred to surrounding landowners, service authorities and the Department for Planning and Infrastructure for comment. Subject to no objections, the proposal is then referred to the Land Asset Management Branch of the Department for Planning and Infrastructure for action.

STRATEGIC PLAN IMPLICATIONS

NATURAL BELMONT - *"Maintain public open space in accordance with the needs and expectations of the community"*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

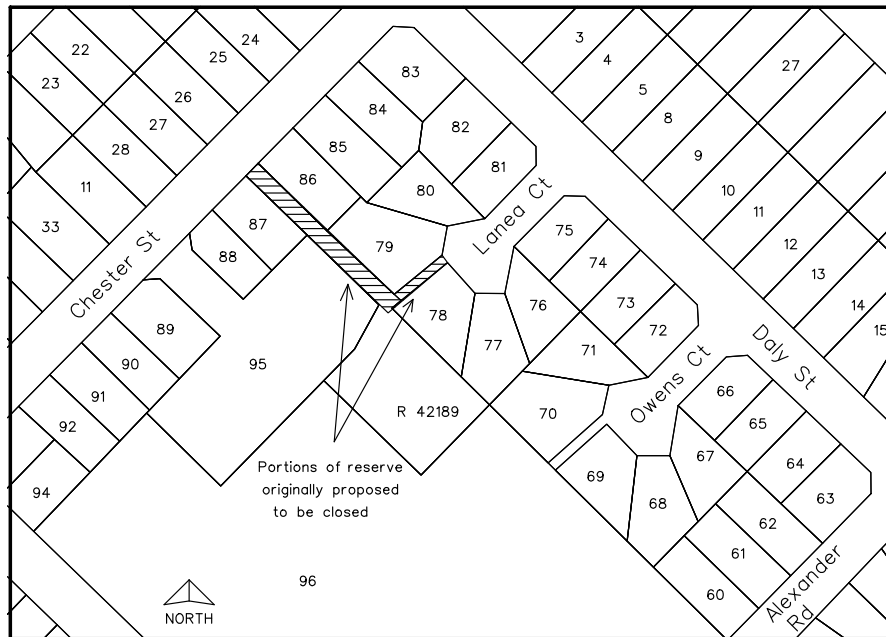
The Land Administration Act 1997 sets out the procedure for closure of crown reserves.

BACKGROUND

Owner:	Crown	Ward:	Central
Lodgement Date:	N/A	Use Class:	Residential
Lot Area:	Total Reserve: 2,905m2 Portion to be closed: 586m2	TPS Zoning:	Residential
Estimated Value:	N/A	MRS:	Urban

History

Following the Works and Technical Services meeting held 15 June 1998, the Council resolved to initiate the closure of the two pedestrian access ways linking Chester Street (formerly Esther Street) and Lanea Court to Reserve 42189 (part of the area commonly known as Signal Hill Bushland). The two proposed closures were advertised by the City's Engineering Department in July 1998. No objections were received.

Item 12.1.1 Continued

As the pedestrian access ways were found to be part of a crown reserve an Amendment to the District Zoning Scheme was required. In October 1998 (item 9.2, 6/10/1998 PDC minutes refers), the Council resolved to:

- Exclude the pedestrian access ways from the 'Parks and Recreation' reservation and include them in the 'Residential' zone;
- Advertise the Amendment; and
- Seek approval from the Ministry for Planning for the disposal of the two portions of Reserve.

Due to the review of Scheme No. 11, the proposed Amendment was incorporated directly into Town Planning Scheme No. 14 which was gazetted on 9 December 1999.

The City's Engineering Department finalised the Lanea Court access way closure in 2001.

The Chester Street closure did not proceed at that time as the abutting land owners no longer wished to purchase the land.

The land owners abutting the Chester Street access way now wish to proceed with the closure.

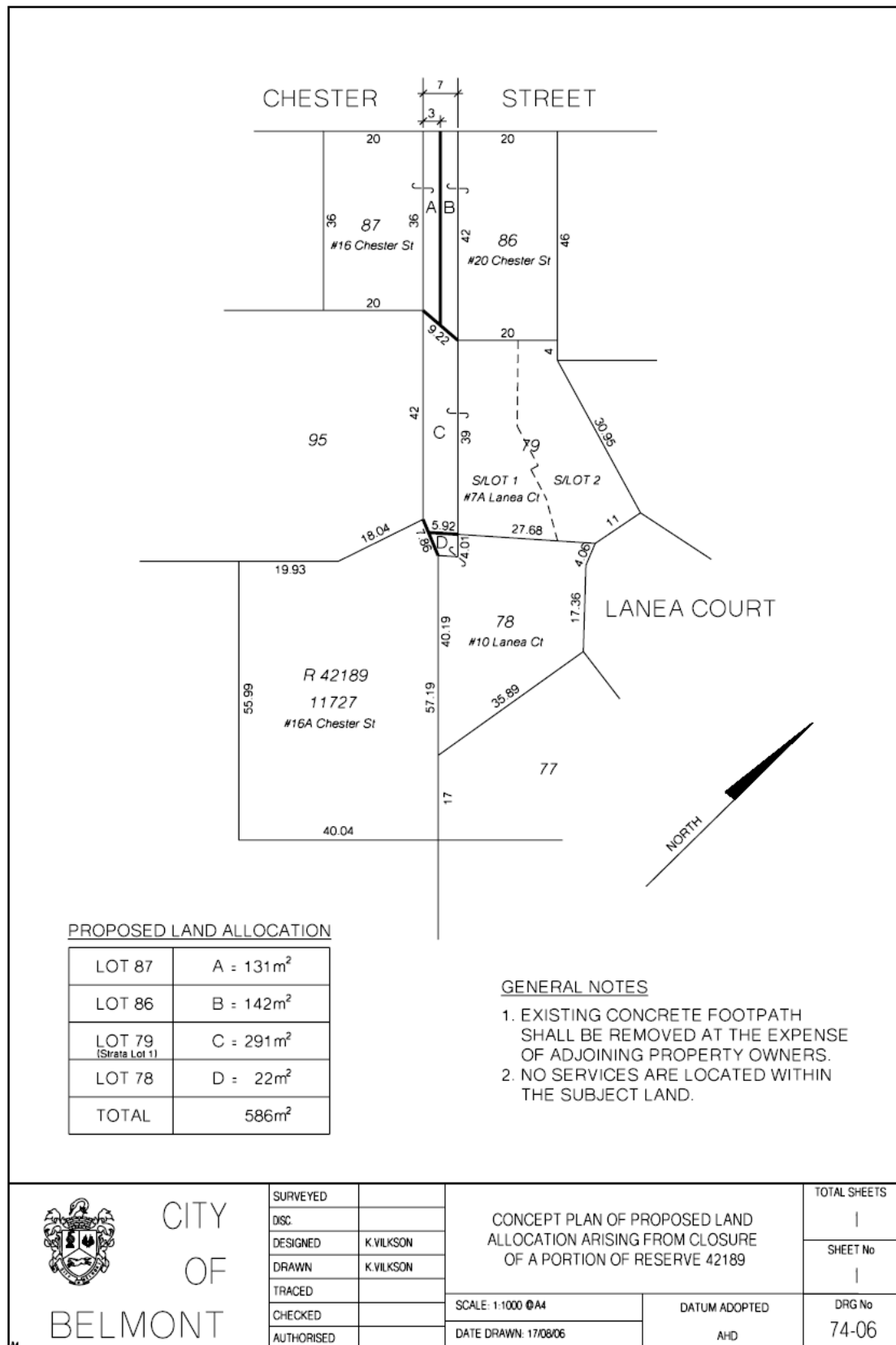
As the original advertising occurred in 1998, the Department for Planning and Infrastructure advised that the closure should be readvertised. The proposed closure was advertised from Tuesday, 28 November 2006 to Friday, 12 January 2007. Five submissions, including one petition with 10 signatories, were received. Copies of the submissions can be made available to Councillors on request.

Should the closure proceed the balance of Reserve 42189 will become landlocked. The DPI has requested that Council provide an easement over Signal Hill Lot 96 to provide access to the reserve.

Item 12.1.1 Continued

Valuations for the portion to be closed have been received from DLI State Land Services. It is proposed that the portion of Reserve 42189 used for pedestrian access be subdivided as shown in the concept plan below.

Item 12.1.1 Continued

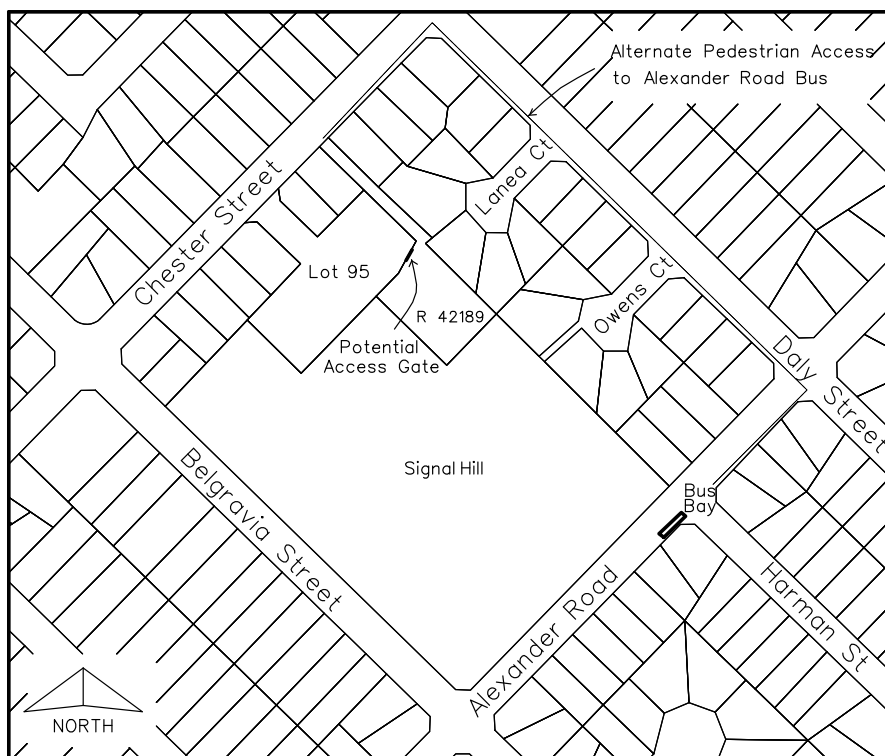


*Item 12.1.1 Continued***OFFICER COMMENT****Submissions**

Two of the submissions from landowners within Owens Court are supportive of the proposed closure, and have requested that Council consider closure of the Owens Court laneway to aid in the reduction of crime. This has been referred to the Engineering Department for further investigation as the laneway is a PAW rather than part of a reserve.

From the submissions received objecting to the closure, it appears that surrounding residents utilise the laneway frequently, both to access the Signal Hill bushland and as a shortcut to catch public transport on Alexander Road. In particular, the 10 signatories to the petition advise that they use the access way to catch public transport on Alexander Road. The majority of the signatories have not provided address details, however two of the signatories are residents of 12 Chester Street, which contains Department of Housing and Works dwellings. If the laneway was closed the Department has the option of installing a rear gate into Signal Hill which would enable quicker access to Alexander Road and address the concerns of its residents.

The petition's organiser resides at 15 Chester Street. To address the concerns of the remainder of Chester Street residents who may require access to Alexander Road bus service, Council can request the appropriate authority to extend its bus route to include Chester Street.



Item 12.1.1 Continued

- **Option 1 – Retain Access way and Improve Security**

The retention of the access way has merit as it increases the walk-ability of the area, providing direct access to passive open space and public transport facilities. Safety and security near the laneway can be improved by providing additional lighting, and ensuring that undergrowth from the bushland is cut back and maintained. Increasing natural surveillance may reduce the incidence of anti-social behaviour.

- **Option 2 – Proceed with Closure**

Council may proceed with the closure of the laneway on the basis that the closure will not impact on the use of the remainder of the Reserve for its ultimate purpose of Public Recreation.

The principles of crime prevention through environmental design include a requirement for short, wide laneways with high levels of pedestrian traffic, surveillance and avoidance of dead ends. The subject laneway is long and narrow, and is accessed by a relatively low level of residential pedestrian traffic, with minimal surveillance opportunities. Council's Coordinator-Crime Prevention has advised that the properties immediately adjacent the laneway have experienced a significant number of home burglaries, which can be attributed to the rear boundary access afforded from the laneway. The closure of the laneway would work to address this problem.

Whilst accessibility to public transport is a consideration, the impact of crime attributed to the laneway is considered to outweigh accessibility issues. It is recommended that Council pursue Option 2 and proceed with the laneway closure with the view of decreasing the opportunities for crime within the locality. Should the closure be pursued it is recommended that Council liaise with the Department of Housing and Works with the view of installing a gate in the rear fence of Lot 95 (12) Chester Street. This would provide the residents with continued access to Signal Hill and Alexander Road for public transport that can be noted from the aerial photograph below. In addition, Council could liaise with the Public Transport Authority with the possibility of providing additional access to public transport along Chester Street via a bus route deviation.

Item 12.1.1 Continued**FINANCIAL IMPLICATIONS**

The main costs for the closure of the reserve will be the purchase price for the land based on cost valuation to be undertaken by Department for Planning and Infrastructure's Land Asset Management Services and other associated survey, stamp duty and registration costs. For closures, the City seeks reimbursement of the advertisement cost and administration cost.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time. The 586m² area of Reserve 42189 to be closed is minor, and will not have a significant impact on the amount of Public Open Space available within the City of Belmont.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 3	Submission Table

*Item 12.1.1 Continued***BASS MOVED, DORNFORD SECONDED, that:**

- 1. *The partial closure of Reserve 42189 for Chester Street be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for action.***
- 2. *Council seek from the applicants' reimbursement for all costs relating to advertisement and administration.***
- 3. *Council advise those that made a submission of Council's decision.***
- 4. *Council's Travelsmart Officer liaise with the appropriate authorities.***

****7.55pm Cr Whiteley departed the Meeting.**

CARRIED 8 VOTES TO 2

For: Godfrey, Marks, Bass, Rossi, Martin, Powell, Teasdale, Brennan

Against: Hitt, Dornford

12.1.2 City of Belmont Town Planning Scheme No. 14 – Proposed Amendment – To Re-zone Lot 151 (44) Somers Street, Belmont from ‘Place of Public Assembly’ to ‘Residential R20’ Zone

Report by Community & Statutory Services Division

DATE

18 January 2006

PURPOSE OF REPORT

To consider the initiation of an Amendment to rezone Lot 151 (44) Somers Street, Belmont from ‘Place of Public Assembly – Place of Public Worship’ to ‘Residential R20’ under the City of Belmont Town Planning Scheme No. 14, and commence formal advertising.

COUNCIL ROLE**Legislative**

The legislative role includes the adoption of local laws, town planning schemes and policies.

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

Council to consider adoption of an Amendment for the purpose of advertising to rezone Lot 151 (44) Somers Street, Belmont from ‘Place of Public Assembly – Place of Public Worship’ to ‘Residential R20’ under the City of Belmont Town Planning Scheme No. 14.

Officer Recommendation Summation

That Council adopt an amendment to rezone the subject lot to ‘Residential R20’ for the purpose of advertising.

*Item 12.1.2 Continued***LOCATION**

Lot 151 (44) Somers Street, Belmont.

**APPLICANT**

Baptist Churches of Western Australia

FILE REFERENCE

115/007 General Enquiries on Development Applications (Not Lodged)
44 Somers Street Property File

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Consultation is a statutory process required under the Planning and Development Act 2005. The Act requires that advertising of a Scheme Amendment be undertaken for 42 days.

Item 12.1.2 Continued

It is recommended that advertising of the Amendment be undertaken by:

- Placing an advertisement in the West Australian and the Southern Gazette;
- Placing a sign on-site;
- Notifying relevant authorities; and
- Writing to all owners and occupiers located within the areas identified.

STRATEGIC PLAN IMPLICATIONS

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

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

POLICY IMPLICATIONS

There are no policy implications evident at this point in time.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14, Clause 9.13 contains provisions specifically relating to amending the Scheme. In accordance with clause 9.13.2 the Council may initiate an amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.

BACKGROUND

Lot 100 (42) and Lot 151 (44) Somers Street, Belmont were previously one lot and developed with a church and associated manse (pastors residence). The church itself was located on Lot 151 with the manse on Lot 100. On 13 June 2005, Amendment No. 45 to Town Planning Scheme No. 14 was gazetted which rezoned Lot 100 (42) Somers Street to Residential R20. The Baptist Union of Western Australia, has now confirmed that Lot 151 (44) Somers Street is no longer required for church purposes and requests that the land be rezoned to enable the land to be developed for residential purposes.

OFFICER COMMENT

The subject site is currently vacant. The surrounding lots are zoned Residential R20 and contain single dwellings. The proposed R20 density is consistent with the surrounding street blocks.

Any residential development for the site will be assessed on its merits in accordance with the Residential Design Codes, Town Planning Scheme No. 14 provisions and relevant policies.

Given that the proposed amendment will bring the subject lot into conformity with the surrounding residential zoning and would preserve the residential amenity of the locality, the proposal is supported.

*Item 12.1.2 Continued***FINANCIAL IMPLICATIONS**

A Scheme Amendment incurs costs for advertising and consultation.

ENVIRONMENTAL IMPLICATIONS

The subject lot is located within the 20-25 ANEF (Australian Noise Exposure Forecast). In accordance with Statement of Planning Policy No. 5.1 – Land Use Planning in the Vicinity of Perth Airport, a notification under Section 12A of the Transfer of Land Act 1893 shall be registered over the Certificate of Title to notify owners and prospective purchasers that noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes, in aircraft type or operational changes.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION***That Council:***

- 1. In pursuance of Section 75 of the Planning and Development Act 2005, amend Local Planning Scheme No. 14 by rezoning Lot 151 (44) Somers Street, Belmont from 'Place of Public Assembly – Place of Worship' to 'Residential R20' and amend the Scheme Maps accordingly.***
- 2. Forward the Amendment to the Environmental Protection Authority for assessment prior to commencing advertising for public inspection in accordance with the provisions of the Planning and Development Act 2005.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

12.1.3 City of Belmont Town Planning Scheme No. 14 – Amendment No. 49 – To introduce seven further areas requiring Structure Plans ******BB Attachment 4 – Item 12.1.3 refers******7.56pm Cr Whiteley returned to the Meeting.**

Report by Community & Statutory Services Division

DATE

31 January 2007

PURPOSE OF REPORT

To consider final adoption of Amendment No. 49 to introduce seven further areas requiring structure plans to the City of Belmont Town Planning Scheme No. 14, following formal advertising of the proposal.

COUNCIL ROLE**Legislative**

The legislative role includes the adoption of local laws, town planning schemes and policies.

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

Council adopted Amendment No. 49 to the City of Belmont Town Planning Scheme No. 14 for formal advertising at its May 2006 meeting (item 11.1.4, 02/05/06 OCM refers). Amendment 49 proposes to introduce a further seven areas requiring structure plans under the Scheme.

Amendment 49 was advertised from 8 November 2006 to 5 January 2007. 35 submissions were received, two of which were petitions.

Officer Recommendation Summation

That Council adopt Amendment No. 49 to introduce seven further areas requiring structure plans without modification and seek the Minister for Planning and Infrastructure approval of the amendment.

LOCATION

- DA5 - Land bounded by Stanton Road, Morrison Street, Greenshields Way and Tonkin Highway.
- DA6 - Land bounded by Tonkin Highway, Great Eastern Highway, Coolgardie Avenue, Redcliffe Road, Fauntleroy Avenue and Precincts 1A and 1B as defined under the Perth Airport Masterplan 2004.

Item 12.1.3 Continued

- DA7 - Land bounded by Tibbradden Circle, Coolgardie Parade, Central Avenue, Garvey Park, and the back of lots 57 to 75 Fernridge Cove.
- DA8 - Land bounded by Hay Road, Lilian Grove, Fauntleroy Avenue and the eastern boundary of Lot 258 Fauntleroy Avenue.
- DA9 - Land bounded by Fauntleroy Avenue, Hay Road, Lot 185 Hay Road and the rear of the Mixed Use zoned lots fronting Great Eastern Highway.
- DA10 - Lot 120 (1-13) Epsom Avenue and Lot 111 (4) Nisbet Street, Ascot (Ascot Inn)
- DA11 – The Springs bounded by the Swan River, Brighton Road, Great Eastern Highway and Graham Farmer Freeway.

APPLICANT

Not applicable.

FILE REFERENCE

116/094 Town Planning Scheme – Amendment No. 49

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

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

Amendment No. 49 was advertised from 8 November 2006 to the 5 January 2007. At the conclusion of the advertising period, 35 submissions were received, two of which were petitions.

The submission table is included as an attachment to this report. **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. If the Council is not prepared to modify the amendment as a result of a submission, then the submission is dismissed.

*Item 12.1.3 Continued***STRATEGIC PLAN IMPLICATIONS**

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

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

POLICY IMPLICATIONS

Local Planning Policy No. 1 (LPP No.1) states that the Council will only support subdivision and survey strata applications (without common property) above the base coding of R20 where:

- “• *An Outline Development Plan for a streetblock is not required or the proposal complies with an endorsed Outline Development Plan.”*

The proposed Scheme Amendment strengthens the statutory basis of LPP No. 1.

STATUTORY ENVIRONMENT

Amendment No. 43 to Town Planning Scheme No. 14 introduced special control areas within the City whereby any subdivision and development of land within an identified development area is to be generally in accordance with a structure plan that applies to the land. The Scheme provisions detail the process of preparing, adopting and amending a structure plan.

Council adopted Amendment No. 43 for final approval in November 2005 (Item 11.1.1 OCM 29/11/2005 refers). The Minister for Planning and Infrastructure granted final approval on 14 May 2006, and the Amendment was published in the Government Gazette on 30 May 2006.

Clause 10.17.1 of Scheme No. 14 details the requirements relating to special control areas.

BACKGROUND**History**

In December 2003 (Item 10.3.10 PDC 10/11/2003 refers), Council considered a number of areas requiring comprehensive planning and coordinated subdivision and development. A total of 15 areas were identified.

A more consistent statutory based approach was supported on the basis that it would ensure:

- that the Council has a good planning outcome;
- that landowners are sure of exactly what standards apply in the situation of an identified superblock (notwithstanding any other policy or landuse control existing); and

Item 12.1.3 Continued

- that the Council may still play a strong facilitatory role in assisting with redevelopment where requested by the majority of landowners impacted on (or landowners may coordinate redevelopment without the assistance of the Council).

In September 2004, the Council (Item 10.4.1 PDC 20/09/2004 refers) resolved that the priority areas for having a Structure Plan / Detailed Area Plan are as follows:

DA1	Location 4074 (147-159) President Street; Location 4516 (84-94) Cohn Street; Lot 3 (96) Cohn Street; Lot 2 (98) Cohn Street; Location 4517 (100) Cohn Street; and Lot 358 (102) Cohn Street Kewdale
DA2	Portion of Orrong Road Superblock bounded by Orrong Road, Alexander Road, Surrey Road and Sydenham Street – Lots 1286, 1287, 1290, 1291, 1294 and 1295 Surrey Road, Rivervale.
DA3	Land fronting Kew Street and abutting Dod Reserve.
DA4	Land bounded by Ryans Court, Morrison Street, Stanton Road and Tonkin Highway Redcliffe.

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

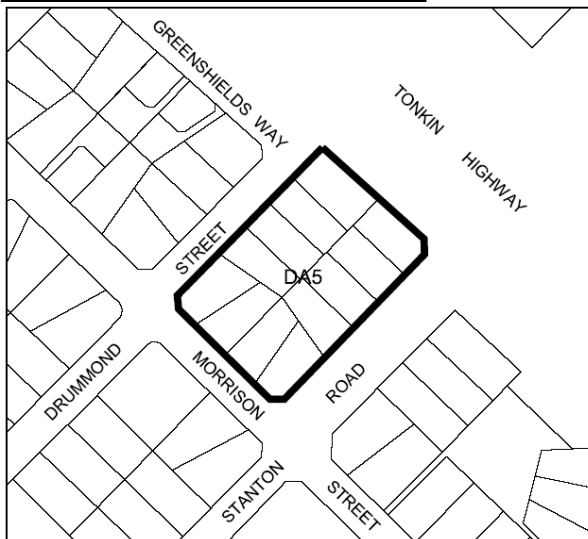
Consequently, Council through Amendment No. 43 to Town Planning Scheme No. 14 introduced draft Model Scheme Text provisions for structure plans for the four priority areas within the City requiring structure plans. The Scheme provisions of clause 10.17.1 detail the process of preparing, adopting and amending a structure plan.

Amendment 49 – Additional areas requiring Structure Plans

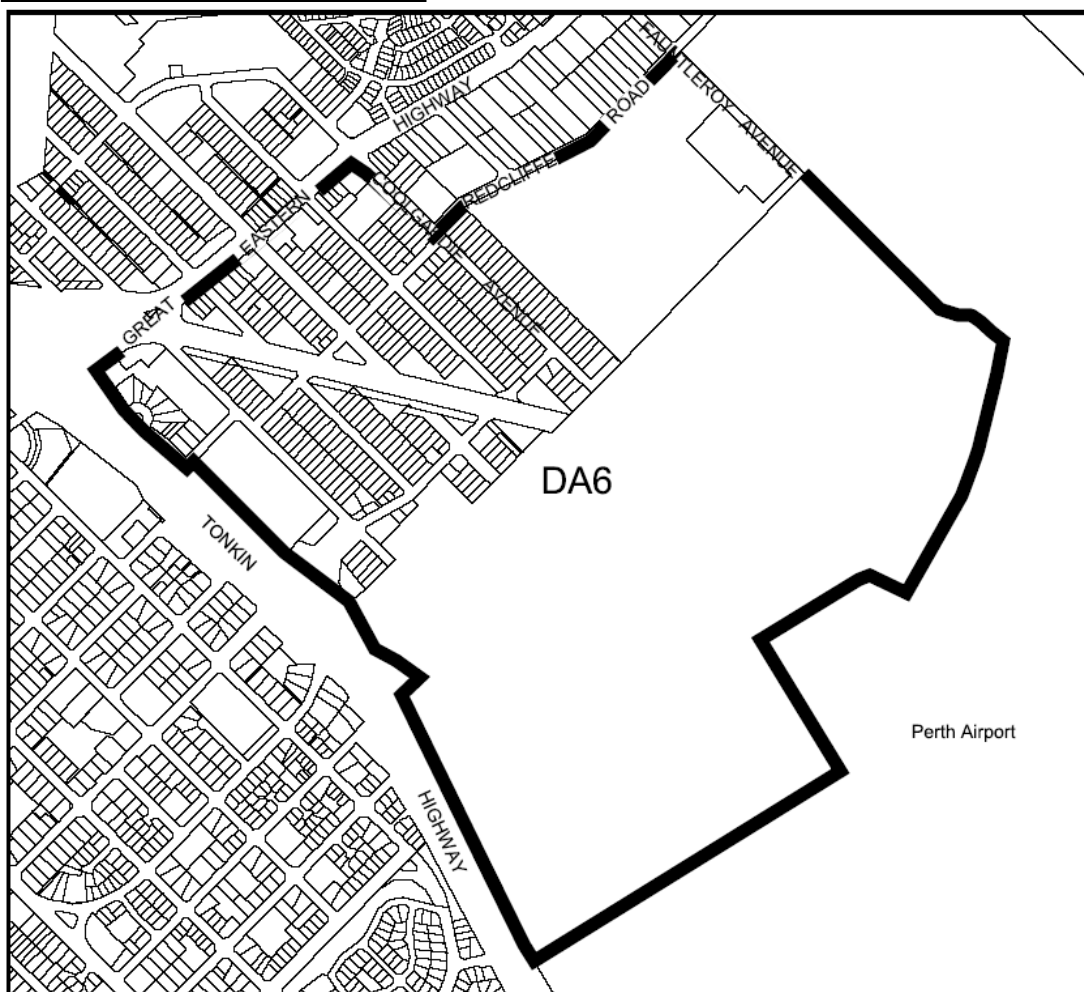
At the Council Meeting of 2 May 2006, Amendment No. 49 was initiated for the purposes of public advertising. The Amendment proposed to introduce seven further areas requiring structure plans. These areas are shown in the plans on the following pages.

