City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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22 March 2016

ITEM SUBJECT HEADING PAGE

ATTACHMENTS INDEX

CONFIDENTIAL ATTACHMENTS INDEX

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

MINUTES

PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr L Cayoun	West Ward
Cr P Hitt	West Ward
Cr M Bass *(dep 10.27pm & did not return)*	East Ward
Cr B Ryan	East Ward
Cr P Gardner	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr R Lutey	Director Technical Services
Mr R Garrett	Director Corporate and Governance
Ms L Dobrin	A/Director Community and Statutory Services
Mr J Olynyk, JP	Manager Governance
Mrs J Hammah *(dep 8.04pm & did not return)*	Manager Planning Services
Mr J Hardison	Manager Property and Economic Development
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms D Morton *(dep 9.15pm & did not return)*	Media and Communications Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

There were 24 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.04pm, welcomed those in attendance and invited Cr Bass to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Bass read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES AND LEAVE OF ABSENCE

Mr N Deague (Apology)	Director Community and Statutory Services

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Cr M Bass	Item 14.1 Funding Request From Belmont Sports and Recreation Club Inc.	Financial Member of the Belmont Sports and Recreation Club

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title
Cr R Rossi	Item 13.3 Notice of Motion (Cr Powell) – Development Assessment Panels
Cr P Marks	Item 13.3 Notice of Motion (Cr Powell) – Development Assessment Panels
Cr J Powell	Item 13.3 Notice of Motion (Cr Powell) – Development Assessment Panels
Cr P Gardner	Item 14.1 Funding Request From Belmont Sports and Recreation Club Inc.

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcements:

"I am very pleased to announce that prior to the Council Meeting tonight, Cr Steve Wolff was presented with a certificate of appreciation by the CEO of the Western Australian Local Government Association (WALGA) for his two years' service on the WALGA State Council representing the East Zone. Local communities benefit significantly from local representatives who are prepared to serve on groups such as WALGA State Council and take issues that affect the East Zone to this important State Forum. I too offer my appreciation on behalf of the East Zone member Councils for Cr Wolff's important contribution to the WALGA State Council.

I am also extremely pleased to announce that yesterday afternoon Cr Bass, Cr Rossi, Cr Ryan and I attended a ceremony conducted outside the Senior Citizens Centre, where the Member for Belmont, Glenys Godfrey, and Lotterywest board member Maria Harries announced that the City of Belmont has been awarded a grant of $3,837,557 towards the construction of the new Faulkner Precinct Community Centre.

This grant is for the construction and fitout of the floor in the centre that will be dedicated to housing Community Service providers, including a crèche, and the new Seniors Centre. This is an important step for the Community Centre that is no longer a plan but is a project. This significant grant comes at a crucial time as The City has also lodged an application with the Federal Government under the National Stronger Regions Fund for $9.6m.

Item 4.1 Continued

Partnership funding is very important in the evaluation of this application and I sincerely hope I am able to announce the success of that application in the middle of the year.

Thank you to everyone involved in getting this application to Lotterywest and to the Member for Belmont for her ongoing support of this very important project, and of course my thanks to Lotterywest for having the confidence in the City of Belmont to deliver this significant project to the people of Belmont.

This great news comes straight after recently receiving advice that our application to the Community Sporting and Recreation Facilities Fund for the Miles Park renovations for $155,369 has also been approved. This is on top of the $99,095 from Lotterywest already granted for the Miles Park project, bringing the total grants for the Miles Park upgrade to $254,464. These grants enable the Council to deliver facilities to the Belmont Community that will enhance living in Belmont."

4.2 DISCLAIMER

7.11pm The Presiding Member advised the following:

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

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

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MS D MOSSENSON, ON BEHALF OF ZOONIE PTY LTD, 401 GREAT EASTERN HIGHWAY REDCLIFFE

The following questions were taken on notice at the Ordinary Council Meeting of 23 February 2016. Ms Mossenson was provided with responses on 11 March 2016. The responses from the City are recorded accordingly:

Item 5.2.3 – Question 12

Have there been any changes to what was seen in December regarding the suggestion of keeping Brearley Avenue open to Boulder Avenue for a time?

Response

No. As a temporary measure, it is intended to retain Brearley Avenue from First Street to the junction of Boulder Avenue and Brearley Avenue until such time as the link road from Kanowna Avenue to Boulder Avenue is constructed in accordance with the Development Area 6 (DA6) Vision Plan.

Item 5.2.3 – Question 13

What effects will the construction restrictions above the rail tunnel have on development in the DA6 precinct and Public Open Space?

Response

There will be a restriction on the height and bulk of buildings over the tunnel as the tunnel will have maximum load limitations. There will be no effect on the proposed public open space.

Item 5.2.9 – Question 1

Will the Council write to the Public Transport Authority (PTA) for clarification on building requirements over the rail tunnel?

Response

The Public Transport Authority has advised that during construction of the tunnels there will be a 30 metre wide monitoring corridor, which will be used to assess the effects, if any, of the underground activities. These effects will include noise and vibration.

This is not a buffer and the monitoring corridor will only be in place during construction.

Once the tunnels are completed, there will be restrictions on loadings over the tunnels, but no 'buffer'. The City has a copy of these loading limitations.

5.1.2 MS J GEE, 44B TREAVE STREET, CLOVERDALE

The following question was taken on notice at the Ordinary Council Meeting of 23 February 2016. Ms Gee was provided with a response on 11 March 2016. The response from the City is recorded accordingly:

What strategies are in place around bin collections?

Response

There are separate approaches to refuse collection for single residential dwellings and for unit development. The limited space available for the storage of bins in multi-unit developments demand close scrutiny of development applications by the Manager Health and Ranger Services.

It is suggested that you make direct contact with the Manager Health and Ranger Services, Kevin Davidson for specific details.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.12pm **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 (l), the Mayor advised that he had registered eight members of the public who had given prior notice to ask questions.**

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

5.2.1 MS B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE

On behalf of a number of electors of the City of Belmont, Ms Scharfenstein presented to Council a request for a Special Meeting of Electors.

The matters requested to be discussed at the Special Meeting of Electors are:

The proposed closure of Brearley Avenue, Redcliffe, and in particular, whether the electors request:

a) *The Council to review Brearley Avenue remaining open between Great Eastern Highway and First Street, Redcliffe, as a local road, to serve the community, both now and into the future; and*
b) *The Council to write forthwith to the Minister for Transport requesting the Minister to review the proposed closure of Brearley Avenue, with the view to Brearley Avenue remaining open between Great Eastern Highway and First Street, Redcliffe, as a local road to serve the community, both now and into the future.*

By way of background, it is our view that if some slight re-configuration of the road system were considered by the Council and the Minister, together with the adjustment of the traffic light sequencing at Great Eastern Highway, Brearley Avenue can remain open as a local road, benefitting the local community, with minimal impact on both the traffic flow on Great Eastern Highway, and the future Public Open Space contemplated for the area.

Response

The Manager Governance advised that when a request for a Special Meeting of Electors is submitted to Council, in the first instance, the electoral status of all those signing the request must be verified. After this has been confirmed, the City will organise a Special Meeting of Electors within 35 days of the date the request was received.

Public Open Space

At the 23 February OCM I asked:

"Can cash in lieu be used to make up the shortfall to purchase extra space?"

As part of his response, Mr Deague advised that there was 8.1% of POS with the balance (1.9%) cash in lieu."

1. a. Please advise why the percentages, 8.1% and therefore 1.9%, were not mentioned in the 23/2/16 OCM minutes?
   b. What is the square metre volume of the 8.1% of POS?

Item 5.2.1 Continued

c. What is the cash value of 8.1%, and
d. Therefore what is the cash value of 1.96%

If the value of POS is known, it stands to reason that you know what that equates to in sqm and $s.

Response

The Manager Planning Services advised that the questions would be taken on notice.

Works on Central Avenue

At the 23 February OCM I asked:

Will CoB be writing to all residents in the DA6 and Tibradden Gardens area advising the exact date that upgrade of Central Avenue will commence, etc? During the meeting Mr Deague agreed that correspondence would be sent out advising residents that works on Central Avenue would commence in April 2016.

2. a. Please advise why the minutes of 23/2/16 OCM do not reflect full what Mr Deague stated during the meeting.
   b. Will works in Central Avenue commence in April as advised by Mr Deague at the February OCM?
   c. Will the City of Belmont now not advise residents about when works will commence in Central Avenue?
   d. Will works on Central Avenue necessitate the closing of Second Street closed at Brearley Avenue?
   e. If not then, when will Second Street be closed at Brearley Avenue?

Response

The Manager Planning Services advised that the questions would be taken on notice.

Worley Parsons Traffic and Transport Analysis

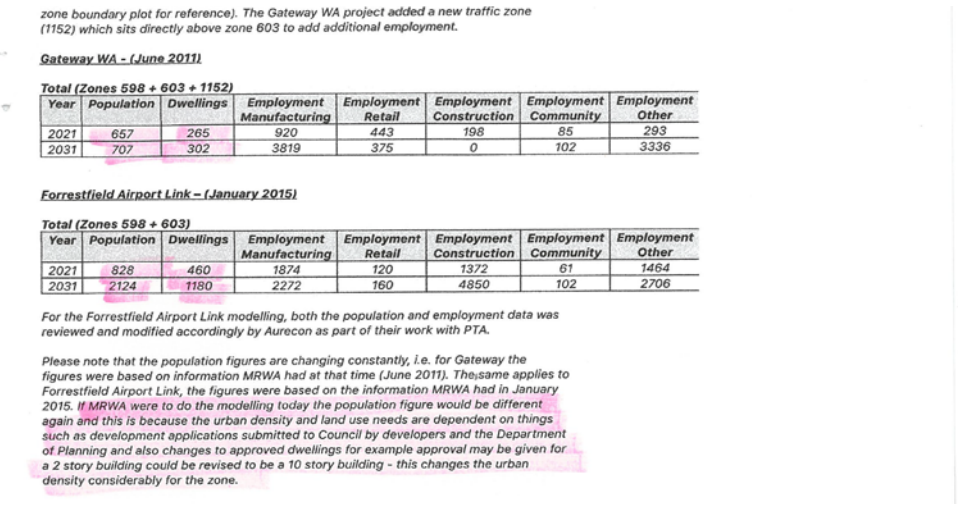
I refer to page 29, item 7.3 Summary of Current and Predicted Traffic Volumes and the table therein. In particular Second Street East of Kanowna.

3. a. Please advise where the traffic that will be travelling along Second Street will originate, ie: from what direction will it be coming from and going to.
   b. Can you advise if the figures of 890 AM and 1230 PM in column 3 2021 are vehicles per hour?

Response

The Director Technical Services advised that the questions would be taken on notice.

5.2.2 MR R FOSTER, 140 COOLGARDIE AVENUE REDCLIFFE



zone boundary plot for reference). The Gateway WA project added a new traffic zone (1152) which sits directly above zone 603 to add additional employment.

Gateway WA – (June 2011)

Total (Zones 598 + 603 + 1152)

Year	Population	Dwellings	Employment Manufacturing	Employment Retail	Employment Construction	Employment Community	Employment Other
2021	657	265	920	443	198	85	293
2031	707	302	3819	375	0	102	3336

Forrestfield Airport Link – (January 2015)

Total (Zones 598 + 603)

Year	Population	Dwellings	Employment Manufacturing	Employment Retail	Employment Construction	Employment Community	Employment Other
2021	828	460	1874	120	1372	61	1464
2031	2124	1180	2272	160	4850	102	2706

For the Forrestfield Airport Link modelling, both the population and employment data was reviewed and modified accordingly by Aurecon as part of their work with PTA.

Please note that the population figures are changing constantly, i.e. for Gateway the figures were based on information MRWA had at that time (June 2011). The same applies to Forrestfield Airport Link, the figures were based on the information MRWA had in January 2015. If MRWA were to do the modelling today the population figure would be different again and this is because the urban density and land use needs are dependent on things such as development applications submitted to Council by developers and the Department of Planning and also changes to approved dwellings for example approval may be given for a 2 story building could be revised to be a 10 story building - this changes the urban density considerably for the zone.

Mr Mayor,

The picture above is taken from the Main Roads Western Australia (MRWA) traffic modelling supplied to the residents as a result of the traffic forum in November 2015.

Zones 598 and 603 refer to the Redcliffe DA6 residential and industrial. I refer to the highlighted sections where it says "If MRWA were to do the modelling today the population figure would be different again and this is because the urban density and land use needs are dependent on things such as development applications submitted to Council by developers and the Department of Planning and also changes to approved dwellings.

1. How can the City of Belmont say that the traffic modelling is correct and current for a population of 6-8,000 people with 3,000 dwellings and a train station, when the three main contributors of statistics to the Worley Parsons document ie: the Public Transport Authority (PTA) in January 2015, the Gateway Project in June 2011 and MRWA's ongoing data collection all state that the population and dwelling density in the Redcliffe DA6 is a lot less than half of the CoB's estimation of population and dwelling density for 2021 and 2030 project finish?

2. Without drawing any parallels to the Springs and CoB traffic modelling differing from MRWA modelling and the problems that caused, in the Redcliffe DA6, how many development applications have been submitted to Council by developers and the Department of Planning (DOP) to justify the CoB's/Worley Parsons traffic modelling for the Redcliffe DA6 that residents/ratepayers and stakeholders were asked to comment on?

3. Why has the CoB not done local traffic modelling in the DA6 with the known increase in local population/dwelling/traffic densities in the Redcliffe DA6 for the period 2015 to 2030, and would this explain why MRWA had to backpedal and do a proposed upgrade of Coolgardie Avenue in 2015 and not in 2025 as their traffic modelling identified? This was asked for, and not acted upon in the CRG meeting by members of the CRG.

R**esponse**

The Manager Planning Services advised that the questions would be taken on notice.

5.2.3 MS D MOSSENSON, ON BEHALF OF ZOONIE PTY LTD, 401 GREAT EASTERN HIGHWAY REDCLIFFE

1. In the response to questions taken on notice that I received from Neville Deague dated 11 March 2016, he stated that "*it is intended to retain Brearley Avenue from First Street to the junction of Boulder Avenue and Brearley Avenue until such time as the link road from Kanowna Avenue to Boulder Avenue is constructed in accordance with the Development Area 6 Vision Plan."*

   When is the date when it is scheduled to construct and complete this link road?

Response

The Director Technical Services advised that at present the date is not known. There are a number of issues relating to Public Open Space and drainage that are still required to be resolved.

2. a. What are the current numbers of dwellings and population in the DA6 area (ie: the current urban density)?

   b. What are the projected figures for population and numbers of dwellings in the DA6 Vision Plan for 2020, and

   c. Based on the Council Plans showing the potential DA6 development, what are the potential population and numbers of dwellings in the completed development of DA6?

Response

The Manager Planning Services advised that these questions would be taken on notice.

3. How does Council anticipate funding the DA6 development, and to what extent will it involve contributions by ratepayers? Has Council done any modelling of the money required to be paid under the Development Contribution Scheme and if so what does the modelling show?

Response

The Manager Planning Services advised that no modelling has been done to date.

4. Has the Council begun the process of compulsory acquisition of properties that were identified in the Worley Parsons traffic report as being necessary to deliver the proposed road network within DA6?

Response

The Manager Planning Services advised that there are no compulsory property acquisitions proposed under the DA6 Vision Plan.

5.2.4 MR W JOLLY ON BEHALF OF K TRANS WA, 6 NOBLE STREET, KEWDALE

1. I note the City has developed a Corporate Business Plan for 2015-2019 and also its vision and mission for the City. This incorporates a number of measures designed to encourage small business and make use of the exceptional transport links in the area. Was the proposed No. 7 evaluated against these documents to evaluate whether it was aligned with the City's Strategic objectives?

Response

The Manager Planning Services advised that the amendment was assessed against the State Government's Strategic Planning framework, Directions 2031 as well as the new Gateway upgrades and other major roads in the area. Whether or not particular land uses were appropriate was also considered.

2. Without wanting to pre-empt Council's decision on Amendment No. 7, would Council be prepared to undertake more detailed consultation with affected parties?

Response

The Manager Planning Services advised that consultation has been undertaken in accordance with the Regulations. The financial impact of more detailed consultation would be approximately $40,000.

5.2.5 MR K BROUGHTON OF PLANNING SOLUTIONS, ON BEHALF OF CALTEX AUSTRALIA

Planning Solutions acts for the owners of Lot 730 Great Eastern Highway, Ascot, Novell Properties Pty Ltd and Caltex Australia.

Caltex Australia also operates 111 Great Eastern Highway, Rivervale.

The Councillors will be aware, Amendment 7 seeks to generally prohibit service stations from operating along Great Eastern Highway, as well as Town Centre areas.

In light of the above, I ask the following questions:

1. Knowing the Manager Planning Services has indicated the City intends to prepare a 'corridor plan' for Great Eastern Highway, does the Council agree it is premature to consider rezoning land and/or changing land use permissibility of the affected area until such time as the plan is completed, and the subject of community advertising and stakeholder liaison?

Response

The Manager Planning Services did not agree that it is premature to undertake this amendment and advised that it would be remiss of the City to limit land use until after a Corridor Plan is developed.

2. Does the Council agree insufficient advertising took place for Amendment 7 in light of Council Officers acknowledgement that it was too onerous to write to all affected landowners, despite the gravity for some of the changes to operating and proposed businesses?

Item 5.2.5 Continued

Response

The Manager Planning Services advised that sufficient advertising of the amendment was undertaken in accordance with the Regulations. Further advertising in excess of the Regulations was considered onerous. As an example, the City did not write to owners and occupiers during advertising for Local Planning Scheme No. 15.

3. Does the Council intend to defer Amendment 7 to allow affected businesses, landowners and the general community to review and consider its implications?

Response

The Presiding Member advised that this item is before Council for a decision tonight.

4. Can the Council advise where should Service Stations and Convenience Stores be located if they cannot locate on roads, like Great Eastern Highway, where the majority of traffic is, and where any impacts affect the least number of people living in residential areas?

Responses

The Manager Planning Services advised that the intention of Council to prepare a Corridor Plan has been alluded to; however this is a matter that will follow due process.

5.2.6 MR K BROUGHTON OF PLANNING SOLUTIONS, ON BEHALF OF WOOLWORTHS LTD

Planning Solutions acts for the owners of 109/111 Great Eastern Highway, Rivervale and its key tenant, BWS.

BWS has had two (2) other sites within the City of Belmont, being Epson Avenue, Belmont and BWS Wright Street Belmont.

It is likely all of the BWS operations will, or could become non-conforming land uses if Amendment 7 is finally adopted this evening.

In light of the above, I provide the following questions:

1. Was the Council aware neither BWS nor the owners of each of the affected landholdings were alerted to Amendment 7 despite the consequential change to land use permissibility?

