City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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20 May 2008

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ATTACHMENTS INDEX

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 20 MAY 2008, COMMENCING AT 7.03 PM.

MINUTES

PRESENT

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

IN ATTENDANCE

Mr S Cole	A/Chief Executive Officer
Mr R Lutey	Director Technical Services
Mr R Garrett	A/Director Corporate & Governance
Mr J Olynyk JP	Manager Governance
Ms J Gillan	Manager Planning Services
Ms L Gasper *(Departed 7.49pm)*	A/Manager Property & Economic Development
Mr M Ridgwell	Principal Governance & Compliance Advisor
Ms G Carlucci	Governance Officer

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.03pm, welcomed those in attendance and invited Cr Powell to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Powell read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Councillors and Officers of the City of Belmont. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability. We will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

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2. APOLOGIES & LEAVE OF ABSENCE

2.1 Apologies

Mr N Deague Director Community & Statutory Services

2.2 Leave of Absence

Nil.

3. DECLARATIONS OF INTEREST

3.1 Financial Interests

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

3.2 Disclosure of Interest That May Cause A Conflict

Name	Item No. & Title
Nil.	

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

4.1 ANNOUNCEMENTS

This Presiding Member made the following announcements –

On the 30 April 2008 a petition bearing 21 signatures was received which reads as follows–

“We, the undersigned, electors of the City of Belmont request council to consider the proposed below and implement immediate measures to control excessive traffic into Lakewood Avenue.

Council has a duty of care to protect the residents from;

- *Speeding Traffic*
- *Increased Noise*
- *Compromised Safety (Zero Setback)*
- *These are the result from the modifications to Grandstand and Resolution which has caused excessive traffic into Lakewood Avenue now used as a shortcut.”*

The petitioners seek closure of the south west end of Lakewood Avenue to ensure traffic diverts to Waterway Crescent.

Traffic counts on the affected streets have commenced and results will be considered as part of the upcoming officer investigations.”

***POWELL MOVED, BRENNAN SECONDED,* That the petition be received and that following investigation a report be presented to Council for its consideration.**

CARRIED 11 VOTES TO 0

7.08pm The Presiding Member drew the public gallery's attention to the Disclaimer and the Manager Governance read the Disclaimer aloud.

4.2 DISCLAIMER

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

Nil.

4.4 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 13.1

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Mr R Fraser, 24/152 Great Eastern Highway, Ascot

The following question was taken on notice at the Ordinary Council Meeting of 22 April 2008.

"Would the Mayor please advise whether the Council is currently holding any charges at all against the 'Grove Farm Trust Land 'and if so would the Council please advise the total amount of these charges?"

The response from the City is recorded accordingly –

The City of Belmont has been recording the costs attributable to the care and maintenance of the Trust Land since 1 July 2001. The costs incurred by the City to 6 May 2008 total $219,521. These costs are not a charge on the land, but may be recoverable by the City from the Trust at some future date.

5.1.2 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe

(On behalf of the Belmont Residents/Ratepayers Action Group (BRRAG) Inc.)

The following questions were taken on notice at the Ordinary Council Meeting of 22 April 2008. The responses from the City are recorded accordingly –

"Will Councillors please consider as a matter of urgency, restoring, to the Residents and Ratepayers of the City, the full amenity of the Grove Farm Trust Land?"

This is a matter for the Trust to consider, as it would need to decide how it will secure the necessary funds to carry out any development, for recreational based buildings or parkland.

"Will Councillors also consider a call by Belmont Residents and Ratepayers for a full independent audit of Public Open Space in the City of Belmont and compare with population/housing density levels in the City in 1998, in 2008 and in 2018?"

The City has a full and comprehensive record of its public open space and is aware of how this relates to the needs of current and predicted future populations. A report on the City's Public Open Space is being completed with the current review of the Town Planning Scheme.

"Will Councillors please consider a suggestion that lit bollards be used on the 'nib' in front of Kooyong Road shops as a means of preventing trucks/high vehicles from driving over the 'nib' and the resulting damage to shop awnings?"

The City is about to implement a short term treatment to prevent trucks that park in contravention of the signage at the Kooyong Road shops from striking the awnings. The treatment includes a nib island with bollards.

"Will Council please re-consider the proposed $2.7 million Garvey Park Foreshore 'Restoration' Plan by calling for public submissions that include addressing the major problems of boat wave wash combined with tidal and seasonal variable wave wash height with the loss of protective river rushes (by monitoring river acid levels: likely from the exposure of acid sulphate soils by the draining and filling of Perth airport seasonal Wetlands, as a reason for the death of the river rushes in the area). (Airport main drains empty into the Swan River north and south of Garvey Park)?"

The City believes that all relevant matters have been taken into account in the preparation of the Garvey Park Foreshore Restoration Plan.

"Will Councillors please consider instituting a spot-spray-only weed spraying policy on an 'as-needed-only-basis' rather than the present blanket spraying of kilometres of Belmont footpath and kerbing (with not a weed in sight) and (only this morning) in the rain – with Schedule 5 Roundup Glyphosate? Only? (as confirmed today by your John Christie) weedicide then washed directly into the Swan River?"

The City's weed spraying programme is regularly reviewed to ensure best practice. Gutters and paths are not blanket sprayed; where weeds are present, the area is sprayed, otherwise it is not.

"Will Councillors please re-visit the Springs 'development' proposal to ensure the retention of (the many) existing magnificent trees in public open space including 'Tolkein's Tree'; a superb Moreton Bay Fig (Tree 212) 100 feet or 33 metres across it's canopy, with an (insufficient) nine metre non-disturbance zone at present? "

The significance of the Moreton Bay Fig tree has been recognised in the Arboricultural Assessment prepared by Arbor Logic, February 2006 and has been reflected in Council's Local Planning Policy No. 31 - The Springs Design Guidelines. LPP No. 31 requires retention of the tree and has specific protective recommendations for when development occurs on the lot. The 9-metre 'Recommended Preservation Zone' was specified by a professional arboriculturist and has been accepted by Council. Any additional requirements and/or recommendations can be considered by Council at the time of development application.

5.1.3 Mr M Stanton, 17 Thompson Street, Ascot

The following questions were taken on notice at the Ordinary Council Meeting of 22 April 2008. The responses from the City are recorded accordingly –

"Does the owner of the Inn own up to the river, if not who does as the fence does not surround this side of the Inn?"

The responses from the City are recorded accordingly –

A search of the Certificate of Titles for this site show:

- *The boundary of Lot 112 (1-13) Epsom Avenue does not extend to the edge of the River. Reserve 28420 (4) Ascot Place adjoins Lot 112 and extends to the edge of the River. The foreshore area, Reserve 28420, is owned by the Crown (State of WA) and is vested in the City of Belmont for the purpose of public recreation.*
- *Lots 13 and 14 (1-13) Epsom Avenue both extend to the edge of the River and are owned by Epsom Developments Pty Ltd.*

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.08pm The Presiding Member welcomed those in the gallery and open public question time.

5.2.1 Mr R McDonald, 5/51 Riversdale Road, Rivervale

"In the past week it has been reported via the media that many Councils in W.A have incurred monetary losses of late, on investments made, did Belmont Council suffer any losses, if so what amount?"

The A/Chief Executive Officer responded as follows -

"It is the City's understanding that the cases of investment losses reported recently in the media were related to investments to which the City of Belmont has no direct exposure. Those Councils that have suffered actual losses of invested money had a direct exposure to the US Sub Prime Market through products known as CDOs. The City of Belmont has not purchased any CDOs. Recent widened credit spreads and global investment conditions have resulted in significantly reduced returns in most investment categories other than cash deposits. The City of Belmont undertakes its investment decisions in accordance with the legislated requirements and acts on independent advice in accordance with the Trustees Act as any prudent person would.

Despite this, the recent performance of the City's investments has been impacted by the market situation that has resulted in significantly reduced returns. In accordance with this change in investment performance, the City has, as part of its March Budget Review, revised its expected nett revenue also referred to as returns from investments for 2007/2008 downwards from $975,000 to $400,000 . This reduction relates to investment performance not lost investments. As investment performance has improved in the last month, this is expected to be the full extent of any impact the recent investment market problems will have on the City. Recent investment reports show that the investment market is recovering and the outlook for 2008/2009 is becoming more positive."

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

"With reference to item 5.2.1 of OCM 22/04/08 and regarding the $ 219,521 cost incurred by the Council, would the Mayor please advise, since the amount is quite large, a breakdown of costs incurred under the categories of legal, mowing, fencing and any other relevant category?"

The Presiding Member took this question on notice.

5.2.3 Mr R Birch, 195 Knutsford Avenue, Kewdale

"Will Council please bring in laws, bylaws, rules (whatever you call it) to make it obligatory for any organisation providing shopping trolleys in the precincts of the City of Belmont, to incorporate a coin deposited system for such shopping trolleys?"

The Presiding Member took this question on notice.

5.2.4 Mr Harris, 135 Kew Street, Kewdale

(On behalf of the Belmont Residents/Ratepayers Action Group (BRRAG) Inc.)

With reference to the questions and responses outlined in 5.1.2. -

"Councillors, why has it taken the (Belmont) Trustees some ten years to decide how it will secure the necessary funds to restore to public amenity the (Grove Farm) Trust Land?"

The Presiding Member took this question on notice.

"Why wasn't a decision made and a securing of funds necessary for the restoration of public amenity made before the demolition of Parry Field Baseball Stadium was allowed to take place?

The Presiding Member took this question on notice.

"Councillors, what is the expected timeline for the completion of the 'report on the City's Public Open Space' referred in Councils response above? "

The Presiding Member took this question on notice.

"Will that report contain 'a full independent audit of Public Open Space' and a comparison with past, present and future population and housing density levels in the City of Belmont, as previously requested by the Ratepayers of the City?"

The Presiding Member took this question on notice.

5.2.5 Mr R Broinowski, 66 Armadale Road, Rivervale

"Will Council seriously consider the aging community and retirees in a survey to consider part time work opportunities with their communities?"

The Presiding Member took this question on notice.

5.2.6 Ms M Bass, 77 Keymer Street, Belmont

"As Federal, State and Local governments encourage aging populations to engage in exercise and walking, will Council consider opening up all toilet facilities for the aging population in Belmont?"

The Presiding Member took this question on notice.

5.2.7 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe

(On behalf of the Belmont Residents/Ratepayers Action Group (BRRAG) Inc.)

With reference to the questions and responses outlined in 5.1.2. –

"Councillors, when was the City's weed spaying programme last reviewed?"

The Presiding Member took this question on notice.

"What changes were made as a result of that review?"

The Presiding Member took this question on notice.

"Is Council's contractor still paid on a per lineal metre, and, per square metre, basis?"

The Presiding Member took this question on notice.

"What managements protocols have been instituted to ensure that all unnecessary spraying (where weeds are not present and/or in the rain) does not occur?"

The Presiding Member took this question on notice.

