



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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22 September 2009

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

MINUTES

PRESENT

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

IN ATTENDANCE

Mr S Cole (<i>dep 8.09pm & returned at 8.19pm</i>)	Chief Executive Officer
Mr N Deague (<i>dep 8.09pm & returned at 8.19pm</i>)	Director Community & Statutory Services
Mr T Stacey (<i>dep 8.08pm & did not return</i>)	A/Director Technical Services
Ms A M Forte (<i>arr 8.00pm</i>)	Manager Human Resources
Mr J Olynyk JP (<i>dep 8.09pm & did not return</i>)	Manager Governance
Mr K Davidson (<i>dep 7.10pm & did not return</i>)	Manager Health & Ranger Services
Mr M Ridgwell (<i>dep 8.09pm & returned at 8.19pm</i>)	Principal Governance & Compliance Adv
Ms N Davey (<i>dep 7.10pm & did not return</i>)	Co-ordinator Environment
Ms L Howe (<i>dep 8.08pm & did not return</i>)	Administration Officer Technical Services
Ms S Johnson (<i>dep 8.09pm & returned at 8.19pm</i>)	Governance Officer

OBSERVERS

Ms M Ellery (<i>dep 7.10pm & did not return</i>)	Department of Environment & Conservation
Mr A Sands (<i>dep 7.10pm & did not return</i>)	Department of Environment & Conservation
Mr J Seow (<i>dep 7.10pm & did not return</i>)	Perth Region Natural Resource Management
Mr T Soteriou (<i>dep 7.10pm & did not return</i>)	Perth Region Natural Resource Management
Ms L Soteriou (<i>dep 7.10pm & did not return</i>)	Perth Region Natural Resource Management

MEMBERS OF THE GALLERY

There were 20 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.00pm, welcomed those in attendance and invited Cr Brennan to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Brennan read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES & LEAVE OF ABSENCE

Mr R Lutey (Director Technical Services) Apology
Mr R Garrett (Director Corporate & Governance) Apology

3. DECLARATIONS OF INTEREST

7.01pm The Manager Governance read aloud the declarations of interest.

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Name	Item No. & Title
Cr Rossi	12.1 Lots 2, 7200, 489, 490, 491, 492, 501 & 502 (No. 354-360) Daly Street Cloverdale, and Lots 1 & 500 (No. 345-347) Wright Street Cloverdale, – Proposed Redevelopment of Notre Dame Primary School
Cr Rossi	12.4 Review of Revised Municipal Heritage Inventory 2007

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcements:

Announcement 1

I would like to introduce Mr Alan Sands, Acting Director - Environmental Regulation Division and Mr Jimmy Seow - Manager Pollution Response Unit from the Department of Environment and Conservation.

They are here tonight to present a Certificate of Commendation to Megan Ellery. Megan is currently on maternity leave and normally holds the position of Environmental Officer, Light Industry at the City.

I would also like to introduce Mr Tony Soteriou and Ms Linda Soteriou of the Perth Region Natural Resource Management, who would also like to speak on the effectiveness of the industry program that Megan had participated in and the need for it to continue.

Ms Telfer was presented with the Certificate of Commendation and the City was commended for its involvement in the light industry program.

7.10pm The Manager Health and Ranger Services, Environmental Co-ordinator, Ms Ellery, Mr and Mrs Soteriou, Mr Sands and Mr Seow departed the meeting and did not return.

Announcement 2

Last night I attended the annual Perth Natural Resources Management Forum.

The City of Belmont received the "Award of Recognition" for their support of the Industry Program and the case study into NRM.

This award was presented by the Minister for the Environment the Hon Donna Faragher.

I thank the officers involved in this project which is leading local government in environmental initiatives.

Announcement 3

The Mayor invited Councillors Dornford, Brennan, Powell, Martin and Hitt, with terms expiring in 2009, to say a few words, if they so wished.

Each Councillor including the Mayor, gave their individual thoughts and appreciation for the period they had been sitting on Council.

4.2 DISCLAIMER

7.24pm The Presiding Member advised the following:

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

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

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Ms M Bass, 77 Keymer Street, Belmont

The following question was taken on notice at the Ordinary Council Meeting of 25 August 2009. Mrs Bass was provided with a response on 4 September 2009. The response from the City is recorded accordingly –

1. Mrs Bass congratulated Council on the success of its graffiti program. However, she stated that the football ground at Centenary Park is left full of rubbish after every weekend when it is used. Could Council approach the Football Club to provide rubbish bins in the grounds?

Response

In pursuing this matter, it was found that the issue of litter was to do with the untidy behaviour of the lessees, rather than it being due to a lack of bins. Accordingly, an approach has been made to the Club to rectify this problem, as it is a requirement of their lease.

5.1.2 Mr R Broinowski, 66 Armadale Road, Rivervale

The following question was taken on notice at the Ordinary Council Meeting of 25 August 2009. Mr Broinowski was provided with a response on 8 September 2009. The response from the City is recorded accordingly –

1. There is currently a person committing a large amount of graffiti offences in the Rivervale area. Could the Council liaise with either police or security to put a stop to the vandalism?

Response

The City of Belmont does carry out surveillance observations relating to criminal damage. If the City's Security Officers find a person committing an offence they do report it to the police. Any offences seen by the public should be reported immediately to the police on 131 444.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.25pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Presiding Member advised that she had registered four members of the public who had given prior notice to ask questions, these being Mr Lewis, Mr Harman, Mr Cardozo and Mr Richardson.

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

No further questions were forthcoming.

5.2.1 Mr I Lewis, on behalf of Friends of Belmont Riverside Parks Inc, 15 Countryclub Avenue, Roleystone.

1. With reference to the Belmont Trust Minutes of 5 August 2008 in which it was resolved that, instead of charging the Ascot Waters Consortium for the large advertising sign adjacent to Great Eastern Highway on the riverside recreational Trust Lands opposite Belmont Primary School, Belmont Council would pay a replacement rental sum to the Trust. Can Council state what is, or will be, the annual sum paid, and is it equal to or less than the rental valuation prepared by Valuations WA?

Response

The Trust at its meeting on 5 August 2009 resolved that it "Does support the modifications to the sign located at Lot 49 (154) Great Eastern Highway, Ascot, and requests the City of Belmont to agree that the monies being accrued as income from the Municipal Fund be offset against expenditures incurred for the Trust."

Officers have been requested to provide the information that supports this resolution. This will be provided for the next Ordinary Council Meeting.

2. In relation to the riverside recreational Trust Lands opposite Belmont Primary School, sometimes known as the 'Grove Farm' area, it is noted that the entire area is now being mown by Council four times per year from May to November, including the former Parry Fields section which was previously not mown. What is the total annual cost of this mowing and what is the cost for the Parry Field section, which we understand is debited to a different account?

Response

The City has listed \$37,787 for grounds maintenance for the Belmont Trust Land (excluding the former Parry Fields site) a further \$3,000 is set aside for the former Parry Fields site specifically within the 2009/2010 Budget. The works are undertaken to mitigate against fire hazards as well the management of illegal dumping.

5.2.2 Mr R Harman, 80 Swan Street, Tuart Hill

1. Mr Harman stated that he supported the proposed underground power installation in Belvidere Street, however, he was concerned about the ability of shopowners to contribute to the costs.

Response

The Presiding Member acknowledged Mr Harman's statement.

5.2.3 Mr M Cardozo, 56 Lyall Street, Redcliffe

1. Can the City please put more detail in future agendas to more adequately describe or inform of impacted areas? The particular example was item 12.1 from the August Meeting where the item stated 'Tonkin Highway Paths', which did not adequately inform of the proposed Stanton Road/Tonkin Highway intersection on and off ramps.
2. Can the City please revisit it's zero impact statements in relation to social implications to surrounding residents and ratepayers including two local primary schools adjoining the proposed on and off ramps?
3. In the City's opinion, will the construction of these proposed on and off ramps secure Stanton Road as the official secondary airport access road for commercial vehicles. Can the residents and ratepayers please have more information regarding this intersection?
4. Can the City please consider a website link and posting of all planning related letters which reflect bulk planning notifications to ratepayers and residents? A resident or ratepayer could perhaps then look at what has happened or is happening in their ward.

Response

The Presiding Member took questions 1-4 on notice.

5.2.4 Mr A Richardson, 141 Kooyong Road, Rivervale

1. In relation to the recent media report regarding the City of Belmont elections; what is Council doing to refute the statements made? Will Council take action and make residents aware of the outcome?

Response

The Chief Executive Officer responded that the WA Electoral Commission was in control of the process and have made this clear to the media. The Electoral Commission has dealt with matter and has conveyed a response to the person involved.

7.37pm 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 25 AUGUST 2009
(Circulated under separate cover)

POWELL MOVED, WHITELEY SECONDED, That the minutes of the Ordinary Council Meeting held on 25 August 2009 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 11 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM
HELD 15 SEPTEMBER 2009
(Circulated under separate cover)

HITT MOVED, BRENNAN SECONDED, That the Information Matrix for the Agenda Briefing Forum held on 15 September 2009 as previously circulated, be received and noted.

CARRIED 11 VOTES TO 0

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

Nil.

8. **QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil.

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

Nil.

10. **BUSINESS ADJOURNED FROM A PREVIOUS MEETING**

Nil.

11. **REPORTS OF COMMITTEES**

11.1 **STANDING COMMITTEE (ENVIRONMENTAL) HELD 1 SEPTEMBER 2009**
(Circulated under separate cover)

***ROSSI MOVED, WOLFF SECONDED, That the Minutes for the Standing
Committee (Environmental) meeting held on 1 September 2009 as previously
circulated to all Councillors, be received and noted.***

CARRIED 11 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Marks.
Item 12.2 was withdrawn at the request of Cr Wolff.
Item 12.4 was withdrawn at the request of Cr Rossi.
Item 12.5 was withdrawn at the request of Cr Rossi.
Item 12.6 was withdrawn at the request of Cr Marks.

HITT MOVED, WHITELEY SECONDED, that with the exception of Items 12.1, 12.2, 12.4, 12.5 and 12.6 which are to be considered separately, that the Officer Recommendations specifically for Items 12.3, 12.7, 12.8, 12.9 and 12.10, be adopted enbloc.

CARRIED BY ABSOLUTE MAJORITY 11 VOTES TO 0

12.1 LOTS 2, 7200, 489, 490, 491, 492, 501 & 502 (No. 354-360) DALY STREET CLOVERDALE, AND LOTS 1 & 500 (No. 345-347) WRIGHT STREET CLOVERDALE, – PROPOSED REDEVELOPMENT OF NOTRE DAME PRIMARY SCHOOL **

Built Belmont

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	Development Application Plans
Attachment 2 – Item 12.1 refers	Traffic Report
Attachment 3 – Item 12.1 refers	Acoustic Report

Voting Requirement	:	Absolute Majority
Subject Index	:	115/001
Location / Property Index	:	Lots 7200, 489, 490, 491, 492, 501 & 502 on Plan 72024, and Lot 2 on Diagram 49910 (No. 354-360) Daly Street Cloverdale; and, Lot 1 on Diagram 404502 and Lot 500 on Plan 7024 (No. 345-347) Wright Street Cloverdale.
Application Index	:	283/2009/DA
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	Parry & Rosenthal Architects
Owner	:	Roman Catholic Archbishop of Perth
Responsible Division	:	Community & Statutory Services

COUNCIL ROLE

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

12.1 Continued

PURPOSE OF REPORT

To consider an application for planning approval for the redevelopment of Notre Dame Primary School.

SUMMARY AND KEY ISSUES

- The development proposal involves a complete redevelopment of the existing Notre Dame Primary School, to be undertaken in stages.
- The application has been initiated as a result of funding from the Federal Government under the Building the Education Revolution program. This requires works to be commenced and completed within certain timeframes.
- The development proposal intends to almost double the number of students at the school.
- The school is currently bound by residential land uses.
- The number of car parking bays provided on-site is compliant, however concern has been expressed in relation to their location.
- New on-street car parking is proposed within Oswell Street.

LOCATION

This development comprises of:

- Notre Dame Catholic Primary School Land - Lot 2 on Diagram 49910, and Lots 7200, 489, 490, 491, 492, 501 & 502 on Plan 72024 (No. 354-360) Daly Street Cloverdale; and,
- Roman Catholic Church Land – Lot 1 on Diagram 404502 and Lot 500 on Plan 7024 (No. 345-347) Wright Street Cloverdale

As shown in the location plan below:



12.1 Continued

CONSULTATION

Formal advertising in accordance with City of Belmont Town Planning Scheme No. 14 (TPS 14) has been initiated for a period of 21 days. The consultation area included the owners and occupiers of all properties within the area generally bounded by Williamson Avenue, Sydenham Street, Belgravia Street, Wright Street, and the portion of Davy Street east of Wright Street. A total of 144 letters were sent.

The final date for submissions is 18 September 2009. At the time that this report was written, the consultation period had not concluded.

STRATEGIC PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

Western Australian Planning Commission Development Control Policy 2.4 (School Sites)

Development Control Policy 2.4 (DC 2.4) of the Western Australian Planning Commission (WAPC) sets out general criteria and design standards for the provision of school sites in residential districts. The policy is intended to overcome problems of conflict that may arise in residential areas between schools and their surroundings, particularly in respect of traffic and noise generating activities.

Clauses of this policy that relate to the subject development proposal are as follows:

Clause 3.5.1 – *“School and TAFE college sites should be provided with frontage access to through roads constructed on at least two sides. These roads must be designed ... to allow for the safe pick-up and set-down of students from both private cars and public transport systems within the road reserve. Cul-de-sac or under width roads are not acceptable for this purpose”.*

Clause 3.5.2 – *“While facilities to pick up and set down should be within the road reserve, any additional associated land requirement should be provided from the land allocated for the school site and provided by the school authority. Onsite parking may need to be provided within the school site or on an adjacent reserve”.*

Clause 3.6.1 – *“Common boundaries of school sites with residential uses should be avoided whenever possible. There are a number of activities conducted on school sites which can adversely affect the amenity of residential properties, particularly where they are located very close to a school site. This is a growing problem with the trend towards increased community use of school facilities after hours”.*

12.1 Continued

City of Belmont Local Planning Policy No. 15 (Child Care Centre Policy)

Due to the similarities in operation, the City has previously taken the position that the provisions of Local Planning Policy No. 15 (LPP 15) relating to put-down and pick-up facilities should be taken into consideration for kindergarten and pre-primary facilities provided as part of development proposals on school sites.

LPP 15 states that such facilities should provide a paved on-site 'put down' and 'pick up' area to the satisfaction of Council. Vehicle access to and from the site must be available in forward gear.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme

The subject site is zoned 'Urban' under the Metropolitan Region Scheme (MRS).