Response

The Manager Planning Services advised that landowners were not advised directly however the amendment was advertised in accordance with the Regulations.

Item 5.2.6 Continued

2. Was the document relating to alcohol consumption within the City (which Council Officers advise was the basis for prohibiting larger liquor outlets) subject to public advertising and/or stakeholder liaison, and did the document recommend no further liquor stores be permitted with the City. If yes, was that recommendation widely advertised?

Response

The Manager Planning Services advised that there was extensive consultation carried out with both businesses and residents in the area and these findings were incorporated into the study. The report refers to large format liquor stores, though is not restricted to this type.

3. Does the Council intend to defer Amendment 7 to allow affected businesses, landowners and the general community to review and consider its implications?

Response

The Presiding Member advised that this item is before Council for a decision tonight.

5.2.7 MR J HOFLAND OF ROWE GROUP, ON BEHALF OF CLEANAWAY PTY LTD

1. Within the report on the adoption of Amendment No. 7, it is stated that the proposal has no environmental, social or economic implications. Could Council please explain how this position is reached?

Response

The Manager Planning Services advised that the report refers to environmental and social implications at the time of preparation of the report. Further consultation would require consideration for significant increased financial implications to the City.

2. The comments within the report on Amendment No. 7 in relation to the suitability of the Waste Storage Facility use, recommend the exclusion of the use due to the potential impacts which may affect the operation of Perth Airport. Does the City recognise the role played by the Department of Environmental Regulation in issuing a Works Approval for the land use which is subject to suitable controls being implemented to address such matters and also the role which Perth Airport plays in the assessment of such applications?

Response

The Manager Planning Services advised that the role of the Department of Environmental Regulation (DER) should be separate to the Planning process. Development approvals are a separate process and should remain as such.

5.2.8 MR P FITZGERALD ON BEHALF OF URBIS PTY LTD

1. Why was the amendment considered a standard amendment rather than a complex amendment?

Response

The Manager Planning Services advised that as detailed in the report, the amendment met the statutory requirements to be considered a standard amendment.

2. There were a number of alternatives to an amendment. I feel there is a lack of science, a lack of service stations and I have concerns with the standard class of the amendment. Does the Council consider these issues are relevant?

Response

The Presiding Member advised that this question needs to be asked of the Councillors and not the Officers.

8.40pm As there were no further questions, the Presiding Member declared Public Question time closed.

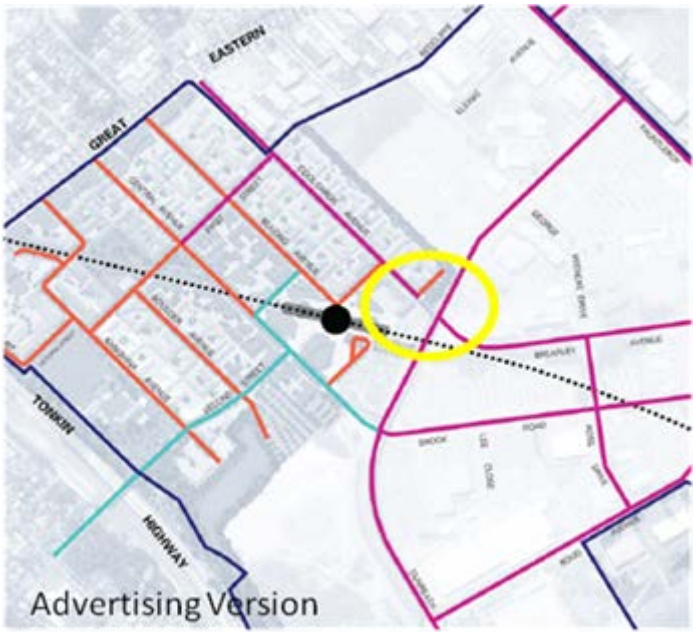
6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 23 FEBRUARY 2016 (Circulated under separate cover)

The following administrative errors were noted in relation to Item 12.1 Final Adoption of Draft Local Planning Policy No. 14 'Development Area 6 – Vision Plan and Implementation Strategy' following Public Advertising:

- In part 1. (A)(vi) of the Officer Recommendation replace page 39 with page 38.

- An incorrect version of the Revised Development Area 6 Vision Plan and Implementation Strategy was included as Attachment 5. Please note the amendments to the Revised Development Area 6 Vision Plan and Implementation Strategy –
  - Updated colour palette to more easily distinguish buildings.
  - Amendment to image shown on page 40 to the following image as advertised during public consultation:



o Amendment to image shown on page 52 to the following image as advertised during public consultation:

OFFICER RECOMMENDATION

POWELL MOVED, ROSSI SECONDED, That the minutes of the Ordinary Council Meeting held on 23 February 2016 as amended, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 15 MARCH 2016 (Circulated under separate cover)

OFFICER RECOMMENDATION

CAYOUN MOVED, ROSSI SECONDED, That the Information Matrix for the Agenda Briefing Forum held on 15 March 2016 as printed and circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

11.1 STANDING COMMITTEE (AUDIT AND RISK) HELD 22 FEBRUARY 2016 (Circulated under separate cover)

OFFICER RECOMMENDATION

CAYOUN MOVED, BASS SECONDED, That the Minutes for the Standing Committee (Audit and Risk) meeting held on 22 February 2016 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.2 was withdrawn at the request of Cr Powell
Item 12.3 was withdrawn at the request of Cr Powell
Item 12.4 was withdrawn at the request of Cr Gardner

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

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 MODIFICATIONS TO LOCAL PLANNING POLICY NO. 8 'INVERCLOY ESTATE (NULSEN HAVEN) SPECIAL DEVELOPMENT PRECINCT POLICY' FOR THE PURPOSES OF INITIATING PUBLIC ADVERTISING

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	**Local Planning Policy No. 8 – Invercloy Estate (Nulsen Haven) Special Development Precinct Policy – Proposed Modifications**

Voting Requirement	:	Simple Majority
Subject Index	:	LPP15/008–LPS15 Local Planning Policy 8
Location / Property Index	:	Invercloy Estate
Application Index		None
Disclosure of any Interest	:	None
Previous Items	:	14 February 2011 Special Council Meeting Item 10.1
Applicant	:	City of Belmont
Owner	:	Various
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider a modification to Local Planning Policy No. 8 (LPP8) to include a Policy Plan detailing lots and land-use for the purpose of initiating public advertising (refer Attachment 1).

Item 12.1 Continued

SUMMARY AND KEY ISSUES

Amendment No. 5 to the City's Local Planning Scheme No. 15 (LPS15) was gazetted on 28 November 2014. This amendment modified LPS15 Scheme Map to remove the underlying zoning of 'Residential' from all 'Special Development Precincts'.

There are four Special Development Precincts which are delineated on the Scheme Map as follows:

- Belgravia Residential Estate (Local Planning Policy No. 5);
- Ascot Waters (Local Planning Policy No. 6);
- The Springs (Local Planning Policy No. 7); and
- Invercloy Estate (LPP8).

All development within each of the above Special Development Precincts is subject to compliance with the performance based criteria contained in the relevant local planning policy. Local Planning Policies 5, 6 and 7, specify maximum residential density and built form design criteria.

It is proposed to modify LPP8 to include a Precinct Policy Plan showing the majority of residential development at R20 density with one lot being R40 density and including the public open space 'Invercloy Park' within in the Policy Area. This will bring it into alignment with the other Special Development Precinct Policies.

It is recommended that the modified Policy be advertised for a 21 day period in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 provisions.

Item 12.1 Continued

LOCATION

Local Policy No. 8 area is all land generally bound by Tibradden Circle, Hay Road, Fauntleroy Avenue and Great Eastern Highway, Ascot.

Figure 1: Aerial Photomap (Nearmaps)

CONSULTATION

Consultation is a statutory process required under Schedule 2, Part 2, Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 for amending a local planning policy which, in the opinion of the local government, is not a minor amendment.

A Draft Policy notice will be published in a local newspaper circulating within the Scheme Area. The notice will advise the public as to the subject and nature of the proposed Policy changes, the location where the draft Policy may be inspected, and in what form and during what period (being not less than 21 days) submissions may be made.

Following conclusion of the consultation period Council shall review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the proposed draft Policy with or without modification, or not to proceed with the proposed draft Policy.

Item 12.1 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Corporate Key Action: Implement Local Planning Scheme No. 15.

POLICY IMPLICATIONS

Local Planning Policy No. 8

Local Planning Policy No. 8 governs all development within the Invercloy Estate. The design guidelines were prepared to ensure a high standard of development in recognition of the presence and cultural significance of the 'Invercloy' dwelling (Nulsen Haven).

STATUTORY ENVIRONMENT

Local Planning Scheme No. 15

Clause 5.8 – Special Development Precincts

Clause 5.8.1 states there are four Special Development Precincts including 'Invercloy Estate' (generally bounded by Tibradden Circle, Hay Road, Fauntleroy Avenue and Great Eastern Highway.

Clauses 5.8.2 and 5.8.3 states that all development within the Special Development Precincts requires planning approval and all development is subject to compliance with the relevant local planning policy.

The procedure for making and amending a local planning policy is outlined under Schedule 2, Part 2, Clauses 4 and 5 of the Deemed Provisions of the Regulations 2015.

BACKGROUND

The LPP8 - 'Invercloy Estate (Nulsen Haven)' Special Development Precinct was originally adopted by Council under Town Planning Scheme No. 14 (TPS14) at its Ordinary Council Meeting of Council held on 17 April 2000 with modifications adopted by Council on 24 September 2001.

Local Planning Scheme No. 15 was gazetted on 1 December 2011 which revoked TPS14.

The current LPP8 – Invercloy Estate was adopted by Council at its Special Council meeting held on 14 February 2011. The objectives of the Policy are to facilitate high quality residential development that recognises and respects the historical significance of the Policy area and encourages new development to be sympathetic and complimentary to the principal 'Invercloy building' formerly known as 'Nulsen Haven'. This dwelling is included in the State Heritage Register and the City's Heritage Inventory. The Policy provides design criteria for new dwellings including materials, colours and style of walls, eaves, windows, roof and fences as well as setbacks and landscaping. The underlying zoning was Residential R20/40.

Item 12.1 Continued

Figure 2: Photo 'Invercloy' Dwelling (Nulsen Haven) – Nearmaps

Amendment No. 5 to the City's LPS15 was gazetted on 28 November 2014. That amendment clarified a number of technical matters and removed the reference on the Scheme map of 'Special Development Precinct' zone but retained the individual special development precincts identified through different coloured borders.

All development within each of the four Special Development Precincts is subject to compliance with the performance based criteria contained in each of the relevant local planning policies. This means that in determining an application for residential development within a Special Development Precinct the City would refer to the relevant Precinct Local Planning Policy to determine the residential density permitted. However, only Local Planning Policies 5, 6 and 7, specify a residential density within the built form design criteria. Accordingly an amendment to LPP8 is required.

Item 12.1 Continued

Proposed Modification to Local Planning Policy No. 8

To provide clarity for any future development within the Invercloy Estate (Nulsen Haven) Special Development Precinct, the Policy statement is proposed to be modified to include in the Density and Land Use the following:

"All residential development shall be as indicated on the Policy Plan".

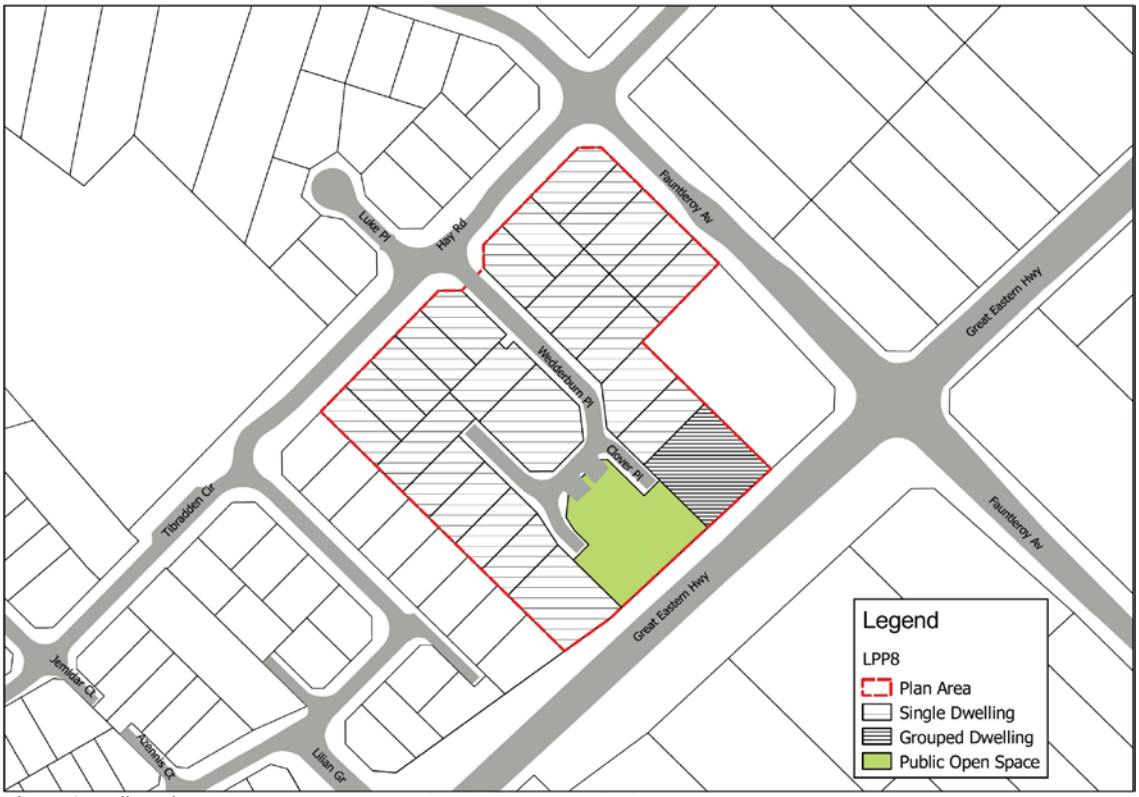


Figure 3: Policy Plan

OFFICER COMMENT

Local Planning Policy No. 8 (LPP8) provides design criteria for development within the Invercloy Estate (Nulsen Haven) Special Development Precinct. With the gazettal of Amendment No. 5 there is currently no specific residential density provided for development within this precinct.

Local Planning Policy No. 8 area comprises of 26 residential lots plus Reserve 47645 'Invercloy Park' which was ceded to the Crown for the purpose of 'Public Recreation' and vested in the City of Belmont on 7 May 2004. The Policy area has been fully developed with the exception of one vacant lot and comprises of 25 single dwelling lots and one grouped dwelling site. The proposed Policy Plan exactly reflects the existing development within the 'Invercloy Estate (Nulsen Haven) Special Development Precinct' of single dwellings, one grouped dwelling site and public open space - Invercloy Park. This will provide clarity as to the development permitted within LPP8 and ensure that any future development accords with the overall Policy objectives and design guidelines.

Item 12.1 Continued

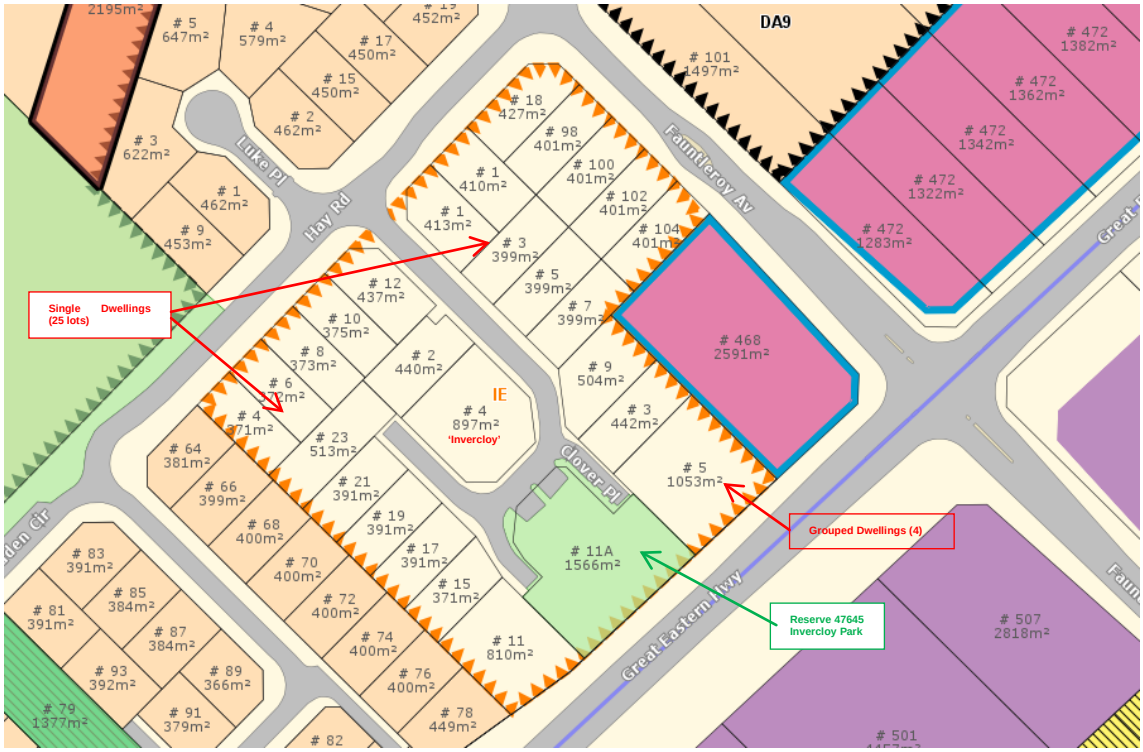


Figure 4: Invercloy Park

In accordance with Scheme provisions, it is recommended that the revised Policy be advertised for a 21 day period.

FINANCIAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council adopt and advertise the modified Local Planning Policy No 8 'Invercloy Estate (Nulsen Haven) Special Development Precinct Policy' as detailed in Attachment 1 for public comment in accordance with the provisions of Schedule 2, Part 2, Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions of Local Planning Schemes).

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

12.2 CITY OF BELMONT LOCAL PLANNING SCHEME NO. 15 – FINAL ADOPTION OF SCHEME AMENDMENT NO. 7

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 2 – Item 12.2 refers	**Submissions Table**
Attachment 3 – Item 12.2 refers	**Zoning Table**

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/007–Scheme Amendment 7–To Amend Zoning Table and Schedule 1 General Definitions and Land Use Definitions
Location / Property Index	:	Multiple
Application Index		None
Disclosure of any Interest	:	None
Previous Items	:	15 December 2015 Ordinary Council Meeting Item 12.5
Applicant	:	None
Owner	:	None
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider final adoption of Scheme Amendment No. 7 to the City of Belmont Local Planning Scheme No.15 (LPS15) following public advertising of the Amendment.

