



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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21 December 2010

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ATTACHMENTS INDEX

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Attachment 12 – Item 12.6 refers
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TABLED ATTACHMENTS INDEX

Tabled Attachment 1 – Item 4.1 refers

<p>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</p>
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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 P Hitt	West Ward
Cr B Martin	West Ward
Cr S Wolff	South Ward
Cr B Whiteley	South Ward
Cr J Powell	South Ward
Cr J Gee	Central Ward

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr N Deague	Director Community & Statutory Services
Mr R Garrett	Director Corporate & Governance
Mr R Lutey	Director Technical Services
Mr J Olynyk, JP	Manager Governance
Mr J Hardison	Manager Property & Economic Development
Mr M Ridgwell	Principal Governance & Compliance Advisor
Ms N Barnes-Hore	Senior Marketing & Media Officer
Mr C Philogene	Senior Governance Officer

MEMBERS OF THE GALLERY

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

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES & LEAVE OF ABSENCE

Cr G Dornford (Apologies)

Central Ward

3. DECLARATIONS OF INTEREST

3.1 FINANCIAL INTERESTS

Name	Item No. & Title	Nature of Interest (and extent, where appropriate)
Cr Hanlon	12.12 Request for Funding Support for 2011 Belmont Small Business Awards	Direct Financial Interest.
Mr Cole	12.16 Local Government Reform: Proposed Amendments to the <i>Local Government Act 1995</i>	Direct Financial Interest.

3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Name	Item No. & Title
Cr Rossi	12.6 History of the City of Belmont Is a Committee Member of the Belmont Historical Society
Cr Wolff	12.6 History of the City of Belmont Is a Committee Member of the Belmont Historical Society

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcements:

Announcement 1

It gives me great pleasure in announcing that the City of Belmont's Alternative Learning Centre has been recognised with a Certificate of Merit at this year's Crime and Violence Prevention Awards ceremony for providing a full-time educational program for local young people alienated from mainstream schooling (see Tabled Attachment 1).

The Alternative Learning Centre is a partnership between the City of Belmont, Lotterywest, the Department of Education, Belmont City College and the Bentley Districts Bendigo Bank. The Centre aims to give vulnerable young people a chance to build a changed future for themselves and their families.

I am also pleased to advise that the City has been recognised by the Heart Foundation for awards in the areas of the 'Physical and Healthy Eating Plan' and the Staff Health and Wellbeing Plan which aim to encourage the City of Belmont's residents and employees to take part in a happy, healthy and rewarding lifestyle.

Announcement 2

On 1 December 2010 a petition was received bearing 13 signatures which reads as follows –

"We the undersigned would like to bring to your attention that since the speed humps have been installed along Belmont Avenue, between Kew Street and Keane Street, Cloverdale, vehicles have been speeding up and down our street, namely Treave Street, instead, mainly at school times and peak periods. This has always been a quiet street, we have lived here for 43 and a half years. We do not have a footpath which we think is now a necessity, especially for the elderly (my husband and myself are in this age group). My husband is also very deaf and he takes our almost one year old dog for a walk each day.

My neighbours also have several children and a footpath means they would have somewhere safe to travel to visit their friends."

Item 4.1 Continued

The Manager Design and Assets has advised that in following up on the petition, the City will:

- Firstly create a graphical representation of the petition to establish the extent of works requested.
- Determine the validity of the perceived traffic issue along the street using a traffic classifier data.
- Undertake a site visit to identify which side of the road a proposed path would be constructed and then prioritise the proposed projects against existing path requests.

If it was determined that the path should be programmed in for the following financial year, a survey of the street would be undertaken, then it would be included in budget consideration for 2011/12 but if it wasn't, then the signatories to the petition along with all residents surveyed would be advised of the result and that the City would not pursue the matter any further. This process takes between four to six weeks to complete.

MOVED ROSSI SECONDED GEE, That the petition be received by Council.

CARRIED 10 VOTES TO 0

Announcement 3

On 23 August 2010, a petition was received bearing 14 signatures which reads as follows –

“I, the undersigned, request the City of Belmont review its Draft Town Planning Scheme No 15 to revise the zoning of our property located and bounded by Durban Street, Keymer Street, Stanley Street and Hardey Road, currently zoned R20, to R20/40 alike the properties within the precinct according to the illustration below.”

The City advised Petitioners on 30 November 2010 that the City will follow up the request as part of the review of the Draft Local Planning Scheme No 15. It is anticipated that an item will be presented to Council responding to this petition and all other submissions in early 2011.

MOVED POWELL, SECONDED HANLON, That the petition be received by Council.

CARRIED 10 VOTES TO 0

4.2 DISCLAIMER

7.07pm The Presiding Member advised the following:

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

Therefore members of the public should not rely on any decisions until formal notification in writing by Council has been received."

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Mr C Floyd, 26/11 Tanunda Drive, Rivervale

The following questions were taken on notice at the Ordinary Council Meeting of 23 November 2010.

Mr Floyd was provided with a response on 9 December 2010. The response from the City is recorded accordingly –

1. Mr Floyd stated that the carpark between 26/11 Tanunda Drive, Rivervale and 15 Tanunda Drive, Rivervale should be for the sole use of residents, however, many non-residents are taking up the parking spaces.”

Response

The Acting Chief Executive Officer replied that he was aware of the concern from some residents. The matter is currently being investigated by City Officers and therefore took the question on notice.

The Acting Chief Executive Officer subsequently replied that whilst the provision of visitors' bays is compliant with the approval for the site (11, 12, 15, and 18 Tanunda Drive), the marking of all visitors parking bays across the site is not generally in accordance with the approval and there appears to be a fragmented approach to management of visitors parking evidenced by reference on two of the lots (12 and 18) to wheel clamping and permit parking.

While the need to appropriately mark visitors bays will be followed up separately by the City it is recommended that the Community Committee meet to consider and address the parking issues that are currently arising on site. Whilst the City has no control over matters beyond the management of that portion of the site now contained in road reserve, in addressing the matters arising on site it is recommended that:

- The various strata bodies (or Community Committee) seek legal advice as to whether any fines can legally be imposed as it was clearly the intent of the development approval that the visitor parking provided on any site was to apply across the site and is therefore not intended as being exclusive to any one lot or strata body. This also raises the issue of other strata bodies barring access to their visitor parking which would only exacerbate the existing issues that have been highlighted on site.
- The Community Committee consider seeking professional advice from a parking management company in regards to options including (but not limited to) structured timeframes for parking for the allocated visitors parking (eg allocation of short term 30 minute bays; medium term 4 hours; longer term 24 hours visitor parking) and making available additional visitors parking associated with commercial tenancies (for 'after-hours' visitors parking).

- **The Community Committee contact the City's TravelSmart Officer who may assist community members make smarter travel choices and use alternate forms of transport.**
- 2. An agreement was made by owners at 11 Tanunda Drive, Rivervale to maintain and look after the grounds. Why should ratepayers have this responsibility and still be required to pay rates?

Response

The Acting Chief Executive Officer replied that Condition No. 22 of the Planning Approval (141/2003/DA) granted for the Hill 60 development requires:

"Landscaping, plants and reticulation shall be installed in accordance with a landscaping and reticulation plan to be submitted to the City and approved....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."

Such a condition is standard on grouped and multiple dwellings. It is understood that all stratas on-site entered into a Memorandum of Understanding via the Tanunda Community Committee to address the issue of Landscaping maintenance and tidiness on site.

- 3 Mr Floyd advised that the residents at 11 Tanunda Drive, Rivervale had been given notice to clean and maintain the grounds around their building. He asked why the City should require them to do this, when surrounding land was in worse condition than theirs?

Response

The Acting Chief Executive Officer replied:

"I refer you to the Memorandum of Understanding that was entered into. The MOU arose out of compliance issues with the planning approval. The issues were pursued in 2009 following receipt of complaints regarding the state of the landscaped berm that formed an integral part of the development proposal presented by the developers of the site and required by planning condition to be landscaped and maintained on an ongoing basis".

5.1.2 Mrs M Bass, 77 Keymer Street, Belmont

Mrs Bass was provided with a response on 8 December 2010. The response from the City is recorded accordingly –

1. Council has paid \$87,673 of ratepayers' funds to WA Local Government Association. Could the Chief Executive Officer please tell us what the individual fee figure is for advertising for membership fees and for Local Government Registrations?

Response

The total payment of \$87,673.46 can be broken down into the following four categories:

1) Advertising costs -	\$45,300.68
2) Subscription costs -	\$28,318.68
3) Registration costs -	\$14,054.10
Total	\$87,673.46

2. The amount given in the attachments for professional development expenses for Elected Members - do these figures include training and conferences, and if they do, why do they differ from what is spent on training and conferences that is shown in the Accounts Payable?

Response

Unfortunately the question is insufficiently clear to enable a precise response. However, the following response is provided in accordance with the City's interpretation of your request.

Payments made throughout the year are presented to Council in accordance with the requirements of the Local Government Act 1995 (Act) and include all payments made for professional development activities of staff and Councillors. It is assumed that your question is referring to the table shown in the City's Annual Report entitled "Professional Development Expenses For Elected Members". This table lists only those expenses incurred on behalf of Councillors of the City as defined in Council's Policy BEXB11B and does include conference and training costs as indicated by the headings.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.09pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Presiding Member advised that she had registered four members of the public who had given prior notice to ask questions, these being Mr Weidermann, Mr Paganelli, Mr Greenwood and Mr Birch.

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

No further members of the public gallery stated their intention to ask a question.

5.2.1 Mr D Weidermann, 492 Great Eastern Highway, Redcliffe

1. What guarantees can you give that complaints by the residents of the proposed development will not result in the existing industry being forced out?

Response

The Director Community and Statutory Services replied that no guarantees can be given by the City.

2. Where else can the City of Belmont provide industrial land within the City for us to move to with similar exposure?

Response

The Director Community and Statutory Services replied that there is industrial land on the Airport side of Great Eastern Highway at Redcliffe and in the Kewdale Industrial area.

3. Is it correct that as the land to the rear of our property was taken by Main Roads by compulsory reclamation for a freeway, now there is no intent of that use occurring that we will be given first option to purchase back that land?

Response

The Director Community and Statutory Services replied that the Western Australian Planning Commission (WAPC) would have acquired the land. If any owners think that they may have a claim, then they should approach the WAPC about it.

4. Am I correct to assume that Council does not want industries there?

Response

The Director Community and Statutory Services replied that the land is zoned “Mixed Use”, so activities that suit this zoning are acceptable. Although light industry is a use that may be allowed in the ‘Mixed Use’ zone, it is incumbent on such business owners to contain noise, dust and odour on the site.

5.2.2 Mr D Paganelli, 494 Great Eastern Highway, Redcliffe

1. We have been operating our truck parts, service and repairs business from our premises since 1988 with the approval of the City of Belmont. We still conduct this same business 22 years later. What guarantees do the businesses adjoining DA9 have that the residential development proposed will not adversely affect our business (all industrial) and thus send us bankrupt by preventing us from earning a living and doing our job?

Response

The Director Community and Statutory Services replied that no guarantees can be given by the City as it would depend on the nature of the development submitted.

2. There are currently nine industrial businesses adjoining DA9. Council was shown through various initiatives and as evident in the previous Council Meeting that the City of Belmont is trying to foster business here in Belmont. How will these residential apartments assist in fostering business when these nine industrial businesses will be forced to close?

Response

The Director Community and Statutory Services replied that the City has been undergoing substantial change over the last 20 years. Large sections of Belmont and Redcliffe were previously zoned industrial similar to Ascot. The City made bold decisions some 20 years ago in these localities to make changes to the zoning of the land to encourage more appropriate development. Directions 2031 encourages higher density residential development along transport routes, especially in areas where there is sufficient public open space and being close to the Swan River. Nevertheless, Council has been highly supportive of business.

5.2.3 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe

1. How does Council intend to protect the interests of business owners and lessees of commercial properties along Great Eastern Highway from Fauntleroy Avenue to Ivy Street and whose premises back onto the Hay Road, DA9 residential development if it is approved tonight, many of whom have not only had the rear of their properties compulsorily resumed for a bypass road link now no longer required, but have had their zoning changed from industrial to mixed use?

Response

The Presiding Member replied that the question had been previously asked and responded to.

2. How will Council ensure that these business owners will not be subject to noise, dust and/or odour complaints by residents into the future and/or forced to close down and/or relocate if residential development is allowed in DA9?

Response

The Presiding Member replied that the question had been previously asked and responded to.

3. Why has Council not taken the step of buying out these business owners if the plan is to redevelop this area to high density residential development?

Response

The Director Community and Statutory Services replied that it is not the City's responsibility to acquire land for private purposes. It is a choice that each landowner can make in the future, to relocate and sell their land for residential purposes.

4. Has Council considered rezoning these properties to a residential density?

Response

The Director Community and Statutory Services replied that residential development applications can already be made and that the City will consider each application on its merits.

5. What advice has Council received on the likely compensation claims against Council in the event of approval of residential development constructed on a wetland and in a floodway of the Swan River and later damaged / loss of life or injury sustained during a future 100-year flood event in DA7 and DA9?

Response

The Presiding Member took the question on notice.

5.2.4 Mr R Birch, 195 Knutsford Avenue, Kewdale

1. Hearing the members of the public speak, it seems to me that they have been in business here a long time, lawfully and complying with the Council. The answers provided tonight do not seem to reflect the concern of these businesses. Is there any avenue of compensation for the businesses affected – either from the Council or other planning authority?

Response

The Director Community and Statutory Services replied that the issue of town planning is a complex and at times difficult one. In the objective of the long term public good, some difficult decisions must be made and change will occur over time. If central Belmont was left as industrial land, surrounding residents would be highly critical of the Council. Sometimes, the relocation of businesses is necessary for a variety of reasons in order to meet the changing dynamics of an inner city community.

5.2.5 Mr Charles Needham – 7 Fernridge Cove, Ascot

1. Is it Council's position to retain very recent structures or older living trees?

Response

The Director Community and Statutory Services replied that the City would endeavour to retain existing trees wherever possible.

2. The immediate area close to Coolgardie Avenue is inundated with weeds and oil. Could the distance be better served by a sink hole rather than something closer to the road?

Response

The Presiding Member stated that she had conflicting information about this as some experts had assured Council that the oil film on top of the water was actually eucalypt oil.

7.35pm As there were no further questions, the Presiding Member declared Public Question Time closed.

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX

- 6.1 ORDINARY COUNCIL MEETING HELD 23 NOVEMBER 2010**
(Circulated under separate cover)

OFFICER RECOMMENDATION

HANLON MOVED, HITT SECONDED, That the minutes of the Ordinary Council Meeting held on 23 November 2010 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 10 VOTES TO 0

- 6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM
HELD 14 DECEMBER 2010**
(Circulated under separate cover)

OFFICER RECOMMENDATION

ROSSI MOVED, WHITELEY SECONDED, That the Information Matrix for the Agenda Briefing Forum held on 14 December 2010 as printed and circulated to all Councillors, be received and noted.

CARRIED 10 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

1. A question was asked at the Ordinary Council Meeting of 23 November 2010 by Cr Marks as to whether the City had received correspondence from Ms Bylinski in the past relating to aircraft noise?

Response

The Presiding Member stated that the City has not received any correspondence from Ms Bylinski relating to aircraft noise.

The Presiding Member asked if there were any questions by Members without Notice.

1. Cr Hitt made reference to the Southern Gazette article "Rivers tax rejected" dated 14 December 2010, relating to rates model on the Swan/Canning catchment. Cr Hitt asked whether the recommendation to introduce a levy on residents submitted to Council for its consideration, if not why not? If a submission has been made, will it be withdrawn till it is put before Councillors (on notice)?

Response

The Presiding Member replied that the idea of a levy was only one of a number of options proposed by the Swan Canning Policy Forum and had not been accepted by the Honourable Minister for Environment – Mr John Day.

2. Cr Martin made reference to the statement made by Mr Robert Greenwood at the Agenda Briefing Forum on 14 December 2010 and asked has there been a complaint made about the statement and will you be investigating the complaint?

Response

The Presiding Member replied that a complaint was made and that it was being investigated.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

11.1 STANDING COMMITTEE (COMMUNITY CAPACITY) HELD 29 NOVEMBER 2010
(Circulated under separate cover)

OFFICER RECOMMENDATION

WHITELEY MOVED, GEE SECONDED, That the Minutes for the Standing Committee Audit & Risk meeting held on 29 November 2010 as previously circulated to all Councillors, be received and noted.

CARRIED 10 VOTES TO 0

12. REPORTS OF ADMINISTRATION

Item 12.1 was withdrawn at the request of Cr Marks.
Item 12.3 was withdrawn at the request of Cr Marks.
Item 12.4 was withdrawn at the request of Cr Marks.
Item 12.7 was withdrawn at the request of Cr Gee.
Item 12.12 was withdrawn at the request of Cr Powell.
Item 12.13 was withdrawn at the request of Cr Wolff.
Item 12.16 was withdrawn at the request of Cr Marks.

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

CARRIED BY ABSOLUTE MAJORITY 10 VOTES TO 0

12.1 LOTS 28 & 29 (15 & 17) LAPAGE STREET, BELMONT – EIGHT GROUPED DWELLINGS – TWO STOREY

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	Development Application Plans

Voting Requirement : Simple Majority
Subject Index : 115/001
Location / Property Index : Lots 28 & 29 (15 & 17) Lapage Street, Belmont
Application Index : 341/2010/DA
Disclosure of any Interest : Nil
Previous Items : NA
Applicant : Broadway Homes
Owner : Brique Development
Responsible Division : Community & Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

Council to consider a development application for eight, two storey grouped dwellings at Lots 28 and 29 (15 & 17) Lapage Street, Belmont.

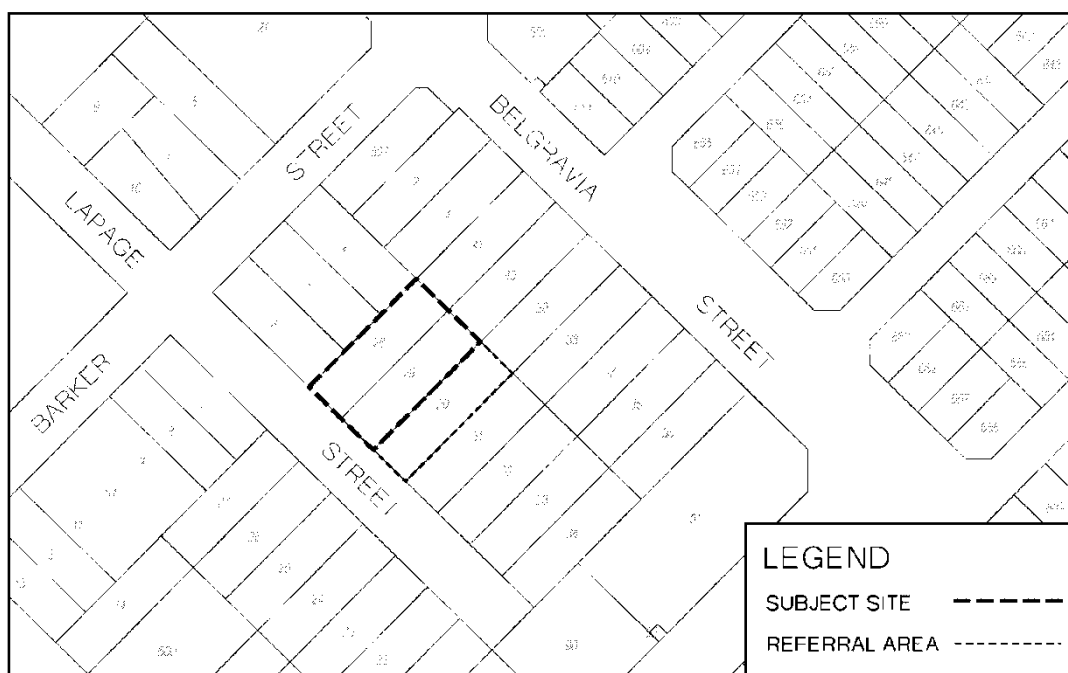
Item 12.1 Continued

SUMMARY AND KEY ISSUES

- The proposal has been assessed in accordance with the Residential Design Codes (R-Codes) and Local Planning Policy No. 16.
- Variation to the R-Codes acceptable development criteria for overshadowing is proposed.
- Objection from an affected adjoining owner has been received.

LOCATION

Lot 28 & 29 (15 & 17) Lapage Street, Belmont.



Item 12.1 Continued

CONSULTATION

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

The proposal was referred to the adjoining owner with respect to overshadowing and an objection was received (refer to Background and Officer Comment sections for details).

STRATEGIC PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Local Planning Policy No. 16 – Belgravia/Barker Streets Policy (LPP16)

LPP16 seeks to facilitate and maintain a high standard of residential development through variation in building design and the use of complementary colours and materials. The provisions of the policy require the amalgamation of existing small lots into larger lots capable of accommodating this high standard of development and to achieve a unified and attractive streetscape within the Policy Area.

LPP16 was adopted as a policy by the Council at its meeting of 29 July 2002.

STATUTORY ENVIRONMENT

Residential Design Codes (R-Codes)

All grouped dwelling development is assessed in accordance with the provisions of the Residential Design Codes which incorporates design elements comprising density, streetscape, boundary setbacks, open space, access and parking, building height, privacy, incidental provisions and climate requirements.

The acceptable development criteria R-Codes Clause 6.9 – Design for Climate Requirements states:

A1 "... development in climatic zones 4, 5 and 6 of the state shall be so designed that its shadow only cast at midday 21 June onto any other adjoining property does not exceed the following limits:

- *On adjoining properties coded R25 and lower – 25 percent of the site area.*

Item 12.1 Continued

- *On adjoining properties codes R30 to R40 inclusive – 35 percent of the site area; or*
- *On adjoining properties codes R-IC or higher than R40 – 50 percent of the site area.”*

The performance development criteria states:

P1 “Development designed to protect solar access for neighbouring properties taking into account the potential to overshadow:

- *Outdoor areas;*
- *Major openings to habitable rooms;*
- *Solar collectors; or*
- *Balconies or verandahs.”*

Town Planning Scheme No. 14 (TPS14)

The subject lot is zoned Residential R20/50 under Town Planning Scheme No. 14 (TPS14).

Clause 10.2.4.5 of TPS14 states that Council, in exercising discretion and in consideration of any application shall make its decision having regard to relevant policy provisions.

Draft Local Planning Scheme No. 15 (LPS15)

Under draft LPS15 the zoning of the subject property is not changed and the Barker Belgravia Streets Local Planning Policy is retained.

Deemed Refusal

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

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

The deemed refusal date for this application passed on 8 October 2010 and the applicant already has deemed refusal rights.

It should be noted however, that modified plans were requested in September 2010 to ensure compliance with relevant local planning policies. Amended plans were received on 19 October 2010 and on assessment required referral to the adjoining affected owner for comment.

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.

Item 12.1 Continued

BACKGROUND

Lodgement Date:	9 August 2010	TPS14 Zoning:	Residential R20/50
Lot Area:	Lot 28 - 771m ² Lot 29 - 771m ²	Use Class:	Grouped Dwelling 'D' – Discretionary
MRS:	Urban	Draft LPS15 Zoning:	Residential R20/50
Estimated Value:	\$850,812	Use Class:	Grouped Dwelling 'P' - Permitted

Site Description

The subject lots are located within LPP16 Policy Area No. 2. The existing dwellings are to be demolished. The development includes the amalgamation of two lots (each 771m² in area), which accords with the minimum lot area provision of LPP16 requiring a lot size of 1500m² for development above the base code of R20.

Proposal

It is proposed to construct eight; two storey dwellings on the subject site with a single central accessway (refer to Attachment 1). The development complies with all relevant R-Code and LPP16 policy provisions, except overshadowing. Overshadowing of the adjacent property (Lot 30 (19) Lapage Street) is calculated at 34%.

In support of the overshadowing variation the applicant advised the following:

- Overshadowing is located along the northwest boundary of the adjacent lot. The affected adjacent dwelling is set forward on the lot with the large rear portion of open space being unaffected.
- The majority of overshadowing occurs along the side and front of the dwelling. The shadow will therefore not majorly affect any habitable living areas, as the location of the major habitable room windows are located on the south western elevation and rear elevation of the existing dwelling.
- The remaining portion of shadow being cast is within the front setback area and onto the road reserve and therefore will not impact on the dwelling's solar access to northerly sun.
- No solar heating or balconies are located on the roof of the affected dwelling.

Referral Comments

The affected owner has lodged an objection to the proposed 34% overshadowing for the following reasons:

- The property (19 Lapage Street) was purchased as a single residential R20 zoned lot in 1983. Overshadowing permitted at R20 is 25%;
- Due to climatic changes, the owner was considering installing solar panels. Proposed overshadowing would make this ineffective;
- Concerns regarding existing fruit trees – lack of sun would be detrimental to their survival;

Item 12.1 Continued

- All adjacent bedrooms and bathroom and half the lounge would be affected by lack of light and considered undesirable as lack of light would deem the house very cold and damp;
- Adjacent neighbour owns Lots 31 & 32 (21 & 23) Lapage Street and therefore there is no chance of amalgamation with the neighbour. The owner is disadvantaged by the prospect of being wedged between two developments; and
- The owner is disadvantaged as any future development of his property is limited to R20.

Power Supply

This site has above ground power.

OFFICER COMMENT

The proposed development complies with the provisions of LPP16 with respect to lot area, two storey development and high quality design.

