



City of Belmont

NOTICE OF MEETING

Dear Councillor

I respectfully advise that an **ORDINARY COUNCIL MEETING** will be held in the Council Chamber of the **City of Belmont Civic Centre**, 215 Wright Street, Cloverdale, on **Tuesday, 22 September 2020**, commencing at 7.00pm.

This meeting will be held in accordance with the 2 square metre per person capacity rule for venues as part of Phase 4 of the COVID-19 Roadmap in Western Australia.

Due to the above, physical distancing and hygiene measures will be in place with occupancy limits applied for the capacity of the Council Chamber.

MEETING AGENDA ATTACHED

Yours faithfully

JOHN CHRISTIE
CHIEF EXECUTIVE OFFICER

11 September 2020

☛ PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING ☛

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



City of Belmont
ORDINARY COUNCIL MEETING
AMENDED AGENDA¹
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- Confidential Attachment 1 – Item 12.3 refers**
- Confidential Attachment 2 – Item 12.3 refers**
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- Confidential Attachment 5 – Item 14.1 refers**

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

1. OFFICIAL OPENING

The Presiding Member will read aloud the Acknowledgement of Country.

Before I begin I would like to acknowledge the traditional owners of the land on which we are meeting today, the Noongar Whadjuk people, and pay respect to Elders past, present and future leaders.

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

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

2. APOLOGIES AND LEAVE OF ABSENCE

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

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

3.1 FINANCIAL INTERESTS

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

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

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

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

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

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

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

4.1 ANNOUNCEMENTS

4.2 DISCLAIMER

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

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MR R BROINOWSKI, 66 ARMADALE ROAD, RIVERVALE

The following question was taken on notice at the 25 August 2020 Ordinary Council Meeting. Mr Broinowski was provided with a response on 8 September 2020. The response from the City is recorded accordingly:

1. Will Council place some “See and Hear” Security signs around in Belvidere Street before the new project starts at IGA?

Response

Fifty (50) metal “See Something, Say Something” signs were recently erected, in various locations around the City. A further fifty (50) metal signs will be similarly installed over the next few weeks in other locations including the Belvidere Street precinct.

To provide further exposure to the new initiative, sixty (60) “See Something, Say Something” posters have also been placed on available bin faces throughout the City.

5.1.2 MS L HOLLANDS ON BEHALF OF MS S CARTER, 3/10 MARINA DRIVE, ASCOT

The following questions were taken on notice at the 25 August 2020 Ordinary Council Meeting. Ms Carter was provided with a response on 27 August 2020. The response from the City is recorded accordingly:

1. The reasons the public art concept had not been finalised as the process appears to have been outlined quite well on the information sheet’s guidelines?

Response

The public art concept was finalised in June 2016 and the City’s Public Art Advisory Panel (PAAP) granted final approval of the artwork concept on 21 June 2016. It is considered that City officers and Blackburne have followed the processes outlined in the City’s information sheet and guidelines.

Sections of the public artwork situated on private land (that does not encroach into the public domain) that are not subject to an easement being granted have been installed. The remaining sections of the public artwork that will encroach into the public domain will not be installed until the easement is finalised. A valid building permit has been obtained for the installation of the public artwork; therefore there is no breach of the *Building Act 2011*.

Item 5.1.2 Continued

2. Clarification of whether or not the building permit for the development was granted without the public artwork comprising part of it? It is a legal requirement under the Building Act 2011 for ALL building work, including incidental structures, to be approved by a building permit prior to the work commencing, so the easement requirement ought to have been known in 2016.

Response

The public art concept was finalised in June 2016 and the City's Public Art Advisory Panel (PAAP) granted final approval the artwork concept on 21 June 2016. It is considered that City officers and Blackburne have followed the processes outlined in the City's information sheet and guidelines.

Sections of the public artwork situated on private land (that does not encroach into the public domain) that are not subject to an easement being granted have been installed. The remaining sections of the public artwork that will encroach into the public domain will not be installed until the easement is finalised. A valid building permit has been obtained for the installation of the public artwork; therefore there is no breach of the *Building Act 2011*.

- 3a A review of the published documents, the process and terms so that in future public artwork which encroaches on Council land will NOT be approved.

Response

A review of the published documents and processes is conducted on an ongoing basis as part of the City's continuous improvement measures. This review has identified that matters such as encroachment of public artwork over lot boundaries can be identified earlier through referral of public art proposals to the City's planning and building teams and this process has now been implemented.

It is acknowledged that the City could include a clear guidance note in the information sheets and other documentation to notify developers that all developer-led public artwork contributions should be contained within private lot boundaries. However, stipulating that encroachments not be approved is not considered practical. It is noted that there may be unique circumstances that require the artwork to encroach over lot boundaries, such as design factors or unforeseen issues. The guidance note could stipulate that encroachments will generally not be considered except for extenuating circumstances.

- 3b It is my recommendation that a statement be made that if a development cannot contain the public artwork within its property boundaries, a financial contribution to the City in lieu of the artwork will be sought instead?

Response

It is not considered necessary to include a statement (in the City's information sheets or other documentation) to stipulate that if a development cannot contain the public artwork within the private property boundaries, then a financial contribution should be made to the City in lieu of the artwork instead. As stated above there may be circumstances where the public artwork is required to encroach over lot boundaries. Inclusion of a guidance note in the City's information sheets and processes highlighting that all developer-led public artwork contributions should be included with within private lot boundaries except for extenuating circumstances is considered sufficient.

Item 5.1.2 Continued

The City's Local Planning Policy No.11 Public Art Contribution Policy (LPP11) already outlines the requirements for private developers to follow with their public art contribution. LPP11 provides options for developers to provide their contribution in-kind or where requested by the developer, they may provide cash in lieu payment. It is not necessary to include a statement in LPP11 or any of the City's documents requiring public artwork contributions that cannot be contained within property boundaries, to be forced to follow a cash-in-lieu contribution.

5.1.3 MS E WALLACE, 80 ARMADALE ROAD, RIVERVALE AND MS D SESSIONS, 19 ARMADALE ROAD, RIVERVALE

The following questions were taken on notice at the 25 August 2020 Ordinary Council Meeting. Ms Wallace and Ms Sessions were provided with a response on 7 September 2020. The response from the City is recorded accordingly:

1. Is the Wilson Park Upgrade still an active project for the City of Belmont and is there still good sentiment within the City of Belmont for the future of the upgrade development?

Response

The City continues to undertake preliminary work associated with the precinct, including scoping, options development, investigative site works and refinement.

The City's Administration holds an objective position on projects, through the preparation of a Business Case, relevant information is provided to Council to assist with making an informed decision.