Item 12.2 Continued

SUMMARY AND KEY ISSUES

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

A number of technical matters have arisen since the implementation of the Planning and Development Regulations 2015 (the Regulations), which took effect on the 19 October 2015. These matters include modifications/additions to general definitions and land use definitions, as well as subsequent modifications to the zoning table contained within LPS15 (refer Attachment 3).

Scheme Amendment No. 7 was adopted by Council for the purpose of public advertising at the 15 December 2015 Ordinary Council Meeting (OCM). The Scheme Amendment was then advertised in accordance with the Planning and Development Regulations 2015 and LPS15 from 12 January 2016 until 23 February 2016. During this time, a total of 30 submissions were received which are discussed within this report.

It is recommended that Council grant final adoption of Scheme Amendment No. 7 to LPS15 subject to minor modifications.

LOCATION

N/A.

CONSULTATION

The Amendment was advertised in accordance with the Regulations and LPS15. The statutory local planning consultation requirement in relation to Local Planning Scheme Amendments is considered adequate in terms of informing the community of the proposal.

Amendment No. 7 was advertised from 12 January 2016 to 23 February 2016. At the conclusion of the advertising period, a total of 30 submissions were received.

The Amendment was advertised as per the requirements of the Regulations with a total of 30 submissions received, 25 of which were objections to aspects of the proposed Amendment. These objections relate primarily to the following topics:

- Type of amendment (standard amendment) the City has pursued under the Regulations.
- Amending service station to an 'X' use within all zones with the exception of the service station zone.
- The inclusion of the use 'Waste Storage facility' in the City's zoning table as an 'X' use in all zones.
- The prohibition of 'large liquor store' within the City of Belmont.

The summary of the submissions table is provided under Attachment 2 and the main themes are discussed in the Officer Comment section below. Copies of the full submissions are available to Councillors on request.

Item 12.2 Continued

Pursuant to Regulation 50 of the Regulations the Council is required to make a recommendation in respect of each submission. If the Council is not prepared to modify the amendment as a result of a submission, then the submission is dismissed.

Copies of all complete submissions are forwarded to the Western Australian Planning Commission (WAPC) for consideration.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

At the 15 December 2015 OCM, Scheme Amendment No. 7 was initiated for the purposes of public advertising. The Amendment was proposed to ensure consistency with the Planning and Development (Local Planning Schemes) Regulations 2015 and involved a number of subsequent amendments to the City's LPS15.

Effectively, the Regulations govern the way in which Local Planning Schemes are prepared, consolidated and amended. The Regulations provide for, amongst other aspects:

- A common set of general and land use definitions; and
- Provisions for Local Planning Schemes provided as:
  - **Schedule 1: Model Provisions**; and
  - **Schedule 2: Deemed Provisions** – Mandatory provisions which override all existing Planning Schemes.

The Schedule 1 Model Provisions are not required to be changed at this stage; however the WAPC has encouraged local governments to amend their Local Planning Schemes to reflect the Schedule 1 Model Provisions where appropriate. This primarily involves modifying or adding General and Land Use definitions.

Item 12.2 Continued

The Schedule 2 Deemed Provisions override Local Planning Schemes. In accordance, the WAPC confirmed that the City does not need to amend the Scheme to incorporate these provisions. Rather, the Deemed Provisions should be read as a separate document.

Notwithstanding this, one of the major ramifications of the 'Deemed Provisions' is the exemption of all current 'P' uses under the zoning table from requiring planning approval.

The assessment as part of the subject Amendment was therefore extensive in establishing what 'P' permitted uses would need to be modified to 'D' discretionary uses, in line with previous experiences. There was also an assessment of the zoning table in conjunction with the above-mentioned definitions. This effectively resulted in a full review of the entire zoning table, which is consistent with good planning practice.

Amendment No. 1 to Local Planning Scheme No 15

Amendment No. 1 primarily included some technical and administrative modifications to LPS15 as well as modifications to the zoning table. Council adopted Amendment No. 1 on the 27 December 2012, and it was gazetted on the 15 December 2015, the day the City adopted Amendment No. 7 for advertising.

Due to the length of time the Amendment took to be finalised, the changes sought under Amendment No. 7 are considered pertinent to today's standards and supersedes the thinking under Amendment No. 1.

OFFICER COMMENT

During the advertising period, a total of 30 submissions were received, 25 of which were objections to certain aspects of the proposed amendment. The objection submissions are addressed in the Officer Comment below.

Nature of Advertising

A number of submissions received raised concern with the type of amendment proposed under Regulation 34 of the deemed provisions of the Regulations. The Regulations specify that there are three types of amendments, basic, standard or complex. The criteria for a standard and complex amendment are presented in Table 1 below. The City considered the amendment to be a standard amendment whereas a number of submissions suggest the amendment should have been dealt with as a complex amendment.

Type of Amendment	***Criteria***	***Meets Criteria (✓/ x)***
Complex Amendment	*means any of the following amendments to a Local Planning Scheme —*	
	(a) an amendment that is not consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;	***X***
	(b) an amendment that is not addressed by any local planning strategy;	***X***

Item 12.2 Continued

Type of Amendment	***Criteria***	***Meets Criteria (✓/ x)***
Complex Amendment	(c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;	***X***
	(d) an amendment made to comply with an order made by the Minister under Section 76 or 77A of the *Act*;	***X***
	(e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;	***X***
Standard Amendment	*means any of the following amendments to a Local Planning Scheme —*	
	(a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve;	✓
	(b) an amendment that is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission;	✓
	(c) an amendment to the Scheme so that it is consistent with a Region Planning Scheme that applies to the Scheme area, other than an amendment that is a basic amendment;	***N/A***
	(d) an amendment to the Scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the Scheme for the land to which the amendment relates if the Scheme does not currently include zones of all the types that are outlined in the plan;	***N/A***
	(e) an amendment that would have minimal impact on land in the Scheme area that is not the subject of the amendment;	✓
	(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area;	***X***
	(g) any other amendment that is not a complex or basic amendment.	✓

Table 1: Standard amendment vs complex amendment

Item 12.2 Continued

As can be seen from Table 1 above, the Amendment is considered to fall appropriately within the standard amendment process. The complex amendment process is particularly explicit in nature and does not capture the changes of the amendment proposed. In conjunction with this, under Regulation 34g in the table above, it states that if the amendment is not a complex/basic amendment, it resorts to a standard amendment.

The City has also had discussions with the WAPC prior to and post advertising of the Amendment, where the City's stance of a standard amendment was agreed upon. This is however subject to Regulation 54 of the Deemed Provisions of the Regulations which give the WAPC the ability to change the nature of the amendment upon their assessment of the Amendment.

It was also suggested from the objections that the amendment should have been advertised directly to affected owners as part of the advertising period. The Amendment was advertised as required under Clause 47 of the Deemed Provisions of the Regulations for the purpose of a standard amendment. It is considered unreasonable for the City to write directly to all properties that are affected by Amendment No. 7 as that would encompass every lot in the City.

Lastly, there was some concern with the description of advertising. Advertising commenced on the 12 January 2016 and stipulated the following:

> *"The Council has resolved to seek an amendment to its Local Planning Scheme to ensure consistency with the recently gazetted Planning and Development (Planning Schemes) Regulations 2015. The amendment includes modifications and additions to the definitions under the City's Local Planning Scheme No. 15 (LPS15), and subsequent modifications to the zoning table contained within LPS15."*

As mentioned above, a fundamental component of the subject Amendment was to amend the zoning table of LPS15 due to the exemption of 'P' permitted uses from requiring planning approval. This required an assessment to ascertain which 'P' permitted uses were required to be modified to 'D' discretionary uses. The assessment also needed to take into account the change in land use definitions which required subsequent changes to the zoning table. Due to the extensive nature of these changes, a full review was undertaken of the zoning table in line with good planning practice. This is reflected in the advertising statement above and is considered appropriate.

Service Stations – 'X' Uses

It is important to note that service stations are proposed as a 'X' use across the City with the exception of the Service Station zone. Notwithstanding this, the submissions relate specifically to the prohibition of service stations along Great Eastern Highway which is addressed below.

Service Stations – Great Eastern Highway

A number of submissions suggested that advertising was misleading and the proposed Amendment does not only bring LPS15 in line with the Regulations, it changes the use permissibility of the land, particularly in relation to the service station zone.

The Regulations modify the definitions of service station and convenience store as per Table 2 below.

Item 12.2 Continued

Use Class	Current LPS15	Regulations Definition
Service Station	means premises used for: (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for — (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;
Convenience Store	means premises: (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods; (b) operated during hours which include, but may extend beyond, normal trading hours; (c) which provide associated parking; and (d) the floor area of which does not exceed 300m² net lettable area;	means premises — (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300m² net lettable area;

Table 2: Comparison between definition under LPS15 and the Regulations – 'Service Station' and 'Convenience Store'

One of the major changes to the proposed definitions is the removal of the sale of petrol from the convenience store land use. It is noted that over the past few years, there has been a changing nature and context of service stations. The sale of petrol remains pertinent but the stations are no longer predominantly associated with repair type operations. Rather, a number of sites have been operating as convenience stores with a petrol component.

The Regulations however clearly remove the sale of petrol from the convenience store definition and the intent of this is to clarify that they are two separate uses. Whilst there can be an incidental component of convenience nature goods for a service station, this is not considered solely as a convenience store, which would be assessed as a separate land use under LPS15.

It is here where the City upholds a number of objections relating to the definition of service store which reads as follows:

> *"means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —*
>
> *(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; **or/and***
>
> *(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;"*

Item 12.2 Continued

As worded above, the service station wording is restrictive as it does not take into account where a business retails petroleum and supplements that with services such as greasing, tyre repairs, and mechanical repairs to motor vehicles. As a result, the definition outlined by the Regulations has been recommended for amendment by the City to include 'and/or' (see in RED above) in-lieu of just 'or'. It is believed this was an oversight of the Regulations and the amended definition recommended by the City is consistent with the intent of the service station land use.

This modification means the nature of service stations resorts back to the traditional style of operation with the primary function for the sale of petrol, and the associated activities including aspects such as greasing, tyre repairs and minor mechanical repairs to motor vehicles.

As a result, the nature of the modifications to the definitions mentioned above results in a more 'industrial in nature' land use which is contrary to the objectives of the mixed use zone within LPS15. It is through these changes in definitions that the service station zone was contemplated as part of this amendment as being the only zone within the City where a service station can be considered. As a result, the City considers the advertising to be consistent with what was proposed as part of this Amendment.

The aspirations of development fronting Great Eastern Highway are firstly reflected in Directions 2031 where urban corridors are recognised as significant opportunities to accommodate increased medium-rise higher density residential development. Additionally, the City's Local Planning Strategy (the Strategy) states that Great Eastern Highway should not entertain any additional supermarkets or convenience stores other than those currently existing or firmly planned. Further to this, The Strategy states that:

- Office/Business uses of high quality appearance should continue to be encouraged; and

- Opportunities should be seized through the development control process to, wherever possible, rationalise and improve traffic access to commercial properties on the highway.

LPS15 reinforces this vision with the objectives of the mixed use zone as follows:

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

In a number of cases, the submissions quote the December 2015 Council item and question the validity of the statement that the City considers there to be a proliferation of services stations following the upgrade of Great Eastern Highway. The submissions state that the service station viability is the responsibility of the service station owner and that they determine whether there is sufficient catchment and demand for a service station in the location. Furthermore, it was mentioned that the notion that one service station per kilometre has no basis, as no strategic study has been undertaken to establish that fact.

Item 12.2 Continued

The above points are acknowledged. However, the proliferation of service stations has not been established based on market forces or sheer number. The number of service stations, and proposed future services stations is of concern to the City due to the inherent conflict it poses on achieving the vision and objectives of LPS15 and the Strategy document.

The service station zone was retained from Town Planning Scheme No. 14 and the Strategy states:

> *"The rationalisation of services stations continues, and from time to time interest is expressed in the development of new service stations. The retention of the Service Station zone is considered important given that the need for the establishment of such a use must be clearly demonstrated through the community consultation process provided for by the rezoning process."*

In conjunction, the service station zone was introduced to ensure that service stations are carefully considered through the Scheme amendment process due to the potential amenity implications.

As mentioned above, due to the change of the 'Convenience Store' definition, the nature of the service station results in a use classification which is inherently more industrial in nature. Whilst it is acknowledged that the objectives of the mixed use zone cater for 'appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents', it is considered that the newly defined service station is not an appropriate land use outside the strategic need for it, as is eluded to in the abovementioned Strategy.

Amendment No. 7 will therefore result in more responsible emphasis upon the need to plan for the future, particularly with respect to service stations, and takes into account the changing nature of Great Eastern Highway.

Waste Storage Facility

It is contended in two submissions that a waste storage facility should be an 'A' use as all issues associated with its function can be mitigated through management plans and implementation of those management plans. It is considered that the Kewdale Industrial Area is not an appropriate location for waste storage facilities.

The Kewdale Industrial area is recognised as a 'Strategic Industrial Centre' under Directions 2031. Directions 2031 recognise that not all industry is the same and has subsequently identified a hierarchy of industrial centres. Whilst the other three strategic industrial centres are recognised as having a focus on heavy manufacturing, processing, fabrication and overseas export, Kewdale is considered significant because of its role in import and distribution networks throughout the state.

The Scheme also acknowledges the significance of the Kewdale Industrial Estate as a transport and logistics hub which forms part of the Kewdale-Hazelmere Integrated Masterplan. This Masterplan is the strategic planning document that provides a direction for the future planning and development of the area. The Masterplan confirms that the Kewdale Industrial area is primarily a service industry in-lieu of a manufacturing and processing area. Overall, the Kewdale industrial area is considered a logistics centre with the most dominant use of the floor space as storage and distribution.

Item 12.2 Continued

Additionally, the Kewdale Industrial area falls predominantly within the Aircraft Noise Exposure Forecast (ANEF) zone. As a result, most development within the industrial area is subject to State Planning Policy 5.1 – Land use planning in the vicinity of Perth Airport (SPP5.1). Land uses that are of particular concern to Perth Airport include operations which emit smoke, light and other particulate matter. The operations of waste storage facilities include the processing of waste which bring about an increase in vermin, birds and are subject to the risk of fire. Operations such as these have potentially severe ramifications for the operations of Perth Airport as well as any service industries in the area. The subject land use is a new land use established under the Regulations and as a new land use within the City of Belmont, is not considered appropriate for the area. As a result, the use is not considered appropriate in the industrial zone.

Small and Large Liquor Stores

The City received two submissions objecting to the prohibition of large liquor stores in the Town Centre zone where it was argued that the break up into small and large liquor store (large liquor store is classified as any store above 300 square metres) does not take into consideration the establishment of medium sized liquor stores (400/500 square metres) such as '*Vintage Cellars style wine stores which provide a large range of specialist wines and liquor products to meet consumer demands'.* It is argued that this type of establishment allows for wine tasting and education areas which results in a potentially desirable development outcome in-lieu of the 'Dan Murphy's' style development which is car-parking dominated.

The WAPC, through the adoption of the Regulations, have split the definition of liquor store into small and large liquor store. This provides greater clarity for the purpose of the zoning table when establishing what type of liquor store is considered appropriate in the relevant zones. Whilst the Vintage Cellars example mentioned above is noted, one store does not provide a basis for appropriate development outcomes. There is also no reason that an operation such as this could not be undertaken in a store 300 square metres or less. By allowing for the provision of large liquor stores in the Town Centre, it opens up scope for any large liquor store to be considered in the Town Centre zone.

The Belmont Town Centre Urban Design Study was undertaken in 1997 and has provided a guide and broad framework for detailed initiatives for the redevelopment of the Belmont Town Centre. The document placed a key emphasis on new urbanism, including bringing buildings up to the street boundary in a traditional main street fashion. Large liquor store, which are generally parking intensive and warehouse oriented are contrary to these principles and are not considered appropriate for the Town Centre zone.

Further to the above, the City also undertook a study on the effects of alcohol consumption in the City of Belmont in 2014. This study was undertaken to help determine the direction of the City's policies, guidelines and planning strategies with regards to alcohol consumption, purchasing and location of alcohol related premises.

As part of this study, there was resounding evidence that a large proportion of the businesses were being affected by alcohol related incidents on a weekly basis. One of the key areas affected was around the Belmont Forum.

Specifically, in relation to large liquor stores, results from a separate Western Australian study have showed that the more alcohol sold per packaged liquor outlet, the greater the risk of reported assault within the surrounding community.

Item 12.2 Continued

A number of strategies were subsequently achieved from this study, one in particular being to limit new high risk liquor outlets through the relevant planning controls. The subject amendment looks to address this issue.

Modification to Definition

It was established during the advertising period that one of the definitions had been incorrectly defined. This relates to the definition of 'building height' which has been addressed as per Table 3 below.

Definition	Definition Proposed at 15/12/2015 OCM	Modification through advertising period	Reason for modification
Building Height	'means a dwelling forming part of a tourist development or caravan park that is — (a) an individual unit other than a chalet; and (b) designed to provide short-term accommodation for guests;'	'In relation to a building – (a) If the building is used for residential purposes, has the meaning given in the R-Codes; or If the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;'	Administrative correction

Table 3: Modifications to general definition post advertising period

Conclusion

Having regard to the above, Amendment No. 7 proposes to ensure consistency with the Regulations which involves the modification of a number of 'P' uses to 'D' uses under the zoning table, additions and modifications to the land use and general definitions, as well as subsequent changes to the zoning table.