Town Planning Scheme No. 14

The subject site is predominantly zoned 'Place of Public Assembly (Private Primary School)' under TPS 14. Small portions of the site are zoned 'Residential', with a residential density coding of R20.

Clause 10.10.3 of TPS 14 (Size and Location of Car Spaces and Loading Facilities); states the following:

"When considering any Development Application, the Council must have regard to and impose conditions to the location and design of the car parking spaces and loading facilities. In particular, the Council must take into account, and may impose conditions concerning:

- (a) the proportion of spaces to be roofed or covered;*
- (b) the proportion of spaces to be below natural ground level;*
- (c) the means of access to each space and the adequacy of any manoeuvring area;*
- (d) the location of the spaces on the site and their effect if spaces should later be roofed or covered;*
- (e) the adequacy of proposed screening or planting;*
- (f) the extent to which spaces are located within required setback areas;*
- (g) the location of proposed footpaths and the effect on traffic movement and safety; and*
- (h) the location of proposed access ways on and off public roads and the effect on traffic movement and safety."*

Deemed Refusal

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

12.1 Continued

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

The deemed refusal date for this application is 12 November 2009. Should Council defer this item then the deemed refusal rights may arise before the matter is referred back to Council.

Right of Appeal

Is there a right of appeal? Yes No

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

BACKGROUND

Lodgement Date:	31 July 2009	Use Class:	Educational Establishment – D Use
Lot Area:	1.5175ha	TPS Zoning:	Place of Public Assembly (Private Primary School)
Estimated Value:	\$8,408,940	MRS:	Urban

Building the Education Revolution Grant

The redevelopment of Notre Dame Primary School has been initiated by the provision of funding from the Federal Government under the Building the Education Revolution (BER) program.

Part of the BER program is a \$14.1 billion investment in public and private primary schools over three financial years – 2008/09, 2009/10, 2010/11, which is a critical component in the Australian Government’s Nation Building – Economic Stimulus Plan. The grant provides eligible schools across Australia to establish world-class educational infrastructure to enhance opportunities for students.

Notre Dame School received a combined grant under Round 3 of the BER program of approximately \$2.85 million for the new construction of classrooms and new construction of a library and multi purpose hall.

All projects are required to be commenced and completed in line with specific timeframes set out by the BER Guidelines.

In making their application, the applicant has advised the following:

“In accordance with the Federal Governments Timetable for the BER Projects Construction work is programmed to start in September 2009 and will be completed by January 2011”. Separate discussions with the applicant have implied that the project must commence by the end of September in order to receive the grant.

12.1 Continued

Version 2 of the BER Guidelines dated 26 August 2009 identifies that Round 3 projects should commence in September-October 2009, with the final date for commencement of construction being 1 December 2009. All projects comprising more than 150 students must be completed by 31 March 2011. Discussions with representatives from the Catholic Education Office have confirmed the above timeframes under the BER. It is therefore apparent that the September commencement and January completion dates quoted by the applicant relate to project management timeframes rather than strict BER requirements.

Existing Land Use

The existing site is developed and occupied by Notre Dame Catholic Primary School and Notre Dame Catholic Church. The existing school is currently single stream from Kindergarten to Year 7, comprising 278 students and 20 full-time equivalent staff members.

The existing school buildings are currently single storey and orientated towards Daly Street, Oswell Street and the southern side of the site. The buildings comprise 7 GPLA's, 1 pre-primary classroom, 1 kindergarten classroom, library, administration office and staff room.

Thirteen (13) car parking bays are currently located within the site abutting Oswell Street. Existing on-street car parking is available on Daly Street (26 bays), as well as additional parking area (marked and unmarked – approx 56 bays) associated with the Parish Church. The existing church and ancillary buildings require 36 car parking bays.

The applicant has advised that the main area of vehicle activity and car parking is along Daly Street and Oswell Street.

Surrounding Land Use

The development site directly abuts 7 residential dwellings along the southern and western boundaries. Residential land uses are located opposite the development site on Daly Street, Oswell Street, and Gilroy Street.

Development Proposal

The subject development application proposes a complete redevelopment of the school site, to be undertaken in stages. The development application is for the complete redevelopment.

The project comprises the following components:

- New library, multi-purpose teaching facility and canteen / servery on the southern side of the property (single storey);
- 2 new single storey pre-primary classrooms on the southern side of the property, including a wet area and additional storage;
- 3 new two storey classroom blocks abutting Daly Street, comprising 12 general purpose learning area (GPLA) classrooms and wet areas that connect the classrooms with toilet facilities;
- New single storey administration block abutting Oswell Street, comprising a multi-purpose teaching room, reception, storage and staff facilities;
- 2 new single storey kindergarten classrooms abutting Oswell Street, comprising a kitchen, toilets and storage;

12.1 Continued

- New on-street car parking within Oswell Street;
- New hard and soft landscaping throughout the site.

The redevelopment will allow for two streams of students from Kindergarten to Year 6. It is anticipated that the total number of students post redevelopment will be 492, with 30 full-time equivalent staff.

The development plan provides parking at several locations spread around the school site abutting road frontages, however will utilise the Parish Church existing car park as the primary car parking, pick-up and drop-off point. Staff and visitor car parking is proposed to be allocated to the Oswell Street on-street embayed parking fronting the Administration building (19 bays proposed). The existing on-street parking on Daly Street (26 bays) is proposed to be retained. Please see Attachment 1.

Development Requirements

Car Parking Provision

The provisions of TPS 14 require car parking for private primary school at a rate of 1 car bay per classroom. For the purposes of this application, 'classroom' includes general purpose learning areas, kindergarten, pre-primary, multipurpose areas and the library.

Based on the above, 19 on-site car parking bays are required for the proposed school, in addition to the 36 car parking bays required for the existing church and associated buildings. Therefore, the total car parking required for the site is 55 bays.

The development proposal provides 60 on-site car parking bays, which complies with TPS 14.

Car Parking Location

TPS 14 requires consideration to be given to the location of on-site car parking bays. In particular, it is appropriate for on-site car parking associated with schools to be located to allow for ease of access to classrooms and administration areas. Additionally, short-term parking within close proximity of kindergarten and pre-primary areas is ideal given associated drop-off and pick-up requirements.

On-site car parking associated with the proposed school is located on the eastern side of the site adjacent to the church, whereas the main area of the school is orientated towards the west. It is intended that access between the car parking area and the classrooms, kindergarten and pre-primary will be achieved via a covered route of path and verandahs.

12.1 Continued

The relative distances (via paths / walkways) to respective areas of the school are as follows:

Area	Approximate Distance
Nearest Classroom	30m
Library / Multipurpose Hall	65m
Pre-Primary	85m
Administration Area	100m
Kindergarten	140m

It is noted that 26 on-street parking bays currently exist along Daly Street, and 19 on-street car parking bays are proposed along Oswald Street.

Temporary Transportable Classrooms

As the proposed development is intended to be completed in stages, it is necessary for temporary transportable classrooms to be provided to allow for the school to remain operational while the building works are being undertaken.

A separate application has been submitted to the City of Belmont Planning Services for a temporary approval and will be dealt with under delegation.

Traffic Report

The applicant has submitted a traffic report for the proposed development, which has been prepared by a professional traffic engineer (Porter Engineering Consultants). In summary, the traffic report identifies the following:

- Total daily generation for the proposed development would be 992 trips (496 in the morning, 496 in the evening).
- Staff and visitor car parking is proposed to be allocated to the Oswald Street on-street embayed parking fronting the Administration building. This will be longer term parking, thereby minimising vehicle movements near to residential dwellings.
- Oswald Street is low volume residential street speed zoned at 50km/h outside of school times and as such is suitable for on-street pick-up/set-down parking.
- The primary on-site car parking, pick-up and drop-off area for the school, pre-primary and kindergarten is proposed to be the existing Parish Church car park.
- The Parish Church car park, pick-up and drop-off area will be one-way, with access via Daly Street and egress via Gilroy Street back into the local road network.
- A total of 105 car parking bays is available for the school (60 bays on-site, 45 bays on-street). Expected peak car parking requirement will be 90 bays based on vehicle trips and staff members, which is considered to be adequate.
- Existing on-street pedestrian facilities are of acceptable standard, with opportunities for local cycle facilities and public transport use.
- The existing road network has the capacity to accommodate the additional vehicle trips.
- No likely impact on road safety due to speed limits already being in accordance with residential standards.

12.1 Continued

- Service vehicles will utilise the Parish Church car park.

A copy of the traffic report is included as Attachment 2.

Acoustic Report

The applicant has submitted an acoustic report for the proposed development, which has been prepared by a professional acoustic consultant (Herring Storer). In summary, the acoustic report identifies the following:

- Educational facilities/schools are exempt from the Environmental Protection (Noise) Regulation;
- Notwithstanding the exemption, Council has the ability to issue a Noise Control Notice if a type of exempt noise has increased or has a detrimental effect on the environment that exceeds the benefit to the community of the activity that gives rise to that noise.
- Suggests that noise from the proposed school will not be any more detrimental to adjoining properties (if not less detrimental) than the existing school given the increase in number of students, the new buildings materials being of a higher acoustic standard to existing and the buildings being primarily in the same location as existing.

A copy of the acoustic report is included as Attachment 3.

Power Supply

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

OFFICER COMMENT

Formal Advertising

The formal advertising period is due to end on 18 September 2009. At time of preparation of this report, the advertising period was still underway.

A summary of submissions will be addressed and provided to Council prior to the Ordinary Council Meeting dated 22 September 2009.

Land Use

Notwithstanding other town planning considerations, as the subject site is currently used as a private primary school and is appropriately zoned, the land use is considered appropriate.

Amalgamation of Lots

At present, the Notre Dame School site is comprised of 8 freehold lots. Notre Dame Church is comprised of 2 freehold lots.

12.1 Continued

As detailed in the Background section, the development proposes to utilise car parking which is currently located on the lots associated with the Notre Dame church. In order to facilitate this, as well as comply with building legislation, all lots must be amalgamated onto one title. This can be undertaken as a condition of approval in the event that the Council supports the application for planning approval.

Building Design

The proposed development is of a high architectural standard and will represent a positive enhancement of the existing school site and the wider local area.

A number of minor Building Code matters relating to fire separation have been identified, however these can be resolved prior to the issue of a Building Licence.

Noise / Acoustics

The acoustic report provided by the applicant is correctly acknowledges that schools are mostly exempt from complying with the Environmental Protection (Noise) Regulations. However, the report does not address the issue of noise from an amenity viewpoint when considering the design of the development with particular regard for immediately abutting residential properties. As detailed in the Western Australian Planning Commission Development Control Policy 2.4 (School Sites) common boundaries between schools and residential uses should be avoided, however in this case the common boundaries are a historical reality. As such (particularly given that school sites are generally exempt from Noise Regulations), it is considered appropriate that noise management be given due consideration.

The acoustic report fails to mention any additional noise management measures or building design solutions that could be used to address potential noise disturbance to adjoining residents. Such measures should include a written noise management strategy, which would address matters such as keeping classroom windows/doors closed when needed, assessing orientation of windows/doors in relation to nearby residents, teachers strictly managing noisy student activities outdoors, control of amplification from PA announcements sirens, noise screen fencing and so forth. Accordingly, it is recommended that a condition be placed on any approval for a noise management Strategy to be prepared to specifically address the impact of noise on immediately abutting residential properties.

Waste Management

Limited information has been provided by the applicant in relation to the management of bin services associated with the school. The applicant has advised that the existing school currently utilises the City of Belmont waste collection service once a week, however it is likely that a private waste management operator may be engaged to collect a larger bin from a suitable location. The applicant has suggested that this location could be behind the proposed covered area or on the church site, screened from view by suitable fencing or wall.

It is recommended that amended plans be provided detailing bin storage areas and a requirement be imposed on any approval for the implementation of a waste management strategy.

12.1 Continued

Traffic

Peak traffic periods associated with the school are expected to be similar to those associated with the existing school, generally between the hours of 8:30am and 3:30pm. The peak traffic periods on the abutting road network are expected to be between 8:00am to 9:00am and 5:00pm to 6:00pm. Information provided in the applicant's traffic report indicates that school peak periods will be for between 15-30 minutes in the morning and afternoon. Unlike the morning school peak period, the afternoon school peak period will not coincide with the normal commuting peak period.

The traffic report submitted by the applicant identifies that the proposed development can be expected to attract 992 vehicle trips per day (496 in morning and 496 in the afternoon). This represents a 42% increase on the trip activity of the existing school of 278 students.

The City of Belmont Technical Services have advised that the predicted maximum traffic volumes for the adjoining local roads and intersections are within roadway capacity, and thus are expected to handle the additional vehicle movements.

Car Parking, Pick-Up & Drop-Off

Location of On-Site Car Parking

As detailed in the Traffic Report, the number of parking bays supplied on site complies with the minimum parking provision specified under the Scheme. The same report also details that expected peak car parking requirement will be 90 bays based on vehicle trips and staff members. A total of 105 car parking bays is proposed for the school with 60 of those bays on-site and 45 bays proposed on-street within the road reserve.

The applicant has advised that the proposed on-site car parking, pick-up and drop-off areas adjacent to the church site is intended to divert vehicle access away from Oswell Street (which is currently the main car parking, drop off and pick-up point for the existing school). The applicant considers that this will reduce the number of vehicle movements along Oswell Street and place less emphasis on the use of this area for car parking, pick-up and drop-off, thus improving amenity for nearby residents. The traffic report for the development proposal identifies that "*Oswell Street is low volume residential street speed zoned at 50km/h outside of school times and as such is suitable for on-street pick-up/set-down parking*". Accordingly, Oswell Street is proposed to have all day, right angled on-street car parking bays for staff and visitors. The on-street car parking on Oswell Street is intended to replace the existing school's on-site parking - the applicant has advised that this will remove the existing drop off loop on site while removing existing bays that are non-compliant with the Australian Standard 2890.1.

Although the development proposal is compliant with the number of on-site car parking bays required under TPS 14, there is concern in regard to the location of the 60 bays on site at the Parish Church grounds in relation to the location of specific facilities proposed. Whilst the proposed car parking, pick-up and drop-off area is on the eastern side of the school site, the main day-to-day activity is clustered to the west of the site, and the distance between the primary on-site car parking area and school buildings (such as the kindergarten and pre-primary) is substantial.

12.1 Continued

It is considered that the likely end result of the lack of proximity of key facilities to on-site parking is that the majority of parents with children at those facilities or those visiting, or working within the Administration Building, will try and use the off-site parking proposed for Oswell Street. Such an outcome is undesirable given:

- Oswell Street's narrow road carriageway width of 6.0 metres and verge width of 5.5 metres.
- The likely competition for limited parking within the Oswell Street road reserve (as proposed) at this end of the site with associated congestion and safety issues.
- Put-down and pick-up facilities should be provided within close proximity for the proposed kindergarten and pre-primary. (The applicant has advised that such facilities are not required on the basis that the parking adjacent to the church will be the primary area for parents of younger children to park.