2. Was there a preferred development plan created from the Community Engagement and if so, what were the general features and stages of the development?

Response

The community engagement undertaken has informed a draft vision for the site. Key findings that have been considered as part of the preliminary works undertaken include the following:

- **Wilson Park is the "front yard and backyard" of Rivervale**
- **The functions of the precinct should include:**
 - **Shopping**
 - **Event and nature space**
 - **Sporting and play space**
 - **Relaxation and nature space**
 - **Precinct heart.**

The City continues to undertake preliminary work associated with the potential Project, including scoping, options development, investigative site works and refinement. As part of this work, the potential to complete the project in stages was also identified.

Item 5.1.3 Continued

3. Was there a capital cost estimate produced for the preferred development expenditure and if so, what was the order of magnitude cost?

Response

Preliminary estimates for the various elements of the Masterplan have identified a cost estimate of between \$3-\$5 million across each of the three stages (if the Masterplan were to be delivered in a staged approach). This preliminary estimate does not include escalation.

4. What funding opportunities have the City of Belmont explored for the Wilson Park Precinct Upgrade?

Response

The City is proactively seeking funding opportunities for the Project. To date, funding has been sought from the Department of Local Government, Sport and Cultural Industries through the Community Sport and Recreation Facilities Fund (CSRFF) to contribute towards the 'sports space' of the precinct, being the netball and multi-sport courts. The Belmont Netball Association have also committed to making a financial contribution towards this component of the overall precinct. The City is also seeking opportunities for Lotterywest funding.

The site investigations currently underway are required to support the refinement of the existing Masterplan and cost estimates, which will assist with the development of a comprehensive Business Case for the precinct.

5. Where does the Wilson Park Precinct Upgrade rank in comparison to other City of Belmont projects that are competing for capital expenditure?

Response

The City delivers its projects and a range of services for the community in accordance with the City's Strategic Community Plan. Those which are identified as 'essential' in nature are prioritised, such as the renewal of existing assets. Additional capital works that are considered upgrades and new initiatives are collectively reviewed to ensure priorities are identified and addressed. The Wilson Park Precinct is a combination of renewal, upgrade and new.

The City does have a high volume of potential projects identified and is currently determining priorities for capital works in the upcoming years, however the financial impact of COVID-19 (and the unknown future impact) brings an additional challenge to this process. We expect to be in a position to provide updates on priorities in the next six to 12 months, once the ongoing nature and outcomes of COVID-19 are fully understood.

6. Is there anything further that the residents can do to productively assist the City of Belmont in progressing with Wilson Park Precinct Upgrade?

Response

Continued support and participation from the community is an important factor in future planning and the City will continue to engage the community at various stages of the Business Case development.

5.1.4 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

The following questions were taken on notice at the 25 August 2020 Ordinary Council Meeting. Ms Hollands was provided with a response on 7 September 2020. The response from the City is recorded accordingly:

1. Does the matter relating to the land acquisition involve any court hearings and was any of this money attributed to any other matters before any other panel or tribunal?

Response

The matter relating to the land acquisition did not involve any court or other hearings.

2. On this month's accounts under the heading of Comestibles, Catering and Supplies, there is an amount of \$3,975.72 and on top of this there is another sum of a large invoice on 16 July for \$19,056 for practical products under Catering and Catering Supplies. What was this purchase for?

Response

The payment of \$19,056.79 related to an upgrade of kitchen fixtures in order to ensure compliance with public health obligations.

5.1.5 Ms L HOLLANDS ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)

The following questions were taken on notice at the 25 August 2020 Ordinary Council Meeting. Ms Hollands was provided with a response on 8 September 2020. The response from the City is recorded accordingly:

1. I asked a question about the Gratuity Payments Policy last month and my question might not have been clear. What was the commencement date of the original policy over 25 years ago?

Response

These records relate to a period prior to the introduction of our electronic document management system. As a result the CEO has determined that the allocation of resources required to locate this information cannot be justified. Therefore no information will be provided on this matter.

2. What date did the advertisement run and what paper ran the advertisement?

Response

The Policy was created under the Local Government Act 1960 and at that time there was no requirement to advertise.

3. Where can a copy of the original advertisement be obtained as well as a copy of the original policy?

Response

Please refer to the two previous responses.

5.1.6 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE

The following question was taken on notice at the 25 August 2020 Ordinary Council Meeting. Ms Gee was provided with a response on 7 September 2020. The response from the City is recorded accordingly:

1. On many occasions I have raised the issue of the City's Complaints Management System. I would like to know what the process is for dealing with complaints about staff and Councillors and the general public after the incident following the July's meeting. Can Council tell me if there is a Complaints Management Policy and process and where can I get a copy?

Response:

I acknowledge that you have asked this or similar questions in the past. Previous responses have indicated that the information you sought is contained on the City's website and below is a link to the appropriate location. The internal processes associated with complaints management are not publically available.

<https://www.belmont.wa.gov.au/about-us/our-city/our-organisation/complaints>

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX

- 6.1 **ORDINARY COUNCIL MEETING HELD 25 AUGUST 2020
(Circulated under separate cover)**

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 25 August 2020 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

- 6.2 **MATRIX FOR THE AGENDA BRIEFING FORUM HELD 15 SEPTEMBER 2020
(Circulated under separate cover)**

OFFICER RECOMMENDATION

That the Matrix for the Agenda Briefing Forum held on 15 September 2020 as printed and circulated to all Councillors, be received and noted.

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

- 8. QUESTIONS BY MEMBERS WITHOUT NOTICE**
- 8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**
- 8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**
- 9. NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION**
- 10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING**
- 11. REPORTS OF COMMITTEES**
- 11.1 EXECUTIVE COMMITTEE MEETING HELD 17 AUGUST 2020
(Circulated under separate cover)**

OFFICER RECOMMENDATION

That the Minutes for the Executive Committee meeting held on 17 August 2020 as previously circulated to all Councillors, be received and noted.

- 11.2 STANDING COMMITTEE (ENVIRONMENTAL) HELD 24 AUGUST 2020
(Circulated under separate cover)**

OFFICER RECOMMENDATION

That the Minutes for the Standing Committee (Environmental) meeting held on 24 August 2020 as previously circulated to all Councillors, be received and noted.