It is considered that the submissions on Amendment No. 7 have been adequately addressed. It is therefore recommended that Council grant final adoption to LPS15 Scheme Amendment No. 7 and forward the Scheme Amendment to the WAPC for consideration.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.2 Continued

OFFICER RECOMMENDATION

POWELL MOVED, ROSSI SECONDED,

That in relation to Scheme Amendment No 7 to the City of Belmont Local Planning Scheme No 15, Council:

1. ***Uphold the submissions lodged by Main Roads WA, EPA, City of Canning and Shire of Kalamunda, Perth Airport in accordance with Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015.***

2. ***Partially uphold the submissions lodged by Lorndell Nominess Pty Ltd, Cooktown Constructions Pty Ltd, and Peter Webb and Associates on behalf of Selden Pty Ltd in relation to the Service Station definition in accordance with Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015.***

3. ***Dismiss the submissions lodged by Urbis on behalf of Tish Pty Ltd, Lorndell Nominees Pty Ltd, Cooktown Construction, Acton Commercial, Puma Energy, Hindley and Associates, Dynamic Planning and Developments, owner 14 Wheatley Street, Kewdale, Seathorne, Novell Properties Pty Ltd, Planning Solutions on behalf of Puma Energy, TPG on behalf of landowner at 472 Great Eastern Highway Ascot, Automative Properties Pty Ltd, Planning Solutions on behalf of Caltex Australia, K-Trans WA, Peter D Webb and Associates on behalf of Selden Pty Ltd, Urbis on behalf of 7- Eleven stores, Rowe Group on behalf of Cleanaway Pty Ltd, Urbis on behalf of the owner at 204 Great Eastern Highway Ascot, TPG on behalf of Belmont Forum Shopping Centre Pty Ltd, Planning Solutions, Rowe Group on behalf of The Shell Company of Australia Ltd, Rowe Group on behalf of BP Australia, TPG on behalf of Coles Group Property Development Pty Ltd in accordance with Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015.***

4. ***Adopt Scheme Amendment No 7 to the City of Belmont Local Planning Scheme No 15 with minor modifications as detailed below.***

   Modify the Service Station Definition to:

   'means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

   (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or

   (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;'

   Modify the definition of 'building height' to

   'In relation to a building –

   (a) If the building is used for residential purposes, has the meaning given in the R-Codes; or

   If the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;'

Item 12.2 Continued

5. Advise Perth Airport that the inclusion of particular X uses across all City of Belmont Zones under the Zoning Table of Local Planning Scheme No. 15 does not infer that such uses cannot be considered on their merits where the Perth Airport Masterplan flags a particular use as being discretionary.

6. Advise those who made a submission of the Council's decision.

CARRIED 8 VOTES TO 1

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

8.04pm The Manager Planning Services departed the meeting and did not return.

12.3 AEROTROPOLIS ASIA – 18–19 MAY 2016 SINGAPORE

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 4 – Item 12.3 refers	**Aerotropolis Asia Brochure**

Voting Requirement	:	Simple Majority
Subject Index	:	29/009–Conferences, Seminars and Training – Planning
Location / Property Index	:	None
Application Index		None
Disclosure of any Interest	:	None
Previous Items	:	17 December 2013 Ordinary Council Meeting Item 12.9
Applicant	:	None
Owner	:	None
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

Council to approve the Mayor (or nominee), Manager Planning Services and Coordinator Design Projects attendance at the Aerotropolis Asia Conference in Singapore from the 18 May to 19 May 2016.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

The Mayor and the Director Community and Statutory Services (DCSS) attended the Airport Cities World conference at Kuala Lumpur from the 30 March 2014 to the 2 April 2014. This experience provided a valuable insight into how City airports are transformed into 'Airport Cities'.

The Speakers and case studies from around the world assist in providing ideas and planning that could be incorporated into Perth Airport and surrounding lands.

The completion of the Gateway Project, the Council's adoption of the Vision Plan for Development Area 6 (DA6) in February and the construction of Airport West Railway Station provide the elements that are essential to achieving a proper functioning Airport City. The next steps in the development of the Airport City are crucial to ensure that the right decisions are made.

It has been recommended that Wilmot Loh, Coordinator Design Projects attend the Conference, but the Council only pay for his registration and airfares. Wilmot originally comes from Singapore and would be able to be accommodated with his family. Wilmot is keen to show some examples of where Singapore leads the world in planning practice and will arrange meetings with relevant organisations. This would involve staying after the Conference for a further two days.

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Corporate Key Action: Encourage Preparation of Structure Plans for Development Area 6.

In accordance with the Strategic Community 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.

Corporate Key Action: Facilitate business investment by advising, supporting and promoting Belmont as a place of business.

Item 12.3 Continued

POLICY IMPLICATIONS

Policy BEXB11B– Elected Member Professional Development and Authorised Travel.

STATUTORY ENVIRONMENT

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

BACKGROUND

The City was originally alerted to Airport Cities Conferences when the Mayor and Chief Executive Officer (CEO) attended an Australian Airports Association Conference in 2012.

At that time the following point was made.

> *"A new strategic approach to airport planning and associated commercial development is gaining prominence around the world. This is the Airport City and Aerotropolis model. It consists of an airport-centred commercial core (the airport city) and outlying corridors and clusters of aviation-linked business that makes up the greater aerotropolis. Virtually all commercial functions found in a modern metropolitan downtown are establishing themselves in Airport Cities and surrounding aerotropolis.*
>
> *As an increasing number of commercial activities and businesses locate on and around airports, they are transforming airport areas into new urban growth destinations where air travellers and locals alike work, shop, meet, exchange knowledge, eat, sleep and are entertained without going more than 15 minutes from the airport. Multimodal transportation infrastructure (air, highway, rail and links to ports) connect airport city and aerotropolis businesses and people to markets near and far, driving and shaping their growing local, regional and global significance. The Airport City and its greater aerotropolis are changing the way we work, the way we live, and the way metropolitan regions grow. In the process, they are creating tomorrow's world."*

The statement above was very evident from the experience of the Mayor and the DCSS, when they attended the Airport Cities World Conference at Kuala Lumpur from the 30 March 2014 to 2 April 2014. This learning provided a valuable insight into how City airports are transformed into 'Airport Cities'.

Attachment 4 is a copy of the brochure of the Conference.

In summary, the main sessions are as follows:

Session 1: Determining the key drivers instrumental in the surge of Aerotropolis – A global View.

Session 2: Local authorities and government initiatives and opportunities for Airport City Development - What are the measures of attractiveness and competitiveness?

Session 3: From Central City to Aerotropolis: Potential for Asian Aerotropolis – Case Studies Changi Airport, Singapore and Taoyuan Aerotropolis, Taiwan.

Session 4: Joint venture Partnership: Selecting the right partner in ensuring the success of Airport Cities – Hear from Manchester Airport City.

Item 12.3 Continued

Session 5: Building from ground up as well from the top down - strategies in aerotropolis master planning.

Session 6: Assessing the legislation and regulating on height restrictions for high rise buildings developments.

Session 7 Urban growth – upgrading and extending rail infrastructure to your airport city, transforming it into a transit development.

Session 8: Establishing an intricate network of multi modal transportation to facilitate accessibility and interconnectivity.

Session 9: Unlocking Real Estate Strategy: Diversifying portfolio from traditional township and other development concepts to aerotropolis development.

Session 10: Building a Business Case for Greenfield Airport Development: Planning for future growth and demand.

Session 11: Reaching new milestones: Creating catalyst projects to spur developments in airport areas.

Session 12: Drawing New Businesses to the Region: Selecting the best mix of developments to boost the value of airport development.

Session 13: Balancing density and developments – striking a balance between urban development and building plans.

Session 14: Creating a self-sustaining airport cities – making it attractive for foreign investors.

Session 15: Industrial clustering concept: Transforming aerotropolis into economic zones.

Session 16: Making your airport city a unique air logistics centric business hub.

Session 17: Creating Smart Airport Cities: Adopting new innovative technology for a well-connected city.

OFFICER COMMENT

The Report from the 2014 Airport Cities World Conference reinforced the importance of gaining knowledge by Elected Members and key staff of the City of Belmont on the role of an Aerotropolis and particularly an Airport City. The application of the Airport City to the City of Belmont and surrounding local governments was explained in a memo to Councillors dated 8 May 2014.

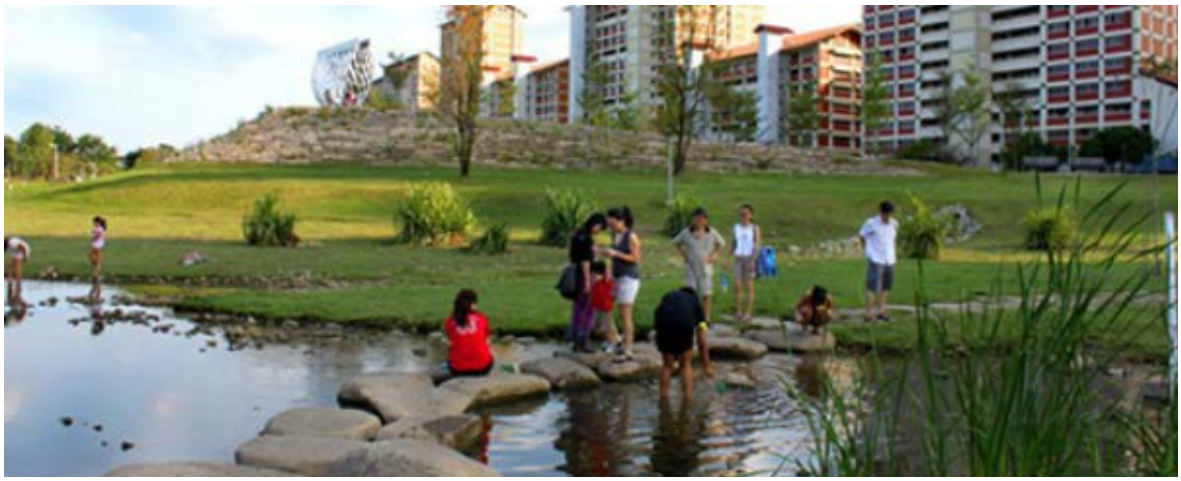
The Coordinator Design Projects has an architectural and urban design background and his attendance with the Manager Planning Services would provide the City with a strong technical basis when liaising with Perth Airport and the Western Australian Planning Commission.

It is imperative that the Mayor, or his nominee attend so that advice given by City Officers can be better understood.

Item 12.3 Continued

The attendance to the Conference by the Coordinator Design Projects would provide an excellent opportunity to spend an additional day or so taking the Mayor, or nominee to see some key places where Singapore leads the way in planning. There would be lessons that can be applied to the City of Belmont. There are a number of projects in Singapore that were presented at the 2014 Planning Institute of Australia (PIA) State Conference that are relevant to Belmont. Below are some images as examples, but more would be gained from personally visiting the sites and meeting with particular organisations.

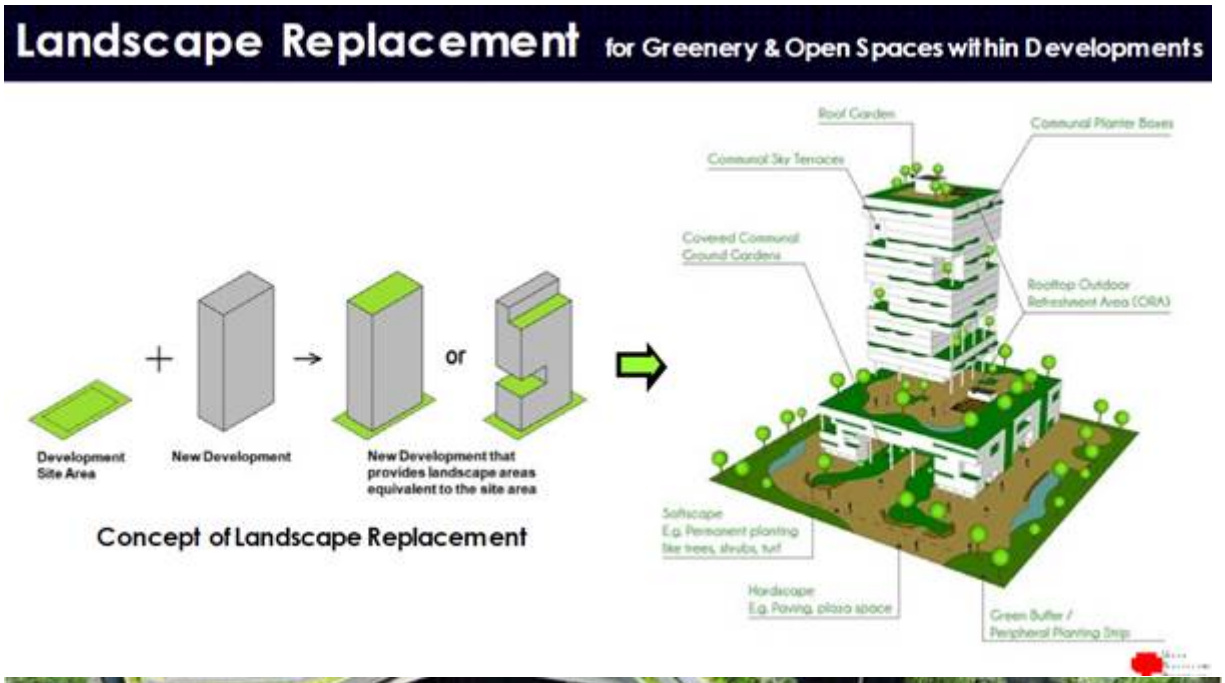
Linear Park over Drainage Reserve, Incorporating Public Space to Public Infrastructure - DA6, Golden Gateway:



Item 12.3 Continued

Item 12.3 Continued

Green Plot Ratio – Urban Forest Strategy, Great Eastern Highway, Multiple Unit Development, Large Scale Development:



Item 12.3 Continued

FINANCIAL IMPLICATIONS

The cost of registration is USD $1,695 (AUD $2,282) per delegate if registered before 31 March 2016. After the 1 April 2016, registration is USD $2,195 (AUD $2,955).

Flight cost is $763 per person return.

Accommodation is approximately $220 per night for a 4-star hotel.

The total cost is approximately as follows:

Registration	$2,282 x 3 persons=	$ 6,846
Airfares	$763 x 3 persons =	$ 2,289
Accommodation	$220 x 2 persons for 4 nights=	$ 1,760
	TOTAL	$10,895

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

Item 12.3 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

POWELL MOVED, ROSSI SECONDED,

That Council:

1. ***Approve the attendance of the Mayor (or nominee) at the Aerotropolis Asia Conference in Singapore from the 18–19 May 2016.***

2. ***Approve the attendance of the Manager Planning Services at the Aerotropolis Asia Conference in Singapore from the 18–19 May 2016.***

3. ***Approve the attendance of the Coordinator Design Projects at the Aerotropolis Asia Conference in Singapore from the 18–19 May 2016.***

4. ***Authorise the Mayor (or nominee), Manager Planning Services and Coordinator Design Projects to stay a further two days to visit sites of planning interest to the City of Belmont.***

5. ***Note that there will be no accommodation cost for the Coordinator Design Projects.***

6. ***Approve this expenditure to be in addition to the Mayor's Professional Development allowance.***

CARRIED 6 VOTES TO 3

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

12.4 POLICY BEXB42 – COUNCIL MEETINGS – RECORDING AND ACCESS TO RECORDED INFORMATION

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 5 – Item 12.4 refers	**BEXB42 Council Meetings – Recording and Access to Recorded Information**

Voting Requirement	:	Absolute Majority
Subject Index	:	32/015 Council Policy Manuals/Code of Conduct
Location/Property Index	:	None
Application Index	:	None
Disclosure of any Interest	:	None
Previous Items	:	OCM 24 June 2014 – Item 13.5
Applicant	:	None
Owner	:	None
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council consideration of Policy BEXB42 Council Meetings – Recording and Access to Recorded Information (refer Attachment 5).

Item 12.4 Continued

SUMMARY AND KEY ISSUES

For Council to consider Policy BEXB42 Council Meetings – Recording and Access to Recorded Information. If this policy is endorsed, all meetings held in the Council Chamber including Agenda Briefing Forums, Ordinary Council Meetings and Special Council Meetings will be audio recorded. These recordings will then be available to staff, Elected Members and members of the public on application.

LOCATION

N/A

CONSULTATION

Consultation with Councillors was undertaken at the 15 February 2016 Special Information Forum.

Relevant internal staff, the Senior Management Group and other local governments have also been consulted.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Council endorsement of Policy BEXB42 Council Meetings – Recording and Access to Recorded Information will necessitate amendment to the City of Belmont Policy Manual.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* states –

5.22. Minutes of council and committee meetings

(1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.
(2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
(3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

Item 12.4 Continued

5.25. Regulations about council and committee meetings and committees

(1) Without limiting the generality of section 9.59, regulations may make provision in relation to —

(a) the matters to be dealt with at ordinary or at special meetings of councils; and
(b) the functions of committees or types of committee; and
(ba) the holding of council or committee meetings by telephone, video conference or other electronic means; and
(c) the procedure to be followed at, and in respect of, council or committee meetings; and
(d) methods of voting at council or committee meetings; and
(e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and
(f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings; and
(g) the giving of public notice of the date and agenda for council or committee meetings; and
(h) the exclusion from meetings of persons whose conduct is not conducive to the proper conduct of the meetings and the steps to be taken in the event of persons refusing to leave meetings; and
(i) the circumstances and time in which the unconfirmed minutes of council or committee meetings are to be made available for inspection by members of the public; and
(j) the circumstances and time in which notice papers and agenda relating to any council or committee meeting and reports and other documents which could be —
(i) tabled at a council or committee meeting; or
(ii) produced by the local government or a committee for presentation at a council or committee meeting,

are to be made available for inspection by members of the public.

(2) Regulations providing for meetings to be held by telephone, video conference or other electronic means may modify the application of this Act in relation to those meetings to the extent necessary or convenient to facilitate the holding of those meetings in that way.

[Section 5.25 amended by No. 64 of 1998 s.28.]

The *Local Government (Administration) Regulations 1996* detail the requirements for the content of the minutes of a Council or Committee meeting and the requirement that unconfirmed minutes are available for public inspection.

11. Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

(a) the names of the members present at the meeting; and
(b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and

Item 12.4 Continued

(c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
(d) details of each decision made at the meeting; and
(da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and
(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
(f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.

[Regulation 11 amended in Gazette 23 Apr 1999 p. 1717.]

13. Unconfirmed minutes, public inspection of (Act s. 5.25(1)(i))

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

(a) in the case of a council meeting, within 10 business days after the meeting; and
(b) in the case of a committee meeting, within 5 business days after the meeting.

There is no legislative requirement for the recording of Council meetings.

Parliamentary Privilege is legal immunity enjoyed by members of certain legislatures which are granted protection from civil or criminal liability for actions undertaken or statements made related to one's duties. This immunity is not afforded to Local Government Elected Members in Western Australia and recordings of meetings could be used as evidence in any legal proceedings.

BACKGROUND

At the 24 June 2014 Ordinary Council Meeting, Cr Cayoun put forward a Notice of Motion for Council consideration of electronic recordings of Council meetings.

COUNCILLOR RECOMMENDATION

That a proposal be prepared for consideration by Council at the July 2014 Ordinary Council Meeting outlining the costs and equipment installation timeframes for the immediate implementation of voice record processes for Ordinary Council Meetings.

LOST 4 VOTES TO 4

The Presiding Member used his casting vote in the negative and the Recommendation was lost.

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

Reason

Ordinary Council Meetings should be recorded to capture a permanent and accurate record of proceedings and ensure greater transparency of meeting processes.

Item 12.4 Continued

During Council's recess period in January 2016, the audio visual equipment in the Council Chamber was upgraded. The upgraded audio equipment now enables the recording of Council meetings if required by Council.