However, given the distance between the eastern parking area and the requirement that all children must be physically escorted to and from the classroom and signed in/out by a parent, it is considered that parents will opt to park on Oswell Street as the preferred option).

- The likelihood of a greater number of vehicles illegally stopping in 'No Parking' and 'No Standing' zones on Oswell Street, or parking residential driveways and verge areas.
- The potential for a greater number of vehicles doing circuits of Oswell Street and U-turns waiting for parking to become available.
- The likely adverse impact on amenity on residential owners/occupiers on Oswell Street resulting from all of the above.
- The traffic report for the development proposal identifies the that "Oswell Street is low volume residential street speed zoned at 50km/h outside of school times and as such is suitable for on-street pick-up/set-down parking". Accordingly, Oswell Street is proposed to have right angled on-street car parking bays for staff and visitors.

It is important to note the Traffic Report has proposed car parking in the Parish Church grounds with a one way access from Daly Street to Gilroy Street. This will contribute to additional traffic to Gilroy Street and Oswell Street. It would be preferable to allow two way access so that traffic can also exit via Daly Street.

It should also be noted that being within the Oswell Street verge area, it would generally be expected that these car parking bays would be maintained by the City of Belmont unless other arrangements are made with Notre Dame Primary School.

In considering the design of any bays proposed on Oswell Street, Technical Services have advised that any car parking provided within the verge should be limited to a maximum of 8 short-term (15 minutes) parallel bays, which would cater solely for parents with kindergarten and pre-primary school children. Alternative options suggested to the applicant by Council Officers in order to address the areas of concern include:

- The provision of undercroft car parking for the administration block. This could be supplemented with limited parallel on-street car parking within the Oswell Street verge.

12.1 Continued

- Provision of a 5.0 metre wide one-way access road on-site off Oswell Street in front of the administration block and provide angled parking bays located within the Oswell Street verge (this option would require further design investigation).
- Redesign of the administration block with an increased setback to allow for on-site car parking for the Administration block and the kindy/pre-primary. This could be supplemented by limited parallel on-street car parking on Oswell Street.

A further redesign option that has not been discussed to date with the applicant (due to the limited timeframe they have imposed) is the potential to redesign the orientation of the buildings so that the main day-to-day activity is clustered to the east of the site in close proximity to the existing/proposed car parking bays adjoining the church facilities.

Whilst Council could support the design of the parking as proposed by the school, it is considered that the design as it relates to Oswell Street and the location of key facilities is fundamentally flawed. As such it is considered that this issue should be addressed prior to any approval being issued for the development.

Notwithstanding that, it is acknowledged that there are still tight time frames within which the development issues must be resolved in order for the proponent to access funding. Consequently it is recommended that delegated authority be given to the Director Community and Statutory Services or Manager Planning Services to determine a revised proposal that addresses the issues of concern as detailed in this report.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

Refer Noise/Acoustic issues as detailed in the Officers Comments.

SOCIAL IMPLICATIONS

The development proposal will increase capacity of the primary school and accordingly provide opportunities for additional children in the local and wider community to attend.

Conversely, the additional number of students will result in an increase in vehicle activity in the local area.

12.1 Continued

OFFICER RECOMMENDATION

1. Council pursuant to Clause 9.10 of Town Planning Scheme No. 14 delegate to the Director-Community & Statutory Services or Manager-Planning Services the authority to deal with Development Application number 283/2009/DA as detailed in plans dated 31 July 2009 submitted by Parry & Rosenthal Architects on behalf of owner Roman Catholic Church of Perth.
2. Council advise the applicant that redesign of the proposal to address the issues as detailed in the Officers Report must allow for enhanced integration between the proposed car parking, pick-up and drop-off areas and the school buildings in order to address the potential impacts on the surrounding residential area.

*****ABSOLUTE MAJORITY REQUIRED**

Cr Marks put forward the following Alternative Motion.

ALTERNATIVE MOTION

MARKS MOVED, HANLON SECONDED, that

1. ***Council pursuant to Clause 9.10 of Town Planning Scheme No. 14 delegate to the Director-Community & Statutory Services or Manager-Planning Services the authority to deal with Development Application number 283/2009/DA as detailed in plans dated 31 July 2009 submitted by Parry & Rosenthal Architects on behalf of owner Roman Catholic Church of Perth.***
2. ***Council advise the applicant that modification of the proposed development will be required to accommodate vehicular access and parking in Oswell Street, as depicted in Option B.¹***

*****ABSOLUTE MAJORITY REQUIRED**

CARRIED 11 VOTES TO 0

Reason: To provide clarity for the applicant on what Council considers appropriate to deal with traffic issues on Oswell Street, particularly safety issues.

7.47pm Cr Dornford departed the meeting.
7.48pm Cr Dornford returned to the meeting.

¹ See Tabled Attachment 1 – Option B

12.2 DEVELOPMENT AREA 9 – LOT 177 FAUNTLEROY AVENUE AND LOT 1 AND LOTS 180-196 HAY ROAD, ASCOT – PROPOSED STRUCTURE PLAN – CONSENT FOR FORMAL ADVERTISING**

Built Belmont

DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4 – Item 12.2 refers	Land Ownership Plan
Attachment 5 – Item 12.2 refers	Opportunities & Constraints Plan
Attachment 6 – Item 12.2 refers	Proposed Structure Plan

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

COUNCIL ROLE

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

Item 12.2 Continued

PURPOSE OF REPORT

To consider adoption of a proposed Structure Plan for Development Area 9 (DA9) for the purpose of advertising.

SUMMARY AND KEY ISSUES

- The structure plan is being considered for the purposes of public advertising only, not final adoption.
- The proposed structure plan is for DA9, which is required prior to development and subdivision. The WAPC owns a large proportion of the land area within DA9.
- The WAPC has identified that the preparation of a structure plan for this land is low priority, and hence the City of Belmont has initiated the preparation of a structure plan by engaging the services of a town planning consultant.
- The proposed structure plan for DA9 provides for residential land use at density of R20/60, R100 and R160.
- The eastern portion of the site is reserved for Parks & Recreation under the MRS and will require rezoning to Urban prior to allow for implementation of a proposed structure plan.
- Hay Road is proposed to be realigned under the structure plan.
- There are no significant environmental implications identified.
- Land use interface between the structure plan area and the existing non-residential land uses on Great Eastern Highway will require further consideration after completion of formal advertising.
- It is recommended that the proposed Structure Plan be adopted for the purposes of formal advertising.

LOCATION

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

Item 12.2 Continued



CONSULTATION

The proposed structure plan must be advertised in accordance with Clause 10.17.9 of TPS 14.

STRATEGIC PLAN IMPLICATIONS

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

NATURAL BELMONT – *“Protect and enhance the quality and amenity of our natural environment”.*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme (MRS)

The western portion of the site is zoned ‘Urban’ under the MRS, whereas the eastern portion of the site is reserved for ‘Parks & Recreation’.

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

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

Item 12.2 Continued

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

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

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

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

Right of Appeal

Is there a right of appeal? Yes No

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

BACKGROUND

History

Coordinated Redevelopment

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

Amendment 43

Amendment No. 43 to TPS No. 14 introduced provisions for the operation of special control areas. As part of this amendment, four development areas were included in TPS 14 (Item 10.4.1 PDC 20/09/2004 refers).

Item 12.2 Continued

Amendment 49

Amendment No. 49 (Item 12.1.3 OCM 20/02/2007 refers) proposed the introduction of a further seven development areas into the TPS 14 in addition to the existing four which were implemented as part of Amendment No. 43. All of the development sites required the preparation of structure plans.

A large proportion of the land within DA9 is owned by the Western Australian Planning Commission (WAPC), with the remaining parcels being in private ownership. DA9 was therefore included as part of Amendment 49 to promote a coordinated approach to subdivision and development so as to avoid a proliferation of battleaxe lots.

Discussions with the WAPC have revealed that State Government initiated structure planning for DA9 is low priority. As such the City of Belmont has assumed the lead role in initiating the structure planning process by engaging the services of a private town planning consultancy to prepare a local structure plans for the development area. The preparation of a structure plan for DA9 will provide opportunities and certainty for landowners to develop their land in a coordinated manner.

Development Area 9

DA9 is 2.994ha in area and is comprised of 19 freehold lots. The WAPC owns 13 of the lots, representing a combined land area of 1.9461ha (65% of the total area of DA9) (refer to Attachment 4).

The majority of the land within DA9 is undeveloped. Three (3) residential dwellings have been developed within the zoned western portion of the site (Lot 177, Lot 181 and Lot 184), whilst the reserved eastern portion of the site is degraded parkland. The WAPC has advised that the land is surplus, is not of any significant environmental conservation worth, and not required to ensure the successful functioning of the Swan River foreshore.

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

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

Attachment 5 is an analysis of opportunities and constraints for the area.

Great Eastern Highway Strategic Access Plan

Main Roads WA is currently in the design stage for the widening of Great Eastern Highway between Kooyong Road (Rivervale) and Great Eastern Highway Bypass. As such, consideration is being given to access points and reciprocal access arrangements for properties fronting Great Eastern Highway.

Item 12.2 Continued

Strategic access for the adjoining non-residential properties between Fauntleroy Avenue and Ivy Street are currently being considered by Main Roads WA. Previous strategic planning under the MRWA Great Eastern Highway Strategic Access Study (1999) and Draft City of Belmont Local Planning Policy No. 10 (2005) indicated that a laneway would be required along the common boundary between DA9 and the non-residential properties fronting Great Eastern Highway, which would provide access for both residential and commercial vehicles.

The Strategic Access Policy underwent public advertising in 2001, at which time a number of issues were identified and raised with Main Roads. One of the areas where questions were raised was in regard to the lots now included within DA9. The Great Eastern Highway Draft Strategic Access Plan has never been finalised as the outstanding issues remain unresolved.

In the case of DA9, the key issue that requires resolution is the feasibility of providing the particular Right of Way in the Main Roads concept plan. The rear boundary of DA9 abuts properties that are zoned 'Mixed Use' and the City has concerns with the functionality of the proposed laneway as it will be used for residential and commercial traffic. In an effort to resolve the issue of access, the City has requested that Main Roads examine an opportunity to extend Hay Road to link with Ivy Street.

Previous applications for subdivision of properties within the street block (WAPC 936-06 and WAPC 353-06) have been refused in view of the various issues associated with DA9. In particular, there is a need for the issue of access to be addressed in order to prevent a proliferation of battleaxe developments, which are considered contrary to current residential design principles.

The latest information presented by Main Roads has revealed that land within DA9 will not be required for strategic access. Rather, a long-term access easement in gross will be provided at the rear of the non-residential lots fronting Great Eastern Highway and acquired progressively as these properties redevelop.

Proposed Structure Plan

The proposed structure plan for DA9 (refer to Attachment 6) provides for residential land use at density of R20/R60, R100 and R160. It is anticipated that the structure plan may provide for approximately 140 residential dwellings units (estimate).

Transitional Low-Medium Density Residential Precinct (R20/R60)

The existing privately owned residential lots fronting Hay Road are currently coded R20 under TPS 14, possessing an average frontage of 20-25 metres and depths of approximately 70-75 metres. Under the proposed Structure Plan, a split density code of R20/R60 has been provided for these lots. The higher density coding is intended to provide incentive for owners to develop in a coordinated manner by amalgamating their lots before receiving a density bonus.

Medium-High Density Multiple Dwelling Residential Precinct (R100)

The central portion of DA9 (existing Lots 184-188) is identified under the proposed structure plan for medium to high density residential lots up to a density coding of R100. It is intended that a minimum parent lot size of 3500sqm should be achieved prior to development of dwellings, which can be enforced through the provision of a local planning policy for the precinct.

Item 12.2 Continued

The structure plan incorporates an indicative development concept to demonstrate one way in which development can be configured on these sites. The concept identifies that development in this precinct may be between 3-5 storeys and have car parking and vehicle access orientated towards the rear of the site.

High Density Multiple Dwelling Residential Precinct (R160)

A High Density Multiple Dwelling Residential R160 precinct is proposed within the northern portion of the site (Lots 185-196). The intent of this precinct is to facilitate higher density development to reflect similar dwelling types elsewhere within the City on land abutting the Swan River (e.g. Hill 60, Ascot Quays). Similar to Precinct 2, a minimum lot size of 3500sqm should be achieved prior to development of dwellings, which can be enforced through the preparation of a local planning policy for the precinct.

The structure plan incorporates an indicative development concept to demonstrate one way in which development can be configured on these sites. The concept identifies that development in this precinct may be between 5-12 storey apartment buildings and have car parking and vehicle access orientated towards the rear of the site.

Other Components

The Structure Plan has a number of other elements, as detailed below:

- Construction and minor realignment of the eastern portion of Hay Road to form a direct vehicle connection between Fauntleroy Avenue and Ivy Street.
- Closure of redundant portion of Hay Road and rejuvenation / enhancement of Parks & Recreation reserve / Swan River foreshore.
- Separate vehicle access arrangements for the non-residential properties and the residential land uses.
- No provision of local Public Open Space.

OFFICER COMMENT

Proposed Land Uses

The Structure Plan has been designed around a permeable road network which allows for a transition in densities from low/medium density lots in the south (R20/60); through to medium/ high density lots in the centre of the site (R100); and to high density lots (R160) abutting the north boundary. The variety of densities is considered to provide a range of housing products to meet market demand, provide compatible land uses with surrounding development and build upon the character afforded to the site by its proximity to the Swan River.

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

Item 12.2 Continued

Transitional Low-Medium Density Residential Precinct (R20/R60)

The intent of the R20/R60 split coding is to prevent ad hoc subdivision of the land, which may create less desirable built form outcomes. It is a position of the City that providing density bonuses, in accordance with stringent performance criteria and built form design guidelines under a local planning policy, encourages landowners to subdivide and redevelop in a coordinated manner. Coordinated development has been proven to achieve better quality development outcomes, thus enhancing the amenity of an area.

It is considered that the designed density coding of R20/R60 for this precinct will act as a transition between the existing residential estate to the south-west and the proposed medium and high density proposals for the remainder of the DA9 subject site.

Precinct 1 also includes the Commonwealth owned Lot 1 Hay Road, which incorporates one of the Perth Airport Main Drains. Due to the Commonwealth ownership, the drain is not currently identified as an easement over the lot. However, should the Westralia Airports Corporation dispose of the lot, future planning will need to take into consideration the need for a drainage easement across the site.

Medium-High Density Multiple Dwelling Residential Precinct (R100)

A density coding of R100 in the central portion of the site will assist with providing a higher density built form outcome for the development of multiple dwellings. In order to achieve optimal dwelling yield and high quality multiple dwelling built form outcomes, it is anticipated that a local planning policy will be prepared that will provide criteria and guidelines for development, relating to architectural details, car parking ratios, open space variations, security and surveillance, height allowances, amongst others that are deemed necessary by the City of Belmont. Accordingly, achieving a minimum parent lot size of 3500m² prior to lodging a development application with the City will assist greatly in achieving high standard streetscape and architectural design.