12. REPORTS OF ADMINISTRATION

12.1 TWO GROUPED DWELLINGS (ONE EXISTING) – LOT 7 (296) KEYMER STREET, CLOVERDALE

ATTACHMENT DETAILS

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

Voting Requirement	:	Simple Majority
Subject Index	:	115/001-Development/Subdivision/Strata-Applications and Application Correspondence
Location / Property Index	:	Lot 7 (296) Keymer Street, Cloverdale
Application Index	:	201/2020/DA
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Marlon & Rachel Rodriguez
Owner	:	As above
Responsible Division	:	Development and Communities Division

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider an application for two grouped dwellings (one existing) at Lot 7 (296) Keymer Street, Cloverdale.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

- The City has received an application for two grouped dwellings (one existing) at Lot 7 (296) Keymer Street, Cloverdale.
- The subject site has a flexible coding of R20/40 under Local Planning Scheme No 15 (LPS 15) and development is proposed at the R30 density, meaning that the provisions of Clause 5.7.3 of LPS 15 apply.
- The Western Australian Planning Commission (WAPC) has granted subdivision approval for the site with a condition requiring development approval to be obtained to assess compliance with Clause 5.7.3 of LPS 15, which is the subject of this application.
- The application proposes a variation to Clause 5.7.3(c) of LPS 15 as the existing dwelling is setback 5.1 metres from the side lot boundary, in lieu of the 6 metre requirement. The application complies with all other aspects of LPS 15 and the R-Codes.
- The application was advertised to surrounding landowners and one submission was received which indicated no objection to the development.²
- The application meets the intent and objectives of Clause 5.7.3(c) of LPS 15, and in this instance it is considered that it would not be reasonable to enforce the requirement for a 6 metres side boundary setback.
- It is recommended that Council approve the application.

LOCATION

The subject site is 746 square metres in area and is located on Keymer Street, between Orpington Street and Firby Street (Figure 1).

² Amended bullet point to reflect correct information, that one submission had been received.

Item 12.1 Continued

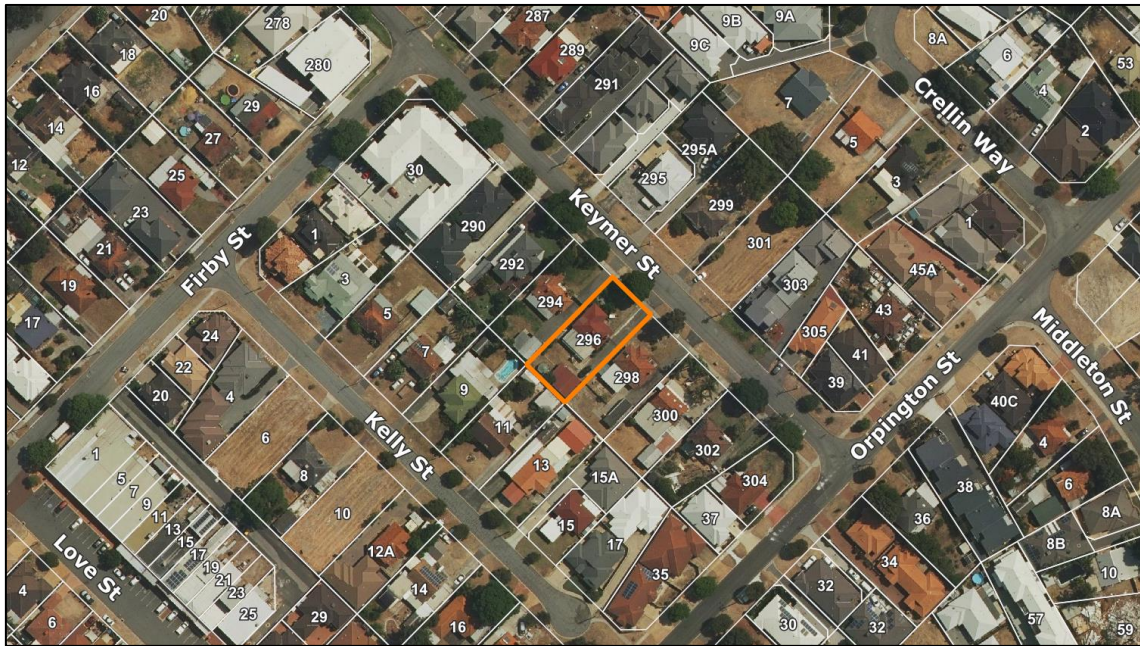


Figure 1 – Aerial of Subject Site

CONSULTATION

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

The application was advertised to surrounding landowners (Figure 2) from 13 August 2020 to 28 August 2020 inclusive; one submission was received which indicated no objection to the development.

Item 12.1 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategies:

- 5.4 Advocate and provide for affordable and diverse housing choices.
- 5.5 Engage and consult the community in decision-making.
- 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

POLICY IMPLICATIONS

State Planning Policy 7.3 – Residential Design Codes – Volume 1

The R-Codes provide a comprehensive basis for the control of residential development throughout Western Australia. Volume 1 of the R-Codes specifically relates to single house and grouped dwelling development, or multiple dwellings in areas coded less than R40. The R-Codes include Deemed-to-Comply criteria and Design Principles. Applications not complying with the Deemed-to-Comply criteria must be assessed against the relevant Design Principles.

State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport

The subject site is situated within the Perth Airport Aircraft Noise Exposure Forecast (ANEF) 20-25 contour and is therefore subject to the requirements of State Planning Policy 5.1 – Land Use Planning in the Vicinity of Perth Airport (SPP 5.1).

In accordance with the requirements of SPP 5.1, residential development is permitted within the ANEF 20-25 contour, however a notification should be placed on the certificate of title of any property advising that the land is subject to aircraft noise. The certificate of title of the property does not currently include a notification, and therefore should Council resolve to approve this application, a condition should be imposed requiring this notification.

Local Planning Policy No 13 – Vehicle Access for Residential Development

Local Planning Policy No 13 (LPP 13) stipulates that where a development comprises of two or more grouped dwellings in a ‘front to rear’ arrangement on a lot that does not have a frontage to two constructed roads, a maximum of one crossover shall be permitted to provide access to all dwellings. The application proposes a consolidated crossover and therefore complies with this requirement of LPP 13.

Item 12.1 Continued

STATUTORY ENVIRONMENT

Local Planning Scheme No 15

The subject site is zoned Residential with a density coding of R20/40 under LPS 15. The purpose and intent of the Residential zone is to:

“...increase the population base of the City of Belmont by permitting a mix of single housing and other housing types to reflect household composition and thereby increase the resident population”.

Clause 5.7.3 of LPS 15 sets out development standards, which are to be applied when contemplating the development of land within any of the flexible coded areas above the base coding of R20. These provisions relate to design and built form requirements, such as dwelling orientation, incorporation of solar design principles and vehicle access.