"How can Council/Ratepayers be certain that the chemicals being sprayed are actually mixed and applied as specified in the contract?"

The Presiding Member took this question on notice.

"How can Council be certain chemicals being applied to this City in your name are not manufactures in countries whose manufacturing controls are insufficient to prevent dioxin in the product?"

The Presiding Member took this question on notice.

"Councillors, what is the likely timeframe for receipt by Council of the development application for 'The Springs' development?"

The Presiding Member took this question on notice.

"What percentage of the total Springs development will be required by Council to be retained as public open space?"

The Presiding Member took this question on notice.

"Can or will Council require the developer to retain existing mature trees as part of that public open space?"

The Presiding Member took this question on notice.

"Will Council ensure that Tree 212 known as 'Tolkein's Tree has full protection by extending the present 9-metre 'Recommended Preservation Zone' to at least the full extent of Tree 212's canopy?"

The Presiding Member took this question on notice.

"Will Councillors, please reconsider and modify the medium island layout for the T Junction of First Street with Coolgardie Avenue, which gives priority through traffic and encourages drivers to continue to break the law and to speed through a 50km/hr residential area, to bypass the traffic light controlled intersection at Brearley Avenue/Great Eastern Highway, and, to ignore the clear intent expressed in Council's signs (in First Street at Brearley and in Coolgardie Avenue at Great Eastern Highway), that state; 'local traffic only."

The Presiding Member took this question on notice.

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 22 APRIL 2008
(Circulated under separate cover)

WHITELEY MOVED, ROSSI SECONDED ***That the minutes of the Ordinary Council Meeting held on 22 April 2008 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 6 MAY 2008
(Circulated under separate cover)

WOLFF MOVED, BRENNAN SECONDED ***That the minutes for the Special Council Meeting held on 6 May 2008 as circulated in the attachment, be received and noted.***

CARRIED 11 VOTES TO 0

6.3 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 13 MAY 2008**
****Council Attachment 1 – Item 6.2 refers**

POWELL MOVED, WHITELEY SECONDED ***That the Information Matrix for the Agenda Briefing Forum held on 13 May 2008 as circulated in the attachment, be received and noted.***

CARRIED 11 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

Item 12.1.1 Continued

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1.3 was withdrawn at the request of Cr Marks.

***BRENNAN MOVED, WHITELEY SECONDED,* that with the exception of Item 12.1.3 which is to be considered separately, the Officer Recommendations in the Built Belmont Key Result Area Report, specifically Items 12.1.1, 12.1.2 and 12.1.4, be adopted en bloc.**

CARRIED BY ABSOLUTE MAJORITY 11 VOTES TO 0

12.1 BUILT BELMONT

12.1.1 Lot 86 (148) Epsom Avenue, Belmont – 143/2008/DA – Additions to an Existing Shop (Epsom Pharmacy)

Report by Community & Statutory Services Division

DATE

29 April 2008

PURPOSE OF REPORT

To consider a development application that proposes additions to an existing shop (Epsom Pharmacy) located at Lot 86 (148) Epsom Avenue, 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

- Lot 86 (148) Epsom Avenue, Belmont is located within the Epsom Avenue Neighbourhood Commercial Centre.
- The existing and proposed development requires a total of 12 car parking bays. However, due to the layout of the existing building on Lot 86, parking is not able to be provided on-site.

Item 12.1.1 Continued

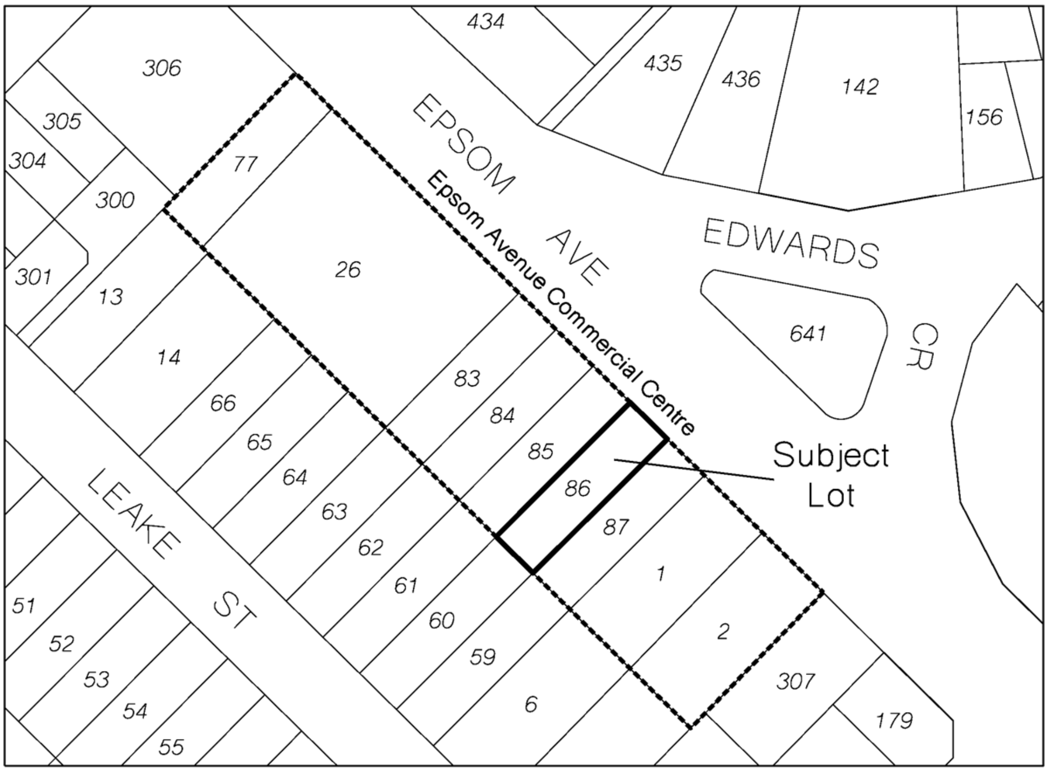
- There are 56 car parking bays available off-site for reciprocal use by the whole Commercial Centre.
- Council has an option to seek a cash-in-lieu contribution for the on-site car parking shortfall. It is recommended that cash-in-lieu contributions not be sought for the parking bay shortfall as there is ample off-site parking available.
- The Council is requested to determine the suitability of the proposed extension, with consideration of the use of existing off-site reciprocal use car parking bays in lieu of the provision of on-site car parking bays or a cash-in-lieu contribution.

Officer Recommendation Summation

That Council approve the additions to the shop located at Lot 86 (148) Epsom Avenue, Belmont subject to conditions.

LOCATION

Lot 86 (148) Epsom Avenue, Belmont.



APPLICANT

John Laurito

FILE REFERENCE

143/2008/DA	Application Number
115/001	Subject Folder
P/EPS.148	Property

Item 12.1.1 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required.

CONSULTATION

Category A applications are those that are complete, fully comply, can be approved under delegated authority, need no approval from any other body. Category A applications are classified as such on the basis that they are fully compliant and do not require advertising under relevant legislation.

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

STRATEGIC PLAN IMPLICATIONS

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

BUSINESS 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

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Clause 10.4 of the City of Belmont Town Planning Scheme No. 14 (Scheme) contains provisions for development on Commercial zoned land.

Under the Scheme Table 2 ‘Car Parking Requirements’ a Shop land use requires “6 spaces per 100m2 of NLA”.

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

Deemed Refusal

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

Item 12.1.1 Continued

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

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

The deemed refusal date for this application is 24 May 2008. Should Council defer this item then the deemed refusal rights will arise before the matter is referred back to Council.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

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

BACKGROUND

Owner:	D & R Laurito	**Ward:**	East
Lodgement Date:	25 March 2008	**Use Class:**	'Shop' = P (permitted)
Lot Area:	554m2	**TPS Zoning:**	Commercial
Estimated Value:	$110,000	**MRS:**	Urban

Development Details

On 25 March 2008 J Laurito (on behalf of the owners D & R Laurito) submitted a development application proposing additions to an existing 'Shop' land use at Lot 86 (148) Epsom Avenue, Belmont (Council Ref 143/2008/DA). The additions are to the rear of the existing building and will increase the shop's net lettable area (NLA) from 97m2 to 194m2.

Land Use

The subject lot is zoned 'Commercial' under the City of Belmont Town Planning Scheme No. 14. In the context of the Scheme, the proposed development is classified as a 'Shop' land use. Under Table 1 of the Scheme a 'Shop' land use is classified as "P" (Permitted) within the Commercial zone.

Lot 86 is included in the area known as the Epsom Avenue Neighbourhood Commercial Centre. The City's Local Commercial Strategy provides guidelines for the development or redevelopment of Neighbourhood Centres. The Strategy recommends that there should not be significant expansion of shop retail floor space within Neighbourhood Commercial Centres.

Parking

Based on the operative Scheme's parking requirements for a 'Shop' land use, parking calculations are as follows:

Item 12.1.1 Continued

DEVELOPMENT	NET LETTABLE AREA (NLA)	BAYS REQUIRED
Shop - Existing	97m2	6
Shop - Additions	97m2	6
TOTAL (Existing and Additions)	194m2	12

Due to the layout of the existing building on Lot 86 vehicle access to the rear of the property is restricted. Specifically, there is no direct access from a constructed road. There is a possibility of access via the rear of adjoining lots, however as there is no reciprocal-rights-of-access easement in place then this access is reliant on the ongoing goodwill of adjoining land owners. As such, parking for the existing and proposed development cannot be provided on-site.

There are currently 12 businesses operating from the Epsom Avenue Commercial Centre. Provision of parking for the entire Centre includes:

- 56 off-site reciprocal use car parking bays (inclusive of 1 ACROD bay) and 2 motorcycle bays which are located within the Epsom Avenue and adjacent Edwards Crescent road reserves, and adjacent Lot 641 (No. 0) Edwards Crescent (which is owned by the City of Belmont).
- 17 on-site parking bays (inclusive of 1 ACROD bay) located on Lot 26 (Strata Lots 1-8, No. 132A-H) Epsom Avenue. These are for the sole use of the 5 businesses on Lot 26.
- Lot 88 (142) and Lot 1 (152) Epsom Avenue have vehicle access to the rear of their respective sites, which is used for some truck deliveries and occasionally staff parking.

Given the abovementioned reciprocal use of the 56 off-site parking bays a number of site inspections have been undertaken to observe the parking capacity during various times of the day. The results are presented in the following table:

Date & Time	Number of Cars	Capacity (Percentage)
Friday 18 April 2008 (11.15am)	23	41.07%
Friday 18 April 2008(2.00pm)	30	53.57%
Thursday 24 April 2008 (12midday)	29	51.79%
Thursday 24 April 2008 (3.00pm)	32	57.14%
Saturday 26 April 2008 (10:00 am)	22	39.29%
Saturday 26 April 2008 (12 midday)	28	50%
Total (Average)	27.33	48.81%

<u>Cash-in-Lieu of Parking</u>

Where an application proposes a parking shortfall the Council may consider imposing a condition for a cash-in-lieu contribution. This is usually applied where parking on-site is already at a maximum or there is no provision for additional on-site parking. The cash-in-lieu contribution is taken by the City and then used to create new parking bays in a nearby associated location.