The location of parking areas at the rear of the site will provide a buffer from the 'Mixed Use' lots, as well as facilitate greater built form interface with the streetscape and adjacent Parks & Recreation reserve. It is also anticipated that reciprocal vehicle access arrangements can be provided between adjacent residential sites.

High Density Multiple Dwelling Residential Precinct (R160)

The high density R160 lots in the eastern portion of DA9 are considered reasonable on the basis of the following:

- Proximity of the sites to recreational areas within the Swan River Foreshore and adjacent Garvey Park;
- Proximity of the sites to Public Transport routes on Great Eastern Highway;
- The sites accessibility to existing regional pedestrian and cyclist routes;
- The ability for sites to be buffered from traffic noise on Great Eastern Highway and adjacent Mixed Use and Industrial works through built form solutions; and
- The opportunity to create a landmark sites that utilise the existing aesthetics of the surrounding land, similar to Hill 60 and Ascot Quays.

The WAPC have provided general support for higher density lots on this site given the proximity to the river and public transport.

Item 12.2 Continued

It is anticipated that a local planning policy will be prepared that will provide criteria and guidelines for development to ensure high quality Multiple Dwelling outcomes at an appropriate scale. Guidelines for the high density lots will be more stringent than the medium-high density lots to ensure the highest and best built form outcome. Matters such as architectural details, car parking ratios, open space variations, security and surveillance, height allowances, amongst others that are deemed necessary by the City of Belmont will be required to be thoroughly considered. Accordingly, achieving a minimum parent lot size of 3500m² prior to lodging a development application with the City will assist greatly in achieving high standard streetscape and architectural design.

Access to the high density sites can either be connected between the properties or achieved via individual access points onto Hay Road and Ivy Street. This represents a good development outcome as it separates vehicle access from the non-residential land uses and allows for enhanced streetscape and non-vehicular access opportunities to the adjoining Swan River foreshore.

Road Network / Access

The proposed road network within DA9 builds on the existing constructed and unconstructed Hay Road reservation, thus providing a highly legible and permeable road network with direct linkages to surrounding roads.

The road network within this structure plan has been guided by the previous MRWA Great Eastern Highway Strategic Access Study (1999) and Draft City of Belmont Local Planning Policy No. 10 (2005) that each considered the option of constructing a laneway along the rear of properties within DA9 and providing access to this laneway for both residential and commercial vehicles. The provision of a shared rear laneway between the residential and non-residential land uses is not considered to be a good development outcome due to the likely traffic conflicts between residential and commercial vehicles on a narrow road area.

Conversely, the complete construction of Hay Road provides a safer access arrangement for commercial and residential vehicles, and also creates a more suitably sized development site for residential development.

Access into Hay Road via either Fauntleroy Avenue to the south or Ivy Street to the north promotes pedestrian and cyclist accessibility through the site via the existing dual use path. This path will be reconstructed within the proposed Hay Road road reserve and will ensure continuity of the regional bike network around the river.

The City of Belmont Engineering Department has provided specific advice regarding the construction of Hay Road:

- The proposed alignment of Hay Road is based on minimising cut-and-fill while also avoiding the majority of large trees on the foreshore.
- The proposed alignment also generally follows the floodway limit of the Swan River.
- A section of the existing foreshore dual use path will require relocating.
- The existing ground levels are very low lying and the majority of earthwork filling is concentrated at the connection to Ivy Street.
- As the proposed road level generally falls towards Ivy Street, the road will be drained using pipes and will connect to the existing outlet at Ivy Street.

Item 12.2 Continued

- An approved oil and silt separator device will be required at the end of the drainage pipe prior to connecting to the existing outlet.
- A further traffic report may be required to ensure the existing road network can sufficiently cater for the proposed increase in traffic.

It is anticipated that the WAPC, as the principal landowner within DA9, will fund the construction of the Hay Road extension. Further discussions with the WAPC in this regard are necessary.

As mentioned, the latest information presented by Main Roads has revealed that land within DA9 will not be required for strategic access. Rather, a long-term access easement in gross will be provided at the rear of the non-residential lots fronting Great Eastern Highway and acquired progressively as these properties redevelop. This will allow for separation of vehicle access required for residential and non-residential properties, and thus reduce traffic conflict.

A traffic study is required to ascertain the capacity of the road network to cater for additional vehicle movements. This study will be completed prior to the structure plan being presented to Council for final adoption.

Public Open Space

The net developable area of DA9 would ordinarily require the provision of 2514sqm of Public Open Space. It is however acknowledged that DA9 is located adjacent to the Swan River foreshore area and within close proximity of Garvey Park. The City of Belmont Local Planning Policy No. 17 generally does not support the creation of small pocket parks within close proximity of large areas of open space. As such, the structure plan does not provide any public open space and identifies that a cash-in-lieu payment (proportionately shared between all landowners) to the City of Belmont will be applicable, which is supported.

Additionally, it is anticipated that the WAPC should be requested to make additional financial contribution towards the development/maintenance of the adjacent Swan River foreshore area as part of recognising the gain they are receiving from development of land currently reserved for 'Parks and Recreation' which will become 'Urban'.

Land Use Interface

The existing land uses fronting Great Eastern Highway have been established for some time and comprise commercial and industrial operations. The likelihood of emissions such as noise, odour and stormwater disposal means that the interface between these uses and the proposed residential will require consideration upon completion of the formal advertising.

The properties fronting Great Eastern Highway are zoned 'Mixed Use' under TPS 14, which means that a number of the industrial activities are now non-conforming uses. The 'Mixed Use' zoning allows the opportunity for all properties fronting Great Eastern Highway to redevelop under TPS 14 for uses including office, retail, and residential. It is considered that the preparation of this structure plan may additionally exist as a catalyst to encourage the redevelopment of these properties in accordance with the provisions of TPS 14.

Item 12.2 Continued

Environmental Considerations

The City of Belmont Environmental Services have confirmed that the proposed structure plan for DA9 will have minimal impact on the environment, particularly with the retention of the significant tree (#205).

Specific comments made by Environment Services were as follows:

- Adequate tree protection should be provided prior to and during any works on-site.
- The realignment of the Hay Road is supported, as this will protect a stand of vegetation located in the current unconstructed Hay Road road reserve, and will also align with the 1:100 flood levels.
- The zoning of the subdivision as Residential rather than Mixed Use is supported. The site is in close proximity to the Swan River and if zoned Mixed Use there would be high risk of pollution from light industrial businesses.
- Sewerage connection is required to prevent any groundwater pollution issues;
- Requirement to ensure adequate interface between residential and non-residential land uses so as to avoid complaints relating to odours, storage of chemicals/ equipment and disposal of wastewater.

The matters that require further investigation can be undertaken prior to final adoption of the proposed structure plan.

FINANCIAL IMPLICATIONS

Costs associated with advertising the Structure Plan and any additional consultant reports (e.g. traffic study) will be borne by the City of Belmont.

ENVIRONMENTAL IMPLICATIONS

Refer to Background and Officer's Comments sections.

SOCIAL IMPLICATIONS

The proposal will encourage the redevelopment of this land in a coordinated manner and subsequently allow for new housing stock and additional residents within the locality.

OFFICER RECOMMENDATION

WOLFF MOVED, WHITELEY SECONDED, That Council adopt the proposed structure plan for Development Area 9 for the purpose of advertising in accordance with Clause 10.17.9 of Town Planning Scheme No. 14.

CARRIED 7 VOTES TO 4

Against: Rossi, Hitt, Wolff, Dornford

12.3 PROPOSAL TO INITIATE PUBLIC CONSULTATION TO APPLY THE NAME 'FRED MCKENZIE PARK' TO THE PUBLIC OPEN SPACE LOCATED AT CROWN RESERVE 33014 LOT 9162 DIA 29899 (NO. 1) BLACKLOCK ROAD BELMONT**

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7 – Item 12.3 refers	<u>City of Belmont Schedule of Names Reserved for Streets and Parks</u>

Voting Requirement : Simple Majority
Subject Index : 117/008
Location / Property Index : Crown Reserve 33014 Lot 9162 DIA 39899 (No. 1)
Blacklock Road Belmont
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : Item 12.6 OCM 28 July 2009
Applicant : Mayor Glenys Godfrey
Owner : The Crown; management order to the City of Belmont
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, town planning schemes & policies*
- Review** *When Council reviews decisions made by Officers*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal*

PURPOSE OF REPORT

Council to consider initiating public advertisement to apply the name 'Fred McKenzie Park' to the public recreation park located at Crown Reserve 33014 Lot 9162 DIA 39899 (No. 1) Blacklock Road Belmont.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

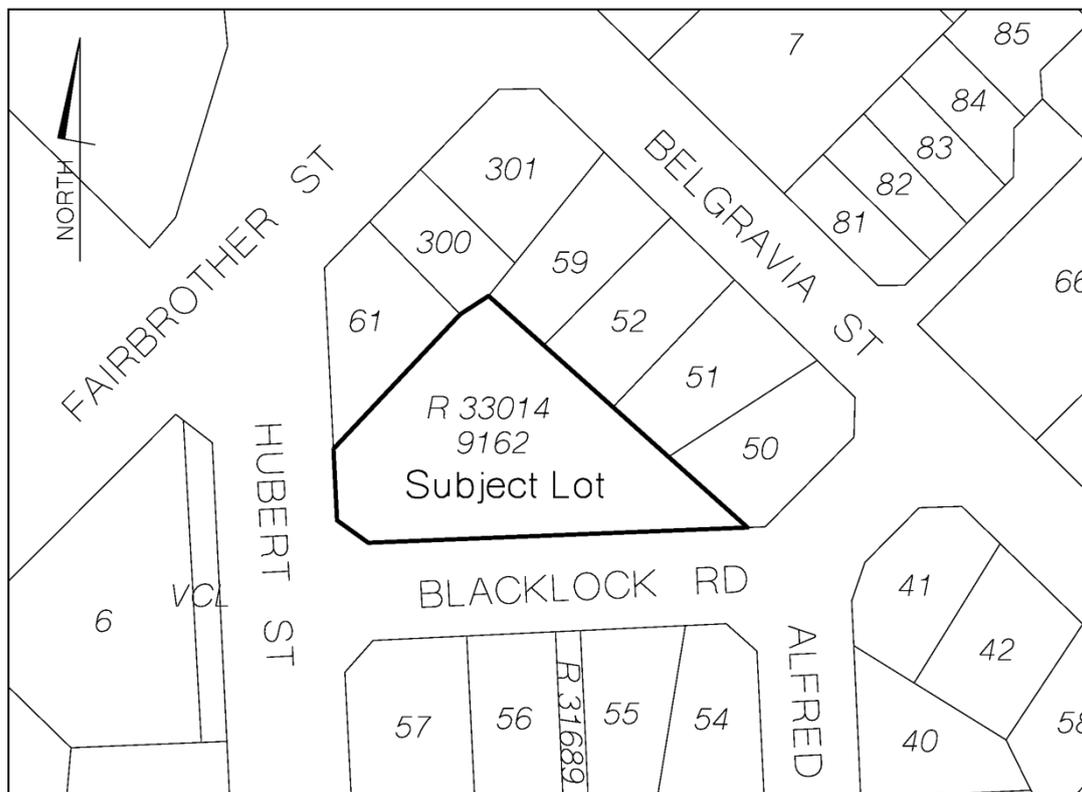
A request has been received to apply the name 'Fred McKenzie Park' to a 2534m² public recreation park located at Crown Reserve 33014 Lot 9162 DIA 39899 (No. 1) Blacklock Road Belmont.

The name 'Fred McKenzie' is currently included on the City's Schedule of Names Reserved for Streets and Parks and is considered by the Planning Department to be a suitable choice for the park.

This report recommends that Council approve initiating public advertisement as part of the procedure to apply the name 'Fred McKenzie Park' to the public recreation park located at Crown Reserve 33014 Lot 9162 DIA 39899 (No. 1) Blacklock Road Belmont.

LOCATION

Crown Reserve 33014, Lot 9162 DIA 39899 (No. 1) Blacklock Road Belmont.



CONSULTATION

No public consultation has yet been undertaken in respect to this matter. Should the name be considered for adoption it is proposed to publicly advertise the proposal.

Item 12.3 Continued

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

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

"Policy Objective:

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

Policy Statement:

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

Criteria for Recognition

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

Priority for Use of Names

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

4. *The Schedule of Names Reserved for Streets and Parks be reviewed biennially for a report to the Council."*

Item 12.3 Continued

STATUTORY ENVIRONMENT

Landgate's Geographic Names Committee – Principles, Guidelines and Procedures (May 2006) includes the following guidelines for naming of parks and reserves:

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

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

Item 12.3 Continued

Naming of Parks and Reserves under 1ha

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

BACKGROUND

At the Ordinary Council Meeting held on 28 July 2009 Council resolved to defer consideration of an item proposing the application of the name 'Fred McKenzie Park' to the public open space located at Lot 66 (No. 131) & Crown Reserve 28241 Lot 8082 (No. 137) Belgravia Street Belmont. The item was deferred in order to allow the Planning Department appropriate time to investigate the suitability of applying the proposed park name to an alternative location; being Crown Reserve 33014 Lot 9162 DIA 39899 (No. 1) Blacklock Road Belmont.

Mayor Glenys Godfrey has submitted a request that the Council consider initiating procedures to apply the park name 'Fred McKenzie Park' to the public open space located at Crown Reserve 33014 Lot 9162 DIA 39899 (No. 1) Blacklock Road Belmont.

The reserve is currently known (but not formally named and approved) as 'Blacklock Park'. Its colloquial name is taken from the adjoining road reserve Blacklock Road.

The 2534m² reserve is owned by the Crown and managed by the City of Belmont, for the purposed of 'Public Recreation', in accordance with the management order gazetted on 9 September 1988.

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

Item 12.3 Continued

Fred McKenzie**	<p>(Born 1 December 1933, Died 18 March 2008) A prominent Western Australian Labor MP who was heavily involved in contributing to the local City of Belmont community and broader State community. Some of his contributions included:</p> <ul style="list-style-type: none">• Playing an integral role in getting funds to rebuild Belmont Senior High School, now Belmont City College;• Serving on the Belmont Community Youth Support Scheme, of which he was the Chairman for several years;• Long serving helper with Meals on Wheels in Belmont from 1993 until 2008;• Vice Chairman of the Faulkner Park Retirement Village, and part of the inaugural board from 1995 until 2008;• Organiser of the joint door knock appeal for cancer, heart and arthritis;• Collector for the Red Cross and Princess Margaret Children's Hospital Annual Appeal;• Vice President of the WA Scout Association for a period of 5 years; and,• Patron of the Milford & Fairholme Parents and Friend Association, where he worked with intellectually handicapped people. <p><i>(Refer Item 12.6 – 15 July 2008 Council Minutes)</i></p>
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OFFICER COMMENT

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

The proposed name also complies with Landgate's General Guidelines for Naming of Parks and Reserves.