In relation to overshadowing, R-Codes Clause 6.9.1, A1 states that in order for a development to comply with acceptable standards it shall not overshadow an adjoining property by more than 25%, where the adjoining property is coded R25 or less. However, where an adjoining property is zoned R30 or R40, the maximum overshadowing is permitted as acceptable development may be 35% of the adjoining site. Where an adjoining property is zoned R50 or greater, the maximum overshadowing is permitted as acceptable development may be 50% of the adjoining site. Where a development does not meet the acceptable standard, approval can be sought having regard to the performance criteria of the R-Codes.

In this instance, the subject lots and adjacent lot are zoned Residential with a density of R20/50. Where a split coding exists it has been standard practice to:

- Apply the standards of the base coding of R20 to the adjoining property where undeveloped; or
- Apply the standards of the highest coding where the adjoining property has been redeveloped.

Accordingly, in this case the base code of the R20 acceptable development standard for overshadowing of the adjacent dwelling is 25% as the adjoining site is undeveloped. Notwithstanding that the 25% overshadowing acceptable development standard is applied in the assessment, any overshadowing above that percentage is then considered in the context of the performance based standards of the R-Codes.

In assessing this development, the following issues must be considered:

- The surrounding lots are zoned Residential R20/50.
- The R-Codes acceptable development criteria for overshadowing of the adjacent lot for any development up to R40 shall not exceed 35% and development at R50 shall not exceed 50% of the adjoining lot.
- Assessment of overshadowing using performance criteria must take into account that the development is designed to protect solar access for neighbouring properties, taking into account the potential to overshadow outdoor living areas, major openings to habitable rooms, solar collectors, balconies or verandahs.

Item 12.1 Continued

- The applicant has provided justification in accordance with the performance criteria.
- The objector's lot is 771m² and has a frontage of 15.09 metres. Council will only support development above the base code of R20 subject to a minimum 1,500 square metres lot area or a minimum 30 metre frontage. Although no formal development application for grouped dwelling development has been submitted for lots on the eastern side of the objector's lot, a check of the City's records confirmed that the two adjacent lots have the same owner and can therefore comply with the 1500m² lot size requirement without amalgamation with the objector's lot. Notwithstanding that, there is still the opportunity for the landowner to speak with the owners of the lots to the east to consider a joint development.

Given the above, the following options are provided for Council consideration:

Option 1

Refuse the application as submitted as the percentage of overshadowing does not comply with the acceptable development criteria for the base R20 density of the adjoining lot.

Should Council support this option, the applicant would have the option of appeal. This is not the preferred option given that the application meets the R-Codes performance criteria at the R20 base code and the R-Codes acceptable criteria for development at the higher densities of both R40 and R50.

Option 2

Approve the application subject to the design being modified to ensure compliance with the R-Codes acceptable criteria of 25% for the adjacent R20 coded property. This would require the upper floors of Dwellings 5, 6, 7, and 8 being setback approximately an additional 2.5 metres in order to reduce the overshadowing to not more than 25%.

This option has some merit. The proposed area of overshadowing over the adjacent lot is 257m². To ensure compliance with 25% overshadowing, this is required to be reduced by 64.25m² to an area of 193m². However, where a variation is proposed the R-Codes provide performance criteria for the development to be assessed by. Accordingly, the applicant provided justification with respect to location of outdoor areas, major openings, solar collectors and verandahs or balconies. Currently this dwelling does not have any solar collectors on the roof despite the objector stating that he is considering installing solar panels. In reviewing this factor, while the overshadowing extends over a portion of the adjacent dwelling, there is ample roof facing north which is not affected by overshadowing where solar panels could be placed. Consequently, this option is not the preferred option.

Option 3

Approve the application as submitted under the performance criteria provisions of the R-Codes, given that the overshadowing complies with the R-Codes acceptable criteria for development at R50.

This option has merit; however consideration must be given to the impact on the adjoining property. The owner of the adjacent single storey dwelling has raised concerns regarding the overshadowing of his dwelling and garden area based on the R20 density requirement, as he does not believe that he will be able to develop his property above the R20 base code.

Item 12.1 Continued

This is based on the fact that the subject development abuts his property to the west and that the two adjoining lots to the east of his property have the same owner and therefore can comply with the 1500m² lot size for residential development above the base code of R20, independent of his lot. A check of the City's records confirmed that to date no development application has been submitted for these adjoining lots. Therefore, there may be an opportunity to develop all three lots together which would accord with LPP16 provisions to facilitate high quality residential development. Alternatively, should an agreement for a joint development with the properties to the east not be reached and those lots developed independently, it is possible for Council to consider an application for any remaining land on its merits. Accordingly, given the potential for adjacent grouped dwelling development, Option 3 is supported.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

As of the 1 July 2003, Energy Efficiency requirements have been implemented via the Building Code of Australia, Volume 2 and all residential buildings need to comply with the 'deemed to satisfy' requirements or alternatively an Energy Audit Report can be submitted by an accredited person.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council approve planning application 341/2010/DA as detailed in plans dated 9 August 2010 and amended 5 November 2010, submitted by Broadway Homes on behalf of the owner Brique Developments Pty Ltd for Eight Grouped Dwellings (Two Storey) at Lots 28 & 29 (Nos. 15 & 17) Lapage Street, Belmont subject to the following conditions:

1. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.
2. A landscaping and reticulation plan is to be prepared by a professional horticulturist or a qualified landscape contractor for the subject development site and street verge and submitted to the City for approval prior to the issue of a building licence, unless otherwise agreed to by the City in writing.
3. Landscaping, plants and reticulation are to be installed and thereafter maintained in accordance with the approved landscaping and reticulation plan for the duration of the approved development to the satisfaction of the Manager Parks and Environment.

Item 12.1 Continued

4. No existing turf, reticulation or street trees located in the road verge abutting, or adjacent to, the subject land, may be damaged or removed in the course of the development, unless separately approved in writing by the City.
5. The owner/applicant shall arrange for the City's Parks Technical Officer to undertake an inspection and appraisal of the existing street tree(s) within the verge prior to the commencement of development. Any tree protection measures are thereafter to be implemented where required by the Parks Technical Officer.
6. The existing box street tree impacted by the proposed crossover and access to the development shall be removed and replaced at the owners/applicant's cost with two 100L trees to be located elsewhere in Lapage Street, as per the City's Street Tree Strategy, to the satisfaction of the Manager Parks and Environment.
7. Vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed and kerbed in accordance with the approved plan (two spaces per dwelling unit measuring 2.5 metres by 5.5 metres) and shall be designed, paved (brick) and clearly marked in accordance with Council's engineering requirements and design guidelines.
8. A minimum of two visitor parking bays as shown on the approved plans are to be provided and maintained and are to be clearly marked as 'visitor bays' and designated 'common property'.
9. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's Engineering Requirements and Design Guidelines.
10. Prior to occupation or use of the development, vehicle crossovers shall be approved by the City of Belmont Technical Services and constructed in coloured concrete or brick paving in accordance with the City of Belmont specifications for the construction of concrete or brick paved crossovers for residential properties.
11. The redundant crossovers as shown on the approved plans shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications for Crossovers, to the satisfaction of the City's Project/Development Engineer.
12. 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.
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.*
14. All existing buildings and structures on the lots, 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.

Item 12.1 Continued

15. A detailed schedule of external materials and colours to be used in the construction of the development shall be submitted to the City for approval prior to the issue of a building licence.
16. For residential unit development all fencing visible from the street or an internal accessway shall be constructed in brick and timber, or brick and see through wrought iron, or other materials which match the units and which are acceptable to the Director Community and Statutory Services, Manager Planning Services or Senior Planning Officer.
17. Pergolas or an alternative shade structure satisfactory to the Director Community and Statutory Services, Manager Planning Services or Senior Planning Officer, with minimum dimensions of 3.0 m x 3.0 m, shall be provided to the courtyard areas of each unit.
18. Each dwelling unit is to be provided with either:
 - (a) a 4m² storeroom in colours and materials which match the units; or
 - (b) a storeroom incorporated in the garageacceptable to the Director Community and Statutory Services, Manager Planning Services or Senior Planning Officer.
19. No clothes drying devices shall be erected or clothes dried outside any private courtyard, which is visible from a street or public place.

Note

Cr Marks put forward the following Alternative Motion

ALTERNATIVE MOTION

MARKS MOVED, POWELL SECONDED.

- A. ***That Council approve planning application 341/2010/DA as detailed in plans dated 9 August 2010 and amended 5 November 2010, submitted by Broadway Homes on behalf of the owner Brique Developments Pty Ltd for Eight Grouped Dwellings (Two Storey) at Lots 28 & 29 (Nos. 15 & 17) Lapage Street, Belmont subject to the following conditions:***
 1. ***The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.***
 2. ***A landscaping and reticulation plan is to be prepared by a professional horticulturist or a qualified landscape contractor for the subject development site and street verge and submitted to the City for approval prior to the issue of a building licence, unless otherwise agreed to by the City in writing.***

Item 12.1 Continued

- 3. Landscaping, plants and reticulation are to be installed and thereafter maintained in accordance with the approved landscaping and reticulation plan for the duration of the approved development to the satisfaction of the Manager Parks and Environment.**
- 4. No existing turf, reticulation or street trees located in the road verge abutting, or adjacent to, the subject land, may be damaged or removed in the course of the development, unless separately approved in writing by the City.**
- 5. The owner/applicant shall arrange for the City's Parks Technical Officer to undertake an inspection and appraisal of the existing street tree(s) within the verge prior to the commencement of development. Any tree protection measures are thereafter to be implemented where required by the Parks Technical Officer.**
- 6. The existing box street tree impacted by the proposed crossover and access to the development shall be removed and replaced at the owners/applicant's cost with two 100L trees to be located elsewhere in Lapage Street, as per the City's Street Tree Strategy, to the satisfaction of the Manager Parks and Environment.**
- 7. Vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed and kerbed in accordance with the approved plan (two spaces per dwelling unit measuring 2.5 metres by 5.5 metres) and shall be designed, paved (brick) and clearly marked in accordance with Council's engineering requirements and design guidelines.**
- 8. A minimum of two visitor parking bays as shown on the approved plans are to be provided and maintained and are to be clearly marked as 'visitor bays' and designated 'common property'.**
- 9. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's Engineering Requirements and Design Guidelines.**
- 10. Prior to occupation or use of the development, vehicle crossovers shall be approved by the City of Belmont Technical Services and constructed in coloured concrete or brick paving in accordance with the City of Belmont specifications for the construction of concrete or brick paved crossovers for residential properties.**
- 11. The redundant crossovers as shown on the approved plans shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications for Crossovers, to the satisfaction of the City's Project/Development Engineer.**
- 12. 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.**

Item 12.1 Continued

- 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.**
 - 14. All existing buildings and structures on the lots, 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.**
 - 15. A detailed schedule of external materials and colours to be used in the construction of the development shall be submitted to the City for approval prior to the issue of a building licence.**
 - 16. For residential unit development all fencing visible from the street or an internal accessway shall be constructed in brick and timber, or brick and see through wrought iron, or other materials which match the units and which are acceptable to the Director Community and Statutory Services, Manager Planning Services or Senior Planning Officer.**
 - 17. Pergolas or an alternative shade structure satisfactory to the Director Community and Statutory Services, Manager Planning Services or Senior Planning Officer, with minimum dimensions of 3.0 m x 3.0 m, shall be provided to the courtyard areas of each unit.**
 - 18. Each dwelling unit is to be provided with either:**
 - (a) a 4m² storeroom in colours and materials which match the units;**
 - or**
 - (b) a storeroom incorporated in the garage**

acceptable to the Director Community and Statutory Services, Manager Planning Services or Senior Planning Officer.
 - 19. No clothes drying devices shall be erected or clothes dried outside any private courtyard, which is visible from a street or public place.**
- B. That the owner of No. 19 (Lot 30) Lapage Street, Belmont be advised that in the event that No. 19 is excluded from redevelopment with all of its neighbouring lots, then Council will consider the redevelopment proposal of No. 19 on its merits.**

CARRIED 10 VOTES TO 0

Reason

No. 19 (Lot 30) Lapage Street may lose all development rights by no fault of its owner.

12.2 LOT 4795 (2) BALLANTYNE ROAD KEWDALE – OUTDOOR STORAGE OF TYRES

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item 12.2 refers	Development Application Plans

Voting Requirement	:	Simple Majority
Subject Index	:	117/005
Location / Property Index	:	Lot 4795 (2) Ballantyne Road, Kewdale and Lot 703 (148) Kewdale Road, Kewdale
Application Index	:	250/2010/DA
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	Architecture Collective
Owner	:	State of Western Australia (Public Transport Authority)
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider a retrospective development application for the use of 'Industry-General (Outdoor Storage of Tyres)' on Lot 4795 (2) Ballantyne Road, Kewdale and Lot 703 (148) Kewdale Road, Kewdale (refer to Attachment 2).

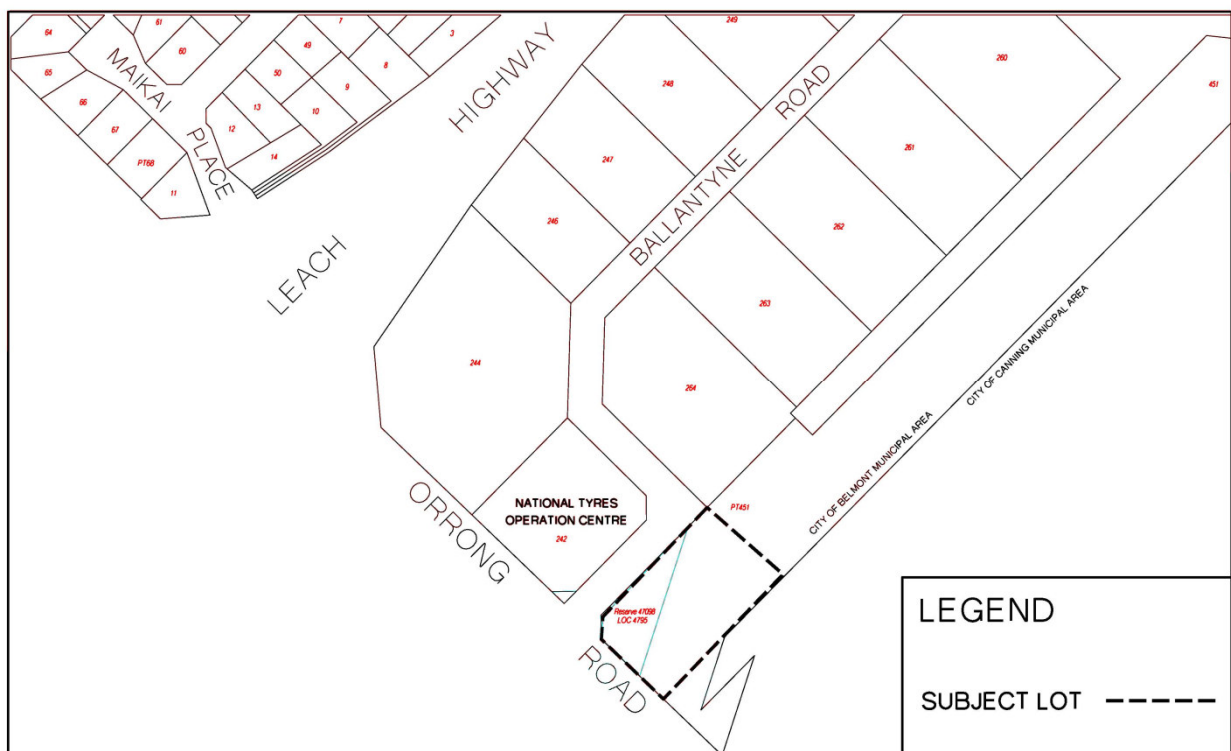
Item 12.2 Continued

SUMMARY AND KEY ISSUES

- The outdoor storage of unused tyres and used tyres (under 100) is classified under Town Planning Scheme No.14 as 'Industry-General', which is a discretionary use in the Industrial zone.
- The site is currently used for tyre storage; however it has no valid planning approval. The application is, therefore, for a retrospective planning approval.
- The retrospective application is for the external storage of tyres only – there are no proposed buildings or structures to be located on the site.
- There is currently no guiding legislation for the acceptable method in which new tyres should be stored.
- The subject lot is owned by the State Government of Western Australia and is vested in the Public Transport Authority, however, it has been leased to 'National Tyres' for a period of 20 years from 1 March 2009.
- Subject to appropriate conditions, it is recommended that the use be granted approval.

LOCATION

The subject site is Lot 4795 (2) Ballantyne Road, Kewdale and Lot 703 (148) Kewdale Road, Kewdale as shown in the location plan below.



The subject lot is on the corner of Orrong Road and Ballantyne Road within the Kewdale Industrial precinct. The land is owned by the State Government of Western Australia and is vested in the Public Transport Authority.

Item 12.2 Continued



Aerial photograph showing the existing tyre storage.

CONSULTATION

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

Department of Planning (DoP) Network Planning Branch

The subject lot abuts Orrong Road classified as a 'Primary Regional Road' under the Metropolitan Region Scheme (MRS). The application was initially referred to the DoP Network Planning Branch as the responsible authority for this road. There were no objections to the proposed development subject to the following:

- The land owner agrees to remove the visual screening and affected tyre storage area at the time when the reserved land is required for the upgrading of Orrong Road at their own expense; and
- The land owner agrees that the presence of the visual screening and tyre storage area shall not be taken into consideration in determining any compensation that may be payable by Council or the Western Australian Planning Commission when the reserved land is required for the upgrading of Orrong Road.

Other than the above point, the Department had no objections to the proposal.

Item 12.2 Continued

Main Roads Western Australia

Due to a change in the Instrument of Delegation, the subject portion of Orrong Road is now under the control of Main Roads Western Australia. The proposal was supported subject to the following conditions:

- Any existing screening and outdoor storage is to be removed at the applicant's cost at the time of upgrading of Orrong Road as per the red marking on the approved plans to the satisfaction of Main Roads Western Australia.
- The applicant/owner agrees that the presence of the visual screening and tyre storage area shall not be taken into consideration in determining any compensation that may be payable by Council, Main Roads or the Western Australian Planning Commission at the point in time when the reserved land is required for upgrading of Orrong Road.

STRATEGIC PLAN IMPLICATIONS

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

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

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

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

Objective: Maximise Business Development Opportunities.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

The subject property is zoned 'Industrial' under the City's Town Planning Scheme (TPS) 14. The 'Industrial' Zone is intended to provide for the industrial development of the Kewdale Industrial Estate and the Redcliffe Industrial Estate. Council may approve a wide range of industrial activities within this Zone, subject to conditions designed to achieve a high standard of industrial environment.

Clause 10.7 of TPS14 contains the relevant development requirements for the Industrial Zone. In particular, clause 10.7.2(a) states:

"No use or other development of land within the Industrial Zone shall cause in the opinion of Council nuisance or annoyance by the way of noise or other emissions beyond the site on which it is conducted".

Item 12.2 Continued

Clause 10.7.2 part a (iii) relates to 'External Storage'. The storage of goods externally and the carrying out of industrial activities in open yard areas visible from the street is not permitted within the Industrial Zone. Such areas must be screened from public view by a closed wall or fence constructed of materials approved by the Council. External storage is included under the definition as 'Industry' in TPS14 as follows:

"means the carrying out of any process for or incidental to:...

... (i) the storage of goods, equipment or vehicles outdoors not in association with any other activity on the site, but not including a vehicle sales yard;..."

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.

A boundary of the subject lot abuts Orrong Road, which is reserved under the MRS as a Primary Regional Road (Category 3). This means that the application is required to be referred to DoP Network Planning Branch.

Draft Local Planning Scheme No. 15

Draft Local Planning Scheme No. 15 (LPS 15) and its associated policies were advertised for public comment from 21 May 2010 until 23 August 2010. The City is currently reviewing the submissions received.

Under draft LPS15, there is no proposed change to the zoning of the site, nor the land use classification of the Industry General (External Tyre Storage facility).

Environmental Protection Regulations 1987 – Schedule 1

Schedule 1 of the *Environmental Protection Regulations 1987*, details the uses which require licensing under the *Environmental Protection Act 1986*. The schedule details that premises wishing to store more than 100 used tyres require to be licenced with the Department of Environment and Conservation as a 'Prescribed Premise'.

Deemed Refusal

Clause 5.5.2 of the City of Belmont TPS14 applies where a land use is classified as a 'D' or 'S' use under the City of Belmont TPS14 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. An extension in processing time was requested by the applicant due to the complexity in the additional information that was requested by the City.

The deemed refusal date for this application passed on 12 September 2010 and the applicant already has deemed refusal rights.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

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

Item 12.2 Continued

BACKGROUND

Lodgement Date:	14 June 2010	TPS No.14 Zoning:	Industrial
Lot Area:	N/A	TPS14 Use Class:	Industry – General: (Discretionary)
Estimated Value:	\$60,000	Draft LPS No. 15 Zoning	Industrial
MRS:	Industrial	Draft LPS15 Use Class:	Industry – General:(Discretionary)

Existing Site

The site is owned by the State Government of Western Australia and is vested within the Public Transport Authority. The subject lot has been let from the Public Transport Authority of Western Australia to National Tyres for a period of 20 years effective from 1 March 2009.

A small portion of the subject lot is reserved under the MRS as 'Primary Regional Road Reserve'. Comments from the DoP were received on the 6 August 2010. On the 13 August 2010, the delegated authority for this portion of Orrong Road changed to Main Roads Western Australia.

The site is currently being used for the storage of tyres and as such the subject application is for retrospective approval. Access to the lot is provided from two separate crossovers off Ballantyne Road – no direct access is gained from Orrong Road. The site currently has high quality wrought iron fencing to both Orrong Road and Ballantyne Road frontages.

Surrounding Land Uses

The site does not abut any other Industrial land uses directly. The site abuts a drainage reserve to the east which is located outside the City's municipal area. The land to the north is owned by the State Government and vested in the Public Transport Authority of Western Australia. As yet, the City has not received any development proposals for this land. The land directly opposite across at Lot 242 (1) Ballantyne Road, Kewdale is owned by Scenario Holdings Pty Ltd and operates as National Tyres.

Proposal

The proposal is to utilise the site at Lot 4795 (2) Ballantyne Road for the external storage of predominately new tyres and a small number of used tyres in conjunction with the operations of the business at Lot 242 (1) Ballantyne Road. The subject site allows for relatively easy access to the office/warehouse facility located at Lot 242 (1) Ballantyne Road.

Item 12.2 Continued

Tyres to be Stored

The proposal includes the storage of between 450 to 550 new tyres ranging in sizes from 1 metre in diameter through to 3 metres in diameter. The proposal also includes the storage of no more than 100 used tyres. The *Environmental Protection Regulations 1987* requires any facility storing more than 100 used tyres to be licenced as a 'Prescribed Premise'. As the site is not proposing this quantity, it is compliant with the Regulations and therefore does not require licencing.

Location of Storage and Access

The storage of tyres will be located within the primary and secondary street setbacks, therefore allowing an internal access way throughout the site. The accessway will be utilised by delivery trucks and forklifts for the movement of tyres. Dual crossovers from Ballantyne Road are proposed and an application for construction of these crossovers is currently on hold pending determination of the development application.

Method of Storage and Screening

Tyres will be stacked horizontally which reduces any risk of spillage into the internal vehicle access way. The proposed storage of tyres will be to a maximum of 3 metres in height. In accordance with the City's TPS14 Industrial requirements, a substantial landscaping strip is proposed along the street frontages of the property to a height of 3 metres. The site currently has high quality wrought iron fencing erected along both street frontages. The fencing will be located behind the proposed landscape screening. The landscaping screening species are as follows:

1. Callitris Preissii (approximately 3 metres in height)
2. Casuarina Cunninghamiana (approximately 3 metres in height)
3. Acacia Howitti (approximately 3 metres in height)
4. Brachychiton Acerifolius (approximately 3 metres in height)

The species have been checked by the City's Parks Technical Officer who confirmed that they will provide adequate screening to the outdoor storage.

Parking Requirements

Under TPS14 the use class of 'Industry General' attracts a car parking requirement of one space for every 50m² of open space used for industrial purposes with outdoor storage falling under the definition of industrial purposes. In accordance with this parking ratio, a total of 54 car bays would be required. No car parking has been provided in conjunction with this development.

Mosquito Management

A management plan for the control of potential mosquito breeding has been submitted with the development application. The management plan proposes a series of actions to be implemented to prevent/control mosquito breeding. The proposal was also referred to the City's Health Department for assessment of the management report for the prevention of mosquito breeding. The City's Health Department were satisfied with the report and recommended approval of the development application subject to the implementation of the management actions previously mentioned.

Item 12.2 Continued

Proposed Emergency and Fire Response Procedures

A fire management report was provided as part of the initial application, however it was deemed unsuitable by the City's Building Department as the report was not specific for the external storage of tyres. Subsequently, an amended, detailed fire management report is currently being prepared by expert fire and emergency procedure contractor *First 5 Minutes* for National Tyres and Architecture Collective and will be provided to the City for consideration shortly. The fire management report will detail specific preventative measures to be taken, management procedures if an event was to occur and maintenance procedures for continual training of staff and equipment.