Item 12.1.3 Continued

Proposed Development Area 5

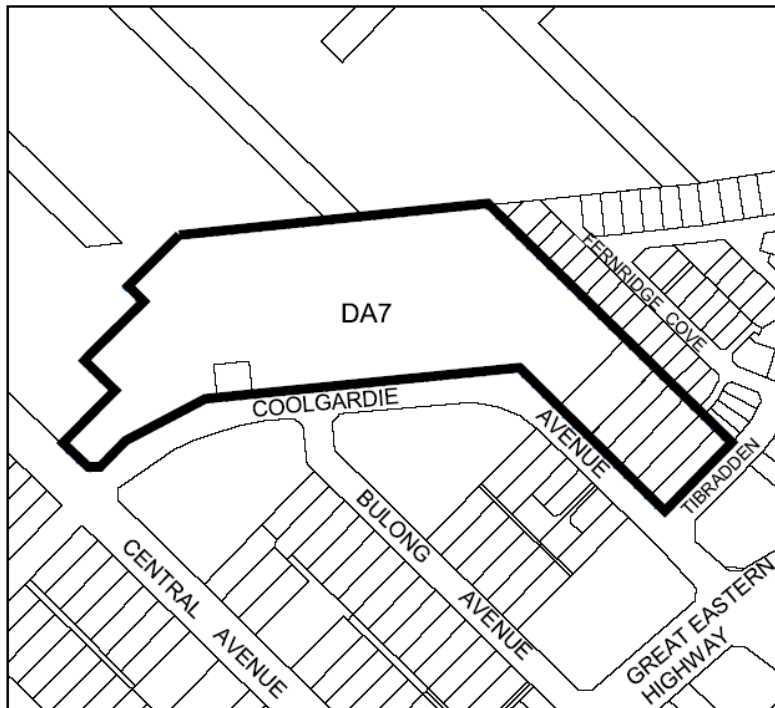


Proposed Development Area 6

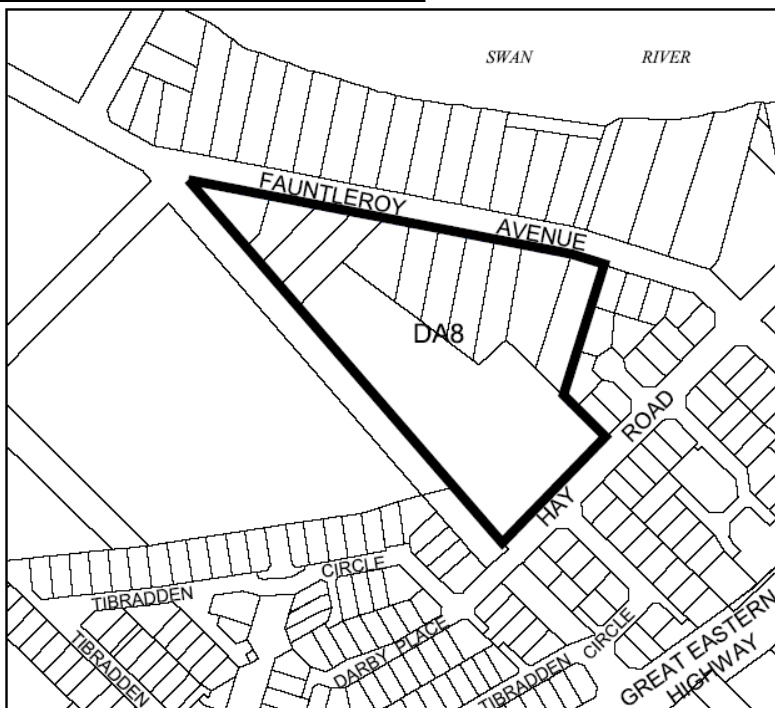


Item 12.1.3 Continued

Proposed Development Area 7

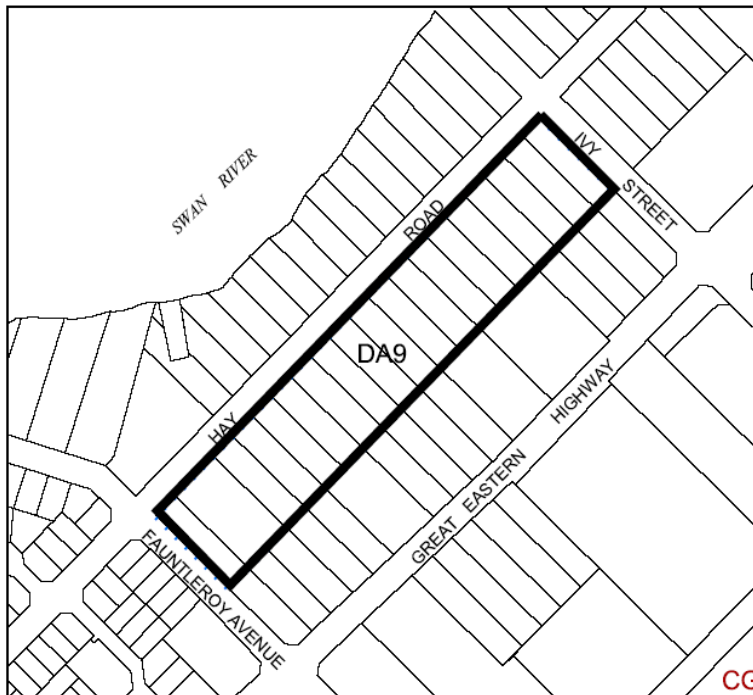


Proposed Development Area 8

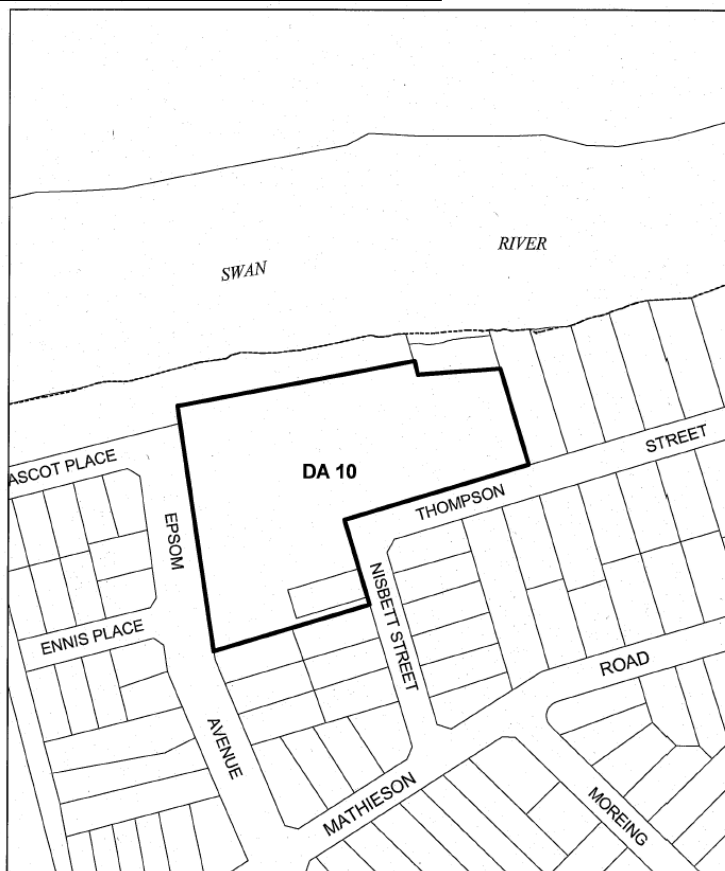


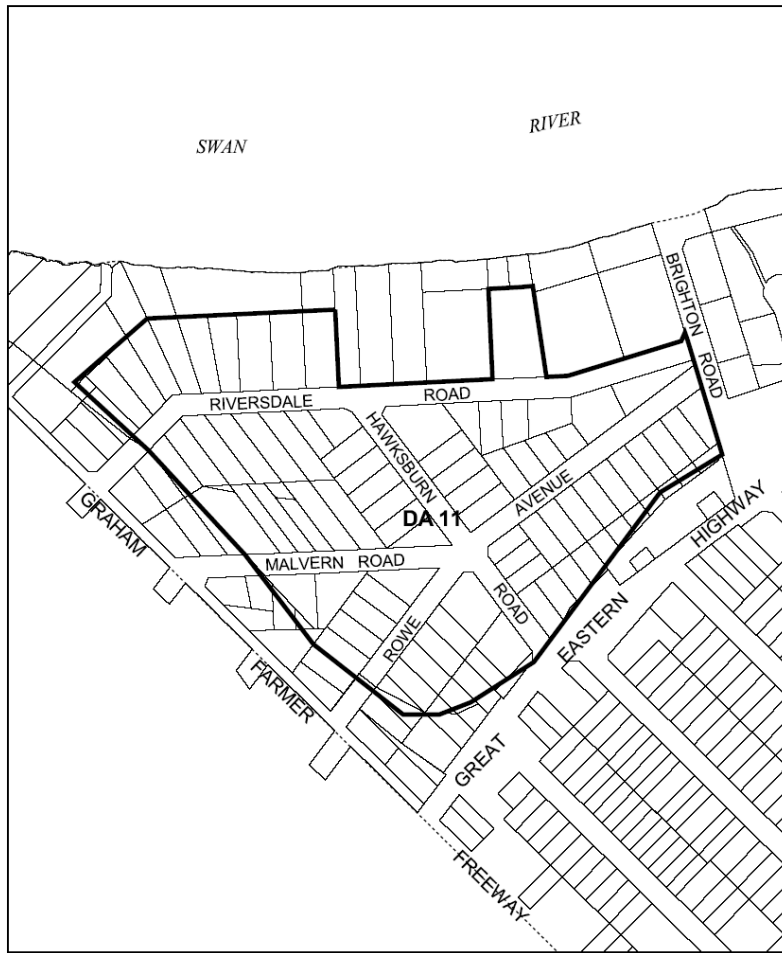
Item 12.1.3 Continued

Proposed Development Area 9



Proposed Development Area 10



*Item 12.1.3 Continued***Proposed Development Area 11****OFFICER COMMENT**

The seven additional areas identified have the potential for redevelopment, but for various reasons such as lot layout and dimensions, multiple land ownership, access issues and site constraints, redevelopment has not occurred. In other similar areas within the City where redevelopment has occurred, it has not resulted in the best design outcome. This often shows itself as a proliferation of battleaxe access legs which limits a property achieving its full development potential.

A Structure Plan is a plan of how one of these identified areas will develop – where the roads, power, gas, water and other infrastructure will go, density of development and lot layout. A Detailed Area Plan takes that concept a step further and looks at specific landuses, location of buildings, design guidelines and so on.

A Structure Plan does not change the affected land's zoning under TPS 14 but may identify a need to modify or change the zoning to achieve the best outcome.

*Item 12.1.3 Continued***Submissions**

Following consultation, thirty-five submissions were received. The following table examines each of the proposed control areas; the initial justification for their inclusion; a summary of submissions; and officer's comments.

Proposed DA5 Land bounded by Stanton Road, Morrison Street, Greenshields Way and Tonkin Highway.		
Initial Justification for Amendment	Summary of Submissions	Comment
Five of the twelve properties in this streetblock are owned by government authorities (four by Department of Housing and Works and one by Main Roads). Due to Tonkin Highway immediately abutting the subject area and the relatively small lots size (759-1007m ²) any redevelopment within this streetblock would require a high degree of coordination if alternate access is to be provided.	DA5 is in need of redevelopment to improve land values and upgrade the area.	The objective of DA5 Structure Plan provisions are to ensure coordinated redevelopment of a high standard. Recommendation: Uphold submission 7

Proposed DA6 Land bounded by Tonkin Highway, Great Eastern Highway, Coolgardie Avenue, Redcliffe Road, Fauntleroy Avenue and Precincts 1A and 1B as defined under the Perth Airport Masterplan 2004.		
Initial Justification for Amendment	Summary of Submissions	Comment
<p>The proposed closure of Brearley Avenue and provision of an alternative access to the domestic airport terminal will mean that the residential pockets currently ruptured by the road can be re-examined. It is at that time that coordinated planning for subdivision and development will be vital to ensure a quality outcome.</p> <p>The closure of Brearley Avenue will also have a significant impact on the functioning of Precincts 1A and 1B of the Airport.</p> <p>The Planning Objectives of the 'Non-aeronautical property system' incorporated within the adopted Perth Airport Master Plan 2004 includes:</p> <ul style="list-style-type: none"> <i>respects and supports current regional and local planning principles and concerns as outlined in the Metropolitan Regional Scheme (MRS) and Town Planning Schemes;</i> <i>respects and supports the planning efforts of airport neighbours such as the City of Swan, the City of Belmont,</i> 	<p>Concerns about the proposed closure of Brearley Avenue, and increase of traffic on neighbourhood streets.</p> <p>Structure plan will have a negative impact on development potential and land values.</p>	<p>Amendment 49 is catering for the likely closure of Brearley Avenue to ensure that statutory provisions will be in place prior to prevent ad-hoc redevelopment of the area. Whether or not Brearley Avenue is closed, alternate access to the airport is proposed via Tonkin Highway. Once an alternative access is in place, there will be significantly less traffic on Brearley Avenue.</p> <p>Many of the submissions are based on a flawed assumption that the requirement for a Structure Plan will have a negative impact on the development potential of their properties. Land use and density codes would be considered as part of the preparation of a Structure /Detailed Area Plan.</p> <p>Due to the large number of private land holdings within DA6 the coordination of a Structure Plan will require a significant</p>

Item 12.1.3 Continued

Proposed DA6 Land bounded by Tonkin Highway, Great Eastern Highway, Coolgardie Avenue, Redcliffe Road, Fauntleroy Avenue and Precincts 1A and 1B as defined under the Perth Airport Masterplan 2004.		
Initial Justification for Amendment	Summary of Submissions	Comment
<p><i>and the Shire of Kalamunda; and</i></p> <ul style="list-style-type: none"> <i>fosters and supports sustainable development within the airport property using the latest planning principles and supports the economic development of the region.</i> <p>The Master Plan outlines that decisions to designate precincts for particular landuses were based on a number of factors including <i>"Compatibility with surrounding communities. Land uses which would complement adjacent communities' existing and planned land uses were assigned to the respective precincts. Uses were assigned with the goal of assuring that the precincts are compatible with surrounding communities' development efforts."</i></p> <p>In regard to Precincts 1A and 1B the following land uses are assigned:</p> <ul style="list-style-type: none"> High profile commercial. Aviation commercial. General commercial. Industrial Short stay accommodation. Warehouse/showroom. <p>Whilst landuses are broadly assigned under the Master Plan, there is no precinct structure planning in regard to road networks and how landuses are located to ensure compatibility with uses occurring on zoned land located abutting the Airport.</p> <p>Section 13.6 of the Master Plan states that <i>"The objective of the Perth Airport Master Plan is to respect and support current regional and local planning principles as outlined in the Metropolitan Regional Scheme, Town Planning Schemes and with the planning efforts of the neighbouring municipalities."</i></p> <p>It also refers to the internal airport road systems and that whilst Perth Airport is developed, <i>"it will also become an attractive and integrated neighbour to surrounding areas"</i>.</p> <p>With the closure of Brearley Avenue,</p>		<p>amount of Council resources and may take some time to complete. Should the need arise, TPS 14 provides for Council to support development within a Development Area provided that it would not compromise the preparation of a future Structure Plan.</p> <p>Recommendation: Submissions 1, 2, 3, 8, 9, 18, 22, 23 and 34 be dismissed.</p>

*Item 12.1.3 Continued***Proposed DA6**

Land bounded by Tonkin Highway, Great Eastern Highway, Coolgardie Avenue, Redcliffe Road, Fauntleroy Avenue and Precincts 1A and 1B as defined under the Perth Airport Masterplan 2004.

Initial Justification for Amendment	Summary of Submissions	Comment
there must be careful structure planning of both the zoned land in Redcliffe and land within Precinct 1A and 1B of the Airport or there is a high likelihood of incompatible development and road networks (internal and external to the Airport) that detrimentally impact on the amenity of residents and businesses.		

Proposed DA7

Land bounded by Tibbradden Circle, Coolgardie Parade, Central Avenue, Garvey Park, and the back of lots 57 to 75 Fernridge Cove.

Proposed DA8

Land bounded by Hay Road, Lilian Grove, Fauntleroy Avenue and the eastern boundary of Lot 258 Fauntleroy Avenue.

Initial Justification for Amendment	Summary of Submissions	Comment
-------------------------------------	------------------------	---------

Item 12.1.3 Continued

<p>Proposed Development Area 7 This land is owned by the Western Australian Planning Commission and it is understood that they are investigating the viability of developing land (due to a number of drainage issues this may be problematic). Due to the size of the landholding (3.8 hectares) and its proximity to Garvey Park a coordinated approach is recommended.</p> <p>Proposed Development Area 8 A total of 7926m² of land is owned by the Department for Planning and Infrastructure abutting Lilian Grove. Due to the size of the remaining lots in disparate ownership abutting (ranging from 1031 to 2314m²) a coordinated approach is recommended to ensure that subdivision and development does not occur in a piecemeal fashion resulting in a proliferation of battleaxe legs.</p>	<p>Submissions of objection refer to:</p> <ul style="list-style-type: none"> Retention of wetland areas privately owned by the WAPC; and New residential development on these currently undeveloped areas. 	<p>Purchase of the periodically inundated land by Council is unwarranted given the significant amount of open space located within this vicinity.</p> <p>Land within DA 7 and DA8 is privately owned. The land is zoned Residential R20 and can be currently developed for residential purposes without the need for a structure plan. This residential zoning of land adjacent to Tibbradden and Wedderburn Estates has been in place since the creation of the estates.</p> <p>Recommendation: Submissions 4, 15, 19, 20, 21, 24, 25, 26, 30, 32 and 34 be dismissed.</p>
---	--	--

Item 12.1.3 Continued

Proposed DA9 Land bounded by Fauntleroy Avenue, Hay Road, Lot 185 Hay Road and the rear of the Mixed Use zoned lots fronting Great Eastern Highway.		
Initial Justification for Amendment	Summary of Submissions	Comment
<p>The Draft Great Eastern Highway Strategic Access Policy looks at implementing long-term solutions for access to properties abutting Great Eastern Highway. The Policy was compiled in conjunction with Main Roads Western Australia (MRWA). The access plan currently shows a proposed right of way along the rear of properties fronting Hay Road, as a link between Fauntleroy Avenue and Ivy Street.</p> <p>The Strategic Access Policy underwent public advertising at which time a number of issues were identified and raised with Main Roads. Until those issues are responded to by Main Roads the plan cannot be finalised.</p> <p>One of the issues that will need to be resolved is the feasibility of providing this particular Right of Way. An alternative may be to extend the existing Hay Road reserve through to Ivy Street.</p>	Structure Plan will impact on operation of existing business.	<p>The submission incorrectly supposes that the provisions of Draft Local Planning Policy No. 10 Great Eastern Highway Strategic Access form a Structure Plan. Amendment 49 does not propose any specific structure plan for DA9. The impacts on affected properties would be considered at the time of preparation of a structure plan.</p> <p>Recommendation: Submission 10 be dismissed.</p>

Proposed DA10 Lot 120 Epsom Avenue and Lot 111 Nisbet Street, Ascot (Ascot Inn)		
Initial Justification for Amendment	Summary of Submissions	Comment
<p>This Mixed Use site is located in the midst of the Residential and Stables zone and the site has a high likelihood of redeveloping. Both this site and the 'Residential and Stables' zone are listed on the Municipal Heritage Inventory. To ensure that redevelopment of the site has regard for the historic value of the hotel and regard for the surrounding historic land use it is recommended that the site be included as an area requiring an adopted Structure Plan prior to any redevelopment.</p>	Submissions objecting to DA10 relate to inclusion of Council's resolutions in respect of the redevelopment of the site.	<p>Detailed land use, density and design requirements will be incorporated into any future Structure Plan.</p> <p>Recommendation: Submissions 27 and 28 be dismissed.</p>

Item 12.1.3 Continued

Proposed DA11 The Springs bounded by the Swan River, Brighton Road, Great Eastern Highway and Graham Farmer Freeway		
Initial Justification for Amendment	Summary of Submissions	Comment
<p>The subject area is zoned 'Special Development Precinct', which was originally put in place as a precursor to the City of Belmont Town Planning Scheme No. 13. This Scheme was refused final approval by the Minister for Planning and Infrastructure on 3 December 2003. This zoning was put in place for land that was considered to have potential for redevelopment or could be affected by a subdivisional proposal as part of an overall.</p> <p>LandCorp will be submitting to Council a Structure Plan for its formal consideration. A proposal for cost sharing will also be provided and will necessitate a further amendment to Town Planning Scheme No.14.</p> <p>It is important that this area be recognised in statutory terms as requiring detailed overall planning.</p>	<p>Landowner submissions in respect of DA11 object to the inclusion of their land within the proposed DA11, on the basis that their properties are able to be developed stand-alone.</p>	<p>It is considered that retention of the subject lots within the Structure Plan provisions will ensure coordinated redevelopment.</p> <p>Current provisions under TPS 14 relate to defunct TPS 13 and do not include sufficient detailed design criteria. Scheme 14 also requires cost contributions, which requires further amendment to the Scheme.</p> <p>Recommendation: Submissions 5, 14 and 31 be dismissed.</p>

Proposed Development Area 6

With the provision of an alternative access to the domestic airport terminal those residential pockets currently ruptured by Brearley Avenue can be re-examined as Brearley Avenue in its current form will not be required. What will happen to Brearley Avenue and other facilities, such as parks, will need to be considered as part of the proposed Structure Planning exercise. Due to the size of the area involved this will require extensive community input.

Coordinated planning for subdivision and development is vital to ensure a quality outcome and due to the size of the area involved it is unlikely that a landowner or landowners would have the resources to fully involve the local community in formulating a Structure Plan. Council is currently working with the Westralia Airports Corporation and has appointed a consultant to prepare a brief on how best to prepare a Structure Plan with the full involvement of the local community and relevant State Government agencies.

Council should note that development may still be approved within a Development Area prior to a Structure Plan coming into effect if the Council is satisfied that this will not prejudice the purposes and requirements of the Development Area. This is particularly relevant to DA6, where the large number of property owners will result in a complex Structure Planning process. The requirement for a Structure Plan will therefore not prejudice a lot's development potential, provided that the proposed development is based on sound planning principles with regard to the wider locality.

*Item 12.1.3 Continued***Inclusion of Additional Areas**

It is considered that inclusion of the seven additional areas within the Scheme will ensure:

- a good planning outcome;
- that landowners are sure of exactly what standards apply in the situation of an identified superblock (notwithstanding any other policy or landuse control existing); and
- that the Council may still play a strong facilitatory role in assisting with redevelopment where requested by the majority of landowners impacted on (or landowners may coordinate redevelopment without the assistance of the Council).

Without the inclusion of these seven areas, individual proposals will have to continue to be fought on individual proposals without adequate weight being given to strategic outcomes on a larger scale – this is particularly problematic where Council may not be the approving authority or where the lack of statutory controls lessens the chance of successfully defending an appeal.

On this basis, it is recommended that the seven areas be included within the Scheme as areas requiring structure plans prior to redevelopment, and that Amendment 49 be referred to the Hon. Minister without modification for final approval endorsement.

Facilitation of Structure Plans

In order to facilitate the orderly and proper planning of specific control areas, it is recommended that Council take a facilitatory role in the production of Structure Plans (similar to the process undertaken for DA3 Dod Reserve) for the following areas: DA5; DA6; and DA9.

Liaison should also be undertaken as a priority with the WAPC in regard to their landholding in DA7 and DA8 to ascertain their future intentions and whether they intend to proceed with development in the future.

FINANCIAL IMPLICATIONS

A Scheme Amendment incurs costs for advertising and consultation.

Additional funding and resourcing may be required to assist landowners in producing area structure plans for DA5, DA6 and DA9. These costs should be factored into the 2007/2008 budget.

ENVIRONMENTAL IMPLICATIONS

Coordinated planning through the preparation of structure plans ensures a good built outcome and can allow for better coordination of servicing and access having regard for environmental impacts of development.

*Item 12.1.3 Continued***ATTACHMENT DETAILS**

<u>Attach. No.</u>	<u>Details</u>
BB Attach 4	Submission Table

OFFICER RECOMMENDATION

That:

1. Council dismiss submissions 1-5, 8-10, 14, 15, 18-32 and 34 in accordance with Regulation 18 of the Town Planning Regulations 1967.
2. Submissions 6, 7, 11- 13, 16, 17, 29, 33 and 35 be upheld in accordance with Regulation 18 of the Town Planning Regulations 1967.
3. Adopt Amendment No. 49 to the City of Belmont, Town Planning Scheme No. 14 without modification and seek the Minister for Planning and Infrastructure approval of the amendment.
4. Advise those who made a submission of the Council's decision.
5. Council take a facilitatory role in the preparation of Structure Plans for development control areas DA5, DA6 and DA9.
6. Council liaise with the WAPC in regard to their landholding in DA7 and DA8 to ascertain their future intentions for the land.

Chief Executive Officer Comment

In reference to a meeting on Thursday 15 February 2007 the Chief Executive Officer and Director Community & Statutory Services met with Mr John Zadnik (owner of Lot 80 (48) Riversdale Road Rivervale) and his Architectural Consultant Mr Kim Doepel from Doepel Marsh Architects. As requested by Mr Zadnik a copy of the documentation presented during this meeting was also circulated to all Councillors.

During discussion Cr Marks suggested an amended motion to include a No 7 and No 8 to the officer recommendation Item 12.1.3. The reason for the amendment is to enable progress towards the development of the Ascot Inn site and to ensure control of the development prior to a Structure Plan.

The Mayor sought direction from the Director Community and Statutory Services who advised Council that although the Council position could be that it would not approve developments for a 12 month period, the applicant could still lodge an application and pursue appeal rights.

.

Item 12.1.3 Continued

An amended motion was put and subsequently voted on as follows:

MARKS MOVED, TEASDALE SECONDED that:

1. ***Council dismiss submissions 1-5, 8-10, 14, 15, 18-32 and 34 in accordance with Regulation 18 of the Town Planning Regulations 1967.***
2. ***Submissions 6, 7, 11 - 13, 16, 17, 29, 33 and 35 be upheld in accordance with Regulation 18 of the Town Planning Regulations 1967.***
3. ***Adopt Amendment No. 49 to the City of Belmont, Town Planning Scheme No. 14 without modification and seek the Minister for Planning and Infrastructure approval of the amendment.***
4. ***Advise those who made a submission of the Council's decision.***
5. ***Council take a facilitatory role in the preparation of Structure Plans for development control areas DA5, DA6 and DA9.***
6. ***Council liaise with the WAPC in regard to their landholding in DA7 and DA8 to ascertain their future intentions for the land.***
7. ***Council take a facilitatory role in the preparation of a structure plan for area DA10. The structure plan to take into account all community consultation and Council resolutions at present existing on the area.***
8. ***Development prior to the structure plan approval in areas DA5-DA11 be suspended, unless special circumstances occur. Council to review the suspension in 12 months time.***

CARRIED 9 VOTES TO 2

For: Godfrey, Marks, Rossi, Martin, Hitt, Powell, Teasdale, Whiteley, Brennan

Against: Dornford, Bass

12.1.4 City of Belmont Town Planning Scheme No. 14 – Amendment No. 50 – To rezone Lots 10 & 152 (11) Hehir Street, Belmont from ‘Place of Public Assembly – Place of Worship’ to ‘Mixed Use’ and to rezone Lot 11 (12-14) Lapage Street, Belmont from ‘Residential R20’ to ‘Mixed Use’**

****BB Attachment 5 – Item 12.1.4 refers**

Chief Executive Officer Comment

Prior to any debate on Item 12.1.4 the Manager Governance read aloud a disclosure that might cause a conflict from Cr Rossi.

Report by Community & Statutory Services Division

DATE

8 January 2007

PURPOSE OF REPORT

To consider final adoption of Amendment No. 50 to the City of Belmont Town Planning Scheme No. 14, following formal advertising of the proposal.

COUNCIL ROLE

Legislative

The legislative role includes the adoption of local laws, town planning schemes and policies.

SUMMARY AND KEY ISSUES

Summary and Key Issues

To consider final adoption of Amendment No. 50 to the City of Belmont Town Planning Scheme No. 14, following formal advertising of the proposal.

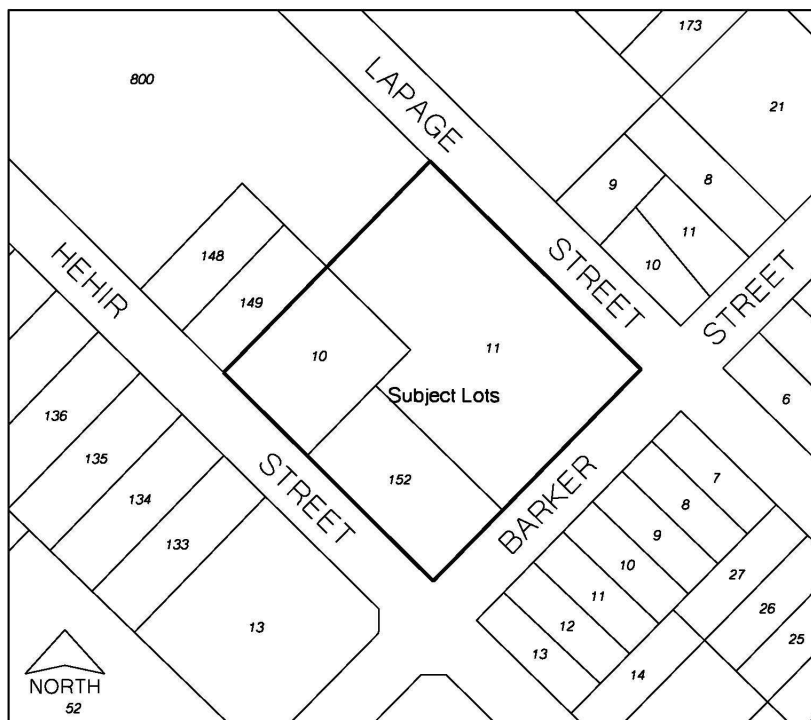
The amendment proposes to rezone Lots 10 & 152 (11) Hehir Street, Belmont from ‘Place of Public Assembly – Place of Public Worship’ to ‘Mixed Use’ and to rezone Lot 11 (12-14) Lapage Street, Belmont from ‘Residential R20’ to ‘Mixed Use’.

Officer Recommendation Summation

That Council adopt Amendment No. 50 for final approval.

LOCATION

Lots 10, and 152 (11) Hehir Street, and Lot 11 (12-14) Lapage Street, Belmont.

Item 12.1.4 Continued**APPLICANT**

MasterPlan Consultants on behalf of the Roman Catholic Church.

FILE REFERENCE

DW 116/096 – Town Planning Scheme No. 14 – Amendment No. 50.
P/HEH.11 & LAP.12-14 – Property Files.

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

*Item 12.1.4 Continued***CONSULTATION**

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

Amendment No. 50 was advertised from 1 November 2006 to 12 December 2006. At the conclusion of the advertising period, three submissions were received. A summary of the submissions is provided under the attachment to this report. **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. If the Council is not prepared to modify the amendment as a result of a submission, then the submission is dismissed.

Lot 11 (12) Lapage Street and Lots 10 & 152 (11) Hehir Street, Belmont

**STRATEGIC PLAN IMPLICATIONS**

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

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

*Item 12.1.4 Continued***POLICY IMPLICATIONS**

Draft Local Planning Policy No. 29 proposes to introduce requirements for Residential Land Uses within the Mixed Business Zone.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14, Clause 9.13 contains provisions specifically relating to amending the Scheme. In accordance with Clause 9.13.2 the Council may initiate an amendment to the Scheme in accordance with the Act and Regulations and shall give consideration to any application to have the Scheme amended.

The subject lots are within the City's Mixed Use Study area. The proposal is consistent with the Draft Mixed Use Study. Under the City's Vision Plan for the Mixed Use Study Area the subject lots are identified as an "Interface with Residential" area. The proposal is also consistent with proposed Amendment No. 52 which will introduce a 'Mixed Business' zone which allows for residential development but its core value is to encourage businesses. Amendment No. 52 is yet to be advertised.

The Planning and Development Act 2005 requires that advertising of a Scheme Amendment be undertaken for 42 days. Advertising proceeded following receipt of approval on 17 July 2006 from the Environmental Protection Authority (EPA).

BACKGROUND

At the Council Meeting held on 2 May 2006, Amendment No. 50 was initiated for the purposes of public advertising. The Amendment proposed to rezone Lots 10 and 152 (11) Hehir Street, Belmont from "Place of Public Assembly – Place of Public Worship" to "Mixed Use", and Lot 11 (12-14) Lapage Street, Belmont from "Residential R20" to "Mixed Use".

In support of the rezoning the applicant advised the following:

- The existing land uses of church and residential aged care facility conform to the proposed 'Mixed Use' zone;
- The existing Marist Lodge nursing home at Lot 11 Lapage Street will continue to operate following the proposed rezoning;
- Future residential redevelopment of the site will incorporate the retention of the existing St Anne's Church building on-site;
- St Anne's Church will continue to operate as a Place of Public Worship, reflecting the landowner's intent to conserve the cultural heritage significance of the place through appropriate protection measures;
- A rezoning to 'Mixed Use' would ensure improved compatibility of the subject land with the adjacent properties, and would guarantee a more comprehensive and integrated eventual redevelopment of the site than would the existing zoning;

Item 12.1.4 Continued

- The current zoning of the land restricts any future redevelopment of the site, and is in conflict with the City's strategic planning direction as proposed under the Draft Mixed Use Study. The proposed rezoning would eliminate this conflict, and would allow future development on the site for uses that are appropriate to its location at the interface of low density residential and commercial uses.

OFFICER COMMENT

The subject lots are listed under the City's Municipal inventory in relation to St Anne's Church building. St Anne's Church is of social significance to the City and is to be retained.