Item 12.1.1 Continued

For example, at the Ordinary Council Meeting held on 19 December 2006 the Council conditionally approved a development application within the Town Centre which included imposing a condition requiring cash-in-lieu for a parking shortfall (Item 12.1.6 refers).

The planning approval for Alterations and Additions to the Belmont District Shopping Centre at Lot 902 (222) Belmont Avenue Cloverdale included the following condition:

"7. Cash-in-lieu of eight (8) car parking bays at a rate of $4,900 per bay, or such lesser amount as agreed by the Director-Technical Services, to be paid to the Council prior to the issue of a building licence for expenditure towards the provision of additional car parking in the Town Centre area."

(Council Application Number 463/2006/DA)

Power Supply

This site has under ground power. There are no power poles along the frontage of the site.

OFFICER COMMENT

Land Use

With reference to the City's Local Commercial Strategy it is considered that, in terms of the whole Epsom Avenue Commercial Centre, the proposed additions do not represent a significant increase in retail floor area. As such, the proposal will not impact on the objectives of the City's Local Commercial Strategy for Neighbourhood Centres.

Parking & Cash-in-Lieu

As described in the Background section, the existing development requires 6 car parking bays, and the proposed additions require a further 6 car parking bays. However, given the layout of the development car parking can not be accommodated on-site.

As stated in the Statutory section, Clause 10.9.4.3 of the Scheme enables the Council to consider any nearby existing or proposed parking facilities. In this instance there are 56 off-site reciprocal use bays available for the whole Epsom Avenue Commercial Centre. It is proposed that the reciprocal parking areas can accommodate the parking requirements for this development.

As detailed in the Background section, site inspections show that the requirement for parking within the off-site reciprocal use bays is currently at approximately 48.81% capacity. This indicates that a minimal increase in retail floor area will not significantly impact on the availability of parking for other businesses within the Epsom Avenue Commercial Centre.

With regard to a possible cash-in-lieu contribution the following options are provided for Council's consideration:

- Allow a concession for the additional 6 bay shortfall given availability of nearby reciprocity of parking; or
- Accept the full 12 bay shortfall on site and require cash-in-lieu for the 6 additional bays.

Item 12.1.1 Continued

It is recommended that the first option be favourably considered by Council. It is considered that the cash-in-lieu contribution may not be requested for the following reasons:

- The cash-in-lieu would need to be used by the City to provide the additional parking bays in a nearby location. However, the adjacent off-site reciprocal parking areas have recently been redesigned and upgraded. At present, it is not considered feasible to provide further parking in this area.
- If the cash-in-lieu is not used for the creation of new bays within a nearby parking facility then the City would not be permitted to utilise the funds elsewhere.
- The cash-in-lieu may not be retained by the City for future upgrading or maintenance works of the nearby parking areas.

Therefore, it is recommended that Council resolve to approve the development application on the basis that:

- The additions do not represent a significant increase in retail floor size and therefore does not compromise the objectives of the City's Local Commercial Strategy.
- The 6 car bay shortfall is not significant and will not impact on the availability of parking for other businesses within the commercial centre; and,
- The development will improve the viability of the commercial centre.

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 12.1.1 Continued

OFFICER RECOMMENDATION

That Council:

1. Support the 6 car bay shortfall at Lot 86 (148) Epsom Avenue, Belmont on the basis that it will not impact on the availability of parking for other businesses within the commercial centre and the development will improve the vibrancy and viability of the commercial centre.

2. Approve planning application 143/2008/DA as detailed in plans dated 25 February 2008 submitted by J Laurito on behalf of the owners D & R Laurito for Additions to an Existing Shop at Lot 86 (148) Epsom Avenue, Belmont subject to the following conditions:

(1) All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's Engineering Requirements and Design Guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from any thing.

(2) The construction and finish of all boundary walls shall be approved by the City prior to or at the time of an application for a building licence.

(3) The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.

3. Pursuant to Clause 9.10 of Town Planning Scheme No. 14 delegate to the Director-Community & Statutory Services or Manager Planning Services the authority to deal with any subsequent amendments for Planning Approval for application number 143/2008/DA as detailed in plans dated 25 February 2008 submitted by J Laurito on behalf of the owners D & R Laurito for Additions to an Existing Shop at Lot 86 (148) Epsom Avenue, Belmont subject to conditions.

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

12.1.2 Lot 23 (122) Grandstand Road, Ascot – Office/Restaurant Development **
****BB Attachment 2 – Item 12.1.2 refers**
****BB Attachment 3 – Item 12.1.2 refers**
****BB Attachment 4 – Item 12.1.2 refers**
****BB Attachment 5 – Item 12.1.2 refers**

Report by Community & Statutory Services Division

DATE

28 April 2008

PURPOSE OF REPORT

To consider an application for an Office/Restaurant Development at Lot 23 (122) Grandstand Road, Ascot.

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

- The proposal is for a six storey Office Development, comprising ground floor parking, lobby and restaurant, parking on the first floor car deck and five floors of office space.

- The proposal complies with 'Mixed Use' zone requirements of Town Planning Scheme No. 14 and proposed Amendment 52 parking requirements.

- The subject property is located within the 'Golden Gateway' business precinct.

- The proposal is in accordance with the vision of an upscale office/mixed use business precinct identified as a priority at the 'Golden Gateway' community workshop, held 6 March 2008 at the City of Belmont.

- The application is required to be determined by Council as the cost is $11 million. Delegation for development applications is limited to less than $4.5 million.

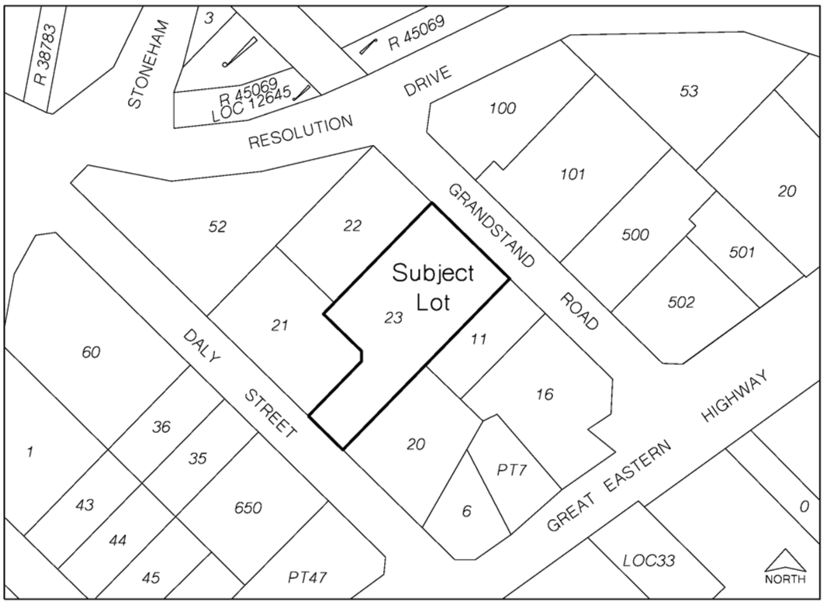
Item 12.1.2 Continued

Officer Recommendation Summation

That Council approve the proposed Office/Restaurant Development at Lot 23 (122) Grandstand Road, Ascot, subject to conditions.

LOCATION

Lot 23 (122) Grandstand Road, Ascot.



APPLICANT

Bollig Design Group

FILE REFERENCE

57/2008/DA

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

Item 12.1.2 Continued

CONSULTATION

Category A applications are those that are complete, fully comply, can be approved under delegated authority, need no approval from any other body. Category A applications are classified as such on the basis that they are fully compliant and do not require advertising under relevant legislation.

STRATEGIC PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

Clause 10.5 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 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 TPS No. 14, Table 1 – Zoning Table, both 'office' and 'restaurant' uses are designated 'D', which means a discretionary use.

Clause 5.8 contains provisions relating to matters to be considered by Council when assessing applications including compatibility, amenity, traffic, landscaping and any relevant submissions received.

Amendment No. 52

Amendment No. 52 seeks to introduce a 'Mixed Business' zone and associated development controls, including replacement of Table 2 – Car Parking Requirements. The amended parking requirement for 'office' use will be one (1) space for every 30m^2 NLA or one (1) space for each employee, whichever is the greater. Parking requirements for 'restaurant' use will remain unchanged at one (1) space for every four (4) seats. Amendment No. 52 was adopted by Council at its meeting held on 28 August 2007 and is awaiting Ministerial approval.

Item 12.1.2 Continued

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 is 7 May 2008. Should Council defer this item then the deemed refusal rights will arise before the matter is referred back to Council.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

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

BACKGROUND

Owner:	M & A Tillett, Startime Pty Ltd and Fatty Holdings	**Ward:**	Central
Lodgement Date:	7 February 2008	**Use Class:**	Office / Restaurant
Lot Area:	3733 m2	**TPS Zoning:**	Mixed Use
Estimated Value:	$11 million	**MRS:**	Urban

Site Description

The subject property is currently the site of O’Meara’s Tavern and drive through bottle shop, which is to be demolished. The lot is flat and encompasses an area of 3733m^2, with frontage on both Grandstand Road and Daly Street. It is situated within the ‘Golden Gateway’ business precinct. The surrounding properties comprise a mix of offices, showroom, and warehouse developments.

History

An application was received on 7 February 2008 for an office/restaurant/residential development which addressed scheme requirements with respect to access, parking and site coverage. Council’s Development Control Group considered the application at its meeting of 9 April 2008. The Group supported the application in principle but raised some concerns regarding potential conflict between the proposed residential use and noise generated by surrounding land uses and odour from the proposed on-site restaurant.

Amended plans were subsequently received on 10 April 2008, which propose replacement of the top floor residential use with office use and an increase in the number of car parking bays on site.

Item 12.1.2 Continued

Proposal

The amended proposal is for a six storey Office/Restaurant Development incorporating ground floor parking, lobby and 170m^2 restaurant, first floor parking, and 4300m^2 of office space located on the upper five floors. A total of 174 parking bays will be provided. Access to the site is from both Grandstand Road and Daly Street, with the primary access being off Grandstand Road. The building will be constructed from painted precast concrete panels with colourback glass and a variety of horizontal coloured metal strip panels expressed aluminium fins. An aluminium louvred screen will conceal the roof platform.

Site plans and elevations are provided in Attachments 2 through 5 of this report.

Power Supply

This site has above ground power.

OFFICER COMMENT

Land Use

The proposed office/restaurant use is consistent with the objectives of the 'Mixed Use' zone and is in accordance with the vision of an upscale office/mixed use business precinct identified as a priority by land owners at the City's 'Golden Gateway' community workshop.