It is considered that 'Fred McKenzie Park' is a suitable name to apply to the public open space located at Crown Reserve 33014 Lot 9162 DIA 39899 (No. 1) Blacklock Road Belmont.

Alternatively, other names that may be considered are listed on the City's 'Schedule of Names Reserved for Streets and Parks'. A copy of which is provided as Attachment 7 to this report.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.3 Continued

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That:

1. ***Council initiate advertising to seek public comment on the proposal to apply the name 'Fred McKenzie Park' to the public open space land located at Crown Reserve 33014 Lot 9162 DIA 39899 (No. 1) Blacklock Road Belmont by:***
 - (a) ***placing an advert in the Southern Gazette newspaper;***
 - (b) ***placing a sign on-site;***
 - (c) ***writing to the landowners and occupants in the area surrounding the park;***
 - (d) ***writing to the Belmont Historical Society.***

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

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

12.4 REVIEW OF REVISED MUNICIPAL HERITAGE INVENTORY 2007**

Built Belmont

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 8 – Item 12.4 refers	3 Submissions
Attachment 9 – Item 12.4 refers	6 Nominated Properties/Sites
Attachment 10 – Item 12.4 refers	Ascot Residential & Stables Entry Update
Attachment 11 – Item 12.4 refers	Rivervale Primary School Site Information

Voting Requirement : Simple Majority
Subject Index : 86/001
Location / Property Index : Various
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : Item 12.1.6 – Review Municipal Heritage Inventory
OCM 11 December 2007.
Applicant : City of Belmont
Owner : Various
Responsible Division : Community & Statutory Services.

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider additional nominations to the City's Municipal Heritage Inventory 2007.

Item 12.4 Continued

SUMMARY AND KEY ISSUES

- Under Town Planning Scheme No. 14 Clause 7.2, the City shall establish and maintain a Heritage List.
- Council at its meeting held on 11 December 2007, resolved to adopt the current Municipal Heritage Inventory. This is also adopted as the City's Heritage List.
- A total of six new nominations are to be considered, and one modification to an existing item. The nominations include the former Redcliffe Hall site and the former Sugar Brickworks which were considered in 2007 and excluded pending further investigation of the historical statements.

LOCATION

Refer to attachments.

CONSULTATION

The Heritage Act requires local inventories to be compiled with "proper public consultation". In accordance with Clause 7.3 of the City of Belmont Town Planning Scheme No. 14, prior to a proposal being included in Inventory and Heritage List, the owner shall be notified in writing for a period of not less than 21 days.

The owners of the three additional residential sites were notified in writing of the proposed nomination for a 21 day period (from 9 July 2009 until 31 July 2009). At the close of the submission period a total of 3 submissions (refer Attachment 8) were received (refer Officers Comments below).

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – Accomplish urban renewal of designated areas to meet the changing needs of the community.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Heritage of Western Australia Act 1990.

Section 45 of the Heritage of Western Australia Act 1990 states as follows:

45. *Local government inventories*

- (1) A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.

Item 12.4 Continued

- (2) The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be —
 - (a) updated annually; and
 - (b) reviewed every 4 years after compilation.
- (3) A local government shall provide the Council with a copy of the inventory compiled pursuant to this section.
- (4) A local government shall ensure that the inventory required by this section is compiled with proper public consultation.

Town Planning Scheme No. 14

Clause 7.2 - Municipal Heritage List contains provisions relating to the preparation and modification to the Heritage List of Council.

BACKGROUND

Heritage of Western Australia Act 1990

The Heritage of Western Australia Act 1990 defines cultural heritage significance as:

“In relation to a place, the relative value which that place has in terms of its aesthetics, historic, scientific, or social significance, for the present community and future generations”.

Municipal Heritage Inventory

Under the City's Municipal Heritage Inventory, the historic framework looks at development over time and examines the following themes:

- Demographic Settlement and Mobility:
- Transport and Communication:
- Occupations:
- Social and Civic activities:
- Outside influence; and
- People.

All nominated properties fall within four management categories as follows:

- Historic site without built features. Recognise with a plaque.
- Significant but not essential to an understanding of the history of the City of Belmont. Photographically record the place prior to any major redevelopment or demolition.
- Retain and conserve if possible. Endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major redevelopment or demolition.
- High level of protection appropriate: provide maximum encouragement to the owner under the Town Planning Scheme to conserve the significance of the place. Photographically record the place prior to any major redevelopment. Encourage any future modifications and/or extensions reflect the original style and character of the buildings.

Item 12.4 Continued

The City of Belmont's Municipal Heritage Inventory was completed in 1995 and reviewed in 1997, 2002 and 2007.

In the 2007 review, an updated version of the City's Municipal Heritage Inventory was prepared to recognise the importance of places to the community. This review included the nomination of the following two historical sites:

- Lot 5230 (357) Great Eastern Highway, Redcliffe (former Redcliffe Hall site) – *"Historic site without built features"*; and
- Former Sugar's Brickworks site (located beneath Redcliffe Bridge, Ascot) – *"Historic site without built features. Recognise with a plaque or a place name."*

At the Council meeting held on 11 December 2007, Council resolved to exclude these two sites pending investigation into the validity of the historical statements proposed to be included in the Inventory.

Following that meeting Council also received a nomination for the following to be included in the Inventory:

- Lots 52 & 53 (16) Hutchison Street, Rivervale – Sekula House – "Significant but not essential to an understanding of the history of the City of Belmont. Photographically record the place prior to any major development or demolition."
- Lots 54 & 55 (20) Hutchison Street, Rivervale – Olejnik House – "Significant but not essential to an understanding of the history of the City of Belmont. Photographically record the place prior to any major development or demolition."
- Lot 46 (10) Ruan Place, Kewdale – Kelly House - "Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major development or demolition."
- Lot 388 (13) Great Eastern Highway (corner of Gladstone Road), Rivervale - Congregational Church (Site only) - "Historic site without built features."

Refer Attachment 9.

OFFICER COMMENT

A total of three historical sites and three dwellings have been nominated for inclusion in the Inventory. In addition, the entry for the Ascot 'Residential & Stables' Area is to be amended to reflect that it has been entered in the National Trust's list of Classified Places. Refer Attachment 10.

Additional information has also been submitted by Beryl Connors regarding the former Rivervale Primary School. No change to the Inventory is proposed as this information provides financial details relating to the additions plus extracts from journals providing a social history of the school between 1912 and 1948. Refer Attachment 11.

Redcliffe Hall site

The Heritage Consultant (E. Marcus) has confirmed that the information previously supplied by Mr Paul Quinn is accurate and the record be amended to remove the potential ambiguity that the *Redcliffe Agricultural Hall 1915 and Redcliffe Hall 1947* had been located on the same site.

Item 12.4 Continued

The Statement of Significance has been amended accordingly.

Sugars' Brickworks site

The Heritage Consultant confirmed the information previously supplied by Mr Paul Quinn is accurate and the record be amended to show the photograph of the Keymer Street home associated with Sugars Brickworks is either 1901 or shortly thereafter.

The Statement of Significance has been amended accordingly.

Congregational Church site

This site on the corner of Great Eastern Highway and Gladstone Road now forms part of Great Eastern Highway road reserve, just north of the Graham Farmer Freeway intersection. The historical use of the building included Church and Sunday School services as well as primary school, Burswood Red Cross meetings, Ladies Guild, and various youth groups. The Church was also used for social evenings, public meetings and as a polling place.

It is therefore recommended that the site be included in the Inventory as a 'site without built features'. Given the many uses of the Church, it is recommended that the site listing be modified to include the following historic theme and sub theme:

Theme: Social and civic activities

Sub Theme: Community services and utilities. Educational facilities.

Sekula House Lots 52 & 52 (16) Hutchison Street, Rivervale and Olejnik House Lots 54 & 55 (20) Hutchison Street, Rivervale.

These two dwellings were proposed to be incorporated in the City's Heritage List as examples of post World War II development within the locality which are in very good condition.

The Heritage Consultant confirmed that both the owners were former residents of the Dunreath Migrant Hostel and that the dwellings were of cultural significance rather than their architectural interest. Consequently the management category is proposed to be "*Significant but not essential to an understanding of the history of the City of Belmont. Photographically record the place prior to any major redevelopment or demolition*".

In accordance with Scheme provisions the proposal to include the dwellings in the City's Heritage List were referred to the owners for comment. In this instance, George Sekulla provided the following information:

- The photos of the dwellings are incorrect. (The photo of each dwelling related to the other address. This has since been corrected).
- The Sekulla family (note spelling) do not agree with the proposed heritage listing as the dwelling has no unique features worthy of retention and the style of the home is common within the Belmont district of post war years.

Item 12.4 Continued

- Mr Sekulla also stated “In 1952, Francois Sekulla purchased lots 52 & 53. Francois was born in France and arrived at Fremantle on 12 July 1950, on the MV Skaugum. After leaving the Holden Immigration Accommodation Centre at Northam, he joined other migrants at the Dunreath Migrant Hostel, Redcliffe.”; and “In 1952, Mieczyslaw Olejnik purchased Lots 54 & 55. Mieczyslaw was born in Poland and arrived in Fremantle on 12 July 1950, on the MV Skaugum. He was accompanied by his wife Waleria and son Stanislaw on the journey to Western Australia. After leaving the Northam Reception and Training Centre, the Olejnik family found accommodation at Graylands.”

The source of the above information was from ‘*Our Dream Our Future: A History of the Midland-Bellevue Polish Community 1950-2006* by GP Sekulla and K Legge. A copy of this book has been sourced from the Maylands Library.

Although it has been requested that the dwellings not to be included in the Inventory, the additional information provided enhances the cultural significance of the dwellings. It should also be noted that both dwellings are located over the boundary of two lots. This would permit the two dwellings to be replaced with a total of four dwellings. Given that the proposed management category is to photographically record the dwellings prior to any major redevelopment, it is recommended that both dwellings be included in the Inventory and named after the owners who built them, which is the standard architectural practice. In accordance with the Heritage Consultants recommendation, the inclusion of the dwellings is supported subject to the additional information being included in the relevant Statement of Significance for the dwellings.

Kelly House Lot 46 (10) Ruan Place, Kewdale

The Heritage Consultant has confirmed that this dwelling is an example of an extremely rare concrete dome dwelling. Concrete shell structures were introduced to the United States in the early 1930s, importing the technology from Germany. One notable achievement of geometric formed buildings was the Shine Dome (1959) Canberra by Melbourne’s architect, Roy Grounds, which consists of a flattened concrete shell tapering off to sixteen points creating a parabolic arch between each load point. The house built by Kevin Kelly, a carpenter from Victoria Park, is an elliptical dome constructed of a thin concrete shell supported on brickwork under walls, and brick piers. It tapers at ten points to create parabolic arches reminiscent of Ground’s design in Canberra.

The dwelling is recommended to be included in the Inventory in order to retain and conserve the significance of this unusual dwelling which demonstrates Kevin Kelly’s aesthetic sensibility and high level of technical achievement and skills in design and fabrication. The Heritage Consultant also recommended that the dwelling be named *Kelly House* which is the standard architectural practice of naming a place after the first owner.

In accordance with the Scheme provisions the proposal to include the dwelling in the City’s Heritage List was referred to Mr Kelly for comment. Both Mr Kelly and his daughter Janice Hill responded as follows:

- Mr Kelly stated that he did not want the dwelling heritage listed as it was not an old building. He stated that the house is unique but not old fashioned belonging to a former period. It is a comparatively modern design and in another eighty or one hundred years time would be entering the relic category.

Item 12.4 Continued

- Ms Hill advised that the proposed inclusion of the dwelling on the City's Municipal Heritage Inventory had caused great stress to her father. The situation has affected him both emotionally and physically. Ms Hill also stated that the dwelling will not be sold, changed or demolished in her father's or her lifetime. Ms Hill also advised that there are many years left for the house to be observed by sightseers and photos taken and has therefore requested that given the great deal of concern that the proposed inclusion has caused her father who is 85years old, the dwelling be included at a later date.

It is acknowledged that the dwelling which was built in 1966 has been proposed to be included in the Municipal Heritage Inventory due to its unique design. The Municipal Heritage Inventory provides an overview of the development within the district from 1829 through to the present time. As stated above, this timeframe also includes themes. In this instance the Kelly dwelling is an example of the following themes:

- Occupation - housing construction: and
- People – Owner Builder.

It should also be noted that the management category proposed is *"Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major development or demolition."* Given that both the owner/builder of the dwelling and his daughter have stated that they do not support the proposal for its inclusion in the Heritage List at this time, but would not oppose its inclusion at a later date, the following options are proposed:

- Option 1 Given the concerns raised by the Kelly family stated above, the dwelling not be included in the City's Heritage List at this time but be considered in the next review; or
- Option 2 That the dwelling be included in the City's Heritage List as it provides a unique addition to the history of the locality and a rare example of a concrete dome residence.

The risk with not listing the site is the dwelling would not be afforded any protection under the City's Town Planning Scheme No. 14 and therefore could be sold and/or redeveloped. Although the physical significance of the dwelling does warrant inclusion in the Inventory, given the impact on the original builder, the solid nature of the structure and the fact that the dwelling is not included in the State Heritage list, the risk of not including the dwelling immediately is outweighed by the impact on the health and welfare of the owner. Consequently Option 1 is recommended at this time.

Conclusion

It is recommended that the Municipal Heritage Inventory be modified as follows:

1. Change to the spelling of Sugars' Brickworks site (previously Sugar's) and deletion of the word 'former' in front of the Redcliffe Hall site.
2. Include the former site of the Congregational Church which was located at 13 Great Eastern Highway, Rivervale to record its historical use.
3. Include the dwellings located at 16 and 20 Hutchison Street, Rivervale given their historic cultural significance.

Item 12.4 Continued

4. The dwelling located at 10 Ruan Street, Kewdale not be included at this time but to be considered in the next review of the Municipal Heritage Inventory.
5. Amend the entry for the Ascot "Residential & Stables" Area to reflect that it has been entered in the National Trust's list of Classified Places.

Comment [JO]: Remove comment, not required

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.

Note: Cr Whiteley requested the Presiding Member inform Mr Paul Quinn of the inclusion of the 'Residential & Stables' Area in the National Trust's list of Classified Places.