The proposed Amendment is consistent with the objectives of the Draft Mixed Use Study. The term 'residential interface' refers to the need for having regard to the compatibility of business uses with residential uses. Any redevelopment of the site will be assessed on its merit in accordance with all relevant provisions.

The proposed rezoning provides for the rationalisation of the zoning across the subject lots and will bring the land into conformity with the predominant 'Mixed Use' zoning of the subject street block.

Of the three submissions received two were from servicing authorities. The remaining submission requested that four additional properties located opposite the subject site on the northwest corner of Barker and Lapage Streets also be rezoned from "Residential R20" to "Mixed Use" zone. The submission stated this would rationalise the zoning of the west side of Barker Street. This request by one owner to include four additional lots in the rezoning should not be supported as it was not included in the amendment originally and such a significant departure is likely to trigger a need to readvertise the amendment. A request signed by all four owners should be required prior to consideration of potential rezoning of these lots.

Notwithstanding the above, the request to rezone these additional lots may have merit. Council at its meeting of 18 December 2006, resolved to initiate Amendment No 52 to create a 'Mixed Business' zone within the Mixed Use Study Area. As such, should the City receive a signed request from all four owners to incorporate these lots in the proposed 'Mixed Business' zone, a variation to Amendment No. 52 may be considered at that time.

FINANCIAL IMPLICATIONS

A Scheme Amendment incurs costs for advertising and consultation.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

*Item 12.1.4 Continued***ATTACHMENT DETAILS**

<u>Attach. No.</u>	<u>Details</u>
BB Att 5	Amendment No. 50 - Submission Table

OFFICER RECOMMENDATION

That:

1. Council dismiss all submissions received in accordance with Regulation 18 of the Town Planning Regulations 1967.
2. Adopt Amendment No. 50 to the City of Belmont, Town Planning Scheme No. 14 without modification and seek the Minister for Planning and Infrastructure approval of the amendment.
3. The applicant and all those who made submissions be advised of Council's decision.
4. In regard to the submission received by Sharfrey Investments Pty Ltd to vary Amendment No 50 to include additional lots, they should, along with all other impacted land owners, be encouraged to make a submission to Council to modify Amendment No. 52 to incorporate these lots.

Chief Executive Officer Comment

During discussion Cr Rossi suggested an amended motion to include a Part B to Officer Recommendation Item 12.1.4. The reason for the amendment was to include provision for the City to investigate the historical value of the administrative buildings associated with St Anne's Church for inclusion on the City's Heritage Inventory.

Item 12.1.4 Continued

An amended motion was subsequently put and voted on as follows:

ROSSI MOVED, HITT SECONDED, that

(A)

- 1. Council dismiss all submissions received in accordance with Regulation 18 of the Town Planning Regulations 1967.**
- 2. Adopt Amendment No. 50 to the City of Belmont, Town Planning Scheme No. 14 without modification and seek the Minister for Planning and Infrastructure approval of the amendment.**
- 3. The applicant and all those who made submissions be advised of Council's decision.**
- 4. In regard to the submission received by Sharfrey Investments Pty Ltd to vary Amendment No 50 to include additional lots, they should, along with all other impacted land owners, be encouraged to make a submission to Council to modify Amendment No. 52 to incorporate these lots.**

(B) That the historical value of the administrative buildings associated with St Anne's church be investigated and reviewed, with the possible inclusion in the City of Belmont's Municipal Heritage Inventory.

CARRIED 11 VOTES TO 0

12.1.5 Lot 35 (113–151) Abernethy Road, Belmont – Proposed Multi-Storey Office Development (Edessa Park)******BB Attachment 6 – Item 12.1.5 refers**

Report by Community & Statutory Services Division

DATE

23 January 2007

PURPOSE OF REPORT

To consider an application for a multi-storey, multi-tenant office / car park development on Lot 35 (113-151) Abernethy Road, Belmont.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

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

- The proposal represents a high standard, landmark form of development for this site. A high standard of amenity is provided with the proposed landscaping, water feature, pedestrian paths and fountain and central courtyard.
- The Department for Planning and Infrastructure (DPI) Urban Transport Systems has provided comments about the proposal and provided four conditions to apply to the development.
- Vehicular access, parking and associated traffic movements are considered acceptable in association with this development.
- A shortfall of 33 car bays is proposed with the development, which is considered acceptable on the basis that reciprocal parking will occur between the office use and café/restaurant.

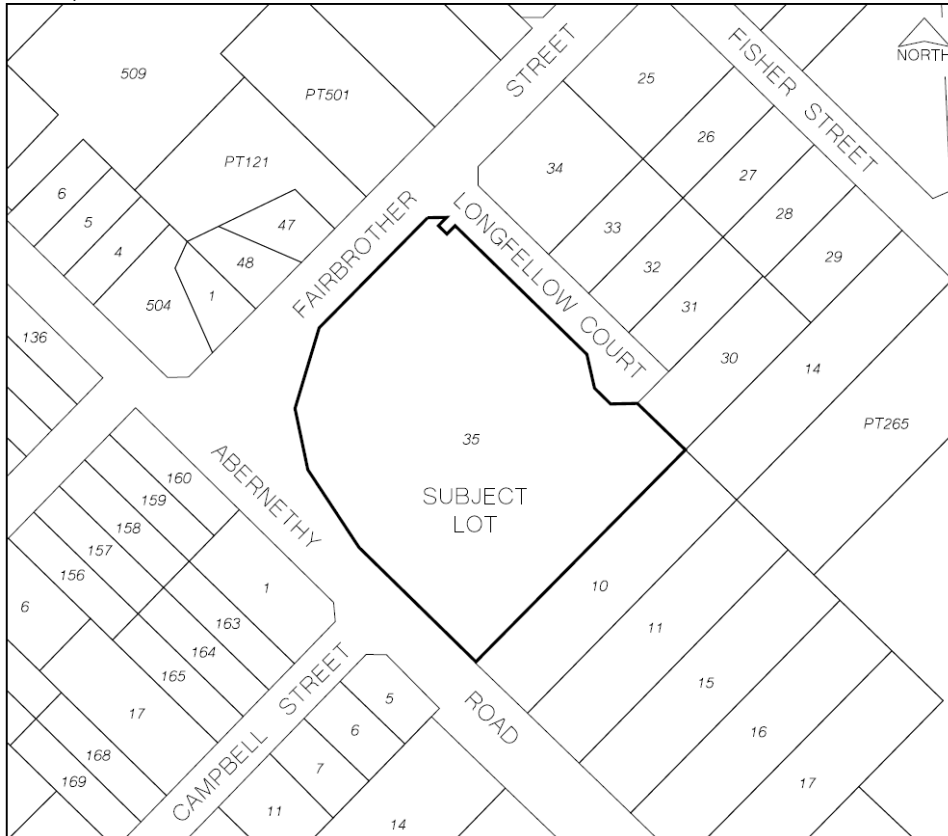
Officer Recommendation Summation

The proposal is supported with a minor relaxation of parking numbers being accepted.

Item 12.1.5 Continued

LOCATION

Corner of Abernethy Road and Fairbrother Street on Lot 35 (113–151) Abernethy Road, Belmont.



APPLICANT

Ashley Richards Architect, on behalf of Telegraph News Pty Ltd (owner).

FILE REFERENCE

259/2005/DA Development Application Folder

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

*Item 12.1.5 Continued***CONSULTATION**

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

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

Department for Planning and Infrastructure (DPI)

Abernethy Road is classified as an 'Other Regional Road' under the Metropolitan Region Scheme (MRS) and therefore the application and Traffic Impact Assessment must be referred to the Department for Planning and Infrastructure, Transport Branch for comment.

Beginning in March 2006, three separate traffic studies have been referred to DPI for comment. DPI raised various concerns and required additional information with regard to the proposal. The latest traffic study was submitted to DPI in August 2006.

In January 2007 DPI (Urban Transport Systems) provided support for the proposal subject to:

"...no objections to the proposed development on regional transport planning grounds subject to the following conditions:

- *The provision of a protected turn lane in Fairbrother Street at the intersection with Longfellow Court for right-in/right-out movements;*
- *The provision of a protected turn lane in Abernethy Road at the proposed access point (located at the southern corner of the subject lot) for right-in/right-out movements;*
- *That the design and construction of the protected turn lanes to be to the satisfaction of the City of Belmont;*
- *The inclusion of a R.O.W (in favour of the City of Belmont) from the Longfellow Court proposed access point to the proposed access point on Abernethy Road (located at the southern corner of the subject lot)."*

STRATEGIC PLAN IMPLICATIONS

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

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

POLICY IMPLICATIONS**Local Planning Policy No 25 – Fairbrother Street – Proposed Business Park Development Policy**

The proposed development generally complies with the intent and design philosophy of the LPP No 25, which envisages a landmark high quality 'Business Park' style development in this location.

*Item 12.1.5 Continued***Draft Mixed Use Study – Part 1 and Part 2**

The proposed development generally complies with the provisions of the draft Mixed Use Study – Parts 1 and 2.

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

Clause 10.5 of Town Planning Scheme No. 14 (TPS14) contains the relevant development requirements for the Mixed Use Zone. The intention of the Mixed Use Zone is *“to allow for the development of a mix of varied but compatible lands uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads”*.

Clause 10.9 of TPS14 specifies car parking and loading requirements. Car parking ratios are set out in Table 2 of the Scheme.

Under Clause 10.15 Council has the ability to vary Scheme requirements such as setbacks and car parking. Council also has the ability to advertise any proposed variation.

Amendment No. 52 was initiated by Council in December 2006. It proposes numerous changes to parking provisions under the Scheme. The parking ratios for ‘Offices’ is proposed to be reduced.

Deemed Refusal

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

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

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

The deemed refusal date for this application passed on 23 August 2005 and the applicant already has deemed refusal rights.

*Item 12.1.5 Continued***Right of Appeal**

Is there a right of appeal?

☒ Yes☐ No

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

BACKGROUND

Owner:	Telegraph News Pty Ltd	Ward:	Central
Lodgement Date:	13 June 2005	Use Class:	Office – D
Lot Area:	1.9105 ha	TPS Zoning:	Mixed Use
Estimated Value:	\$17 million	MRS:	Industrial

History of Application

An application was lodged for the redevelopment of Lot 35 (113-151) Abernethy Road in Belmont on 13 June 2005. The application was initially incomplete in a number of areas, and the required additional information and changes to the proposal has been sporadically submitted by the applicant up until 22 January 2007.

The assessment of the application has been protracted predominantly due to the requirements of DPI for a Traffic Management Report. DPI has not been satisfied with the content and/or findings of all three traffic reports that have been prepared for this site and development. Various meeting have been held with DPI, the applicant's traffic engineers and Council staff in order to resolve the various issues. The final meeting in December 2006 with DPI officers and Council officers from Planning and Engineering have resolved the issue and resulted in the letter of conditional approval from DPI as detailed above.

The development site (formerly half of the City of Belmont's Works Depot) is largely vacant with the exception of a Telstra communications tower and former SES buildings.

The Proposal

The current application includes six (6) multi-storey office blocks. A summary of the application is as follows:

- The six multi-storey office blocks vary in height: Blocks 1 and 2 are three levels in height and are oriented to Abernethy Road and Block 4 is three levels in height and oriented to Fairbrother Street. Block 3 is a curved building which is located at the junction of the two streets and are predominantly four levels with a centre portion being five levels. Blocks 5 and 6 are six levels in height, are centrally located on the lot and situated at the rear of Blocks 1 to 4.

Item 12.1.5 Continued

- Office block 3, located opposite the intersection of Abernethy Road and Fairbrother Street, will be a “landmark” feature building with a curved construction around the two road frontages, a significant water feature and landscaping is proposed adjacent to the street frontage. A ground floor café is proposed at the front of the site overlooking the water feature and street corner. The water feature, landscaping and café activity at the front of the site/building contributes to addressing the open space ‘pedestrian/landscape corridor’ required under Local Planning Policy No.25.
- The buildings at the front of the site comprise a predominant window/glazing to the street façade. The four office blocks are separate buildings and provide a viewing corridor between the buildings and towards the central area of the site. The two office blocks at the rear of the site overlook a central landscaped pedestrian courtyard area. The pedestrian courtyard area links the car park at the rear of the site to the central office blocks and through to the office blocks at the front of the site. These development features also contribute to the open space ‘pedestrian/landscape corridor’ required under Local Planning Policy No.25.
- A total of 881 car bays and two loading bays are proposed. The ground floor accommodates 356 car bays and the balance of the parking will be located within the five (5) upper levels of the car park at the rear of the site.

Under the attachment to this report are various plans of the proposal.

OFFICER COMMENT**Land Use and Development**

The use of the property primarily as ‘office’, and the proposed ‘café’ (which falls within the use class of ‘restaurant’ under TPS 14) are both discretionary land uses within the ‘Mixed Use’ zone.

The proposal generally complies with the City’s Local Planning Policy No 25 - Fairbrother Street Proposed Business Park Development Policy, having regard for the Integrated Development Plan in terms of the landscape corridor, access arrangements, land uses and car parking areas. The proposed height and building design are in keeping with the City’s objectives for a landmark development on this site and a preferred minimum height of 4 storeys under the Policy.

Telecommunications Tower and SES Building

The property’s managing agent, Porter Matthews, confirmed on 11 October 2005 that the proposed development would cater for a future relocation of the Telecommunications Tower negotiated jointly between Telstra and the current landlord.

As the development is to be completed in stages, it is intended to relocate the telecommunications tower once there is a requirement to build over the portion of the site currently leased to Telstra. The telecommunications equipment is expected to be located on the roof space of one of the constructed office towers.

Item 12.1.5 Continued

The Belmont SES, which previously occupied a portion of this property has been relocated and no longer operates from this site.

Elevations

Council requires a high standard of architectural design and development for this site. The development proposes concrete tilt up panels and includes some architectural details (awnings and vertical trims/piers) to break up the front façade. Awnings and roof sheetings will be colourbond.

Building colours include predominantly white walls with various feature walls of grey and blue. The colour feature walls represent a similar concept developed in the adjacent building, on the corner of Longfellow Court and Fairbrother Street.

The design, materials and colours, landscaping and water feature on site represent a modern building style and high quality development.

Public Art

Council has previously requested the provision of public art within large scale development. The development does not provide a specific piece of public art, however it would be possible to incorporate some form of art within features of the development. (e.g. within the lake, mosaics of walls, pavement, hand rails etc). An appropriate condition is recommended.

Setback and Landscaping

The proposed development complies with the setback requirements of TPS14. The setback area is provided with a water feature and landscaping that satisfies the Scheme requirement of a minimum 25% of the setback area. The balance of the setback is provided with parking consistent with Local Planning Policy No. 25.

There are no street trees within the verge abutting this site. The existing trees near the intersection of Fairbrother Street and the traffic lights are located within the lot and appear to fall within the proposed landscaping area for the development. A condition requesting that the trees be considered for incorporation into the landscaping of the site is recommended.

Fencing

No fencing is proposed within the front setback of the development site. However, due to height differentials across the site, and the location of car parking abutting the front boundary, it is expected that handrails will be required to protect pedestrians along the pathway within Fairbrother Street.

Car Parking

The car parking requirement is primarily based upon the proposed nett lettable area of the development. A total nett lettable area (nla) of 17,724m² is proposed, with 17,549m² nla for offices and 147m² nla for the internal floor area of the 'café'. The café has an additional 150m² of external seating area. The plan indicates seating for 144 persons within the total 'café' area.

Item 12.1.5 Continued

Parking requirements for the development under the current Scheme are illustrated below. A comparison is also made with the proposed parking requirements under Amendment No. 52, which proposes a new 'Mixed Business' zone and development standards and other changes to development control standards of the Scheme. The Council initiated Amendment No.52 at its meeting of 19 December 2006.

Proposed Floor Space (net leaseable area – nla)	TPS 14 Parking Requirements	Amendment No.52 Parking Requirements
17549 m2 nla Office	Office: <i>1 space for every 20 m2 of NLA</i> 17549/20m2 = 877.4 bays	Office: <i>1 space for every 30 m2 of NLA</i> 17549/30m2 = 584.9 bays
147m2 nla (internal) (150m2 external) (144 seats)	Restaurant: <i>1 space for every 4 persons whom the building is designed to accommodate</i> 144 seats/4 = 36 bays	Restaurant: <i>1 space for every 4 seats</i> 144 seats/4 = 36 bays
Total = 17696m2 nla (17549+147)	Total = 913.4 (914 bays)	Total = 620.9 (621 bays)

The proposed development includes 881 parking bays, which does not meet the current parking requirement of 914 bays for the office and café use. This represents a shortfall of 33 bays (i.e 3.7% of the total number of bays provided).

The applicant advises that the café is aimed to cater for office staff from the offices onsite and is not a café for general public use. It is noted that the café is a separate tenancy and therefore could serve the general public, visitors to the site and workers from nearby sites, however it is acknowledged that the café would predominantly serve workers onsite or in the immediate vicinity. Consequently, in this instance, the café is not expected to attract a separate parking demand. Therefore, no additional parking requirements have been applied to this use and the reciprocal use of the 881 parking bays on site between the office use and café use is accepted.

The comparison of the total onsite parking supply with the proposed parking requirements under Amendment No.52, indicate that the proposal represents an oversupply of 260 car bays.

The car bay dimensions and parking layout are considered functional and acceptable. Finished levels and ramping within the car park and access ways will be monitored at the building licence stage.

Disabled car bays have not been identified on the site, however the opportunity exists to provide car bays for the disabled in appropriate locations. Nine are required in accordance with BCA provisions.

In regard to the total development, the provision of parking onsite will adequately accommodate the proposed activities.

*Item 12.1.5 Continued***Staged Development**

The applicant advises that the development is expected to be undertaken in three (3) stages.

- Stage 1 – Office block 3, café and 355 ground level parking bays
- Stage 2 – Office blocks 1, 2 and 4 and two (2) upper levels of the multi-level car park
- Stage 3 – Office blocks 5, 6 and three (3) upper levels of the multi-level car park

It is noted that the availability of various sections of the car parking areas during stages 2 and 3 of the office development will be disrupted. However, the balance of available parking at each stage of the development will comply with the current Scheme parking requirement for the respective stages.

- Stage 1 - requires 253 car bays
- Stage 2 - requires a total of 498 car bays (i.e. 253 + 245)
- Stage 3 – requires the balance of parking a total of 881 bays

The Telstra tower is located in the area of the proposed multi level car park. Having regard for the proposed staging of the development, it is apparent that the tower will need to be relocated during and/or at the conclusion of stage 2. This is on the basis that the ground floor, first and second levels of the car park are required in order to satisfy parking requirements for the extent of floor space provided in stage 1 and 2 combined.

The staged development of the six (6) office blocks and car parking is considered satisfactory. It is envisaged that subsequent construction stages (2 and 3) will incur minimal disruption to the operation and amenity of each previously completed stage.

Traffic Management Issues

In regard to the advice and conditions received from DPI (Urban Transport Systems) the following comments are provided;

DPI Requirement	Officer Comment
Protected turn lane in Fairbrother at the intersection of Longfellow Court for right in/right out.	Technical Services support this condition and will undertake initial concept designs to provide for the modifications. The design and construction of the road modifications will be at the cost of the applicant/developer of Lot 35. However future development in Longfellow Court will also give rise to the need for this turn in lane, therefore further discussions may occur with regard to cost sharing of the turn lane. An appropriate condition is recommended.

Item 12.1.5 Continued

DPI Requirement	Officer Comment
Protected turn lane in Abernethy for right in/right out.	At present, access is provided across the Abernethy Road median for a 'right in' turn only. The median will require modification to address the DPI condition. This turn lane is a direct result of the proposed development and the full cost of the design and construction should be met by the applicant/developer. An appropriate condition is recommended.
Design and Construction to the satisfaction of the City of Belmont	Noted and agreed.
R.O.W between Longfellow Court access point and access point at Abernethy Road	<p>This condition aims to provide a 'protected' public thoroughfare between Longfellow Court and through the development site (over the proposed internal access road) to the Abernethy Road access point. This will enable vehicles associated with other properties abutting Longfellow Court to utilise the 'through route' within Lot 35, to access Abernethy Road, in the event that traffic delays occur at the Longfellow Court/Fairbrother Street intersection.</p> <p>DPI advise this condition can also be met by applying an 'easement in gross' over the access way. An appropriate condition is recommended.</p>

In addition, DPI has requested future monitoring of the traffic situation in the locality, the surrounding road network and changes to Great Eastern Highway and also with regard to vehicular movement associated with properties between Fisher Street and Longfellow Street. This will be monitored and undertaken by Administration when required.

In the event that Council does not support the conditions for the development from DPI (Urban Transport Systems), then it is necessary that Council refer the matter to the Western Australian Planning Commission (WAPC) for determination.

In summary, the application is recommended for approval, with the application of the conditions detailed in the letter of advice from DPI.

FINANCIAL IMPLICATIONS

There may be financial implications related to the modifications for the protected turning lane in Fairbrother Street for the right in/right out movements.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

*Item 12.1.5 Continued***ATTACHMENT DETAILS**

<u>Attach. No.</u>	<u>Details</u>
BB Attach 6	Various plans of proposal

HITT MOVED, DORNFORD SECONDED, that Council:

(A) Approve the application lodged by Ashley Richards Architects on behalf of Telegraph News Pty Ltd (owner) for a multi level office development with café/restaurant at Lot 35 (113–151) Abernethy Road, corner of Fairbrother Street, Belmont subject to the following conditions:

- 1. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect to the application referred to in this approval.**
- 2. The provision of a protected turning lane in Fairbrother Street at the intersection with Longfellow Court for right-in/right-out movements shall be designed and constructed at the developer's cost to the satisfaction of the Project/Development Engineer.**
- 3. The provision of a protected turning lane in Abernethy Road for right-in/right-out movements, at the proposed crossover access point (located at the southern corner of the subject lot) shall be designed and constructed at the developer's cost to the satisfaction of the Project/Development Engineer.**
- 4. The provision of an easement in gross (in favour of the City of Belmont) shall be registered on the Certificate of Title for the purpose of maintaining two way vehicular public access over the internal access way from the Longfellow Court proposed access point to the proposed access point on Abernethy Road, located at the southern corner of the subject lot. All costs associated with legal documentation and the lodgement of the easement on the Certificate of Title shall be met by the applicant/developer.**
- 5. All external walls (including boundary walls) that are visible from a street or public place must be constructed and finished in accordance with the schedule of materials and colours which formed part of the application dated 22 January 2007, to the satisfaction of the City's Director-Community and Statutory Services or Manager-Planning Services.**
- 6. Nine (9) car bays to be provided for the disabled, in locations around the site, which are easily accessible to entry points of the building/s to the satisfaction of the Manager – Planning Services.**

Item 12.1.5 Continued

7. ***Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, line marked and kerbed in accordance with:***
- (i) ***The approved plan with 881 car bays (Multi level car spaces being a minimum of 2.4metres x 5.5 metres with bays abutting piers being a minimum of 2.7metres in width. The balance of parking spaces measuring 2.5 metres x 5.5 metres);***
 - (ii) ***Schedule 3 of the City of Belmont Town Planning Scheme No. 14; and***
 - (iii) ***Council's Engineering Requirements and Design Guidelines, with respect to drainage requirements.***

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

The construction and completion of each stage of the development (stages 1 to 3) shall be provided with the required numbers of parking bays relative to each stage to the satisfaction of the Manager-Planning Services.

8. ***Prior to occupation or use of the development, vehicle crossovers shall be constructed in coloured concrete or brick paving or asphalt in accordance with the City of Belmont specifications for the construction of crossovers for industrial and commercial properties.***
9. ***A 2.0 metre wide concrete footpath shall be constructed on the front verge located along Longfellow Court to connect with the existing footpath on Fairbrother Street at the developer's cost to the satisfaction of the Project/Development Engineer.***
10. ***The existing concrete footpath located along Fairbrother Street and Abernethy Road shall be upgraded at the developer's cost to the satisfaction of the Project/Development Engineer.***
11. ***The provision of handrails in the location abutting the street/lot boundary and car parking areas, where the height differential exceeds 1m between the finished ground levels of the car park and the abutting verge/footpath, to the satisfaction of the Coordinator Statutory Building Services.***
12. ***Stormwater runoff shall be contained and disposed of, on site for a 1 in 10 years design storm using nutrient stripping swales and retention basin including all necessary pollution control measures to the satisfaction of the Project/Development Engineer.***

Item 12.1.5 Continued

13. ***The redundant stormwater manholes and pipes located at the south western area of the lot shall be removed and the outlet pipes cut and sealed off to the satisfaction of the Project/Development Engineer.***
14. ***A landscaping and reticulation plan acceptable to the Manager – Parks, Leisure and Environment shall be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the City for approval. The plans shall be submitted prior to the issue of a building licence unless otherwise agreed to in writing.***

The plan shall show by numerical code, the species, quantity and anticipated mature dimensions of all plant types to be planted and shall include:

- (i) landscaping to a minimum of 25% of the setback area to all roads;***
 - (ii) landscaping to the street verge;***
 - (iii) the consideration and where possible the retention of the existing trees located on the property near the Fairbrother Street intersection.***
15. ***Landscaping, plants and reticulation shall be installed in accordance with a landscaping and reticulation plan to be submitted to the City and approved by the Manager-Planning Services, the Senior Planning Officer or the Planning Officer and the landscaping and reticulation shall be maintained and the plants shall be nurtured and maintained until they reach their mature dimensions and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.***
 16. ***The applicant to provide public art feature(s) to the proposed development at a value of not less than one half of one percent of the value of the development.***

(B) Advise the applicant that:

1. ***The plans and details provided indicate that the multilevel carpark may require fire sprinklers in compliance with the BCA.***
2. ***A separate application for the construction of any new crossover must be lodged with the City's Technical Services for the approval of the Engineering Administration Officer or Project / Development Engineer.***
3. ***In relation to conditions 2 and 3 above the applicant is required to liaise with the City of Belmont Engineering Section in regard to the design and implementation of the protected turning lane on Fairbrother Street and Abernethy Road.***

Item 12.1.5 Continued

- 4. In relation to condition 13 the applicant is required to provide a detailed site drainage plan for approval prior to the issue of a Building Licence.**
- 5. A geotechnical report for the site dated May 2004 has been received and remains valid.**
- 6. The relocation of the existing telecommunications tower on site shall require a separate planning application for consideration of planning approval.**

CARRIED 9 VOTES TO 2

For: Godfrey, Marks, Rossi, Martin, Hitt, Powell, Teasdale, Brennan, Dornford

Against: Bass, Whiteley

12.1.6 Lot 26 (82) Belmont Avenue, Rivervale – Glass Service Pty Ltd - External Storage of Waste Materials

Report by Community & Statutory Services Division

DATE

6 February 2007

PURPOSE OF REPORT

Council is to consider what action to take in regard to ongoing unauthorised storage of materials in contravention of the Town Planning Scheme.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

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

Since 2002 numerous complaints have been received in relation to external storage of waste materials at Lot 26 (82) Belmont Avenue (Campbell Street frontage).

Repeated requests to rectify the situation have failed to achieve results.

Officer Recommendation Summation

It is recommended that Council authorise the Chief Executive Officer to pursue prosecution of the operators for non-compliance with the Town Planning Scheme should breaches continue to occur.

*Item 12.1.6 Continued***LOCATION**

Lot 26 (82) Belmont Avenue

**APPLICANT**

Not applicable

FILE REFERENCE120/002 Rubbish Complaints
82 Belmont Avenue**DISCLOSURE OF INTEREST**

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

No public consultation was considered to be required in respect to this matter. However, the landowner and their office manager have been contacted a number of times in an effort to resolve the matter.

*Item 12.1.6 Continued***STRATEGIC PLAN IMPLICATIONS**

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

A written direction can be issued under Clause 214 of the Planning and Development Act 2005. The written direction would require you to comply with the Scheme;

or

Prosecution can be undertaken for non compliance with the Town Planning Scheme. A person who commits an offence under the Planning and Development Act 2005 is liable to a penalty of \$50 000 and, in the case of a continuing offence, a further fine of \$5,000 for each day during which the offence continues.

Right of Appeal

Is there a right of appeal?

☒ Yes

☐ No

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

BACKGROUND

Following receipt of a complaint, in August 2002 the landowners were requested to remove externally stored material from the site. Follow up indicated all materials had been removed.

In July 2005, a site inspection revealed that materials were again being stored externally. The owners were again requested to remove the materials.

In July 2006 a complaint was received that materials were being stored externally. The then Senior Planning Officer and the Manager-Property and Economic Development met on site with the Office Manager of Glass Services. At that time it was advised that the main problem stemmed from overflow of existing bulk bins and as the bin is serviced once a week, the service did not cater for increased waste materials caused by an increase in work. The Office Manager acknowledged the problem and advised that the following options would be examined to resolve the matter:

- They would monitor the bins and increase the service as required; and
- They would ensure that the site was monitored and clean up the outside area undertaken when needed.

Item 12.1.6 Continued

In September 2006 a new complaint was received in regard to the property. The complaint was discussed with the Office Manager and it was suggested that the business consider creating some formal bin store areas where bins could be accessed but any additional occasional overflow could be stored away from sight and access. The Office Manager is understood to have discussed the option with the landowner. The Manager consequently advised that, to ensure the problem does not arise in the future, Glass Service have arranged for the rubbish collectors to be called when the bins are full and not just on a scheduled basis.

In October a complaint was received regarding the site. A formal letter was sent to the owners requesting cleanup and advising that further action could be taken if remedial action is not taken. No response was received.

A site inspection in December 2006 showed that external storage was continuing. A letter was sent to the owners advising that the matter would be referred to Council for consideration.

OFFICER COMMENT

Despite the efforts of Council Officers to work with the business operator, external storage of waste materials continues to occur. Various management undertakings suggested by the operator have clearly not been put in place to address the problem.

Option 1

Council could resolve to issue a written direction under Clause 214 of the Planning and Development Act 2005. The written direction would require them to remove all externally stored materials. If a written Direction is issued the applicant is given a minimum of 60 days within which to comply with the notice. There is a right of appeal against any written direction.

This option is not recommended as the applicant has already had numerous opportunities to rectify the matter, and the written direction would delay legal proceedings for another 60 days. Moreover, the operator could rectify the situation in accordance with the direction only to re-offend as has happened on this site in the past.

Option 2

Council could resolve to authorise the Chief Executive Officer to initiate legal action for a breach of the Town Planning Scheme on the next offence.

It is recommended that this option be pursued having regard for the following:

- The operator has not put into practice any of the management practices they have suggested to address the problem; and
- The operators continue to store material outdoors despite repeat warnings.

Should the operator continue to store materials externally without construction of an enclosed area, this would allow Council Officers to take timely action.