'Golden Gateway'

The 'Golden Gateway' is a business precinct within the City of Belmont bounded by Stoneham Street, Grandstand Drive and the Great Eastern Highway. The area is currently zoned 'Mixed Use' under TPS No. 14 and has enormous potential for significant commercial development due to its excellent location and current demand for high quality office space.

Item 12.1.2 Continued

With this in mind, all property owners within the 'Golden Gateway' were invited to attend a workshop at the City of Belmont on the evening of 6 March 2008. The primary aim of the workshop was to set a shared vision for the future of the precinct Golden Gateway. The result was a vision of an upscale office/mixed use business precinct and several definitive agreed upon actions and outcomes, which will be used to guide future planning for the area.

Scheme Requirements

The application complies with all City of Belmont's Town Planning Scheme No. 14 (TPS No. 14) requirements for setbacks, landscaping, traffic ingress & egress, building facades and site coverage in the 'Mixed Use' zone.

Parking has been calculated in accordance with Amendment No. 52 provisions, which require 1 parking bay per $30m^2$ for office use and 1 parking bay per 4 seats for restaurant use. The parking layout complies with the City's Technical Services requirements with respect to parking bay size, access and manoeuvrability. A total of 172 bays are required; 174 bays have been provided including nominated loading and disabled bays which exceeds Scheme requirements. End of trip facilities have not been provided at this time given that the parking made available is fully compliant with Scheme requirements.

The proposed building will incorporate use of concrete, glass and metal in its facades, as required under the Scheme. The design is considered to be of a high standard featuring a variety of coloured panelling and louvres. The application proposes painted precast boundary walls which are visible to varying extents on three sides of the building. It is recommended that any approval require the finish of the boundary walls to feature a varied textured and/or patterned surface.

While the plans do not show a designated signage panel(s), should the application be supported, a separate signage application will be required to be submitted and assessed in accordance with the City's Local Planning Policy No. 12 – Sign Applications. It is also the City's practice to advise the proponent that the street number be clearly displayed.

Building Services has advised that a Building Code of Australia compliance audit is to be submitted at the building licence stage to ensure the building is compliant with fire and energy efficient requirements.

Conclusion

The proposal is of a high architectural standard and complies with the objectives of the 'Mixed Use' zone and the vision of upscale office/mixed use business precinct identified as a priority at the City's 'Golden Gateway' community workshop. On this basis, the proposal is supported and conditional approval recommended.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

Item 12.1.2 Continued

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BB Attach 2	Site Plan/Ground Floor Plan and First Floor Plan
BB Attach 3	Typical 2nd, 3rd, 4th & 5th Floor Plan
BB Attach 4	Grandstand Road & Daly Road Elevations
BB Attach 5	Southeast & Southwest Elevations

OFFICER RECOMMENDATION

That Council:

A. Approve development application 57/2008/DA as detailed in amended plans dated 7 February 2008 submitted by Bollig Design Group on behalf of the owners M & A Tillett, Startime Pty Ltd and Fatty Holdings for Offices and a Restaurant at Lot 23 (No. 122) Grandstand Road, Ascot subject to the following conditions:

1. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.

2. A landscaping and reticulation plan acceptable to the City 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 landscaping to the street verge.

3. 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.

4. A traffic assessment report in relation to generated vehicular traffic from development and access to and from the site from neighbouring streets is to be submitted prior to issue of the building licence, to the satisfaction of the Director Technical Services.

Item 12.1.2 Continued

5. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, line marked and kerbed in accordance with:

(a) The approved plan (minimum 174) spaces measuring 2.5 metres x 5.5 metres);
(b) Schedule 3 of the City of Belmont Town Planning Scheme No. 14; and
(c) Council's engineering requirements and design guidelines, with respect to drainage requirements.

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

6. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's Engineering Requirements and Design Guidelines. If not so maintained, the Director-Technical Services may require by notice, in writing that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. Without limitation, the notice may require that lines marking car bays be re-painted, pot holes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with Council's Engineering Requirements and Design Guidelines.

7. Prior to occupation or use of the development, vehicle crossovers shall be constructed in coloured concrete or brick paving or hot mix in accordance with the City of Belmont specifications for the construction of concrete, brick or hot mix paved crossovers for industrial and commercial properties.

8. All existing buildings and structures on the lot, including soakwells and septic tanks, shall be removed and the land levelled. The work that is the subject of this condition must be approved by the City prior to an application being made for a building licence.

9. A stormwater management plan is to be submitted prior to issue of the building licence to the satisfaction of the Director Technical Services. Stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's Engineering Requirements and Design Guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction from any thing.

Item 12.1.2 Continued

10. A bin management plan is to be submitted prior to issue of the building licence to the satisfaction of the Manager – Health and Ranger Services.

11. All external walls (including boundary walls) that are visible from a street or public place must be constructed and finished to the satisfaction of the City's Director-Community and Statutory Services or Manager-Planning Services.

12. A detailed schedule of external materials and colours to be used in the construction of the development shall be provided to the satisfaction of the Manager-Planning Services prior to the issue of a building licence.

13. A geotechnical report prepared for the City by an appropriately qualified structural engineer shall be lodged with the City, at the cost of the owner/applicant, prior to an application for a building licence. The report must identify the geotechnical conditions of the site and certify to the City that any earthworks proposed are structurally sound. The earthworks must be carried out in accordance with the geotechnical report as modified (if at all) by the City.

14. Acid sulphate soil investigation is to be undertaken to the satisfaction of the Director Technical Services prior to issue of the building licence.

15. All storage to occur within the building. Clause 10.5.2(a) of the City of Belmont Town Planning Scheme No. 14 prohibits external storage in the 'Mixed Use' zone.

16. No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.

17. No fencing and walls forward of the building line up to and including a front lot boundary, are permitted unless a separate planning approval is granted by Council.

18. Provision to be made so that all commercial vehicles and trucks can ingress and egress the site in forward gear. Trucks include any motor vehicle with a gross vehicle mass over 4.5 tonnes, except a bus or tractor as defined in the Road Traffic Code 2000.

19. If external lighting is installed, all illumination shall be confined within the property boundaries.

Item 12.1.2 Continued

B. ***Pursuant to Clause 9.10 of Town Planning Scheme No. 14 delegate to the Director-Community & Statutory Services or Manager-Planning Services the authority to deal with any subsequent amendments to the Planning Approval for application number 57/2008/DA for Lot 23 (No. 122) Grandstand Road, Ascot.***

C. ***That Council advise the applicant that the provision of end of trip facilities on site is encouraged by Council and consideration should be given to the inclusion of such facilities. The applicant should liaise with Council Officers in regard to potential parking bay trade-offs for the inclusion of end of trip facilities.***

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

12.1.3 Strata Lot 71 (Unit 602, 150) Great Eastern Highway (Ascot Quays), Ascot - Application for a Change of Use**

****BB Attachment 6 – Item 12.1.3 refers**
****BB Attachment 7 – Item 12.1.3 refers**
****BB Attachment 8 – Item 12.1.3 refers**

Report by Community & Statutory Services Division

DATE

28 April 2008

PURPOSE OF REPORT

To consider a change of use from 'serviced apartment' to 'multiple dwelling' on Strata Lot 71 (Unit 602), 150 Great Eastern Highway, Ascot within a serviced apartment development in order to permit full time residential occupancy of the unit.

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

- The application for a change of use is only for Strata Lot 71 (Unit 602/150) Great Eastern Highway, Ascot.
- The subject property is zoned 'mixed use' in Town Planning Scheme No. 14.
- Planning approval for a 72 unit serviced apartment development was granted by the Western Australian Planning Commission on 13 November 2000 (WAPC file: 15-50001-1; Council file: P/GEH.152).
- 'Multiple Dwelling' is a discretionary 'D' use within the 'mixed use' zone.
- The proposal meets R Code and TPS No. 14 requirements for a 'Multiple Dwelling'.
- The City has previously supported a change of use from a serviced apartment to a multiple dwelling and vice versa where the development complies with the relevant standards of the R Codes.
- Any approval will not be precedent setting as the subject unit is the only one within the development with a storage facility that complies with the 'Multiple Dwelling' requirements.
- Parking for the existing development was approved in accordance with the higher standards required for multiple dwelling use, therefore, parking is considered to comply with R Code and TPS No. 14 requirements for the proposed change of use.

Item 12.1.3 Continued

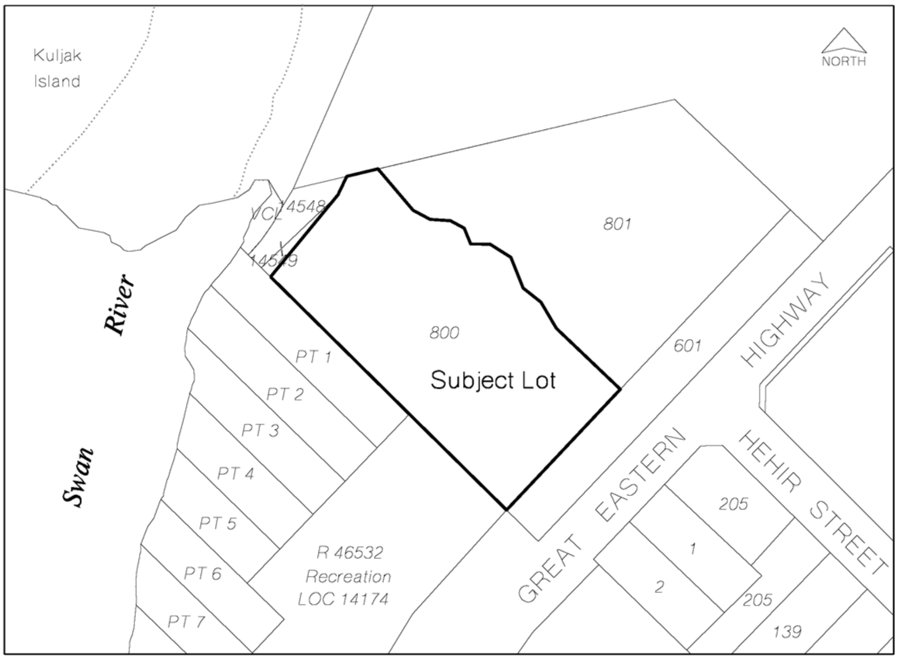
- The findings and recommendations of the Tourism Planning Taskforce with regard to the effects of converting an entire or partial tourist-oriented development to residential use are relevant to this application.

Officer Recommendation Summation

That Council approve the application for a proposed change of use from 'serviced apartment' to 'multiple dwelling' for Unit 602 at 150 Great Eastern Highway, Ascot on the basis that the proposal meets the requirements of the Residential Design Codes of WA and Town Planning Scheme No. 14 for a 'Multiple Dwelling', and will have no detrimental impact on other existing uses on site.

LOCATION

Strata Lot 71 (Unit 602) is located within the overall parent lot, Lot 800 (150) Great Eastern Highway, Ascot.