OFFICER COMMENT

Landuse and Road Reserve

The subject lot is primarily zoned as 'Industrial' under the MRS. The lot forms part of the Kewdale Industrial Estate and abuts the City of Belmont and City of Canning municipal boundary. The leased portion of land forms part of a larger lot owned by the Public Transport Authority which was previously zoned as 'Railways'. A small portion of the subject lot is zoned 'Primary Regional Road Reserve' under the MRS. As previously discussed, until the 13 August 2010, this portion of land was under the delegation of the DoP (refer to consultation section).

Due to a change in the Instrument of Delegation, the subject portion of Orrong Road is now under the control of Main Roads Western Australia. Comments were subsequently sought from Main Roads, who were supportive of the development application subject to similar conditions to those requested by DoP.

It is considered that as the portion of road reserve is only minor and the provision of the land, if required, for upgrading would not greatly impact the operations of the site, the City can approve the application with the requested conditions. In the event of modification to the site a new or amended planning approval would need to be sought at that time.

Accessways and Car Parking

TPS14 requires that the use class of 'Industry General' attracts a car parking requirement of 1 space for every 50m² of open space used for industrial purposes. Currently, there is no provision for parking onsite; however TPS14 requires 54 car bays for the use of 'Industry General'. It is considered that the subject use of outdoor storage can be approved without the provision of any onsite car parking spaces for the following reasons:

- The use of outdoor storage at the subject site does not attract any visitors.
- The staff members operating the subject site are provided with car parking within Lot 242 (1) Ballantyne Road which operates as the office and warehouse for National Tyres. This unique arrangement removes the need for car parking to be located onsite and as such the subject site can be utilised more efficiently for the use of external storage.
- National Tyres has entered a lease for 20 years with the Public Transport Authority of Western Australia over the subject portion of land. Any proposed modifications to the use of the site or to construct any additions would require a development application and as such car parking could be reviewed at that point in time.

Item 12.2 Continued

While Council could require the provision of parking onsite or alternatively request cash-in-lieu of car parking, this is not the preferred approach for the reasons listed above.

The proposal was referred to the City's Engineering Department, who determined that the dual crossovers and internal accessway are acceptable, however requested a condition to be imposed that the sliding gates remain open during business hours to prevent vehicles waiting on the road reserve. An application for approval of the dual crossovers was submitted to the City on the 24 April 2009, however it has been placed on hold pending determination of the subject retrospective development application. The City's Engineering Department requested conditions be imposed at the stage of approval to address stormwater, compliance with the City's Engineering Specifications and protection of the City's stormwater assets.

Fire Management Report

The City is currently awaiting submission of an amended fire management report, as the original report that was submitted was not specific to the external storage of tyres. The amended report is currently being prepared by expert fire and emergency procedure consultant *First 5 Minutes*. The purpose of the fire management report will be to address the following points:

- How will National Tyres prevent a fire from occurring on the subject lot? Specifically, what management procedures will be undertaken to maximise the prevention of a fire occurring? For example, will the tyres be treated to minimise the risk of them catching alight?
- How will National Tyres manage a fire if the situation arises? For example, where will fire fighting facilities (ie hydrants) be located, what will the evacuation procedures be, how will the fire be prevented from spreading to the adjoining sites?
- What maintenance procedures will National Tyres implement to ensure that preventative measures are maintained? For example, will staff undergo regular training for fire procedures, will equipment be regularly serviced?

Given that the City's Building Department has liaised with the applicant and fire consultant regarding the content of the fire management report, it is recommended that Council approve the application with a condition requiring the submission of the fire management report to the satisfaction of the Manager Planning Services. In addition, as operations have commenced at the site and approval is retrospective, it is recommended that Council advise the applicant/owner that all operations on the subject lot are to cease until the requested fire management report is submitted to the City and approved.

FINANCIAL IMPLICATIONS

If the City chooses to take a cash-in-lieu of parking payment for the 54 bays, payment shall be used to implement appropriate strategies which may include the construction purchase of land for parking.

The formula for cash-in-lieu proposed under Draft Scheme No. 15 is as follows:

- $\text{Shortfall} \times [(\text{Bay Size} \times \text{Land Value per m}^2) + \text{Construction Cost}]$

Item 12.2 Continued

ENVIRONMENTAL IMPLICATIONS

Contamination Concerns

The Environmental Officer Light Industry raised concerns regarding the potential for contaminants (soil, sediment, mining minerals) located on the stored tyres to be washed into the adjoining drainage reserve that is located within the municipal area of the City of Canning. It is considered that as the majority of tyres stored onsite are new, unused tyres, the levels of contaminants such as soil sediment and mining minerals being brought to the site will be low. The provision of onsite soakwells for the disposal of storm water will prevent the water washing directly into the adjoining drainage reserve and will control sediment contamination to some degree. However, if approval is granted, the following conditions are recommended to further provide protection against contaminants entering the drainage reserve:

1. All used tyres to be washed prior to being stored on the subject lot, therefore minimising the ability for contaminants from mine sites entering the site.
2. No washing of tyres is to occur onsite.

Environmental Regulations

Under the *Environmental Protection Regulations 1987* the storage of more than 100 used tyres on a site requires licensing as a 'Prescribed Premise'. As 'Prescribed Premises' are an 'X' use within the City of Belmont municipal area and cannot be considered, if approval is issued a condition is to be imposed that no more than 100 used tyres are to be stored onsite at any one time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

A. Approve planning application 250/2010/DA as detailed in plans dated 2 November 2010 submitted by Architecture Collective, on behalf of the owner Public Transport Authority of Western Australia, for a development application for the use of 'Industry General (External Storage of Tyres)' at Lot 4795 (No 2) Ballantyne Road, Kewdale and Lot 703 (No 148) Kewdale Road, Kewdale subject to the following conditions/reasons:

- 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 Fire Management Report shall be submitted to the City within seven days of the issuance of approval to the satisfaction of the Manager Planning Services.***

Item 12.2 Continued

- 3. *Landscaping, plants and reticulation are to be installed and thereafter maintained in accordance with the approved landscaping and reticulation plan for the duration of the approved development to the satisfaction of the Manager Planning Services and Manager Parks and Environment.***
- 4. *No more than 100 used tyres are to be stored onsite at any one time. Any proposal to store more than 100 used tyres would require a new development application to be submitted to the City.***
- 5. *All used tyres are to be washed prior to being stored on the subject lot.***
- 6. *No washing of tyres is to occur onsite.***
- 7. *The proposed sliding gates to Ballantyne Road are to remain open during business hours.***
- 8. *All stormwater from roofed and paved areas shall be collected and disposed of onsite in accordance with the City of Belmont's Engineering Requirements and Design Guidelines.***
- 9. *Tyres are to be stacked to a maximum height of three (3) metres from the natural ground level of the subject site.***
- 10. *All access ways and hard stand areas shall be maintained in accordance with the City's Engineering Requirements and Design Guidelines.***
- 11. *Prior to occupation or use of the development, vehicle crossovers shall be approved by the City of Belmont Technical Services and 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.***
- 12. *Any existing screening and outdoor storage is to be removed at the applicant's cost at the time of upgrading of Orrong Road, as per the red marking on the approved plans to the satisfaction of Main Roads Western Australia.***
- 13. *The applicant/owner agrees that the presence of the visual screening and tyre storage area shall not be taken into consideration in determining any compensation that may be payable by Council, Main Roads WA or the Western Australian Planning Commission at the point in time when the reserved land is required for upgrading of Orrong Road.***

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

12.3 DEVELOPMENT AREA 7 - LOT 1 WATERVIEW PARADE AND LOTS 47, 48, 49, 50, 51, 401 AND 602 COOLGARDIE AVENUE ASCOT – FINAL ADOPTION OF PROPOSED STRUCTURE PLAN

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3 – Item 12.3 refers	Revised Structure Plan
Attachment 4 – Item 12.3 refers	Submission Table
Attachment 5 – Item 12.3 refers	Advertised Structure Plan – Option 1
Attachment 6 – Item 12.3 refers	Advertised Structure Plan – Option 2

Voting Requirement	:	Simple Majority
Subject Index	:	116/115
Location / Property Index	:	Lot 1 (25) Waterview Parade and Lots 47 (89), 48 (91), 49 (91), 50 (95), 51 (95), 401 (85-87) and 602 Coolgardie Avenue, Ascot.
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	12.5 - 24 November 2010 12.1 - 28 July 2009 12.1.3 - 20 February 2007
Applicant	:	N/A
Owner	:	Water Corporation, D J Dalgairns, R E & A Shaw, K Carter, B F & M S Yeldon, J M Jeffreys, R Wong and Western Australian Planning Commission
Responsible Division	:	Community & Statutory Services

COUNCIL ROLE

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

Item 12.3 Continued

PURPOSE OF REPORT

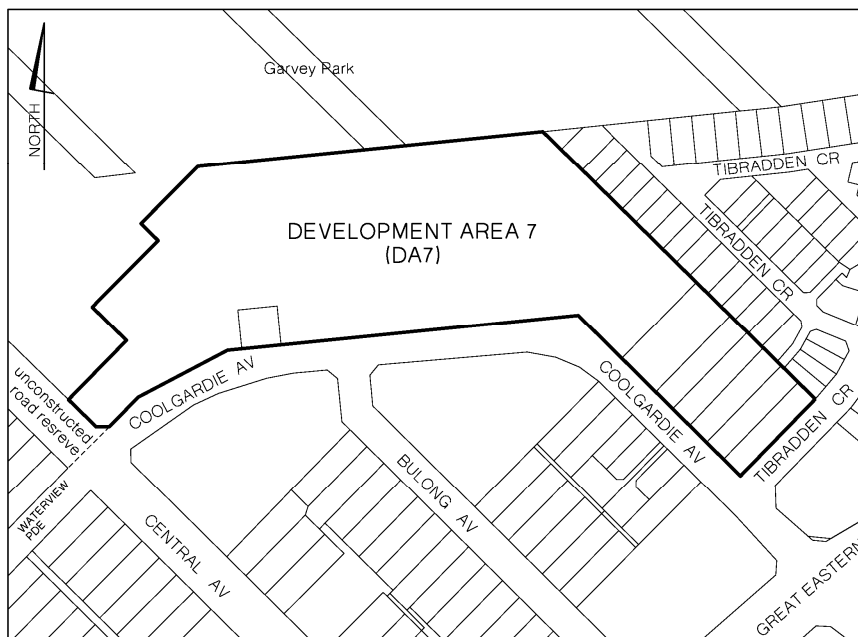
For Council to endorse a structure plan concept for Development Area 7 (DA7) prior to submission to the Western Australian Planning Commission (WAPC) for final approval.

SUMMARY AND KEY ISSUES

- A structure plan is required for DA7 prior to any development and subdivision occurring.
- The WAPC, being the majority landowner in DA7, previously identified that the preparation of a structure plan for this land is low priority. The City of Belmont therefore initiated the preparation of a structure plan by engaging the services of a Town Planning Consultant.
- Two structure plan concepts for the Development Area were prepared and advertised for public comment.
- As a result of the public consultation, a revised concept has been prepared for final endorsement by Council (refer to Attachment 3). The revised concept takes into account some existing site constraints on the WAPC land whilst allowing existing private landowners the opportunity to develop.
- It is recommended that Council endorse the structure plan and that the endorsed plan be sent to the WAPC for final approval.

LOCATION

Lot 1 (25) Waterview Parade and Lots 47 (89), 48 (91), 49 (91), 50 (95), 51 (95), 401 (85-87) and 602 Coolgardie Avenue, Ascot.



Item 12.3 Continued

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme (MRS)

The land is zoned 'Urban' under the MRS, and abuts an area of land reserved for 'Parks and Recreation' (Garvey Park).

City of Belmont Town Planning Scheme No. 14 (TPS 14)

The land is identified as 'Development Area 7 (DA7)' under TPS 14, with the majority of the land having an underlying zoning of 'Residential (R20)'. Lot 1 is reserved under TPS 14 for 'Parks and Recreation (Water Supply Sewerage and Drainage)'.

Clause 10.18.5 of TPS 14 states that the City of Belmont is not to consider recommending subdivision and/or approve development of land within a Development Area without a structure plan being in place. A structure plan shall be prepared having regard to Clause 10.18.7 of TPS 14 and generally include information relating to the location of roads, utilities, density of development and lot layout. A structure plan will ensure that the subdivision and development of land is undertaken in a coordinated manner, however does not obligate landowners to develop concurrently.

Should Council resolve to adopt a proposed structure plan and release it for public comment, such advertising must be undertaken in accordance with the Scheme requirements. Any submissions received within the public advertising period must be considered by the City of Belmont Planning Department and tabled in a report to Council. Should Council resolve to adopt a Structure Plan, the documentation must then be referred to the WAPC for endorsement within seven days of adoption.

Should the WAPC endorse a proposed structure plan with no modifications, the structure plan will take effect from the date of endorsement.

If the WAPC requires minor modifications to be made to the proposed structure plan as part of its endorsement, the City of Belmont will liaise with the WAPC in making the required changes. Any substantial changes to the proposed structure plan will need to be re-advertised in accordance with the Scheme requirements. In this instance, a report to Council will then be made detailing any changes and submissions, and consideration of adoption. Once adopted, the proposed structure plan is forwarded to the WAPC for its endorsement.

Draft Local Planning Scheme No. 15 (LPS15)

The City's draft LPS15 was advertised from 21 May 2010 until 23 August 2010. The City is currently reviewing submissions received prior to re-presenting an item to Council in early 2011.

Item 12.3 Continued

The subject land has the same zoning under draft LPS15 as what is currently contained in TPS14; however additional provisions relating to structure plans and developer contributions have been introduced consistent with the Model Scheme Text. These provisions do not have any significant bearing on the progression of the structure plan for DA7.

Deemed Refusal

Is there a right of appeal? ☐ Yes ☒ No

Clause 10.18.17 of Scheme 14 details that an owner who has submitted a proposed structure plan under clause 10.17.8.1 may appeal against a failure to advertise or determine a structure plan. Council is not an owner, and accordingly no right of appeal exists.

History

Amendment No. 49 (Item 12.1.3 OCM 20/02/07 refers) proposed the introduction of seven development areas into TPS 14, including the land within DA7.

A large portion of land area within DA7 is owned by the WAPC, with a number of smaller parcels being in private ownership. DA7 was therefore included as part of Amendment No. 49 to promote a coordinated approach to subdivision and development, so as to avoid a proliferation of battleaxe lots.

At the time Amendment No. 49 was adopted for final approval, Council resolved to *“liaise with the WAPC in regard to their landholding in DA7 and DA8 to ascertain their future intentions for the land”*. The corresponding advice received from WAPC was that the preparation of a structure plan for DA7 was a low priority. As such the City of Belmont initiated the structure planning process by engaging the services of a private town planning consultancy to prepare a local structure plan for DA7 to give certainty to other affected landowners.

Development Area 7

DA7 is 4.6732ha in area and is comprised of 11 freehold lots in multiple ownership. The largest land parcel within DA7 is Lot 602, which is 3.8980ha and owned by the WAPC (refer to Attachment 5).

The majority of the land within DA7 is undeveloped. Lot 401 has been subdivided to create four strata-titled dwellings in a battleaxe configuration, and Lots 47-51 are currently developed with single dwellings that appear to straddle the boundary in some cases.

Public Advertising of Structure Plan Concepts

2 structure plan concepts for DA7 were prepared and advertised for public comment (refer to Attachments 5 and 6). As mentioned, 29 submissions were received, which are summarised in Attachment 4. 3 of these submissions were from landowners within Development Area 7, including the WAPC and Water Corporation. In summary:

Item 12.3 Continued

- nine submissions supported Option 1 (none of these submissions were from landowners within DA7)
- eight submissions supported Option 2 (two of these submissions were from landowners within DA7)
- 11 had no objection to development in general but no preference on either Option (1 of these submissions was from a landowner within DA7).
- one objected to development in general (this submission was from the Swan River Trust).

In general, those who supported Option 1, did so on the basis of:

- The concept creates a more functional area of public open space;
- The concept retains existing mature vegetation;
- The location of public open space represents a better interface with existing adjoining development in the Tibbradden Estate; and
- The concept better promotes the existing 'rural in city' character of the area.

Those who indicated support for Option 2, generally did so on the basis of:

- The concept retains the Coolgardie Living Stream, which acknowledges the efforts volunteers and Council have put into restoring the stream;
- The public open space is more attractive as it is based around an existing water body; and
- The concept promotes better traffic management

The advertising of the two structure plan concepts identified that a portion of the Lot 602 (owned by the WAPC) is affected by a Conservation Category Wetland (CCW), which limits the ability for development to occur without further planning. Further detail about the CCW is included in the Officer's Comment section.

Revised Structure Plan

As a result of the public consultation, a revised concept has been prepared for final endorsement by Council (refer to Attachment 3).

The main revision to the structure plan relates to the removal of design detail for Lot 602 (WAPC landholding) due to the presence of a CCW. Resolution of the CCW will require further detailed planning, which the WAPC have verbally acknowledged that they are prepared to undertake in response to the City's work in initiating and progressing the forward planning of DA7.

The south-eastern portion of DA7 (Lots 47-51 and 401 Coolgardie Avenue, Ascot) has not been changed under the revised concept (Residential R20/40), and the revised concept primarily now relates only to these lots.

Item 12.3 Continued

Discussions with WAPC

Recent advice from the WAPC, as the majority landowner within DA7, has been that in acknowledgement of the work the City has undertaken to progress the forward planning of Development Areas 7, 8 and 9, the WAPC is now 'honour bound' to progress the finalisation and implementation of the structure plans (subject to statutory approvals by the Department of Planning). This has also been supported by a recent push by the State Government to redevelop surplus government land in inner urban areas to assist with urban consolidation.

In making this acknowledgement, any further matters that require attention as part of the finalisation and implementation of the structure plans for Development Areas 7, 8 and 9, such as any further modifications to the structure plan, preparation of technical reports, and resolution of MRS zoning matters, etc, will become responsibility of the WAPC and/or other landowners within the relevant development areas.

OFFICER COMMENT

The City has a duty to consider the merits of the structure plan based on the strategic objectives of the subject area, the provisions of the City's town planning scheme and local planning strategy, and any submissions received during public advertising.

As a result of the public advertising, neither of the advertised concepts will be progressed. Instead, a simplified version of the structure plan has been prepared taking into account the CCW on Lot 602.

Although development on Lot 602 cannot proceed at this point in time due to the requirement for further detailed planning of the CCW, it is considered that this is not a reason to further delay the progression of a structure plan which will provide other landowners with greater certainty and development opportunities. The revised concept therefore takes into account existing site constraints on the WAPC land whilst allowing other landowners the opportunity to develop their properties.

Conservation Category Wetland

It was brought to the City's attention during the advertising process that a CCW existed within Lot 602. Development is not permitted to occur within a CCW and generally a 50 metre buffer is required between any development and a CCW. This in essence means that progression of any development within Lot 602 cannot occur with the wetland in its present form.

Site investigations and discussions with the City's Environment Services have indicated that the CCW is generally in poor to average condition and appears to relate to a historic boundary of the Swan River foreshore area. It is apparent that the Coolgardie Living Stream is the only wet area within the CCW boundary in Lot 602 that has any environmental merit for retention and preservation in the long term. It has therefore been suggested that the wetland boundaries should instead be realigned to relate to the Living Stream.

Item 12.3 Continued

It is possible to have a wetland classification reviewed through application to the Department of Environment and Conservation. This process does take some period of time and requires detailed environmental review and investigation. Given the City has initiated the forward planning of DA7 with good intention on behalf of the WAPC and other landowners, it is not considered the City's responsibility to resolve the wetland issue. Discussions with the WAPC have provided their commitment to resolve the development issues on their land and this will occur at a later stage once the wetland issue can be resolved, after which revisions to the proposed structure plan can be made. It is anticipated that the work already carried out by the City in producing Options 1 and 2 will assist in progressing detailed planning once the CCW issue is resolved.

Coolgardie Living Stream/Public Open Space

The fundamental difference between the advertised concepts for DA7 relates to the relocation or retention of the Coolgardie Living Stream, and the subsequent location of public open space.

Although a development strategy for Lot 602 cannot be progressed at this point in time due to the presence of the CCW, the City considers that any future development concept on this land should be done so in a manner that retains the Living Stream in its current alignment.

The Living Stream has a high level of community value and is an important part of the local drainage network. By encouraging its retention under future development concepts on Lot 602, the Living Stream can be further restored and enhanced. Any further revisions to the structure plan for DA7 should therefore give due regard to retention of the Living Stream and appropriate buffers to ensure its preservation in the long term.

Land Use

With the removal of planning detail for Lot 602, the only area dealt with by the structure plan for DA7 is the south-east corner. The structure plan shows a Residential R20/40 zoning of seven parent lots that represent existing residential development.

It is envisaged that these lots will be developed having regard to the City's current medium density residential development performance criteria and design guidelines, which allow for development to occur above a base code of R20 (up to a maximum of R40) provided certain design criteria are met.

It is considered that the proposed zoning of these lots is consistent with the planning objectives for the locality, will provide a range of housing opportunities in the precinct, and take advantage of regional amenities such as Garvey Park, the Swan River, and convenient access to regional transport infrastructure (Great Eastern Highway).

Servicing

It is acknowledged that the development of DA7 in the long-term (upon resolution of matters relating to Lot 602) is dependent on some upgrades to existing servicing infrastructure, such as sewer, water, power, and roads. It is not considered necessary at this point in time for any developer contribution arrangements to be required as there is not any anticipated new shared infrastructure required under the current structure plan.

Item 12.3 Continued

Future revisions to the structure plan may see the need for a developer contribution plan to be implemented.

Implementation

The current structure plan concept does not have any significant implementation measures at this point in time, as the existing properties in the south-eastern portion of DA7 are already developed with dwellings.

In order for an ultimate structure plan concept to be finalised to include Lot 602, a number of matters will need to be addressed, including:

- Resolution/adjustment of the CCW on Lot 602.
- Preparation of a detailed geotechnical report for Lot 602 to confirm the suitability of the land for development.
- Preparation of an acid sulphate soils (ASS) investigation and potential management plan if ASS is identified.
- Preparation of a design concept(s) for Lot 602, having regard to the retention of the Living Stream, a new alternative access road into Garvey Park, and other site features.
- Lodgement of a revised structure plan for DA7 with the City for assessment, advertising and approval by the City and final endorsement by the WAPC.
- Preparation of detailed area plans and/or design guidelines for the site, which can be incorporated as a supporting local planning policy, including development and built form standards/criteria for new lots.
- Further discussions with the Water Corporation, Western Power, Alinta Gas and other servicing authorities are required to be entered into to confirm the availability of servicing to this site.

It is anticipated that the WAPC or subsequent developer of the land will be responsible for the above matters.

Conclusion

The proposed structure plan for DA7 has been advertised for public comment and a number of submissions have been received. As a result of the significant site constraint of a CCW on Lot 602, the final structure plan concept removes any detailed planning for this portion of DA7 and limits the detail to the existing residential properties in the south-eastern portion of the site. The revised concept therefore takes into account existing site constraints on the WAPC land whilst allowing existing private landowners the opportunity to develop their properties.

It is anticipated that the structure plan for DA7 will be revised in the future once the matters pertaining to Lot 602 can be adequately resolved by the WAPC. The City will assess and advertise any revised structure plan in accordance with the relevant town planning scheme prior to it being presented to Council and WAPC for approval.

Item 12.3 Continued

FINANCIAL IMPLICATIONS

Costs associated with the preparation and advertising of the Structure Plan to date have been borne by the City of Belmont. Should the Structure Plan be endorsed by the Council and approved by the WAPC, the City is not expected to be responsible for any additional costs relating to structure planning for Development Area 7.

ENVIRONMENTAL IMPLICATIONS

Refer to Officer's Comment section.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

OFFICER RECOMMENDATION

That Council:

1. Adopt the Structure Plan for 'Development Area 7' as detailed in the report dated November 2010 prepared by Chappell Lambert Everett on behalf of the City of Belmont (as detailed in Attachment 3), being the relevant local government.
2. Notify the Western Australian Planning Commission of the Council's resolution on the Structure Plan for 'Development Area 7'.

Note

Cr Marks put forward the following Alternative Motion

ALTERNATIVE MOTION

MARKS MOVED, POWELL SECONDED,

That Council:

1. ***Adopt the Structure Plan for 'Development Area 7' as detailed in the report dated November 2010 prepared by Chappell Lambert Everett on behalf of the City of Belmont (as detailed in Attachment 3), being the relevant local government subject to the following amendments:***
 - (a) The Structure Plan to include the preservation of the old growth trees and natural flora next to Tibbradden Circle and Fernridge Cove.***
 - (b) The Living Stream to be retained but its route to be flexible and open to innovation.***

Item 12.3 Continued

- 2. *Notify the Western Australian Planning Commission of the Council's resolution on the Structure Plan for 'Development Area 7'.***

CARRIED 10 VOTES TO 0

Reason

To maintain the natural environment and allow for the movement and retention of the living stream.

12.4 DEVELOPMENT AREA 9 - LOT 177 FAUNTLEROY AVENUE, LOT 1 AND LOTS 180 - 196 HAY ROAD, ASCOT

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7 – Item 12.4 refers	Revised Structure Plan
Attachment 8 – Item 12.4 refers	Submission Table
Attachment 9 – Item 12.4 refers	Advertised Structure Plan

Voting Requirement	:	Simple Majority
Subject Index	:	116/116
Location / Property Index	:	177 (101) Fauntleroy Avenue and Lot 1 (52) & 180-196 (56-80) Hay Road, Ascot
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	12.1.3 - 20 February 2007
Applicant	:	N/A
Owner	:	JW & HA Farquhar; Federal Airports Corporation; TA & CL Ropata; RT Gibbs; B & G Ralph; DA Ransome; and Western Australian Planning Commission.
Responsible Division	:	Community & Statutory Services

COUNCIL ROLE

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

Item 12.4 Continued

PURPOSE OF REPORT

For Council to endorse a structure plan concept for Development Area 9 (DA9) prior to submission to the Western Australian Planning Commission (WAPC) for final approval.