Consultation with Councillors regarding draft Policy BEXB42 Council Meetings – Recording and Access to Recorded Information was undertaken at the 15 February 2016 Special Information Forum.

OFFICER COMMENT

The *Local Government Act 1995* provides that minutes are to be kept of a Council or committee meeting's proceedings but is not prescriptive regarding the manner of the minute keeping.

The City already complies with all legislative and departmental requirements. In addition, Elected Members have the opportunity to address any areas of concern in the accuracy of the minutes, during the confirmation of minutes.

There will be benefits and risks involved in the audio recording of Council meetings.

Benefits

- Increased accessibility of Council Meeting procedures to a broader audience
- Reduces negative community perceptions relating to the transparency and accountability of Council decisions
- Educates members of the public regarding the purpose, role and operations of Council
- Accurate record of meetings, i.e. the audio recording supports minutes
- Community engagement
- Enable review of processes and decisions.

Risk Assessment

The City's Risk and Business Continuity Officer has risk assessed Policy BEXB41 – Audio Recording of Council Meetings based on the risk consequence, likelihood and risk rating.

The main risks identified are:

1. *Councillors are personally responsible for comments made at council meetings; and do not enjoy the absolute privilege enjoyed by members of parliament*

2. *The Council is not protected under liability protection for libel and slander and does not cover claims arising from publication or utterance of libel and slander made by or at the direction of the member. – No parliamentary privilege*

3. *Accessibility to the audio recordings.*

Taking the current controls into consideration the implementation of Policy BEXB41 is considered as low as reasonable practicable.

Item 12.4 Continued

There is no consensus in the local government sector regarding the recording of Council meetings, and a number of different practices are undertaken, these include:

- No recording of Council meetings
- Council meetings are recorded only to assist in minute taking procedures
- Council meetings are recorded and made available to the public upon request
- Council meetings are recorded and made available on the local government website
- Council meetings are recorded and live-streamed via the local government website.

Discussion and debate at the 15 February 2016 Special Information Forum raised several pertinent issues:

- It is intended that any matters discussed behind closed doors would not be recorded due to the confidential nature of these items
- No transcripts will be provided, recordings will be provided in an electronic format which is to be determined
- Audio files are required to be kept for 12 months. This has recently been updated as previously files were required to be kept for 30 years
- Minute processes are to remain the same and records of minutes are kept indefinitely. Audio recordings of minutes will be supplementary to current practices and will be kept for 12 months from the confirmation of the relevant minutes
- A decision of Council is required if the retention of audio recordings for longer than 12 months is considered necessary
- It was noted that there have been legal cases in other Perth Councils where Councillors or developers have taken legal action against Councillors over comments made in meetings
- The process for complaints would be the same as what currently occurs, however there would be evidence available in the audio recordings. This works for both parties
- If inappropriate statements are made by Councillors or officers, audio recordings would provide an opportunity for an entity to take action. This can also happen regardless of recordings
- The City has Management Liability insurance to protect Councillors and Officers. Decisions must be made in good faith for Councillors and Officers to be covered by the insurance
- If decisions are made that are not in good faith, it is likely there would be no insurance cover. The decision on whether a Councillor or Officer acted in good faith would be made by the courts and analysed by the insurers
- The City must provide full disclosure to the insurers when claims are being assessed
- Councillors need to consider the risks and benefits of recording Council meetings and then make a decision on how to proceed.

Council consideration of policy BEXB42 Council Meetings – Recording and Access to Recorded Information is required.

FINANCIAL IMPLICATIONS

There will be minor costs involved in the storage of recordings. It is expected that minimal income will be received for access to the recordings.

Item 12.4 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That:

1. Council adopt policy BEXB42 Council Meetings – Recording and Access to Recorded Information as detailed in Attachment 5.

2. Council adopt a fee of $55.00 inclusive of GST per meeting accessed, for each request for provision of access to audio recordings of a Council Meeting.

3. Council note that commencement of recording will occur once all supporting systems and processes are established by the City.

Note:

Cr Gardner put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

GARDNER MOVED, CAYOUN SECONDED,

That:

1. Council adopt policy BEXB42 Council Meetings – Recording and Access to Recorded Information as detailed in Attachment 5 with an amendment to allow for open access to twelve months of recordings via the City of Belmont website.

2. Council note that commencement of recording will occur once all supporting systems and processes are established by the City.

LOST 4 VOTES TO 5

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

Reason:

To improve accessibility to Council recordings.

Note:

No further foreshadowed motions were considered.

12.5 2015-2016 MARCH BUDGET REVIEW

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 6–Item 12.5 refers	**2015-2016 March Budget review**
Attachment 7–Item 12.5 refers	**Statement of Budget Review**
Attachment 8–Item 12.5 refers	**Reserve Accounts 30 June 2016**

Voting Requirement	:	Absolute Majority
Subject Index	:	54/004–Budget Documentation-Council
Location/Property Index	:	None
Application Index	:	None
Disclosure of any Interest	:	None
Previous Items	:	None
Applicant	:	None
Owner	:	None
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 e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
☐	**Quasi-Judicial**	*When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

This report is prepared to conduct the first review of the Budget and recommend adjustments to the 2015-2016 Adopted Budget.

Item 12.5 Continued

SUMMARY AND KEY ISSUES

In keeping with sound financial management practices, a further review of the 2015-2016 Adopted Budget has been conducted. The Budget remains in balance and a summary of significant adjustments has been included.

The March Budget Review ensures that a sound financial position is maintained for the end of the financial year and a sound base is created to prepare the 2015-2016 Budget.

LOCATION

N/A

CONSULTATION

There has been no specific consultation undertaken in respect to this matter other than internal staff. Community consultation is not required.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Regulation 33A of the *Local Government (Financial Management) Regulations 1996* requires a local government to carry out a review of its Budget between 1 January and 31 March each year, report it to Council and then report the outcome of the review to the Department of Local Government. The City of Belmont has for many years now conducted two budget reviews, one in October and one in March.

BACKGROUND

In keeping with Council's ongoing budget control and financial management, a number of adjustments are required to ensure Council's Budget continues to reflect an accurate position. For statutory reporting purposes, the adopted Budget is used, however for sound management purposes, the adjusted Budget will be used on a day to day basis in the Management Reports.

Item 12.5 Continued

The March Budget Review is a very significant review that ensures Council's finances remain on track in the lead up to the end of the financial year and therefore set a very sound base for the development of the following year's Budget.

The March Budget Review process is aimed at addressing the following issues:

- Resolutions of Council referred for funding
- Resolutions of Council referred for consideration
- All other Budget matters as identified by Directors and their staff
- That a balanced budget be maintained.

OFFICER COMMENT

The following summary lists the Divisional adjustments from the Summary of Income and Expenditure Variances.

(brackets indicate increased income/reduced expenditure)

➢ Chief Executive Officer Section	49,500
➢ Corporate and Governance Division	1,743,023
➢ Technical Services Division	(753,796)
➢ Community and Statutory Services Division	(1,038,727)
➢ Closing Balance	0
Net Cost	0

A detailed listing of budget adjustments can be found in Attachment 6. It should be noted that the report includes only those line items that have changed during the review process, all other line items remain as per the Adopted Budget. Those noteworthy adjustments are further explained in the summary that follows.

- The Consultancy budget within the Chief Executive Officer's section has increased $100,000 to allow for a hydrological assessment of the drainage system relevant to the proposed Faulkner Park Masterplan
- Human Resources have reduced total expenditure by $50,500 with the removal of $95,000 from Salaries which had originally been budgeted to allow for possible cost increases following the organisational review. This has been partly offset by an increase in the Consultants budget as the City is required to undertake work value assessments following the reclassification to a band 1 Council
- Investment returns have been slightly higher than expected with income increasing by $55,000
- The insurance budget has been updated to reflect additional income resulting from dividend and premiums adjustments ($46,084) which has been transferred to the Insurance Reserve
- Additional funds have been transferred to the Streetscapes Reserve ($140,000) and Parks Development Reserve ($476,000) which relate to various projects and are explained below
- The transfer to the Property Development Reserve has increased $1,337,580. This represents the funds available following all other budget adjustments with this reserve available to be used for any Council development including the new community centre
- Property and Economic Development have reduced the Land Acquisition budget by $350,000 (due to deferral of Belgravia St widening) which is offset by reserves transfers

Item 12.5 Continued

- Following the completion and deferral of various projects IT have absorbed additional costs following the upgrade to the Council Chamber with a minor net decrease in overall expenditure
- Marketing and Communications have reduced their total budget by $44,500 due to a vacant position and reduced printing cost
- Technical Services have reduced consulting costs by $50,000 following the deferral of the Belgravia St widening project
- With the completion and re-scoping of various Road Construction jobs there has been a re-allocation of funds between jobs. The most significant Road Construction adjustment is a budget of $700,000 to allow for the fully funded (i.e. Main Roads grant) Surrey Road Bike Boulevarde Stage 1. There is also an additional budget of $156,107 to upgrade Gabriel St (Belmont Avenue to Robinson Avenue) which is funded by the Roads to Recovery program
- Parks Construction projects that will not be finalised in the 2015-16 financial year have had their respective budgets transferred to reserve. The total transfer is $476,000 to the Parks Development Reserve and $140,000 to the Streetscapes Reserve with the funds to be used to complete respective projects in 2015-16. The latter relates to shopping centre revitalisation projects, most likely the Belvidere Special Precinct renewal. Three specific projects that require additional comment are:-

  - Copley Park upgrade – stage 1 works will most likely continue through to July 2016 and the $100,000 transfer to reserve will fund the completion of stage 1 works into the new financial year
  - Centenary Park playground equipment and softfall – due to the on-going vacancy of the Parks Technical Officer position, this project is unlikely to be completed in 15/16
  - Miles Park Community Centre - project awaiting grant application responses for works to the building and for the playground/shade provision. Works now seem unlikely to start in 15/16.

- Staff vacancies within Parks (Overheads and Administration) have resulted in a decrease in respective Salary budgets
- Additional budgets have been allocated for Garvey Park foreshore stabilisation ($112,000) and Esplanade remediation works ($50,000) with the additional budgets predominantly funded by capital grant funding
- Planning have increased their Legal costs by $50,000 due to the ongoing Supreme Court action and consulting costs have increased $100,000 to support ongoing JDAP specialist studies and the Golden Gateway Structure Plan. The latter is funded by the Department of Planning
- Building application fees have been reduced as the activity in the Springs Precinct has slowed
- Building Construction projects:
  The budgets have been updated based on actual costs and/or quotes and allows for an expected carry forward of projects into next financial year. The more significant adjustments include: -

  - The budget for Matheson road subdivision is reduced to $105,000 to reflect the actual cost of demolition and remedial works required on site
  - The budget for the Civic Centre Revitalisation Project is reduced to $300,000 to reflect the likely expenditure for the 2015-2016 financial year with the remaining funds ($950,000) included in the net transfer to the Property Development Reserve

Item 12.5 Continued

- The Administration office alterations increased from $60,000 to $105,000 to reflect the actual cost of internal alterations to the chamber and other likely minor works
- The budget for the Disability Access Inclusion was reduced from $50,000 to $15,500 as the majority of the identified improvements were completed and included in the final cost of alterations to the Council chamber.

- The only significant adjustment to the Building Maintenance budget related to the Oasis Leisure Centre which increased from $137,437 to $249,562 to reflect the expected cost of necessary structural and maintenance repairs to be undertaken prior to the end of the financial year
- Community Safety costs have decreased by $26,831 with CCTV installation projects expected to continue into 2016-2017
- A delay in the recruitment of a Seniors and Disability Engagement Officer and review of the Age Friendly Community Plan has resulted in the respective budget being reduced by $127,751
- Adjustments have been made to the Independent Living Units budgets reflecting the expected handover for the management of those centres.

The March Budget Review has been an extensive exercise to ensure the budget remains in balance and reflects the current expenditure trends. The detailed March Review Report (Attachment 6) includes substantial comment; however, should further explanation be required, please contact the appropriate Director. Also to be noted is that comments relate to Authorised Budget, October Review and March review. Comments relating to the current (March) review are prefaced with the word “March” and are normally at the end of the comment detail.

Also attached is a ‘Statement of Budget Review’ (Attachment 7) which compares the proposed March Budget Review to the current Authorised Budget as requested by the Department of Local Government and Communities.

An updated listing of budgeted reserve balances (Attachment 8) has also been included.

The March Budget Review is an important step in the process of vigilance, as it maintains a balanced Budget and ensures Services and Capital Works Programmes are adequately resourced.

As has been the case in the past, Council’s financial position will be closely monitored in the lead up to the end of the Financial Year and should any significant issues require attention, then they will be raised with Council accordingly.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.5 Continued

SOCIAL IMPLICATIONS

The effective management of the City's Annual Budget ensures that the community has access to the services and facilities it needs now and into the future.

OFFICER RECOMMENDATION

That Council:

1. In accordance with Local Government (Financial Management) Regulations 1996 Regulation 33A, adopt the amendments contained in the 2015-2016 Budget Review (Attachments 6, 7 and 8), including the descriptions of variations and closing fund amendments.

2. Authorise the Director Corporate and Governance to amend the 2015-2016 Budget in accordance with all resolved variations.

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

12.6 CORPORATE BUSINESS PLAN 2016 – 2020

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 9 – Item 12.6 refers	**Corporate Business Plan 2016-2020**

Voting Requirement	:	Absolute Majority
Subject Index	:	32/027, 32/001
Location/Property Index	:	None
Application Index	:	None
Disclosure of any Interest	:	Nil
Previous Items	:	12.8, OCM 15 December 2015 12.2, OCM 23 June 2015
Applicant	:	None
Owner	:	None
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To undertake the annual review of the Corporate Business Plan, consider amendments and adopt the Corporate Business Plan 2016-2020.

Item 12.6 Continued

SUMMARY AND KEY ISSUES

The City's Strategic Community Plan 2016–2036 was revised and adopted by Council at its meeting in December 2015.

The current Corporate Business Plan 2015-2019 supports the delivery of objectives and strategies emanating from the outgoing Strategic Community Plan 2012-2032 as well as the legislative and Integrated Planning Framework Standards imposed by the Department of Local Government and Communities (DLGC). The revised Corporate Business Plan 2016 – 2020 requires Council endorsement.

LOCATION

N/A

CONSULTATION

The Corporate Business Plan has been formulated by the City's Executive and Management team in conjunction with Elected Members who received an opportunity to comment and provide input at the Information Forum on Tuesday 8 March 2016.

The DLGC by way of its Integrated Planning and Reporting Standard, with reference to regulations also require that notice be given to the public when the Corporate Business Plan is adopted or modified.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Achieve excellence in the management and operation of the local government and apply sound and sustainable business management principles.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The *Local Government (Administration) Regulations 1996* state:

Part 5 — Annual reports and planning

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]
Division 1 — Preliminary

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[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

19BA. Terms used

In this Part —

***Corporate Business Plan** means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;*

***Strategic Community Plan** means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.*

[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]

19CA. Information about modifications to certain plans to be included (Act s. 5.53(2)(i))

(1) This regulation has effect for the purposes of section 5.53(2)(i).

(2) If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.

(3) If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.

[Regulation 19CA inserted in Gazette 26 Aug 2011 p. 3483.]

Division 3 — Planning for the future

[Heading inserted in Gazette 26 Aug 2011 p. 3483.]

19DA. Corporate business plans, requirements for (Act s. 5.56)

(1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

(2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.

(3) A corporate business plan for a district is to —

(a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and

(b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and

(c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

(4) A local government is to review the current corporate business plan for its district every year.

Item 12.6 Continued

(5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.

(6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine whether or not to adopt the plan or the modifications.*

**Absolute majority required.*

(7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

19D. Adoption of plan, public notice of to be given

(1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).

(2) The local public notice is to contain —

(a) notification that —

(i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and

(ii) details of where and when the plan may be inspected;

or

(b) where a strategic community plan for the district has been modified —

(i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and

(ii) details of where and when the modified plan may be inspected.

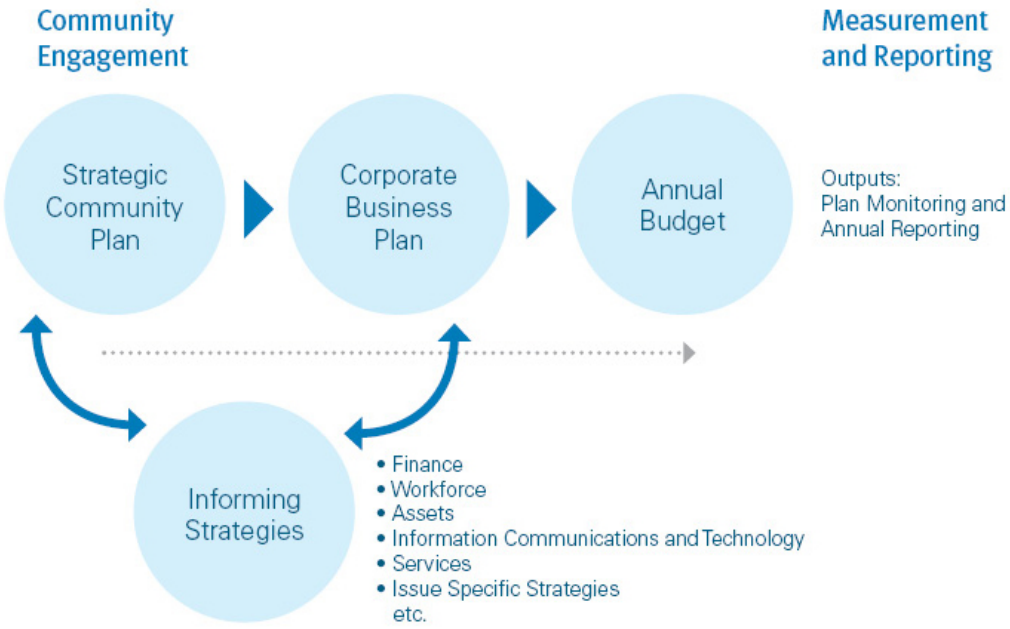
[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4; amended in Gazette 26 Aug 2011 p. 3486.]

BACKGROUND

The City of Belmont's Strategic and Corporate planning processes are designed to meet the business needs of the City whilst addressing the requirements of the *Local Government Act 1995* and the DLGC Integrated Planning Framework and Guidelines.

Under these regulations, all local governments in Western Australia are required to have developed and adopted two key documents: a Strategic Community Plan and a Corporate Business Plan - supported and informed by resourcing and delivery strategies. These plans will drive the development of each local government's Annual Budget and will ultimately help local governments plan for the future of their communities. This is demonstrated in the model below.

Item 12.6 Continued



Elements of Integrated Planning and Reporting Framework

The City's Strategic Community Plan 2016–2036 was adopted by Council at its meeting in December 2015.