OFFICER RECOMMENDATION

ROSSI MOVED, POWELL SECONDED, That Council

1. ***Make the necessary amendment to:***
 - ***Ascot "Residential & Stables" Area to reflect that it has been entered in the National Trust's list of Classified Places.***
2. ***Adopt the following nominated properties received for inclusion in the Municipal Heritage Inventory and their recommended management categories:***
 - ***Sugars Brickworks site (located beneath Redcliffe Bridge, Ascot) – "Historic site without built features. Recognise with a plaque or a place name."***
 - ***Lot 5230 (357) Great Eastern Highway, Redcliffe (Redcliffe Hall site) – "Historic site without built features";***
 - ***Lot 388 (13) Great Eastern Highway – Congregational Church – "Historic site without features."***
 - ***Lots 52 & 53 (16) Hutchison Street, Rivervale – Sekulla House – "Significant but not essential to an understanding of the history of the City of Belmont. Photographically record the place prior to any major development or demolition."***

Item 12.4 Continued

- ***Lots 54 & 55 (20) Hutchison Street, Rivervale – Olejnik House – “Significant but not essential to an understanding of the history of the City of Belmont. Photographically record the place prior to any major development or demolition.”***
3. ***Exclude the following nomination but include in the future review of the Municipal Heritage Inventory:***
 - ***Lot 46 (10) Ruan Place, Kewdale – Kelly House - “Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the Town Planning Scheme; photographically record the place prior to any major development or demolition.”***
 4. ***Adopt the amended Municipal Heritage Inventory as the Heritage List under Clause 7.2 of Town Planning Scheme No. 14.***

CARRIED 11 VOTES TO 0

12.5 LYALL STREET – ROAD CLOSURE

Built Belmont

ATTACHMENT DETAILS

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

Voting Requirement : Simple Majority
Subject Index : 102/046 : Lyall Street – Proposed Closure
Location / Property Index : Lyall Street, Ascot
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : ISCF Item 6.1 - 25 September 2007
OCM Item 12.1.10 – 11 December 2007
OCM Item 12.5 – 15 December 2008
OCM Item 12.7 – 26 May 2009
ISCF Item 6.5 – 8 September 2009

Applicant : N/A
Owner : N/A
Responsible Division : Technical Services Division

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to rescind Council Resolution 12.5.1 of the OCM 16 December 2008 following clarification by the Department of Local Government toward the intent of section 3.50 of the *Local Government Act 1995 (the Act)* and its application, in this case, for the indefinite closure of the Lyall Street thoroughfare.

Item 12.5 Continued

SUMMARY AND KEY ISSUES

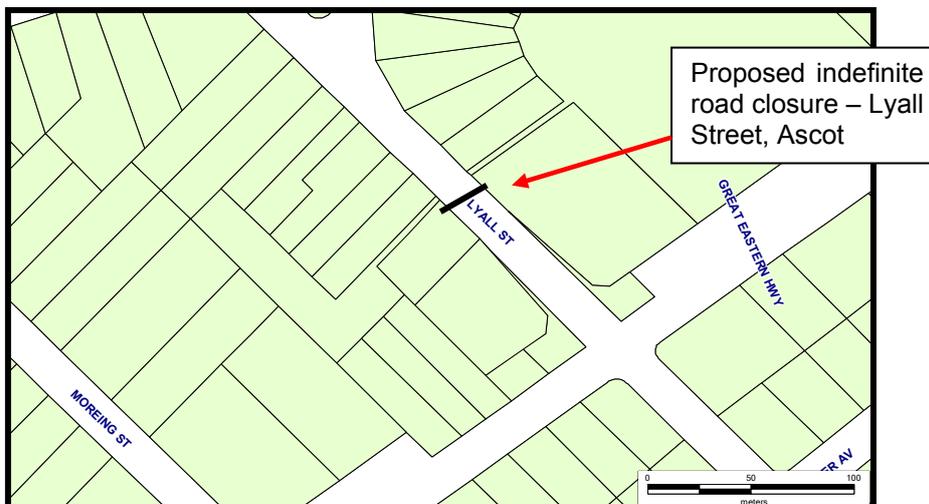
In order to address the safety of the road network around Ascot stables area, the City implemented a consultation and data analysis process to determine the most appropriate outcome for the area.

The process took into consideration the volume and type of traffic generated by the Ascot residents and the businesses on Great Eastern Highway as well as concerns over conflict between vehicles and horses in the stables area. This process determined that the closure of Lyall Street, 100m north of Great Eastern Highway, Ascot, was the most appropriate outcome at this stage.

Investigations by the City have clarified that the road closure of Lyall Street can be considered an indefinite road closure within the terms of section 3.50 of the Act due to the nature of the road network and given that there is no resumption of gazetted road reserve land involved. In accordance with section 3.50 of the Act the indefinite road closure will be advertised for a minimum of seven days and reported to Council for final resolution on the matter.

LOCATION

Lyall Street, Ascot



CONSULTATION

An extensive consultation process was undertaken by the City over two years in relation to traffic issues within the Ascot Precinct. The City was keen to gauge concerns on traffic movements in the Lyall Street Precinct and from the community feedback and traffic data received, a trial closure of Lyall Street was initiated and subsequently permanent closure was resolved by Council.

Item 12.5 Continued

A summary of this consultation process is as follows:

- Petition received by Council – 2006.
- Investigation/letters to stakeholders – 2007.
- Public consultation, including correspondence and public meetings – 2007.
- Council agree to trial closure – OCM 11 December 2007.
- Temporary closure advertised in Southern Gazette & seeking submissions – 16 September 2008.
- Trial closure conducted September 2008 to 15 December 2008.
- Report to Council – 16 December 2008.
- Report to Council – 26 May 2009
- Item to Information Strategy Concept Forum – 8 September 2009
- Continuation of temporary closure advertised in Southern Gazette and seeking submissions – 2 June 2009

STRATEGIC PLAN IMPLICATIONS

To provide and maintain safe transport infrastructure.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Provisions of section 3.50 of the *Local Government Act 1995* apply.

“3.50. Closing certain thoroughfares to vehicles

(1) A local government may close any thoroughfare that it manages to the passage of vehicles, wholly or partially, for a period not exceeding 4 weeks.

(1a) A local government may, by local public notice, order that a thoroughfare that it manages is wholly or partially closed to the passage of vehicles for a period exceeding 4 weeks.

(2) The order may limit the closure to vehicles of any class, to particular times, or to such other case or class of case as may be specified in the order and may contain exceptions.

[(3) deleted]

(4) Before it makes an order wholly or partially closing a thoroughfare to the passage of vehicles for a period exceeding 4 weeks or continuing the closure of a thoroughfare, the local government is to —

Item 12.5 Continued

(a) *give local public notice of the proposed order giving details of the proposal, including the location of the thoroughfare and where, when, and why it would be closed, and inviting submissions from any person who wishes to make a submission;*

(b) *give written notice to each person who —*
(i) is prescribed for the purposes of this section; or
(ii) owns land that is prescribed for the purposes of this section; and

(c) *allow a reasonable time for submissions to be made and consider any submissions made.*

(5) *The local government is to send to the Commissioner of Main Roads appointed under the Main Roads Act 1930 a copy of the contents of the notice required by subsection (4)(a).*

(6) *An order under this section has effect according to its terms, but may be revoked by the local government, or by the Minister, by order of which local public notice is given.*

(7) *deleted]*

(8) *If, under subsection (1), a thoroughfare is closed without giving local public notice, the local government is to give local public notice of the closure as soon as practicable after the thoroughfare is closed.*

(9) *The requirement in subsection (8) ceases to apply if the thoroughfare is reopened.”*

BACKGROUND

As indicated in a report to the Ordinary Council Meeting on 16 December 2008, a petition was received in March 2006 to close Lyall Street as it was perceived that excess traffic had been created by the businesses on Lyall Street and Great Eastern Highway using Lyall Street, Matheson Road and Epsom Avenue to access Great Eastern Highway in a direction towards the City.

At the OCM on 16 December 2008 Council resolved:

1. ***In accordance with the provision of the Local Government Act 1995, Section 3.50 and the Land Administration Act 1997, Section 58, permanently close Lyall Street immediately for the benefit of safety to residents and workers in the Residential and Stables zone.***
2. ***Obtain video surveillance information about the Great Eastern Highway/ Epsom Avenue Intersection.***
3. ***Provide a further report to Council following receipt of the analysis of that video surveillance.***

Item 12.5 Continued

OFFICER COMMENT

Part 1 of the above resolution sought closure under both the *Local Government Act 1995* and the *Land Administration Act 1997*. However, it is not appropriate to use both Acts, so advice was sought from the Department of Local Government regarding effecting an indefinite closure under section 3.50 of the *Local Government Act 1995*.

The use of section 3.50 is preferred as it enables the road to be closed to traffic but does not remove the road reserve. This preserves the road reserve so that at some point in the future – possibly decades from now – if the road needs to be re-opened to traffic, Council can resolve to do so. It is prudent for Council to retain this option to enable a future Council to act in the then best interests of its residents. Section 58 of the *Land Administration Act 1997* changes the status of the road reserve, to unallocated Crown Land, and gives little future flexibility.

The Department's advice is that section 3.50 is an appropriate vehicle for the indefinite closure of Lyall Street thoroughfare. This process requires Council to advertise the closure, assess submissions and formally resolve on the matter. No referral to the Minister is required.

FINANCIAL IMPLICATIONS

There are minimal financial implications of the closure process, with the only direct cost being advertising and the construction of the physical barriers to close the road which is estimated to be approximately \$65,000.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

OFFICER RECOMMENDATION ONE

ROSSI MOVED, BRENNAN SECONDED, That Council revoke Point 1 only of Council Resolution 12.5 of 16 December 2008 which states that Council:

“1. In accordance with the provision of the Local Government Act 1995, Section 3.50 and the Land Administration Act 1997, Section 58, permanently close Lyall Street immediately for the benefit of safety to residents and workers in the Residential and Stables zone.”

CARRIED 9 VOTES TO 2

Against: Dornford, Hitt

Item 12.5 Continued

OFFICER RECOMMENDATION TWO

ROSSI MOVED, BRENNAN SECONDED, That

- 1. *In accordance with Section 3.50 of the Local Government Act 1995 Council support the indefinite closure of Lyall Street, 100m north of Great Eastern Highway, Ascot and commence the necessary public notice.***
- 2. *Prepare a report to Council following receipt of submissions.***

CARRIED 9 VOTES TO 2

Against: Dornford, Hitt

12.6 UNDERGROUND POWER PROJECT – BELVIDERE STREET**

Built Belmont

ATTACHMENT DETAILS

Attachment No	Details
Attachment 12 – Item 12.6 refers	<u>Location Plan - Underground Power Project - Belvidere Street</u>

Voting Requirement : Simple Majority
Subject Index : 124/007 – Underground Power Project – Belvidere Street Belmont
Location / Property Index : Belvidere Street (Epsom Avenue to Somers Street)
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Technical Services Division

COUNCIL ROLE

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

PURPOSE OF REPORT

To present to Council the results of consultation with community stakeholders impacted by the Localised Enhancement Underground Power Project for the Belvidere Street shopping precinct.

Item 12.6 Continued

SUMMARY AND KEY ISSUES

The City of Belmont has been successful in an application for the undergrounding of power in a portion of Belvidere Street Belmont under the Office of Energy's Localised Enhancement Program (LEP).

Consultation has taken place with the property owners affected by the project and the key issues associated with the project are:

Cost	Apart from the funding contribution from the State, the balance of the contributions will need to be sourced from other sources i.e. the property owners and the City.
Streetscape Enhancement	The project will facilitate the City meeting Council Policy and the City's Streetscape strategy.
Community Benefits	Increased amenity to the streetscape, increased property values, better street lighting, reliability of power supply
Community perceptions	Why do we have to pay? We pay rates so why do we have to pay more?

LOCATION

Refer Attachment 12.

CONSULTATION

In 2005/06 the City undertook consultation with residents, property owners, commercial property owners and traders in the vicinity of Belvidere Street shopping precinct as part of the development of the Shopping Centre Revitalisation Program. This consultation identified stakeholder's issues in relation to infrastructure and in particular a preference for the undergrounding of power lines.

Based on the outcome of the 2005/06 Shopping Centre Revitalisation project, the City applied for grant funding under the Office of Energy's Localised Enhancement Project Grant Scheme in 2007. This was for the undergrounding of power lines along a 363m stretch of Belvidere Street between Epsom Avenue and Keymer Street encompassing the shopping precinct. The City's application was successful.

To move this project forward and comply with the project requirements set by the Office of Energy and Western Power, further consultation was needed specifically from property owners within the project area who would be directly impacted financially by the undergrounding of power.

The City undertook this new consultation through the "Consult" form to deliver project information and the proposed funding strategy to property owners within the project area.

On 22 June 2009 the City issued correspondence containing the following information to affected property owners:-

Item 12.6 Continued

- Details and history of the project;
- Benefits of underground power to property owners;
- How the project will be funded;
- Financial impact on the individual property owner (this will remain confidential to each property owner);
- The payment options i.e. election of preferences to make one up front payment, or the application of a Service Charge to the property based on an annual fee, payable either over 5 years or 10 years with the actual term being determined by the City based on feedback from the property owners;
- The benefits of each payment option; and
- Customer Survey Response Sheet including 5 questions.

The Questions presented were:-

- Do you support the installation of underground power in your area and the removal of low voltage power poles and overhead wires? Yes/No
- Do you believe that the removal of overhead power lines and power poles will add value to properties in the area? Yes/No
- Do you believe that the removal of overhead power lines and power poles will make the street environment more attractive? Yes/No
- Are you prepared to contribute towards the cost of installing underground power in your area? Yes/No
- Does the range of payment options help to reduce the impact of these charges to you? Yes/No

Respondents were also invited to add any additional written comment in the survey form.

Property Owners were given three opportunities to respond to the information sent to them i.e.

- By the completion of the Customer Survey Response form included with the initial letter dated 22 June 2009;
- By the completion of the Customer Survey Response form included with the City's letter dated 9 July 2009 (form enclosed only for those who had not previously responded) responding to frequently asked questions and extending the survey period by one week; and again
- After phone contact (where possible) requesting completion of the Customer Survey Response form. (Phone contact undertaken 16-20 July 2009)

There are 42 properties within the project area which includes 13 commercial and 29 residential properties. The 29 residential properties include individual units/townhouses on strata lots and some property owners who own multiple properties e.g. Department of Housing owns seven properties.

An overall 50% response rate was achieved and of the twenty one survey responses, five were from owners of commercial properties and 16 from owners of residential properties. The final survey results are as follows:

Item 12.6 Continued

Question	Yes	Split	No	Split
Do you support the installation of underground power in your area and the removal of low voltage power poles and overhead wires?	17	C = 4 R = 13	5	C = 2 R = 3
Do you believe that the removal of overhead power lines and power poles will add value to properties in the area?	14	C = 4 R = 10	8	C = 2 R = 6
Do you believe that the removal of overhead power lines and power poles will make the street environment more attractive?	17	C = 4 R = 13	5	C = 2 R = 3
Are you prepared to contribute towards the cost of installing underground power in your area?	11	C = 4 R = 7	11	C = 2 R = 9
Does the range of payment options help to reduce the impact of these charges to you?	11	C = 4 R = 7	11	C = 2 R = 9

C = commercial

R = residential

Written comment received with some of the surveys, particularly those who responded “No” to all questions or “No” to contributing to the cost of the installation of underground power.