Clause 5.5.1 Variations to Site and Development Standards and Requirements of LPS 15 states that where a development does not comply with a standard or requirement under LPS 15, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

Clause 5.5.3 sets out that the power of Clause 5.5.1 may only be conferred where:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015; and*
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

Planning and Development (Local Planning Schemes) Regulations 2015

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) states the matters to be considered by local government in determining a development application. In summary, the following matters are of particular relevance to this application:

- “(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.*
- (b) The requirements of orderly and proper planning.*
- (e) Any policy of the Commission*
- (g) Any local planning policy for the Scheme area.*
- (m) The compatibility of the development with its setting including the relationship of the development to development adjoining on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development.*

Item 12.1 Continued

- (n) *The amenity of the locality including environmental impacts, the character of the locality and any social impacts of the development.*
- (p) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether trees or other vegetation should be preserved.*
- (s) *The adequacy of –*
 - i. *The proposed means of access to and egress from the site; and*
 - ii. *Arrangements for the loading, unloading, manoeuvring and parking of vehicles.*
- (x) *The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals.*
- (y) *Any submissions received on the application.*
- (za) *The comments or submissions received from any authority consulted under clause 66.”*

Local Housing Strategy

The City of Belmont Local Housing Strategy sets out the following general objectives, which are relevant to the proposal:

- *‘To promote the long term sustainability of the City, by encouraging an increase in the City’s population through the provision of residential land and housing.*
- *To identify and encourage the development of sites which are suitable for new housing development, redevelopment and infill.*
- *To achieve the highest standard of residential development and subdivision outcomes for the City based on sound planning principles and design criteria’.*

Deemed Refusal

Under Clause 75 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, an application is ‘deemed to be refused’ if it is not determined within a 90 day period.

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

The deemed refusal date for this application passed on 25 August 2020 and the applicant already has deemed refusal rights.

Item 12.1 Continued

Right of Review

Is there a right of review? Yes No

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

BACKGROUND

Lodgement Date:	27 May 2020	Use Class:	Grouped Dwelling – ‘D’ Use
Lot Area:	746m ²	LPS Zoning:	Residential R20/40
Estimated Cost of Development:	\$206,128	MRS:	Urban

Site Description

The subject site is 746 square metres in area and contains an existing single house and ancillary structures. Access to the site is provided via a single crossover, connecting to a driveway running adjacent to the south-eastern boundary of the site. Properties immediately adjacent to the site comprise single houses, however there is a mix of grouped and multiple dwellings in the vicinity of the site and on Keymer Street.



Figure 3: Aerial Photo of Subject Site

Item 12.1 Continued

Subdivision

City officers previously considered an application for subdivision approval for two survey-strata lots with a common property accessway at the subject site. It was recommended to the WAPC that the application be refused on the basis of non-compliance with Clause 5.7.3(c) of LPS 15.

Despite the City's recommendation, the WAPC issued conditional approval for the survey strata subdivision on 18 March 2020. The approval took into account the requirements of Clause 5.7.3 of LPS 15 by imposing a condition that requires the approval of a development application, prior to the WAPC's endorsement of the subdivision plan. In essence, the completion of the subdivision is reliant on the approval of the subject development application.

OFFICER COMMENT

The site is zoned Residential R20/40 under LPS 15 meaning that the base code of R20 applies, which can be increased up to a maximum of R40 subject to compliance with Clause 5.7.3. The application proposes development at the R30 density and complies with all aspects of Clause 5.7.3, with the exception of point (c) as the existing dwelling is setback 5.1 metres from the side lot boundary, in lieu of the 6 metre requirement.

In contemplating this variation, it is necessary to understand the intent and objectives of Clause 5.7.3(c) of LPS 15 which seeks to provide the following:

- i. A higher level of amenity for infill development.
- ii. Adequate space for a paved driveway with landscaping either side.
- iii. Pedestrians to have a clear view of the dwelling(s) located to the rear of the property from the street.
- iv. Improved streetscape with a clear view of the rear dwellings instead of looking down access way into blank fencing, carports or garage doors.
- v. Rear dwellings to have an outlook to the street and surveillance of the driveway.

Item 12.1 Continued

Figure 5 below illustrates the design intent of Clause 5.7.3(c) of LPS 15.

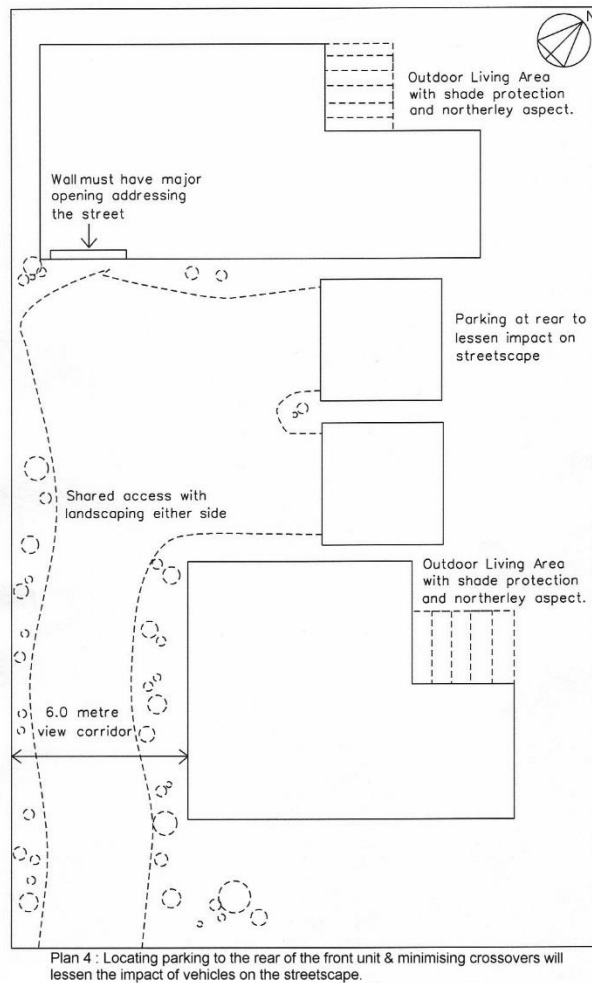


Figure 5: Plan Illustrating Design Intent of Clause 5.7.3(c) of LPS 15

In considering the above, the following points are relevant:

- Infill developments undertaken in the vicinity of the site involved the demolition of existing dwellings and the construction of new dwellings that complied with the requirements of Clause 5.7.3(c) of LPS 15 (Figure 6).

Item 12.1 Continued



Figure 6: Properties where development/subdivisions complied with Clause 5.7.3(c) of LPS15

- The existing dwelling is a brick and tile house, typical of 1960's construction, and is considered to be in good condition, as illustrated in Figure 7 below.