APPLICANT

Fay and Walter Cechner

FILE REFERENCE

180/2008/DA
115/001
GEH 71/150

Item 12.1.3 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Under Town Planning Scheme No. 14, no public consultation is required in respect to this matter.

It is further noted that public notification was undertaken in January and February 2008 in conjunction with a change of use application for Unit 47 within the same development (file: 475/2007/DA), therefore notification for this application is deemed unnecessary.

STRATEGIC PLAN IMPLICATIONS

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

The Mixed Use Zone "*is intended 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.*"

Clause 5.6.2 of the Scheme specifies that Council, in considering an application for planning approval, must take into account those matters set out in clause 5.8, most relevantly:

- Whether the proposal complies with aims and requirements of Town Planning Scheme No. 14;
- The requirements of orderly and proper planning;
- The preservation of the amenity of the locality;
- The potential loss of any community service or benefit resulting from the Planning Approval;

Item 12.1.3 Continued

- Whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles; and
- Any relevant submissions or objections received on the application.

Clause 5.8.3 of the Scheme further states that in addition to the above noted issues, when considering whether or not to approve a discretionary 'D' use application Council must also take into account the following relevant issues:

- the nature of the proposed use and its relationship to the use of other land within the locality;
- the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development.

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 is 18 July 2008. Should Council defer this item then deemed refusal rights will not arise if the matter is dealt with at the Council meetings to be held 17 June 2008 or 15 July 2008.

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:	Fay & Walter Cechner	**Ward:**	Central
Lodgement Date:	18 April 2008	**Use Class:**	Serviced Apartment
Lot Area:	162 m^2	**TPS Zoning:**	Mixed Use
Estimated Value:	n/a	**MRS:**	Urban

Item 12.1.3 Continued

Subject Site

The subject site is located adjacent to Great Eastern Highway, Hardey Park and the Swan River in Ascot within the 'Golden Mile'. A total of 72 serviced apartments are located on site – 62 within a seven storey building and 10 two storey serviced apartments within a separate building adjacent to the river. The 62 unit apartment building also contains a restaurant/bar and conference facility. A total of 122 car bays are provided on site for all uses.

The development was conditionally approved by the WAPC in November 2000. The WAPC approval for the development required a 4 m^2 externally accessed storage facility for each unit. However, at the request of the applicant, also in November 2000 the City agreed to sign off on smaller $2m^2$ storage facilities solely on the basis that they were for serviced apartments (BB Attachment 6 refers). The only unit within the development with an externally accessible storage facility greater than $4m^2$ in area is penthouse Unit 602.

Serviced apartments are defined by the WAPC within the Tourism Planning Taskforce Report as "*an independent living residential unit development for short stay accommodation purposes limited to a maximum of three months in any twelve month period, but does not include a hotel or motel*".

A multiple dwelling is defined under the Residential Design Codes 2002 as "*A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but does not include a Grouped Dwelling*".

It is understood that:

- all of the serviced apartments on individual strata titles were originally leased by Assured Hospitality for the purpose of running a serviced apartment business associated with the restaurant/bar and conference facility;
- individual strata owners are now considering whether to maintain the leasing arrangements with Assured Hospitality or convert to multiple dwellings (long term accommodation).

Both 'multiple dwellings' and 'serviced apartments' are discretionary 'D' uses under Town Planning Scheme No. 14.

Council recently considered an application for a change of use for Unit 47 within the same building, from 'serviced apartment' to 'multiple dwelling' at its meeting of 19 February 2008 (Item 12.1.4 refers). The application was refused on the basis that the proposal did not meet the R Code and Town Planning Scheme No. 14 requirements with respect to the minimum size and external location of storage facilities.

In this instance, the applicant has a $7m^2$ externally accessed storage facility located off the penthouse floor lift lobby.

Proposal

The owners of Strata Lot 71 (602/150) Great Eastern Highway, Ascot, have submitted a proposal for a change of use from 'serviced apartment' to 'multiple dwelling'.

Item 12.1.3 Continued

The subject unit:

- is one of three penthouse units within the 62-unit seven storey apartment building;
- has a total area of 162m^2, inclusive of 7m^2 allocated external storage and 28m^2 (2 bays) allocated parking (BB Attachments 7 and 8 refer).

<u>Tourism Planning Taskforce Report</u>

In 2002 the Tourism Planning Taskforce was established by the State to address concerns regarding the increasing loss of tourist zoned land to residential use; the effect of strata schemes on tourism developments; and to examine potential land use conflicts between short-stay and permanent occupants. In January 2006 the findings and recommendations of the taskforce were released in the form of the *Tourism Planning Taskforce Report* after endorsement by Cabinet.

Several findings and recommendations of the Taskforce are pertinent to this proposal. This includes findings that:

- There was high potential for land use conflicts between the short stay and permanent occupants in a tourism development, which related to their differing objectives for staying there. This can be attributed to the territorial nature of permanent residents, especially with regard to access to shared facilities, and their increased desire for privacy and personalisation of their site/unit. The extent of actual and potential conflict between user groups is likely to increase as the number of permanent residents' increases until they become the dominant group.

- When a portion of a tourist zoned site is converted to residential use, there is potential for the tourism function and tourism experience to be downgraded. The amount of downgrading is directly proportional to the number of units allocated to residential use. A threshold of 20% residential was identified, beyond which interests of the permanent residents begin to dominate.

- The key to reducing potential conflict and erosion of the tourism experience is to limit the size of the residential component and its location within a tourism development. For non-strategic sites, the Taskforce found that a limited residential component of up to 25% can be included without detriment, provided the overall development remains tourism oriented.

Following the release of the findings of the Taskforce, the WAPC released Planning Bulletin No. 83 setting out the interim policy to implement the recommendations of the Taskforce. In essence, the WAPC will have due regard to the requirements of the recommendations of the Taskforce in assessing proposals, and directs local government to do likewise in assessing development applications for sites zoned for tourism purposes or sites with tourism potential.

Item 12.1.3 Continued

OFFICER COMMENT

Land Use

The proposed 'multiple dwelling' use is considered to be similar to that of 'serviced apartment' and both are discretionary 'D' uses in the 'mixed use' zone. Previous applications (Ascot Quest) for a change of use from 'multiple dwelling' to 'serviced apartments' and vice versa have been supported in the 'mixed use' zone where the development complies with the relevant standards of the R Codes.

Unit 602 is the one unit within the development that currently meets the R Code and TPS No. 14 requirements for a multiple dwelling. Therefore, it is the only unit that readily has the potential to convert to 'Multiple Dwelling' use without setting a precedent for other units within the building to follow suit. As such, the concerns noted in conjunction with the previous change of use application for Unit 47 with respect to noise, a reduction of rooms available for visitors, and negative impact on other commercial facilities leading to their closure, are deemed invalid in this instance. The conversion of one penthouse suite to allow for residential use will have a negligible impact on the other serviced apartments, the conference/function room, and the restaurant/bar. No other unit, including the other two penthouse suites, have an external storage facility of sufficient size to comply with the 'Multiple Dwelling' requirements.

The proposal is in a 'mixed use' zone, in a mixed use development – and as such it can be considered compatible with the intention of the zone and the recommendations of the Tourism Taskforce.

The Tourism Taskforce concluded that on non-strategic, urban based tourist-oriented sites (such as Ascot Quays and Ascot Quest) the potential impact of limited residential use is less significant where the primary tourism use and function are retained. The recommendation is that no more than 25% of the units should be allocated for residential use as the potential for the residential component to dominate the tourism orientation of a development significantly increases above that percentage. In this instance only one unit is proposed for conversion.

Notwithstanding that, in recognition of the potential for future conflict, a 25% 'cap' on the number of permanent residential units within the site would be recommended.

Development Requirements

'Multiple dwellings' and 'serviced apartments' have different standards for parking and storage.

Parking

A parking concession of 6 bays was granted for the 'mixed use' development overall based on reciprocity of land uses on site. Unit 602 has two dedicated parking bays, therefore, there will be no impact on this reciprocal arrangement or the adequacy of existing parking.

Item 12.1.3 Continued

It is further noted that parking for the residential component of the Ascot Quays development was done on the basis of the standards required for a multiple dwelling use and single bedroom apartments (87 bays), as opposed to the City's standard for serviced apartments of 1 car bay per apartment (72 bays). The application of the higher standard ensured that there would be future potential to allow for conversion to a 'Multiple Dwelling' at a future date as effectively 15 additional bays were provided. On this basis it is considered that the parking on site does meet the standards required for either land use.

Storage

The R Codes and TPS No. 14 require a 'multiple dwelling' to have an externally accessed lockable storage facility. Unit 602 has a locked 7 m^2 storage facility located outside the unit in the lift lobby, therefore, it complies with this standard of the R Codes.

The remainder of the units within the development do not meet this standard, nor do they have the ability to do so other than on common property. This would require prior approval from the strata body and/or all impacted landowners. While the units were to have been provided with 4 m^2 storage facilities, at the request of the (then) applicant, the City agreed to sign off on smaller 2 m^2 storage facilities solely on the basis that they were for serviced apartments.

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

Attach. No.	Details
BB Attach 6	City of Belmont letter regarding storeroom requirements
BB Attach 7	Strata Plan with Strata Lot 71 and storage area highlighted
BB Attach 8	Strata Plan with parking area allocated to Strata Lot 71 highlighted

Item 12.1.3 Continued

OFFICER RECOMMENDATION

1. That Council approve planning application 180/2008/DA for a change of use from 'serviced apartment' to 'multiple dwelling' on Strata Lot 71, 150 Great Eastern Highway, Ascot subject to the following condition:

   (a) The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.

2. That the following advice notes be included with the approval:

   (i) The issuance of planning approval does not negate the need for the owner and/or applicant to seek all other approvals. You may also require approval under the Strata Titles Act 1985 from any relevant strata company or other strata lot owners. It is recommended that the strata body take action to determine its position with respect to any change of use applications in the future.

   (ii) The applicant must seek approval from the City's Building Services Department with respect to a change in Building Classification.

Notation

A memo was circulated to Councillors from the Director Community & Statutory Services on 16 May 2008 informing Councillors that a site inspection on 15 May 2008 identified that the storage facility did not have a lockable exterior access and measures 3.1 square metres not 7 square metres as indicated on the strata plan.

AMENDED OFFICER RECOMMENDATION

That Council:

1. Defer development application 180/2008/DA for a change of use from 'serviced apartment' to 'multiple dwelling' on Strata Lot 71 (71/150) Great Eastern Highway pending confirmation that Unit 602 conforms to the requirements of the Residential Design Codes of WA and Town Planning Scheme No. 14 with respect to provision of a 4 m^2 (minimum) externally accessible and lockable storage facility, or that Unit 602 conforms to registered strata plan SP 41685, amended to reflect the actual size of the existing storage facility.