Item 12.1.6 Continued

FINANCIAL IMPLICATIONS

If either option is pursued, the matter will need to be referred to the City's solicitors. There will be legal costs associated with a written direction or prosecution.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council resolve to authorise the Chief Executive Officer to initiate legal action against Glass Service Pty Ltd if they again fail to cease external storage of materials on-site at Lot 26 (82) Belmont Avenue, Rivervale.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

12.1.7 Lot 50 (285) Great Eastern Highway, Belmont – Change of Use – Bel Eyre Tavern - Gaming Nights**Chief Executive Officer Comment**

Prior to any debate on Item 12.1.7, the Manager Governance read aloud the following financial interest declaration:

Name	Nature of Interest
Cr Bass	Financial

****8.24pm** Having declared a financial interest Cr Bass departed the Meeting

Report by Community & Statutory Services Division

DATE

11 January 2007

PURPOSE OF REPORT

To consider an application for a Change of Use to permit Gaming Nights (Poker) at the Bel Eyre Tavern.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

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

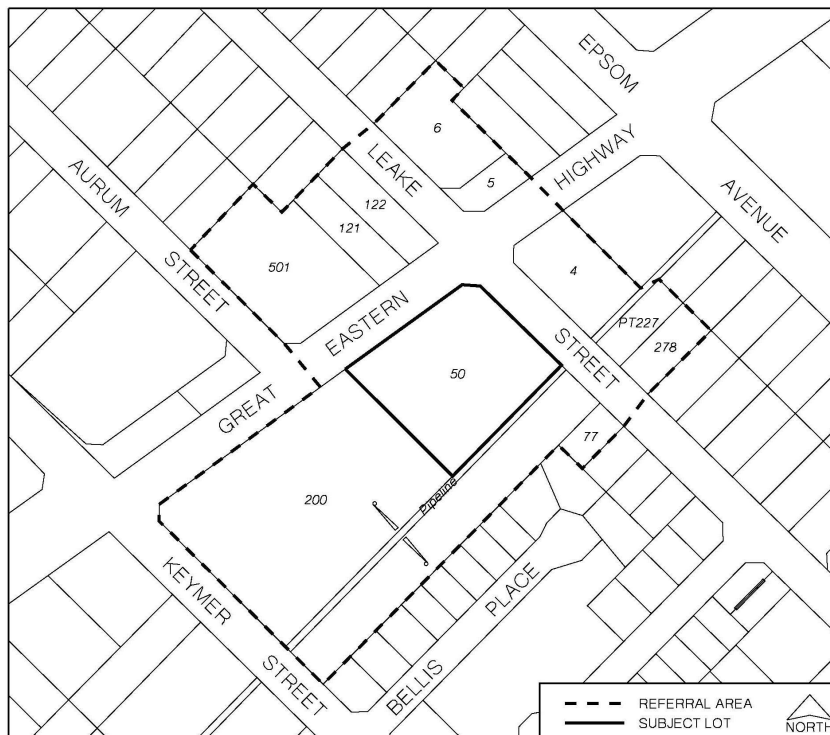
- Bel Eyre Tavern is located on the subject site.
- The applicant wishes to operate Gaming Nights (Poker) on Tuesday evenings.
- Gaming tables are to be set up in the lounge area allowing for a maximum of 30 people.

Officer Recommendation Summation

The subject site is zoned Mixed Use under Town Planning Scheme No. 14. The proposal accords with the scheme provisions relating to a Tavern within this zone.

*Item 12.1.7 Continued***LOCATION**

Lot 50 (285) Great Eastern Highway, Belmont.

**APPLICANT**

R Tetley on behalf of P, M & C Basso-Busa.

FILE REFERENCE

464/2006/DA Application file
P/GEH.285 Property file

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

*Item 12.1.7 Continued***CONSULTATION**

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

The application was advertised to surrounding residential land owners for 21 days. At the end of the submission period no comments or submissions were received.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT - *"Achieve a planned City that is safe and meets the needs of the community."*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The use of 'gaming' is not listed under the use class table. Clause 4.2.3 of TPS14 provides a number of options in dealing with '*uses not listed*', as follows:

- Determine the use is consistent with the objectives and purposes and proceed the application as a permitted use;
- Determine that the use is consistent with the objectives of the zone and proceed with advertising the proposal as per Clause 5.7 of TPS14; or
- Determine use is not consistent with the objectives of the zone and is therefore not permitted.

Clause 10.5 contains the relevant development requirements for Mixed Use zone. The intention of the Mixed Use zone is *"to allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads."*

Under Table 1 – Zoning Table, a Tavern is designated 'S' which means a use that can be considered by Council only after it has been advertised. The proposal for gaming nights is considered to be incidental to the predominant use of Tavern. It should be noted that each incidental use should be considered on a case by case basis.

*Item 12.1.7 Continued***Deemed Refusal**

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

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

The deemed refusal date for this application passed on 2 January 2007 and the applicant already has deemed refusal rights.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

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

BACKGROUND

Owner:	Bel Eyre Holdings Pty Ltd	Ward:	East
Lodgement Date:	5 October 2006	Use Class:	Gaming – Use Not Listed.
Lot Area:	7408m ²	TPS Zoning:	Mixed Use.
Estimated Value:	NA	MRS:	Urban

Approval for refurbishment of the Bel Eyre Tavern was granted on 23 August 2006. This included a new entry, renovation of the lounge & dining areas and a courtyard addition to the sports bar together with minor modifications to access & carparking arrangements.

Application

An application to use a portion of the lounge area within the Bel Eyre Tavern for Gaming Nights (Poker) to be held on Tuesday evenings was received on 5 October 2006. The applicant has advised that the tables within the lounge area are stored and gaming tables set up to cater for a maximum of 30 people. It is anticipated that an average of 20 -25 persons will attend.

*Item 12.1.7 Continued***OFFICER COMMENT**

Gaming is a use not listed. Gaming is not considered to be suitable as a stand alone use throughout the City, because of potential conflict and incompatibility with surrounding land uses which is likely to result in a detrimental impact on the amenity of the locality. However, gaming as an incidental use to the predominant use of Tavern, given the limited scale and number of occurrences proposed, is considered appropriate.

Under Table 1 of the scheme, the use class Tavern can only be considered in Town Centre, Commercial, Mixed Use or Industrial zones. It is therefore considered appropriate for Council to consider applications for gaming in conjunction with a Tavern within these zones. On that basis, the proposal for gaming as a incidental use within the Bel Eyre Tavern is determined to be consistent with the objectives and purposes of the Mixed Use zone.

The City's Health Department has also confirmed that the proposal for 30 persons attending a weekly gaming evening complies with the current Public Building Certificate of Accommodation (maximum 400 persons). No additional floor space or internal or external alterations are proposed relevant to the gaming nights. The current parking provisions which are based on nett leasable area remain unchanged.

Given the existing Tavern use, the limited numbers attending, and as no submissions were received, this incidental use is not considered to have a detrimental impact on the amenity of the surrounding properties. The proposal is therefore supported.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

Item 12.1.7 Continued

MARKS MOVED, HITT SECONDED, that Council:

- (A) ***Determine that the use of 'Gaming' is consistent with the objectives of the Town Centre, Commercial, Mixed Use and Industrial Zones where it is incidental to the predominant use (IP) of Tavern.***
- (B) ***Approve the application for a Change of Use for Gaming Nights at the Bel Eyre Tavern located at Lot 50 (285) Great Eastern Highway, Belmont subject to the following conditions:***
- 1. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect to the application referred to in this approval;***
 - 2. Gaming evenings limited to one night per week; and***
 - 3. No more than 30 persons to attend the site for gaming purposes at any one session.***

CARRIED 9 VOTES TO 1

For: Godfrey, Marks, Rossi, Martin, Hitt, Powell, Teasdale, Whiteley, Dornford

Against: Brennan

****8.25pm Cr Bass returned to the Meeting**

12.1.8 Lot 603 (60) Riversdale Road, Rivervale – Proposed Demolition of ‘Character Residence’ listed on the Municipal Heritage Inventory******BB Attachment 7 – Item 12.1.8 refers****Chief Executive Officer Comment**

Prior to any debate on Item 12.1.8 the Manager Governance read aloud a disclosure that might cause a conflict from Cr Bass.

****8.26pm** Cr Bass departed the Meeting.

Report by Community & Statutory Services Division

DATE

29 January 2007.

PURPOSE OF REPORT

To consider the proposed demolition of the Municipal Heritage Inventory listed ‘Character Residence’ located at Lot 603 (60) Riversdale Road, Rivervale.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person’s rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

SUMMARY AND KEY ISSUES

A development application has been submitted for the demolition of the existing character residence on Lot 603 (60) Riversdale Road, Rivervale. A Heritage Assessment Report of the subject dwelling has been submitted with the application.

Section 7.4 of the City’s Town Planning Scheme No. 14 requires a development application to be lodged for demolition of any dwelling that is listed on the City’s Municipal Heritage Inventory. An extract of the Place Record Form from the Municipal Heritage Inventory is provided in the attachment to this report.

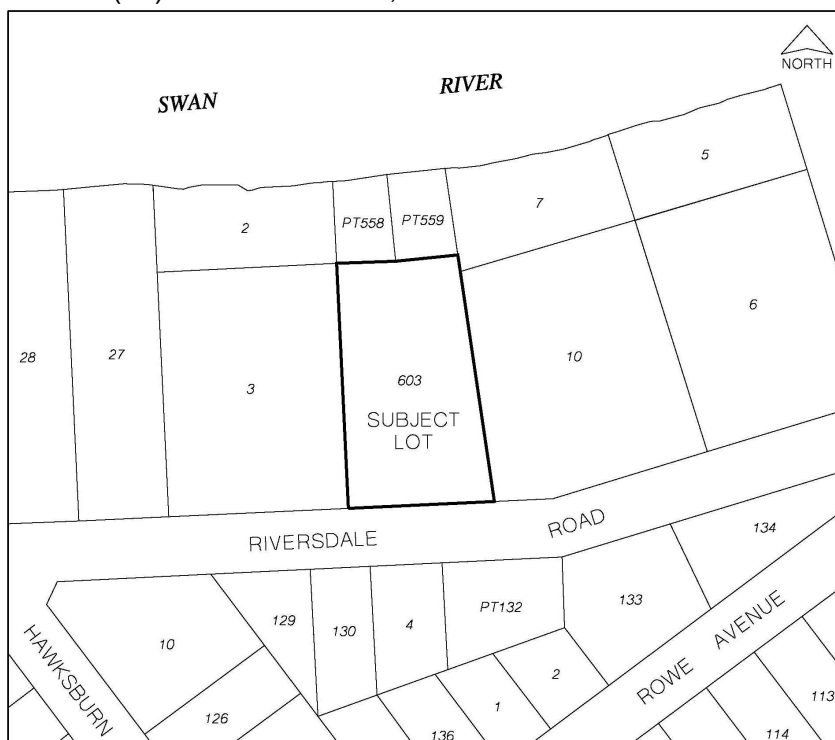
The Heritage Report includes the history, photographs and a detailed description of the dwelling including alterations and additions undertaken together with current photographs. A copy of this report can be made available to Councillors on request.

Officer Recommendation Summation

Demolition of the character residence at Lot 603 (62) Riversdale Road be approved.

*Item 12.1.8 Continued***LOCATION**

Lot 603 (60) Riversdale Road, Rivervale.

**APPLICANT**

M J Ryan (owner)

FILE REFERENCE

25/2007/DA Application file
RIV.60-62 Property

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

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

*Item 12.1.8 Continued***STRATEGIC PLAN IMPLICATIONS**

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 7.4 of the city's Town Planning Scheme No. 14 states:

"Notwithstanding any other provisions of the Scheme to the contrary, the approval of the Council is required for the following development on or in relation to any place or object on the Heritage List or within a Heritage Area:

- (a) the clearing, excavation or filling of any land;*
- (b) the erection of any fence;*
- (c) the commencement or carrying out of any renovation, modification, refitting, decorating or demolition of any building; or*
- (d) the alteration or removal of any building or object or part thereof."*

Section 7.6 of the City's Town Planning Scheme No. 14 states:

"Notwithstanding any existing assessment on record, the Council may require a heritage assessment to be carried out prior to the determination of the application for Planning Approval in respect of any development proposed in a conservation area or individual entry listed on the Municipal (Heritage) Inventory."

Deemed Refusal

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

The deemed refusal date for this application is 26 March 2007. Should Council defer this item then deemed refusal rights will not arise if the matter is dealt with at the Council meeting to be held 13 March 2007.

*Item 12.1.8 Continued***Right of Appeal**

Is there a right of appeal? ☒ Yes ☐ No

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

BACKGROUND

Owner:	MJ Ryan	Ward:	West
Lodgement Date:	25/1/07	Use Class:	Demolition - Not listed
Lot Area:	3720m ²	TPS Zoning:	The Springs Special Development Precinct
Estimated Value:	\$10,000	MRS:	Urban

The subject site is located with 'The Springs Special Development Precinct'. Under the draft Structure Plan for this precinct the subject site is proposed Residential R100.

The subject site also forms part of proposed Development Area No. 11 of Amendment No. 49 which is yet to be finalised.

The subject dwelling is listed in the City's Municipal Heritage Inventory (MHI) with a management category of *"significant but not essential to an understanding of the history of the district: photographically record the place prior to any major redevelopment or demolition."*

A Heritage Report by Ronald Bodycoat – Heritage Architect has been submitted by the applicant. The report provides a detailed description of the dwelling including all alterations that have been undertaken. A summary of this detailed report includes:

- The character residence is a Federation Bungalow style dwelling circa 1906;
- The external walls are red face-brickwork tuck-pointed to the front, incorporating horizontal stucco bands, now painted, at window sill level and near the head of windows. Footings are limestone, now rendered and painted finish;
- The roof is framed in timber, hipped and pitched high with half-timbered gables to the two projecting window bays to the street elevation. A louvred gable vent is a feature of the western roof slope. Verandah roofs are continuous around the dwelling and separate to the main roof;
- Roof is covered in Marseilles pattern terra cotta tiles, colour dull green, replacing the original corrugated galvanised iron sheeting. Guttering & downpipes have been replaced;
- Front verandah has steel columns on expressed masonry pedestals and a concrete floor, replacing the original timber posts and timber-boarded floor;
- Verandahs have been enclosed (originally open);

Item 12.1.8 Continued

- Two French doors onto the western enclosed verandah have been altered to single doors with glazed sidelights;
- Major addition to rear of dwelling (north face to river) with removal of walls and other internal alterations;
- Internally deteriorated lath and plaster ceilings and cornices have been replaced or repaired with ceiling roses introduced; and
- The garage, an adjacent separate building has been extended, altered and reclad in fibrocement sheeting.

OFFICER COMMENT

Applications for demolition of heritage listed dwellings are referred to the Heritage Council of WA for comment. A preliminary development application proposal for six townhouses and a six storey tower block on the subject site, which included demolition of the existing character residence, was previously referred to the Heritage Council of WA. The Heritage Council of WA, on 14 June 2006, confirmed that the site is not included and has not been nominated for inclusion in the State Register of Heritage Places. Accordingly, the demolition of the dwelling subject to a photographic record in accordance with the City's Municipal Heritage Inventory can be considered. A copy of the Heritage Council of WA response can be made available to Councillors on request.

On 25 January 2007, the Senior Conservation Officer of the Heritage Council of WA, checked their records and confirmed that there is no change to the status of the previous advice and as such confirmed that there is no requirement to refer the current application.

In accordance with the City's Municipal Heritage Inventory management category, a Heritage Report submitted by a qualified Heritage Architect, provides Council with a detailed archival depiction of the history of the dwelling including photographs. Although the front of the dwelling viewed from Riversdale Road remains close to the original, the report confirms that the Federation Bungalow style character has been greatly changed. The dwelling is now substantially altered from the original form and detail as constructed circa 1906, resulting in the devaluation of the original cultural heritage.

In relation to the redevelopment of The Springs area, the site is earmarked for high density multiple dwellings. It is likely that retention of the dwelling as a heritage and scenic landmark would be greatly reduced by any future high quality, inner city style landmark construction.

It is considered that the applicant has met all the City's requirements in relation to the Municipal Heritage Inventory, and given all the alterations and additions that have modified the original dwelling, it is recommended that the proposed demolition be supported.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

Item 12.1.8 Continued

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time. Any future development application would be assessed on its merits in accordance with all The Springs Special Development Precinct requirements including referral to the Swan River Trust for comment.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 7	Extract of Place of Record from Municipal Heritage Inventory of Lot 603 (60) Riversdale Road, Rivervale.

MARKS MOVED, WHITELEY SECONDED, that Council:

- 1. Approve the development application for demolition of the character residence on Lot 603 (60) Riversdale Road, Rivervale.***
- 2. Update the Municipal Heritage Inventory accordingly during the 2007 review.***

CARRIED 10 VOTES TO 0

****8.29pm Cr Bass returned to the meeting**

.

12.1.9 Lot 352 (9) Valentine Road, Kewdale - Visy Recycling - Non-compliance with Planning Approval******BB Attachment 8 – Item 12.1.9 refers**

Report by Community & Statutory Services Division

DATE

25 January 2007

PURPOSE OF REPORT

To initiate legal action against the owner of Lot 352 (9) Valentine Road, Kewdale and the operator of Visy Recycling for ongoing breaches of planning approval.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

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

In January 2004 an application was lodged to relocate the Visy recycling facility to an existing warehouse at Lot 352 (9) Valentine Street, Kewdale (Item 10.6.6, 16/02/2004 PDC minutes refers). Approval was granted on the basis that the land use fell within the definition of 'Industry-General'.

A large amount of recyclable materials are being stored within the rear yard and front setback. The current state of the Visy operation demonstrates a serious breach of their conditions of planning approval.

Officer Recommendation Summation

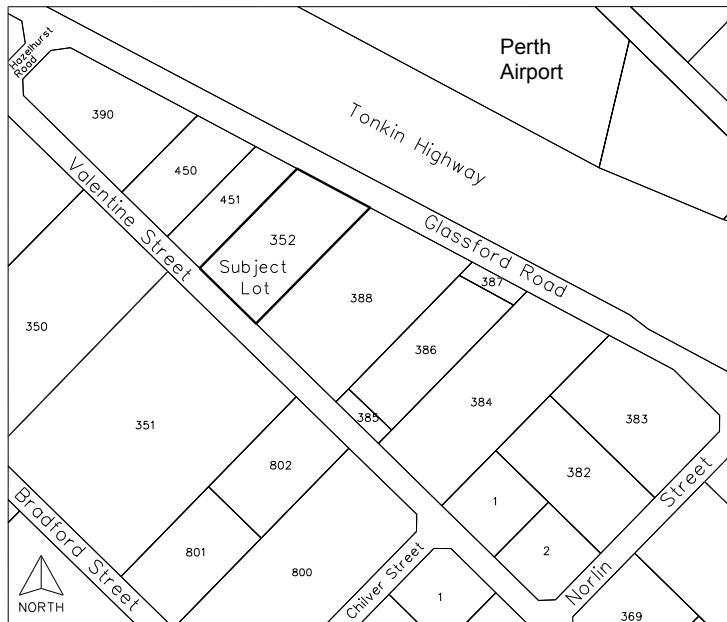
The Visy operation has demonstrated repeated breaches of the conditions of planning approval and Town Planning Scheme No. 14. The external storage is considered to have a detrimental impact on streetscape and amenity.

Item 12.1.9 Continued

It is recommended that Council authorise the Chief Executive Officer to pursue prosecution of the operators for non compliance with the Town Planning Scheme should breaches continue to occur.

LOCATION

Lot 352 (9) Valentine Street, Kewdale. The site has a dual frontage to Valentine Street and Glassford Road.

**APPLICANT**

Not applicable.

FILE REFERENCE

115/001 Subject File
P/VAL.9 Property File

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

*Item 12.1.9 Continued***CONSULTATION**

The Department of Environment, FESA, WorkSafe and WAC have been notified of the current state of the site and are undertaking their own investigations.

STRATEGIC PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

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

Under Clause 9.9 of the Scheme non-compliance with conditions of planning approval constitutes an offence under the Planning and Development Act (The Act). The maximum penalty under the Act is \$50,000, with a daily fine \$5,000 per day for ongoing offences.

Notice under Section 214 of the Planning and Development Act 2005

Under Section 214 of the Act the City can give a written direction to the owner to remove, pull down, take up or alter a development undertaken in contravention of a Town Planning Scheme, or to restore the land as nearly as practicable to the condition that it was in prior to the development occurring.

A written direction under Section 214 has to specify a time (not less than 60 days) within which the direction in the notice must be complied with. A person who fails to comply with a direction given under Section 214 commits an offence. In this case, the City can carry out the works and may recover costs as a debt due by the owner.

It should also be noted that if a notice is served on the owner, they have a right of appeal to the Town Planning Appeals Tribunal.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

The affected party is entitled to appeal against a Direction in accordance with Part V of the Town Planning Development Act, within 60 days of being served with the Direction. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

*Item 12.1.9 Continued***BACKGROUND**

Owner:	Basedale P/L and Kymara P/L	Ward:	South
Lodgement Date:	N/A	Use Class:	Industry General 'D'
Lot Area:	8,600m ²	TPS Zoning:	Industrial
Estimated Value:	N/A	MRS:	Industrial

Relocation to Industrial Area

The Visy recycling facility was previously located at 37-49 Abernethy Road, Belmont. The facility was operating without planning approval and was the subject of legal action initiated by Council. Major issues included the outdoor storage of stockpiles of recyclable matter. Litter was escaping from the baled materials as it was being unloaded, and there were odours arising from plastic and glass containers.

An application for retrospective planning approval for the recycling business was considered by Council at its August 2003 meeting (Item 10.6.1 – PDC 18/08/2003 Minutes refers) and was subsequently refused. The refusal was on the basis that the land use was considered to be 'General Industry' which was not permitted and not appropriate within the Mixed Use zone.

In January 2004 an application was lodged to relocate the Visy recycling facility to an existing warehouse at Lot 352 (9) Valentine Street, Kewdale (Item 10.6.6, 16/02/2004 PDC minutes refers). The application was approved on the basis that provided the business operated within the scope of the definition of 'General Industry' there would be no impact on the amenity of the industrial area as a result of the relocation. Stringent conditions were imposed on the approval to ensure that the problems which occurred at the Abernethy Road site would not be repeated.

It was noted in the report that should any issues arise from the operation of the business which are not consistent with the General Industry definition, the matters would be referred to Council with the view of pursuing legal action.

Non-Compliance

Since relocating to the new site in the Kewdale Industrial Area Visy has a history of breaching their conditions of planning approval.

- In March 2005 a site inspection revealed that much of the site was being used for storage of bales of recyclable material. Visy advised that this was a result of a machinery breakdown and that they were obtaining additional spare parts to ensure that the excess storage did not occur again. The land owners and FESA were also notified. On re-inspection the site was found to have been rectified.
- In October 2005 a follow-up site inspection again revealed external storage of recyclable materials. Visy advised that they would rectify this and re-inspection in November 2005 found the site to be compliant.

Item 12.1.9 Continued

- A site inspection on 17 January 2007 revealed that excessive external storage of recyclable materials was occurring. Bales and bags of refuse materials are stacked in the storage yard fronting Glassford Road and within the Valentine Road front setback within the car park. As the car park is filled with stored materials staff cars are parked on the grassed street verge. It appears that the entire rear yard space is filled with stacked bales and bags, making entry into the rear of the site difficult. Photos of the site are included as attachments to this report.

OFFICER COMMENT

The areas of non-compliance are summarised in the following table:

Standard	Comment
Condition 4 - no unloading or loading of vehicles of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees.	All of the car parking bays within the front car park are inaccessible as they are being used for the storage of recyclable materials.
Condition 7 - no storage or carrying out of unprocessed waste materials or baled recycled materials is permitted in open yard areas. Planning approval is given for external storage of sea containers only.	Recyclable materials are not being stored within sea containers. Bales and bags of materials are being stockpiled in the open yard areas.
Condition 8 - the owner/operator to capture any fugitive materials that may escape the building to prevent any movement off site to the satisfaction of the Director-Development.	Rubbish from the recyclable materials is scattered within the street verge.
TPS 14 Clause 10.6.2(iii) – storage of goods in open yard areas visible from the street is not permitted.	Recyclable materials are being stored within the rear and front yards, highly visible from the street.

The City's Planning Department has written to Visy and requested that they remediate the site within 14 days. Visy has advised that they will tidy up the site and are exploring options to prevent the problem reoccurring. They have arranged for off site storage of some of the materials in the short term, and are considering relocating to another site.

The recycling facility has repeatedly demonstrated breaches of planning approval. This is considered to be unacceptable given the ongoing unsightliness of the property adversely impacting on the amenity of the area. There is also a potential fire hazard arising from the external storage of the recyclable materials. This is of grave concern given the premises proximity to the Perth International Airport, as a fire at the site could potentially affect air traffic.

The Department of Environment and Conservation has issued an Environmental Field Notice and will be undertaking aerial surveillance of the site. FESA has also required that the fire hazard be rectified.

Item 12.1.9 Continued

There are several options available to Council to take action to prevent problems with the site reoccurring on an ongoing basis:

Options

- **Option 1 – Prosecution**
Council may wish to initiate legal proceedings against the operator and land owner. Prosecution would take some time, and may result in a fine being imposed. It is considered that it would be preferable to take more immediate action due to the potential hazard that the external storage poses.
- **Option 2 – Section 214 Direction**
Council may issue a written direction under Section 214 of the Planning and Development Act requiring the externally stored materials to be removed. This is the preferred option as it provides the owner/occupier with a minimum of 60 days in which to resolve the situation and remove the storage from the property. In the event that the owner does not remove the structures, then Council has the ability to carry out the work in accordance with the direction of the notice.

If the owner does lodge an appeal to the State Administrative Tribunal, then the Tribunal will have regard to planning issues such as impact on amenity.

As Visy has an ongoing history of non-compliance, it is recommended that Council delegate authority to the Chief Executive Officer to pursue action should the problems occur again in the future. This will allow Council officers to take timely action and could include written directions or prosecution.

FINANCIAL IMPLICATIONS

Council's solicitor's fees for actions undertaken to advise the operators of Visy and landowners of their illegal operation, and impending legal action.

ENVIRONMENTAL IMPLICATIONS

A fire at the subject property could result in a potentially hazardous smoke plume which could affect the main approach to Perth Airport, cause a traffic hazard and cause evacuation of surrounding areas. Such a fire could also spread to the adjacent chemical facility which is classified as a 'Special Risk Site'.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 8	Photos of external storage.

OFFICER RECOMMENDATION

That Council resolve to authorise the Chief Executive Officer to initiate legal action against Visy Recycling if they again fail to comply with conditions of planning approval.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

12.1.10 Proposed Deletion of Policy C6.7.1 Licensing Storage of Flammable Liquid from Council's Policy Manual******BB Attachment 9 – Item 12.1.10 refers**

Report by Community & Statutory Services Division

DATE

22 January 2007

PURPOSE OF REPORT

To seek Council's consideration to delete policy C6.7.1 Licensing Storage of Flammable Liquid from Council's Policy Manual.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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

Policy C6.7.1 Licensing Storage of Flammable Liquid of Council's Policy Manual states that the storage of flammable liquid is not permitted within residential areas, but may be permitted in non-residential area. Further, the Chief Executive Officer is to determine applications to install fuel storage tanks and pumps.

Application to install fuel storage tanks and pumps are considered under the City's Town Planning Scheme No. 14 and as such the policy is redundant.

Officer Recommendation Summation

It is recommended that Policy C6.7.1 Licensing Storage of Flammable Liquid be deleted from the City's Policy Manual.

LOCATION

Not applicable.

Item 12.1.10 continued

APPLICANT

Not applicable.

FILE REFERENCE

32/015 – Corporate Management / Council Policy Manual.

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Internal consultation with relevant officers has occurred.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

Adoption of the recommendation will delete Policy C6.7.1 Licensing Storage of Flammable Liquid from the Council's Policy Manual.

STATUTORY ENVIRONMENT

Applications for fuel depots are assessed under the City's Town Planning Scheme No. 14.

A 'fuel depot' is defined as any land or building used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station retail sale.

The use 'fuel depot' is an 'X' use (not permitted) in all zones except for 'Industrial' where it is a 'D' use. This means that the use is not permitted unless the Council has exercised its discretion by granting Planning Approval.

A 'service station' is defined as any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.

Item 12.1.10 continued

The use 'service station' is an 'S' use which means that the use is not permitted unless the Council has exercised its discretion and has granted Planning Approval after giving special notice in accordance with clause 5.7.3 (advertising proposal for public comment).

BACKGROUND

Policy C6.7.1 Licensing Storage of Flammable Liquid of Council's current Policy Manual states that the storage of flammable liquid is not permitted within residential areas, but may be permitted in non-residential area. Further, the Chief Executive Officer is to determine applications to install fuel storage tanks and pumps.

In the past, a supporting document under the Council's Policy Manual was the Management Policy and Procedure Manual. Under this manual, Policy C6.5.1 Licensing Storage of Flammable Liquid stated:

1. The storage of flammable liquid is not permitted within residential areas, but may be permitted in non-residential area.
2. Applications to install fuel storage tanks and pumps are to be dealt with by the Manager-Health and Ranger Services who is to set appropriate conditions and controls.

A copy of Council Policy C6.7.1 and the superseded policy C6.5.1 are provided under the attachment to this report.

This Management Policy and Procedure Manual was removed from the City's operations as it was considered an added layer of complexity in the organisation's document hierarchy.

OFFICER COMMENT

The removal of the Management Policy and Procedure Manual required the policies and procedures contained in that Manual to be reviewed. If the policy / procedure was considered to be relevant it is required to be incorporated in the City's current Policy Manual or be deleted.

Following consultation with Council Officers, the superseded policy C6.5.1 and current Council Policy C6.7.1 were found to be redundant for the following reasons:

1. Applications for fuel depots are assessed under the City's Town Planning Scheme No. 14.

Part 4 Zones under the City's Town Planning Scheme No. 14 includes a list of use classes (ie., office, fuel depot, residential building service station) and whether the use is permitted / not permitted within a certain zone.

The use 'fuel depot' is an 'X' use (not permitted) in all zones except for 'Industrial' where it is a 'D' use. This means that the use is not permitted unless the Council has exercised its discretion by granting Planning Approval.

Item 12.1.10 continued

The use 'service station' is an 'S' use which means that the use is not permitted unless the Council has exercised its discretion and has granted Planning Approval after giving special notice in accordance with clause 5.7.3 (advertising proposal for public comment).

2. As part of the planning application assessment process, such applications would be referred to the City's Environment Officer for comment.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

Environmental implications would be assessed on receipt of a planning application.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 9	Council Policy C6.7.1 and Management Policy and Procedure Manual C6.5.1 (superseded)

OFFICER RECOMMENDATION

That Council determine that the information contained in Policy C6.7.1 Licensing Storage of Flammable Liquid is redundant and that it be removed from the City's current Policy Manual due to the following reasons:

1. ***Applications for fuel depots are assessed under the City's Town Planning Scheme No. 14.***

Part 4 Zones under the City's Town Planning Scheme No. 14 includes a list of use classes (i.e., office, fuel depot, residential building service station) and whether the use is permitted / not permitted within a certain zone.

The use 'fuel depot' is an 'X' use (not permitted) in all zones except for 'Industrial' where it is a 'D' use. This means that the use is not permitted unless the Council has exercised its discretion by granting Planning Approval.