The comments were:

“The reason I ticked No for payment ... This should be one of the reasons for our rates to upkeep our City as I don’t see a lot of this happening in our Street (Belvidere). Lighting is poor, vandalism is high.”

“I’ve surprised I have to pay for underground power, residents on Epsom Ave didn’t payI’m 62 single mother Centrelink reject my pension...I’m living on credit....no way for me to pay for above project”

“Because we are pensioners we have to watch every cent. Even to be lent the money it is going to be a struggle as we have to pay interest on the money.”

In addition, one property owner has taken the time to speak to residents in Epsom Avenue with regard to their obtaining underground power at no charge and provided also comment on their perceptions of some properties that have not been included in the project area but face Belvidere Street. The property owner is also of the view that this project is only of benefit to the shopping precinct.

The City responded to the property owner and all other property owners within the project area on 9 July 2009 with regard to the question of Epsom Avenue i.e. that the undergrounding of power was part of major streetscape works undertaken in conjunction with the Ministry of Housing as part of the Redcliffe Redevelopment Project and co-funded by the Ministry (as a funding application under the Localised Enhancement Project with the Office of Energy was unsuccessful).

With regard to the properties facing Belvidere Street that have not been included in the project area, this is based on verbal advice received from Western Power that these properties already have underground power. The City has sought written confirmation from Western Power and at the time of this report, no response has as yet been received.

Item 12.6 Continued

STRATEGIC PLAN IMPLICATIONS

Built Belmont

Objective: Maintain public infrastructure in accordance with sound economic practices

Strategy: Implement Streetscape Strategy

Key Actions:

- Submit funding applications to Office of Energy for underground power projects.
- Undertake targeted activities to address: streetscape and amenity issues; marketing/promotional opportunities and safety & security for the local shopping centres.

Objective: Accomplish urban renewal of designated areas to meet the changing needs of the community.

Strategy: Encourage the upgrading and compatible redevelopment of the City.

POLICY IMPLICATIONS

Project is in keeping with the City's Built Belmont Policy BB3 – Streetscape Policy

Underground Power

The systematic replacement of overhead power lines by underground cables or, where this is not feasible, by Aerial Bundled Cables (ABC) is supported and should be progressed wherever possible. At each opportunity, the City of Belmont will make application for funds from the State Government and, based on successful funding applications, will develop a program for the undergrounding of power throughout the City.

STATUTORY ENVIRONMENT

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

BACKGROUND

In February 2007, the City, in line with its Built Belmont Policy BB3 and Streetscape Strategy - Underground Power Strategic Plan, identified projects that could meet the criteria for the Office of Energy's Localised Enhancement Underground Power Funding Program (LEP). The LEP offers a maximum of \$250 000 towards the undergrounding of power to areas where there is a desire to beautify streetscapes and for traffic routes of significance.

Item 12.6 Continued

Of the three projects submitted, the City was advised in July 2007 that only one was successful and that was for the Belvidere Street shopping precinct between Keymer St and Epsom Avenue.

Western Power is managing the projects on behalf of the Office of Energy. The City's project was the last to qualify out of the eight projects selected. Of those eight projects, five relate to regional local governments and three to metropolitan local governments. Western Power anticipate to call two tenders, one for the combined metropolitan projects and one for the regional projects and the City's project ranks third of the metropolitan projects. Western Power has indicated that the anticipated start date for the Belvidere St project is November 2010 with completion in February 2011.

Western Power has provided a detailed design of the project area along with a preliminary cost estimate. The cost estimate is higher than initially anticipated with the market forces as they were in 2007/08. Western Power's intent to combine the three metropolitan projects into one tender has some cost benefits and there may be some reductions available given the current market conditions but these will only become apparent as Western Power completes the tender process for the project.

During preliminary discussions of the detailed design with Western Power, the Manager Property & Economic Development recommended that any installation should take into account potential future redevelopment in the area.

Based on that information and discussion with Western Power, it was deemed logical to extend the project area to facilitate this future development. This extension is between Keymer Street and Somers Street.

OFFICER COMMENT

To comply with Western Power's requirements to finalise the project design, call tenders and determine final cost and meet the project completion date, the City was required to proceed to the stakeholder consultation process.

As mentioned under "Consultation", an indication of support for the undergrounding of power within the shopping precinct was identified in the 2005/06 Shopping Centre Revitalisation project. However, although the workshops conducted during the Shopping Centre Revitalisation project did include participation of both commercial and private residential property owners, it is unclear to what extent the support was from residential property owners. Hence a community survey of property owners within the specific project area was undertaken.

The Senior Management Group has considered the implications and information provided by the Manager Finance regarding the funding options and identified the most appropriate funding model to bring this project to successful completion.

The Service Charge for each property has been developed on the basis of using the Design Kilovolt Amps model rather than the Gross Rental Value model or Actual Kilovolt Amps model. This model allows for a fairer distribution of the cost for the ratio of commercial properties to residential properties.

Item 12.6 Continued

Design Kilovolt Amps is based on Western Power's analysis of the anticipated draw down of power for each property and factors in land use changes for future expansion of the network and is a measure of power available for use.

Actual Kilovolt Amps is based on Western Power's analysis of current draw down of power for each property but makes no allowances for any changes in land use. This is a particular problem for commercial properties as the types of business use can change over the lease life of a property, for example, a butcher will require far more power to operate his business (refrigeration requirements) than say a newsagent.

Gross Rental Value is fluid and based on property valuations made by the Valuer General's Office and can be impacted by zoning changes to the property.

The total estimated preliminary cost of the original project area was \$693 061 and with the project area expanded, the estimated cost increased to \$809 551. The Office of Energy Contribution to the project is \$250 000. The City's Works and Technical Services Budget for 2010/2011 will include a similar contribution of \$250 000. Therefore, based on the expanded project area, the remaining amount of \$309 551 will need to be funded by the property owners. The funding strategy was conveyed to the affected property owners along with indicative estimates of the cost to the individual property owner.

It is proposed to fund the property owner's portion via a Treasury Loan over either a 5 year or 10 year period and recoup the repayments through a Service Charge on the property. However, property owners will also have the option to pay the service charge upfront and in full.

Based on an upfront payment in full service charge, contributions from property owners range from \$1 670 to \$2 860 for private property owners and \$4 700 to \$71 520 for commercial property owners.

Based on a 5 year annual service charge, contributions from property owners range from \$385 per annum to \$660² per annum for private properties and \$1,100 to \$16,500 per annum for commercial properties.

Based on a 10 year annual service charge, contributions from property owners range from \$220³ per annum to \$385⁴ per annum for private properties and \$640 per annum to \$9 600 per annum for commercial properties.

It should be noted that for the purposes of the above cost contribution comparison, the properties currently zoned as private residential that have been identified for potential rezoning to commercial have been included in the commercial property contributions figures.

At its Ordinary Council Meeting of 27 August 2009, the Eastern Metropolitan Regional Council (EMRC) resolved to adopt a lobbying and advocacy role for the EMRC for free underground power for Perth's Eastern Regions.

This action has been taken to in order to lobby the State Government to remove the inequities and disadvantages of the application of the current funding model for State

² Correction made as per Memorandum dated 17 September 2009.

³ Correction made as per Memorandum dated 17 September 2009.

⁴ Correction made as per Memorandum dated 17 September 2009.

Item 12.6 Continued

Underground Power Program. The State needs to recognise that the infrastructure is an asset owned by the State and as such the retrofitting of underground power should be provided by the State at no cost to the community.

The EMRC proposes to lobby the Premier, the Treasurer, the Minister for Energy and all local members of parliament seeking a review of the funding model and putting the onus of the funding of underground power back on the State.

The City strongly supports this course of action and it is timely for such action to occur now as such action may have an impact on the funding of the Belvidere Street underground power project. Should the EMRC be successful, a funding review by the State may reduce and hopefully eliminate any funds being sourced from the property owners within the project area for the Belvidere Street underground power project.

FINANCIAL IMPLICATIONS

There will be no financial implications to the City until the 2010/011 financial year.

The physical funding of this project through the City's Works and Technical Services Budget and Treasury Loan arrangements will be presented to Council for adoption as part of the annual budgetary process just prior to the 2010/2011 financial year.

ENVIRONMENTAL IMPLICATIONS

There may be some disruption to street tree root systems during the ground boring phase of the installation of underground power, but tree assessments by the City's Arboriculturalist can assist with monitoring of the level of impact. One of the benefits of undergrounding power however will be the reduction of tree pruning which allows for more natural growth and tree formation.

SOCIAL IMPLICATIONS

The social implications to affected property owners are:-

- Possible increased property values;
- Increased visual amenity of streetscape (reduction in number of power poles and lines);
- Improved safety (car vs power pole accidents); Improved power service to community (less likelihood of power outages e.g from storm damage e.g. fallen trees on power lines);
- Reduction in tree pruning costs (trees under powerlines);
- Financial burden on property owners, particularly pensioners as no rebates are available under a Service Charge approach; and
- Commercial property owners have the ability to on-charge the cost of undergrounding power to lessees or obtain relief through tax benefits.

Item 12.6 Continued

OFFICER RECOMMENDATION

That Council:

1. Note the results of the community survey of property owners directly affected by the proposal to underground power in Belvidere Street; and
2. Write to the Premier, Minister for Energy, the Treasurer and local members of parliament requesting the State Underground Power Program's funding model be urgently reviewed with the view to the State installing underground power at a reduced cost or completely free of cost to the local community for this project in recognition of the fact that the infrastructure is a State owned asset.
3. Write to the Eastern Metropolitan Regional Council expressing the City's support for their proposal to lobby the State government to review the funding model for the State Underground Power Program.
4. Agree to proceed with the 363m Localised Enhancement Project as approved for funding by the Office of Energy and Western Power regardless of the outcome of recommendations 2 and 3; and
5. Agree to extend the project by a further 106m to facilitate future development of the Belvidere Street Shopping Precinct regardless of the outcome of recommendations 2 and 3; and
6. Advise Western Power to proceed with seeking tenders for the proposed works.

Cr Marks put forward the following Alternative Motion.

ALTERNATIVE MOTION

MARKS MOVED, HANLON SECONDED, That Council

1. ***Note the results of the community survey of property owners directly affected by the proposal to underground power in Belvidere Street; and***
2. ***Write to the Premier, Minister for Energy, the Treasurer and local members of parliament requesting the State Underground Power Program's funding model be urgently reviewed with the view to the State installing underground power at a reduced cost or completely free of cost to the local community for this project in recognition of the fact that the infrastructure is a State owned asset.***
3. ***Write to the Eastern Metropolitan Regional Council expressing the City's support for their proposal to lobby the State government to review the funding model for the State Underground Power Program.***
4. ***Agree to proceed with the 363m Localised Enhancement Project as approved for funding by the Office of Energy and Western Power regardless of the outcome of recommendations 2 and 3; and***

Item 12.6 Continued

5. ***Agree to extend the project by a further 106m to facilitate future development of the Belvidere Street Shopping Precinct regardless of the outcome of recommendations 2 and 3; and***
6. ***Advise Western Power to proceed with seeking tenders for the proposed works.***
7. ***That following receipt of responses to the letters referred to in points 2. and 3. of this recommendation, a further report recommending funding options for the works be prepared for Council's consideration.***

CARRIED 10 VOTES TO 1

Against: Dornford

Reason: To allow for a further report recommending funding options for the works be prepared for Council's consideration.

8.00pm The Manager Human Resources entered the meeting.

8.08pm The A/Director Technical Services and the Administration Officer Technical Services departed the meeting and did not return.

12.7 DRAFT 2009 – 2013 PHYSICAL ACTIVITY AND NUTRITION PLAN**

Social Belmont

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 13 – Item 12.7 refers	2009-2013 Draft Physical Activity and Nutrition Plan

Voting Requirement : Simple Majority
Subject Index : 83/005 Belmont Recreation Project Planning
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : City of Belmont
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, town planning schemes & policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application / matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To seek Council approval to advertise the 2009-2013 Physical Activity and Nutrition Plan for public comment.

A copy of the 2009 – 2013 Draft Physical Activity and Nutrition Plan is provided under Attachment 13.

Item 12.7 Continued

SUMMARY AND KEY ISSUES

The 2009 -2013 Physical Activity and Nutrition Plan provides a framework and a set of objectives to assist the City of Belmont to plan, develop, implement, evaluate and sustain physical activity and healthy eating programs, opportunities and services for now and into the future.

The Plan focuses on encouraging members of the community to be active and healthy no matter what their age or physical capability. The Plan recommends action to be taken by both the City of Belmont and external agencies and organisations to promote physical activity and healthy eating. This Strategic Plan has a strong commitment to linking many of the City's business units including leisure, community development, health, environment, planning and community safety in positive ways to promote health and wellbeing.

Local Government has significant capacity to promote physical activity and healthy eating, through a commitment to environment and local community, through distinctive structures, resources and practical knowledge and skills.

The 2009 -2013 Physical Activity and Nutrition outlines a coordinated approach to increasing opportunities for all people to become active and to eat well by promoting policy approaches that will shape and advocate for a decision-making agenda that is more orientated towards physical activity and healthy eating.

LOCATION

N/A

CONSULTATION

The following consultations were undertaken during the development of the draft Plan:

- Council Officers
 - Through interviews with Senior Officers from different Business Units
 - Presentation of Strategies to BLT & SMG
 - Strategy refinement workshop
- State government agencies and a range of non-government
 - Interviews
 - Needs assessments
 - Strategy refinement workshop
- Key organisations involved in sport and recreation and/or physical activity and nutrition such as sporting associations
 - Interviews and surveys with 18 local sporting clubs (including Cloverdale Canine Companions, Ascot Cricket Club, Belmont Junior Soccer Club, Belmont Raiders Tee ball and more)

Item 12.7 Continued

- The Community
 - Schools
 - Seniors
 - Playgroups
 - Walking groups
 - Surveys during programmes and events

STRATEGIC PLAN IMPLICATIONS

Strategy:

- *‘Provide and facilitate leisure and recreation programs and facilities that meet the needs the community.’*
- *‘Provide, or facilitate access to, services and facilities required by seniors and other ‘in need’ community members.’*
- *‘Assist clubs and community groups to provide services and facilities.’*
- *‘Maintain public open space in accordance with the needs and expectations of the community.’*

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

The implementation of the outdated Leisure Services Plan (2006-2008) resulted in Leisure, Art & Cultural Services establishing new partnerships with Curtin University School of Public Health, South Metro Public Health Unit, the Red Cross and other stakeholders. The new partnerships enabled the City to further research the community’s nutritional health as well as physical activity levels.