SUMMARY AND KEY ISSUES

- A structure plan is required for Development Area 9 prior to any development and subdivision occurring.
- The WAPC, being the majority landowner in Development Area 9, previously identified that the preparation of a structure plan for this land as being low priority. The City of Belmont therefore initiated the preparation of a structure plan by engaging the services of a Town Planning Consultant.
- A structure plan concept for Development Area 9 was prepared and advertised for public comment.
- As a result of the public consultation, minor changes have been made to the proposed structure plan concept (refer to Attachment 9).
- It is recommended that Council endorse the structure plan and that the endorsed plan be sent to the WAPC for final approval.

LOCATION

The land is bounded by Hay Road, Fauntleroy Avenue, Ivy Street and comprises of Lot 177 (101) Fauntleroy Avenue, Lot 1 (52) and Lot 180 through to 196 (56-80) Hay Road, Ascot as shown in the location plan below.



Item 12.4 Continued

CONSULTATION

A proposed structure plan(s) must be advertised in accordance with Clause 10.17.9 of Town Planning Scheme No. 14 (TPS 14), for a period of 21 days.

The structure plan concept for Development Area 9 was advertised for a period of 30 days from 6 January 2010 until 5 February 2010. The extra nine days were included due to the advertising occurring during the month of January when people may be absent from their homes due to Christmas holidays. The referral area is shown in the below plan.



61 submissions were received on Development Area 7. Three of those submissions were from landowners within DA9, and one submission was from the Swan River Trust who is the management agency for the land reserved for Parks and Recreation.

Full details of the submissions received are included in Attachment 8. Matters raised during the consultation period are discussed in the 'Officer's Comment' section. Original versions of submissions are available for Councillors upon request.

STRATEGIC PLAN IMPLICATIONS

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

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

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

Item 12.4 Continued

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

Objective: Protect and enhance our natural environment.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme (MRS)

The western portion of the site is zoned 'Urban' under the MRS, whereas the eastern portion of the site is reserved for 'Parks and Recreation'.

Town Planning Scheme No. 14 (TPS14)

The western portion of the site is zoned 'Residential (R20)' under TPS 14. The land to the east reflects the 'Parks and Recreation' reservation under the MRS. The entire site is identified as 'Development Area (DA9)'.

Clause 10.18.5 of TPS 14 states that the City of Belmont is not to consider recommending subdivision and/or approve development of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area. A structure plan shall be prepared having regard to Clause 10.18.7 of TPS 14. The structure plan will ensure that the subdivision and development of land is undertaken in a coordinated manner, however does not oblige landowners to develop concurrently.

Should Council resolve to adopt the plan as a proposed structure plan and release it for public comment, the advertising must be undertaken in accordance with the Scheme requirements. Any submissions received within the public advertising period must be considered by the City of Belmont Planning Department and tabled in a report to Council. Should Council resolve to adopt the Structure Plan, the documentation must then be referred to the WAPC for endorsement within seven days of adoption.

Should the WAPC endorse the proposed structure plan with no modifications, the Structure Plan will take effect from the date of endorsement.

If the WAPC requires minor modifications to be made to the proposed structure plan as part of its endorsement, the City of Belmont will liaise with the WAPC in making the required changes. Any substantial changes to the proposed structure plan will need to be re-advertised in accordance with the Scheme requirements. In this instance, a report to Council will then be made detailing any changes and submissions, and consideration of adoption. Once adopted, the proposed structure plan is forwarded to the WAPC for its endorsement.

Draft Local Planning Scheme No. 15 (LPS15)

The City's draft LPS15 was advertised from 21 May 2010 until 23 August 2010. The City is currently reviewing submissions received prior to re-presenting an item to Council in early 2011.

Item 12.4 Continued

The subject land has the same zoning under draft LPS15 as what is currently contained in TPS14; however additional provisions relating to structure plans and developer contributions have been introduced consistent with the Model Scheme Text. These provisions do not have any significant bearing on the progression of the structure plan for DA9.

Deemed Refusal

Is there a right of appeal? ☐ Yes ☒ No

Clause 10.18.17 of Scheme 14 details that an owner who has submitted a proposed structure plan under clause 10.17.8.1 may appeal against a failure to advertise or determine a structure plan. Council is not an owner, and accordingly no right of appeal exists.

History

Amendment No. 49 (Item 12.1.3 OCM 20/02/07 refers) proposed the introduction of seven development areas into TPS 14, including the land within DA9.

A large portion of land area within DA9 is owned by the WAPC, with a number of smaller parcels being in private ownership. DA9 was therefore included as part of Amendment 49 to promote a coordinated approach to subdivision and development, so as to avoid a proliferation of battleaxe lots.

At the time Amendment 49 was adopted for final approval, Council resolved to *"liaise with the WAPC in regard to their landholding in DA7 and DA8 to ascertain their future intentions for the land"*. The corresponding advice received from WAPC was that the preparation of a structure plan for DA9 was a low priority. As such the City of Belmont initiated the structure planning process by engaging the services of a private town planning consultancy to prepare a local structure plan for DA9 to give certainty to other affected landowners.

Development Area 9

DA9 is 2.994ha in area and is comprised of 19 freehold lots. The WAPC currently owns 13 of the lots, representing a combined land area of 1.9461ha (65 percent of the total area of DA9).

The majority of the land within DA9 is undeveloped. Three residential dwellings have been developed within the zoned western portion of the site (Lot 177, Lot 181 and Lot 184), whilst the reserved eastern portion of the site is degraded parkland. The WAPC has advised that the land is surplus, is not of any significant environmental conservation worth, and not required to ensure the successful functioning of the Swan River foreshore.

Lot 1 is owned by the Westralia Airports Corporation (Commonwealth) and incorporates one of the Perth Airport Main Drains. A drainage easement does not exist on the site.

The southern boundary of DA9 abuts existing light industrial/commercial land uses, which front and have access to Great Eastern Highway. These land uses are zoned 'Mixed Use' under TPS 14. The storage of objects and materials associated with these uses appears to have illegally encroached into the Parks and Recreation reserved land (owned by WAPC).

Item 12.4 Continued

Public Advertising of Structure Plan Concept

A structure plan concept for Development Area 9 was prepared by a Town Planning Consultant on behalf of the City and advertised for public comment (refer to Attachment 9). As mentioned, 61 submissions were received, these being:

- ten submissions advised no objection to the concept;
- four submissions objected to the concept but advised that they may support a different concept; and
- 47 submissions objected to and opposed development in general. It is noted that the majority of the 47 objections were generated by a door knock with a pre-written submission. None of the 47 objections received were submitted from landowners within DA9, with the exception of the Swan River Trust who are the agency responsible for managing the MRS Parks and Recreation Reserve.

The main concerns identified in the submissions related to:

- The density being considered too high;
- Amenity impacts from denser development (such as noise, privacy, security, etc);
- Conflict with Swan River foreshore;
- Increased traffic and traffic conflict from street parking;
- Land use conflict between residential development and existing adjacent commercial / industrial on Great Eastern Highway; and
- Lack of services / infrastructure (eg sewer, required power upgrades, etc).

Revised Structure Plan

As a result of the public consultation, minor revisions to the structure plan concept have been made for final endorsement by Council (refer to Attachment 7). The minor revisions are:

- Minor adjustment to alignment of Hay Road based on further detailed planning.
- R100 cell – minimum lot size changed to 3,000sqm.
- Minor textual changes.

Discussions with WAPC

Recent advice from the WAPC, as the majority landowner within DA9, has been that in acknowledgement of the work the City has undertaken to progress the forward planning of Development Area 7, 8 and 9, the WAPC is now 'honour bound' to progress the finalisation and implementation of the structure plans (subject to statutory approvals by the Department of Planning). This has also been supported by a recent push by the State Government to redevelop surplus government land in inner urban areas to assist with urban consolidation.

In making this acknowledgement, any further matters that require attention as part of the finalisation and implementation of the structure plans for Development Areas 7, 8 and 9, such as any further modifications to the structure plan, preparation of technical reports, and resolution of MRS zoning matters, etc, will become the responsibility of the WAPC and/or other landowners within the relevant development areas.

Item 12.4 Continued

OFFICER COMMENT

The City has a duty to consider the merits of the structure plan based on the strategic objectives of the subject area, the provisions of the City's town planning scheme and local planning strategy, and any submissions received during public advertising.

The proposed structure plan for DA9 has not been substantially amended in response to public advertising. Although a number of submissions objected to the structure plan concept, it is noted that these were primarily received from people who are not immediately impacted as a landowner within DA9.

Land Use / Density

The structure plan for DA9 has been designed around a permeable road network which allows for a transition in densities, including R20/60, R100 and R160. The variety of densities is considered appropriate to provide a range of housing products to meet market demand, provide compatible land uses with surrounding development and build upon the character afforded to the site by its proximity to the Swan River.

Although there was some public concern voiced about the density of development and land use conflict with adjoining land uses on Great Eastern Highway, it is considered that density codings of R100 and R160 are justified given the:

- Proximity of DA9 to recreational areas within the Swan River Foreshore and adjacent Garvey Park;
- Proximity of DA9 to public transport routes on Great Eastern Highway;
- DA9's accessibility to existing regional pedestrian and cyclist routes;
- Ability for DA9 to act as a catalyst for the redevelopment of existing incompatible industrial uses in the Mixed Use zone on Great Eastern Highway; and
- The opportunity to create landmark development sites within DA9 that utilise the existing aesthetics of the surrounding land, similar to Hill 60 and Ascot Quays.

It is also noted that all but one of the submissions that raised concern about the density of development were from residents that do not own property in DA9. The WAPC as the major landowner in DA9 has provided in principle verbal support for higher density lots on this site.

Similarly, although some interface issues may exist in the short-term between DA9 and existing incompatible land uses on Great Eastern Highway, should the DA9 structure plan be implemented, it is expected that these will not continue for any extended period of time as existing land uses on Great Eastern Highway begin to redevelop. A number of the owner of properties that front Great Eastern Highway have indicated that whilst they would prefer not to relocate at this point in time, they would however be interested in considering future redevelopment of their sites in a coordinated and complimentary manner with DA9 should its development progress.

Having regard to the above, it is considered appropriate for the structure plan to be progressed with the land uses and densities proposed.

Item 12.4 Continued

Road Network/Access

The proposed road network within DA9 builds on the existing constructed and unconstructed Hay Road reservation in order to provide a highly legible and permeable road network with direct linkages to surrounding roads. The complete construction of Hay Road is seen to provide a safer access arrangement for commercial and residential vehicles, in addition to the creation of a more suitably sized development site for higher density residential development (i.e. parent lot sizes being greater than 3000sqm). Additionally, opportunities for cyclists and pedestrians to access the Swan River, its foreshore, and nearby Garvey Park are provided within the structure plan.

Although it is inevitable that the development proposed in the structure plan will result in a greater number of vehicles using Fauntleroy Avenue and Hay Road, it is considered that it will not occur in such a fashion that will adversely impact the wider precinct as linkages to Great Eastern Highway are immediate and vehicles do not need to traverse through the local road network. Additionally, the preparation of detailed area plans (DAPs) for development within DA9 (which are provided for under the structure plan) will allow for greater analysis to be provided in relation to access, parking and traffic management both on-site and off-site having regard to the ultimate built form, which will assist in minimising any impacts on the surrounding precinct. Traffic studies/investigations can be prepared at this point in time.

Environmental Considerations

The Swan River Trust has expressed concerns about the impact of the proposed structure plan on the existing Swan River foreshore. The Swan River Trust have previously advised the Department of Planning that they do not support a previously identified MRS Amendment to rezone portions of the Parks and Recreation Reserve to Urban (consistent with what is proposed under DA9) on the basis of:

- The Swan River Trust Policy states that they do not generally support land use or development that may either directly or indirectly degrade shallow river flats, foreshore vegetation or fringing wetlands;
- Despite the area being poor in condition, the area acts as a buffer between the existing development on Great Eastern Highway and the Swan River/foreshore reserve;
- The foreshore reserve is currently identified as conservation category;
- Portions of the site are in the Swan River 1:100 year floodplain and that building envelopes should not be constructed in the floodplain area;
- A road reserve should be provided between development and the foreshore;
- Urban land use may degrade the better quality areas of the adjacent foreshore;
- A foreshore management plan will be required;
- Revenue from the sale of the urban land should be used to revegetate, rehabilitate and improve the foreshore area;
- Geotechnical investigations have not been undertaken to determine any required remediation and fill requirements;
- No detail provided about stormwater disposal and water sensitive urban design.

Item 12.4 Continued

The Department of Planning has provided, in principle, support for the proposal and has indicated that the above matters will need to be taken into consideration as part of the assessment of the structure plan by the WAPC and any subsequent MRS amendment. At the present point in time however, the structure plan represents a development outcome consistent with the strategic objectives of the City and also the WAPC, which can be further refined if certain Swan River Trust issues need to be addressed at the MRS Amendment stage.

Other matters relating to the provision of additional geotechnical and acid sulphate soils investigations, whilst relevant, are not considered to be the responsibility of the City. It is expected to be the requirement of the subsequent developers of the land, should they wish to act upon the structure plan.

The rezoning of the degraded 'Parks and Recreation' reserved land to the east for residential purposes is considered to represent a more appropriate land use that will enhance the housing stock and variety within the local area.

Services/Infrastructure

It is acknowledged that the development of DA9 is dependent on significant upgrades to existing servicing infrastructure, such as sewer, water, power, and roads. In the event that the structure plan is finally approved, it is anticipated that a developer contribution arrangement will be implemented to ensure the fair and equitable distribution of costs between landowners. The preparation of a developer contribution plan will be the responsibility of the WAPC and the major landowner, or any subsequent developer who seeks to have common infrastructure costs reimbursed.

Implementation

In the event that the structure plan is finalised, the following matters and tasks will be required as part of its implementation:

- An MRS and City of Belmont Town Planning Scheme Amendment to rezone the existing 'Parks and Recreation' reserve to 'Urban' and 'Residential' respectively;
- Resolution of the Swan River Trust Development Control Area and any development design issues relating to Swan River Trust policies;
- Preparation of a detailed geotechnical report is required to be undertaken prior to development;
- Preparation of an acid sulphate soils (ASS) investigation and potential management plan if ASS is identified;
- Preparation of detailed area plans and/or design guidelines for the site, which can be incorporated as a supporting local planning policy, including:
 - Development and built form standards/criteria;
 - Appropriate finished floor levels where development exists in or near the 1:100 year Swan River floodplain (4.77AHD required); and
 - Development proposals for Lot 1 and Lot 177 Hay Road being designed around the existing Airport Main Drain with appropriate setbacks;
- Further discussions with the Water Corporation, Western Power, Alinta Gas and other servicing authorities are required to be entered into to confirm the availability of servicing to this site.

Item 12.4 Continued

As mentioned, the design outcomes for development within DA9 are expected to be dictated by a combination of detailed areas plans and design guidelines, which can be adopted as a local planning policy, to ensure high quality multiple dwelling outcomes at an appropriate scale. Guidelines for the high density lots will be more stringent than the medium-high density lots to ensure the highest and best built form outcome. Built form and development matters such as architectural details, car parking ratios, open space variations, security and surveillance, height allowances, amongst others that are deemed necessary by the City of Belmont will be required to be thoroughly considered. Accordingly, achieving a minimum parent lot size of 3000m² prior to lodging a development application with the City will assist greatly in achieving high standard streetscape and architectural design.

Conclusion

The proposed structure plan for DA9 has been advertised for public comment and a number of submissions have been received. It is however, noted that the majority of the concerns raised in the submissions are not expected to represent any significant detrimental amenity impacts on the adjoining locality, as discussed in the 'Officer's Comment' section of this report. It is considered that the proposed land uses and anticipated development will represent an opportunity to enhance under-utilised land in the City and build upon the character afforded to the site by its proximity to the Swan River, similar to Hill 60 and The Springs.

FINANCIAL IMPLICATIONS

Costs associated with the preparation and advertising of the Structure Plan to date have been borne by the City of Belmont. Should the Structure Plan be endorsed by the Council and approved by the WAPC, the City is not expected to be responsible for any additional costs relating to structure planning for DA9. It is therefore recommended that Council adopt the final structure plan.

ENVIRONMENTAL IMPLICATIONS

Refer to Officer's Comment section.

SOCIAL IMPLICATIONS

There are no social implications evident at this time.

Item 12.4 Continued

OFFICER RECOMMENDATION

MARKS MOVED, POWELL SECONDED, That Council,

- 1. Adopt the Structure Plan for 'Development Area 9' as detailed in the report dated November 2010 prepared by Chappell Lambert Everett on behalf of the City of Belmont (as detailed in Attachment 7), being the relevant local government, subject to:**
 - The Western Australian Planning Commission, as the majority landowner in Development Area 9, preparing a traffic study for the structure plan to the satisfaction of the Department of Planning.**
- 2. Notify the Western Australian Planning Commission of the Council's resolution on the Structure Plan for 'Development Area 9'.**

CARRIED 8 VOTES TO 2

Against: Hitt, Wolff

12.5 ANNUAL REVIEW OF STANDARD DEVELOPMENT CONDITIONS AND SUBDIVISION CONDITIONS

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 10 – Item 12.5 refers	List of Standard Development Conditions
Attachment 11 – Item 12.5 refers	List of Standard Subdivision Conditions

Voting Requirement : Simple Majority
Subject Index : 115/001
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 12.1 of OCM 15 December 2009
Applicant : N/A
Owner : N/A
Responsible Division : Community & Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider the standard conditions imposed on:

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

Item 12.5 Continued

SUMMARY AND KEY ISSUES

- The standard list of conditions for development applications and for subdivision referrals are to be reviewed by the Council annually.
- The Council last reviewed and adopted both lists of standard conditions in December 2009 (Item 12.1 - OCM 15 December 2009 refers).
- Some new conditions are proposed to be added, some deleted, and some clarified.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

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

- All relevant adopted State Planning Policies, including the 2008 Residential Design Codes (SPP3.1) and Land Use Planning in the Vicinity of Perth Airport (SPP5.1).
- All adopted and current City of Belmont Local Planning Policies.
- Relevant policies of other government and servicing agencies.

STATUTORY ENVIRONMENT

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

Right of Appeal

Conditions imposed by the City of Belmont on development applications, or by the WAPC on subdivision applications, may be appealed by an applicant/owner 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 of a decision.

Item 12.5 Continued

BACKGROUND

Development Approvals

When a development application is approved by the City of Belmont, there are a number of conditions that may be imposed on that approval, depending on the type and nature of the application. The decision and relevant conditions may be imposed by Council, or by the City's Director Community and Statutory Services, Manager Planning Services or Senior Planning Officer under the Council's delegated authority register (refer Clause 9.10 of TPS No. 14 and 09/10 DA18 – Development Applications, City of Belmont Delegations Register).

To ensure consistency in decision making, it is considered to be sound organisational practice that the Council approves a list of 'standard conditions' that are often imposed where warranted. The Council last endorsed a list of standard development conditions in December 2009 (Item 12.1 – OCM 15 December 2009).

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

Subdivision/Strata Application Referral Responses

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

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

It is noted that the WAPC has a 'model conditions schedule', which contains the model wording for subdivision/survey-strata/strata conditions. The WAPC has advised that the use of their standard subdivision conditions assists with streamlining the approvals process and ensures consistency across Western Australia.

The wording of a number of the WAPC model subdivision conditions differs to the wording used by the City of Belmont. Given the WAPC is the decision-making body for subdivision/survey-strata/strata applications, it is considered sound practice that the wording of the City's standard subdivision conditions is consistent with those of the WAPC, where the wording is sufficient to meet the City's requirements.

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

Item 12.5 Continued

Annual Review of Conditions

On the basis of the above, it is desirable that the Council approve the 'standard conditions' that may be imposed from time to time. It is also important that the standard conditions for development applications and for subdivision/survey-strata/strata referrals are reviewed on an annual basis to:

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

OFFICER COMMENT

In recent years, there has not been any need to completely rewrite many of the standard conditions used by the City, as these existing conditions have been operating effectively. However, the 2010 review has seen the need for some revision of existing conditions, as well as the addition and deletion of conditions to provide further clarity.

Planning Approval Conditions

The updated list of development conditions is provided under Attachment 10. New conditions or existing conditions are proposed for modifications and are shown in bold text in the attachment.

New Conditions

The following is a brief rationale behind the inclusion of the 13 new conditions in the list of standard conditions for planning approvals:

Use of Residential Outbuildings

Proposed condition:

"The outbuilding is not to be used for habitable and/or non-residential purposes".

Rationale:

An 'outbuilding' is defined under the 2008 Residential Design Codes (R-Codes) as an enclosed non-habitable structure that is detached from a dwelling. This typically includes structures such as sheds, workshops and garages.

Often, these outbuildings can be used unlawfully (whether intentionally or otherwise) for human habitation (e.g. a granny flat), or for non-residential purposes (e.g. to run a business operation), both of which require detailed assessment prior to being supported in the 'Residential' zone. This condition ensures that an applicant/owner is aware that an outbuilding may not be used for either of these purposes unless otherwise approved by the City.

Signage

A number of new standard signage conditions have been added.

Item 12.5 Continued

Proposed condition:

“Prior to issue of a building licence, a signage strategy for the site/development shall be prepared and submitted to the City as a separate application for planning approval”.

Rationale:

A signage strategy is a strategic signage concept for the site which identifies the location, specifications and details of all signage associated with a site or development. Situations where a signage strategy may be requested include new mixed business, commercial and industrial developments or situations where variations are sought to the City’s Local Planning Policy No. 12 (Signage Applications).

Proposed condition:

“The sign shall be located wholly within the boundaries of the subject property at all times”.

Rationale:

It is a requirement of the City’s Local Planning Policy No. 12 (Signage Applications) that signage is located wholly within the boundaries of a property. This condition ensures that an applicant is aware of their obligations under the City’s approval, and where there is concern that a sign may be unlawfully displayed outside of the property boundaries.

Proposed condition:

“The sign shall only advertise services or products associated with those available on the subject lot”.

Rationale:

The provisions of the City’s Local Planning Policy No. 12 (Signage Applications) do not permit any signage to advertise services and products not available on the site in which the advertisement is placed (i.e. third party advertising). An example would be a premise that sells furniture from a site also displaying signage that advertises an accounting business located in the next suburb. This condition ensures that an applicant is aware of their obligations under the City’s approval.

Proposed condition:

“The illumination of the sign shall not flash, pulsate, chase, or otherwise cause a nuisance to adjoining site or the local area to the satisfaction of the City’s Director Community & Statutory Services, Manager Planning Services or Senior Planning Officer”.

Rationale:

Flashing, chasing or pulsating illuminated signage (whether intentionally or otherwise) has the ability to significantly impact the amenity of the local area. Accordingly, this condition ensures that illuminated signage does not possess these characteristics and that the sign is appropriately maintained.

Item 12.5 Continued

Proposed condition:

"The sign shall have a minimum headway of 2.7 metres"

Rationale:

Certain signs are required to be a minimum height of 2.7 metres above ground level so as not to cause any safety issues for people/vehicles. This condition can be imposed where there is concern that the sign may not be displayed/erected at the correct headway.

Proposed condition:

The Window Signage shall not cover more than 50% of the glazed area of the window(s), or exceed 10.0m² in area in aggregate per tenancy on a lot.

Rationale:

Window signage is often displayed contrary to the City's requirements under Local Planning Policy No. 12 (Signage Applications). This condition can be imposed where appropriate to ensure that the applicants are aware of their obligations under the City's approval.

Proposed condition:

The sign shall only be displayed during the business hours of the land use/business to which it relates.

Rationale:

Some signage, such as portable ground based signs, is approved to be displayed only during business hours. This condition can be imposed where appropriate to ensure that the applicants are aware of their obligations under the City's approval.

Management Strategy

Proposed condition:

"Prior to issue of a building licence/commencement of the use/commencement of site works (delete not applicable), a _____ (specify matter e.g. waste/fire/noise, etc) management plan/strategy for the site/development shall be submitted to the satisfaction of the City's Manager _____ (specify relevant department)".

Rationale:

The City often requests the preparation of a management plan(s) to show how a potential amenity impact(s) will be managed on-site and addressed where certain issues arise after commencement of the development. This condition provides standard wording for such a condition, which will be supported by appropriately worded footnotes that provide specific detail of the City's requirements.

Item 12.5 Continued

Environmental Conditions

Proposed condition:

“Prior to the commencement of any site works, the applicant/owner shall:

- (i) complete and submit an Acid Sulphate Soils Self-Assessment Form to the Department of Environment and City of Belmont; and*
- (ii) if required as a result of the self-assessment, subsequently prepare and submit an Acid Sulphate Soils Report and an Acid Sulphate Soils Management Plan to the Department of Environment and Conservation and the City of Belmont for approval.*

“Where an Acid Sulphate Soils Management Plan is required to be submitted, all site works shall be carried out in accordance with the approved management plan”.