The use 'service station' is an 'S' use which means that the use is not permitted unless the Council has exercised its discretion and has granted Planning Approval after giving special notice in accordance with clause 5.7.3 (advertising proposal for public comment).

2. ***As part of the planning application assessment process, such applications would be referred to the City's Environment Officer for comment.***

**OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.1**

12.1.11 Draft Structure Plan for 'The Springs'****BB Attachment 10 – Item 12.1.11 refers******BB Attachment 11 – Item 12.1.11 refers******BB Attachment 12 – Item 12.1.11 refers******BB Attachment 13 – Item 12.1.11 refers**

Report by Community & Statutory Services Division

DATE

25 January 2007

PURPOSE OF REPORT

To initiate advertising of:

1. Draft Structure Plan for 'The Springs' precinct; and
2. Draft Local Planning Policy No. 31 – The Springs Design Guidelines.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

COUNCIL ROLE**Legislative**

The legislative role includes the adoption of local laws, town planning schemes and policies.

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

- 'The Springs' project has an extensive and complex history dating back to 1993.
- The subject land is zoned 'Special Development Precinct' under the City of Belmont Town Planning Scheme No 14.
- A draft Structure Plan and accompanying draft Design Guidelines have been developed by LandCorp to guide development in the area collectively known as 'The Springs'.

Item 12.1.11 continued

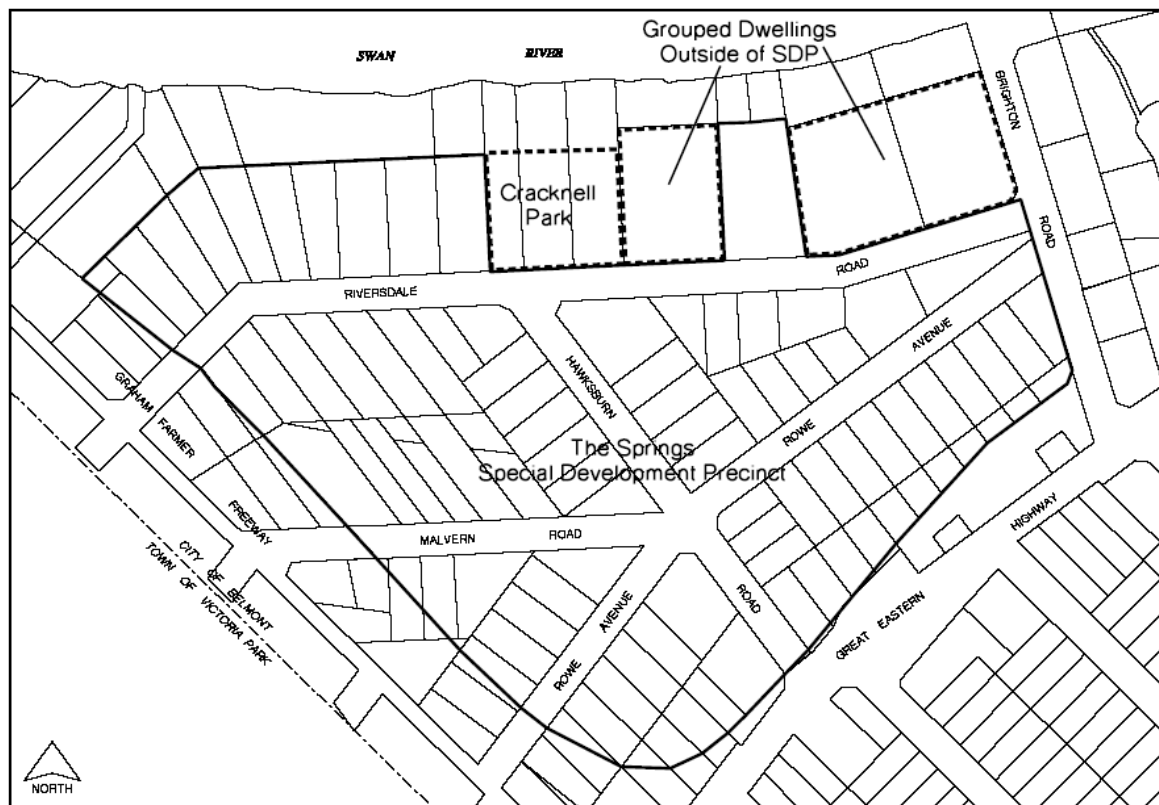
- The Structure Plan proposes:
 - a mix of land uses, comprising mainly of medium to high density residential and commercial mixed use that will offer high development potential along the riverfront and freeway, while protecting amenity for existing residents;
 - reconfiguration and upgrading of the existing road network to accommodate an increase in vehicular, cyclist and pedestrian traffic;
 - provision of a 'landmark' building at the corner of the Graham Farmer Freeway and Great Eastern Highway; and
 - development of new areas of public open space.
- The proposed development has been divided into a number of precincts with specific design guidelines developed for each one. The design guidelines are contained within a separate document which may be considered by Council as Local Planning Policy No 31.
- The implementation strategy for the Plan is still in the process of being reviewed by LandCorp and City staff and legal counsel. It will be submitted separately for Council's consideration.

Officer Recommendation Summation

It is recommended that Council authorise advertisement of the draft Structure Plan and draft Local Planning Policy No 31 - The Springs Design Guidelines, for the purpose of public comment.

LOCATION

The Structure Plan Area is located in Rivervale, approximately 5 km by road from the Perth Central Business District, and is bound by the Graham Farmer Freeway, Great Eastern Highway, Brighton Road and the Swan River Foreshore, as shown on the plan below.

Item 12.1.11 continued

The Plan Area is approximately 12.5 hectares.

APPLICANT

LandCorp

FILE REFERENCES

116/077 The Springs
116/099 Town Planning Scheme No 14 – Amendment No 53

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

LandCorp and their consultants undertook extensive preliminary public consultation prior to submission of the proposed Structure Plan. The current version has been prepared in response to design concerns raised by City officers and community concerns, such as provision of Public Open Space, acceptable height and density throughout the area, and traffic management.

Item 12.1.11 continued

Continuing consultation is planned with the landowners as the Structure Plan progresses through the required statutory process so as to ensure they are familiar with and understand its workings.

Pending Council's endorsement of the draft documents, Council officers recommend that the draft Structure Plan and draft Local Planning Policy No. 31 – The Springs Design Guidelines be advertised for public comment in accordance with Section 2.5 (Advertising of a Local Planning Policy) of the City of Belmont Town Planning Scheme No 14 (TPS 14).

STRATEGIC PLAN IMPLICATIONS

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

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

POLICY IMPLICATIONS

- WAPC – Liveable Neighbourhoods Policy
- WAPC – Network City Policy
- WAPC – Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development
- WAPC – Development Control Policy 2.3 – Public Open Space in Residential Areas
- City of Belmont Local Planning Policy No 9 – Building Height and Bulk along Great Eastern Highway
- City of Belmont Local Planning Policy No 17 – Public Open Space (Section 20A)

STATUTORY ENVIRONMENT

‘The Springs’ area is zoned ‘Special Development Precinct’ under the City of Belmont Town Planning Scheme No 14. Amendment No 49, which is currently in process, proposes to designate certain areas with the City, including ‘The Springs’, as Development Areas. As such, a Structure Plan will be required prior to consideration of subdivision or development within these areas in order to guide development. This includes the location of roads, utilities, density of development and lot layout. It will ensure that when development occurs it will happen in a certain way, but it does not force landowners to develop all at once.

At the time of writing this report, advertising for Amendment No 49 had closed and City officers are preparing a report for Council, to be tentatively considered at its meeting of 20 February 2007 (Item 12.1.3 refers).

Item 12.1.11 continued

Given that consideration of Amendment No 49 is pending and in the absence of statutory controls, it is recommended that the draft Structure Plan be advertised in accordance with the provisions of Section 10.17.9 of TPS 14. For the draft Structure Plan, this requires that the City publish notice of the proposed Plan within a local newspaper and/or erect a sign(s) within the Development Area, give written notice to all owners and occupiers of land within the Structure Plan area, and written notice to public authorities or other stakeholders as Council deems affected.

The advertisement and notice must explain the scope and purpose of the proposed Structure Plan; specify when and where the proposed plan may be inspected; and invite submissions to the City by a specified date of not less than 21 days after notice has been given.

The draft Local Planning Policy No. 31 – The Springs Design Guidelines is required to be advertised in accordance with the provisions of Section 2.5 of TPS 14. The only differences for advertising the draft Local Planning Policy is that notice of the draft policy must be published once a week for two consecutive weeks in a local newspaper and the erection of a sign is not required.

The two documents can be advertised concurrently.

BACKGROUND**Historical Context**

When the Metropolitan Region Scheme came into effect in 1963, a freeway link was proposed across the northern sector of the Perth CBD and over the Swan River via a bridge, known as the Burswood Bridge. An off ramp from this bridge to connect to Great Eastern Highway was to be located through the Scheme Area and the area reserved as a Controlled Access Highway under the MRS Plan.

Properties within the Controlled Access Highway reserve were purchased by State Government authorities and have, over the years, been downgraded as residences and have been either demolished or neglected. This, in turn, had an adverse effect on properties outside the reservation as property owners were reluctant to improve or develop their property due to the prospect of the proposed highway being constructed adjacent to their land.

However, in 1988 the State Government decided to relocate the proposed Burswood Bridge and amend the MRS in order to reflect the altered road alignments. This effectively removed the divisive Controlled Access Highway through the Scheme Area and freed up a significant area for development.

Between October 1993 and November 2001, Council authorized a preliminary assessment of the options for the future development of the Scheme Area, preparation of a Guided Scheme Text, legal review of the Scheme Text, advertisement of the Scheme, public meetings, re-advertisement, and finally, adoption of Scheme No 13. However, a lack of landowner support for the Scheme resulted in the then Minister of Planning, on advice from the WAPC, rejecting the Scheme two years later in November 2003.

Item 12.1.11 continued

When the previous Guided Development Scheme was rejected, it was the Minister's recommendation that a working group be formed to investigate options for a comprehensive redevelopment. The working group would include representation from all stakeholders, including LandCorp as a primary landowner, and initially be lead by the Department for Planning and Infrastructure.

The Minister's direction was implemented and the proposed Structure Plan is the result of extensive hours of consultation, discussion and negotiation between the various stakeholders.

The Proposed Structure Plan

Given that 'The Springs' is ideally situated to serve as a landmark 'entrance/gateway' to the city centre, a vibrant mixture of land uses and housing types are considered appropriate and desirable for the area and are generally portrayed on the Plan (provided under BB 10). The draft Design Guidelines will ensure the proper building form and character is achieved.

As indicated on the Indicative Masterplan (provided under BB Attachment 11), the area adjacent to the Swan River will be developed to accommodate medium to high density apartment living at a maximum height of 15 metres at Riversdale Road (20 metres at the lower levels of the site), and will take advantage of topography and views to the Perth CBD. New development will provide view corridors to the foreshore and will relate to both existing Cracknell Park and the foreshore.

Land adjacent to the Graham Farmer Highway will accommodate high density residential buildings to a maximum height of 30 metres, with lower 'podium' residential buildings located at their base to a maximum height of 15 metres, oriented toward the new internal street (provided under BB Attachment 12).

The highest density is proposed for the landmark precinct located in the southeast corner of the 'The Springs'. A mixed use tower with a maximum height of 55 metres (min. 28 metres) can be accommodated, with lower 'podium' buildings with a maximum height of 15 metres located at their base. It is also located adjacent to a proposed new drainage sump/public open space.

The remainder of the Great Eastern Highway frontage will be dominated by commercial uses with the potential for upper level residential apartments in mixed use developments. There is also potential for an architecturally significant corner element adjacent to Brighton Road, not to exceed 27 metres in height.

The remaining internal areas of the Structure Plan will accommodate a variety of medium to high density residential development with a central linear park developed adjacent to Hawksburn Road as a focal point.

Other public open space within the Structure Plan area includes the existing Cracknell Park, which connects to 2.2 ha of Swan River foreshore reserve (located outside the structure plan area), and the proposed Rowe Avenue local recreation reserve. The latter area is intended for multi-purpose passive recreation and includes a landscaped minor amphitheatre and pedestrian pathways, while functioning as a stormwater retention structure (provided under BB Attachment 13).

Item 12.1.11 continued

Existing Land Use and Land Ownership

The Structure Plan area has a range of existing land uses including high density residential developments, single residences, offices, a church, residences converted for business use and warehouses. The subject land currently includes 93 separate titled lots, with LandCorp holding title to 67% of the land. As of 16 January 2007, there were 22 lots remaining in private ownership. As previously noted, much of the existing housing stock is in poor condition.

Lot Yield and Population Projections

It is estimated that 'The Springs' will potentially provide for the development of up to 700 residential lots and units following redevelopment of the Structure Plan area. Based on the 1996 Census occupancy ratio of 2.3 persons, the population of 'The Springs' precinct can be projected as a potential 1610 persons upon completion of development. An additional 400 m2 of commercial floorspace will also be available to service the precinct and nearby residences. The additional area is considered essential to service the daily needs of the residents and passing trade along the Great Eastern Highway.

Public Utilities and Services

Water, sewer, gas, underground power and street lighting are currently available within the Structure Plan area, but will require considerable upgrades and extensions to facilitate the proposed development. Telstra has optic fibre cables in the Great Eastern Highway reserve, which have sufficient capacity to service the proposed development.

Upgrades are required to the existing drainage catchments to include stormwater treatment and retention. In order to increase the size of the Rowe Avenue basin, an adjacent carpark owned by LandCorp (purchased from the City of Belmont) will be removed. With the addition of landscaping, pathways and amphitheatre terracing, the basin will also double as useable public open space. The existing street drainage network will also require upgrades and extensions and the introduction of gross pollutant traps at all drainage outfalls.

Existing roads will require upgrading with provision of embayed parking bays and concrete footpaths on each side of the road. All proposed new roads will be constructed to Council standards.

Heritage Listed Sites

There are a number of sites of local heritage significance within the Structure Plan area, as identified in the City of Belmont 'Revised Municipal Heritage Inventory 2002', including buildings and trees. Council approval is required for any development on, or demolition of, listed heritage sites.

With respect to Aboriginal heritage, according to the Department of Aboriginal Affairs Register of Aboriginal Sites, four sites have been identified in the general vicinity of 'The Springs'. The most significant site is the Swan River, which is identified as having mythological value. The exact location of the other registered sites is unknown and may require a 'Section 18' clearance under the *Aboriginal Heritage Act 1972* prior to any development.

*Item 12.1.11 continued***OFFICER COMMENT**

It should be noted that a Structure Plan is a document consisting of maps and text which identifies how land is intended to be developed where there may be multiple landowners and/or a desire to cater for growing needs. A Structure Plan will illustrate road configuration details, the location of various land uses, and include details regarding housing density, land use classifications and zones. It provides Council with a broad framework to guide decisions on subdivision and development proposals.

The proposed Structure Plan addresses issues pertaining to land use only. Details as to how the Plan will be implemented will be presented for Council's consideration at a later date. It can be noted however that LandCorp, as the primary landowner, has committed to covering all scheme costs up-front and will recover a portion of these costs from the other landowners directly, as will be clearly detailed in the implementation strategy. Unlike previous proposals, the need for a Scheme Manager and associated management fees has been eliminated.

Given the complexity of this proposal, Council's Planning Department engaged an independent planning consultant to conduct a critical analysis of an earlier draft of the Structure Plan (April 2006). The consultant provided some key design suggestions and identified several issues requiring further investigation or clarification. A chart was subsequently prepared by LandCorp's consultant listing these issues, which then formed the basis of further discussion between LandCorp and City Officers.

Of the many issues requiring resolution, the most notable in terms of design and planning considerations were as follows:

- Lack of a clearly articulated set of objectives for the Structure Plan
- Although the State's sustainability objectives were noted and LandCorp's sustainability objectives were referred to as important to the rationale and design of the Plan, they were not actually included.
- Reconsideration of the density proposed adjacent to the Graham Farmer Highway.
- Experience in the nearby eastern end of the Town of Victoria Park has shown that R160 is virtually essential to trigger redevelopment for buildings above six storeys. A shift to a higher density, such as R160, may significantly improve the viability and likelihood of redevelopment.
- Orientation of the proposed mews/townhouses
- The fronts of the townhouses appeared to face garage doors and the rear of the housing faced Hawksburn Road. The Liveable Neighbourhoods policy calls for housing fronts to face fronts for clarity and amenity.
- Minimum building heights
 - Consider establishing in addition to proposed maximums to ensure the desired building form is achieved. Also, as storey heights may vary considerably, consider that heights be expressed in metres.

Item 12.1.11 continued

- Use of building envelopes in addition to height controls
 - Consider using to control built form and building bulk within 'The Springs'. Also important in this location to address aircraft flight path height controls.
- Maintenance of view corridors to the foreshore
 - Consider inclusion of additional controls in the Design Guidelines to ensure view corridors are maintained. There is only one control, that of a 10 m site setback requirement for one lot, nominated in the design guidelines.
- Riversdale Road / Brighton Road connection
 - Consider further review of the removal of this connection. Investigate possibility of retaining Riversdale Road as a link boulevard with traffic calming as required, and Brighton Street as more of as a major activity centre, as it links across the highway to Eastgate.
- Clarification of 'mixed use' definition
 - Ensure consistency between the Plan and the TPS 14 and clarify if intent is actually 'mixed use' or 'mixed business'.
- Lack of clarity regarding the role and scale of commercial development
 - Clarify whether a certain minimum amount of commercial space is required to achieve a workable employment centre or whether whatever the market can provide will be adequate. Include retail/warehouse/office floorspace splits to ensure consistency with the City of Belmont's Local Commercial Strategy.
- Planning and design controls for 'mixed use' zoning
 - Consider incorporation of detailed controls in the Design Guidelines to reflect the added complexity of mixing uses within a single development.
- 'Mixed Use' requirement
 - Clarify if mixed use will be required within each mixed use lot or whether the market will determine if it is all commercial or all residential, or whether there must be a real mix. If the Plan only encourages mixed use and it is left to evolve over time through "robust" building design, ensure this robustness is reflected in design guidelines that are adaptable in terms of parking and design, etc.

As a result of these discussions and further meetings, Council's planning staff and LandCorp agreed that the draft documents would be amended as follows:

The Structure Plan:

- Expand the project objectives beyond the sustainability objectives to define the rationale and design approach.
- Remodel and review the densities proposed for the high density residential buildings along Graham Farmer Freeway, as they appear to be low considering the desired building height and form promoted in the Design Guidelines.
- Align the approach to the mixed use developments along Great Eastern Highway to the guidelines in Council's "Local Commercial Strategy".

Item 12.1.11 continued

- Heights are to be expressed in metres (m) to compliment the expression of heights in number of storeys.
- Remove the reference to retention of the Moreton Bay fig tree in the northwest corner of the Plan area, as it is adequately addressed in the Design Guidelines and the Structure Plan is not the appropriate planning instrument to addresses this matter.

Design Guidelines:

- The Design Guidelines address building envelope controls and propose maintaining view corridors to the City and the river. This includes the creation of a 10m wide view corridor in the Riversdale Road - North precinct, opposite the intersection of this road and the new subdivision road near Graham Farmer Freeway. The rationale and location of this view corridor needs to be explained in the Design Guidelines.
- The plan proposes laneways in the medium density precinct on either side of Hawksburn Road. The Design Guidelines need to address building orientation onto these laneways to ensure that it achieves good building address, i.e. building articulation, treatment to garages, surveillance, access provisions and use of studio units.
- More clearly define building orientation and frontage onto internal streets in the high density residential area along Graham Farmer Freeway.
- Provide more detailed guidelines for the building treatments in the mixed use precinct, especially for commercial floor space at ground level.
- Include a reference to the Aircraft Height Controls to ensure compliance. This may also affect the height requirements in the structure plan.
- Heights are to be expressed in metres (m) to compliment the expression of heights in number of storeys.
- More clearly define building envelopes in the design guidelines.
- Address noise attenuation for development along Great Eastern Highway and Graham Farmer Freeway by referencing design standards to BCA requirements and AS3671 – Acoustics/ Road Traffic Intrusion/ Building and Sighting Construction.

The above noted agreed upon changes have been incorporated into the 'January 2007 Draft Structure Plan' and 'The Springs Design Guidelines'. The documents are the result of detailed, lengthy and resource-consuming consultation periods between LandCorp, the landowners, City officers and various other stakeholders.

Notwithstanding, there are matters that may need further consideration following advertising and public comment, such as the proposed removal of the current connection of Riversdale Road to Brighton Road, whether public open space has been provided to the WAPC's satisfaction, possible reduced parking standards for commercial use, and the possibility of Council establishing a Design Advisory Panel to ensure the proposed Design Guidelines are properly implemented.

Item 12.1.11 continued

In addition, the draft Design Guidelines may require revisiting to provide further detail as to how sustainability issues, such as the treatment of graywater, methods to achieve significant reductions in water and energy consumption, etc. will be addressed. However, at this time it is recommended that the draft Design Guidelines be released for comment as a draft local planning policy and that sustainability issues be considered prior to finalisation in conjunction with any other issues raised during the notification period.

Council Officers support the proposed Structure Plan in principle and believe it follows sound planning principles and fulfils the requirements of a Structure Plan, as detailed in Section 10.17.7 of TPS 14. The proposed Plan and Design Guidelines will facilitate a high quality form and standard of development in terms of urban design, social and environmental objectives and provide an aesthetically attractive and appealing environment in which people would want to live, work and visit.

It is considered that the draft Plan and draft Local Planning Policy No.31 – The Springs Design Guidelines should proceed to the advertising stage. Given the scope of this project, Council officers recommend that a combination of newspaper notification and erection of no less than three signs be required, and that referral agencies, affected landowners and other stakeholders be provided 42 days within which to provide comments. The referral period should be the same for both documents. This should ensure all affected interests have ample time to fully consider the proposed Plan and Design Guidelines.

FINANCIAL IMPLICATIONS

There will be financial implications for landholders within the Structure Plan area should they choose to develop, however, this is not a planning or land use consideration at this time. The pending implementation strategy will address financial issues.

ENVIRONMENTAL IMPLICATIONS

It is the intent that 'The Springs' development be a manifestation of sustainability principles. The draft Design Guidelines prescribe specific measures applicable to all areas to ensure environmentally sustainable outcomes through energy management, water management, indoor air quality management, landscape management and construction management.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 10	Proposed Land Use
BB Attach 11	Indicative Masterplan
BB Attach 12	Proposed Building Heights
BB Attach 13	Proposed Areas of Public Open Space

Item 12.1.11 continued

OFFICER RECOMMENDATION

That:

1. Council resolve to initiate advertisement of the draft Structure Plan for 'The Springs' and draft Local Planning Policy No 31 – The Springs Design Guidelines.
2. Notification of the proposed Structure Plan and Design Guidelines be published once a week for two consecutive weeks in the Southern Gazette and Western Australian newspapers; a minimum of three notification signs be erected within the Structure Plan Area; and that stakeholders be given a minimum of 42 days to provide comment on the documents.

Chief Executive Officer Comment

Further to the circulation of the meeting Agenda the following information was circulated to Councillors in a memo dated 8 February 2007:

"The City's Planning Department received a referral dated 1 February 2007 from the Department for Planning and Infrastructure with regard to a change to the Great Eastern Highway Primary Road Reserve.

The proposed Metropolitan Region Scheme amendment is to facilitate widening of the Great Eastern Highway Primary Road Reserve such that it is consistent with the boundary of 'The Springs' redevelopment area. The proposed amendment requires the written endorsement of Council."

Additional information was circulated to all Councillors in a further memo dated 16 February 2007:

"The Department for Planning and Infrastructure have verbally confirmed that the proposed metropolitan region scheme road realignment proposal will not impact on the existing footpath infrastructure."

An alternative officer recommendation was also included in the memo dated 16 February 2007 as follows:

"That:

1. ***Council resolve to initiate advertisement of the draft Structure Plan for 'The Springs' and draft Local Planning Policy No 31 – The Springs Design Guidelines.***
2. ***Notification of the proposed Structure Plan and Design Guidelines be published once a week for two consecutive weeks in the Southern Gazette and Western Australian newspapers; a minimum of three notification signs be erected within the Structure Plan Area; and that stakeholders be given a minimum of 42 days to provide comment on the documents.***
3. ***That Council support the proposed Metropolitan Region Scheme amendment to the Great Eastern Highway Regional Road Reservation to correspond with the boundary of 'The Springs' development area, as per Drawing No 06310082, referred by DPI on 1 February 2007."***

Item 12.1.11 continued

During discussion of Item 12.1.11 Cr Marks suggested an amended motion adding a No. 4¹ to the amended officer recommendation. The reason for the amendment is to include provisions to consider all plans for all Lots on Riversdale Road with River frontage, particularly 49 Riversdale Road to be examined by Landcorp and to ensure that the best practice planning principles are correct in relation to these properties.

The Mayor sought direction from the Director Community & Statutory Services who advised that Cr Marks' proposed amended motion allowed for the matter to be considered during the advertising process for the draft Structure Plan and Local Planning Policy 31.

An amended motion was subsequently voted on as follows:

MARKS MOVED, DORNFORD SECONDED, that:

1. ***Council resolve to initiate advertisement of the draft Structure Plan for 'The Springs' and draft Local Planning Policy No 31 – The Springs Design Guidelines.***
2. ***Notification of the proposed Structure Plan and Design Guidelines be published once a week for two consecutive weeks in the Southern Gazette and Western Australian newspapers; a minimum of three notification signs be erected within the Structure Plan Area; and that stakeholders be given a minimum of 42 days to provide comment on the documents.***
3. ***That Council support the proposed Metropolitan Region Scheme amendment to the Great Eastern Highway Regional Road Reservation to correspond with the boundary of 'The Springs' development area, as per Drawing No 06310082, referred by DPI on 1 February 2007.***
4. ***Council recommend to Landcorp that plans for all lots on Riversdale Road with river frontage, especially plans for 49 Riversdale Road, be carefully examined.***

****8.48pm** **Manager Finance departed the Meeting**

****8.49pm** **Manager Finance returned to the Meeting**

CARRIED 10 VOTES TO 1

For: Godfrey, Marks, Rossi, Martin, Hitt, Powell, Teasdale, Whiteley, Brennan, Dornford

Against: Bass

¹ Correction Deleted "3" inserted "4"

12.1.12 Consideration of Draft Brochure – Proposed Community Consultation Plan - Proposed Excision from Location 14000 (Reserve 12237) and Locations 14002 and 14003 (78) Great Eastern Highway (Balance of Hardey Park) and Locations 14004 & 14005 Tanunda Drive, Rivervale**

****BB Attachment 14 – Item 12.1.12 refers**

Chief Executive Officer Comment

Prior to any debate on Item 12.1.12, the Mayor read aloud disclosures that might cause a conflict from Cr Bass, Cr Hitt and Cr Dornford.

Report by Community & Statutory Services Division

DATE

2 February 2006

PURPOSE OF REPORT

Council to give final consideration to the draft brochure No.3 (this will be circulated under separate memo to Councillors) for proposed community consultation prepared by Strategic Marketing and Research.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The Council at its 28 November 2006 meeting endorsed a community consultation plan to advertise the proposal by Cityscape Holdings Pty Ltd to take additional land from the balance of Hardey Park, as a result of road widening of Great Eastern Highway and Tanunda Drive.

A part of the resolution was that the questions to be developed (that form part of the brochure) be brought back to Council for approval.

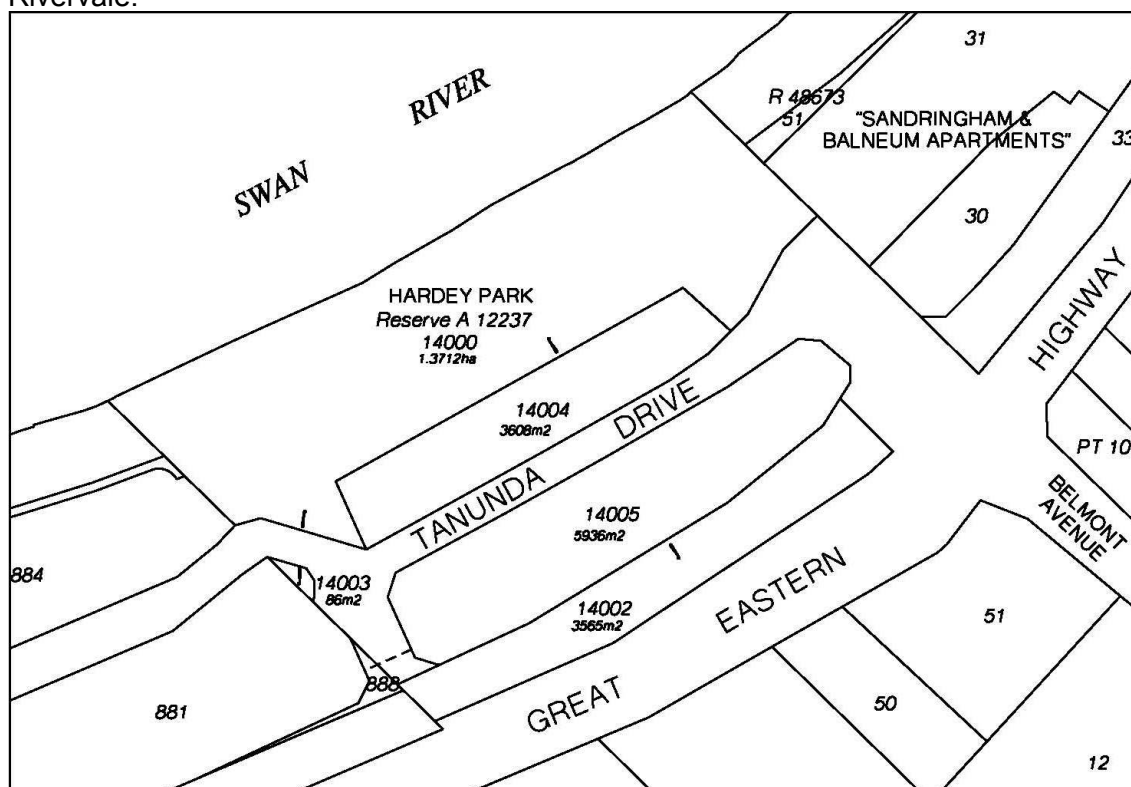
Item 12.1.12 continued

Officer Recommendation Summation

That in accordance with Part 3 of Council's resolution of 28 November 2006, Council approve the proposed questions in the brochure.

LOCATION

Location 14000 (Reserve 12237) and Locations 14002 and 14003 (78) Great Eastern Highway (Balance of Hardey Park) and Locations 14004 & 14005 Tanunda Drive, Rivervale.



APPLICANT

Strategic Research & Marketing on behalf of Cityscape Pty Ltd

FILE REFERENCE

128/006 Hardey Park Development

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

Item 12.1.12 continued

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

The draft brochure was referred to Councillors under memorandum on 12 January 2007 for comments until Thursday, 25 January 2007.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

There are no significant statutory requirements in respect to this application / matter.