2. Advise Ms Sally Kelly (Public Submission Speaker at the 13 May 2008 Agenda Briefing Forum) of Council's decision.

Notation

Cr Marks noted as the development application does not presently comply with the requirements of the Residential Design Codes of WA and Town Planning Scheme No. 14 with respect to provision of adequate storage for 'multiple dwelling' use, he moved for Council to refuse development application 180/2008/DA for a change of use from 'serviced apartment' to 'multiple dwelling.

Item 12.1.3 Continued

MARKS MOVED, BRENNAN SECONDED,

That Council:

1. ***Refuse development application 180/2008/DA for a change of use from 'serviced apartment' to 'multiple dwelling' on Strata Lot 71 (71/150) Great Eastern Highway on the basis that it does not presently comply with the requirements of the Residential Design Codes of WA and Town Planning Scheme No. 14 with respect to provision of adequate storage for 'multiple dwelling' use.***

2. ***Advise Ms Sally Kelly (Public Submission Speaker at the 13 May 2008 Agenda Briefing Forum) of Council's decision.***

CARRIED 10 VOTES TO 1
Against: Cr Dornford

12.1.4 Reaffirm Council's Resolution to Adopt the Draft Structure Plan for 'The Springs'**

****BB Attachment 9 – Item 12.1.4 refers**

Report by Community & Statutory Services Division

DATE

6 May 2008

PURPOSE OF REPORT

Council to consider reaffirmation of its resolution of 28 August 2007 to adopt the draft Structure Plan for 'The Springs', subject to modifications.

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

- Council previously adopted the draft Structure Plan and draft Local Planning Policy No. 31 – 'The Springs' Design Guidelines, subject to modifications, at its meeting of 28 August 2007 (OCM 28/08/07 Item 12.1.7 refers).

- The draft Structure Plan was adopted prior to finalisation of Amendment No. 49, which sets out the requirement for a structure plan within designated Development Areas.

- As the draft Structure Plan was adopted before it was technically required, Council's solicitors have confirmed that approval of the draft Structure Plan must be reaffirmed by Council after the Amendment No. 49 provisions come into operation.

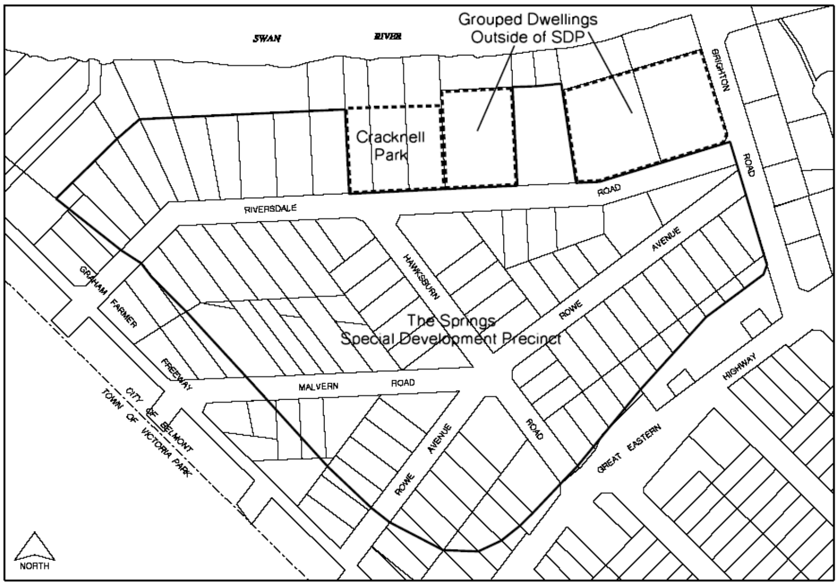
Officer Recommendation Summation

It is recommended that Council reaffirm its resolution of 28 August 2007 to adopt the draft Structure Plan for 'The Springs', subject to modifications.

Item 12.1.4 Continued

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. The Plan Area is approximately 12.5 hectares.



APPLICANT

LandCorp

FILE REFERENCE

116/077 The Springs
116/108 Local Planning Policy No. 31

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

N/A

STRATEGIC PLAN IMPLICATIONS

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

Item 12.1.4 Continued

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

POLICY IMPLICATIONS

There are no significant policy implications with respect to this matter.

STATUTORY ENVIRONMENT

- Section 10.17.10 – Adoption of Proposed Structure Plan;
- Amendment 49 designates 'The Springs' as Development Area 11, under which an approved Structure Plan is required prior to further development or subdivision.

BACKGROUND

Amendment No. 49 designates specific areas within the City of Belmont as Development Areas (DAs), each of which requires an approved structure plan prior to consideration of further development. It was approved by the Minister for Planning and Infrastructure on 21 April 2008 and gazetted on 2 May 2008.

In consideration of the (then) pending adoption of Amendment No. 49, Council adopted The Springs Structure Plan and Local Planning Policy No. 31 – The Springs Design Guidelines for proposed DA 11 at its meeting of 28 August 2007.

The Department for Planning and Infrastructure has since advised that in the interest of following the proper planning process, 'The Springs' Structure Plan should be re-adopted by Council once Amendment No. 49 received Ministerial approval. The rationale is that since there was no requirement for the Plan when it was originally approved, it carries no weight.

Officers have obtained written advice from Council's solicitors confirming that unless there are provisions in Amendment No. 49 or Town Planning Scheme No. 14 which gives effect retrospectively to a Council endorsement of a structure plan, then it will be necessary for Council to again endorse the Structure Plan after the Amendment No. 49 provisions come into operation.

A resolution to re-affirm adoption of Local Planning Policy No. 31 – 'The Springs' Design Guidelines is not required, as it is a Council policy.

OFFICER COMMENT

Officers confirm that there are no such provisions regarding retrospective approval in the Amendment No. 49 or Town Planning Scheme No. 14, therefore, adoption of the draft Structure Plan must be reconsidered now that Amendment No. 49 has been approved.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

Item 12.1.4 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ATTACHMENT DETAILS

Attach. No.	Details
BB Attach 9	Item 12.1.7 OCM 28/08/07

OFFICER RECOMMENDATION

That Council reaffirm its resolution of 28 August 2007 (BB Attachment 9) to adopt the draft Structure Plan for 'The Springs', subject to modifications.

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

12.2 SOCIAL BELMONT

Nil.

12.3 ECONOMIC BELMONT

Nil.

12.4 NATURAL BELMONT

Nil.

12.5 BUSINESS EXCELLENCE

BRENNAN MOVED, POWELL SECONDED, ***that the Officer Recommendations in the Business Excellence Key Result Area Report, specifically Items 12.5.1, 12.5.2 and 12.5.3 , be adopted en bloc.***

CARRIED BY ABSOLUTE MAJORITY 11 VOTES TO 0

7.48pm Cr Whiteley departed the meeting.

12.5.1 Financial Reports as at 31 March 2008**
**BEXB Attachment 10 – Item 12.5.1 refers

Report by Corporate & Governance Division

DATE

21 April 2008

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

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 March 2008 be received.

LOCATION

N/A

APPLICANT

N/A

Item 12.5.1 Continued

FILE REFERENCE

32/009 – Financial Operating Statements

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 require to be reported to Council as a part of the monthly report. It also requires Council to adopt a “percentage or value” for what it will consider to be material variances on an annual basis. Further clarification is provided in the Officer Comment section.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 require that financial statements are presented on a monthly basis to Council. In July 2007, Council adopted 10 percent of the budgeted closing balance as the materiality threshold.

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.

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.

Item 12.5.1 Continued

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	338,618	133,973	Capital acquisitions not undertaken.
Community Services	130,000	1,090	Capital acquisitions not undertaken.
Technical Services	175,192	63,329	Environmental Project awaiting approved from Swan River Trust
Belmont Oasis	98,672	1,690	Capital acquisitions not undertaken.
Grounds Operations	1,075,441	335,567	Majority of capital works commenced, however costings not in accordance with anticipated budget spread.
Roadworks	3,962,781	3,001,206	Majority of capital works commenced, however costings not in accordance with anticipated budget spread.
Streetscapes	131,222	42,959	Majority of capital works commenced, however costings not in accordance with anticipated budget spread.
Footpath Works	270,160	209,681	Majority of capital works commenced, however costings not in accordance with anticipated budget spread.
Drainage	492,717	332,208	Majority of capital works commenced, however costings not in accordance with anticipated budget spread.
Operations Centre	1,000,892	744,620	Fleet & Plant Items yet to be purchased.
Building Operations	1,104,049	462,625	Majority of capital works commenced, however costings not in accordance with anticipated budget spread.
Applications of Funds – Operating			
Finance Department	977,875	904,037	Salaries below budget.
Computing	1,086,469	783,153	Payments for business applications maintenance and software not yet finalised.

Item 12.5.1 Continued

Report Section	**YTD Budget**	**YTD Actual**	**Comment**
Marketing & Communications	715,135	650,106	Timing issue with the budget spread.
Reimbursements	100,975	146,552	Timing issue with reimbursement of workers compensation claims
Chief Executive Officer	293,013	388,818	Salaries & LSL payout of departing CEO
Human Resources	578,820	528,004	Consultancy fees below budget due to Mercer review not yet undertaken
Governance	2,117,612	1,796,993	Cost associated with election lower than anticipated. ABC allocation below budget.
Rates	1,259,815	1,173,659	Minor timing issues with budget spread
General Purpose Income	0	68,947	Incorrect allocation of ABC to be transferred to Property & Economic Development
Property & Economic Development	347,981	280,779	Timing issues with the budget spread.
Crime Prevention & Comm Safety	128,970	86,358	Salaries below budget. Project Management Services not realised.
Sanitation Charges	2,433,531	2,355,994	Timing issues with the budget spread.
Belmont Oasis	307,355	261,244	Some maintenance work not commenced as anticipated.
Ruth Faulkner Library	1,030,599	808,100	Salaries below budget. Finding My Place program yet to be funded.
Community & Recreation Services	360,346	293,020	Some programs yet to be commenced.
Building – Active Reserves	235,736	178,399	Some maintenance work not commenced as anticipated.
Grounds Operations	2,354,610	1,995,769	Some maintenance work not commenced as anticipated.
Roadworks	517,813	461,465	Maintenance on street lights lower than anticipated.
Streetscapes	825,570	625,962	Power line pruning only recently commenced.
Drainage Works	89,994	133,948	Additional maintenance undertaken.
Operations Centre	329,610	396,992	Timing issues with the budget spread.
Building Operations	243,909	197,593	Some maintenance work not commenced as anticipated.
Public Works Overheads	686,588	786,435	Works recovery ahead of anticipated budget.
Technical Services	1,086,022	1,030,308	Salaries below budget.
Other Public Works	409,946	497,832	Private works in progress and not yet invoiced.
Sources of Funds – Capital			
Executive Services	(19,000)	(70,636)	Income from sale of fleet to be reallocated.
Property & Economic Development	(357,997)	(22,000)	Land sale budget timing difference.
Road Works	(795,097)	(592,020)	Some grant funding yet to be received.
Operations Centre	(847,472)	(289,774)	Plant replacement reserve, end of year process
Public Works	(46,470)	(0)	Plant replacement reserve, end of