Figure 7: Existing house, as viewed from Keymer Street

- The applicant has expressed a desire to maintain the existing dwelling to be occupied by their family.

Item 12.1 Continued

- The existing dwelling would require significant modifications in order to achieve the 6 metre setback from the side lot boundary. This includes the removal of the chimney and 'cutting' 900mm from the side of the dwelling, thereby affecting the living room and kitchen of the dwelling and likely resulting in the need to modify the dwelling roof line (Figure 8).



Figure 8: Portion of Existing House Requiring Demolition to Comply with Clause 5.7.3(c) of LPS 15

- The existing dwelling is setback a minimum distance of 5.1 metres from the south-eastern (side) lot boundary. This setback is measured to a chimney structure, which protrudes approximately 500mm from the main part of the dwelling which is setback 5.6 metres from the side lot boundary (Figure 9). Overall, the dwelling achieves an average setback to the side lot boundary of 5.4 metres.

Item 12.1 Continued

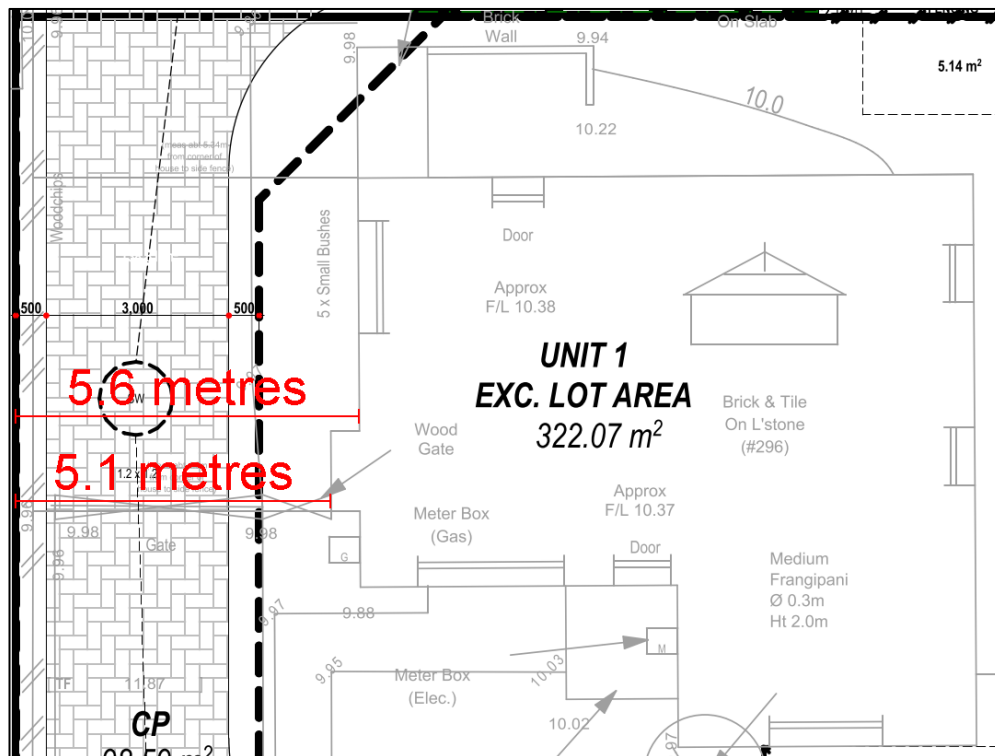


Figure 9: Existing Dwelling Side Setbacks

- There are instances of infill development in the vicinity of the site where, despite compliance with Clause 5.7.3(c) of LPS 15, the extent of views to rear dwellings is limited by the shape of the lot. Figure 10 below illustrates an example of a development undertaken at 303 Keymer Street, located diagonally opposite the subject site that includes a 5.4m wide side setback at the rear portion of the site.

Item 12.1 Continued

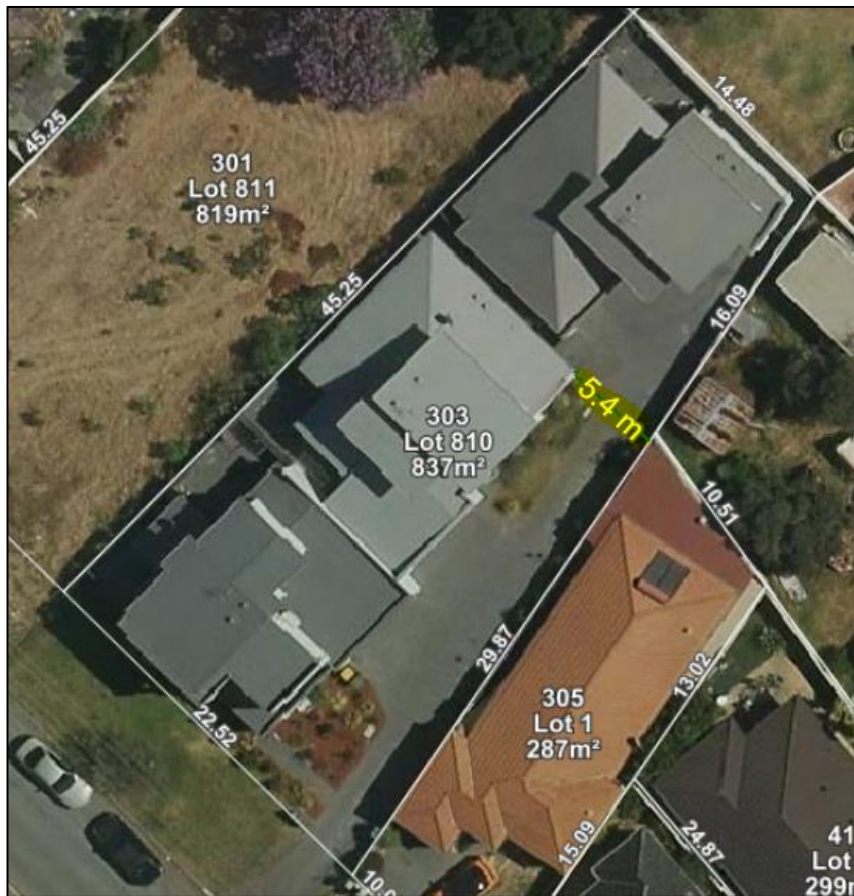


Figure 10: 303 Keymer Street – Side Setback of 5.4m

- The proposed dwelling at the rear of the subject lot incorporates a major opening to a bedroom that would provide a clear view of the street (Figure 11).