BACKGROUND

The Council at its 5 September 2006 meeting considered a report on a proposal by Cityscape Holdings Pty Ltd, owners of Locations 14004 and 14005 Tanunda Drive, Rivervale to develop this site. The development proposed to take additional land from the balance of Hardey Park, as a result of road widening of Great Eastern Highway and Tanunda Drive. (Item 11.1.2 refers).

At that meeting the Council resolved as follows:

“That Council advise the applicants as follows:

1. *That it is prepared to commence the process of public consultation in regard to Option 1, which is the proposal to adjust the property boundaries of Locations 14000, 14004, 14005, 14002 and Tanunda Drive and which requires that the north-western boundary of Location 14004 be relocated 8.7m into the balance of Hardey Park. This includes the Great Eastern Highway widening and increasing the width of Tanunda Drive to 18 metres, whilst maintaining the original combined lot areas of Locations 14004 and 14005 (being 9,544 m²).*

This is subject to Cityscape Holdings Pty Ltd engaging a suitably qualified Public Relations Consultant at its cost to prepare and implement a Strategy Plan that addresses all the relevant issues to the satisfaction of the Council.

Item 12.1.12 continued

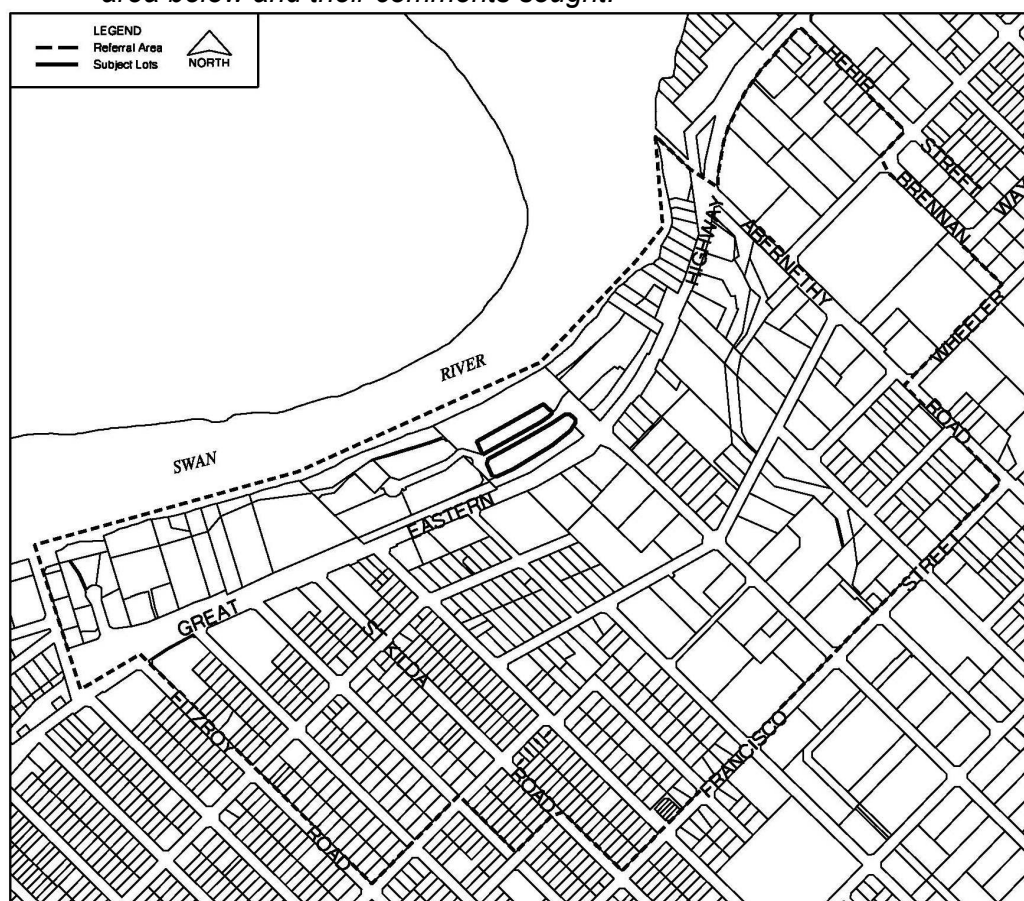
2. *That it will assess its future action having regard to the merits of the arguments and comments made by those lodging a submission."*

Cityscape Holdings Pty Ltd employed the services of Strategic Marketing and Research (SMR) to prepare a Community Consultation Plan.

The Council at its 28 November 2006 meeting considered the proposed community consultation plan and resolved as follows:

"That the community consultation proposal dated October 2006 prepared by Strategic Marketing and Research to advertise the proposal by Cityscape Holdings Pty Ltd to take additional land from the balance of Hardey Park, as a result of road widening of Great Eastern Highway and Tanunda Drive be endorsed with the following additional requirements:

1. *SMR consult, in writing, with all the residents/ratepayers within the area below and their comments sought.*



2. *A sign be placed on site which adequately explains the proposal.*
3. *That the questions to be developed be brought back to Council for approval."*

Item 12.1.12 continued

OFFICER COMMENT

The draft brochure was prepared by SMR and referred to Councillors for comments during January 2007.

Following the close of the comment period, some Councillors queried some of the questions proposed and details in the brochure.

The comments made by Councillors were forwarded to SMR and Mr Clive Griffiths, but the individual Councillor names were not included.

The purpose of this was to make SMR and Cityscape aware of the concerns so they could give consideration to making changes to the brochure if they believed that to be appropriate.

The matter of the brochure was discussed at the 6 February 2007 Councillors Information / Strategy Concept Forum (ISCF).

Ms Samantha Reece from SMR and the Cityscape Holdings Pty Ltd's representatives, Mr Clive Griffiths and Mr Darren Evans from Greg Rowe and Associates also attended the Forum. At the ISCF meeting a second draft brochure was tabled that had taken into account some of the Councillor concerns. Questions were asked by Councillors at the ISCF and further suggestions were made on the second brochure.

It must be appreciated that the brochure is the responsibility of Cityscape Holdings Pty Ltd and SMR and that the results of the public consultation exercise will provide an input to the decision making process. It is considered that Council's role is to ensure that the material in the brochure is factually correct and that the questions are not couched in a way that would mislead the public.

Council's decision on the proposal will provide a recommendation to the State Government remembering that the excision of land from an 'A' class reserve requires the approval from both Houses of Parliament.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 14	Draft brochure

Item 12.1.12 continued

OFFICER RECOMMENDATION

That in accordance with Part 3 of Council's resolution of 28 November 2006, Council approve the proposed questions in the brochure.

Chief Executive Officer Comment

The Manager Governance advised Council that the officer recommendation printed in the Agenda for the meeting required amendment. The reason for the amendment was to have the motion read as a "stand alone".

An amended motion was subsequently put and voted on as follows:

MARKS MOVED, WHITELEY SECONDED, that in accordance with Part 3 of Council's resolution of 28 November 2006, as follows:

"That the questions to be developed be brought back to Council for approval."

Council approve the proposed questions as appended in BB Attachment 14.

CARRIED 8 VOTES TO 3

For: Godfrey, Marks, Rossi, Martin Powell, Whiteley, Brennan, Dornford

Against: Teasdale, Bass, Hitt

12.1.13 Petition – Lots 39 and 40 (53) Ross Street, Cloverdale******BB Attachment 15 – Item 12.1.13 refers**

Report by Community & Statutory Services Division

DATE

2 February 2007

PURPOSE OF REPORT

To acknowledge receipt of a petition relating to the development of Lots 39 and 40 (53) Ross Street, Cloverdale.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

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

Council's Planning Department is in receipt of petitions dated 1 December 2006 and 4 December 2006 relating to the development of Lots 39 and 40 (53) Ross Street, Cloverdale.

The petition objects to the construction of any double storey dwellings on the lots on the grounds of privacy, overshadowing and streetscape.

Officer Recommendation Summation

The petitioners be advised that any development application/building licence submitted with the City would be assessed in accordance with relevant current standards which currently include:

- Residential Design Codes 2002;
- Town Planning Scheme No. 14; and
- Local Planning Policy No. 1 - Performance Criteria – Medium Density Residential Development
- Local Planning Policy No. 19 - Boundary Walls Policy
- Local Planning Policy No. 23 - Notification Procedures for Multi-Storey Residential Development
- Building Code of Australia

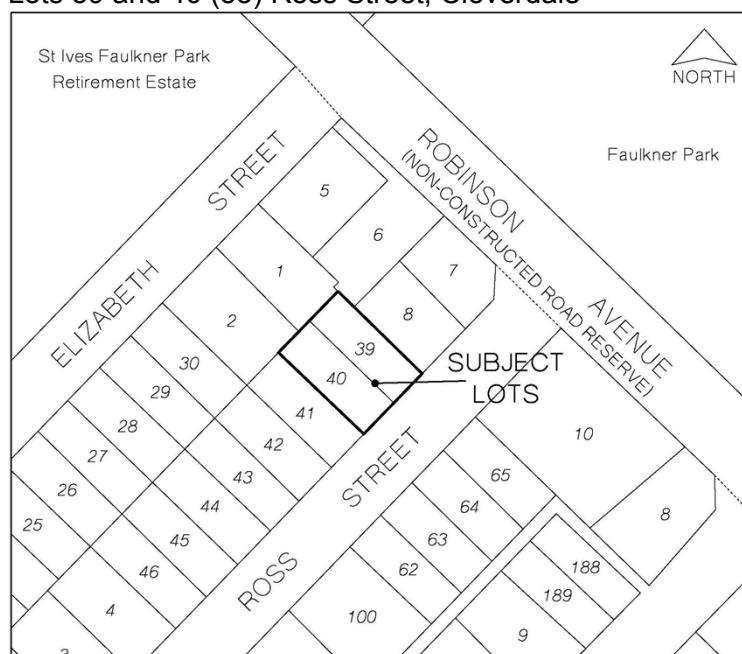
Item 12.1.13 Continued

However, at the present time due to the 'Acceptable Development' standards of the RD Codes (Clause 3.7.1), two storey houses are acceptable as the stated height allows for two storeys. Notwithstanding that, any openings for bedrooms, other habitable rooms or balconies are required to comply with setbacks stated under Clause 3.8.1 of the Codes in regard to visual privacy or address appropriate performance criteria.

Variations of the 'Acceptable Development' standards of the Codes require referral for comment by affected neighbours.

LOCATION

Lots 39 and 40 (53) Ross Street, Cloverdale

**APPLICANT**

Various petitioners

FILE REFERENCE

11/010 – Petitions
Property - 53 Ross Street

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

Item 12.1.13 Continued

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT

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

BUILT BELMONT

Strategy: *“Encourage the upgrading and compatible redevelopment of the City.”*

POLICY IMPLICATIONS

Local Planning Policy No. 1 - Performance Criteria – Medium Density Residential Development

This policy outlines the criteria (in addition to the provisions of the Codes) against which all grouped dwelling, survey strata and subdivision applications will be assessed, where the density proposed is above the base coding of R20.

Local Planning Policy No. 19 - Boundary Walls Policy

This policy limits the dimensions of boundary walls which will override the ‘deemed to comply’ provisions contained within Element 3 of the Residential Design Codes. Further:

- To protect the amenity of adjoining landowners by ensuring adequate notification and development standards for boundary walls.
- To provide certainty for existing and prospective landowners considering development.

Local Planning Policy No. 23 - Notification Procedures for Multi-Storey Residential Development

This policy provides a clear procedure for consultation and notification of adjoining landowners for all two-storey residential development. Further:

- To protect the amenity of adjoining landowners by ensuring adequate notification and development standards for upper storey windows.
- To provide certainty for existing and prospective landowners considering development.

STATUTORY ENVIRONMENT

- Residential Design Codes 2002
- Town Planning Scheme No. 14
- Building Code of Australia

*Item 12.1.13 Continued***BACKGROUND**

In December 2006, Lots 39 and 40 (53) Ross Street, Cloverdale was sold. Following the sale of the lots, the City has received two petitions containing the same five signatures and a letter from an adjoining owner who was also a signatory to the petition. A copy of the petitions is provided under the attachment to this report.

The petition and letter both object to the construction of any double storey dwellings on the lots on the grounds of privacy, overshadowing and streetscape.

OFFICER COMMENT

As of 2 February 2007, no applications for planning approval or a building licence have been submitted with the City.

The petition makes reference to alleged advice given by a Council staff member in 1999 that on the grounds of privacy of the surrounding properties and 'streetscaping' permission for a double storey dwelling on Lot 8 (57) Ross Street, Cloverdale could not be granted. Following a check of Council's records, no written advice of the above can be found.

Notwithstanding any verbal advice that may have been given in 1999, any proposal must be assessed on the basis of current standards.

As the City can only consider the matter on receipt of a development application / building licence, it is recommended that the petitioners be advised that any development application/building licence submitted with the City are required to assess the application in accordance with the:

- Residential Design Codes;
- Town Planning Scheme No. 14; and
- Local Planning Policy No. 1 - Performance Criteria – Medium Density Residential Development
- Local Planning Policy No. 19 - Boundary Walls Policy
- Local Planning Policy No. 23 - Notification Procedures for Multi-Storey Residential Development
- Building Code of Australia

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 15	Petitions dated 1 December 2006 and 4 December 2006

Item 12.1.13 Continued

OFFICER RECOMMENDATION

That Council advise those who signed the petitions dated 1 December 2006 and 4 December 2006 in relation to the development Lots 39 and 40 (53) Ross Street, Cloverdale that:

- 1. The City can only consider the matter on receipt of a development application/building licence.***
- 2. Any development application/building licence submitted with the City would be assessed in accordance with relevant current standards which currently include:***
 - Residential Design Codes 2002;***
 - Town Planning Scheme No. 14; and***
 - Local Planning Policy No. 1 - Performance Criteria – Medium Density Residential Development***
 - Local Planning Policy No. 19 - Boundary Walls Policy***
 - Local Planning Policy No. 23 - Notification Procedures for Multi-Storey Residential Development***
 - Building Code of Australia***

However, at the present time due to the 'Acceptable Development' standards of the RD Codes (Clause 3.7.1), two storey houses are acceptable as the stated height allows for two storeys. Notwithstanding that, any openings for bedrooms, other habitable rooms or balconies are required to comply with setbacks stated under Clause 3.8.1 of the Codes in regard to visual privacy or address appropriate performance criteria.

Variations of the 'Acceptable Development' standards of the Codes require referral for comment by affected neighbours.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

12.1.14 Use of Traffic Signs and Devices for Events on Roads – Instrumental Authorisation******BB Attachment 16 – Item 12.1.14 refers**

Report by Technical Services Division

DATE

30 January 2007

PURPOSE OF REPORT

For Council to accept authorisation from the Commissioner of Main Roads to approve the installation of traffic management devices for events on roads.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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

The Commissioner of Main Roads has the authority to erect roads signs, traffic control signals and other devices under the Road Traffic Code 2000. The Commissioner can delegate this authority to authorise bodies under Regulation 297 (2) of the Codes. In order for the City to erect signs as an “Authorised Body” under the “Traffic Management for Events Code of Practice” the City requires the authorisation of the Commissioner of Main Roads and must resolve to accept this authorisation.

Officer Recommendation Summation

That the City accepts the authorisation of the Commissioner of Main Roads relating to Traffic Management for Events and authorise the Chief Executive Officer to sign the necessary Instrument of Authorisation.

LOCATION

Not Applicable

*Item 12.1.14 Continued***APPLICANT**

Not Applicable

FILE REFERENCE

70/013 : Agreements

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required

CONSULTATION

There has been no specific consultation undertaken in respect of this matter

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications evident at this time.

POLICY IMPLICATIONS

There are no policy implications evident at this time.

STATUTORY ENVIRONMENT

The Commissioner of Main Roads has the authority to direct road signs, traffic control signals and other devices under Regulation 297(1) of the Road Traffic Code 2000. The Commissioner can delegate this authority to authorised bodies under Regulation 297(2) of the Code, subject to any conditions specified in the Instrument of Authorisation.

BACKGROUND

In conjunction with the Traffic Management for Events Advisory Group (on which local government was represented by WALGA), Main Roads has recently introduced the "Traffic Management for Events Code of Practice" which details administrative, legal and technical requirements for safe and effective management of traffic at events. The Instrument of Authorisation requires agreement by the local government to the Terms and Conditions specified, including Compliance with the Traffic Management for Events Code of Practice. It is noted that this Instrument of Authorisation is additional to and does not replace Instrument of Authorisation for Road Signs and Devices at Roadworks in accordance with the Traffic Management for Works on Roads Code of Practice, which the City entered into many years ago.

*Item 12.1.14 Continued***OFFICER COMMENT**

It is appropriate that the City, as the organisation directly involved in authorising events on its roads, should obtain authorisation from the Commissioner to erect the necessary signage for these events. If the City does not obtain this authorisation then any signage associated with events on roads would need to be authorised by Main Roads Western Australia before the event proceeds. This is an unnecessarily complex process for what is generally a relatively simple exercise.

The City has for many years had authorisation to erect road signs under the Traffic Management for Works on Roads Code of Practice and to do the same for Events on Roads is a logical progression. A copy of the Instrument of Authorisation is attached and the controlled version of the Traffic Management for Events Code of Practice can be viewed on the Main Roads website at www.mainroads.wa.gov.au, going to "Traffic" and from there to "Events".

FINANCIAL IMPLICATIONS

There are no additional financial implications in respect to the Conduct of Events on Roads as a result of the City entering into this agreement.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 16	Instrument of Authorisation – Main Roads WA

OFFICER RECOMMENDATION

That the City accepts the authorisation of the Commissioner of Main Roads relating to Traffic Management for Events and authorise the Chief Executive Officer to sign the necessary Instrument of Authorisation.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

**12.1.15 Road Closure – Portion of Ritchie Way road reserve adjoining Lot 10
(no. 9) Vidler Street, Cloverdale**

Report by Technical Services Division

DATE

30 January 2007

PURPOSE OF REPORT

To seek Council's approval for the closure of a portion of Ritchie Way road reserve adjoining Lot 10 (no. 9) Vidler Street corner of Ritchie Way in Cloverdale.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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

- The property owner of Lot 10 (no. 9) Vidler Street requests for closure of a portion of Ritchie Way road reserve with the intention of purchasing the available land, if road closure is effected, and amalgamating with his property.
- The proposed closure of the portion of Ritchie Way road reserve will have no significant impact on the existing 18.0 metres wide road reserve.
- In accordance with Section 58 of the Land Administration Act 1997, the road closure is subject to public advertising for a period of 35 days including referrals to service authorities and the Department for Planning and Infrastructure for comment.

Officer Recommendation Summation

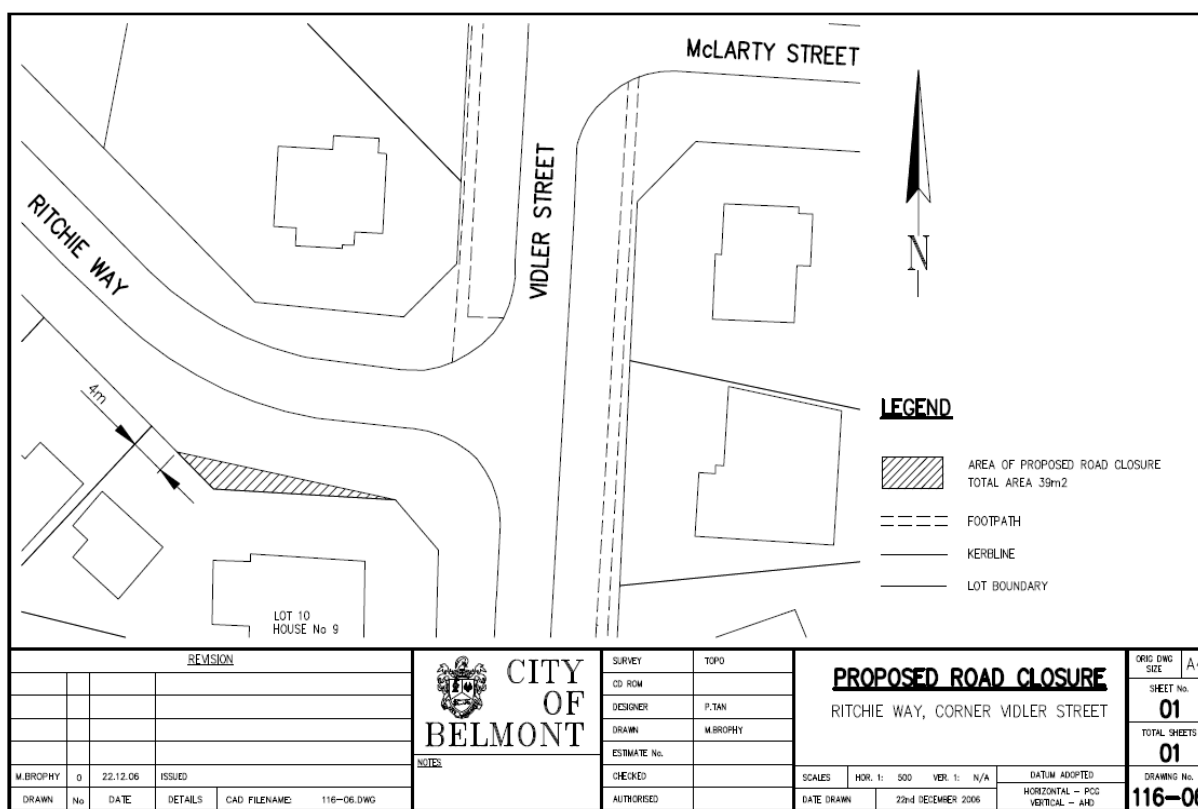
1. That in accordance with the provisions of Section 58 of the Land Administration Act 1997, the proposal to close a portion of Ritchie Way road reserve, as shown on Drawing No. 116-06 be advertised, and comments be sought from service authorities and the Department for Planning and Infrastructure; and

Item 12.1.15 continued

2. That subject to a favourable response from the advertising, the service authorities and the Department for Planning and Infrastructure, the road closure be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for action.

LOCATION

Portion of road reserve of Ritchie Way, corner of Vidler Street, adjoining Lot 10 (no. 9) Vidler Street, Cloverdale (refer Drawing 116-06)

**APPLICANT**

Mr Ashley Wijesundera of Lot 10 (no. 9) Vidler Street, Cloverdale

FILE REFERENCE

102/007: Permanent Road Closures

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

*Item 12.1.15 Continued***VOTING REQUIREMENT**

Simple Majority Required

CONSULTATION

Based on the consultation assessment process, the “Inform” style of consultation is determined. The consultation proposed will comprise public advertisement, site inspections and referrals to service authorities and the Department for Planning and Infrastructure.

It is important to note that the provisions of Section 58 of the Land Administration Act 1997 require that the road closure proposal be advertised for public comments over a period of 35 days.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Land Administration Act 1997

BACKGROUND

The property owner, Mr Ashley Wijesundera of Lot 10 (no. 9) Vidler Street, has made a request for a portion of Ritchie Way road reserve adjoining his property to be closed, with the intention of purchasing the land for amalgamation with his property.

A preliminary services investigation, including a site inspection, was undertaken to determine the feasibility of the proposed road closure request.

The location and extent of the road closure is shown on the City of Belmont's Drawing No. 116-06.

OFFICER COMMENT

From the site inspection and preliminary services check, it has been revealed that there is a Water Corporation water pipe and a sewer manhole located on the verge. The extent of road closure is not expected to affect the sewer manhole however the water pipe may require relocation, which is to be determined and confirmed by Water Corporation at the referral stage of the road closure process.

Ritchie Way has an existing 18 metre wide road reserve except for a short section leading to the intersection with Vidler Street, which extends to 20 metres wide. The proposed road closure adjoins Lot 10 (no. 9) Vidler Street and lies within the section of the 20 metre wide road reserve of Ritchie Way. The proposed road closure will not significantly reduce the verge area and will still maintain at least an 18 metre wide road reserve for the remaining section of Ritchie Way.

Item 12.1.15 Continued

Given the above information, it is recommended that the proposed road closure proceeds with the advertising, referrals to service authorities, and the Department for Planning and Infrastructure for comments. Subject to a favourable response being received, the road closure will then be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for finalisation.

FINANCIAL IMPLICATIONS

The applicant will be required to reimburse the City for the advertising cost and pay an administration fee of \$165.00 inclusive of GST (non-refundable) based on the City's Schedule of Fees and Charges. If the road closure is finalised, the applicant will be responsible for the ultimate purchase cost of the land including costs for any service relocations or provision of easements and all associated costs relating to registration, stamp duty and survey. It should be noted that the State receives the income from the sale.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

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

OFFICER RECOMMENDATION

- 1. That in accordance with the provisions of Section 58 of the Land Administration Act 1997, the proposal to close a portion of Ritchie Way road reserve, as shown on Drawing No. 116-06 be advertised, and comments be sought from service authorities and the Department for Planning and Infrastructure; and***
- 2. That subject to a favourable response from the advertising, the service authorities and the Department for Planning and Infrastructure, the road closure be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for action.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

12.2 SOCIAL BELMONT

Nil.

12.3 BUSINESS (ECONOMICS) BELMONT

Nil.

12.4 NATURAL BELMONT**WITHDRAWN ITEMS**

Item 12.4.1 was withdrawn at the request of Cr Teasdale.

****8.57pm Cr Dornford departed the Meeting**

TEASDALE MOVED, ROSSI SECONDED, that Item 12.4.1 is to be considered separately.

CARRIED 10 VOTES TO 0

12.4.1 ICLEI Water Campaign Milestone 3 – Water Action Plan**

****NB Attachment 17 – Item 12.4.1 refers**

Report by Technical Services Division – Parks, Leisure & Environment

DATE

25 January 2007

PURPOSE OF REPORT

To present the City of Belmont's Water Action Plan developed as part of Milestone 3 of the ICLEI Water Campaign to Council for endorsement.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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

The City of Belmont resolved to participate in the International Council for Local Environmental Initiatives (ICLEI) Water Campaign on 27 July 2004. The Water Campaign assists Local Government to work towards integrated water resource management, through achievement of the following five Milestones:

Item 12.4.1 continued

1. Undertake a water consumption inventory and water quality checklist.
2. Establish a water consumption reduction goal and water quality improvement goal.
3. Develop and adopt a Local Action Plan.
4. Implement policies and measures to work towards integrated freshwater resource management.
5. Monitor and report on water consumption reductions and water quality improvements.

The City achieved Milestone 1 on 7 February 2005 and Milestone 2 on 14 June 2005. As part of Milestone 2, Council endorsed the following water conservation and water quality improvement goals:

Water Consumption Goals

Corporate

- To reduce water consumption by 30% below 1999/00 levels by 2005/06 and achieve a further 15% reduction by 2010. In total the City aims to reduce water consumption by 45% by 2010 on 1999/00 levels.

Community

- To reduce water consumption per residential property by 15% below 2000 levels by 2002 and achieve a further 15% reduction by 2010. In total the City aims to reduce water consumption per residential property by 30% by 2010 on 1999/00 base year levels.

Water Quality Goals

Corporate

- To achieve 75 Corporate water quality action points* between 2004 and 2010, with a progress review in 2007.

Community

- To achieve 50 Community water quality action points* between 2004 and 2010, with a progress review in 2007.

- * Water quality points are assigned to various management actions according to a criterion to help improve water quality.

To achieve Milestone 3 of the Water Campaign, the City of Belmont is required to adopt a Local Action Plan outlining the strategy that will be undertaken to reduce water consumption and improve water quality. Attached is the 'City of Belmont's Water Action Plan' (WAP) that has been developed by the City's Water Team and EMRC staff. The Water Action Plan as it stands will achieve 75 corporate water quality action points and 50 Community water quality action points and therefore achieve Council's water quality goals.

Officer Recommendation Summation

That Council endorses the City of Belmont's Water Action Plan, noting that such endorsement will fulfil requirements of Milestone 3 of the ICLEI Water Campaign.

*Item 12.4.1 Continued***LOCATION**

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

30/017: Water Campaign

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required

CONSULTATION

Internal consultation on the WAP has been conducted. All staff listed as 'Responsible Officers' have been provided with the opportunity to comment on actions and their priority. Community consultation was not required as the Action Plan addresses action the City can take to influence the community water usage/quality.

STRATEGIC PLAN IMPLICATIONS

If endorsed, the City of Belmont's Water Action Plan will achieve several strategies and actions of the City's Strategic Plan, particularly those related to the objective: *'To use and manage our water resources in a sustainable manner'*. These strategies and actions include:

NATURAL BELMONT

- Reduce scheme water use by Council and the community, and improve the quality of the water being discharged to the environment;
 - Assess and implement options for improving corporate and community scheme water conservation and stormwater quality improvement with respect to the ICLEI Water Campaign.
- Improve the quality of stormwater being discharged into the Swan River.

The City of Belmont's Water Action Plan also includes many actions from the Water Management, Built Environment and Natural Environment chapters of the City's

Item 12.4.1 Continued

Environment Plan. Those actions taken directly from the Environment Plan have grey-coloured text in the attachment to this report.

POLICY IMPLICATIONS

The Water Action Plan relates to Council policy *C4.8.1 Environmental Enhancement*, particularly sections ii, iii and v:

The City of Belmont:

- ii. is committed to the protection and enhancement of the natural environment and creation of a sustainable urban environment.
- iii. will manage its development process in order to achieve sustainable environmental outcomes.
- v. where possible, the City of Belmont will promote environmental issues and activities within Council and to the wider Belmont community.

STATUTORY ENVIRONMENT

There are no statutory implications evident at this time.

BACKGROUND

The City of Belmont resolved to participate in the International Council for Local Environmental Initiatives (ICLEI) Water Campaign in July 2004. The Water Campaign assists Local Government to work towards integrated water resource management, through achievement of the following five Milestones:

1. Undertake a water consumption inventory and water quality checklist.
2. Establish a water consumption reduction goal and water quality improvement goal.
3. Develop and adopt a Local Action Plan.
4. Implement policies and measures to work towards integrated freshwater resource management.
5. Monitor and report on water consumption reductions and water quality improvements.

In 2005 the City of Belmont completed the Milestone 1 inventory for the Water Campaign Corporate (Council operations) and Community (residential, commercial and industrial sectors). The 1999/00 financial year was selected as the base year. The results are summarised below.

Corporate:

A total of 100,187kL of water was consumed through Council operations in the base year of 1999/00, representing a total water cost of \$54,642. By 2002/03 Council recorded a 26,569kL or 27% reduction in water consumed compared to 1999/00 (see Figure 1, below).