Item 12.5.1 Continued

Report Section	***YTD Budget***	***YTD Actual***	***Comment***
Overheads			year process
Sources of Funds – Operating			
Finance Department	(958,221)	(904,037)	ABC Allocation lower than anticipated.
Transfer to Reserve	(74,997)	(348,962)	Re-Lease of units 29 & 31 Faulkner Park Retirement Village
Accommodations Costs	(231,228)	(284,816)	Recovery of ABC Allocations higher than anticipated in budget.
Rates	(24,104,968)	(24,382,877)	Budget timing difference on rates levy.
Financial Activities	(643,253)	(172,571)	Interest income less than anticipated.
Health	(154,145)	(110,525)	Recovery of ABC Allocations lower than anticipated in budget.
Community Services	(111,087)	(164,032)	Recovery of ABC Allocations higher than anticipated in budget.
Belmont HACC Services	(1,067,196)	(1,133,791)	First quarter grant received earlier than anticipated.
Town Planning	(647,493)	(510,228)	Additional application fees higher than anticipated in budget.
Sanitation Charges	(3,183,737)	(3,278,734)	Additional rubbish charged in initial levy rather than interims.
Community & Recreation Services	(361,585)	(293,020)	Recovery of ABC less than anticipated in budget.
Public Works Overheads	(608,277)	(745,891)	Recovery of overheads higher than anticipated in budget.
Plant Operating Costs	(958,814)	(877,168)	Recovery of plant usage lower than anticipated in budget.
Other Public Works	(81,000)	(132,443)	Additional contributions received for some projects.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 March 2008	**$**	**Comment**
Cash and investments	23,498,819	Includes municipal, reserves & deposits
- less non rate setting cash	-10,770,446	Reserves and deposits held
Receivables	2,078,007	Mostly rates levied yet to be received
- less non rate setting receivables	-250,144	ESL levied and GST payable
Stock on hand	212,372	
Total Current Assets	**$14,768,608**	
Current Liabilities		
Creditors and provisions	-5,066,612	Includes deposits
- less non rate setting creditors & provisions	3,444,862	ESL, GST and deposits held
Total Current Liabilities	**-$1,621,750**	
Nett Current Assets 31 January 2008	$13,146,858	

Item 12.5.1 Continued

Nett Current Assets as Per Financial Activity Report	13,146,858	
Less Committed Assets	**-12,729,688**	All other budgeted expenditure
Estimated Closing Balance	**417,470**	

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

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	**Details**
BEXB Attach 10	Monthly Financial Activity Statement as at 31 March 2008

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 March 2008 as included in Attachment BEXB Attachment 10 be received.

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

12.5.2 Accounts for Payment**
****BEXB Attachment 11 – Item 12.5.2 refers**

Report by Corporate and Governance Division

DATE

8 April 2008

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

A list of 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 Payment Listing as included in Attachment 11 to this item be confirmed and endorsed.

LOCATION

N/A

APPLICANT

N/A

FILE REFERENCE

54/007-Creditors-Payment Authorisations

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

Item 12.5.2 Continued

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.

OFFICER COMMENT

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

Municipal Fund Cheques	778775-778931	$423,265.79
Municipal Fund EFTs	EF003160-EF003454	$1,611,681.91
Trust Fund Cheques	905259-905261	$40,099.46
Total Payments for March 2008		$2,075,047.16

A copy of the Authorised Payment Listing is included as Attachment 11 to this item.

FINANCIAL IMPLICATIONS

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

Item 12.5.2 Continued

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 11	Accounts for payment listing

OFFICER RECOMMENDATION

That the Authorised Payment Listing as provided under BEXB Attachment 11 be received.

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

12.5.3 WALGA'S Systemic Sustainability Study – Draft Report
****BEXB Attachment 12 – Item 12.5.3 refers**
****BEXB Attachment 13 – Item 12.5.3 refers**

Report by Corporate & Governance Division

DATE

7 May 2008

PURPOSE OF REPORT

To seek Council's consideration and endorsement of a response to the Western Australian Local Government Association (WALGA) Systemic Sustainability Study Draft Report entitled "The Journey: Sustainability into the Future".

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

Local Government as an Industry for a significant period of time has been grappling with the issues of structural reform and will continue to do so in the immediate future. The beginnings of the WALGA report commenced in 2004 when at the Annual General Meeting a motion requesting WALGA to conduct a structural reform forum was considered. The consequent forum, held in November of 2005 provided further information on structural reform. At the 2005 WALGA AGM a resolution was passed for WALGA to lead the development of a framework that would assist individual Councils to review, debate and consider the future sustainability of Local Government and to ensure the framework encompassed the assessment of economic, social capabilities and capabilities of individual communities and regions. The Systemic Sustainability Study Panel was formulated which culminated in a report "In Your Hands" being released in December 2006 and after further input from a selected group of panels the latest report, "The Journey: Sustainability into the Future" being released in 2007.
The report addresses the following key themes:

- Leadership for Change
- Finance
- Revenue
- Services
- Capability
- Regional Model.

OFFICER RECOMMENDATION SUMMATION

That Council support a response to WALGA on the Systemic Sustainability Study Draft Report in line with the Officer's comments provided within this report.

Item 12.5.3 Continued

LOCATION

N/A

APPLICANT

N/A

FILE REFERENCE

119/008

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

No public consultation is considered to be required in respect to this matter. However, Elected Members and relevant Officers have participated in a WALGA briefing session and an independent workshop facilitated on the report during April 2008.

STRATEGIC PLAN IMPLICATIONS

There are no direct implications that affect the City's existing Strategic Plan. However, the long term implications including regionalised Local Government, legislative changes etc may have a strategic impact upon the City.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

The draft report makes reference to the Local Government Act and the associated regulations together with a range of suggested legislative amendments.

BACKGROUND

The Executive summary of the draft report provides both a background to the study and the drafting of the report. The Executive summary is included in full as Attachment 12[1] to the report.

[1] Attachment reference corrected to read Attachment 12 rather than Attachment 13.

Item 12.5.3 Continued

OFFICER COMMENT

The Executive summary, attachment, summarizes the key findings of the report. Because of its size, the full report is not reproduced as an attachment but can be accessed through the WALGA website at www.walga.asn.au

The report makes 61 recommendations Attachment 13[2]. These recommendations range from those which are major and highly significant to some which are more low level and operational.

The report was broken into a number of key headings those being:

- Leadership for Change
- Finance
- Revenue
- Services
- Capability
- Regional Model.

The report is significant and some 213 pages in length and covers a broad range of issues. In order to assist the Elected Members to obtain a better understanding of the document and a position for which the Council will communicate to WALGA a consultant, Mr Tony Cooke, was utilised to facilitate a workshop on Tuesday 29 April 2008. This workshop endeavoured to cover the key aspects of the report and dealt with:

- An overview of the report.
- Capability
- Services
- Regional Model
- Revenue Sources
- Financial Management.

LEADERSHIP FOR CHANGE

The section dealing with Leadership for Change within the report is not discussed in any detail for the reason that the report contains no specific recommendation in regard to this component.

FINANCE

The report identified four critical needs to strengthen financial and planning disciplines across the industry:

1. Deficiencies in the WA Local Government sectors financial reporting.
2. Lack of an effective planning framework for the Local Government sector. This includes long term key financial plans, asset management plans (including whole of life costing models for critical asset classes), and community infrastructure plans.
3. Absence of financial best practice guidelines for all aspects of financial activity (including debt raising and the WA Asset Management Improvement (WAAMI) program).

[2] Attachment reference corrected to read Attachment 13 rather than Attachment 14.

Item 12.5.3 Continued

4. Capability gaps between a Local Governments current capacity and what is required to implement a financial best practice.

The report identified the capability of Local Government to plan and manage its financial arrangements as a key vulnerability. Central to this concern was the management and renewal of infrastructure, which is viewed as a matter of chronic risk exposure.

The report considered a number of key issues facing the financial viability of Local Governments in WA.

Key recommendations would appear to include the following. Officer Comments follow these recommendations.

Recommendation 10. The Local Government Act 1995 be amended to require the production of Annual Community Financial Reports on terms equivalent to those currently applying in Queensland.

<u>OFFICER COMMENT</u>

The concept of providing an Annual Community Financial Report will provide the opportunity for the City to better engage its community and build community understanding at a more appropriate level toward the interpretation of the financial performance of the organisation.

Recommendation 18. That WALGA continue investigation of the possible creation of a Local Government Finance Authority.

<u>OFFICER COMMENT</u>

There have been some positive experiences in establishing shared financial services particularly in Insurance areas through the Local Government Self Insurance Scheme. The Establishment of a Local Government Finance Authority will perhaps provide an effective investment and borrowing facility equivalent to a bank. Utilising the industry on a statewide basis will introduce significant economy of scale and provide various funding opportunities for Local Government. Further research on the Local Government Finance Authority should also consider the existing valuable services provided by the Western Australian Treasury Corporation to the industry. The concept is supported with further investigation required in accordance with the WALGA recommendation.

<u>REVENUE</u>

The report focused in relation to two critical elements:

1. To improve Local Government revenue raising capacity. This involved:
   - Establishing best practice for rating and setting fees and charges.
   - Developing a best practice for setting rates, including the adoption of the Local Government Cost Index or equivalent, creating the capacity for peer comparison and review.
   - Exploring new approaches that may be pursued by Local Government generating alternative sources of revenue.

Item 12.5.3 Continued

2. To assist the Local Government sector with strategies to address the infrastructure backlog. This involves:
    - Determining the magnitude of the problem, which will flow from WAAMI implementation.
    - Developing strategies to improve data collection on the magnitude of the infrastructure backlog
    - Advocating strategies focused on addressing the infrastructure backlog.

Recommendation 20.

A. That WALGA in conjunction with the ABS constructs and maintains the revised WA Local Government cost index using average actual expenditure and appropriate cost and price indices.

B. That the WA Local Government cost index be delivered via a website that allows Members to input individual expenditure to customize their weightings and develop an index tailored to their circumstances.

C. That Local Governments use a revised WA Local Government cost index as part of their budget calculations and communications.

OFFICER COMMENT

Essentially greater precision in estimating the escalation of input costs and its effects on the cost of services is very important to the transparency of setting rates, fees and charges. However, it is also important to recognise that input costs are just one part of the rate setting process and the adoption of any cost index should not be considered as a substitute for detailed budgeting.

The Consumer Price Index (CPI) issued by the Australian Bureau of Statistics (ABS) is widely published and regularly quoted. It is considered by many to be an all purpose benchmark of cost escalation against which all suppliers (including Local Governments) should be compared. Increases in Local Government rate variations may be compared to movements in the CPI, and Local Governments that increase rates or charges more than movements in the CPI are often criticised.

However, the validity of applying the CPI's measure of benchmark, for rating purposes, is limited. The range of goods and services included in the CPI reflects the purchase of an average metropolitan household, which differs markedly from the goods and services purchased by Local Government.