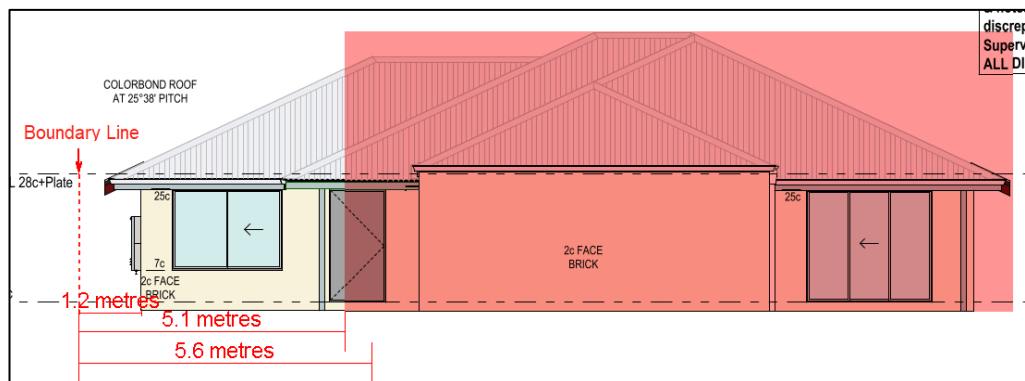


Figure 11: Street view elevation of proposed dwelling with obscured view - highlighted red

- The requirements of Clause 5.7.3 of LPS 15 were established in response to community feedback on the preferred design of infill housing. The subject application was advertised to surrounding landowners and no concerns were raised in relation to the design or amenity implications of the proposed development.

Item 12.1 Continued

- The setback ranges from 1.6 metres to 2.1 metres between the existing dwelling and the proposed driveway. This space would be sufficient for accommodating landscaping that would achieve the desired level of amenity intended by Clause 5.7.3(c). Should the application be approved, it would be recommended that a condition be imposed requiring the submission and implementation of a landscaping plan.

In light of the above, it is acknowledged that despite non-compliance, the subject application meets the intent and objectives of Clause 5.7.3(c) of LPS 15. More specifically, the design of the proposed dwelling and the configuration of the existing dwelling would allow for direct views to/from the street and incorporates adequate provision for landscaping. In addition, whilst the setback of the existing dwelling from the side lot boundary is only 5.1 metres, this represents a small intrusion of a chimney structure and does not significantly detract from overall view lines to the street.

It is recognised that there is an established precedent of compliance with Clause 5.7.3(c) of LPS 15 in the vicinity of the subject site. Nonetheless, there are examples of development on irregular-shaped lots where, despite compliance being achieved, the extent of view lines is similar to what would be achieved by the subject application.

Insisting on the modifications or demolition of the existing dwelling to achieve compliance would be unreasonable, particularly given that the existing dwelling:

- Is in a good condition that, commensurate with new development, provides diverse built form within the area;
- If modified to comply with Clause 5.7.3(c) of LPS 15, would not retain its existing appearance and presentation to the street due to extensive works that would be required; and
- Provides an 'open' streetscape by virtue of its 11 metre setback and when compared to new development within the vicinity of the site which is typically built to an average of 4 metres from the street.

As demonstrated above, consideration of the subject application has been weighed upon factors that are unique to the subject site. On this basis, it is considered that approval of the application will not set an undesirable precedent for similar developments within the area. For these reasons outlined above, it recommended that Council approve the subject application.

FINANCIAL IMPLICATIONS

If Council refuses the application, then there would be costs associated with the City addressing the review if the applicant seeks to exercise their right to review by SAT.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

Item 12.1 Continued

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council approve development application 201/2020 as detailed in plans dated 27 May 2020 submitted by Marlon and Rachel Rodriguez for Two Grouped Dwellings (One Existing) at Lot 7 (296) Keymer Street, Cloverdale, subject to the following conditions:

1. Development/land use shall be in accordance with the attached approved plan(s) dated 27 May 2020 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of City of Belmont.
2. All existing structures identified on the site for removal, including soakwells, leach drains, septic tanks, underground storage tanks, stormwater drainage systems and waste water disposal systems, shall be removed and the land levelled.
3. Prior to occupation or use of the development, the external face of the proposed dwelling's garage wall built on the boundary shall be finished in either:
 - (a) face brick;
 - (b) painted render; or
 - (c) painted brick work.
4. A landscaping and irrigation plan for the subject development site and street verge is to be prepared and submitted to the City for approval prior to lodgement of a Building Permit application.
5. Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City.
6. The existing dwelling shall be modified to provide an outdoor living area which is directly accessible from a habitable room of the dwelling.
7. A storeroom shall be provided for each dwelling, and shall have a minimum internal area of 4m² and a minimum internal dimension of 1.5m. The storerooms shall be enclosed, lockable and accessible from outside the dwelling; the swing path of the storerooms doors must not intrude the 4m² minimum internal area.
8. No existing turf, irrigation or street trees located adjacent to or abutting the development site may be damaged, removed or interfered with during the course of the development, unless approved in writing by the City.

Item 12.1 Continued

9. **Prior to the commencement of development (including demolition), the developer shall implement tree protection measures in accordance with AS4970.2009 or equivalent to the satisfaction of the City.**
10. **Prior to the occupation of the development, the proposed car parking bays and accessway(s) shall be constructed and drained and thereafter maintained in accordance with the City of Belmont's engineering requirements and design guidelines.**
11. **Prior to occupation or use of the development, the owner / applicant shall, after having obtained written approval from the City's Infrastructure Services (Infrastructure Services Clearance Application), construct a vehicle crossover in accordance with the approved plans and the City's engineering specifications to the satisfaction of the City's Manager Infrastructure Development.**
12. **All stormwater from roofed and paved areas shall be collected and disposed of on-site in accordance with the City of Belmont's engineering requirements and design guidelines.**
13. **Any fences / walls in the front setback of the property are to comply with the deemed to comply requirements of the Residential Design Codes Volume 1, which require front walls and fences to be visually permeable:**
 - (a) **1.2 metres above natural ground level within the primary street setback area; and**
 - (b) **walls, fences and other structures truncated or reduced to no higher than 0.75 metres above natural ground level within 1.5 metres of the intersection of a driveway and a public street or where two streets intersect.**
14. **All fencing visible from the street or an internal access way shall be constructed in:**
 - (a) **brick and visually permeable timber; or**
 - (b) **brick and visually permeable wrought iron; or**
 - (c) **other materials which match the units and which are acceptable to the City.**

Item 12.1 Continued

15. The proprietor must consent to the City lodging for registration on the Certificate of Title for the land a notification under section 70A of the *Transfer of Land Act 1893* to notify owners and prospective purchasers of the land that:

“This property is situated in vicinity of Perth Airport and is currently affected, or may be affected in the future by aircraft noise. Noise exposure levels are likely to increase in the future as a result of an increase in aircraft using the airport, changes in aircraft type or other operational changes. Further information about aircraft noise is available from the Perth Airport website. Information regarding development restrictions and noise insulation requirements for noise-affected property is available on request from the relevant local government offices”.