Rationale:

Some sites/locations are identified as being potentially affected by acid sulphate soils, which may significantly impact a proposed development if not appropriately addressed. This proposed condition can be imposed where the acid sulphate soils risk is considered significant enough to warrant further investigations prior to commencement of any site works. Further detail on the requirements of the condition will be included in detailed footnotes on the approval. The condition is supported by WAPC Planning Bulletin 64/2009 (Acid Sulphate Soils).

Proposed condition:

Prior to the issue of a building licence and commencement of any site works, the applicant/owner shall submit an Environmental Site Contamination Report prepared by an appropriately qualified contaminated sites consultant at the cost of the applicant/owner for approval by the City’s Manager Parks and Environment.

Rationale:

Some sites/locations are identified as being potentially contaminated, which may significantly impact a proposed development if not appropriately remediated. This condition can be imposed where the likelihood of contamination is significant enough to warrant further investigations prior to commencement of any site works and/or the development. The condition is supported by the Department of Environment and Conservation’s *Contaminated Sites Guidelines*.

Item 12.5 Continued

Commercial/Industrial Wash Bay(s)

Proposed conditions:

“A grassed, kerbed, non-trafficable area for disposal of treated wastewater from the wash bay shall be provided on site to the satisfaction of the Manager Parks and Environment”.

and

“Waste water from the vehicle/mechanical wash bay is to be discharged into the reticulated sewage system”.

Rationale:

Either 1 of the above 2 conditions shall be imposed where wash bays are proposed in Mixed Business and/or Industrial areas to ensure that wastewater from the wash bay is appropriately managed and disposed off. The imposition of such conditions will vary dependent on whether the site is connected to a sewer or not.

Deleted Conditions

9 conditions have been deleted. The majority of the deleted conditions were those which are were:

- No longer relevant or out of date; and/or
- Could be adequately addressed under another existing condition.

The deleted conditions, and a short summary of why they were deleted, are identified in Attachment 10.

Revised Conditions

A number of conditions have had minor adjustments made or reworded to reinforce the planning purpose and clarity. Where appropriate, some aspects of the revised conditions have been deleted and incorporated as footnotes attached to other conditions.

The reworded conditions, and a short summary of why they were reworded, are identified in Attachment 10.

Subdivision Conditions

The list of standard subdivision conditions that will continue to be used by the City is included in Attachment 11.

The majority of changes have been made to ensure that the City's conditions are consistent with the standard wording used by the WAPC.

Item 12.5 Continued

New Conditions

Geotechnical Report

Proposed Condition:

“The applicant providing a geotechnical report certifying that any filling or backfilling has been adequately compacted”.

Rationale:

Some subdivision/survey-strata applications have existing bores, swimming pools and other underground apparatus on site which are required to be removed to ensure the site is suitable for development. If not adequately backfilled and compacted, serious repercussions for future development on the site may exist that may undermine the structural integrity of buildings. This condition is consistent with the WAPC model conditions schedule.

For smaller-scale subdivision/survey-strata proposals, the City is also prepared to accept a compaction certificate from an appropriately qualified contractor (as an alternative to a comprehensive geotechnical report) to satisfy this condition. The applicant will be advised of this as a footnote.

Drainage

Proposed Conditions:

“The area marked 'drainage reserve' on the approved plan of subdivision is to be shown on the Deposited Plan as such and is to be vested in the Crown under section 152 of the Planning and Development 2005, such land to be ceded free of cost and without any payment of compensation by the Crown”.

and

“Development of the compensating basins and/or drainage lakes shown on the plan of subdivision is to be to the specifications of the City”.

Rationale:

New development areas, such as Development Areas 7, 8, 9 and 11 (The Springs) are likely to have drainage reserves identified on the subdivision plan. This condition provides the standard wording consistent with the WAPC model conditions schedule for the vesting of the land as a reserve, as well as specifying that the detailed design is to be to the satisfaction of the City.

Item 12.5 Continued

Road Infrastructure

Proposed Conditions:

“_____ (specify road name) being widened in accordance with the plan dated _____ (attached) by the applicant/owner transferring the land required to the Crown free of cost for the purpose of widening _____ (specify road name)”.

and

“The section of _____ (specify road name) widened in accordance with this approval, is to be constructed and drained at the full cost of the applicant/owner”.

and

“Arrangements being made with the City of Belmont for the upgrading and/or construction of _____ (insert road name)”.

and

“All right(s)-of-way within the subdivision being constructed and drained at the applicant/owner's cost”.

and

“The dual use path/cycleway(s) as shown on the approved plan being constructed by the applicant/owner to the specifications of the City”.

and

“All pedestrian accessway(s) within the subdivision being constructed and drained at the applicant/owner's cost”.

Rationale:

The above conditions provide standard wording for situations where existing roads are required to be widened and/or upgraded as a result of the subdivision. Supporting conditions about the construction of such infrastructure are included consistent with the WAPC model conditions schedule.

Accessway/Driveway Truncations

Conditions:

“A _____ metre truncation is to be provided at the junction of the accessway/common property (delete not applicable) and the _____ road reserve”.

and

“A _____ metre truncation is to be provided at the junction of the accessway / common property (delete not applicable) and proposed Lot/s _____”.

Rationale:

These conditions may be imposed where there is a requirement for sightline truncations where accessways to rear properties are required either at the street boundary, or where the accessway/common property meets the rear lot(s).

Item 12.5 Continued

Single Dwelling Requirements

Condition:

“The existing dwelling is to comply with the single dwelling requirements of the Residential Design Codes pertaining to setbacks, open space and minimum outdoor living space”.

Rationale:

Where an existing dwelling is retained as part of a green title or survey-strata subdivision (with no common property), it must be ensured that the dwelling is compliant with the R-Codes in relation to setbacks, open space and outdoor living area (as these will be influenced by the new lot boundaries). This condition is complimentary to S10.1, which requires all retained dwellings to be provided with 2 car parking bays.

Detailed Area Plans

Condition:

“Detailed Area Plan(s) are to be prepared and approved for Lots _____ (specify lots)”.

Rationale:

Detailed area plans are design guidelines prepared for lots that require detailed design consideration due to their size or nature. A detailed area plan may vary the acceptable standards of the R-Codes, and are adopted by Council under the provisions of a structure plan.

Development Areas 4-11 all require the preparation of a structure plan and the progression of structure planning may introduce the requirement for detailed area plans. This condition provides standard wording should detailed area plans be required.

Acid Sulphate Soils

Condition:

“Prior to the commencement of any site works, the applicant / owner shall:

- (a) complete and submit an Acid Sulphate Soils Self-Assessment Form to the Department of Environment and City of Belmont; and*
- (b) if required as a result of the self-assessment, subsequently prepare and submit an Acid Sulphate Soils Report and an Acid Sulphate Soils Management Plan to the Department of Environment and Conservation and the City of Belmont for approval.*

Where an Acid Sulphate Soils Management Plan is required to be submitted, all site works shall be carried out in accordance with the approved management plan”.

Item 12.5 Continued

Rationale:

Some sites/locations are identified as being potentially affected by acid sulphate soils, which may significantly impact a proposed development if not appropriately addressed. This proposed condition can be imposed where the acid sulphate soils risk is considered significant enough to warrant further investigations prior to commencement of any site works.

Typically, the Department of Environment and Conservation would request such a condition; however the City may also recommend such investigations be undertaken where concern exists about the likelihood of acid sulphate soils.

Further detail on the requirements of the condition will be included in detailed footnotes on the approval. The condition is supported by WAPC Planning Bulletin 64/2009 (Acid Sulphate Soils).

Deleted Conditions

Eight conditions have been deleted. The majority of the deleted conditions were those which are were:

- No longer relevant or out of date; and/or
- Could be adequately addressed under another existing condition (as amended where required).

The deleted conditions, and a short summary of why they were deleted, are identified in Attachment 11.

Revised Conditions

A number of conditions have had minor adjustments made or reworded to reinforce the planning purpose and clarity. Where appropriate, some aspects of the revised conditions have been deleted and incorporated as footnotes attached to other conditions. The majority of changes were to ensure consistency with the WAPC model subdivision conditions schedule.

The reworded conditions, and a short summary of why they were reworded, are identified in Attachment 11.

Conclusion

A substantial review of the City's standard development and subdivision conditions has been undertaken and seen the proposed introduction of a number of new standard conditions, deletion of a number of standard conditions that were no longer required, and revision of a number of standard conditions to ensure they are up-to-date with current requirements.

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

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

Item 12.5 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

1. ***Adopt the updated list of standard development conditions for planning approvals provided under Attachment 10 titled 'Standard Development Conditions for Planning Approvals (Updated)'.***
2. ***Adopt the list of standard subdivision/strata conditions for subdivision referrals provided under Attachment 11 titled 'Standard Subdivision/Strata Conditions for Subdivision Referrals (Updated)'.***

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

12.6 HISTORY OF THE CITY OF BELMONT

SOCIAL BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 12 – Item 12.6 refers	History Project Stages One and Two: Consultant's Report on Proposed Methodology
Attachment 13– Item 12.6 refers	5 June 2007 Council Minutes Extract
Attachment 14 – Item 12.6 refers	27 October 2009 Council Minutes Extract

Voting Requirement	:	Simple Majority
Subject Index	:	11/006
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	05/06/07 OCM Item 12.1.7 27/10/09 OCM Item 13.2 30/08/10 SC(CC) Item 5.3 28/09/10 (OCM) Item 12.9
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community & Statutory Services

COUNCIL ROLE

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

Item 12.6 Continued

PURPOSE OF REPORT

Council to approve the engagement of a Consultant to undertake the City of Belmont History Project as outlined in the methodology (refer to Attachment 12).

SUMMARY AND KEY ISSUES

The main objectives of the Belmont History Project are:

- To research, collect and preserve historical information and artefacts, for the purpose of study, education and enjoyment of the Belmont community and visitors.
- To promote awareness and knowledge of the cultural heritage of Belmont.

The History Project has been set in two stages and provides scope for all aspects of the City's history to be researched, preserved and promoted. Ultimately the aim of the History Project is to ensure past, current and future needs for the preservation and celebration of the City's unique memory are met.

Stage one of the project will be to collect, catalogue and document the history of the City of Belmont and interview key stakeholders to determine the significance of collected items and gather verbal history.

Stage two of the project will be to make recommendations as to further development of the housing of historical artefacts and information at the City of Belmont.

LOCATION

N/A.

CONSULTATION

Professional Historian, Mr Eddie Marcus.

STRATEGIC PLAN IMPLICATIONS

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

Objective: Ensure that the cultural and historical significance of the City is identified and captured.

Strategy: Recognise all aspects of historical significance within the City.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 12.6 Continued

STATUTORY ENVIRONMENT

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

BACKGROUND

Relevant Past Council Decisions

1. Attachment 13 is an extract of the Council Minutes of 5 June 2007 (Item 12.1.7 refers). It would be useful to read that item. The decision of the Council was as follows:

“That Council:

- 1. Approve the placement of Curtin University student(s) to undertake a work experience placement during the second Semester 2007 to conduct the following:***
 - Research of street names***
 - Review of "Ever Flowing Forward" by Maxine Laurie a social History of Belmont***
 - The farming background of Belmont pioneers***
 - Research pioneers, business, commercial operators, horse racing, industry, culture and indigenous sites***
 - Review the City of Belmont's Municipal Heritage Inventory***
 - Project for time equal to 20 days of work.***
- 2. Note that the project time allocated will be equal to 20 days and the student(s) will be supervised by the Manager Community and Library Services, who will prepare a Project Management Brief following the decision of the Council.”***

A book ‘*Ever Flowing Forward: The Story of Belmont*’ by Maxine Laurie has been compiled, written and published (1999). Some factual errors are evident; this is largely due to the dependence on anecdotal material as a primary source. It is however, a valuable and well utilised resource.

The work of the students did verify that ‘*Ever Flowing Forward*’ could not be relied on as an accurate historical document, but was an interesting historical account.

The students did carry out work on researching the origin of the street and park names and changes were made when supported by historical evidence.

It was hoped that through Curtin University a framework and process could be established to develop a reliable historical record of the City of Belmont. Unfortunately this could not be achieved.

Mention has been previously made that former Councillor Paul Quinn and Mr Stan Todd could make a contribution to the History project.

Item 12.6 Continued

2. At the Council Meeting of 20 November 2007 (Item 12.4.1 refers), Council resolved in part as follows:

“Undertake research to determine the existence of a spring on the site that was historically used to water postal horses travelling between Perth and Guildford, and if such a spring is found to have existed that the Business Case Analysis in 3. above include the provision of a public art work to recognise this historic element of the site.”

This was included in the Research Brief for the Curtin students, but it was not possible to organise this project as part of the University curriculum. This will be pursued as part of the history review.

3. Attachment 14 is an extract of the Council Minutes of 27 October 2009 (Item 13.2 refers). The decision of the Council was as follows:

“That Council Officers prepare a report to a future Council meeting which advises of the scope, cost and time required for an audit and report of the Belmont Museum, so that all artefacts and other items are catalogued or recorded in accordance with current, recognised standards. Further, that the audit report include liaison with the Chairman and other representatives of the Museum, whether voluntary assistance is practical and the identification of those items that can be returned to their donors or loaned to other museums.”

Provision of \$50,000 has been made in the 2010-2011 budget to fund this work.

Considerable work has been carried out in accumulating Belmont’s history in the following areas to date:

- The City of Belmont Historical Society has collected a great deal of information regarding the area’s history. Photographs and artefacts have been gathered and stored at the Belmont Historical Museum (situated at Faulkner Park end of Elizabeth Street). There is extensive material available to be accessed by the public; however the museum’s opening hours restrict access.
- Several thousand photographs have been collected, catalogued and digitised for preservation. Of these digitised photographs over 900 are accessible online through the Library’s public access catalogues or via the website www.belmont.wa.gov.au.
- The City has a Municipal Heritage Inventory of significant buildings and sites, which is updated as required by statute.
- The City is aware of certain members of the community who have possession of invaluable historical documentation.

At the Standing Committee (Community Capacity) on 30 August 2010, the Committee resolved as follows:

“That Council invite ‘Expressions of Interest’ from qualified historians on the options that could be considered to record an accurate history of the City of Belmont and to provide a recommended strategy.”

Item 12.6 Continued

In early September 2010, the Manager Community Development and the Coordinator Library Services met with Mr Eddie Marcus, a Professional Historian from HistoryNow, to discuss the Committee recommendation.

At the Ordinary Council Meeting of 28 September 2010, Council resolved as follows:

“That Council engage a suitable consultant to audit and catalogue all artefacts and other items at the Belmont Museum and at the City of Belmont in accordance with current, recognised standards. The consultant will provide a recommended strategy for the delivery of a contemporary best practice model for the display and housing of historical information and artefacts.”

OFFICER COMMENT

For the past several years, the City has made numerous attempts to source potential appropriate historians without success. Mr Marcus was recommended to the City by the Heritage Council of WA.

A meeting was held with Ms Peg Parkin, President of the City of Belmont Historical Society and Mr Marcus. At this meeting, he informally interviewed Ms Parkin and concluded that a significant amount of historical information relating to the City of Belmont was retained by her and other members of the Historical Society who volunteer their time at the Museum.

Mr Marcus has submitted a methodology (refer to Attachment 12) which outlines two stages involved in delivering the project.

The proposed methodology submitted by Mr Marcus is concise and provides a thorough overview of a staged project that is realistic and achievable. Mr Marcus's knowledge, expertise and immediate availability to undertake Stage One of the project should be considered advantageous to ensure the project is not further delayed.

It is anticipated that Mr Marcus will attend a Committee meeting to further explain his proposal and to respond to questions from the Committee.

FINANCIAL IMPLICATIONS

\$50,000 has been allocated in the 2010-2011 budget to undertake Stage One of the project.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.6 Continued

COMMITTEE NOTES

- The Manager Community Development and the Coordinator Library Services gave background information on the City's Museum and stated that the main objectives of the Belmont History Project were to research, collect and preserve historical information and artefacts, for the purpose of study, education and enjoyment of the Belmont community and visitors and to promote awareness and knowledge of the cultural heritage of Belmont.
- Stage one of the project will be to collect, catalogue and document the history of the City of Belmont and interview key stakeholders to determine the significance of collected items and gather verbal history.
- Stage two of the project will be to make recommendations as to further development of the housing of historical artefacts and information at the City of Belmont.
- Mr Marcus, Professional Historian was introduced to the Committee and commented on the objective of the project, which is to ensure that the cultural and historical significance of the City is identified and captured.
- An explanation was also given of the proposed methodology and cost estimates of the project. It is estimated that stage one of the Project would take approximately 40 weeks at a cost of \$38,400. Areas covered would be:
 - Collection Management Policy;
 - Documenting the collection;
 - Significance of the collection;
 - Oral Histories; and
 - Publication of Belmont's history.
- Stage Two is estimated at taking approximately 16 weeks at an approximate cost of \$14,400. Areas covered would be:
 - Determining best practice;
 - Interpretation of and access to the collection through technology;
 - Housing the collection;
 - Physical requirements of a museum; and
 - Timeframes and costing estimates.
- The project should focus on training museum volunteers and relevant Council staff to ensure that the Museum can continue to operate to best practice standards after any contract with a consultant has ended. To achieve this, it is essential that the consultant provide high quality documentation to ensure that policies and procedures are easily communicable to new volunteers and/or members of staff.
- A formal procedure needs to be undertaken for the disposal of any items in the Museum.

Item 12.6 Continued

- Not all items will need to be retained.
- Computer software will need to be sourced to manage the project.
- The City will need to liaise with Ms Parkin regarding items in connection with the Adachi Sister City.
- The Committee further resolved that a part-time Historian Librarian would be likely to be engaged, as well as two volunteers. Funding for this position would need to be considered at the March Budget Review.

Note

Cr Rossi and Cr Wolff made a disclosure of interest affecting impartiality in respect to this item.

COMMITTEE RECOMMENDATION

That Council:

- 1. Engage Mr Eddie Marcus to undertake Stage One of the history project as detailed in the Officer Report.***
- 2. Consider at the March budget review the employment of a part time Historian Librarian.***

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

12.7 NAMING OF PUBLIC OPEN SPACE LOCATED AT CROWN RESERVE 44885 LOTS 12644, 12643 AND 12724 DIA 92852 (No.1) ST KILDA/TOORAK/ARMADALE/FITZROY AND KOORYONG ROADS

Built Belmont

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	117/008
Location / Property Index	:	Crown Reserve 44885, Locations 12643, 12724 and 12644 Fitzroy Road and Reserve 45014, Lot 62 (61) Armadale Road and Reserve 44951, Lot 45 (75) and Location 12741 (77) Kooyong Road, Rivervale.
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Cr Rossi
Owner	:	The Crown; management order to the City of Belmont
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

Council to consider initiating public advertisement to name the recreation park reserve 'Copley Park.'

Item 12.7 Continued

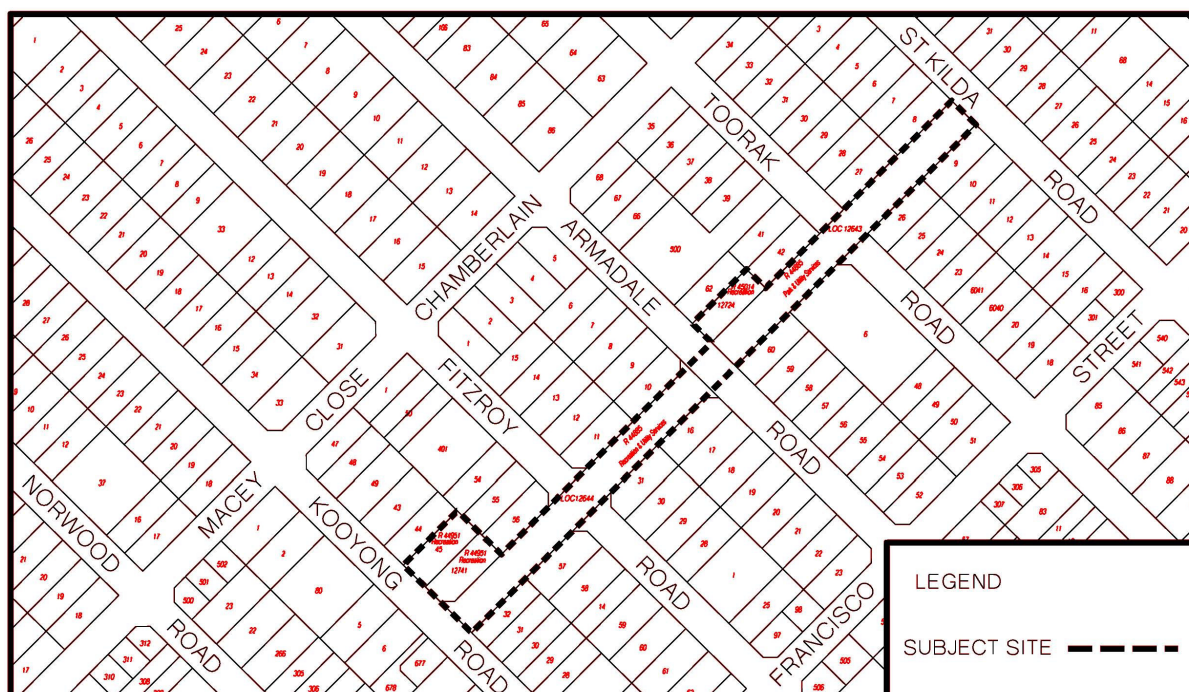
SUMMARY AND KEY ISSUES

A request has been received to apply the name 'Copley Park'. The name 'Copley Park' is currently included on the City's Schedule of Names Reserved for Streets and Parks.

This report recommends that Council approve initiating public advertisement as part of the procedure to apply the name 'Copley Park' to the park.

LOCATION

Crown Reserve 44885, Locations 12643, 12724 and 12644 Fitzroy Road and Reserve 45014, Lot 62 (61) Armadale Road and Reserve 44951, Lot 45 (75) and Location 12741 (77) Kooyong Road, Rivervale.



CONSULTATION

Direct consultation with the general public has yet to be undertaken. However, the reserve has received attention from the local media. The public perceives the reserve as being of a poor maintenance standard brought about by negative press comments.

Item 12.7 Continued

STRATEGIC PLAN IMPLICATIONS

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

Objective: Ensure that the cultural and historical significance of the City is identified and captured.

Strategy: Recognise all aspects of historical significance within the City.

POLICY IMPLICATIONS

City of Belmont Policy Manual Social Belmont 3 (SB3) 'Naming of Streets, Parks and Reserves'.

Policy Objective:

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

Policy Statement:

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

Criteria for Recognition

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

Item 12.7 Continued

Priority for Use of Names

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

4. The Schedule of Names Reserved for Streets and Parks be reviewed annually for a report to Council.
5. All new persons listed within this policy, be first consulted (or where relevant their next of kin) to ensure their written consent is given.

STATUTORY ENVIRONMENT

Landgate's Geographic Names Committee – Principles, Guidelines and Procedures (May 2006) includes the following General Guidelines for Naming of Parks and Reserves:

- *“Priority will be given to the naming of parks and reserves after an adjacent street or feature to maximise the identification of that park or reserve with an area. The ‘road type’ is not to be included as part of the name.*
- *‘Reserve’ is only to be used as part of the name if the whole of the area to be named is reserved under the Land Administration Act 1997 and therefore has a reserve number.*
- *Names that commemorate or may be construed to commemorate living persons will not be considered for parks or reserves over 1ha.*
- *Proposals to name parks or reserves should include evidence of strong community support for the name. This support can be ascertained by some of the following:*
 - *Advertising proposals to name parks and reserves in local papers, inviting comments.*
 - *Advertising proposals to name parks and reserves in local libraries.*
 - *Erection of signs on the park or reserve, advising of the proposed name.*
 - *Advising residents in the area surrounding the park or reserve of the proposed name in writing.*
 - *Advising local progress associations of proposed names and requesting their comments.*
- *For personal names, the person being honoured by the naming should have either had a direct long-term association with the area, or have made a significant contribution to the area of the proposed park or reserve, or the State. Association or contribution can include:*
 - *Two or more terms of office on a local government Council.*
 - *Twenty or more years’ association with a local community group or service club. Action by an individual to protect, restore, enhance or maintain an area that produces substantial long-term improvements for the community or area.*
- *Service to the community or organisation must have been voluntary.*

Item 12.7 Continued

- *Given names may be included as part of the naming proposal, and given and surname combinations are acceptable.*
- *Death and former ownership of land are not acceptable reasons for proposing a name, unless previous criteria apply."*

Naming of Parks and Reserves under 1ha

1. *The approval of the Minister for Land Information is not required, but Landgate must be advised of all names assigned.*
2. *The names of living persons are acceptable except for those persons holding any form of public office.*
3. *The general guidelines listed above shall apply for the naming of such parks and reserves.*

BACKGROUND

Councillor Robert Rossi submitted a request that Council consider initiating procedures to apply the name 'Copley Park' to the public open space crown reserve. The reserve is currently known (but not formally named and approved) as 'Copley Park'. Its colloquial name is taken from the former road reserve that is now closed, Copley Street, which forms the majority of the park.

The 20m x 445m reserve is owned by the Crown and managed by the City of Belmont for the purpose of 'Public Recreation', in accordance with the management order gazetted on 9 September 1988.

In closing the road reserve and changing its use to 'Public Recreation', the reserve has had to accommodate vehicular access for a number of dwellings that do not have access to a constructed road. They are as follows:

- 78A Fitzroy Avenue, Rivervale;
- 83 Fitzroy Avenue, Rivervale;
- 63 Armadale Road, Rivervale;
- 60 Toorak Road, Rivervale; and
- 59 Toorak Road, Rivervale.