This report focuses upon the Corporate Business Plan element of the Integrated Planning Framework. The Corporate Business Plan is an internal business planning tool that translates Council priorities into operations within the resources available.

The plan details the services, operations and projects a local government will deliver within a defined period. It also includes the processes for delivering these and the costs associated.

The Corporate Business Plan has been formulated to support delivery of the objectives and strategies emanating from the Strategic Community Plan 2016-2036 as well as the legislative and Integrated Planning Framework Standards imposed by the DLGC.

OFFICER COMMENT

The Chief Executive Officer has engaged the Executive and Management teams, together with the organisation, to facilitate the review process of the Corporate Business Plan. Elected Members have also had an opportunity for input into the Corporate Business Plan through an Information Forum conducted on Tuesday 8 March 2016. Information to Councillors on the proposed amendments to the Corporate Business Plan was provided in hard copy and electronic form (4 March 2016) prior to the forum in the understanding that sufficient lead time was required for Councillors to absorb the detail from this document.

Item 12.6 Continued

Summary of fundamental amendments follow:

KRA: Built Belmont.

1. **Key Action 1, 2, 191 & 195** - Minor word changes to reflect the status of the key actions moving from encouragement to facilitation or preparation.

2. **Key Action 6** - The City will promote and support the involvement of local shopping centre owners and managers in activities that have the potential to support the growth of their business.
   Amend - Key Action to - The City will research and, where appropriate, support local shopping centre owners in activities that they feel have the potential to support the growth of their businesses.
   Amend - Measure of Success from Actions taken to encourage the improvement of the Local Shopping Centres to readiness to respond to initiatives proposed by local shopping centre owner and managers.

3. **Key Action 16**
   Amend - Submit funding applications for underground power projects when state government underground power submissions are advertised to:

   Subject to favourable funding arrangements submit funding applications for underground power projects when state government underground power submissions are advertised.

4. **Key Action 20**
   Delete - Complete trial of the BUS link shuttle service.
   Evaluate and make recommendations for the future of the service. This action relating to the BUSlink trial is being reviewed at the moment. The evaluation and relevant recommendations will be completed by the end of 2015/2016

5. **Key Action 196**
   Amend - to include further develop the concept for a new multi-purpose building for the Faulkner Precinct so various funding opportunities can be sought. Award the tender for Architectural Services, select Café operators through a Tender process, appoint Project Manager and prepare / call Tenders for Construction.

6. **Key Action 197,**
   Amend - from Develop a Faulkner Precinct master plan to Progress the development of the Faulkner Precinct Master Plan through a Hydrology, Flora and Fauna Study.

KRA: Business Belmont.

1. **Key Action 48**
   Delete - Continue to liaise with Perth Airport Pty Ltd and the WAPC to encourage zoning and reservation changes to properly reflect aviation and non-aviation related development at Perth Airport. Recent work on this subject shows there is no progress possible on this matter for the foreseeable future. It will be progressed again when LPS 15 is reviewed together with required changes under the MRS.

2. **Key Action 50 & 63** - Minor word changes to reflect the status of the key action and clarity of the task.

Item 12.6 Continued

KRA: Business Excellence.

1. **Key Action 74** - Implement the Staff Wellness program.
   Amend Methodology from Wellness Group review and implement to Align with Staff Wellness Plan.

2. **Key Action 84,**
   Amend - Continue enhancing the enterprise content and knowledge management systems that are utilised by all relevant City staff to maintain the enterprise content and knowledge management systems that are utilised by all relevant City staff.

3. **Key Action 95**,
   Amend - The City will explore the opportunities for the co-location of appropriate commercial activities in public facilities to The City will continue to be receptive to opportunities for the co-location of appropriate commercial activities in public facilities.

4. **Key Action 96**,
   Amend - Monitor opportunities for Joint Venture arrangements to maximise long term return on land to The City will continue to be receptive to opportunities for Joint Venture arrangements stemming from land development.

5. **Key Action 100**,
   Amend - Implement the Customer Focus Strategy to Review and update the Customer Focus Strategy.

6. **Key Action 104**,
   Amend - Review and implement the Equal Employment Opportunity and Diversity Management Plan to Implement the Workplace Equality and Diversity Plan.

KRA: Natural Belmont.

1. **Key Action 119**
   Amend - Conduct a parks functionality review and develop a revised Public Open Space Development Strategy that recognizes the diminishing availability of natural resources, considers the changing expectations of the community and the need to innovate to produce inventive methods of delivery.

2. **Key Action 126** Develop a Canopy Plan to support the City's Urban Forest Strategy.
   Amend - Methodology from “As per Environment Plan action 3.1 (2012 version), develop the Canopy Plan that supports the UFS. The Canopy Plan will have the actions and associated timeframe for completion” to “As per Milestone 3 of the Urban Forest Strategy, develop the Canopy Plan that supports this Strategy. The Canopy Plan will have the actions and associated timeframe for completion”.

3. **Key Action 128,**
   Delete - Develop a new Environment Plan for 2016-2021.
   Amend - Timeframe from April 2015 to April 2016. This action will have been completed by 30 June 2016.

4. **Key Action 129**
   Delete - Conduct a review of existing council policies and identify potential incorporation of environmental considerations. This action will have been completed by 30 June 2016.

Item 12.6 Continued

5. **Key Action 132**
   Amend - Undertake staged implementation of Environment Plan 2010 – 2015 to Undertake staged implementation of the Environment and Sustainability Strategy 2016-2021.

6. **Key Action 114**
   Delete - Implement the Travel Smart Plan 2012 – 2017.
   Delete - due to duplication. The exact same action is located in the Built Belmont section where it is believed to be most relevant.

7. **Key Action 115**
   Delete - Implement the Key Actions in the Climate Change chapter of the Environment Plan 2010- 2016. The Environment Plan 2010-2016 is no longer in effect as of 1 July 2016. Refer to New Key Actions tab.

8. **Key Action 116**
   Delete - Review the Groundwater Use Strategy 2012. This action will have been completed by 30 June 2016 and actions incorporated into the new Environment and Sustainability Strategy.

9. **Key Action 117**
   Delete - Implement the Key Actions in the Water Management chapter of the Environment Plan 2010- 2016. The Environment Plan 2010-2016 is no longer in effect as of 1 July 2016. Refer to New Key Actions tab.

KRA: Social Belmont

1. **Key Action 170**
   Amend - Develop a Cultural Diversity Engagement Plan to Ongoing implementation and review of Multicultural Action Plan 2016-2018.

2. **Key Action 173**
   Delete - Deploy the City's Public Art Directions and Master Plan 2011 - 2015. New key action added for the development of a new Public Art Master Plan 2016-2020.

3. **Key Action 139**
   Amend - responsible officer from Manager - Community Lifestyle and Learning to Coordinator - Community Wellbeing.

4. **Key Action 141**
   Amend - Promote funding opportunities to community groups and provide them with guidance in the grant application process to Promote funding opportunities to community groups and provide them with guidance in the Community Contribution Fund grant application process. Amend responsible officer from Manager - Community Lifestyle and Learning to Coordinator - Community Wellbeing.

5. **Key Action 157**
   Delete - Promote funding opportunities to community groups and provide them with guidance in the Community Contribution Fund grant application process. Promote funding opportunities to community groups and provide them with guidance in the grant application process. Delete as completed and referenced in modified Key Action 141.

Item 12.6 Continued

6. **Key Action 158**
   Amend - Operational activities which support predominantly this C.A.L.D strategy. To Operational activities which support predominantly this culturally diverse engagement strategy.

7. **Key Action 153**
   Delete - Provide opportunities for commercial groups to be involved with Council activities. This Action is primarily coordinated by either Marketing or Community Place Making. Following discussions with both of these sections agreed to recommend for deletion.

8. **Key Action 156**
   Amend - Operational activities which support predominantly this 'Aboriginal participation' strategy to Operational activities which support predominantly this Aboriginal and Torres Strait Islander engagement strategy.

9. **Key Action 161**
   Amend - Liaise with Waste Service Provider and EMRC to implement new waste strategies consistent with the Environment Plan to Liaise with Waste Service Provider and EMRC to implement new waste strategies that improve services, provide value for money and are consistent with environmental requirements.

10. **Key Action 162,**
    Delete - Review Stables Local Law 1999. New local laws implemented.

New Key Actions

KRA Built Belmont		
Strategy	**New Corporate Key Action**	**Responsible Officer**
Encourage a wide choice and consistent implementation of development approaches.	Facilitate the development of a Corridor Plan for Great Eastern Highway.	Manager Planning Services
Engage with identified local governments on working toward an agreement on the feasibility of standardisation of local government planning processes and approaches to assist the community and developers.	Engage with identified local governments on working toward an agreement on the feasibility of standardisation of local government planning processes and approaches to assist the community and developers.	Manager Planning Services
Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.	Develop a Master Plan for the Belmont Oasis Leisure Centre to guide the redevelopment of the City's primary leisure and aquatic centre for the community now and into the future.	Manager Community Place Making
Encourage a broad range of transport alternatives and provide adequate management of traffic density, parking, congestion and safety of the transport network, in and surrounding the City of Belmont.	Update the City of Belmont TravelSmart Plan.	Travel Smart Officer

Item 12.6 Continued

KRA Business Excellence Belmont		
Strategy	**New Corporate Key Action**	**Responsible Officer**
Maintain the City's business management systems.	Conduct regular Business Improvement Meetings.	Director Corporate and Governance

KRA Natural Belmont		
Strategy	**New Corporate Key Action**	**Responsible Officer**
Protect and enhance the Swan River foreshore respecting its environmental values, social benefits and cultural significance in guiding land use, civic design and development.	Implement the Belmont Foreshore Precinct Plan.	Coordinator Environment
Ensure the City has policies and practices that safeguard and enhance the natural environment.	Manage and review "Environmental" risks associated with Council operations.	Coordinator Environment
	Conduct annual review of the City of Belmont's Environmental and Sustainability Policy and Strategy.	Coordinator Environment
Manage energy use and waste generation and implement renewable energy technologies to minimise the City's Carbon footprint.	Participate in Planet footprint and implement relevant actions of the Environment and Sustainability Strategy	Coordinator Environment
	Implement renewable energy or energy efficiency projects based on value of energy fund	Coordinator Environment
Manage water use with a view to minimising consumption.	Meet requirements for 2016 Waterwise Council Program accreditation	Coordinator Environment
	Participate in Planet footprint, utilise irrigation management software and implement relevant actions of the Environment and Sustainability Strategy.	Coordinator Environment
Plan for the predicted impacts of a changing climate to "future proof" City operations	Participate in the EMRC's "understanding and managing flood risk in Perth's Eastern Region" project	Coordinator Environment
	Manage and review "Climate change" risks to Council operations	Coordinator Environment

Item 12.6 Continued

KRA Social Belmont		
Strategy	**New Corporate Key Action**	**Responsible Officer**
Adopt a collaborative approach through the development of partnerships with services providers, to ensure maximum benefit for community groups and individuals.	Facilitate the transition of the City's Independent Living Units to an experienced service provider with relevant expertise in the management of Aged Accommodation.	Manager Community Development
Provide art and cultural opportunities as a means of community engagement and inclusion.	Develop a Public Art Master Plan 2016-2020.	Coordinator Community Wellbeing
Promote and deliver resources and opportunities for the community to engage in lifelong learning.	Ensure the library continues to be an environment that explores and encourages learning opportunities.	Coordinator Library and Heritage.
Provide Environmental Health services that raise public health standards within the City.	Develop new Environmental Health Plan to replace current 2013-2016	Manager Ranger and Health Services
	Develop new Public Health Plan as per requirements of Public Health Act (once enacted)	Manager Ranger and Health Services
Identify and support initiatives that promote healthier and more active lifestyles.	Work in partnership with health and wellbeing service providers to increase the awareness of the positive health impacts associated with physical activity, healthy eating and safe alcohol consumption	Coordinator Community Wellbeing
Activate public spaces as a means to improving community spirit and sense of belonging.	Identify opportunities and spaces within the City that can encourage place activation and community participation.	Manager Community Place Making

The Corporate Business Plan provides a greater level of detail in support of the Strategic Community Plan which sets the direction that Council will take, and management will follow, in the City of Belmont. It establishes key actions, methodology considerations, financial impacts, human resource requirements, measure of success, targets, timeframes and risk assessments, all enabling Council the opportunity to review its progress in a professional businesslike manner.

It is a requirement of the Department of Local Government and Communities (DLGC) that notice be given to the public when the Corporate Business Plan is adopted or modified. This notice will be undertaken after adoption by the Council.

Strategic and Corporate Business Plan performance will continue to be monitored and provided to elected members on a monthly basis via the Councillor's Portal with quarterly reviews facilitated at an appropriate Information Forum.

Item 12.6 Continued

FINANCIAL IMPLICATIONS

The Corporate Business Plan has been assessed to gauge estimated additional costs which have been included in the City's Long Term Financial Plan (LTFP). The LTFP is integrated with other strategic plans including Asset Management Plans and allows the City to assess not only its ability to fund the Corporate Business Plan but also ensure the City's financial sustainability.

The LTFP is based on the City's current operational budgets and is underpinned by a number of key assumptions. These are listed in the Corporate Business Plan and are determined through a combination of external source (e.g. Australian Bureau of Statistics) and historical trend data. The LTFP currently covers the period 2016/2017 – 2025/2026 and will be updated on an annual basis to be used in the development of annual budgets.

It should be noted that The Key Performance Indicators (KPI's) derived from the LTFP are within or above the targets set by the DLGC.

ENVIRONMENTAL IMPLICATIONS

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

SOCIAL IMPLICATIONS

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

OFFICER RECOMMENDATION

That Council adopt the Corporate Business Plan 2016–2020 (refer Attachment 9).

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

12.7 STATUTORY COMPLIANCE AUDIT RETURN 2015

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 10 – Item 12.7 refers	**2015 Compliance Audit Return**

Voting Requirement	:	Simple Majority
Subject Index	:	39/005 Statutory Compliance Return
Location/Property Index	:	None
Application Index	:	None
Disclosure of any Interest	:	None
Previous Items	:	OCM 24/03/2015 – Item 12.10
Applicant	:	None
Owner	:	None
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with the outcomes of the Statutory Compliance Audit Return for the period 1 January 2015 to 31 December 2015 as provided in Attachment 10.

SUMMARY AND KEY ISSUES

It is a requirement of the *Local Government Act 1995* that all local governments carry out an audit of compliance in the prescribed manner and form approved by the Minister.
The Department of Local Government and Communities provided a set of questions late in December 2015.

The City of Belmont's 2014 compliance score was 100%, and the 2015 compliance score is also resulting in 100%.

Item 12.7 Continued

LOCATION

N/A

CONSULTATION

In completing the 2015 Statutory Compliance Audit Return, internal consultation has occurred with relevant officers of each department and the Senior Management Group.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Corporate Key Action: The City must remain capable of fulfilling its strategic objectives which are supported by customer needs and operational activities. Capacity for growth to meet future needs is an imperative.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires that a compliance audit for the period 1 January to 31 December is completed each year in a form approved by the Minister. Regulation 14 also requires the audit committee to review the compliance audit return and present those results to Council. The compliance audit return is then to be adopted by Council and recorded in the minutes.

Regulation 15 of the *Local Government (Audit) Regulations 1996* requires that after the adoption by Council of the compliance audit return, a certified copy (signed by both the Mayor and Chief Executive Officer) of the return, together with a copy of the minutes of the meeting in which the return was adopted and any additional information is to be submitted to the Executive Director of the Department of Local Government and Communities by 31 March.

BACKGROUND

The compliance audit period is 1 January to 31 December 2015 and once the audit is completed the City is required to:

1. Present the Compliance Audit Return to the Standing Committee (Audit and Risk)
2. Present the Compliance Audit Return to Council
3. Seek Council's endorsement of the completed Compliance Audit Return

Item 12.7 Continued

4. Return the endorsed and certified Compliance Audit Return, along with a copy of the Council Minutes, to the Department of Local Government and Communities by no later than 31 March 2016.

In completing the Compliance Audit Return, the Chief Executive Officer and other designated officers have undertaken an audit of the City's activities, practices and procedures applicable to each section and requirement of the return to ensure that an independent, thorough and rigorous process is undertaken.

Examples of this include ensuring the correct requirements are implemented when new staff who are designated officers commence with the City to ensure they complete a Primary Return within the first three months of their employment.

Current internal processes include clear communication between the City's Human Resources and Governance Staff when new staff commence enabling the City's Compliance Administrator to organise the necessary Primary Return to be signed, date stamped and acknowledged in accordance with the *Local Government Act 1995.*

This then allows the information to be recorded in the relevant registers to be accessed at a later time. The Department of Local Government and Communities request that the return be completed online via its website. A copy of the completed return is provided as Attachment 10 to this report and is a printout of the City's registered responses.

Once Council has resolved its satisfaction with the contents of the return, it can be jointly certified by the Mayor and Chief Executive Officer and then submitted to the Department of Local Government and Communities.

Council may also refer the completed Compliance Audit Return to the Auditor or other external inspection service for an independent check.

The Standing Committee (Audit and Risk) considered the findings of the Compliance Audit Return at its meeting of the 22 February 2015.

A series of questions were asked and responded to as follows:

- The response to item 15 in the 'Tenders for Providing Goods and Services' section has been updated from 'No' to 'N/A' to reflect the fact that the City did not invite applications for panels of prequalified suppliers'.