The notification is to be at the applicant’s cost and lodged prior to the application for a building permit.

12.2 FINAL ADOPTION OF LOCAL PLANNING POLICY NO 18 'CONTAINER DEPOSIT SCHEME INFRASTRUCTURE' FOLLOWING PUBLIC ADVERTISING

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item 12.2 refers	<u>Advertised Draft LPP No 18 – Container Deposit Scheme Infrastructure</u>
Attachment 3 – Item 12.2 refers	<u>Schedule of Submissions</u>
Attachment 4 – Item 12.2 refers	<u>Final LPP No 18 – Container Deposit Scheme Infrastructure</u>

Voting Requirement : Simple Majority
Subject Index : LPP15/018 – LPP18 – Container Deposit Scheme Infrastructure
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : N/A
Previous Items : Item 12.1 – 28 April 2020 Ordinary Council Meeting
Applicant : City of Belmont
Owner : N/A
Responsible Division : Development and Communities 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, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

For Council to consider the submissions received during the public advertising period and for the final adoption of Local Planning Policy No 18 (LPP 18) (refer Attachment 2).

Item 12.2 Continued

SUMMARY AND KEY ISSUES

- Draft LPP 18 was prepared to provide development standards for the assessment of Container Deposit Scheme (CDS) infrastructure. It also identifies the types of CDS infrastructure that can be exempted from requiring development approval.
- Draft LPP 18 was adopted for advertising purposes at the 28 April 2020 Ordinary Council Meeting. Advertising was carried out from Thursday 25 June 2020 to Thursday 16 July 2020.
- A total of two (2) submissions were received during the advertising period. Both submissions proposed a number of amendments to draft LPP 18 relating to development exemptions, amenity, car parking and signage (refer [Attachment 3](#)).
- It is recommended that Council adopt Draft LPP 18 subject to the insertion of Clause 5.2(d) and subsequent re-ordering of Clause 5.2(d) and (e) and minor modifications to the wording of Clause 7.3.5.

LOCATION

The Policy applies to all CDS infrastructure, container deposit recycling centres and large scale facilities within the City of Belmont local government area. The Policy specifically prohibits CDS infrastructure within the 'Residential' and 'Residential and Stables' zone. The Policy also states that CDS infrastructure must not be installed within 10 metres of land accommodating residential land uses or 'Residential' or 'Residential and Stables' zoned lots.

CONSULTATION

Consultation for the preparation of a local planning policy is a statutory process required under Schedule 2, Part 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Draft LPP 18 was advertised from Thursday 25 June 2020 to Thursday 16 July 2020. A notice was published in the Southern Gazette on 25 June 2020. The operators of the City's Secondary Centre and Neighbourhood Centres, supermarket operators within the Neighbourhood Centres, and eligible CDS operators within the Perth metropolitan region were also given notice in writing that the draft Policy was being advertised.

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

At the conclusion of the advertising period, two submissions were received from the following parties:

1. Belmont Environmental Group; and
2. Element (on behalf of Perron Group).

Item 12.2 Continued

Both submissions support the preparation of the draft Policy and have proposed amendments to the Policy provisions relating to the following matters:

1. Development Exemptions – The submission considered that the exemption of ‘small reverse vending machines’ should also require proposals to comply with other aspects of LPP 18.
2. Amenity – The submission suggested that more controls be included in LPP 18 to address visual amenity and community safety.
3. Car Parking –The submission suggested the following changes relating to car parking requirements:
 - (i) That a car parking assessment is only necessary for CDS infrastructure which is proposed in a car park comprising of less than 50 bays; and
 - (ii) That the Policy stipulate that no additional car bays are required for CDS infrastructure proposals, other than a large scale facility or recycling centre.
4. Signage - Two amendments were proposed to the wording of Clause 7.0 in relation to signage, including:
 - (i) Introducing an exemption for advertisement signage which is attached to CDS infrastructure; and
 - (ii) The inclusion of a Clause which exempts the erection of directional signage related to the CDS infrastructure, and complies with specific requirements.

A summary of the submissions is provided under [Attachment 2](#). The above matters are further discussed in the Officer Comment section.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 1: Liveable Belmont.

Strategies:

- 1.2 Plan and deliver vibrant, attractive, safe and economically sustainable activity centres.
- 1.3 Ensure activity centres have a thriving economy.
- 1.4 Attract public and private investment and businesses to our City and support the retention, growth and prosperity of our local businesses.
- 1.5 Encourage and educate the community to embrace sustainable and healthy lifestyles.

Item 12.2 Continued

Goal 3: Natural Belmont.

Strategies:

- 5.2 Protect and enhance our natural environment.
- 5.3 Keep our City clean.
- 5.4 Promote energy and water efficiency, renewable energy sources, and reduce emissions and waste.
- 3.6 Encourage sustainable development to guide built form.

Goal 4: Creative Belmont.

Strategies:

- 4.2 Embrace technology, creativity and innovation to solve complex problems and improve our City.
- 4.3 Support and collaborate with local schools and businesses.

POLICY IMPLICATIONS

As submissions received raised the matter of signage, it is relevant to consider how the City's Local Planning Policy No 12 (Advertisement Signage) applies.

Local Planning Policy No 12 (Advertisement Signs)

Local Planning Policy No 12 (LPP 12) applies to all advertisement signs visible from the public realm within the City of Belmont. Part 3 of LPP 12 sets out the following 'Policy Objectives' which are relevant in considering the submissions relating to signage attached to CDS infrastructure:

- 3.1 Ensure that advertisement signs are appropriate for their location, relate to the land and/or buildings for which they are placed, and do not adversely impact on the amenity of the surrounding area.*
- 3.5 To ensure that advertising signs are simple, clear, easy to read and maintained to a high standard.*

Part 6.1 (General Requirements) of LPP 12 includes the following relevant provision:

- 6.1.1 Advertisement signs shall only advertise services and products available on the premises to which it relates. Third party advertising is not permitted."*

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

The procedure for making a local planning policy is outlined within Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 – Deemed Provisions.