Each dwelling has an approved driveway and crossover constructed through the reserve. Although this does not seem to have an impact on the safety of the park or any major environmental concern, it has created concrete driveways throughout the reserve, as shown below.

Item 12.7 Continued



The proposed name 'Copley Park' is currently included on the City's Schedule of Names Reserved for Streets and Parks as follows:

Copley	At the turn of the century was one of the top breeders of quality racehorse stock. Formerly Copley Street, but the road reserve has now been closed.
--------	--

Item 12.7 Continued

The Parks and Environment Department have produced a report outlining actions that need to be taken for the reserve. One of the recommendations is the renaming of the reserve to highlight its usefulness and purpose by including an appropriate suffix (eg walk, trail or ramble).

OFFICER COMMENT

The name 'Copley Park' is currently listed on the City's 'Schedule of Names Reserved for Streets and Parks' and as such Council has already resolved that the name complies with the City of Belmont Policy Manual SB3 'Naming of Streets, Parks and Reserves' Criteria for Recognition.

The proposed name also complies with Landgate's General Guidelines for Naming of Parks and Reserves. Landgate has given the following information regarding the suffix of the name:

- The term 'park' can be applied to land used for recreation but not formally a reserve and it can also be used for land vested as a reserve.
- The term 'reserve' can only be applied to land that is actually a reserve.

'Walk' and 'Trail' are two distinct feature classes and are applied to the actual trafficable path, graded walk/path or pathway, or a trail that can be used by vehicles, bikes, hikers or horses; they would not be considered to be appropriate for an area of land.

It is considered that 'Copley Park' is a suitable name to apply to the reserve. Alternatively, other names that may be considered are listed on the City's 'Schedule of Names Reserved for Streets and Parks'.

FINANCIAL IMPLICATIONS

Preliminary advice indicates that the plank sign requested using 145mm bollard as uprights (as previously supplied) would cost \$504 plus GST plus \$115 (freight).

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.7 Continued

OFFICER RECOMMENDATION

That:

1. Council initiate advertising to seek public comment on the proposal to apply the name 'Copley Park' to the public open space land located at Crown Reserve 44885, Locations 12643 and 12644 Fitzroy Road and Reserve 45014, Lot 62 (61) Armadale Road and Reserve 44951, Lot 45 (75) and Location 12741 (77) Kooyong Road, Rivervale:
 - (a) Placing an advert in the Southern Gazette newspaper;
 - (b) Placing a sign onsite;
 - (c) Writing to the landowners and occupants in the area surrounding the park; and
 - (d) Writing to the Belmont Historical Society.
2. Following closure of the advertising period:
 - If objections are received then the matter shall be referred to a future Council meeting for formal consideration; or
 - If no objections are received authorise Officers to seek the approval of Landgate's Geographic Names Committee.

Note

Cr Gee put forward the following Alternative Motion

ALTERNATIVE MOTION

GEE MOVED, HITT SECONDED, That:

1. Council initiate advertising to seek public comment on the proposal to apply the name 'Copley Reserve' to the public open space land located at Crown Reserve 44885, Locations 12643 and 12644 Fitzroy Road and Reserve 45014, Lot 62 (61) Armadale Road and Reserve 44951, Lot 45 (75) and Location 12741 (77) Kooyong Road, Rivervale:
 - (a) Placing an advert in the Southern Gazette newspaper;
 - (b) Placing a sign onsite;
 - (c) Writing to the landowners and occupants in the area surrounding the reserve; and
 - (d) Writing to the Belmont Historical Society.

Item 12.7 Continued

2. Following closure of the advertising period:

- If objections are received then the matter shall be referred to a future Council meeting for formal consideration; or
- If no objections are received authorise Officers to seek the approval of Landgate's Geographic Names Committee.

LOST 4 VOTES TO 6

For: Gee, Hitt, Marks, Whiteley

Reason

The subject land was formally listed as a road reserve. The perception of a park is a wide open space where family activities can take place, not a long narrow strip of land which for the majority of its 400 metre length is only 20 metres wide. This piece of land should be named a reserve not only to cover the perception aspect but also to signify the lands original origin.

OFFICER RECOMMENDATION

ROSSI MOVED, HANLON SECONDED, That:

1. ***Council initiate advertising to seek public comment on the proposal to apply the name 'Copley Park' to the public open space land located at Crown Reserve 44885, Locations 12643 and 12644 Fitzroy Road and Reserve 45014, Lot 62 (61) Armadale Road and Reserve 44951, Lot 45 (75) and Location 12741 (77) Kooyong Road, Rivervale:***

- (a) Placing an advert in the Southern Gazette newspaper;***
- (b) Placing a sign onsite;***
- (c) Writing to the landowners and occupants in the area surrounding the park; and***
- (d) Writing to the Belmont Historical Society.***

2. ***Following closure of the advertising period:***

- ***If objections are received then the matter shall be referred to a future Council meeting for formal consideration; or***
- ***If no objections are received authorise Officers to seek the approval of Landgate's Geographic Names Committee.***

CARRIED 7 VOTES TO 3

Against: Gee, Hitt, Whiteley

12.8 RUTH FAULKNER PUBLIC LIBRARY PLAN 2010-2012

SOCIAL BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 15 – Item 12.8 refers	Ruth Faulkner Public Library Plan 2010-2012

Voting Requirement : Simple Majority
Subject Index : 72/005
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Community & Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To develop a working document that outlines the performance benchmarks for the Ruth Faulkner Public Library that must be achieved over the period from 2010-2012.

Item 12.8 Continued

SUMMARY AND KEY ISSUES

To meet the needs of the City's socially diverse community, the Ruth Faulkner Public Library Plan addresses the key areas of literacy and social inclusion. Resources and services for new migrants, particularly those from non-English speaking backgrounds are addressed within the Plan as is the importance of early childhood literacy in developing a community of confident readers.

Actions within the Plan relating to service delivery will result in streamlining work practices and improving efficiencies. Opening hours and ease of access to the service will be addressed as customers voice their interest in family friendly hours. There is greater emphasis on promotion and marketing of the Library service to attract new members and ultimately build the Library as a community hub.

The Ruth Faulkner Public Library aims to be a community space providing resources and innovative services that have the potential to enrich, educate and empower the lives of every individual within the City of Belmont.

Three keys themes form the basis of the Ruth Faulkner Public Library Plan 2010-2012:

Enrich

Provide a welcoming, free and neutral community space that promotes a sense of belonging. A place for reflection and sharing of ideas, culture and entertainment.

Educate

Offer resources, programs and events that can educate and stimulate the minds of each and every individual.

Empower

Offer collections, resources and electronic information that can empower individuals to make informed life choices and decisions.

LOCATION

N/A.

CONSULTATION

- Community Perception Survey 2010
- Ruth Faulkner Public Library Survey – Catalyse 2008

Item 12.8 Continued

STRATEGIC PLAN IMPLICATIONS

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

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

Strategy: Identify and assist those in need by connecting them with appropriate internal or external service providers.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

The purpose of the Ruth Faulkner Public Library Plan is to ensure the Library is a vibrant, diverse and vital core service provided by the City of Belmont. The key actions within the Plan have been identified as a result of an assessment of current services and resources offered by the Ruth Faulkner Public Library. Further research into '*Best Practice Public Libraries across Australia*' identified areas where the service can improve and grow to ensure the City of Belmont is amongst the leaders in the provision of Public Library services. Whilst the recent Catalyse Community Perception Survey results, (refer to Attachment 15), clearly indicate that customers are satisfied with the services provided by Ruth Faulkner Public Library. It is vital that the service continue to grow and adapt to meet the changing needs of the community. Traditional Library services are being challenged as a result of a rapid change and growth in technology. To remain sustainable and relevant, Public Libraries must keep abreast of these changes.

The results of the Community Perception Survey undertaken by Catalyse Pty Ltd indicate that the community satisfaction with the Ruth Faulkner Public Library service is high. A Library specific survey was undertaken in 2008 as a means to consult with the community about the services provided by Ruth Faulkner Public Library. The survey provided invaluable insight into the needs and interests of the community in relation to the Library's services. Whilst considerable work has already been undertaken as a result of the survey there remains a number of targets to be addressed. These targets are included within the Ruth Faulkner Public Library Plan 2010-2012, alongside a range of new initiatives that will ensure the Library continues to rate highly in community satisfaction.

Item 12.8 Continued

OFFICER COMMENT

The Ruth Faulkner Public Library aims to be a leader in the provision of Public Library services in the community. Its current extensive range of services and resources on offer are highly sought after by the local community and beyond. The actions outlined in the Ruth Faulkner Public Library Plan 2010-2012 will ensure the Library strives to achieve beyond the high level of service delivery that it already provides.

It is intended that the Ruth Faulkner Public Library Plan will form part of the City's Corporate Plan.

FINANCIAL IMPLICATIONS

It is anticipated that a significant proportion of actions within the Plan will be achievable with minimal financial impact to the Library's annual budget allocation. Actions within the Plan that may have a financial impact will be raised for consideration in the 2011-12 budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The adoption of the Ruth Faulkner Public Library Plan will:

- Ensure that the community has access to the services and facilities it needs;
- Assist in developing community capacity;
- Support community groups; and
- Enhance a sense of community and the image of Belmont.

COMMITTEE NOTES

- The Manager Community Development and the Coordinator Library Services gave a briefing on the Ruth Faulkner Public Library Plan.
- These three key themes which form the basis for the development of the Plan are:
 - Enrich
Provide a welcoming, free and neutral community space that promotes a sense of belonging. A place for reflection and sharing of ideas, culture and entertainment.
 - Educate
Offer resources, programs and events that can educate and stimulate the minds of each and every individual.

Item 12.8 Continued

- Empower
Offer collections, resources and electronic information that can empower individuals to make informed life choices and decisions
- The key actions within the plan have been identified as a result of an assessment of current services and resources offered by the Ruth Faulkner Public Library.
- Further research into best practice public libraries across Australia identified areas where the service can improve and grow to ensure the City of Belmont is amongst the leaders in the provision of public library services.
- Whilst the recent Catalyse Community Perception Survey results clearly indicate that customers are satisfied with the services provided by Ruth Faulkner Public Library, it is vital that the service continue to grow and adapt to meet the changing needs of the community. Traditional library services are being challenged as a result of a rapid change and growth in technology. To remain sustainable and relevant, public libraries must keep abreast of these changes.
- To meet the needs of the City's socially diverse community, the plan also addresses the key areas of literacy and social inclusion. Resources and services for new migrants particularly those from non English speaking backgrounds is addressed within the plan as is the importance of early childhood literacy in developing a community of confident readers.
- Actions within the plan relating to service delivery will result in streamlining work practices and improving efficiencies. Opening hours and ease of access to the service will be addressed as customers voice their interest in family friendly hours. There is greater emphasis on promotion and marketing of the Library service to attract new members and ultimately build the Library as a community hub.
- It may be possible to install computer game consoles for use within the Library; as such a feasibility study for provision of computer game consoles for use within the Library will be undertaken.
- A review of opening hours with consideration to family friendly hours will be undertaken.
- Promote local history by showcasing Library and museum collections through an interactive in-house display – one significant display per calendar year or as suggested by a Councillor more than one per year.
- The month of November to be made an Amnesty month, whereby books, CDs etc that are overdue, can be returned with no charge to the borrower

Item 12.8 Continued

COMMITTEE RECOMMENDATION

That Council adopt the Ruth Faulkner Public Library Plan 2010-2012 as included under Attachment 15.

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

12.9 GRANT APPLICATIONS NATURAL DISASTER RESILIENCE FUND

SOCIAL BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 16 – Item 12.9 refers	Natural Disaster Resilience Program Guidelines

Voting Requirement	:	Absolute Majority
Subject Index	:	57/030
Location / Property Index	:	Rivervale Community Centre, Redcliffe Community Centre and the City's Operation Centre
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Technical Services and Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

The purpose of this report is to seek Council approval to make funds available to fulfil the City's co-contribution commitments outlined in its grant applications to the Natural Disaster Resilience Program (NDRP), should the City be successful for one or both projects.

Item 12.9 Continued

SUMMARY AND KEY ISSUES

The City of Belmont is applying for funding under the NDRP for two projects to install appropriate electrical connectivity for emergency back-up power to:-

- two of the City's Welfare/Evacuation Centres nominated under the Local Emergency Management Arrangements ie Rivervale Community Centre and Redcliffe Community Centre, and/or
- the City's Operations Centre which has been identified as the City's alternative site to manage incident response, community recovery coordination and business continuity activities,
- should a local emergency event occur which causes the City to experience a total power blackout e.g. flood, fire, storm, earthquake etc.

The key issues at present are that the City is unable to meet its obligations:-

- under the *Emergency Management Act 2005*, Westplan Welfare and District Welfare Plan; or
- to provide and maintain infrastructure, a core responsibility of local government.

LOCATION

- Rivervale Community Centre at the corner of Surrey Road and Francisco Street, Rivervale.
- Redcliffe Community Centre at the corner of Morgan Road and Field Avenue, Redcliffe.
- Operations Centre – 180 Planet Street, Carlisle.

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

In accordance with Strategic Plan Key Result Areas of Social Belmont and Business Excellence, these grant applications support the following Strategic Plan objectives:-

Social Belmont

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

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

Item 12.9 Continued

POLICY IMPLICATIONS

SB SOCIAL BELMONT

SB1 COUNCIL AUTHORITY TO APPLY FOR GRANTS

Policy Objective:

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

Policy Statement:

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

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

- Grants/subsidies that require an unbudgeted co-payment of funds.
- Grants/subsidies that result in expenditure not identified and authorised as part of the budget process.
- Grants/subsidies where the amount varies significantly from that which has been identified and authorised as part of the budget process.

Bullets 1 and 2 above are applicable to this report and Council's approval to accept the grants, the subject of this report, is sought should the City's applications be offered a grant.

STATUTORY ENVIRONMENT

- *Emergency Management Act 2005.*
- State Emergency Management Plans i.e. Westplan Welfare.
- State Emergency Management Policy 2.5 – Emergency Management in Local Government Districts.

Item 12.9 Continued

BACKGROUND

The City has responsibilities under the *Emergency Management Act 2005*, the State Emergency Management Policy 2.5, the State Emergency Management Plan for Welfare (Westplan Welfare) and the Department for Child Protections Local Welfare Plan for the Cannington District. These responsibilities relate to providing suitable functional community facilities as Welfare/Evacuation Centres, managing the community recovery as a result of an emergency event and localised support to the Hazard Management Agency during the emergency response phase.

The City of Belmont and Town of Victoria Park have a combined Local Emergency Management Committee (LEMC) and Local Emergency Management Arrangements (LEMA) and the LEMA documents the City's commitment to its responsibilities.

In addition, the LEMC has identified in its Annual Business Plan specific goals and strategies to take advantage of funding opportunities such as the NDRP to facilitate the City's readiness to meet its roles and responsibilities to emergency management planning and preparedness eg

Goal 2: Identifying and utilising funding requirements/opportunities

Strategy:

- LEMC will, where appropriate or required, submit applications for funding.

OFFICER COMMENT

Currently none of the City's community facilities have the ability to connect to emergency back-up power.

In 2009, in preparation for another grant application under the AWARE (All West Australians Reducing Emergencies) funding program (now finished), the City engaged an electrical consultant to assess the City's nominated Welfare/Evacuation Centres for their ability to connect to emergency back-up power. Subsequently this exercise has also been undertaken at the Operations Centre.

The electrical consultant's reports have been used to develop two separate applications under the Natural Disaster Resilience Program. One application to seek funding to install the necessary electrical connectivity point to two of the City's nominated Welfare/Evacuation Centres and the second application to install the necessary connectivity to the Operations Centre. It was decided to keep the applications separate for the best possible chance of one or the other being approved.

Item 12.9 Continued

Only two of the City's nominated Welfare/Evacuation Centres were selected for inclusion in the funding application for the following reasons:-

Rivervale Community Centre: This facility is both a registered State and District/Local Welfare/Evacuation Centre and it was identified for potential emergency back-up power connectivity because of its dual purpose requirement under emergency event circumstances. Also, because it is a relatively new facility, it is considered appropriate and cost effective for installation of the electrical connections.

Redcliffe Community Centre: This facility is a District and Local Welfare/Evacuation Centre and considered appropriate and cost effective for back-up power connectivity.

The following facility was not selected for the reasons listed below;

Forster Park Hall: Although this building is registered as both a State and District/Local Welfare Evacuation Centre, the age of the building and the existing electrical switchboards do not make it cost effective to include in the funding application at this time. It was determined that because of the amount of electrical work required, it would be more appropriate for the back-up power connectivity to be included as part of a future refurbishment of this facility.

The decision to submit a second application for back-up emergency power for the Operations Centre was based on the fact that the Operations Centre has been nominated in the LEMA as the City's alternate site of business operations in the event of a complete power failure or significant damage to the Civic Centre as a result of an emergency event. Therefore, there is a need for an alternative power supply to service communications, information technology, maintenance facilities (including pumps for onsite diesel fuel supplies), and some office and meeting room facilities required to assist in the coordination and delivery of local emergency services, community recovery and business continuity activities.

This year's NDRP was open for a four week period and closed on 19 November 2010. The NDRP is a Commonwealth funded program administered by the States and for Western Australia by the State Emergency Management Committee (SEMC), through the Fire and Emergency Services Authority of WA (FESA).

FINANCIAL IMPLICATIONS

FESA has advised that recommendations for grant funding will be made by FESA to the SEMC at its next meeting, which is March 2011. If the City's application/s are successful, and more importantly, the timing of when the City is advised of success, will determine when expenditure will occur for these projects. Currently they are unbudgeted and as notification of success will not be in time for the March Budget Review, will remain unbudgeted for the 2010/11 financial year.

Item 12.9 Continued

It is however, anticipated that, if funding is approved, only a small proportion of the anticipated costs will be expended prior to the end of this financial year and the more significant expenditure is to occur early in the 2011/12 financial year.

The Conditions of the Grant (refer Attachment 16) are that the NDRP will fund up to 50% of each approved project. Currently, these projects are unbudgeted and the financial implications to the City, if it accepts the grant funding, will be:-

Welfare/Evacuation Centres \$21,940.00

This amount relates to \$21,020.00 as a cash contribution including a 10% contingency allowance and \$920.00 for in kind costs (project management and grant administration). The NDRP would fund the remaining \$21,020.00 of a total project valued at \$42,960.00.

Operations Centre \$11,230.00

This amount relates to \$10,220.00 as a cash contribution including a 10% contingency allowance and \$1,010.00 for in kind costs (project management and grant administration). The NDRP would fund the remaining \$11,230.00 of a total project valued at \$22,460.00.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The social implications of being able to provide emergency back-up to the City's Welfare/Evacuation Centres and Operations Centre are:-

- The ability to provide the community with comfort and wellbeing through adequately serviced Welfare/Evacuation centres ie heating/cooling, lighting, operational kitchen facilities.
- The ability to meet local government obligations under the *Emergency Management Act 2005* and the State and District Welfare Plans.
- The ability to support community resilience and recovery by circumventing any displacement of the disaster affected community because of the City's inability to provide powered Welfare/Evacuation facilities.
- The ability to provide an effective emergency response via the City's Operations Centre eg provide local assistance to the Hazard Management Agency through a variety of tasks such as traffic management, ranger services, road and drainage repairs/clean-up, removal of street tree debris and park tree debris.
- The ability to provide effective community recovery coordination and management.
- The ability to activate business continuity plans.

Item 12.9 Continued

OFFICER RECOMMENDATION

That should one or both of the City's applications for grant funding under the 2010 Natural Disaster Resilience Program be successful, Council resolve that:-

- 1. The City's co-contribution amount of \$21,940 towards the installation of electrical connectivity for emergency back-up power to the Rivervale Community Centre and the Redcliffe Community Centre be approved to be partially funded out of the 2010/11 municipal funds and provisions made for any outstanding amounts to be included in the 2011/12 Budget.***
- 2. The City's co-contribution amount of \$11,230 towards the installation of electrical connectivity for emergency back-up power to the Operations Centre be approved to be partially expended against the 2010/11 municipal funds and provisions made for any outstanding amounts to be included in the 2011/12 Budget.***

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

12.10 ACQUISITION OF RIGHT OF WAY (ROW) 48A BELVIDERE STREET, BELMONT

Original attachment archived in Confidential Minute Book 2010

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 1 – Item 12.10 refers	Right of Way – 48A Belvidere Street, Belmont – Pember Wilson & Eftos

Voting Requirement	:	Absolute Majority
Subject Index	:	43/013 – Revitalisation of Local & Neighbourhood Shopping Centres
Location / Property Index	:	Belvidere Street Shopping Centre
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	The Estate of Mr Ernest Longson
Responsible Division	:	Corporate & Governance

COUNCIL ROLE

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

Item 12.10 Continued

PURPOSE OF REPORT

To seek Council's approval for City Officers to enter into negotiations with the Executor of the Estate of Mr Ernest Longson, for the purpose of acquiring the right of way at 48A Belvidere Street, Belmont.

SUMMARY AND KEY ISSUES

Officers from Planning Services have considered and provided conditional approval for a development application for the fit out of a vacant shop at 48 Belvidere Street, Belmont, to a fast food/take-away outlet. A component of this upgrade is the intended use of the right of way (ROW) at 48A Belvidere Street for a drive-through service and the use of the vacant land at the rear of the building for staff parking and a delivery bay. A condition of the approval is that the degraded fencing on the rear and side lot boundaries adjoining the ROW shall be upgraded. This application was referred to surrounding residential and commercial properties for a 21 day period and no submissions were received.

During the evaluation of this proposal, it has been discovered that the ROW at 48A Belvidere Street is still in private ownership. Between 1955 and 1964 a large parcel of land on the corner of Epsom Avenue and Belvidere Street was subdivided into twelve residential and three commercial properties. As part of the subdivision, Leake Street was established and the ROW running between the commercial properties on Belvidere Street and 160 Leake Street was established. The ownership of the ROW should have passed to the City during this process. However, a search of the relevant Certificate of Title has revealed that the registered owner of the ROW is still Mr Ernest Longson. City Officers have spoken to a representative of Mr Longson's Estate regarding the status of the ROW and advised them that this report is being prepared.

Advice received from Pember Wilson and Eftos indicates that the subject land has only nominal value. (Refer Confidential Attachment 1)

LOCATION



Item 12.10 Continued

CONSULTATION

A discussion has been held with a representative of Mr Longson's Estate. They have been advised that this report is being prepared. They have not indicated how they will respond pending a formal offer being made. A valuation has been prepared as part of the preparation of this report.

STRATEGIC PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

BB3 STREETScape POLICY

Policy Objective

To provide a streetscape that is conducive to, and encourages physical activity and community interaction in an attractive and pleasant setting, by creating a streetscape environment that is attractive, functional and vibrant and creates a sense of place that is uniquely Belmont.

STATUTORY ENVIRONMENT

There is no specific legislation applicable to the purchase of this lot; however the standard commercial land transfer requirements will apply in this process.

BACKGROUND

Conditional approval has been granted for a development application for the fit out of a vacant shop at 48 Belvidere Street, Belmont, to a fast food/take-away outlet. A component of this upgrade is the intended use of the right of way (ROW) at 48A Belvidere Street for a drive-through service and the use of the vacant land at the rear of the building for staff parking and a delivery bay. A condition of the approval is that the degraded fencing on the rear and side lot boundaries adjoining the ROW shall be upgraded.

Item 12.10 Continued

Mr Ernest Longson acquired a large parcel of land on the corner of Epsom Avenue and Belvidere Street in 1928. Between 1955 and 1964 this land was subsequently subdivided into twelve residential properties at 157, 159, 160, 161, 162 and 164 Leake Street, 58A and 62 Belvidere Street, and 176, 178, 180 and 182 Epsom Avenue. As well, the three commercial properties at 48, 50 and 52 Belvidere Street were created. As part of the subdivision, Leake Street was established and the ROW running between the commercial properties on Belvidere Street and 160 Leake Street was established. The last property transaction associated with this subdivision took place in 1964. The ownership of the ROW should have passed to the City during this process. However, a search of the relevant Certificate of Title has revealed that the registered owner of the ROW is still Mr Ernest Longson. It is considered necessary for the City to have control over ROW such as that at 48A Belvidere Street to support the development and amenity of the area.

Mr Longson has since passed away. City Officers have spoken to a representative of Mr Longson's Estate regarding the status of the ROW and advised them that this report is being prepared. They are aware that the next step in the process is for City Officers to seek approval from Council to enter into negotiations for the acquisition of the property.

A valuation was sought from Pember Wilson and Eftos (PWE) to determine a fair price for the ROW. This valuation is provided at Confidential Attachment 1. PWE state that "rights of way which do not have development potential either in their own right or by amalgamation with adjoining land attract only nominal values, given that they produce no income but attract an ongoing ownership cost". PWE cite several instances where other local authorities have dealt with similar situations and, in every case, it was adjudged that the land was only of nominal value. PWE estimate that the ROW at 48A Belvidere Street, Belmont, has a nominal value. (Refer Confidential Attachment 1).

It is recommended that the Chief Executive Officer be delegated authority to make an offer in accordance with the parameters indicated by the PWE valuation, to Mr Longson's Estate for the ROW. If this is refused, then it will be necessary to advise the representatives of the Estate of the backdated rates applicable, current and ongoing costs and responsibilities associated with ownership of the property.