OFFICER COMMENT

The City of Belmont has achieved the following:

Compliance Area	Full Compliance	Non-Compliance
Commercial Enterprises by Local Government	5	0
Delegation of Power/Duty	13	0
Disclosure of Interest	16	0
Disposal of Property	2	0
Elections	1	0
Finance	14	0
Local Government Employees	5	0
Official Conduct	6	0
Tenders for Providing Goods and Services	25	0

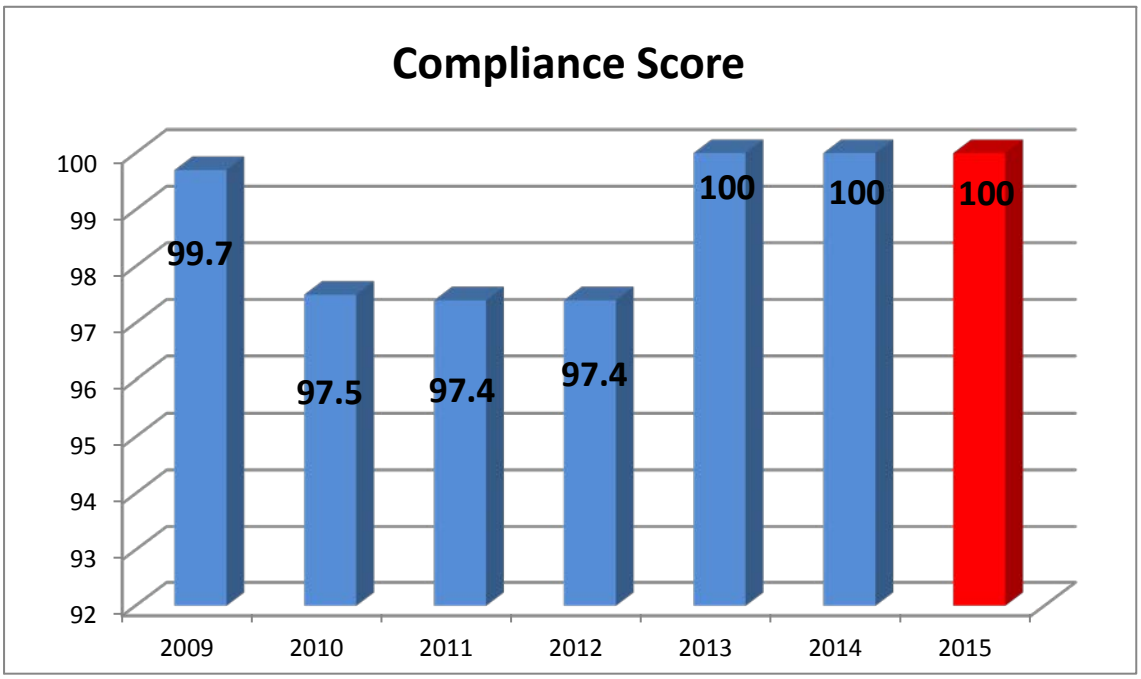
Item 12.7 Continued

The 2015 Compliance Score is 100%.

When reading the questions shown in the Compliance Audit Return (refer to Attachment 10), it should be noted that they should be read in conjunction with the relevant extract of the *Local Government Act 1995* and/or associated Regulations.

The 2015 Statutory Compliance Audit Return contains 87 questions, being an increase from the 78 questions in the 2014 return. The additional questions are within the compliance area pertaining to Tenders for Providing Goods and Services.

Figure 1 – City of Belmont Annual Compliance Audit Return Compliance Rates.



FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.7 Continued

COMMITTEE RECOMMENDATION

That:

1. ***The 2015 Compliance Audit Return, as provided in Attachment 10 be received and adopted as a true and accurate representation of the outcomes of the audit of statutory activities.***

2. ***The Mayor and Chief Executive Officer be authorised to complete the 'Joint Certification'.***

3. ***In accordance with the Local Government (Audit) Regulations 1996, the certified 2015 Compliance Audit Return and a copy of the minutes relative to this report be forwarded to the Department of Local Government and Communities by 31 March 2016.***

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

12.8 ACCOUNTS FOR PAYMENT – FEBRUARY 2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 11 – Item 12.8 refers	**Accounts for Payment – February 2016**

Voting Requirement	:	Simple Majority
Subject Index	:	54/007 – Creditors – Payment Authorisations
Location/Property Index	:	None
Application Index	:	None
Disclosure of any Interest	:	None
Previous Items	:	None
Applicant	:	None
Owner	:	None
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

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.*

LOCATION

N/A

Item 12.8 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

> *"If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared:*
>
> *(a) the payee's name*
> *(b) the amount of the payment*
> *(c) the date of the payment*
> *(d) sufficient information to identify the transaction."*

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	786790 to 786827	$243,430.20
Municipal Fund EFTs	EF042761 to EF043181	$3,790,072.83
Municipal Fund Payroll	February 2016	$1,372,709.23
Trust Fund EFTs	EF042762 to EF042763	$18,328.26
Total of February 2016 Payments		$5,424,540.52

FINANCIAL IMPLICATIONS

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

Item 12.8 Continued

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 February 2016 as provided under Attachment 11 be received.

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

12.9 MONTHLY ACTIVITY STATEMENT AS AT 29 FEBRUARY 2016

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 12 – Item 12.9 refers	**Monthly Activity Statement as at 29 February 2016**

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

Item 12.9 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

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

Item 12.9 Continued

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

The monthly financial report is to be accompanied by:

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

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

***Assets which are restricted by way of externally imposed conditions of use e.g. 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 12, the following summary is provided: -

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
Expenditure – Capital			
Computing	147,814	246,049	Timing variance relates to the Audio and visual equipment (Council Chambers) installation.
Property and Economic Development	810,450	730,000	Budget spread issue regarding land acquisition.
Crime Prevention and Community Safety	117,496	41,105	Fleet and CCTV equipment is currently on order although expected to be slightly under budget for the year.
Belmont HACC Services	163,000	13,460	Variance relates to new client management software that is yet to be received.
Technical Services	434,320	365,165	Garvey Park Foreshore Restoration project is tracking well with invoices received one month in arrears.
Grounds Operations	417,083	92,665	Most projects are tracking well although some of the budgeted funds won't be required this financial year.
Road Works	3,178,561	2,695,845	Projects are generally tracking well with invoices paid one month in arrears.
Footpath Works	443,025	224,492	Budget spread issue regarding certain projects.
Drainage Works	682,966	550,814	Projects are generally tracking well with invoices paid one month in arrears.
Operations Centre	885,082	478,358	Plant purchases expected later in the year.

Item 12.9 Continued

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
Expenditure – Operating			
Finance Department	1,341,543	1,246,094	Employee related costs are below budget.
Computing	1,509,221	1,304,871	Business application, equipment maintenance and consulting costs are currently under budget.
Marketing and Communications	1,021,273	958,629	Employee related and printing costs are expected to be less than budget.
Executive Services	1,094,978	1,022,246	Employee related costs are below budget.
Human Resources	905,179	779,625	Employee related costs are below budget.
Governance	2,281,806	2,038,763	Variance predominantly relates to Activity Based Costing (ABC's) allocations.
Property and Economic Development	567,458	475,985	Variance mainly relates to various contributions (e.g. Innovation Grants).
Crime Prevention and Community Safety	375,485	306,555	Variance relates to the Alarm Assist program with alarm installations well below budget.
Health	747,773	671,826	Slightly under budget regarding employee related and legal costs.
Community Services	540,065	448,617	Under budget in regards to seniors and disability programs.
Belmont HACC Services	1,600,600	1,503,214	Budget spread issue regarding internal cost allocations.
Ascot Close Housing	77,967	25,086	Variance relates to the deferment of the management fee.
Town Planning	1,922,271	1,830,888	Consulting costs are currently under budget.
Sanitation Charges	3,359,079	3,145,236	Invoices (contractors) are paid one month in arrears.
Ruth Faulkner Library	1,445,388	1,370,130	Variance predominantly relates to ABC's.
Building - Active Reserves	452,300	398,048	Contractor costs are currently behind budget.
Grounds Overheads	1,047,291	902,707	Employee related costs are below budget.
Road Works	685,736	569,998	Unplanned road maintenance costs are less than expected.
Building Control	823,985	742,649	Employee related costs are below budget.
Public Works Overheads	1,084,538	1,019,052	Plant/Fleet costs are currently under budget.
Technical Services	1,602,213	1,460,287	Consulting costs are expected to be below budget.

Item 12.9 Continued

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
Revenue – Capital			
Health	(19,000)	(86,748)	Income from fleet turnover is higher than expected.
Grounds Operations	(346,667)	Nil	Development contribution (Bilya Kard Boodja) is expected to be received later in the year.
Road Works	(933,969)	(865,331)	Grant income for road construction projects is outstanding.
Operations Centre	(347,189)	(172,409)	Income from the sale of plant is expected to occur later in the year.
Revenue – Operating			
Finance Department	(1,298,684)	(1,246,094)	ABC recoveries are below budget.
Computing	(1,462,120)	(1,304,871)	ABC recoveries are below budget.
Insurance	(932,672)	(990,607)	Income from insurance adjustments/rebates is higher than expected.
Human Resources	(887,534)	(779,626)	ABC recoveries are below budget.
Rates	(42,562,828)	(42,691,930)	Residential (interim) rates are above budget.
Financing Activities	(554,084)	(670,675)	Investment returns have been slightly better than budgeted.
Gabriel Gardens	(33,880)	(88,020)	Rent income is above budget as it was expected management handover of the units to occur earlier.
Faulkner Park Retirement Village	(161,250)	(324,715)	Income received from unit sales is higher than expected.
Town Planning	(1,217,374)	(1,149,113)	ABC recoveries are below budget.
Road Works	(121,072)	(232,843)	Grant income received earlier than expected.
Building Control	(425,031)	(368,235)	Building applications are below budget.
Public Works Overheads	(1,064,341)	(932,187)	Overhead recoveries are below budget.
Plant Operating Costs	(987,307)	(774,095)	Plant recoveries are below budget.
Other Public Works	(22,333)	(99,890)	Private works reimbursement income is above budget.

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.

Current Assets as at 29 February 2016	**$**	**Comment**
Cash and investments	60,344,842	Includes municipal and reserves
- less non rate setting cash	(34,841,733)	Reserves
Receivables	4,837,130	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(801,411)	ESL Receivable
Stock on hand	260,734	
Total Current Assets	**29,799,563**	

Item 12.9 Continued

Current Liabilities		
Creditors and provisions	(7,428,581)	Includes ESL and deposits
- less non rate setting creditors and provisions	3,284,403	Cash Backed LSL, current loans and ESL
Total Current Liabilities	**(4,144,179)**	
Nett Current Assets 29 February 2016	25,655,384	
Nett Current Assets as Per Financial Activity Report	25,655,384	
Less Restricted Assets	(221,114)	Unspent grants held for specific purposes
Less Committed Assets	**(24,934,270)**	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 29 February 2016 included in Attachment 12 be received.

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

13 REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13.2 NOTICE OF MOTION (CR GARDNER) – INFORMATION FORUMS AND STANDING COMMITTEES OPEN TO THE PUBLIC

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 13 – Item 13.2 refers	**Decision Making Structure – City of Belmont**
Attachment 14 – Item 13.2 refers	**Local Government Operational Guidelines – Number 05 - January 2004: Council Forums**

Voting Requirement	:	Simple Majority
Subject Index	:	35/002
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	OCM 26/10/2004 Item 11.4.4
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

☐	**Advocacy**	*When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
☒	**Executive**	*The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
☐	**Legislative**	*Includes adopting local laws, local planning schemes and policies.*
☐	**Review**	*When Council reviews decisions made by Officers.*
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PURPOSE OF REPORT

To consider a Notice of Motion prepared by Councillor Gardner in relation to the opening of Information Forums and Standing Committees to members of the public, who are proposed to be permitted to attend as observers.

Item 13.2 Continued

SUMMARY AND KEY ISSUES

Councillor Gardner has submitted a Notice of Motion to be presented to the 22 March 2016 Ordinary Council Meeting for Council to resolve to open all Information Forums and Standing Committees to members of the public, who are proposed to be permitted to attend as observers.

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Strategy: Ensure community requirements drive internal policies and processes.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Council Policy BEXB7 Council Meeting Schedules provides guidance in establishing the annual Council meeting schedule.

STATUTORY ENVIRONMENT

Part 5, Subdivision 3 of the *Local Government Act 1995* states:

5.23. Meetings generally open to public

(1) Subject to subsection (2) tthe following are to be open to members of the public —
- *(a) all council meetings; and*
- *(b) all meetings of any committee to which a local government power or duty has been delegated.*

(2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —

- *(a) a matter affecting an employee or employees; and*
- *(b) the personal affairs of any person; and*

Item 13.2 Continued

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and

(e) a matter that if disclosed, would reveal —

(i) a trade secret; or

(ii) information that has a commercial value to a person; or

(iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and

(f) a matter that if disclosed, could be reasonably expected to —

(I) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or

(ii) endanger the security of the local government's property; or

(iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;

and

(g) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971*; and*

(h) such other matters as may be prescribed.

(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

Part 19 of the *City of Belmont Standing Orders Local Law 2012* states:

19.1 Briefings and other informal meetings

(1) The Council may conduct briefings, workshops and other informal meetings.

(2) Where the Council proposes to conduct a briefing, workshop or any other informal meeting, the CEO is to –

a. advise all Members of the time and date of the meeting; and
b. ensure that notes of the meeting are kept.

(3) A formal resolution is not to be made at any meeting other than an ordinary or special meeting of the Council or a committee or an electors' meeting.

(4) The Council is not to meet, except at;

a. a Council or committee meeting; or
b. a briefing, workshop or informal meeting under this section.

Item 13.2 Continued

BACKGROUND

A Notice of Motion by Councillor Gardner reads as follows:

> *"Motion:*
>
> *That Council resolve to open all Information Forums and Standing Committees to members of the public, who are permitted to attend as observers.*
>
> *Reason:*
>
> *To provide greater transparency and accountability to the electors of the City of Belmont. The standards and practices for confidential items are to be observed, as is undertaken for 'Matters for which the meeting may be closed' during Agenda Briefing Forums and Ordinary Council Meetings."*

OFFICER COMMENT

Local governments adopt a decision making structure to best suit their organisational and community requirements. Within the required legal framework each Council decides the meeting structure required to achieve the most effective decision making process. There are various meeting structures used throughout the industry.

It is a legal requirement that all decisions made on behalf of the local government are to be made at meetings called and convened under the provision of the *Local Government Act 1995.*

On 26 October 2004, Council resolved to adopt a three week meeting cycle, commencing in the November 2004 round of meetings. This is the cycle currently followed by Council including the Information Forum, Agenda Briefing Forum and Ordinary Council Meeting (refer Attachment 13).

Elected Members also meet as nominated members of Standing Committees to discuss matters and make recommendation to Council.

Information Forums

The Department of Local Government and Communities (The Department) issued 'Local Government Operational Guideline Number 5 – Council Forums' in January 2004 (refer Attachment 14) providing local governments with information in respect to the necessity to make clear distinction between forums and the formal debate and decision-making process of Council, and to outline appropriate procedural and behavioural controls for forums.

The Department guideline describes the suggested approach for concept forums:

Concept Forums
Concept forums involve elected members and staff meeting to propose, discuss and formulate philosophies, ideas, strategies and concepts for the development of the local government and the district. Such forums often involve projects that are in the early planning stage and are some time away from being presented to council for decision.

In discussing such issues, staff are looking for guidance from the elected members as they research the matter and draft the report. Elected members and staff are also looking to present ideas and concepts for future consideration. If the response is favourable staff can proceed with their research and eventual report on the matter.

Item 13.2 Continued

Examples of the type of issues concept forums may cover include –

- *current matters of a local or regional significance;*
- *matters relating to the future development of the local government;*
- *significant revenue-raising requirements or expenditure needs;*
- *the development of internal strategic, planning, management and financial documents; and*
- *development of the selection criteria and performance objectives for the Chief Executive Officer (CEO).*

Behind closed doors and in a relatively informal manner are the two notable characteristics of concept forums. Holding such meetings behind closed doors is justified in that many of the ideas and concepts are preliminary and while looking for that creative gem some may be extreme, expensive or impractical and never adopted.

Discussion on such proposals in a public forum would be counter-productive. Privacy and informality allows elected members to propose ideas, ask questions and discuss issues for the better understanding of those in attendance. Such forums assist individuals to become better informed and to clarify their views.

The privacy and informality of concept forums also has pitfalls including the risk of neglecting proper standards of probity and public accountability. Over time, participants can become too familiar, and therefore more lax, with the procedure and purpose of the meeting. Unless procedures are adopted and rigorously applied to these forums, there is a danger that collective or collaborative decisions may be made, implied and otherwise.'

As printed in the City of Belmont Information Forum agendas the purpose of the forum is as follows:

"The purpose of this forum is to provide an opportunity for the Chief Executive Officer to inform Councillors of significant and strategic matters/projects being progressed by the City; to enable Councillors to identify matters for future discussion and potential consideration by Council; and to obtain guidance in respect to the early development of matters for future consideration by Council. It is a 'strategic concept forum' as defined by the 'Local Government Operational Guidelines Number 5 – Council Forums', accordingly it is not a decision making forum, nor is it open for debate on matters. Notes will be retained in respect to the business of the forum. To enable a free flow of communication, the Standing Orders will not generally be applied; however the City of Belmont Code of Conduct will be the guide with respect to the conduct of the forum. Matters discussed at this forum are of a confidential nature and Section 5.93 of the Local Government Act 1995 will apply until such time as a report is presented before Council."

No decisions are made at Information Forums, and the format is aimed to encourage discussion in a less formal environment.

Information Forums are attended by Elected Members, the Senior Management Group and appropriate Officers. Elected Members and Officers need to declare interests in accordance with legislation and the Code of Conduct. The Presiding Member of the Information Forum is an Elected Member on a rotational basis.

The purpose of the Information Forum is to discuss strategic issues, broadly discuss matters for future reports to Council, receive presentations from consultants and officers on specific matters, discuss organisational issues, discuss policy and procedure matters and discuss items of interest raised by Elected Members. The Information Forum process offers the Chief Executive Officer the opportunity to gauge opinion and sound ideas and issues with Elected

Item 13.2 Continued

Members enabling matters to be put to Council in due course. The Information Forum has no direct relationship to the other meetings of Council.

Information Forum programmes, notes and associated attachments are currently not available to members of the public.

Opening Information Forums to members of the public will require the relocation of meetings from the Rivervale Room to the Council Chamber to accommodate any observers. Ranger/security presence will also be required to ensure members of the public can access the Civic Centre during Information Forums. It also has the potential to introduce a level of frustration and confusion to any interested community members, as much of what is discussed at Information Forums would continue to be confidential in nature, which would result in members of the public being excluded from the meetings in any event.

Standing Committees

The City of Belmont Standing Committees have not been delegated any power or duty by Council and in accordance with section 5.23 (1) (b) of the *Local Government Act 1995* are not required to be open to the public.

Standing Committees make recommendation to Council, where a report is presented for consideration by full Council for formal debate at the agenda briefing forum and decision making at the ordinary council meeting.

Currently agendas for Standing Committee meetings are not available to the public; however minutes, attachments and tabled attachments of all Standing Committee meetings are released within five days of the meeting occurring in accordance with Regulation 11 of the *Local Government (Administration) Regulations 1996.*

The concepts of openness and transparency must be embraced by local government. The accessibility of local government processes to the community is a significant strength. The community perception of Council's accountability may be improved by enabling observers at Standing Committee meetings, however, the less formal environment of the current Standing Committee structure encourages more discussion, debate and questions than a more formal meeting that is open to the public.

Opening Standing Committees to members of the public will require the relocation of meetings from the Rivervale Room to the Council Chamber to accommodate any observers. Ranger/security presence will also be required to ensure members of the public can access the Civic Centre during Standing Committee meetings.

In accordance with the *Standing Orders Local Law 2012,* Standing Committees are answerable to Council and are to report on activities to Council.