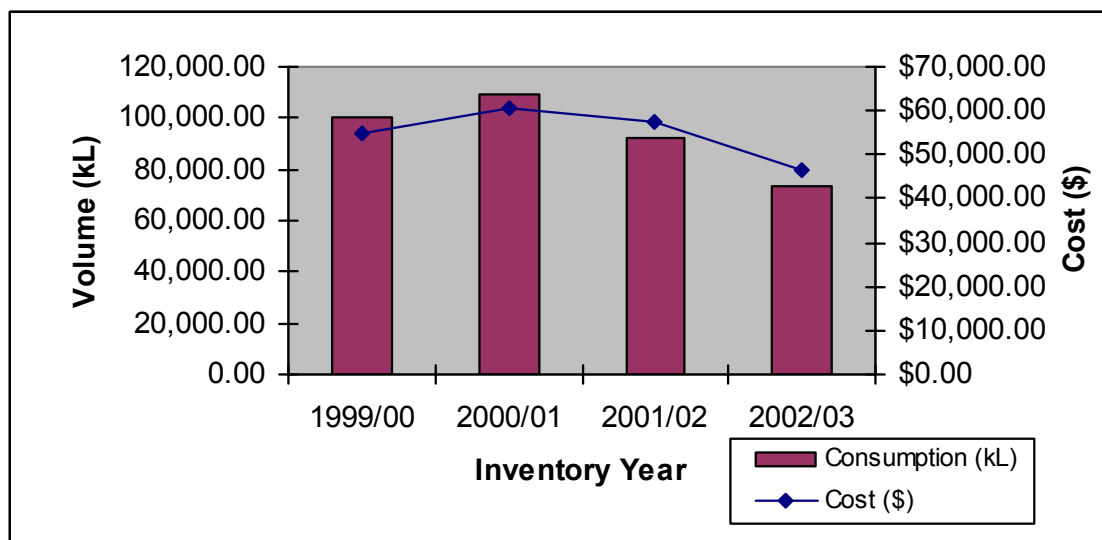
Item 12.4.1 Continued

Figure 1. Council's Corporate water consumption and cost reductions since the base year.

The largest decreases in water use were observed in the Swimming Pool (Belmont Oasis) and Open Space (reserves, parks, median strips, road verges and roundabouts) sectors. While the decrease in the Open Space sector can be attributed to the introduction of water restrictions in 2001, the reasons for the decrease in water use at Belmont Oasis require further investigation. This is being done as part of the Water Action Plan.

Community:

On a per property basis Belmont residents are decreasing their water use (see Figure 2). There has been a decrease of 15% in residential water use within the City of Belmont between 2000/01 and 2002/03. This has seen a reduction of 42kL in annual water use from 278kl to 236kl.

The non residential sector has decreased its water consumption by 14% with a reduction of 229kL in annual water use from 1662kL to 1433kL since the base year (see Figure 3).

The reduction in Community water consumption correlates with State Government water consumption restrictions put in place in October 2001.

Item 12.4.1 Continued

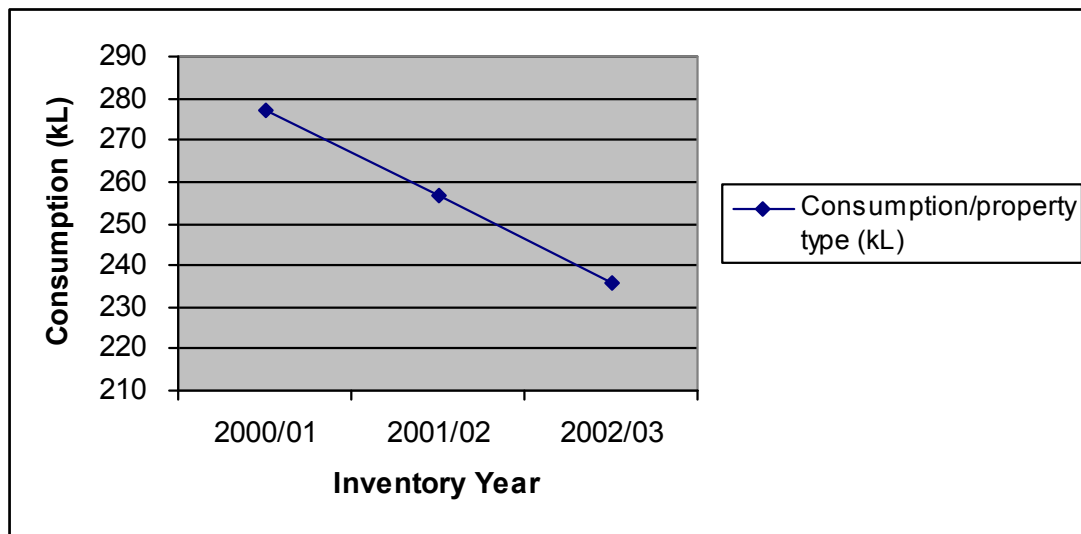


Figure 2. Residential consumption since the base year 2000/01.

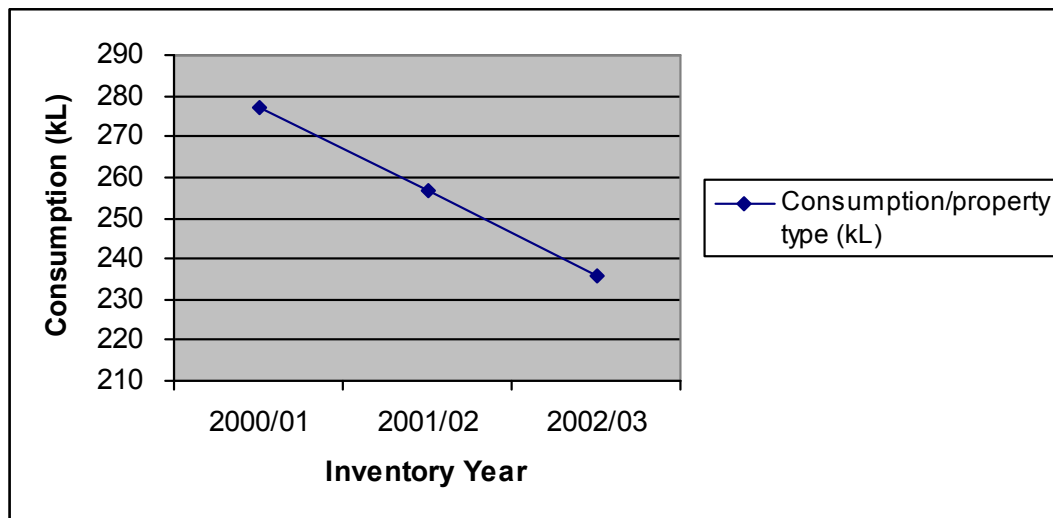
Item 12.4.1 Continued

Figure 3. Non Residential consumption since the base year 2000/01.

The Milestone 1 inventory data was used in the determination of the following water conservation and water quality improvement goals, which were endorsed by Council on 14 June 2005.

Water Consumption Goals

Corporate

- To reduce water consumption by 30% below 1999/00 levels by 2005/06 and achieve a further 15% reduction by 2010. In total the City aims to reduce water consumption by 45% by 2010 on 1999/00 levels.

Community

- To reduce water consumption per residential property by 15% below 2000 levels by 2002 and achieve a further 15% reduction by 2010. In total the City aims to reduce water consumption per residential property by 30% by 2010 on 1999/00 base year levels.

Water Quality Goals

Corporate

- To achieve 75 Corporate water quality action points* between 2004 and 2010, with a progress review in 2007.

Community

- To achieve 50 Community water quality action points* between 2004 and 2010, with a progress review in 2007.

* Water quality points are assigned to various management actions according to a criterion to help improve water quality.

To achieve Milestone 3 of the Water Campaign, the City of Belmont is required to adopt a Local Action Plan outlining the strategy that will be undertaken to reduce water consumption and improve water quality. The City's Water Team and EMRC staff have subsequently developed the attached 'City of Belmont's Water Action Plan' (WAP).

*Item 12.4.1 Continued***OFFICER COMMENT**

The Water Action Plan builds upon existing actions relating to water management from the City's Strategic Plan and Environment Plan. Following endorsement of the Water Action Plan by Council and adoption of the 2007/08 budget, the staged implementation of the City of Belmont WAP will begin. The target year for the water consumption reduction and water quality improvement goals set as part of Milestone 2 is 2011/12, and the WAP consequently follows through to this period. It is anticipated that the Plan will be reviewed annually as a result of new opportunities and priorities for Council, aligning with the budget cycle.

The implementation of actions outlined in this Plan will take Council to Milestone 4 in the Water Campaign. The EMRC and ICLEI will assist Council at this stage with a Milestone 4 verification process that will quantify the water consumption reductions and water quality improvements achieved from projects implemented.

FINANCIAL IMPLICATIONS

Actions proposed in the WAP will result in economic benefits for both Council and the community. Many of the initiatives will reduce costs associated with Council's water consumption, as well as reducing pressure on groundwater bores by encouraging water reuse. Similarly, the community will be encouraged to reduce their water use and may therefore accrue financial savings. The implementation of measures within the Plan may have flow-on benefits for the local economy through the development of new markets in areas such as water efficient devices, irrigation and landscape services and the creation of local job opportunities through implementation of measures in the Plan.

The majority of actions proposed in the WAP correlate to the City's Strategic Plan and Environment Plan. Funding may be available through various sources such as the Community Water Grants and Water Smart. Cost of action implementation will be considered as part of Council's normal budgeting process.

ENVIRONMENTAL IMPLICATIONS

The implementation of the Water Action Plan will complement and build upon existing actions from the City's Environment Plan in relation to the sustainable management of our water resources. It is expected that the implementation of the Plan will also play a role in the improvement of the receiving freshwater and estuarine environments, through initiatives such as erosion and sediment control, reduced use of chemicals and the containment and appropriate disposal of gross litter. Many actions, particularly the use of native, waterwise species will also contribute towards enhanced biodiversity in the area. The principle of efficient resource use is central to the Plan and is a core environmental imperative.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
NB Attach 17	City of Belmont's Water Action Plan

Item 12.4.1 Continued

OFFICER RECOMMENDATION

TEASDALE MOVED, ROSSI SECONDED, that Council endorses the City of Belmont's Water Action Plan, noting that such endorsement will fulfil requirements of Milestone 3 of the ICLEI Water Campaign.

CARRIED 10 VOTES TO 0

****8.59pm Cr Dornford returned to the Meeting**

12.5 BUSINESS EXCELLENCE

****9.00pm** Cr Teasdale left the meeting.

WITHDRAWN ITEMS

Item 12.5.3 was withdrawn at the request of Cr Powell.

Item 12.5.4 was withdrawn at the request of Cr Powell.

Item 12.5.7 was withdrawn at the request of Cr Powell.

Item 12.5.8 was withdrawn at the request of Cr Powell.

Item 12.5.9 was withdrawn at the request of Cr Marks.

BRENNAN MOVED, WHITELEY SECONDED, that with the exception of Items 12.5.3, 12.5.4, 12.5.7, 12.5.8 and 12.5.9 which are to be considered separately, the Officer Recommendation in the Business Excellence Belmont Key Result Area Reports, specifically Items 12.5.1, 12.5.2, 12.5.5 and 12.5.6 be adopted en bloc.

CARRIED 10 VOTES TO 0

:

12.5.1 Financial Reports as at 30 November 2006****BEXB Attachment 18 – Item 12.5.1 refers**

Report by Corporate & Governance Division

DATE

30 January 2006

PURPOSE OF REPORT

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

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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

The Local Government Act 1995 and Local (Financial Management) Regulations 1996 as amended requires a monthly financial activity statement to be presented to Council.

Officer Recommendation Summation

That the Monthly Financial Reports as at 30 November be received.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

32/009 – Financial Operating Statements

Item 12.5.1 continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Key Result Area: Business Excellence.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

*Item 12.5.1 Continued***OFFICER COMMENT**

The statutory monthly financial report is to consist of a Statement of Financial Activity reporting on sources and applications of funds as set out in the Annual Budget. It is required to include:-

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

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

The monthly financial report is to be accompanied by:-

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

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

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

As identified above, Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards (AAS) 5.

AAS5 discusses the principles to be applied in determining if a variance is material. AAS5 states that:

“Information is material if its omission, misstatement or non-disclosure has the potential to adversely affect:

- (a) decisions about the allocation of scarce resources made by users of the financial report; or*
- (b) the discharge of accountability by the management or governing body of the entity”.*

AAS5’s guidance notes provide for a quantitative determination as to whether an amount is material, this being that if an amount is...

- less than or equal to 5 percent of the appropriate base amount then it is not material
- greater than or equal to 10 percent of the appropriate base amount then it is material.

Item 12.5.1 Continued

In the application of this method, consideration must be given to what appropriate base amount is to be used. The AAS5 guidance notes provide details discussion on this aspect; however one example would seem to be appropriate to the needs of Council in the consideration of its monthly Statement of Financial Activity. The example provided relates to the interpretation of a statement of financial performance. In this case, the appropriate base amount can be determined as operating result (profit or loss) for the reporting period.

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

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of AAS5 as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council. Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual vs year to date budget.

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

Report Section	YTD Budget	YTD Actual	Comment
Applications of Funds – Capital			
Computing	429,200	147,872	Capital acquisitions not yet undertaken.
Belmont Oasis	138,714	31,984	Equipment purchases not yet recognised.
Grounds Operations	743,688	246,796	Capital works not commenced as anticipated.
Road works	1,744,388	1,048,743	Capital works not commenced as anticipated.
Footpath works	126,696	21,274	Capital works not commenced as anticipated.
Applications of Funds – Operating			
Computing	740,355	213,747	Payments for business applications maintenance yet to be finalised.
Grounds Operations	650,533	546,037	Maintenance works expenditure lower than anticipated for this time of year.
Sources of Funds – Capital			
Operations Centre	-37,000	193,655	Large fleet changeover from previous year – funded from reserve.
Sources of Funds – Operating			
Rates	-21,896,854	-22,416,801	Rates in lieu received, and interim rating commenced earlier than anticipated.
Belmont HACC Services	-433,580	-682,281	Funding amount received earlier than anticipated.
Ruth Faulkner Library	-32,726	-187,698	Increased amount of Finding my Place funding received early in

Item 12.5.1 Continued

Report Section	YTD Budget	YTD Actual	Comment
			year.

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 Nov 2006	\$	Comment
Cash and investments	26,950,290	Includes municipal, reserves & deposits
- less non rate setting cash	-8,649,828	Reserves and deposits held
Receivables	5,402,297	Mostly rates levied yet to be received
- less non rate setting receivables	-818,791	ESL levied and GST payable
Stock on hand	203,212	
Total Current Assets	\$23,087,180	
Current Liabilities		
Creditors and provisions	-8,327,695	Includes deposits, GST and ESL payable
- less non rate setting creditors & provisions	3,987,027	ESL, GST and deposits held
Total Current Liabilities	-4,340,668	
Nett Current Assets 30 Nov 2006	\$18,746,512	
Nett Current Assets as Per Financial Activity Report	\$18,746,512	
Less Restricted Assets	-43,148	Unspent grants held for specific purposes (Grandstand Road)
Less Committed Assets	-17,789,660	All other budgeted expenditure
Estimated Closing Balance	1,000,000	

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

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS**Attach. No. Details**

BEXB Attach 18 Monthly Financial Activity Statement as at 30 November 2006.

Item 12.5.1 Continued

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 30 November 2006 be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

12.5.2 Financial Reports as at 31 December 2006****BEXB Attachment 19 – Item 12.5.2 refers**

Report by Corporate & Governance Division

DATE

30 January 2006

PURPOSE OF REPORT

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

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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

The Local Government Act 1995 and Local (Financial Management) Regulations 1996 as amended requires a monthly financial activity statement to be presented to Council.

Officer Recommendation Summation

That the Monthly Financial Reports as at 31 December 2006 be received.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

32/009 – Financial Operating Statements

Item 12.5.2 continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Key Result Area: Business Excellence.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

Item 12.5.2 continued

OFFICER COMMENT

The statutory monthly financial report is to consist of a Statement of Financial Activity reporting on sources and applications of funds as set out in the Annual Budget. It is required to include:-

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

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

The monthly financial report is to be accompanied by:-

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

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

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

As identified above, Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards (AAS) 5.

AAS5 discusses the principles to be applied in determining if a variance is material. AAS5 states that:

“Information is material if its omission, misstatement or non-disclosure has the potential to adversely affect:

- (a) *decisions about the allocation of scarce resources made by users of the financial report; or*
- (b) *the discharge of accountability by the management or governing body of the entity”.*

AAS5’s guidance notes provide for a quantitative determination as to whether an amount is material, this being that if an amount is...

- less than or equal to 5 percent of the appropriate base amount then it is not material
- greater than or equal to 10 percent of the appropriate base amount then it is material.

Item 12.5.2 continued

In the application of this method, consideration must be given to what appropriate base amount is to be used. The AAS5 guidance notes provide details discussion on this aspect; however one example would seem to be appropriate to the needs of Council in the consideration of its monthly Statement of Financial Activity. The example provided relates to the interpretation of a statement of financial performance. In this case, the appropriate base amount can be determined as operating result (profit or loss) for the reporting period.

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

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of AAS5 as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council. Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual vs year to date budget.

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

Report Section	YTD Budget	YTD Actual	Comment
Applications of Funds – Capital			
Computing	474,800	150,394	Capital acquisitions not yet undertaken.
Building Operations	1,978,996	1,606,754	Capital acquisitions not yet fully realised
Applications of Funds – Operating			
Computing	797,771	348,346	Payments for business applications maintenance yet to be finalised.
Marketing & Communications	468,240	359,222	Printing and promotions work expenditure lower than anticipated for this time of year.
Property & Economic Development	234,624	96,872	Salaries/Wages & Consultants expenditure lower than anticipated. ABC allocations are also below budget due to the overlying Cost Centres being under expended.
Ruth Faulkner Library	683,324	513,507	Salaries/Wages & Consultants expenditure lower than anticipated. ABC allocations are also below budget due to the overlying Cost Centres being under expended.
Grounds Operations	972,192	775,717	Maintenance works expenditure lower than anticipated for this time of year.
Streetscapes	520,553	361,232	Other Services work expenditure lower than anticipated for this time of year.
Sources of Funds – Capital			
General Purpose Income	0	(207,968)	Final 5% for sale of Springs Land
Operations Centre	(61,056)	(273,385)	Large fleet changeover from previous year – funded from reserve.

Item 12.5.2 continued

Report Section	YTD Budget	YTD Actual	Comment
Sources of Funds – Operating			
Rates	(22,171,367)	(22,443,996)	Rates in lieu received, and interim rating commenced earlier than anticipated.
Financing Activities	(673,659)	(893,377)	Managed Funds Growth & Land acquisition Reserves higher than anticipated for this time of year.
Public Works Overheads	(437,007)	(544,756)	Public Works Overhead recovery higher than anticipated.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 Dec 2006	\$	Comment
Cash and investments	25,966,565	Includes municipal, reserves & deposits
- less non rate setting cash	-8,906,140	Reserves and deposits held
Receivables	5,133,102	Mostly rates levied yet to be received
- less non rate setting receivables	-306,128	ESL levied and GST payable
Stock on hand	209,765	
Total Current Assets	\$22,097,164	
Current Liabilities		
Creditors and provisions	-8,370,990	Includes deposits, GST and ESL payable
- less non rate setting creditors & provisions	3,730,676	ESL, GST and deposits held

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

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS**Attach. No. Details**

BEXB Attach 19 Monthly Financial Activity Statement as at 31 December 2006

Item 12.5.2 continued

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 December 2006 be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

12.5.3 Accounts for Payment November 2006****BEXB Attachment 20 – Item 12.5.3 refers****Chief Executive Officer Comment**

Prior to any debate on Item 12.5.3, the Manager Governance read aloud the following financial interest declaration:

Name	Nature of Interest
Cr Teasdale	Financial

****9.00pm** Cr Teasdale having declared a financial interest departed the Meeting

Report by Corporate & Governance Division

DATE

30 January 2006

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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

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

Officer Recommendation Summation

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

LOCATION

Not applicable

Item 12.5.3 continued

APPLICANT

Not applicable

FILE REFERENCE

54/007 – Creditors – Payment Authorisations

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan implications are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

Item 12.5.3 continued

OFFICER COMMENT

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

Municipal Fund Cheques	774119-774593	\$2,312,332.80
Municipal Fund EFTs	EF000001	\$156,194.92
Trust Fund Cheques	905210-905212	\$26,945.27
Total of Cheques for November 2006		\$2,495,472.99

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

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
---------------------------	-----------------------

BEXB Attach 20	Accounts for payment listing (November)
----------------	---

OFFICER RECOMMENDATION

POWELL MOVED, BASS SECONDED, that the Authorised Cheque Listing as included in the Attachment to this item be confirmed and endorsed.

CARRIED 10 VOTES TO 0

12.5.4 Accounts for Payment December 2006****BEXB Attachment 21 – Item 12.5.4 refers****Chief Executive Officer Comment**

Prior to any debate on Item 12.5.4, the Manager Governance read aloud the following financial interest declaration:

Name	Nature of Interest
Cr Teasdale	Financial

Report by Corporate & Governance Division

DATE

30 January 2006

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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

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

Officer Recommendation Summation

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

LOCATION

Not applicable

APPLICANT

Not applicable

Item 12.5.4 Continued

FILE REFERENCE

54/007 – Creditors – Payment Authorisations

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan implications are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

*Item 12.5.4 Continued***OFFICER COMMENT**

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

Municipal Fund Cheques	774594-775023	\$1,529,020.17
Municipal Fund EFTs	EF000002	\$247,100.27
Trust Fund Cheques	905213-905215	\$29,460.87
Total of Cheques for December 2006		\$1,805,581.31

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

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS**Attach. No.** **Details**

BEXB Attach 21 Accounts for payment listing

OFFICER RECOMMENDATION

POWELL MOVED, BASS SECONDED, that the Authorised Cheque Listing as included in the Attachment to this item be confirmed and endorsed.

CARRIED 10 VOTES TO 0

****9.02pm** **Cr Dornford departed the Meeting and did not return.**
****9.02pm** **Cr Teasdale returned to the Meeting**

12.5.5 Timetable – Annual Budget for 2007-2008******BEXB Attachment 22 – Item 12.5.5 refers**

Report by Corporate and Governance Division

DATE

31 January 2007

PURPOSE OF REPORT

To seek Council's endorsement of the 2007 – 2008 Annual Budget Timetable.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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

The 2007-2008 Annual Budget Timetable enables the Budget to be prepared in a disciplined manner, meet all statutory obligations and adopt the Annual Budget in a timely manner.

Officer Recommendation Summation

That the 2007-2008 Annual Budget timetable as shown in the attachment be endorsed.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

54/004 – Budget Documentation – Council

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

No public consultation was considered to be required in respect to this matter. Public consultation will take place in accordance with the statutory requirements of the Budget Process. Directors and Managers have been consulted on the impact of the Budget Timetable.

STRATEGIC PLAN IMPLICATIONS

The Annual Budget ensures that the objectives of the Strategic Plan are achieved.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The timetable has been prepared to ensure that all requirements of the Local Government Act and the Finance Regulations have been considered to ensure statutory advertising and public consultation requirements are adhered to.

The Local Government Act (S5.56) and Local Government (Administration) Regulations were amended in 2005 that introduced a "Plan for the Future". Regulation 19C states:

- “(2) *A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).*
- “(3) *A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.*
- “(4) *A local government is to review its current plan for the future of its district every 2 years and may modify the plan; including extending the period the plan is made in respect of.*”

As a Plan for the Future was adopted during the 2006-2007 Budget deliberations for two years, it is not necessary to prepare and adopt a new Plan for the Future.

Although the Strategic Plan (which makes up most of the Plan for the Future) has been through its first review, the substantive strategic objectives have not changed and are therefore still relevant to 2007-2008.

*Item 12.5.5 Continued***BACKGROUND**

Each year Council formally adopts a timetable for the preparation of the Annual Budget to ensure it is prepared in a timely manner and all the statutory advertising periods are adhered to. This process needs to commence in February to enable a Budget to be adopted in early July.

OFFICER COMMENT

The Timetable has been endorsed by the members of the Senior Management Group and Management Team. Should Council require additional time to consider the Budget then special meetings will be called to accommodate this. There has been an attempt to allow more time for consideration of the Budget with an Information / Strategy Concept Forum being identified to receive presentations on Divisional Budgets. This is obviously dependent on the organisation gathering all relevant budget information in a timely manner.

As per previous years Council will firstly adopt the rate setting budget in June and then formally adopt the Budget in the prescribed manner in July. This will result in an Information / Strategy Concept Forum, two Agenda Briefing Forums and two Council meetings for Councillors to review the Budget that will be proposed for 2007-2008.

FINANCIAL IMPLICATIONS

The timetable ensures that the Budget is adopted on a date as early as possible in July to ensure a positive cash flow can be generated as soon as possible and the organisation is aware of approved incomes and expenditure items.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS**Attach. No. Details**

BEXB Attach 22 2007-2008 Annual Budget Timetable

OFFICER RECOMMENDATION

That the 2007-2008 Annual Budget timetable as shown in the attachment be endorsed.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

12.5.6 Annual Electors Meeting – 13 December 2006******BEXB Attachment 23 – Item 12.5.6 refers**

Report by Corporate & Governance Division

DATE

24 January 2007

PURPOSE OF REPORT

To consider the outcomes and confirm the Minutes of the Annual Electors Meeting held 13 December 2006.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES**Summary**

In accordance with the requirements of the Local Government Act 1995 Section 5.33, this report seeks Council's endorsement and confirmation of the Minutes of the Annual Electors' Meeting held 13 December 2006.

Officer Recommendation Summation

1. Note the decisions to receive various reports and the vote of thanks resolved at the Annual Electors Meeting held on 13 December 2006; and
2. Confirm the Minutes of the Annual Meeting of Electors held on 13 December 2006, as a true and accurate record.

LOCATION

Not Applicable

APPLICANT

Not Applicable

FILE REFERENCE

32/012 Annual/Special Electors Meeting General

*Item 12.5.6 Continued***DISCLOSURE OF INTEREST**

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority

CONSULTATION

No public consultation is considered necessary at this time.

STRATEGIC PLAN IMPLICATIONS

Business Excellence – “Apply sound and sustainable business management principles”.

“Achieve excellence in the management and operation of the Local Government activities”.

POLICY IMPLICATIONS

There are no policy implications evident.

STATUTORY ENVIRONMENT

The Local Government Act 1995 s5.27 requires that an Annual Electors meeting be held once every financial year. The meeting is to occur not more than 56 days after the local government accepts the annual report (which occurred at the OCM Meeting held 28 November 2006). Matters to be discussed at the Annual Electors’ Meeting are to be those prescribed in Local Government (Administration) Regulation 15, being the contents of the Annual Report and then any other general business.

The Local Government Act 1995 s5.32 requires the Minutes of the Annual Electors Meeting to be kept and made available for public inspection before the Council Meeting at which decisions made at the Electors’ Meeting are first considered.

The Local Government Act 1995 s5.33 requires all decisions made at Electors’ Meetings to be considered at the next available ordinary council meeting or if not practicable at a special meeting called for that purpose, whichever happens first. The reasons for the decision in response to a decision made at an Electors’ Meeting are to be recorded in the minutes of the council meeting.

BACKGROUND

An Annual Electors’ Meeting was held on Wednesday 13 December 2006 in the Civic Centre, 215 Wright Street, Cloverdale.

The meeting was held in accordance with the requirements of the Local Government Act 1995 (outlined under Statutory Environment of this report).

*Item 12.5.6 Continued***OFFICER COMMENT**

In accordance with Section 5.33 of the Local Government Act 1995, all decisions made at an Electors Meeting are to be considered at the next Ordinary Council Meeting or should this not be possible at a Special Council Meeting called for that purpose.

The following decisions were made at the Annual Electors Meeting 13 December 2006:

1. Receipt of the following reports included in the City of Belmont 2005/06 Annual Report:
 - Annual Financial Statements
 - Auditors Report
 - Report of the Mayor
 - Report of the Chief Executive Officer
 - Report of Presiding Member - Standing Committee (Audit & Risk)
 - Report of Presiding Member – Standing Committee (Environmental)
 - Report of Presiding Member – Standing Committee (Executive)
2. A vote of thanks to Councillors and staff of the City of Belmont on behalf of residents and ratepayers and a thank you to gallery members for their attendance at the meeting.

One matter raised during General Business at the Annual Electors Meeting 2006 was taken on notice as detailed below:

“Mr J Van Nus, 5 Azennis Court, Ascot

Mr Van Nus commented that his house had been broken into twice in the last two years and requested that the lighting be improved in the Frank Treen Park. He added that he had written to Council with this request approximately six weeks ago but had not received a reply as yet.

The Mayor replied that she would have the matter followed up and contact will be made with Mr Van Nus.

A response was provided in a letter dated 24 January 2007 to Mr Van Nus, a summary of which follows:

“Council Officers have in fact been looking into the matter and are pleased to inform you that the intention is to install a flood light on an existing Western Power pole that borders the area in question.

The light will be shaded in such a way as to maximise lighting of the park and minimising glare back into the residential properties”.

Specific details of other matters raised within General Business of the Annual Electors Meeting are detailed in the Minutes of 13 December, 2006 appended to this item as BEXB Attachment 23².

² Attachment No changed from 29 to 23

Item 12.5.6 Continued

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
---------------------------	-----------------------

	BEXB Attach 23 Annual Electors Meeting Minutes 13 December 2006
--	---

OFFICER RECOMMENDATION

That Council:

1. *Notes the decisions to receive the following reports included in the City of Belmont 2005/06 Annual Report:-*

- ***Annual Financial Statements***
- ***Auditors Report***
- ***Report of the Mayor***
- ***Report of the Chief Executive Officer***
- ***Report of Presiding Member - Standing Committee (Audit & Risk)***
- ***Report of Presiding Member – Standing Committee (Environmental)***
- ***Report of Presiding Member – Standing Committee (Executive); and***

also notes the vote of thanks to Councillors and staff at the City of Belmont resolved at the Annual Electors Meeting held on 13 December 2006.

2. *Confirms the Minutes of the Annual Meeting of Electors held on 13 December 2006 as appended to this report, BEXB Attachment 23³, as a true and accurate record.*

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

³ Attachment No Changed from 29 to 23

12.5.7 Disposal of lease – 2 Greenshields Way, Redcliffe (ABSOLUTE MAJORITY REQUIRED)******CONFIDENTIAL Attachment 1 – Item 12.5.7 refers****Chief Executive Officer Comment**

Prior to any debate on Item 12.5.7, the Manager Governance read aloud disclosures that might cause a conflict from Cr Dornford and Cr Hitt.

Report by Corporate & Governance Division

DATE

29 January 2007

PURPOSE OF REPORT

To secure Council endorsement for disposal by lease of the ex-pre primary centre at 2 Greenshields Way, Redcliffe.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

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

The land at 2 Greenshields Way, Redcliffe, and the building on it, is vested in the City of Belmont for the purpose of “pre-school centre” with the City having the power to lease the premises. The Department of Education and Training has occupied the building for the purpose of running the Greenshields Kindy. During late 2006 the Department advised the City that it no longer wishes to lease the pre-primary centre at 2 Greenshields Way.

It is not considered advantageous for the building at 2 Greenshields Way to be unoccupied. A valuation of the property has been conducted and expressions of interest were called for from persons or organisations seeking to provide child oriented services from the property.