OFFICER COMMENT

There are two considerations associated with this situation. Firstly, as the laneway runs behind some of the Belvidere Street Shopping Centre there is a need to clarify the ownership of 48A Belvidere Street. Issues such as public liability, maintenance, access by the community, use by the shops, etc all suggest that it is necessary for the City to own the laneway. If not, then extensive negotiations will need to be entered into with the Longson Estate by and on behalf of the shops.

Secondly, the City is seeking to support the redevelopment of 48 Belvidere Street. The proposed redevelopment will significantly enhance the appearance and viability of this property. A key component of the redevelopment will be the use of the ROW for takeaway pick up and the provision of staff parking behind the shops.

Item 12.10 Continued

It will be necessary for both public and staff to use the ROW. It will be easier to support and facilitate this outcome if the ROW is owned by the City.

FINANCIAL IMPLICATIONS

In addition to the costs already incurred for the advice from PWE valuation there will be the additional expenditure of the offer and the costs associated with advertising the City's intent.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

It is felt that the acquisition of the ROW at 48A Belvidere Street will support the revitalisation of the local shopping centre and will enhance the image of Belmont.

OFFICER RECOMMENDATION

That Council delegate authority to the Chief Executive Officer to take all the necessary actions associated with acquiring the right of way at 48A Belvidere Street, Belmont as detailed in the Confidential Attachment 1.

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

12.11 BOUNDARY REALIGNMENT AND LAND ACQUISITION – RESOLUTION DRIVE, ASCOT
Original attachment archived in Confidential Minute Book 2010

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 2 – Item 12.11 refers	Proposed boundary realignments - Corner Resolution Drive and Great Eastern Hwy

Voting Requirement	:	Absolute Majority
Subject Index	:	102/015 – Great Eastern Highway Upgrade
Location / Property Index	:	Lot 53 (18) Resolution Drive, Ascot
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	City of Belmont
Responsible Division	:	Corporate & Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council's approval for City Officers to enter into negotiations with Main Roads WA and the WA Planning Commission for the purpose of realigning the boundary of Lot 53 (18) Resolution Drive, Ascot, to include land currently designated as Road Reserve.

Item 12.11 Continued

SUMMARY AND KEY ISSUES

City Officers have been holding regular meetings with officers of Main Roads WA (MRWA) for the purpose of planning for the upgrade of Great Eastern Highway. As part of the works, all major intersections will be upgraded to include bus priority lanes and dedicated turning movements.

As a result of the inclusion of a bus priority lane at the corner of Resolution Drive and Great Eastern Highway, the existing Hungry Jacks at 208 Great Eastern Highway will need to be demolished and relocated further back from the roadway.

The relocation of Hungry Jacks will cause a need to:

- realign their lot boundary along Resolution Drive; and
- relocate the crossover off Resolution Drive further north

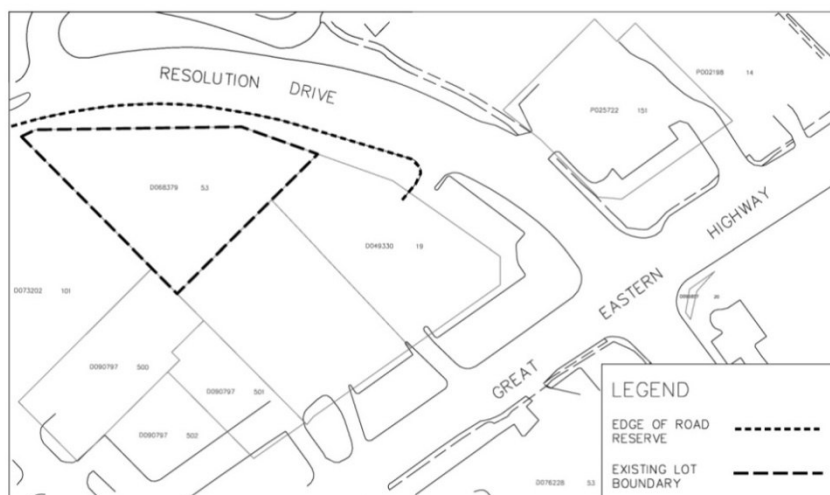
As shown in Confidential Attachment 2 the best way to maintain safe access into the Hungry Jacks drive through and parking area is achieved by moving the crossover off Resolution Drive into and across the City owned property at Lot 53 (18) Resolution Drive. This can best be achieved by requesting that an easement in gross be placed along the southern boundary of Lot 53 (18) Resolution Drive. The City could then enter into a reciprocal access arrangement with the owners of 208 Great Eastern Highway for the operations of Hungry Jacks.

As a result of these actions it is felt that the boundary of the Lot 53 (18) Resolution Drive should also be realigned to:

- align with the new boundary of 208 Great Eastern Highway; and
- compensate for the loss of exclusive use of a portion of Lot 53 (18) Resolution Drive (as shown in Confidential Attachment 2).

Council approval is sought to permit City Officers to enter into negotiations with MRWA and the WA Planning Commission (WAPC) for the purpose of realigning the boundary of Lot 53 (18) Resolution Drive, Ascot, to include land currently designated as Road Reserve.

LOCATION



Item 12.11 Continued

CONSULTATION

City Officers have been consulting extensively with Main Roads WA (MRWA) over the land use and business impact implications of the Great Eastern Highway upgrade project. Preliminary discussions regarding the relocation of the crossover for 208 Great Eastern Hwy and the potential for a compensatory land swap have been held, and there has been indicative support for the proposal.

STRATEGIC PLAN IMPLICATIONS

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

Objective: Maximise Business Development Opportunities

Strategy: Develop business location opportunities through effective land asset management

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Division 2 of the *Land Administration Act 1997* describes the considerations associated with making a claim for compensation from the State Government stemming from land dealings.

Within Division 2, Section 212 of the *Land Administration Act 1997* describes requests for non-monetary compensation and states:

- (1) *A claimant may request that the claim be satisfied, in whole or in part, by compensation in a form other than money (for example by the transfer of property or the provision of goods or services).*

It is this section of the *Land Administration Act 1997* that will be used to request a transfer of land from existing road reserve to compensate for the loss of exclusive use of a portion of Lot 53 (18) Resolution Drive.

Section 58 of the *Land Administration Act 1997* outlines the process associated with the closure of roads, which will be necessary if a portion of the road reserve is transferred to the City pursuant to section 212 of the *Land Administration Act 1997*. In this section it is stated:

- (1) *When a local government wishes a road in its district to be closed permanently, the local government may, subject to subsection (3), request the Minister to close the road.*
- (2) *When a local government resolves to make a request under subsection (1), the local government must in accordance with the regulations prepare and deliver the request to the Minister.*

Item 12.11 Continued

- (3) *A local government must not resolve to make a request under subsection (1) until a period of 35 days has elapsed from the publication in a newspaper circulating in its district of notice of motion for that resolution, and the local government has considered any objections made to it within that period concerning the proposals set out in that notice.*

BACKGROUND

City Officers have been holding regular meetings with officers of Main Roads WA (MRWA) for the purpose of planning for the upgrade of Great Eastern Highway. The project will result in a 4.1 km section of Great Eastern Highway being upgraded to six lanes between Kooyong Road and Tonkin Highway with a central median, on-road cycle facilities and a continuous pedestrian path. As part of the works, all major intersections will be upgraded to include bus priority lanes and dedicated turning movements.

The inclusion of a bus priority lane at the corner of Resolution Drive and Great Eastern Highway will mean that the existing Hungry Jacks at 208 Great Eastern Highway will need to be demolished and relocated further back from the roadway.

As a result of the relocation of Hungry Jacks, there is a need:

- for MRWA to compensate for the loss of land by realigning the northern boundary of 208 Great Eastern Highway to take in land that is currently designated as Road Reserve; and
- to relocate the crossover currently providing access off Resolution Drive to 208 Great Eastern Highway further north.

As shown in Confidential Attachment 2 the best way to maintain safe access into the Hungry Jacks drive through and parking area is achieved by moving the crossover off Resolution Drive into and across the City owned property at Lot 53 (18) Resolution Drive. This can best be achieved by requesting that an easement in gross be placed along the southern boundary of Lot 53 (18) Resolution Drive. The City could then enter into a reciprocal access arrangement with the owners of 208 Great Eastern Highway for the operations of Hungry Jacks.

An easement in gross is a right enjoyed by a person or agency to the limited use of another person or agency's land. Easements in gross may apply to private or State land and are in favour of a statutory body or local government authority.

The City of Belmont, Main Roads and the Western Australian Planning Commission utilise easements in gross as a way of providing shared access between properties. They are commonly found along busy roads such as Abernethy Road, Great Eastern Highway and Orrong Road.

Easements in Gross, when required, are usually imposed as a condition at the time of subdivision or development of a property. Whilst the easement is generally provided free of cost this does not mean that any land is given up or the area of the original land parcel modified. The land still remains in the original ownership.

Item 12.11 Continued

City Officers have taken the position that if the existing crossover is moved onto City owned land, and if the boundary of the Hungry Jacks property is realigned to include extra land, then the northern boundary of 18 Resolution Drive should also be realigned to:

- align with the new boundary of 208 Great Eastern Highway; and
- compensate for the loss of exclusive use of a portion of Lot 53 (18) Resolution Drive to allow for the relocated cross over into the Hungry Jacks property.

Currently, the area of Lot 53 (18) Resolution Drive is a 3,304 m² and the width of the verge on the northern boundary of Lot 53 (18) Resolution Drive ranges from six to nine meters wide. Whilst the dimensions of the proposed realignment will need further evaluation, it is estimated that the boundary of Lot 53 (18) Resolution Drive could be moved by up to four meters. This could result in the area of Lot 53 (18) Resolution Drive being increased by up to 300 m².

Confidential Attachment 2 provides an indicative illustration of these boundary realignments and the new crossover off Resolution Drive.

OFFICER COMMENT

Council has previously identified Lot 53 (18) Resolution Drive as having development potential. The size and location of the property all support the intention of Council to see a significant development on the site. Whilst the establishment of a shared crossover into the property will not diminish the development potential of the site, the inclusion of additional land will increase the size of any eventual building envelope.

Given the processes and procedures described in Sections 212 and 58 of the *Land Administration Act 1997*, it is expected that the finalisation of the land swap process will take several months to complete. Given that there is no desire to impede the upgrade of Great Eastern Highway, it is proposed, as a first step in the process, to enter into an agreement with MRWA providing surety of access to 208 Great Eastern Highway and gaining commitment to the intent of the land transfer.

FINANCIAL IMPLICATIONS

There will be survey, subdivision and processing costs associated with changing the boundary of Lot 53 (18) Resolution Drive. Whilst these costs are not known yet they will not be significant. There is no intention to pay for the additional land as it is considered that this is fair compensation for the loss of exclusive use of a portion of Lot 53 (18) Resolution Drive.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.11 Continued

OFFICER RECOMMENDATION

That Council

- 1. Delegate Authority to the Chief Executive Officer to take all necessary actions associated with***
 - a. establishing an easement in gross across the southern border of Lot 53 (18) Resolution Drive, Ascot.***
 - b. realigning the boundary of Lot 53 (18) Resolution Drive, Ascot, to include land currently designated as Road Reserve.***
- 2. Authorise the Chief Executive Officer to place the Common Seal of the City of Belmont on any documentation associated with realigning the boundary of Lot 53 (18) Resolution Drive, Ascot, to include land currently designated as Road Reserve.***

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

8.23pm Having previously declared a Direct Financial Interest in Item 12.12, Cr Hanlon departed the meeting.

12.12 REQUEST FOR FUNDING SUPPORT FOR 2011 BELMONT SMALL BUSINESS AWARDS

BUSINESS BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 17 – Item 12.12 refers	Belmont Small Business Awards Partnership Opportunities 2011

Voting Requirement : Absolute Majority
Subject Index : 22/003 – Funding – Donations and Sponsorship
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : Item 12.11, 28 April 2009
Item 9.1, 23 March 2010
Applicant : Tim Hammond, Belmont Business Enterprise Centre
Owner : N/A
Responsible Division : Corporate and Governance

COUNCIL ROLE

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

Item 12.12 Continued

PURPOSE OF REPORT

The report seeks the approval of Council for an allocation of funds in the 2011/12 budget for the purpose of supporting the Belmont Business Enterprise Centre in delivering the 2011 Belmont Small Business Awards.

SUMMARY AND KEY ISSUES

The Belmont Business Enterprise Centre is seeking funding support to run the Belmont Small Business Awards 2011. If approved, this activity would be considered for inclusion in the draft 2011/12 Annual Budget.

The Belmont Business Enterprise Centre (BBEC) is seeking \$12,500 for the Belmont Small Business Awards 2011.

BBEC has run the Belmont Small Business Awards since 1994.

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

In accordance with Strategic Plan Key Result Area: Social Belmont

Objective: Develop community capacity and self reliance.

Strategy: Assist clubs and community groups to be viable and active.

POLICY IMPLICATIONS

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

STATUTORY ENVIRONMENT

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

Item 12.12 Continued

BACKGROUND

The Belmont Business Enterprise Centre (BBEC) is a community based organisation operating from 7 Fairbrother Street, Belmont. The BBEC receives Federal funding to provide low cost advisory services in the areas of business planning advice, advice on loans and banking products including preparing for and seeking access to credit through financial service providers, development of simple marketing plans, assistance accessing legal and accounting services, leasing guidance, advice on government regulation or mentoring for business.

Like all of the Business Enterprise Centres, the BBEC seeks additional funding from a range of sources to enhance and supplement its activities.

The BBEC has run the annual Belmont Small Business Awards since 1994. The Awards attract a wide coverage of media interest and corporate support and seek to recognise businesses that strive for business excellence. The 2010 Awards Presentation night was held at the Burswood Entertainment Complex. Further information on the 2010 Awards winners, as well as the request for 2011 funding support, is provided in Attachment 17. In summary, the BBEC is seeking \$12,500 direct financial support and the use of the Belmont Civic Centre for the official launch of the Awards.

The City of Belmont has traditionally provided some level of funding support for the Small Business Awards and has usually sponsored an award.

OFFICER COMMENT

The annual Belmont Small Business Awards are a well organised and well attended celebration of business achievement. The Awards attract sponsorships from a diverse and extensive range of organisations, including Belmont Forum, Curtin Business School and Perth Airport. Through sponsorship the City continues to publicly demonstrate its support for business.

This proposal is considered in line with the City's sponsorship guidelines.

In previous years, the City has sponsored the Best New Business Award. If it is agreed to provide sponsorship, it is felt that this is the most appropriate Award to sponsor.

FINANCIAL IMPLICATIONS

The proposal from BBEC seeks \$12,500 for the Belmont Small Business Awards 2011. This funding would be provided from the 2011/12 Property and Economic Development budget. There are further costs associated with hosting the launch of the awards at the Civic Centre. These are primarily costs associated with City staff supporting the event. These costs have traditionally been absorbed within the Marketing budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.12 Continued

SOCIAL IMPLICATIONS

The proposal provides support to the Belmont Business Enterprise Centre and seeks to enhance the image of Belmont.

OFFICER RECOMMENDATION

That Council approve the inclusion of \$12,500 for the Belmont Small Business Awards 2011 within the draft 2011/2012 Annual Budget for the purpose of sponsoring the Best New Business Award.

Note

Cr Powell put forward the following Alternative Motion

ALTERNATIVE MOTION

POWELL MOVED, MARTIN SECONDED, That Council defer Item 12.12 - Request for Funding Support for 2011 Belmont Small Business Awards to the first Information Forum in February 2011 for further consideration.

CARRIED 9 VOTES TO 0

Reason

A number of issues and concerns were raised relating to the benefits and value of the sponsorship package and further information and discussion is required.

8.25pm Having previously declared a Direct Financial Interest in Item 12.12, Cr Hanlon returned to the meeting.

12.13 CORPORATE PLAN 2010 - 2015

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 18 – Item 12.13 refers	Corporate Plan 2010 - 2015

Voting Requirement : Simple Majority
Subject Index : 32/027
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 12.11, OCM 16 December 2008
12.7, OCM 25 May 2010
Applicant : N/A
Owner : N/A
Responsible Division : Corporate & Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

Council adoption of the Corporate Plan that will underpin the City of Belmont Strategic Plan 2010 - 2015.

Item 12.13 Continued

SUMMARY AND KEY ISSUES

The City's Strategic Plan 2010 - 2015 was adopted by Council on 25 May 2010.

The Strategic Plan 2010 - 2015 determines the community aspirations for the forthcoming five year period. As is the practice of the City, each year will see an administrative review undertaken to adjust, add objectives and strategies and review the progress. This will ensure that goals and targets are being met and relevance to community needs maintained.

The Corporate Plan has been formulated using a systematic approach to clarifying the strategic objectives, strategic decision making and checking progress toward those objectives. The Corporate Plan provides a set of instructions to the management team describing what role each department is expected to fulfil in the achievement of organisation's strategic objectives. (Refer Attachment 18).

LOCATION

N/A

CONSULTATION

In establishing a new Corporate Plan for the City and to ensure that the important issues emanating from the Strategic Plan are addressed, Elected Members, the Executive and Management Team were consulted in the preparation of the Plan.

STRATEGIC PLAN IMPLICATIONS

The Strategic Plan 2010 - 2015 determines the community aspirations for the forthcoming five year period. The Corporate Plan provides the detail as to how the objectives, strategies and key actions will achieve the outcomes required from the key result areas. (Built Belmont, Business Belmont, Natural Belmont, Social Belmont and Business Excellence).

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

Item 12.13 Continued

BACKGROUND

The City of Belmont Strategic Plan 2010 - 2015 was adopted by Council in May 2010. During each year of this plan, an administrative review will be undertaken to ensure the plan accurately reflects the strategic direction required for the City.

The Strategic Plan 2010 - 2015 is the result of a complete review of the strategic direction for the City, including consultation of various community representatives and key stakeholders. Officers' presented the detail of formulated objectives and strategies to Elected Members at various workshops and Information Forums which culminated in the formation of the Strategic Plan 2010 - 2015.

This report is now the formalisation of the Corporate Plan phase.

OFFICER COMMENT

The Chief Executive Officer has engaged his Executive and Management teams, together with the organisation, to facilitate the review process. Elected Members have also had an opportunity for input to the Corporate Plan through information provided in hard copy form during October and November 2010, the Councillor portal, and feedback invited at an Information Forum in November 2010.

Some Elected Members have taken the opportunity to provide valuable feedback on certain elements of the Strategic Plan and the relationship of such items to the Corporate Plan. These items have been responded to and necessary adjustments made to the relevant Corporate Plan Key Actions.

The Corporate Plan provides a greater level of detail in support of the Strategic Plan which sets the direction that Council will take, and management will follow, in the City of Belmont. It establishes key actions, measures of success, targets and timeframes, enabling Council the opportunity to review its progress. (Refer Attachment 18)

The framework of the plan has been built around four cornerstones including Social Belmont, Business Belmont, Natural Belmont and Built Belmont. These four Key Result Areas will be delivered through Business Excellence.

The format incorporates measurable targets for each Key Result Area. These targets are delivered throughout the document on a year by year basis and incorporated into the plan during each review process.

FINANCIAL IMPLICATIONS

The Strategic Plan provides the overall framework for the Council's Budget and the Corporate Plan, the next level of detail toward the achievement of the strategic outcomes.

There will continue to be strong links developed between the City's Strategic and Corporate Plans and the Annual Budget which will result in more accountability in Council's budget process that in turn will result in greater efficiency.

Item 12.13 Continued

ENVIRONMENTAL IMPLICATIONS

There are numerous references to the environment in the Strategic Plan that will see the City's Environmental Plan delivered.

SOCIAL IMPLICATIONS

There are numerous references to the social aspect in the Strategic Plan that will see a range of Plans delivered.

OFFICER RECOMMENDATION

That the City of Belmont Corporate Plan 2010 - 2015, included under Attachment 18 be adopted.

REVISED OFFICER RECOMMENDATION

WOLFF MOVED, ROSSI SECONDED, That the City of Belmont Corporate Plan 2010 - 2015, included under revised Attachment 18 be adopted.

CARRIED 10 VOTES TO 0

Reason

Under the Business Excellence Section on page A171 the first Corporate Key Action was updated to include the words 'Corporate Plan'.

12.14 ACCOUNTS FOR PAYMENT – NOVEMBER 2010

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 19 – Item 12.14 refers	Accounts for Payment – November 2010

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.14 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

- (a) the payee's name;*
- (b) the amount of the payment;*
- (c) the date of the payment; and*
- (d) sufficient information to identify the transaction.”*

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	782643-782737	\$183,118.44
Municipal Fund EFTs	EF015171-EF015638	\$3,720,160.21
Municipal Fund Payroll	November 2010	\$1,077,819.18
Trust Fund Cheques	905322-905323	\$20,802.33
Trust Fund EFT	EF015365	<u>\$2,379.50</u>
Total Payments for November 2010		\$5,004,279.66

Item 12.14 Continued

A copy of the Authorised Payment Listing is included as Attachment 19 to this report.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for November 2010 as provided under Attachment 19 be received.

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

12.15 MONTHLY ACTIVITY STATEMENT AS AT 30 NOVEMBER 2010

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 20– Item 12.15 refers	Monthly Financial Activity Statement as at 30 November 2010

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

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
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PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

Item 12.15 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Key Result Area: Business Excellence

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

Item 12.15 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 financial report is to be accompanied by:-

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

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

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

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

In order to provide more details regarding significant variations as included in Attachment 20, the following summary is provided.

Report Section	YTD Budget	YTD Actual	Comment
Expenditure – Capital			
Finance Department	34,167	86,868	Fleet purchased ahead of schedule.
Computing	56,898	4,300	Equipment purchases behind schedule.
Grounds Operations	189,071	120,324	Playground equipment purchase behind schedule.
Road Works	1,688,455	2,009,878	Roads projects ahead of schedule.
Footpath Works	257,695	128,631	The budget is spread evenly with many projects only just commencing.
Drainage Works	288,702	133,831	The budget is spread evenly with many projects only just commencing.
Building Control	60,000	0	Fleet purchases behind schedule.
Building Operations	991,971	398,472	Some delays in projects and payments.
Expenditure – Operating			
Computing	712,666	518,109	Employee, software and consulting costs lower than anticipated.

Item 12.15 Continued

Report Section	YTD Budget	YTD Actual	Comment
Insurance	682,294	772,394	Workers Compensation insurance premium paid in advance.
Executive Services	654,971	530,969	Salaries & related costs lower than anticipated.
Sanitation Charges	1,548,680	1,408,474	Outstanding rubbish collections cost.
Grounds – Active Reserves	311,080	256,083	Parks maintenance costs are lower than anticipated.
Grounds Overheads	626,392	518,009	Wages & related costs lower than anticipated.
Streetscapes	517,061	248,329	Street trees maintenance costs are lower than anticipated.
Building Operations	227,577	168,644	Building maintenance and consulting costs are lower than anticipated.
Plant Operating Costs	384,523	318,940	Salary related costs are lower than anticipated.
Technical Services	698,500	631,092	Salary related costs are lower than anticipated.
Revenue – Capital			
Revenue – Operating			
Computing	(626,962)	(518,109)	ABC Allocation Recovery lower than anticipated.
General Purpose Income	(127,607)	(255,215)	Second quarter grant funding received earlier than anticipated.
Belmont HACC Services	(733,590)	(967,503)	Second quarter grant funding received earlier than anticipated.
Public Works Overheads	(424,326)	(364,217)	Overhead recovery lower than anticipated.
Plant Operating Costs	(497,858)	(443,196)	Plant Utilisation recovery lower than anticipated.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 30 November 2010	\$	Comment
Cash and investments	38,924,267	Includes municipal, reserves & deposits.
- less non rate setting cash	-13,759,981	Reserves and deposits held.
Receivables	7,647,327	Rates levied yet to be received and Sundry Debtors.
- less non rate setting receivables	-1,309,583	ESL levied and GST payable.
Stock on hand	264,337	
Total Current Assets	\$31,766,367	
Current Liabilities		
Creditors and provisions	-8,618,538	Includes deposits.
- less non rate setting creditors & provisions	4,624,833	ESL, GST and deposits held.
Total Current Liabilities	-\$3,993,705	
Nett Current Assets 30 November 2010	\$27,772,662	

Item 12.15 Continued

Nett Current Assets as Per Financial Activity Report	\$27,772,662	
Less Restricted Assets	-385,243	Unspent grants held for specific purposes.
Less Committed Assets	-\$26,887,419	All other budgeted expenditure.
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 30 November 2010 as included in Attachment 20 be received.

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

8.26pm Having previously declared a Direct Financial Interest, Mr Cole departed the meeting.

8.28pm Cr Whiteley departed the meeting.

12.16 LOCAL GOVERNMENT REFORM: PROPOSED AMENDMENTS TO THE *LOCAL GOVERNMENT ACT 1995*

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	111/004 & 111/006
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate & Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider proposed amendments to the *Local Government Act 1995* and provide comment as requested by the Western Australian Local Government Association (WALGA).

Item 12.16 Continued

SUMMARY AND KEY ISSUES

- The Minister for Local Government has requested local governments in Western Australia to consider structural reform in regard to sustainability and the reduction in the number of Elected Members.
- The Minister for Local Government has requested sector feedback on a number of proposed amendments to the *Local Government Act 1995*.
- WALGA is appreciative of the opportunity for the sector to comment at this early stage, and encourages a strong response from Local Government Councils.
- The request for feedback on the proposed legislative changes has been provided to the City by WALGA.