The Department of Local Government and Communities have acknowledged that Elected Members need opportunities to discuss issues outside the formal ordinary meeting process. Opportunity for input can be best gained through forums or Standing Committees of Council. It is for Council to decide if these meetings and forums are to be open to the public.

Item 13.2 Continued

FINANCIAL IMPLICATIONS

Financial implications include additional Ranger and Security costs involved with opening the City of Belmont Civic Centre and Council Chamber during these meetings which would result in a minimum of two hours attendance per meeting.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COUNCILLOR RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED,

That Council resolve to open all Information Forums and Standing Committees to members of the public, who are to be permitted to attend as observers.

Reason:

To provide greater transparency and accountability to the electors of the City of Belmont. The standards and practices for confidential items are to be observed, as is undertaken for 'Matters for which the meeting may be Closed' during Agenda Briefing Forums and Ordinary Council meetings.

Item 13.2 Continued

Note:

Cr Rossi put forward the following amendment motion.

COUNCILLOR AMENDMENT MOTION

ROSSI MOVED, POWELL SECONDED,

That Council refer the matter of opening all Information Forums and Standing Committees to members of the public, who are to be permitted to attend as observers to a future Information Forum for further discussion.

CARRIED 7 VOTES TO 2

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

Reason:

To give Councillors further clarity in relation to this proposal.

COUNCILLOR MOTION, AS AMENDED

GARDNER MOVED, CAYOUN SECONDED,

That Council refer the matter of opening all Information Forums and Standing Committees to members of the public, who are to be permitted to attend as observers, to a future Information Forum for further discussion.

CARRIED 7 VOTES TO 2

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

13.3 NOTICE OF MOTION (CR POWELL) – DEVELOPMENT ASSESSMENT PANELS

BUILT BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	35/002–Notices of Motions
Location / Property Index	:	N/A
Application Index		N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider a Notice of Motion prepared by Councillor Powell as outlined below for Council to seek the support of Government for a comprehensive review of the operation and structure of Development Assessment Panels (DAPs) in Western Australia, and that the matter to be discussed at a future Information Forum.

Item 13.3 Continued

SUMMARY AND KEY ISSUES

Councillor Powell has submitted the following Notice of Motion to be presented to the 22 March 2016 Ordinary Council Meeting.

That Council:

A Write to the Minister for Planning, the Chairman of the Western Australian Planning Commission (WAPC) and the Director General Department of Planning, seeking their support for a comprehensive review of the operation and structure of Development Assessment Panels (DAP), addressing but not limited to the following concerns –

1. In the exercise of discretion, some decisions of the Metro Central JDAP have exceeded the purpose, intent and application of relevant Local Planning Policies adopted by the City of Belmont. There is increasing concern that the JDAP is failing to have sufficient regard for Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 which details matters to be considered in exercising discretion and are only concentrating on whether an application complies with specific development standards, rather than the broader scope to be considered where exercising discretion. Further, the JDAP has failed to give proper regard to the strategic plans and reports upon which the City of Belmont Local Planning Scheme No. 15 is based.

2. The appointed specialist members of the JDAP are not truly independent, as many are involved with their own consultancies, thereby creating an obvious bias towards approval of development applications.

3. Some appointed specialist members in town planning do not have the current recognised Planning qualification of being a Certified Practising Planner (CPP) of the Planning Institute of Australia. This should be a requirement to ensure the members have current planning knowledge, particularly in statutory planning and planning law.

4. The governance behind the operation of the JDAPs is lacking and there is no regular administrator of the JDAPs who would ensure the Standing Orders of the JDAP meetings are observed.

5. There needs to be greater regularity in attendance by members at JDAP meetings to ensure consistency in decision making and understanding of Local Planning Schemes.

6. The Presiding Member of the JDAPs should be the Chairman of the WAPC or a member of the Commission, who can monitor and report to the Minister on the performance of the JDAP and individual members.

7. All JDAP members should be required to attend a comprehensive briefing on the relevant Local Planning Schemes and the strategic intent underpinning them. All JDAP members should also be required to attend a tour of each local government area so they understand the spatial context of the areas within which they will be required to make decisions.

Item 13.3 Continued

B Refer the item as expressed above to an Information Forum for discussion, which will include a report on JDAP approved buildings to date.

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Planning and Development (Development Assessment Panels) Regulations 2011.

BACKGROUND

There has been an increasing level of disquiet amongst some local governments and the community arising from the decisions of DAPs. One opinion is that DAPs should be abolished, but this is seen to be an unlikely outcome. It is seen to be preferable for a review of DAPs making them more accountable.

The experience from the City of Belmont is primarily that the Metro Central Joint Development Assessment Panel (JDAP) makes discretionary decisions in the absence of proper consideration of the strategic plans and reports which underpin Local Planning Scheme No. 15 (LPS15), or the Council's Local Planning Policies, some that have been in place in much the same form for a decade or more.

The recent Supreme Court ruling for the proposed 44 storey Lumiere Apartment Tower in South Perth set aside the JDAP decision because of the residential/commercial mix. This is a land use decision and the JDAP exceeded its right of discretion by allowing the proposal.

OFFICER COMMENT

The composition of DAPs with three specialist members and two local government elected members removes much of the planning control from the local Council. The Council ultimately has to bear the consequences of the DAP decisions. Regrettably, the community does not appreciate the process and will blame Councillors or the Council as a whole.

The City of Belmont has a proud history of proper town planning and as best as possible, engaging with the community. It has implemented State Government strategic planning requirements that have demanded sound leadership from the Council for over 30 years.

Item 13.3 Continued

The attitude by DAPs towards local government and its Officers has been disappointing, reflecting a lack of appreciation and respect for the extensive strategic work and community engagement that has been done. Along with other changes to state controls such as the Residential Design Codes, the functioning of the DAPs is undermining the strategic thought behind local planning schemes and it is considered that this will ultimately lead to a very prescriptive approach to development control with little room for variation or innovation. The stifling of innovation as a consequence of DAPs having limited concern for strategic and policy intent would be disappointing, however until sufficient weight is given to local issues in discretionary matters this may well be a likely outcome.

The matters of concern raised by Councillor Powell are supported from the experience of the City.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

Sections of the community feel disenfranchised from the planning process as a result of State Government decisions and processes.

COUNCILLOR RECOMMENDATION

That Council:

A Write to the Minister for Planning, the Chairman of the Western Australian Planning Commission and the Director General Department of Planning, seeking their support for a comprehensive review of the operation and structure of Development Assessment Panels, addressing but not limited to the following concerns –

1. In the exercise of discretion, some decisions of the Metro Central Joint Development Assessment Panel have exceeded the purpose, intent and application of relevant Local Planning Policies adopted by the City of Belmont. There is increasing concern that the Joint Development Assessment Panel is failing to have sufficient regard for Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 which details matters to be considered in exercising discretion and are only concentrating on whether an application complies with specific development standards, rather than the broader scope to be considered where exercising discretion. Further, the JDAP has failed to give proper regard to the strategic plans and reports upon which the City of Belmont Local Planning Scheme No. 15 is based.

Item 13.3 Continued

2. The appointed specialist members of the Joint Development Assessment Panel are not truly independent, as many are involved with their own consultancies, thereby creating an obvious bias towards approval of development applications.

3. Some appointed specialist members in town planning do not have the current recognised Planning qualification of being a Certified Practising Planner of the Planning Institute of Australia. This should be a requirement to ensure the members have current planning knowledge, particularly in statutory planning and planning law.

4. The governance behind the operation of the Joint Development Assessment Panel is lacking and there is no regular administrator of the Joint Development Assessment Panel who would ensure the Standing Orders of the Joint Development Assessment Panel meetings are observed.

5. There needs to be greater regularity in attendance by members at Joint Development Assessment Panel meetings to ensure consistency in decision making and understanding of Local Planning Schemes.

6. The Presiding Member of the Joint Development Assessment Panel should be the Chairman of the Western Australian Planning Commission or a member of the Commission, who can monitor and report to the Minister on the performance of the Joint Development Assessment Panel and individual members.

7. All Joint Development Assessment Panel members should be required to attend a comprehensive briefing on the relevant Local Planning Schemes and the strategic intent underpinning them. All Joint Development Assessment Panel members should also be required to attend a tour of each local government area so they understand the spatial context of the areas within which they will be required to make decisions.

B Refer the item as expressed above to an Information Forum for discussion, which will include a report on Joint Development Assessment Panel approved buildings to date.

Reason:

There is concern by Council Representatives on the Metro Central Joint Development Assessment Panel, City Officers and community members about the operation and structure of the Joint Development Assessment Panel apparent from recent decisions.

9.12pm **Cr Hitt departed the meeting**.

9.15pm **Cr Hitt returned to the meeting.**

9.20pm **The Director Technical Services departed the meeting.**

9.20pm **The Media and Communications Officer departed the meeting and did not return.**

9.23pm **The Director Technical Services returned to the meeting.**

Item 13.3 Continued

AMENDED COUNCILLOR RECOMMENDATION

POWELL MOVED, ROSSI SECONDED,

That Council:

A Refer the matter of the operation and structure of Development Assessment Panels to a future Information Forum, with a view to writing to the Minister for Planning, the Chairman of the Western Australian Planning Commission and the Director-General Department of Planning identifying the Council's concerns.

B Request a report to be presented at the Information Forum on the developments approved by the Metro Central Joint Development Assessment Panel to date.

CARRIED 9 VOTES TO 0

Reason:

With the aim to provide clarification and ensure due process is followed in regard to this matter.

13.4 NOTICE OF MOTION (CR CAYOUN) – TAB PRIVATISATION

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	35/002
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider a Notice of Motion prepared by Councillor Cayoun regarding the City's opposition to the privatisation of the TAB.

SUMMARY AND KEY ISSUES

Cr Cayoun has submitted a Notice of Motion to be presented to the 22 March 2016 Ordinary Council Meeting for Council proposing that the City oppose any privatisation of the TAB on the grounds that it will have an adverse impact upon the racing industry.

Item 13.4 Continued

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Strategy: Ensure community requirements drive internal policies and processes.

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

A Notice of Motion by Councillor Cayoun reads as follows:

"Motion:

That Council opposes any privatisation of the TAB on the grounds that it will have an adverse impact upon the racing industry. As such, the City will write to the Minister for Racing and Gaming;

a) Expressing support for the racing industry in Ascot; and

b) Asking the Minister not to proceed with any privatisation.

Reason:

The lifestyles and livelihoods of many residents and ratepayers who depend upon the racing industry will be adversely affected by any decision to privatise the TAB in order to pay down state debt."

Item 13.4 Continued

Western Australia is the last State in Australia to consider the sale of its TAB with all other States having already sold their TAB's. The long term effect or benefits of the sales in other States is not clear.

The State Government of Western Australian has been discussing the potential sale of the TAB for some time as part of the Government's long term asset sales plan, designed to cut state debt. The current status of the possible WA TAB sale is unknown.

The Department of Treasury has stated that, "The Government is currently consulting with the racing industry to develop an agreed solution for a sale and industry funding structure that will enable the Government to realise the value of the TAB, but also ensure the racing industry remains strongly supported into the future".

The City is aware that a number of stakeholders in this review are currently looking at options available to address the issue and come to an appropriate solution; however there is no clear position available to date.

Given Perth Racing has a relatively new Board, and are awaiting the commencement of a new Chief Executive Officer in June 2016, it is likely that any clear position from their perspective will not be available immediately.

It was reported by Kate Emery - The West Australian on March 19, 2016, 1:10 am that:

"In his first public comments on the potential sale of the TAB, Perth Racing chairman Neil Pinner said WA's biggest racing club and country and provincial racing clubs deserved a 'fair and equitable contribution'".

"Mr Pinner said the question of what was a reasonable share from the TAB sale was 'something we will be discussing with the Government'".

https://au.news.yahoo.com/thewest/wa/a/31139090/racing-open-to-sale-of-tab-if-it-gets-fair-share/

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

9.33pm **Cr Gardner departed the meeting.**

9.35pm **Cr Gardner returned to the meeting.**

Item 13.4 Continued

9.35pm The Governance Officer departed the meeting.

9.36pm The A/Director Community and Statutory Services departed the meeting.

9.39pm The A/Director Community and Statutory Services and the Governance Officer returned to the meeting.

COUNCILLOR RECOMMENDATION

CAYOUN MOVED, BASS SECONDED,

That Council opposes any privatisation of the TAB on the grounds that it will have an adverse impact upon the racing industry. As such, the City will write to the Minister for Racing and Gaming;

a) Expressing support for the racing industry in Ascot; and

b) Asking the Minister not to proceed with any privatisation.

Reason:

The lifestyles and livelihoods of many residents and ratepayers who depend upon the racing industry will be adversely affected by any decision to privatise the TAB in order to pay down state debt.

Item 13.4 Continued

Note:

Cr Rossi put forward the following amendment motion.

COUNCILLOR AMENDMENT MOTION

ROSSI MOVED, POWELL SECONDED,

That Council:

1. ***Defer the matter relating to privatisation of the TAB to an Information Forum to examine all the facts on the grounds that it will have an adverse impact upon the racing industry.***

2. ***Invite appropriate stakeholders to provide an update to Council in relation to this matter.***

CARRIED 6 VOTES TO 3

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

Reason:

To present the full facts to Councillors.

COUNCILLOR MOTION, AS AMENDED

CAYOUN MOVED, BASS SECONDED,

That Council:

1. ***Defer the matter relating to privatisation of the TAB to an Information Forum to examine all the facts on the grounds that it will have an adverse impact upon the racing industry.***

2. ***Invite appropriate stakeholders to provide an update to Council in relation to this matter.***

CARRIED 6 VOTES TO 3

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

10.19pm The Principal Governance and Compliance Advisor departed the meeting.

10.22pm The Principal Governance and Compliance Advisor returned to the meeting.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

The Presiding Member advised in accordance with Section 5.23(2) and Section 5.23 (2)(e)(iii) of the *Local Government Act 1995* that if there were any questions or debate on Confidential Item 14.1, then Council would need to go behind closed doors.

10.27pm ***ROSSI MOVED, HITT SECONDED, that in accordance with section 5.23(2)(b) of the Local Government Act 1995, Council proceed behind closed doors to discuss Confidential Item 14.1 Funding Request From Belmont Sports and Recreation Club Inc.***

CARRIED 9 VOTES TO 0

10.27pm **Cr Bass departed the meeting and did not return.**

10.27pm **All members of the public departed the meeting.**

14.1 FUNDING REQUEST FROM BELMONT SPORTS AND RECREATION CLUB INC. (CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2)(C) AND 5.23(2)(E)(III))

Note:

Cr M Bass declared a financial interest in Item 14.1 Funding Request from Belmont Sports and Recreation Club Inc. – Confidential Matter in accordance with *Local Government Act 1995* Section 5.23(2)(c) and 5.23(2)(e)(iii)

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 14.1 refers	Report Item – Funding Request for Belmont Sports and Recreation Club Inc
Confidential Attachment 2 – Item 14.1 refers	Correspondence from Belmont Sports and Recreation Club
Confidential Attachment 3 – Item 14.1 refers	Belmont Sports and Recreation Club Inc. Audited Financial Statements for the year ended June 2015
Confidential Attachment 4 – Item 14.1 refers	Belmont Sports and Recreation Club Inc. Audited Financial Statements for the year ended June 2014
Confidential Attachment 5 – Item 14.1 refers	Belmont Sports and Recreation Club Income and Expenditure
Confidential Attachment 6 – Item 14.1 refers	Belmont Sports and Recreation Club Amounts Owed to ATO

10.40pm **The Presiding Member requested Cr Rossi take the chair and departed the meeting.**

10.44pm **The Presiding Member returned to the meeting and resumed the chair.**

OFFICER RECOMMENDATION

That Council:

1. Provides a loan of $50,000 ex GST to the Belmont Sports and Recreation Club as a contribution towards operating costs, to be funded in a manner acceptable to the Chief Executive Officer and to be repaid without interest over five years.

2. Requires the Belmont Sports and Recreation Club, as a condition of funding, to establish a written agreement in a form acceptable to the Chief Executive Officer which details the City's requirements and conditions of funding including the provision of:

    a. Quarterly profit and loss statement
    b. Quarterly balance sheet
    c. Quarterly financial membership numbers
    d. Authentication of the amounts owed to the Australian Taxation Office
    e. Approval for a financial/management review to be undertaken by a qualified person to be nominated by the City.

AMENDED OFFICER RECOMMENDATION

That Council authorise a loan of $50,000 ex GST to the Belmont Sports and Recreation Club as a contribution towards operating costs to be repaid without interest over five years and to be funded in a manner acceptable to the City's Chief Executive Officer and subject to the following conditions prior to funding:

a. The Club approves a management and financial review of their operations to be undertaken by a qualified person to be nominated by the City;

b. The outcome of that review indicates the Club is likely to be capable of repaying the loan within the repayment period;

c. The debts included in the funding request be authenticated by appropriate documentation;

d. A written agreement in a form acceptable to the City's Chief Executive Officer is established, which details the City's requirements and conditions of funding including the provision of:

    i. Quarterly profit and loss statement
    ii. Quarterly balance sheet
    iii. Quarterly financial membership numbers.

Note:

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, POWELL SECONDED,

That Council:

1. ***Authorise a loan of $50,000 ex GST to the Belmont Sports and Recreation Club as a contribution towards operating costs, for primarily their tax bill, to be repaid without interest over five years and to be funded in a manner acceptable to the City's Chief Executive Officer.***
2. ***Requires the Belmont Sports and Recreation Club, as a condition of funding, to establish a written agreement in a form acceptable to the Chief Executive Officer which details the City's requirements and conditions of funding including the provision of:***
   a. ***The approval for a management and financial review of their operations to be undertaken by a qualified person to be nominated by the City, with this report to be presented to councillors at a future Information Forum;***
   b. ***The debts included in the funding request be authenticated by appropriate documentation;***
   c. ***A written agreement in a form acceptable to the City's Chief Executive Officer is established, which details the City's requirements and conditions of funding including the provision of:***
      i. ***Quarterly profit and loss statement,***
      ii. ***Quarterly balance sheet,***
      iii. ***Quarterly financial membership numbers.***

CARRIED 7 VOTES TO 1

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

Reason:

To fully inform Councillors of the findings.

10.45pm ***HITT MOVED, ROSSI SECONDED, that the Meeting again be open to the public.***

CARRIED 8 VOTES TO 0

10.45pm **The meeting came out from behind closed doors. No members of the public returned to the meeting.**

15. CLOSURE

There being no further business the Presiding Member thanked everyone for their attendance and closed the meeting at 10.45pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 22 March 2016 were confirmed as a true and accurate record at the Ordinary Council Meeting held 26 April 2016.

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: Philip Marks.