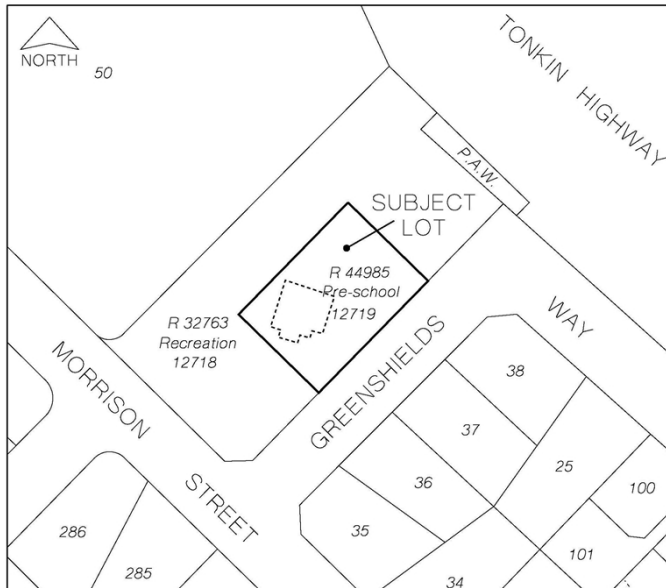
The purpose of this report is to secure Council endorsement for the disposal of this property by lease.

*Item 12.5.7 Continued***Officer Recommendation Summation**

It is recommended that Belmont City Council advertise the disposal by lease of the property and building at 2 Greenshields Way, Redcliffe, to Mulberry Tree Childcare.

LOCATION

2 Greenshields Way, Redcliffe

**APPLICANT**

Mulberry Tree Childcare

FILE REFERENCE

70/007 - Lease of Council Property

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Absolute majority required.

CONSULTATION

Expressions of interest were called for from persons and/or organisations seeking to deliver children's services from 2 Greenshields Way.

Item 12.5.7 Continued

STRATEGIC PLAN IMPLICATIONS

BUSINESS EXCELLENCE: *Operate Council's land and facilities portfolio as an capital-efficient investment*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act describes the process that the City must adhere to in disposing of the property at 2 Greenshields Way, Redcliffe.

BACKGROUND

The land at 2 Greenshields Way, Redcliffe, and the building on it, is vested in the City of Belmont for the purpose of "pre-school centre" with the City having the power to lease the premises. The Department of Education and Training has occupied the building for the purpose of running the Greenshields Kindy. During late 2006 the Department advised the City that it no longer wishes to lease the pre-primary centre at 2 Greenshields Way.

A valuation of the property was conducted by Pember Wilson Eftos.(attached) who stated that they considered a rental value in the range of \$25,000 - \$30,000 pa plus outgoings and GST to be applicable in the current market place.

An advertisement seeking expressions of interest from persons or organisations seeking to deliver children's services from 2 Greenshields Way was placed in the West Australian. Expressions of interest were received from the Jacaranda Centre, Carealot Kindy and Mulberry Tree Childcare. Confidential attachments illustrates the scoring of these expressions of interest based on a range of weighted selection criteria

OFFICER COMMENT

Mulberry Tree Childcare is considered to be the best applicant for the delivery of children's services from the premises at 2 Greenshields Way for the following reasons:

- All indications are that there is an ongoing need for child care services within the City. The provision of child care at 2 Greenshields Way will help address this need;
- The premises at 2 Greenshields Way are estimated to be 30 years old and in need of care and maintenance. Mulberry Tree Childcare has indicated that it will take responsibility for this as part of its lease, which is a reduction in costs to the City;
- Mulberry Tree Childcare has a long history of successfully managing child care centres and it would be expected that this level of professionalism would continue at 2 Greenshields Way; and
- The proposed lease payments from Mulberry Tree Childcare is closest to the rental amount identified in the Pember Wilson Eftos valuation.

Item 12.5.7 Continued

It is felt that Mulberry Tree Childcare would be the most appropriate organisation to take up the lease for the delivery of children's services at 2 Greenshields Way, Redcliffe.

FINANCIAL IMPLICATIONS

The recommended action will lead to an annual income of \$16,620 from a property that was previously rented to the Department of Education and Training on a peppercorn basis. The inclusion of all maintenance costs within the lease for the property will provide unquantified savings through a reduction in this expenditure by the City.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS**Attach. No. Details**

Conf Attach 1 CONFIDENTIAL: A Valuation Report of 2 Greenshields Way, Redcliffe

OFFICER RECOMMENDATION

That Council:

1. Advertise the disposal of 2 Greenshields Way, Redcliffe, to Mulberry Tree Childcare by lease for an annual payment of \$16,620 in accordance with section 3.58(3) of the Local Government Act;
2. Delegate responsibility to the CEO under s3.58 of the Local Government Act 1995 to consider submissions and determine whether to dispose of the property in accordance with the requirements of section 3.58(3)**; and
3. Authorise the CEO to place the Common Seal of the City of Belmont on any documentation associated with the disposal of 2 Greenshields Way, Redcliffe.

ABSOLUTE MAJORITY REQUIRED

Chief Executive Officer Comment

Further to the circulation of this Agenda, alternative officer recommendations were circulated to Councillors in a memo dated 16 February 2007 to include provision for:

- Approval from the Department for Planning and Infrastructure to change the vesting from "Pre-School Centre" to "Community Centre".
- Terms of the proposed Lease Agreement.
- Investigate alternative accommodation opportunities for the unsuccessful expression of interest applicant Jacaranda Centre, Carealot Kindy.⁴

Additional administrative changes to the alternative recommendations were outlined in a further memo dated 20 February 2007 and tabled at this Meeting. The amended officer recommendations were tabled as follows:

⁴ Deleted the words "Mulberry Tree Childcare" inserted the words "Jacaranda Centre, Carealot Kindy"

*Item 12.5.7 Continued****“That Council:***

- 1. As required by Section 3.58 of the Local Government Act 1995 endorses the proposed disposal of 2 Greenshields Way, Redcliffe, to Mulberry Tree Childcare by lease for a term of three years at a commencing annual rent of \$16,620, with one option to renew for three years.***
- 2. In accordance with section 3.58(3) of the Local Government Act 1995; advertise the proposed disposal of 2 Greenshields Way, Redcliffe, to Mulberry Tree Childcare***
- 3. In accordance with the Land Administration Act 1997 seek approval from the Department for Planning and Infrastructure for the proposed disposal of 2 Greenshields Way, Redcliffe, to Mulberry Tree Childcare by lease for the purpose of operating a childcare centre.***
- 4. Delegate authority to the CEO under s3.58 (3) of the Local Government Act 1995 to consider submissions and determine whether to proceed with the disposition of 2 Greenshields Way, Redcliffe.***
- 5. Authorise the CEO to place the Common Seal of the City of Belmont on any documentation associated with the proposed disposal of 2 Greenshields Way, Redcliffe; and***
- 6. Authorise City officers to investigate opportunities for alternative accommodation for the Jacaranda Community Centre within the City of Belmont.”***

****9.02pm** Cr Teasdale returned to the Meeting

****9.19pm** Manager Property & Economic Development departed the Meeting

****9.19pm** Cr Martin departed the Meeting

****9.20pm** Cr Martin returned to the Meeting

****9.20pm** Cr Rossi departed the Meeting

****9.21pm** Cr Rossi returned to the Meeting

****9.21pm** Manager Property & Economic Development returned to the Meeting

****9.21pm** Manager Governance departed the Meeting

****9.22pm** Manager Governance returned to the Meeting

Chief Executive Officer Comment

Cr Powell suggested an amended motion deleting No. 6 from the Officer recommendation. The reason for the amendment is that this activity is undertaken by Council Officers in the normal course of their day to day duties and involvement with the Community.

During discussion Cr Rossi suggested a foreshadowed motion, if the amended motion was lost. The motion would be to request staff readvertise the Expression of Interest for rental of the Belmont Child Care Centre. The reason being to rectify several administrative errors which occurred during the Expression of Interests process.

Item 12.5.7 Continued

An amended motion deleting No. 6 from the officer recommendation was subsequently put and voted on as follows:

POWELL MOVED, BRENNAN SECONDED,

That Council:

- 1. As required by Section 3.58 of the Local Government Act 1995 endorses the proposed disposal of 2 Greenshields Way, Redcliffe, to Mulberry Tree Childcare by lease for a term of three years at a commencing annual rent of \$16,620, with one option to renew for three years.***
- 2. In accordance with section 3.58(3) of the Local Government Act 1995; advertise the proposed disposal of 2 Greenshields Way, Redcliffe, to Mulberry Tree Childcare.***
- 3. In accordance with the Land Administration Act 1997 seek approval from the Department for Planning and Infrastructure for the proposed disposal of 2 Greenshields Way, Redcliffe, to Mulberry Tree Childcare by lease for the purpose of operating a childcare centre.***
- 4. Delegate authority to the CEO under s3.58 (3) of the Local Government Act 1995 to consider submissions and determine whether to proceed with the disposition of 2 Greenshields Way, Redcliffe.***
- 5. Authorise the CEO to place the Common Seal of the City of Belmont on any documentation associated with the proposed disposal of 2 Greenshields Way, Redcliffe.***

ABSOLUTE MAJORITY REQUIRED

LOST 3 VOTES TO 7

For: Marks, Godfrey, Teasdale

Against: Bass, Rossi, Martin, Hitt, Powell, Whiteley, Brennan

*****9.24pm***

POWELL MOVED, HITT SECONDED, that Standing Orders be suspended to enable Council to extend discussion on Item 12.5.7.

CARRIED 10 VOTES TO 0

*****9.29pm***

MARKS MOVED, HITT SECONDED, that Standing Orders be reinstated.

CARRIED 10 VOTES TO 0

Item 12.5.7 Continued

The Mayor advised Council that the Chief Executive Officer had a prior engagement and needed to leave the meeting.

****9.30pm** Chief Executive Officer departed the meeting and did not return.

The Director Technical Services took the place of the Chief Executive Officer for the remainder of the meeting.

The Mayor invited Cr Rossi to put his foreshadowed motion which was subsequently voted on as follows:

ROSSI MOVED, POWELL SECONDED, that Council request staff to readvertise the Expression of Interest for rental of the property situated at 2 Greenshields Way, Redcliffe.

CARRIED 8 VOTES TO 2

For: Godfrey, Bass, Rossi, Martin, Hitt, Powell, Whiteley, Brennan

Against: Teasdale, Marks

12.5.8 Rental Determination – Belmont Child Care Centre, Lot 6 (1) Grand Parade, Redcliffe******BEXB Attachment 24 – Item 12.5.8 refers****Chief Executive Officer Comment**

Prior to any debate on Item 12.5.8, the Manager Governance read aloud the following financial interest declaration:

Name	Nature of Interest
Cr Dornford	Financial

The Manager Governance read aloud disclosures that might cause a conflict from Cr Bass and Cr Hitt.

****9.32pm** Cr Hitt departed the meeting

Report by Corporate and Governance Division

DATE

30 January 2007

PURPOSE OF REPORT

The purpose of this report is to determine the basis upon which future rental values for the Belmont Child Care Centre will be set.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

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

The City of Belmont currently leases premises at 1 Grand Parade, Redcliffe to Patson Enterprises Pty Ltd for the purposes of operating the Belmont Child Care Centre. The executed lease agreement commenced in 1998 for a period of two (2) years with two (2) further options of five (5) years each. The Lessee agreed to exercise the first option and continued the lease from 2000 to 2005. The Lessee has also has more recently agreed to the exercising the second option of the lease from 2005 to 2010 when the lease expires under current documentation.

Item 12.5.8 continued

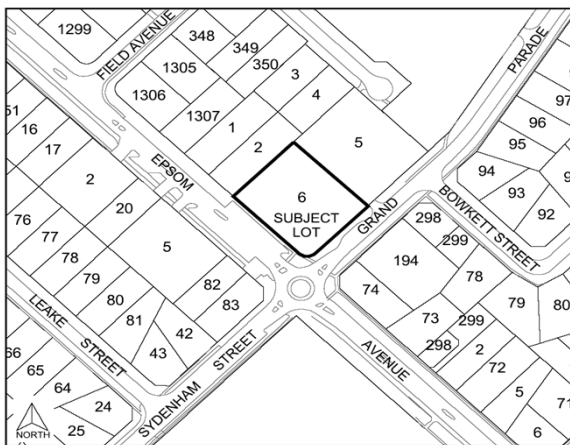
On 15 August 2006 Patson Enterprises Pty Ltd addressed correspondence to the City seeking a change to the conditions upon which their rent is calculated. They are seeking a reduction of the rent payable from an amount based on the Centre being able to cater for 70 child care places, for which the premises are licensed under the Community Services Act 1972 (License # 3423), to an amount based on the provision of 50 child care places. In this correspondence Patson Enterprises also state that they are prepared to spend approximately \$100,000 on the buildings if Council grants them a further 5+5+5+5 year lease.

Officer Recommendation Summation

Due to the ongoing financial and social implications of the proposal, the suggested changes to the existing rental agreement between Patson Enterprises Pty Ltd and the City of Belmont are not supported.

LOCATION

Lot 6 (1) Grand Parade, Redcliffe

**APPLICANT**

Patson Enterprises Pty Ltd

FILE REFERENCE

70 / 007 Lease of Council Property

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

*Item 12.5.8 Continued***VOTING REQUIREMENT**

Simple Majority Vote

CONSULTATION

This matter has not been subject to community consultation as the lease rental amount is regarded as operational.

STRATEGIC PLAN IMPLICATIONS

BUSINESS EXCELLENCE: *“Operate Council’s land and facilities portfolio as a capital efficient investment”*

POLICY IMPLICATIONS

C3.8.1 – Asset Management *“Provide a framework for implementing Asset Management to enable a consistent, co-ordinated and strategic approach at all levels of Council.”*

STATUTORY ENVIRONMENT

The Deed of Lease between the City of Belmont, Patson Enterprises Pty Ltd and Guarantors Gerard and Lina Dornford provides the contractual framework against which this item must be considered.

BACKGROUND

In 2006 an independent valuation of the market value of the Belmont Child Care Centre was conducted by an appointed valuer, Mr Graham Kennedy FAPI, from Jones Lang La Salle. The valuation was based on a calculation of the value per licensed child place multiplied by the number of places. This valuation concluded that an appropriate price per placement at that time for the Centre was \$850 per child. When multiplied by the licensed number of 70 child places an annual rental of \$59,500 (ex GST) was set for the 05/06 financial year.

Based on the agreed annual rental increase, as derived from the Consumer Price Index (CPI) the rental for 2006/07 should increase to \$61,999 per annum.

During 2006 the City was contacted by Patson Enterprises with a request that the number of licensed child places at the Centre be reduced from 70 to 50, with a resultant reduction in the annual rental level. The primary reason for this request is an assertion that the Centre has never run at full capacity and that the average level of demand is for 50 places.

Should the number of child care places upon which the rental is determined be reduced to 50, as requested by the lessees, the annual lease income to the City in 2006/07 will be \$44,285 (ex GST), which would result in a loss of potential income to the City of \$17,714 for that year.

Item 12.5.8 Continued

The Lessees offer to extend the lease arrangements for a further period of four (4) five year terms [5+5+5+5] will extend the lease arrangements from the current expiry date of 2010 until 2030. It is assumed that the future rental calculation would be based on their proposed provision of 50 child places rather than 70 places. The differences in revenue to Council between a Centre providing 70 places vs a Centre providing 50 places until 2030, based on annual rental increases of 4.2% CPI, are shown here. In summary, the total amount of foregone revenue would be \$710,358, which is a far a greater concession than the proposed expenditure by the Lessees of \$100,000 on the existing premises.

Financial Year	Rental based on 70 places	Rental based on 50 places	Difference
2006/07	\$ 61,999	\$ 44,285	\$ 17,714
2007/08	\$ 64,603	\$ 46,145	\$ 18,458
2008/09	\$ 67,316	\$ 48,083	\$ 19,233
2009/10	\$ 70,144	\$ 50,103	\$ 20,041
2010/11	\$ 73,090	\$ 52,207	\$ 20,883
2011/12	\$ 76,159	\$ 54,400	\$ 21,760
2012/13	\$ 79,358	\$ 56,684	\$ 22,674
2013/14	\$ 82,691	\$ 59,065	\$ 23,626
2014/15	\$ 86,164	\$ 61,546	\$ 24,618
2015/16	\$ 89,783	\$ 64,131	\$ 25,652
2016/17	\$ 93,554	\$ 66,824	\$ 26,730
2017/18	\$ 97,483	\$ 69,631	\$ 27,852
2018/19	\$ 101,577	\$ 72,555	\$ 29,022
2019/20	\$ 105,844	\$ 75,603	\$ 30,241
2020/21	\$ 110,289	\$ 78,778	\$ 31,511
2021/22	\$ 114,921	\$ 82,087	\$ 32,835
2022/23	\$ 119,748	\$ 85,534	\$ 34,214
2023/24	\$ 124,777	\$ 89,127	\$ 35,651
2024/25	\$ 130,018	\$ 92,870	\$ 37,148
2025/26	\$ 135,479	\$ 96,771	\$ 38,708
2026/27	\$ 141,169	\$ 100,835	\$ 40,334
2027/28	\$ 147,098	\$ 105,070	\$ 42,028
2028/29	\$ 153,276	\$ 109,483	\$ 43,793
2029/30	\$ 159,714	\$ 114,081	\$ 45,632
Total Difference by 2030			\$710,358

During late 2006 the City undertook an assessment of its conduct with regards to the management of the lease for the Belmont Child Care Centre.

In accordance with the City's Code of Conduct 7.5.2 (D) – Prescribed dealings with the City – which states;

“The City will refer a Council report about a prescribed dealing to an independent contractor for probity and compliance review before it is presented to Council “

Item 12.5.8 Continued

The Chief Executive Officer instructed that an independent contractor be appointed to review the process undertaken for the rent review and the request from the Lessees to have the rent revised. As a result an independent consultant with extensive Local Government experience, Mr John Gilfellon, was contracted to provide independent and informed advice to the City. This advice was to be based on an assessment of whether actions taken to date with respect of the rental determination for Belmont Child Care Centre have been conducted in a fair and reasonable manner which takes into account:

- the requirements of the lease;
- the appropriateness of our expectation that the rental valuation for the Centre be based on the full use of the facility;
- the need to ensure an appropriate level of financial return to the City's ratepayers through the lease of Council owned commercial premises; and
- the need to ensure that Belmont residents have adequate access to childcare.

An extract of the report from John Gilfellon is included here:

"After reviewing the City's documentation, and based on my experience of undertaking numerous inquiries and reviews into local government processes and procedures during my thirteen years with the Department of Local Government, I have concluded that the City of Belmont, through its elected members and officers, has at all times acted in a fair and reasonable manner in its dealings with Patson Enterprises Pty Ltd (the Lessee) in relation to the extension of the lease for the Child Care Centre at Lot 6 Grand Parade, Redcliffe. The City has provided procedural fairness to the Lessee and always expressed its willingness to abide by the decision of the independent valuer engaged under the terms of the Lease to assess the annual market rental value of the lease of the Centre.

The City has on all occasions sought independent professional advice where it did not have the expertise within its officers and has ensured the probity of the negotiation process.

The Lessee has objected to the market rental value being determined on the seventy child care places for which the Centre is licensed and wants it determined on the average of the fifty registrations the Centre operates with.

In determining the City's position, the Council must at all times act in the best interests of its residents and ratepayers and not in the interests of individuals or single entities. I therefore believe that it is reasonable for the Council to take the position that the lease must be based on the capacity level of the Centre and not on the operation or reduced license level. To do otherwise would be against the best interests of the residents and ratepayers who effectively own the asset and would suffer from a reduction in services or increased contributions if the maximum return is not achieved.

Basing the annual rental income on the number of child care places as determined by the Lessee could be perceived as allowing the Lessee to set their own level of rent. This would be unfair to the residents and ratepayers and on other child care centre operators in the commercial market who are required to pay full market rental."

The complete report is attached.

*Item 12.5.8 Continued***OFFICER COMMENT**

The request by Patson Enterprises to reduce the number of child care places upon which their rental is calculated, and to extend the length of the lease, must be considered against both: the City's strategic objective of operating Council's land and facilities portfolio as a capital – efficient investment; and the fact that the centre is licensed for 70 places.

Evidence indicates that the demand for child care places is greater than current supply. In June 2005 the Australian Bureau of Statistics reported a national shortfall of 188,400 formal child care places. Further, the City has received several applications from aspirant Child Care providers during recent times, indicating that there is local demand for child care places.

Notwithstanding the financial implications of agreeing to reduce the number of places provided through the Belmont Child Care Centre it can be considered that this reduction would also have a negative impact on the general Belmont community through a reduction in available child care.

FINANCIAL IMPLICATIONS

The original lease of the premises was the subject of a successful tender by the lessees and the value of the lease has been confirmed recently by the commissioning of an independent valuer, as appointed by the Australian Property Institute, to determine the current market rental for the premises. Any agreement to a reduction of rental will unfairly disadvantage the City of Belmont. Based on an estimated annual rental increase of 4.2% CPI this disadvantage could be as high as \$710,000 by 2030.

ENVIRONMENTAL IMPLICATIONS

Nil.

ATTACHMENT DETAILS**Attach. No. Details**

BEXB Attach 24 Revision Report – Belmont Child Care Centre

Item 12.5.8 Continued**POWELL MOVED, MARKS SECONDED, that Council:**

1. ***Continue to expect that the Belmont Child Care Centre has an operating capacity of 70 places and that all rental determinations be based on that number of places.***
2. ***Decline the offer to extend the lease arrangements for the Belmont Child Care Centre for a further period of four (4) five year terms [at 5+5+5+5].***
3. ***Authorise the Chief Executive Officer to undertake all matters as arising with respect to these recommendations.***

****9.34pm** Cr Bass departed the meeting

Acting Chief Executive Officer Comment

As the Mayor put the vote on this item, Cr Bass proceeded to leave the Council Chambers. There was some confusion as to the exact location of Cr Bass as the Mayor called the vote. As Cr Bass was now no longer in Chambers, the Manager Governance advised to rectify any confusion that the Mayor ask for a show of hands again to indicate the outcome of the vote for the minute records. Council put the officer recommendation to a second vote which was put and voted on as follows:

POWELL MOVED, MARKS SECONDED, that Council:

1. ***Continue to expect that the Belmont Child Care Centre has an operating capacity of 70 places and that all rental determinations be based on that number of places.***
2. ***Decline the offer to extend the lease arrangements for the Belmont Child Care Centre for a further period of four (4) five year terms [at 5+5+5+5].***
3. ***Authorise the Chief Executive Officer to undertake all matters as arising with respect to these recommendations.***

CARRIED 8 VOTES TO 0

****9.35pm** Cr Bass returned to the Meeting

****9.35pm** Cr Hitt returned to the Meeting

12.5.9 LATE ITEM – Local Government Amendment Bill No.2 2006 – Submission to Parliamentary Standing Committee on Environment and Public Affairs – Proportional Preferential Voting******BEXB Attachment 25 – Item 12.5.9 refers**

Report by Corporate & Governance Division

DATE

14 February 2006

PURPOSE OF REPORT

To seek endorsement of the draft submission to the Parliamentary Standing Committee on Environment & Public Affairs on the Local Government Amendment Bill No.2 2006, dealing specifically with the proposed introduction of proportional preferential voting to local government.

COUNCIL ROLE**Advocacy**

Council undertakes an advocacy role when it advocates on its own behalf or on behalf of its community to another level of government or another body or agency.

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

The Local Government Amendment Bill No.2 2006 proposes to change local government voting to the proportional preferential system. The amendment bill has been directed by Parliament to the Standing Committee for Environment & Public Affairs for consideration of the policy of the bill. Submissions to this Committee close on 23 February 2007.

A draft submission is provided as an attachment for Council's consideration.

Officer Recommendation Summation

Recommends for endorsement of the draft submission to be forwarded to the Parliamentary Committee by 23 February 2007.

LOCATION

Not applicable.

*Item 12.5.9 Continued***APPLICANT**

Not applicable.

FILE REFERENCE

44/006

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority.

CONSULTATION

Internal Consultation has occurred with relevant officers and information from a range of sources reviewed.

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan Implications.

POLICY IMPLICATIONS

There are no policy implications evident.

STATUTORY ENVIRONMENT

The Local Government Act Amendment Bill No.2 2006 proposed by the State Government will, if passed, have substantial impact for the conduct of local government elections.

BACKGROUND

The Local Government Advisory Board undertook a survey / questionnaire of the local government industry in late 2005 / early 2006 regarding a range of structural reforms and subsequently published their report in April 2006. Arising from this report was a recommendation to change local government elections from May to October.

This change of local government election scheduling and the proposal to change to Proportional Preferential Voting, was included in the Local Government Amendment Bill 2006, which was introduced to State Parliament in September 2006.

Item 12.5.9 Continued

However the specific amendments to change the method of voting in local government elections to Proportional Preferential Voting had not been publicised as an outcome of the Local Government Advisory Board Structural Reform report nor subject to consultation with the local government industry and our respective communities.

Council considered these proposed electoral amendments, through Ordinary Council Meeting held 17 October 2007 (refer item 11.5.4), where it was resolved:-

That Council:-

- 1. Supports the proposal to move the date for the conduct of elections from May to October.*
- 2. Opposes the proposal to change from a first past-the-post voting system to a system of proportional representation for the reasons outlined in this report.*
- 3. Opposes the introduction of tickets for Local Government elections for the reasons outlined in this report*
- 4. Authorises the Mayor and Chief Executive Officer to lobby State politicians and other relevant agencies in accordance with Council's adopted position.*
- 5. Supports a motion of no confidence as follows:*

"We the elected Councillors of the City of Belmont hereby express our concern and alarm at the unilateral decision of the State Government to include provisions in the Local Government Amendment Bill 2006 to impose and apply a proportional-preferential voting system to Local Government elections.

We believe that the proposed changes to the voting system will lead to factionalism and party politics in Local Government, will result in decreased voter turn-out, increased informal votes and will impose substantially higher election costs on our communities.

We believe that the proposed changes to the voting system have been developed in contravention of the State Local Government Partnership Agreement and effectively contravene the intent of a tripartite Inter Governmental Agreement recently signed by the Commonwealth, all State and Territory Governments and the Australian Local Government Association.

We believe these actions to be unacceptable to the Local Government sector and to the Western Australian community at large and that the Minister for Local Government must be held accountable for them.

Item 12.5.9 Continued

Therefore, we declare that we have no confidence in the Hon Jon Ford JP MLC to continue to represent the Local Government portfolio."

The level of concern raised by the local government industry resulted in State Parliament splitting the Local Government Amendment Bill 2006 into two separate bills, effectively withdrawing the proposal to change local government elections to proportional preferential voting into the second bill.

The Local Government Amendment Bill 2006 was assented to on 8 December 2006.

The Local Government Amendment Bill No.2 2006, which contains the proposed voting changes, was referred by Parliament to the Standing Committee on Environment and Public Affairs on 23 November 2006 for them to consider the policy of the Bills.

In early January we received advice from the WA Local Government Association, that submissions to the Parliamentary Committee were open until 2 February 2007.

The Department of Local Government and Regional Development advised in their Circular No.1/2007 that submissions would now close on 23 February 2007.

OFFICER COMMENT

The draft submission is provided as an attachment to this report.

The submission explores the range of considerations included in the report considered by Council at the Ordinary Council Meeting held 17 October 2006 (refer Item 11.5.4) and includes commentary submitted on Council's behalf.

FINANCIAL IMPLICATIONS

If the proposed change to proportional preferential voting is implemented for the local government industry there is potential for the City's electoral administrative costs to increase.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BEXB 25	Draft Submission to Standing Committee on Environment and Public Affairs – Local Government Amendment Bill No. 2 2006

*Item 12.5.9 Continued***OFFICER RECOMMENDATION**

1. That the draft Submission to Standing Committee on Environment and Public Affairs – Local Government Amendment Bill No. 2 2006 as shown in full in the attachment to this report be endorsed, including specifically the Summation:-

The City of Belmont asks the Standing Committee on Environment & Public Affairs to give due consideration to concerns and considerations outlined in this submission and to note that at this time we remain opposed to a change from the 'First Past the Post' method of local government elections.

We submit that this legislation should not proceed until the proposal to implement Proportional Preferential Voting, has been submitted to consultation, review and analysis in terms of benefit, detriment and costs across the local government industry, in accordance with the Communications and Consultations Partnership Agreement.

2. That the Submission to Standing Committee on Environment and Public Affairs – Local Government Amendment Bill No. 2 2006 be forwarded for receipt by the Committee by 23 February 2006.

Chief Executive Officer Comment

The Mayor advised Council that a typographical area marked as footnote 3 to this item had been discovered since the circulation of the Agenda for this meeting.

The following amended motion was subsequently put and voted on as follows:

MARKS MOVED, WHITELEY SECONDED,

1. *That the draft Submission to Standing Committee on Environment and Public Affairs – Local Government Amendment Bill No. 2 2006 as shown in full in the attachment to this report be endorsed, including specifically the Summation:-*

The City of Belmont asks the Standing Committee on Environment & Public Affairs to give due consideration to concerns and considerations outlined in this submission and to note that at this time we remain opposed to a change from the 'First Past the Post' method of local government elections.

We submit that this legislation should not proceed until the proposal to implement Proportional Preferential Voting, has been submitted to consultation, review and analysis in terms of benefit, detriment and costs across the local government industry, in accordance with the Communications and Consultations Partnership Agreement.

2. *That the Submission to Standing Committee on Environment and Public Affairs – Local Government Amendment Bill No. 2 2006 be forwarded for receipt by the Committee by 23 February 2007⁵.*

CARRIED 10 VOTES TO 0

⁵ 2006 changed to 2007

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER**13.1 INFORMATION BULLETINS**

The following Elected Members Bulletin was distributed to Councillors:

Elected Members Bulletin 22 December 2006.

BRENNAN MOVED, MARTIN SECONDED, that the information provided to all Councillors and listed in the following Elected Members Bulletin be noted and received:

Elected Members Bulletin 22 December 2006.

CARRIED 10 VOTES TO 0

For: Godfrey, Marks, Bass, Rossi, Martin, Hitt, Powell, Teasdale, Whiteley, Brennan
Against:

13.2 REQUESTS FOR LEAVE OF ABSENCE

Cr Godfrey 4 May 2007 to 27 May 2007 inclusive.

POWELL MOVED, BRENNAN SECONDED, that the following request for Leave of Absence be approved –

Cr Godfrey 4 May 2007 to 27 May 2007 inclusive.

CARRIED 10 VOTES TO 0

ROSSI MOVED, BRENNAN SECONDED, that the following request for Leave of Absence be approved –

Cr Bass 27 February to 16 March 2007 inclusive.

CARRIED 10 VOTES TO 0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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

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

(The correct part of the LG Act needs to be stated after the heading - dependant on what the matter relates to, explaining why the meeting needs to go behind closed doors).

e.g. Confidential Matter in accordance with Section 5.23(2)(a)

e.g. Confidential Matter in accordance with Section 5.23(2)(c)&(e)(ii)

Nil.

15. CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 9.40pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 20 February 2007 were confirmed as a true and accurate record at the Ordinary Council Meeting held 13 March 2007:

☐ Without amendment

☐ With amendment

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____