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

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

Objective 3: Maximise organisational effectiveness and reputation as an organisation, an employer and a community.

Strategy: Ensure that the organisation's capacity and capability meets strategic, customer and operational needs.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

There are a number of statutory requirements in respect to this matter, the detail of which is contained in the body of this report.

Item 12.16 Continued

BACKGROUND

An information item distributed from WALGA dated 26 November 2010 to all local government Chief Executive Officers is requesting Elected Member input toward a number of proposed legislative changes.

WALGA have stated that as an association it continues to endeavour to foster closer working relationships with the Minister for Local Government and his Department. WALGA believes that this has paid dividends, with the Minister asking the Association to lead the consultation process on a Local Government Act Amendment Bill. This is a significant departure from past practice. Traditionally, sector comment has been sought once the Minister and Department of Local Government have drafted instructions to the State Solicitor's Office.

Some matters of long-standing importance to the sector, underpinned by WALGA State Council endorsement, feature in the proposals. WALGA welcomes this opportunity to provide comment prior to preparation of the drafting instructions and appreciates the influence this consultation process will have in developing amendments to the *Local Government Act 1995*.

In light of the importance of this consultation process, the Association requests that the Minister's proposals are considered at a Full Council meeting, with your Council's resultant resolution relayed to WALGA for collating with other Local Government responses to form a representative view and provide strong arguments should the need arise to negotiate aspects of the Minister's proposals.

WALGA have stated that it is critical to any consultation process that a strong sector response is gathered, and even more so on this occasion as an indication of the sector's appreciation of the opportunity to lead and influence the Local Government Amendment Bill as it progresses in 2011. The City's response is requested by **7 January 2011**.

OFFICER COMMENT

WALGA have requested feedback on seven proposed amendments to the *Local Government Act 1995*:

1. Reducing the number of Elected Members to between six and nine.
2. Salaries and Allowances Tribunal to set the fees for Elected Members and salaries for CEOs.
3. New mechanism for the temporary suspension of Council.
4. Require Elected Members to resign when elected to State or Commonwealth Parliament.
5. Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds.
6. Align criminal conviction criteria for Elected Members with that of WA Members of Parliament.
7. To limit employee termination payments to one year's salary.

Item 12.16 Continued

These issues are detailed further below:

1. Reducing Elected Members to between six and nine.

Minister's Proposal:

As part of the reform process, local governments were asked by the Minister for Local Government to consider reducing the number of Elected Members to between six and nine. The rationale is that a smaller number of Elected Members will encourage greater competition for positions on Council and contribute to a more strategic decision-making focus by Councils. Fifty one local governments have committed to reducing the number to the range requested. Sixty one local governments already have Councillor numbers in this range.

It is proposed that section 2.17 of the Act be amended to reduce the number of Elected Members to between six and nine. Despite the new permitted range, local governments may continue with existing Elected Member numbers for up to an eight year period from the October 2011 elections. This will be for two full electoral terms. If they have not made the changes by then, the Local Government Advisory Board would take the action as set out in Schedule 2.1, Clause 6.(3) to implement the necessary change for the 2019 elections.

WALGA Comment:

The Association has expressed to the Minister on a number of occasions, the continual opposition of this recommendation by the Local Government sector, most recently with the State Council resolving on 12 October 2010:

“That WALGA;

c. Oppose the Local Government Reform Steering Committee Report recommendation 8 concerning prescribing the number of Elected Members to between 6 and 9”

The reduction in the numbers to this extent would require Elected Members in large metropolitan Councils to become full time Councillors. A significant number of Local Governments have provided the Association with reasoned arguments explaining the detrimental nature of this one size fits all approach.

It has been suggested the Minister engage the Department of Local Government in researching the benefits of this proposal in greater detail, and provide to the sector similarly reasoned arguments in support of this proposal.

City of Belmont response:

Council has debated the issue on a number of occasions, as it relates to the City of Belmont and has not endeavoured to purport an industry based view on the matter. The resolved positions of the City of Belmont are:

Item 12.16 Continued

Council resolved in June 2009:

Local Government Reform – Boundary Adjustments and Elected Members Numbers.

HITT MOVED, ROSSI SECONDED,

1. ***That Council confirms that it does not support the need to amalgamate with any other Local Government.***

CARRIED 9 VOTES TO 1

Against: Dornford

HITT MOVED, BRENNAN SECONDED,

6. ***That Council confirms subject to formalisation by way of further officer reports and statutory compliance with the provisions of the Local Government Act 1995, in principle, the acceptance of a reduction in the number of Elected Members from the existing 11 to 9, with a decision in regard to the continuance of wards versus district elections to be determined, but with the possibility of being implemented during the 2011 elections.***

CARRIED 10 VOTES TO 0

Council further resolved in November 2010:

Review of Wards and Representation Report November 2010

MARKS MOVED, WOLFF SECONDED, That Council:

1. ***Acknowledge that no public submissions were received.***
2. ***In accordance with Schedule 2.2 Clause (9) of the Local Government Act 1995 (the Act), it is recommended to the Local Government Advisory Board that:***
 - 2.1 ***An order be made under Section 2.2(1) of the Act, to change the existing ward boundaries with boundaries as detailed in the map (Attachment 7).***
 - 2.2 ***An order be made under Section 2.18 of the Act, to designate the following number of offices of Councillor for each ward: Central (2), East (3), South (2) and West (3), effective from the 2011 Local Government Elections.***

Item 12.16 Continued

3. By December 2012 and in accordance with Schedule 2.2 Clause (5) (b) of the Local Government Act 1995 submit to the Local Government Advisory Board a further proposal that:

- 3.1 An order be made under Section 2.2(1) of the Act, to abolish the existing ward boundaries and divide the district into three new wards.**
- 3.2 An order be made under Section 2.3 of the Act, to name the three wards, East, South and West as detailed in the map (Attachment 8)**
- 3.3 An order be made under Section 2.18 of the Act, to designate the following number of offices of Councillor for each ward: East (3), South (3) and West (3) to occur by the 2013 Local Government Elections.**

*****ABSOLUTE MAJORITY REQUIRED**

CARRIED 8 VOTES TO 2

Against: Hitt, Dornford

The City has previously reduced its Councillor numbers as part of the ward and Elected Member review process gazetted in December 2002, No 224, where the numbers were reduced from 13 to 11.

It is felt that the new boundaries/Councillor representation better reflects community of interests within the City. This view is based upon the City's understanding of its community needs. Other local governments will have differing needs including higher population, economic factors, and district size to mention but a few. No methodology has been provided that supports the intended legislative changes and until that is provided it is difficult to support such an amendment.

The City of Belmont is of the view that it is a very sustainable City that is committed to customer service, best practice and continuous improvement. This conclusion is also supported by the feedback from the Department of Local Government's appraisal of the checklist that rated the City of Belmont a Category 1 Council. The City of Belmont has built a strong identity that the Community relates to through its mature City of Opportunity Marketing Strategy. The City's population growth is strong with the demographics now reflecting that of the wider Perth Metropolitan area. The City's diversity in Commercial and Industrial properties together with the expansion of commercial investment at Perth Airport supports a strong financially sustainable future. The City is committed to customer service and listens to its Community in the development of Strategy. The City has advanced Asset Management plans for the ongoing management of its infrastructure, a strong commitment to Community Development, a complex and integrated Environmental Plan that are being delivered via a committed, professional and diverse workforce.

Item 12.16 Continued

2. Salaries and Allowances Tribunal to set the fees for Elected Members.

Minister's Proposal:

Elected Members

At present, the head of power for the setting of Elected Member fees and allowances is provided under the Act and monetary values are prescribed in Regulations. The Governor approves the setting or amending of these fees and allowances on a recommendation by the Minister for Local Government. Elected Member meeting fees have only been amended twice since 1996 and, in both cases, in line with changes to the Consumer Price Index.

It is proposed that the responsibility for the setting of the dollar values for Elected Member fees and allowances be transferred to the Salaries and Allowances Tribunal, through amendment to the Act and the Salaries and Allowances Tribunal Act 1975. The approach envisaged would be for the Tribunal to provide its advice to the Minister for Local Government, who will then have the final decision about whether the fees and allowances are adopted.

The 2006 Local Government Advisory Board's report into Structural and Electoral Reform, as well as the 2008 WALGA Sustainability Study, both recommended that the Salaries and Allowances Tribunal be responsible for the setting of Elected Member fees.

Providing for an independent body to set the value of fees and allowances for local government Elected Members will bring the approach into line with that already in place for State Members of Parliament. In addition, other States have independent tribunals established to set fees and allowances for local government members.

The Minister for Local Government will also retain responsibility for the types of fees, allowances and expenses that Elected Members can be paid or reimbursed and the circumstances in which they are made.

Chief Executive Officers (CEOs)

At present, the Tribunal has a statutory role in making recommendations as to the remuneration to be paid or provided to local government CEOs. These recommendations are to be taken into account by the local government before entering into, or renewing, a contract of employment with a CEO.

It is proposed that the legislation be amended so that local governments are required to ensure the salaries of their CEOs are set within the salary bands recommended by the Tribunal. Similar to that for Elected Members, the approach envisaged would be for the Tribunal to provide its advice to the Minister for Local Government, who will then have the final decision about whether the salary bands are adopted.

WALGA Comment:

Elected Members – It is pleasing to note that the setting of remuneration levels for Elected Members by the Salaries and Allowances Tribunal has not been linked to the State Government's plan to reduce Elected Members.

Item 12.16 Continued

The Association has advocated on this issue since 2004 and reaffirmed this advocacy when State Council considered this matter in light of the 2006 Local Government Advisory Board (LGAB) Report on Structural Reform, subsequently resolving:

That recommendation 1.35 of the Local Government Advisory Board report be supported and that the State Government be requested to amend the *Local Government Act 1995* accordingly to achieve the following outcome:

“That the Western Australian Salaries and Allowances Tribunal be given the responsibility for establishing the range of fees and allowances for Elected Members, with each Local Government having the ability to set a fee within this range. The Tribunal also be required to update the fees and allowances on an annual basis.”

- (a) That the State Government be requested to amend the *Local Government Act 2005* accordingly;**
- (b) In the event the *Local Government Act 1995* is amended as per the Association’s advocacy:**
 - i. that the question of the quantum and extent of Councillor Fees and Allowances be sought from other states with a view of presenting this to the Western Australian Salaries and Allowances Tribunal to support any Association submission on this subject; and**
 - ii. that targeted research be undertaken on Councillor responsibilities, level of control and work values, so that these can be extrapolated as industry averages and provided to the Tribunal in further support of any Association submission.**

Chief Executive Officers (CEOs) – This is a recent addition by the Minister to the *Local Government Act 2005* amendment proposals and did not feature in the Local Government Reform Steering Committee Report recommendations. WALGA takes a view that Local Governments should retain the general competence power to determine appropriate remuneration levels for their key executive.

City of Belmont response:

Essentially the position of the City on this matter will take the form of supporting the position stated by WALGA and although the methodology associated with the setting of such fees and allowances by the Western Australian Salaries and Wages Tribunal is unknown the concept is supported. The City would request that more information toward the proposed methodology be provided for its consideration. An appropriate annual review process by the Tribunal is considered essential to enable the successful implementation of the new process.

In regard to Chief Executive Officer salaries the Tribunal currently sets a number of bands for which local governments, depending upon size and revenue, will fit within. As a minimum standard this approach is supported. To restrict local governments to within these bands is seen as a retrograde step and local governments should retain the ability to determine appropriate remuneration levels for key executive positions based upon the organisations need to attract appropriately qualified and experienced applicants.

Item 12.16 Continued

3. New mechanism for the temporary suspension of a Council.

Minister's Proposal:

The Department delivers both proactive and reactive assistance and support to Councils to aid them in providing good governance to the people of its district. However, on occasion, division and conflict between Council members, and between Council Members and the administrative officers, arises leading to Councils becoming dysfunctional.

Section 8.19 of the Act provides for the suspension of a Council, however, this only applies where an Inquiry Panel is appointed by the Minister to inquire and report on a local government's operation or affairs within six months of the suspension. The operation of Inquiry Panels has been found to be effective in dealing with serious and systemic governance issues. However, because the Inquiry process can recommend dismissal of a Council, it involves a process that is necessarily exhaustive, and correspondingly time consuming and costly. It is estimated that a Panel Inquiry would cost approximately \$1-1.5 million. It is not viewed as being an appropriate mechanism to deal with the type of situations outlined above.

Section 8.15(2) of the Act also provides for a Council to be suspended in circumstances where the Council has not complied with an order made with respect to the recommendations of an Authorised Inquiry that is conducted pursuant to section 8.3 of the Act. Although less costly and time consuming than a Panel Inquiry, an Authorised Inquiry still typically takes between 6 – 12 months from commencement to completion. As a consequence, an Authorised Inquiry does not provide an immediate response to issues that are detrimentally affecting the operation of the local government.

It is proposed that Part 8 of the Act be amended to provide an alternative mechanism for the Minister to utilise where the Minister becomes aware of significant issues that he or she believes may lead to a breakdown in the effective decision making process of an elected Council. This mechanism will allow for the suspension of a Council and the appointment of a Commissioner to act on behalf of the Council for a maximum period of six months. Prior to the end of this period, the Minister would decide whether to reinstate the Council or to keep it suspended and establish a Panel Inquiry, as required by section 8.19 of the Act.

This new approach is considered to provide a circuit breaker to allow the issues that have arisen to be quickly resolved by the Commissioner and for the Council to be reinstated. The addition of an alternative 'issue resolution' process will enable the Minister to choose the most practical 'suspension' mechanism for each specific circumstance.

Once the Minister becomes aware of a dysfunctional Council, the suspension powers would operate in the following manner. The Minister would request the Department of Local Government to carry out an assessment and provide a report on the issues about a local government that have been brought to his or her attention. Based on this information, the Minister would then decide whether to take any action and, if so, whether the new suspension power would be utilised, or a Panel Inquiry held.

Item 12.16 Continued

If this new suspension power was used, the Council would be issued a 'notice of intent to suspend' by the Minister and be given a period of 21 days to respond to this notice. If the Minister chose to carry through with the intention to suspend, a Commissioner would be appointed and the Elected Members of Council temporarily suspended for a period of no more than six months. Elected Members would continue to receive their meeting allowance.

Prior to the end of the six month suspension, the Minister would either reinstate the Council, or appoint an Inquiry Panel in line with the current section 8.19 of the Act.

In summary, Part 8 would require amendment to incorporate the following steps:

- (a) The Minister issues the Council with a notice of intention to suspend due to issues arising that the Minister believes may lead to a breakdown in the effective decision making process of an elected Council;*
- (b) The Council will have a period of 21 days in which to respond to the Minister's notice detailing the Minister's reasons for providing a notice of intention to suspend;*
- (c) The Minister would give serious consideration to the reasons provided and determine whether the Council should be suspended;*
- (d) If the Minister decides to suspend the Council, he or she has the option of suspending and appointing a Commissioner for a maximum period of six months (new power) or if the identified issues are considered so significant that a Commissioner would not be able to resolve them within six months, to immediately appoint an Inquiry Panel (existing power) to investigate the issues; and*
- (e) Prior to the end of the six month suspension period, the Minister is to reinstate the Council or appoint a Panel Inquiry.*

The Minister is to have the power to require Council members to undertake remedial action, such as undergoing training or mediation, during the period of suspension.

WALGA Comment:

The proposed amendment appears to have its origin in situations the Minister and his Department have encountered, where there was insufficient reason to conduct a Panel Inquiry yet the operations of a Council were affected by internal conflicts that could potentially escalate. From this perspective, WALGA appreciates there may be the need for extraordinary powers to immediately provide to a community, a cost-effective remedy that will lead to the resumption of good governance.

WALGA's policy position on this issue was considered in 2008 where there was support for a mechanism to suspend individual Elected Members rather than an entire Council.

Item 12.16 Continued

City of Belmont response:

The City's position is one that supports a greater ability in the first instance to suspend individual members rather than the punitive approach where an entire Council is suspended.

The City would also support an approach which is a precursor to a formal and expensive Panel Inquiry, such as that suggested by way of a temporary suspension. In any case this should be a last resort and required only after the suspension of offending individual Councillor/s. Natural justice, due diligence and the application of a process that allows for the continuance of good governance of the district is imperative.

The fundamental problem is that even a temporary suspension will be seen by the public as there being an element of guilt, despite being proven innocent. That 'cloud' of guilt will be likely to remain over those Councillors involved, which is unfair and damaging to their character and reputation.

It is the City's opinion that previous inquiries, in some instances, across the industry have fallen short of expectations in regard to the elements of good governance, natural justice and many other elements associated with current Department of Local Government practices.

4. Require Elected Members to resign when they are elected to State or Commonwealth Parliament.

Minister's Proposal:

The Act provides that if a local government Elected Member is elected as a Member of Parliament, his or her Council position does not become vacant until the next ordinary election day. There is no requirement in the Act, or other legislation, for the local government Elected Member to resign and, as such, a person can be an Elected Member of a local government Council and the Western Australian Parliament.

Section 36(1)(b) of the Constitution Acts Amendment 1899 requires a member of the WA Parliament to immediately resign when elected to Commonwealth Parliament.

It is proposed to amend the Act to require Elected Members to immediately resign (or for their position to become automatically vacant) when elected to State or Commonwealth Parliament. This will contribute to appropriate separation of responsibilities and reduce potential conflicts of interest that might arise if representing at a State or Federal and Local level simultaneously.

This will also align with the eligibility requirements for nomination or membership into State and Commonwealth Parliament set by the State Electoral Act 1907 and Constitution Acts Amendment Act 1899.

In 2008, WALGA requested the Minister consider an amendment of this type.

Item 12.16 Continued

WALGA Comment:

The proposal aligns with a State Council resolution of August 2007 –

That the Minister for Local Government be requested to consider amending the Local Government Act 1995 to require Elected Members to resign from Council immediately upon being declared elected to State or Federal Parliament.

City of Belmont response:

The City agrees with the Minister's proposal and the position espoused by WALGA.

5 Restricting the types of local government investments to low risk products such as those with the WA Treasury Corporation, major banks and government bonds.

Minister's Proposal:

The investment options available to local governments were altered in 1997 when the prescribed list of investments in the Trustees Act 1962 was removed and replaced by the 'Prudent Person' rule. This rule is no longer viewed as providing sufficient clarity and guidance in relation to local government investment management policies.

In 2007, it was revealed that eight local governments and two regional local governments had invested in Collateralised Debt Obligations with Lehman Brothers (formerly Grange Securities). This has resulted in multi-million dollar losses by the affected local governments and concerns have been raised in the community about the performance of local governments in this area.

It is proposed to amend the Act to allow for regulations to prescribe the investments that can be made by local government. This will include Government guaranteed and other low risk investments. A requirement for local governments to only invest in these types of products is expected to minimise the investment exposure of local governments and the loss of ratepayer funds.

At this stage, the following forms of investment are being considered to be included in this regulation:

- 1. a deposit with the Western Australian Treasury Corporation or an investment facility of the Western Australian Treasury Corporation;*
- 2. any public funds or securities issued by, or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory; and*
- 3. interest bearing deposits with, and/or debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)) where the Institution has a Standard & Poor's Rating of A-1+ (short-term) or AA (long term, but excluding subordinated obligations).*

Further discussion is proposed to take place between the Department of Local Government, local governments and the WA Treasury Corporation to develop this regulation.

Item 12.16 Continued

WALGA Comment:

There remains subjectivity in the definition of the term 'low risk' in the context of this proposal. The WA Local Government Association supports the sector's right to retain the principle of general competency powers as provided under the *Local Government Act 1995*, and that Local Governments be allowed to continue to decide for themselves how best to deal with investment opportunities.

City of Belmont response:

The City agrees with the comments of WALGA in that it is essential for the general competency powers under the provisions of the *Local Government Act 1995* to be maintained.

The City has in place policies and processes that allow it to invest with confidence. These practices have been developed with close regard to Guidelines produced by the Department of Local Government and best practice investment methods. The Minister's intended approach is incredible, given the responsible actions local government have taken since the global problem with so called safe investments. In one regard the Minister wishes to reform the industry to achieve greater capacity to deliver community outcomes, yet on the other hand the Minister desires to significantly restrict the capacity for local governments to raise additional revenues through investment income.

6 Align criminal conviction criteria for Elected Members with that of Western Australian Members of Parliament.

Minister's Proposal:

It is proposed to amend the Act to preclude a person who has been convicted of an offence with a statutory penalty of imprisonment for five years or more from standing for election to local government.

This will align the eligibility requirements for local government candidates with those that apply to State Members of Parliament. This requirement will have a positive impact on the calibre of those standing and ultimately representing the community on Council.

These provisions need to be modelled on section 32(1)(b) of the Constitution Acts Amendment Act 1899 whereby a person is disqualified where he or she has been convicted on indictment of an offence for which the indictable penalty was or included

- (i) imprisonment for life, or*
- (ii) imprisonment for more than five years.*

Serving Elected Members with such records will be able to serve out their terms, however, would not be eligible for re-election once the legislation was amended.

Item 12.16 Continued

WALGA Comment:

This proposal is consistent with the Associations policy position.

It is suggested that for true alignment of criteria, the proposal take a holistic approach incorporating all aspects of Candidates/Elected Member qualification and disqualification rather than one aspect of disqualification, namely criminal convictions.

One option would be for this proposal to be broadened to “Align the qualification and disqualification criteria for Local Government election candidates and Elected Members with that of Western Australian Members of State Parliament”.

City of Belmont response:

The City agrees with the Minister’s and WALGA position.

7. To limit employee termination payments to one year’s salary.

Minister’s Proposal:

Recent consideration of the current provisions in the Act indicates that it is possible for employees of local governments, including CEOs, to receive up to two years’ salary on redundancy. This situation has arisen out of an anomaly in the Act not intended when the Act was developed.

It is proposed that an amendment to regulations to limit payouts to all such employees to a maximum of one year’s salary will bring local government provisions into line with Western Australian State and Commonwealth public sector arrangements and would be consistent with organisational practice in other jurisdictions.

This proposal will not affect the two year guarantee of employment as provided for in Clause 11 (4) of Schedule 2.1 of the Act.

WALGA Comment:

There is no current Association policy position on this proposal.

City of Belmont response:

The City’s position is that the *Local Government Act 1995* as it relates to redundancy provisions for employees, including CEO’s should remain unchanged. No explanation to the perceived “anomaly” has been provided. The employment provisions of employees during this time of reform and uncertainty should remain unchanged. There are greater risks to the performance of the industry in attracting and retaining valuable staff, and with due regard to the potential and significant draining of resources as the mining boom continues, it is imperative and less costly to maintain the present provisions for redundancy under the Act.

Item 12.16 Continued

It would appear there has been little thought given to the reality of the Act versus the intent of the new proposal. The Act currently requires Councils to continue to employ potentially 'surplus' officers for up to two years following an amalgamation, if a redundancy package is not agreed between the parties. Under this arrangement, no consideration or allowance is made for those situations when it would be detrimental to the Local Government and/or the employee to continue with a work relationship for up to two years following an amalgamation. Clearly in these situations it would cost no more and indeed possibly less (as the extra 2 years service would contribute to additional annual and long service leave entitlements), to remove the officer in a lesser timeframe and pay them the outstanding two years salary rather than have the officer work this additional (but unproductive), additional time.

If it were possible to continue with the current arrangements, or indeed formalise them, it would allow the Local Government to legitimately pay out up to two years service rather than continue to employ someone in a position of little merit, which could also conceivably create conflict and complications for the amalgamation process. As a 'voluntary' redundancy' it would mean that the normal severance payments would not be payable in addition to the two year payout, it would only include payment of accrued entitlements. As Severance Payments would generally never be equivalent to a two year payment, it would not disadvantage the employee to accept a different package for voluntary redundancy as opposed to an involuntary redundancy. Given the high costs it would clearly only occur in the most exceptional of circumstances and these can actually be prescribed in some way in the Act if necessary, rather than removing the ability to do this as is being proposed.

This is what the City has done with its contract staff. If this provision is retained then the Act could restrict the arrangement to contract staff only, as it is most likely that they would be the most difficult to continue to employ for two years following an amalgamation, generally lower level staff do not pose the same difficulties.

It is unacceptable that there are significant anomalies contained within the Act that have gone unanswered for many years and in the City's view these should take a higher priority.

FINANCIAL IMPLICATIONS

There are no financial implications applicable at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.16 Continued

8.30pm Cr Whiteley returned to the meeting.

OFFICER RECOMMENDATION

MARKS MOVED, POWELL SECONDED, That Council adopt the responses as detailed within the report and authorise the Chief Executive Officer to communicate these positions to the Western Australian Local Government Association prior to 7 January 2011.

CARRIED 10 VOTES TO 0

8.32pm Having previously declared a Direct Financial Interest in Item 12.16, Mr Cole returned to the meeting.

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

HITT MOVED, HANLON SECONDED, that Cr Dornford be granted leave of absence for 22 - 31 December 2010 inclusive.

CARRIED 10 VOTES TO 0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15. CLOSURE

The Presiding Member thanked the Chief Executive Officer and staff for their work during the year, and the Elected Members for their efforts and professionalism during the year. The Presiding Member wished everyone in attendance a happy holiday.

The Chief Executive Officer thanked the Director Community and Statutory Services for acting in his capacity while he was on leave. The Chief Executive Officer also thanked the Presiding Member, Elected Members and staff for their hard work and professionalism during the year.

There being no further business the Presiding Member closed the meeting at 8.35pm.

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