The alarming results obtained from the Physical Activity and Nutrition Survey (2007) included 33% of the community being overweight, an obesity level of 19% and only 4% of the community eating the recommended 5 serves of vegetables daily.

Therefore Leisure, Art & Cultural Services looked at developing an innovative strategic document that takes a more holistic approach to exercise and health by addressing nutrition and physical activity as the overall issues associated with obesity. For this reason, the new Physical Activity and Nutrition Plan 2009 -2013 was developed.

The development of the new Plan was jointly funded by the Physical Activity Taskforce and the City of Belmont to engage consultant’s Stoneham and Associates to develop the Plan.

Item 12.7 Continued

Stoneham and Associates have developed plans for:

- City of Fremantle
- City of Perth
- Town of East Fremantle
- City of Swan
- Town of Bassendean
- City of Mandurah
- City of Armadale

Dr. Melissa Stoneham has over 20 years experience in the fields of public and environmental health, with particular skills in the area of Local Government management practices, public policy, and public health promotion. She has worked with and for Local Government agencies, universities, professional associations, international agencies and aid organisations.

Stoneham and Associates developed the Physical Activity and Nutrition Plan 2009-2013 in number of stages. This included:

1. Background research and literature review

This involved the studying of the City's demographics, policies, procedures, organisational structure, existing plans and frameworks.

2. Physical Activity Audits

Involved the audit of public open space, walking trails, playgrounds, sporting facilities, school facilities open for public access, dog walking facilities, parking, lighting, safety and end of trip facilities.

3. Food Security Audits

This involved an audit of 17 premises. The audit evaluated local opportunities to participate in healthy cooking classes; access to affordable recommended foods; local social and environmental factors that influence eating practices; opportunities to access local nutrition promotion/education; potential locations for community markets or City Farms and land use issues associated with locating major shopping centres, 'junk food' outlets and fresh food premises.

4. Staff Consultation

Staff members from the City of Belmont were instrumental in developing this Plan. Interviews with a representative from each business unit and the CEO were held during the consultation phase and an interactive workshop was held to discuss the draft Plan.

5. Community Consultation

Many community groups, non-government agencies, government departments, sporting clubs and individuals were accessed and consulted to identify any barriers to getting people more active or to accessing healthy foods, to identify issues with existing facilities and services and to assess offers of assistance.

Item 12.7 Continued

A series of discussion groups were held with sporting clubs, schools and existing community groups including youth groups, seniors, new immigrants and playgroups, Red Cross, Jacaranda Community Centre and the Food Security Coalition.

6. Strategy development

The first draft strategies were presented to SMG and BLT for comments. Following this, a strategy refinement workshop is to be conducted to confirm the strategies to complete the draft plan for public comment.

The strategies are based around 5 principles:

- Program Delivery and Policy Development
- Information Dissemination
- Creating Environments that Support Physical Activity and Nutrition
- Physical Activity Partnerships
- Physical Activity Advocacy

OFFICER COMMENT

The Physical Activity and Nutrition Plan 2009 – 2013 provides a framework to assist the City of Belmont to plan, develop, implement, evaluate and sustain physical activity and healthy eating programs, opportunities and services now and into the future.

Increasing and maintaining the number of people who are physically active and eating well by implementing the Plan, the outcomes include:

1. Improved physical health including:

- Reduced risk of acute and long-term illness, such as coronary heart disease, diabetes and cancers;
- Longer life expectancy;
- Improved physical wellbeing, including basic movement, co-ordination, motor skills and attentions spans; and
- Lower rates of work absenteeism.

2. Improved social capital such as:

- Reduction in social exclusion caused by mobility problems;
- More people taking part in community life;
- More opportunities to engage in education and lifelong learning;
- More people being physically fit and able to work.

3. Improved mental health and wellbeing with more people benefiting from a sense of greater wellbeing and fewer experiences of depression.

Item 12.7 Continued

4. Improved social health including:

- Greater opportunities for social contact through community gardening, cooking classes or physical activity options;
- Opportunities to address anti-social behaviour and contribute to social justice; and
- The creation of environments (open spaces, green areas, safe streets, community gardens) likely to lead to physical activity and healthy eating.

5. Improved planning for environments that support physical activity and healthy eating, including:

- Good provision of walking and cycling facilities (footpaths and cycle ways);
- Street connectivity and design;
- Transport infrastructure and systems, linking residential, commercial and business areas;
- Facilities for physical activity (e.g. swimming pools);
- Location of agricultural lands;
- Retail type and locations;
- Transport infrastructure to food retail locations;
- Food service locations (including fast foods and vending machines); and
- Facilities (e.g. water fountains, community gardens, breastfeeding locations).

The document not only provides direction for the Leisure, Art & Cultural Services, but the 'Whole of Council' and community stakeholders in regards to overall health and wellbeing relating to physical activity and nutrition.

An advertisement will be placed in the Southern Gazette inviting the community to comment on the draft plan which will be available online and hardcopies available for viewing at the Ruth Faulkner Library and the Civic Centre front counter for a period of 28 days.

FINANCIAL IMPLICATIONS

Monetary resources will be required to be budgeted for on an annual basis as currently arranged in line with the Council budget process. The Plan identifies funding opportunities for specified projects. In addition to this, many of the strategies are resourced through in kind support.

Costs required to resource the implementation and evaluation of this Plan will need to be budgeted on an annual basis.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.7 Continued

SOCIAL IMPLICATIONS

The Physical Activity and Nutrition Plan 2009 – 2013 will:

- Ensure that the community has access to the services and facilities it needs;
- Assist in developing community capacity;
- Support community groups;
- Enhance a sense of community and the image of Belmont;
- Contribute to an environment where residents are safe and feel safe.

OFFICER RECOMMENDATION

That Council:

- 1. Note and support the intent of the Physical Activity and Nutrition Plan 2009 – 2013 as shown in Attachment 13.***
- 2. Invite public comment on the Plan for a period of 28 days.***

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

12.8 ACCOUNTS FOR PAYMENT**

Business Excellence Belmont

ATTACHMENT DETAILS

Attachment No	Details
Attachment 14 – Item 12.8 refers	August 2009 Accounts for Payment

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

Item 12.8 Continued

SUMMARY AND KEY ISSUES

A list of payments is presented to Council each month for confirmation and endorsement in accordance with the *Local Government Finance Regulations*.

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

Item 12.8 Continued

OFFICER COMMENT

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

Municipal Fund Cheques	780980-781082	\$154,201.78
Municipal Fund EFTs	EF009369-EF009750	\$2,545,486.25
Trust Fund Cheques	905291-905292	\$11,351.79
Trust Fund EFT	EF0009382	\$2,232.50
Total Payments for August 2009		\$2,713,272.32

A copy of the Authorised Payment Listing is included as Attachment 14 to this item.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Authorised Payment Listing as provided under Attachment 14 be received.

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

12.9 FINANCIAL REPORT AS AT 31 AUGUST 2009**

Business Excellence Belmont

ATTACHMENT DETAILS

Attachment No	Details
Attachment 15 – Item 12.9 refers	Monthly Financial Activity Statement as at 31 August 2009

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

COUNCIL ROLE

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

PURPOSE OF REPORT

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

Item 12.9 Continued

SUMMARY AND KEY ISSUES

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

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Key Result Area: Business Excellence.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

Item 12.9 Continued

OFFICER COMMENT

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

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

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

The monthly financial report is to be accompanied by:-

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

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

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

*** 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 in the attached report, the following summary is provided.

Report Section	YTD Budget	YTD Actual	Comment
Applications of Funds – Capital			
Computing	91,516	16,364	Business applications and equipment not yet purchased.
	235,000	26,656	CCTV Project not yet started.
Grounds Operations	159,320	26,526	Delays in approvals from SRT & WAPC for development of 712 Great Eastern Highway Some parks maintenance yet to commence.
Roadworks	465,022	270,019	Some projects not yet commenced.
Footpath Works	83,510	156,082	Advanced works on Peachey Park cycle path.
Drainage Works	93,694	37,295	Some projects not yet commenced.
Operations Centre	204,546	55,830	Fleet not yet purchased.
Building Operations	168,800	41,671	Maintenance requests not yet commence or received.

Item 12.9 Continued

Applications of Funds – Operating			
Reimbursement	51,588	-70,474	Wages yet to be cleared.
Crime Prevention & Comm Safety	162,817	27,544	Project Management Services not commenced and CCTV project not yet started.
Belmont HACC Services	313,467	248,865	Timing differences due to budget spread.
Sanitation Charges	564,670	343,872	Not all invoices received for Rubbish service expenses.
Ruth Faulkner Library	257,345	190,253	Budget variance largely due to Finding My Place.
Ground Operations	614,113	426,585	Some Parks Maintenance commenced late.
Ground – Active Reserves	125,409	68,913	General maintenance works commenced late.
Ground Overheads	227,688	135,086	Employee related costs below budget.
Streetscapes	207,657	101,063	Employee related costs below budget.
Technical Services	285,923	210,966	Employee related costs below budget.
Other Public Works	58,094	413,567	Relates to a major private works job. Income has been received in advance.
Sources of Funds – Capital			
Property & Economic Development	(385,666)	(0)	Proposed land sale not yet occurred.
Road Works	(169,396)	(0)	Grant funding not yet received.
Operations Centre	(80,218)	(28,802)	Fleet / Plant sales behind budget.
Sources of Funds – Operating			
Transfer to reserve	(58,251)	(0)	Transfers not yet processed.
Rates	(27,427,608)	(27,983,859)	Rates higher than anticipated due to amendments /additions to revaluation GRVs.
General Purpose Income	(110,500)	(0)	Grant income yet to be received.
Crime Prevention & Comm Safety	(350,176)	(2,058)	Grant income yet to be received.
Road Works	(109,317)	30	Grant income yet to be received.
Other Public Works	(26,182)	(828,286)	Relates to a major private works job. Income has been received in advance.

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.

Item 12.9 Continued

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 August 2009	\$	Comment
Cash and investments	17,374,677	Includes municipal, reserves & deposits
- less non rate setting cash	-10,650,057	Reserves and deposits held
Receivables	31,796,856	Mostly rates levied yet to be received
- less non rate setting receivables	-3,462,155	ESL levied and GST payable
Stock on hand	198,249	
Total Current Assets	\$35,257,570	
Current Liabilities		
Creditors and provisions	-8,265,090	Includes deposits
- less non rate setting creditors & provisions	6,076,718	ESL, GST and deposits held
Total Current Liabilities	-\$2,188,372	
Nett Current Assets 31 August 2009	\$33,069,198	
Nett Current Assets as Per Financial Activity Report		
Less Committed Assets	-\$31,172,198	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 31 August 2009 as included in Attachment 15 be received.

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

12.10 INTERIM FINANCIAL AUDIT REPORT**

Business Excellence Belmont

Confidential Matter in Accordance with *Local Government Act 1995* Section 5.23 (2) (f)
(ii) Original attachment archived in Confidential Minute Book 2009.

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 1 – Item 12.10 refers	<u>Confidential – Interim Audit Report – Letter</u>

Voting Requirement : Simple Majority
Subject Index : 19/001
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : Ordinary Council Meeting 16 September 2008
Applicant : N/A
Owner : N/A
Responsible Division : Corporate & Governance

COUNCIL ROLE

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

This report provides Council feedback from the City's auditors as a result of their interim audit conducted in March 2009.

Item 12.10 Continued

SUMMARY AND KEY ISSUES

The Interim Audit Report included four areas of Council's operations which received comment from the auditors as a result of the interim audit process. These areas are "Bank Reconciliations", "Purchases and Payments", "Register of Financial Interests" and "Investment of Funds". It should be noted that although the latter received comment in the report there were no adverse audit findings.

The Audit Report was presented to the Audit and Risk Committee on 4 August 2009.

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 7.2 of the *Local Government Act 1995* requires that the accounts and Annual Financial Report of a local government for each financial year are "audited by an auditor appointed by the local government."

BACKGROUND

During March 2009, Macri Partners, the City's appointed auditors, undertook an interim audit for the purposes of assessing the internal controls and compliance aspects of the City's operations. This provides the auditors with an indication of the extent to which they can rely on the City's systems and controls in determining the accuracy of the City's Annual Financial Report as at 30 June of the year in question.

OFFICER COMMENT

The audit letter from Macri Partners (Confidential Attachment 1 refers) details the items raised as a result of the interim audit. Comments from the City's administration in response to the items can be found under the 'Management Comment' section within the letter.

Item 12.10 Continued

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Council note the results of the 2008/2009 Interim Audit Report as detailed in Confidential Attachment 1.

***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.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1 CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL & REMUNERATION REVIEW**

Confidential Matter in Accordance with *Local Government Act 1995* Section 5.23 (2) (b) and (e) Original attachment archived in Confidential Minute Book 2009.

(Circulated Under Separate Cover to Councillors Only)

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

8.08pm ***POWELL MOVED, BRENNAN SECONDED***, that in accordance with *Section 5.23(2)(b)(e) of the Local Government Act 1995* – the meeting proceed behind closed doors to discuss Confidential Item 14.1 – Chief Executive Officer Annual Performance Appraisal & Remuneration Review.

CARRIED 11 VOTES TO 0

8.09pm Members of the public and officers departed the meeting.

8.19pm ***ROSSI MOVED, POWELL SECONDED***, that the public and officers be invited to return to the meeting and that the resolutions passed behind closed doors be read.

CARRIED 11 VOTES TO 0

8.19pm The meeting came out from behind closed doors and members of the public and officers returned to the meeting.

Item 14.1 Continued

The Presiding Member read aloud the motion passed behind closed doors, namely: –

COMMITTEE RECOMMENDATION

BRENNAN MOVED, WOLFF SECONDED, That the recommendations of the Standing Committee (Executive) meeting held 24 August 2009 be adopted as follows:

1. ***That the Committee's assessment of the Chief Executive Officer's performance for the period 18 August 2008 to 30 June 2009, be accepted.***
2. ***That the Chief Executive Officer's performance goals and targets as determined for the next review period ending 30 June 2010, be accepted.***
3. ***That the remuneration package for the Chief Executive Officer be increased to Mid Point on the Mercer scale with effect from 1 July 2009.***

CARRIED 10 VOTES TO 1

Against: Dornford

Note: The Presiding Member thanked the Chairman of the Standing Committee (Executive) and the Chief Executive Officer for their involvement in Item 14.1.

15. CLOSURE

There being no further business the Presiding Member closed the meeting at 8.22pm and invited the remaining public for refreshments in the Councillors Lounge.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 22 September 2009 were confirmed as a true and accurate record at the Ordinary Council Meeting held 27 October 2009:

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____