The major expenditure groups for Local Governments have been summarised into the cost of price index. This proposed approach should provide a reliable and justifiable estimation of price movements in the major expenditure categories for Local Government.

The consensus would be to use the Local Government cost index as a benchmark and comparison to CPI.

Recommendation 21.

That Local Governments use the principles of:

- *Transparency*
- *Timeliness*
- *Comparability*
- *Pricing Policy*

As key elements of best practice in setting fees and charges.

Item 12.5.3 Continued

OFFICER COMMENT

The City supports these principles but would comment that it is critical to take into consideration when setting fees and charges a degree of reasonableness with regard to consistency in dealing with developer contributions and the existing contribution from established businesses.

Recommendation 27. That WALGA continues supporting ALGA in their push for financial assistance grants to be allocated based upon a percentage of Commonwealth taxation excluding GST as the most effective way of increasing financial assistance in WA.

OFFICER COMMENT

The principle of this recommendation is commendable. The City's position is that minimum grants should be maintained. The examination of existing revenue sources is required with specific reference to the position of rates and currently non rateable properties, such as State Government or Semi State Government entities. Highlighted is the ongoing issue with the definition of charitable organisations and the difficulty in drawing distinctions of such organisations which lead to exemption from rates. A further example is the mining tenements which deny potential cash revenue for Local Government. The City would support a legislative approach to solving the existing issues associated with non rateable properties.

Recommendation 32. This recommendation proposes that Local Governments be able to form corporate entities. It suggests appropriate clauses for legislation to enable this to occur.

OFFICER COMMENT

This recommendation is significantly different to other recommendations as it contains considerable detail. Essentially the establishment of this ability for Local Governments will improve the general revenue raising capacity for Local Governments and is supported in general. However, greater detail is required with further consultation suggested.

Recommendation 33. That WALGA seek to establish a Local Government Independent Assistance Commission for the purposes outlined in this discussion and seeks funding from the nominated sources to achieve this taskforce.

OFFICER COMMENT

The draft report proposes that the Independent Assistance Commission would undertake independent assessments of Local Government finances, make recommendations for improvement and encourage consistencies in the areas of financial reporting and asset management. It would also administer a best practice fund designed to encourage resource sharing, efficiencies in standardised processes within the sector.

Item 12.5.3 Continued

This recommendation is likely to be particularly relevant and beneficial to smaller and regional Local Governments. Further detail is required for consideration in regard to the function that currently exists at the Department of Local Government and Regional Development and that of the LGIAC particularly from the advisory capacity as there generally exists a conflict between enforcement and the advisory function currently at DLGRD.

SERVICES

Financial and economic factors dominate the sustainability issue, wide ranging factors contribute to the pressure being experienced. This can be broadly categorised as the cost of properly delivering services and cost of good governance.

The delivery of service and good governance share some characteristics; most notably the increased awareness of the requirement for Local Governments to maintain the community's assets at an optimum state for future generations. Investigations of sustainability in most states of Australia have identified that in many instances there is a serious under funding of asset maintenance and preservation. With the aging of infrastructure the issue will get worse and cannot be ignored indefinitely. The major opportunity is to ensure that through the responsible management of infrastructure assets and the creation of strong linkages to long term financial management, the sustainability of Local Governments financial performance is improved over time. In many instances this will require improved financial governance.

These pressures are increased by cost shifting; increased scrutiny; regulation; cost of compliance; and new expectations from communities for different and better services. As State and Federal Governments and the private sector vacate or under fund service responsibilities there has been pressure on Local Government to fill the void in many areas, such as health, education and public safety, all of which are clearly the responsibility of others but not being properly addressed. The report identified and considered as possible mechanisms to deliver improved Local Government services:

1. Existing small Local Governments.
2. Ad hoc resource sharing.
3. Regional organisations of Councils (VROC's and Regional Councils).
4. Area integration or joint board models (which retains existing Local Government but with a single employing body and shared administration and joint operations, overseen by a joint board of Councillors).
5. Virtual Local Government (an extension of the joint board model that consists of smaller Councils linked through a shared service centre with service delivery contracted out).
6. Agency models (where services are provided by State Government agencies at levels established by locally elected officials).
7. Amalgamation/boundary adjustments.

Other service delivery options which can be identified from the practical examples reported by a cross section of West Australian Local Governments include:

- Public private partnerships.
- Contracting out to a commercial provider.

Item 12.5.3 Continued

The alternatives explored for the utility to Local Government in approving its sustainability and maximising efficiency and effectiveness in services were:

- Shared services
- Voluntary regional organisations of Councils (VROC).
- Regional Local Governments
- Area integrational joint board models
- Bigger Local Governments, created through boundary changes and amalgamations.

Recommendation 38.

A series of Legislative amendments are listed which cover the principle of the Local Government Act supposing a “general competence”. Prescription in the Act and regulations limits the degree of flexibility to a level which is more like “ultra vires”. Generally, the proposal is for a review or evaluation of the Act in relation to the general competence powers. Other amendments toward major trading undertakings and disclosure of information, potentially commercially significant information, which may disadvantage the community by requiring such in the disclosure, particularly in regard to the implementation of improved service delivery and therefore clarity of the Act being investigated to ensure that such initiatives for improved service delivery are not impeded. Further recommendations are proposed in regard to Tender regulations including varying Tender thresholds based on organisational size and turnover.

OFFICER COMMENT

The concept of the Amendments is supported in principle. The promotion of partnerships for the improvement of service delivery with the removal of impediments legislated in the current Local Government Act 1995 will provide for greater opportunity in respect to service delivery and sustainability.

CAPABILITY

The report focuses attention on the existing difficulties being experienced by Local Government in securing the range of skill set requirements to deliver the functions and services expected to be delivered to communities.

Council at its recent workshop discussed the element of strengthening Councillor capabilities to match their governance, leadership and strategic roles in the future of the industry.

Recommendation 47. That WALGA request the State Government to amend the Local Government Act 1995 to require Councillors to undertake training within their first term.

OFFICER COMMENT

Compulsory training is a matter for Elected Members to consider, which was discussed in some detail at the recently held workshop. The general consensus of Elected Members at the workshop is one of a supportive nature toward the need for training. The method of delivery and training provider requires further investigation to ensure a professional service is provided and a high degree of flexibility maintained to allow Elected Members the best possible opportunity to undertake and succeed in such training requirements.

Item 12.5.3 Continued

Elected Members appeared to support the concept of training supporting the concept that a more highly qualified and skilled Councillor will result in potentially better decision making, therefore providing a greater service for the benefit of the community and its residents.

Recommendation 51. That WALGA implement information sessions for prospective candidates and non mandatory networking for new Councillors. These events to be delivered on a regional WALGA zone basis.

OFFICER COMMENT

The recommendation is supported in principle. However, the City of Belmont has provided candidate information sessions over the past few Elections.
The City will support information sessions being conducted by the Department of Local Government and Regional Development as the peak statutory body for the industry on the basis of potential bias or perceived bias being seen should such training be provided by WALGA the Elected Members Association for the state.

Recommendation 53. That WALGA request the State Government to amend the Local Government Act 1995 to require Councillors to undertake refresher training every four years after initial training to ensure that Councillors are familiar with any changes in compliance requirements and best practice models.

OFFICER COMMENT

This is a matter for Elected Members to consider, which was undertaken at the recent workshop and supported in principle.

Recommendation 55. That WALGA produce a discussion paper on the creation of an industry training fund during 2008, with full implementation by 2010.

OFFICER COMMENT

In principle the production of a discussion paper is supported with further consultation required across the industry before implementation.

REGIONAL MODEL

The report identified that the regional model is proposed as a transition mechanism for Local Government in Western Australia. It embodies varieties of elements to deliver proposals contained in the other sections already discussed within the report. Including:

- Managing the capacity constraints upon Local Government in attracting and obtaining the personnel needed to deliver the variety of services and functions currently provided by Local Government.
- Creating a platform which promotes more coherent planning, funding and management services and functions, including asset management and infrastructure funding.
- Acting as a catalyst for engagement with the State and Commonwealth Governments in the planning and funding of service and infrastructure delivery.
- Presenting a challenge to the other spheres of Government to better articulate their regional planning strategies and mechanisms.

Item 12.5.3 Continued

- Allowing the flexibility needed to address the diverse circumstances presenting across WA.
- Retaining the strengths of the current Local Government representational arrangements, while creating accountable and transparent governance for the range of functions proposed for delivery through regional and statewide platforms.

The model was espoused as not a "one size fits all" response. It was driven by the need to place Local Government on a more sustainable footing while ensuring that communities receive services which underpin their quality of life. Neither is it a static model. It is fundamentally dynamic in nature and allows response to local need and circumstances in its early stages, and modification to accommodate changing demands, expectations and circumstances over time.

Recommendation 61. That WALGA advocate and seek initial funding to develop a pilot regional Council and $30 million to progress the regional model concept.

OFFICER COMMENT

The concept of the regional model is supported. However, further investigation and consultation is required. Questions were raised in regard to the model and the potential for the model to create unnecessary competition between the regional based Councils and those other viable Local Governments not forming part of the model. It is also necessary to point out the potential creation of unnecessary further bureaucracy as part of this model. The number of Elected Members is also questioned together with the existing remuneration of Elected Members. Comparison and discussion of increased remuneration levels may in fact not be enough to attract young people to becoming Elected Members representing communities. Whilst a reduction, in principle, of Elected Members is supported the desired number is debateable and is thought that reducing the number of Elected Member positions could reduce the spread and richness in diversity of representation.

FINANCIAL IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

ATTACHMENT DETAILS

Attach. No.	**Details**
BEXB Attach 12	WALGA Executive Summary
BEXB Attach 13	WALGA Schedule of Recommendations

OFFICER RECOMMENDATION

That Council support a response to WALGA on the Systemic Sustainability Study Draft Report in line with the Officer's comment provided in this report.

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

13. REPORTS BY THE A/CHIEF EXECUTIVE OFFICER

13.1 INFORMATION BULLETINS

<u>ROSSI MOVED, HITT SECONDED,</u> That the information circulated to all Councillors in the Elected Members Bulletin dated 2 May 2008 be noted and received:

<u>CARRIED 11 VOTES TO 0</u>

7.49pm The A/Manager Properly & Economic Development departed the meeting and did not return.

13.2 REQUESTS FOR LEAVE OF ABSENCE

A request was received from Cr Brennan on the 29 April 2008 seeking Leave of Absence for the period 24 May 2008 to 2 June 2008.

<u>MARKS MOVED, MARTIN SECONDED,</u> That Cr Brennan be granted leave of absence for the period between 24 May 2008 to 2 June 2008.

<u>CARRIED 11 VOTES TO 0</u>

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

7.51pm Cr Whiteley returned to the meeting.

15. CLOSURE

There being no further business, the Presiding Members thanked all those in attendance and closed the meeting at 7.52pm.