Item 12.2 Continued

Schedule 2 Part 2 Clause 4 sets out the procedure for consideration of submissions. Clause 3 states that:

- (3) *After the expiry of the period within which submissions may be made, the local government must-*
- a) *review the proposed policy in light of any submissions made; and*
 - b) *resolve to –*
 - (i) *proceed with the policy without modifications; or*
 - (ii) *proceed with the policy with modification; or*
 - (iii) *not to proceed with the policy.*

Clause 4 states that:

- (4) *If the local government resolves to proceed with the policy, the local government must publish notice of the policy in a newspaper circulating in the Scheme area.*

Clause 5(2) states that:

Despite subclause (1), the local government may make an amendment to the local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.

Local Planning Scheme No 15 (LPS15)

Clause 5.1 of Local Planning Scheme No 15 (LPS 15) states that any development of land is to comply with the provisions of the Scheme.

Various clauses in Part 5 of LPS 15 set out the general development requirements for each zone where CDS facilities may be contemplated.

BACKGROUND

The State Government has introduced the CDS in order to help reduce litter, create jobs and to encourage recycling of eligible beverage containers. The Scheme operates by providing a 10 cent refund (either a voucher to be exchanged for cash or a retail voucher) per eligible beverage container.

Western Australia Return Recycle Renew Ltd (WARRRL) is a not-for-profit company established to manage and operate the CDS and was selected by the State Government as the Scheme Coordinator in May 2019.

The new launch date for the CDS is 1st October 2020.

OFFICER COMMENT

The two submissions received during the advertising period raised a number of matters for consideration and proposed amendments to draft LPP 18. These matters are discussed further below.

Item 12.2 Continued

Development Exemptions

Belmont Environmental Group requested that Clause 5.2 be amended to specify that in addition to the relevant standards/ requirements of Local Planning Scheme 15, development proposals for small reverse vending machines be required to comply with the development requirements outlined in Part 7 of LPP 18.

Clause 7 of the Policy outlines standards and requirements relating to Location, Visual Amenity and Development Footprint. In considering how Clause 7 of the Policy applies to small reverse vending machines which would be exempt under Clause 5.2, the following points are relevant:

- Clause 7.2 (Location) would not apply as exempt small reverse vending machines are restricted to existing shopping centres or public accessible spaces, and in a location where they do not restrict vehicle and/or pedestrian movement.
- A number of subclauses under Clause 7.3 (Visual Amenity) of the Policy are applicable to 'small reverse vending machines'. Subclause 7.3.1 may be applicable where the infrastructure is proposed within a landscaping or car parking area, which could be classified as a 'publicly accessible space'. In considering this, an additional subclause 5.2(d) is to be inserted which states:

'is not located within areas of landscaping or car parking'.

- It is considered that the broader policy provisions are not directly applicable to small reverse vending machines, given that they are restricted to 3m² in size and are considered to be similar in nature to traditional food and drink vending machines. Furthermore, they are typically located internally or adjacent to high traffic locations, and used to deposit small quantities of containers at a time which would result in considerably lower noise, light and odour generation when compared to a larger machine.
- Based on the scale of development, Clause 7.5 does not apply to small reverse vending machines. Subclause 7.5.1 refers to development with a footprint of more than 8 square meters, which is more than the permitted 3 square meters for exempt machines. Clause 7.5.1 also refers to infrastructure exceeding 2m in height, whereas a standard small reverse vending machine is unlikely to exceed this height. Subclauses 7.5.2 and 7.5.3 do not apply as they refer to development footprint and height parameters which exceed the requirement of a small reverse vending machine.

It is considered that development proposals for small reverse vending machines will not require additional assessment against Clause 7 of the draft Policy. However, to ensure that landscaping and car parking are not affected, it is recommended that Clause 5.2 be amended as outlined above.

Amenity

In their submission, Belmont Environmental Group recommended the inclusion of provisions to address potential undesirable impacts on community safety and visual amenity resulting from CDS development proposals.

Item 12.2 Continued

The following Clauses of the draft Policy address both visual amenity and community safety:

- Clause 7.3 'Visual Amenity' Clause, specifically addresses visual amenity issues such as management of 'outdoor storage' and other materials which may be left around CDS infrastructure, retention of landscaping on-site, appropriate materials and finishes and signage.
- The following clauses of the draft Policy specifically address community safety (i.e. vandalism, theft etc.):
 - (i) Clause 2.2 (Policy Objectives) – *'Prevent negative impacts on local amenity from the operation of CDS infrastructure'*.
 - (ii) Clause 2.4 (Policy Objectives) – *'Provide conveniently located CDS infrastructure to ensure effective reduction of litter, increased recycling and protection of the environment'*.
 - (iii) Clause 6 (Accompanying information) lists the following specific requirements:
 - *'A report addressing the criteria of this Policy, in particular...Lighting and passive surveillance'*; and
 - A requirement to include information on *'...frequency and methods of cleaning, security, noise and waste management'* where a Management Plan is required to accompany a development application for CDS infrastructure.
 - (iv) Clause 7.3.4 (Visual Amenity) – *'Should be constructed and clad with low-reflective, graffiti-resistant materials, which provide protection from the elements'*
 - (v) Clause 7.4.3 (Operation) – *'The operation of the facility must not impact upon the amenity of the locality resulting from the emission of light, noise, vibration, electrical interference, smell or any other by-product'*.

It is considered that the draft Policy provisions outlined above provide adequate planning controls to manage visual amenity and community safety impacts. Given that applications for CDS development will be considered on a case by case basis, it is considered that further standards or amendments to the draft Policy in this regard are not required.

Car Parking

Clause 7.2.7 requires that where CDS infrastructure is proposed within an existing carpark, it must not reduce the number of car parking bays required for the existing land use. In their submission, Element proposed that the wording of this Clause be amended to apply only to developments with a minimum of 50 car bays.

In considering this submission, the following points are relevant:

- Car parking requirements are dependent on the approved development/land use at the subject site and are assessed against the car parking standards set out in Table 2 of LPS 15.

Item 12.2 Continued

- A loss of car bays to accommodate CDS infrastructure has the potential to reduce the number of approved car bays for the existing land use/development and result in the development/land use not complying with a condition of development approval. Clause 7.1 of the draft Policy requires that CDS infrastructure is not to prejudice conditions of existing development approvals.
- While it is acknowledged that the loss of a small number of car bays to accommodate CDS infrastructure will not significantly affect the operation of large sites such as Belmont Forum, this may not be the case for other sites across the City.

The proposed amendment to Clause 7.2.7 is not considered appropriate, given car parking assessment for a CDS proposal is necessary to ensure that the operation can occur without compromising the existing land use/development.

The submission also suggested a Clause specifying that additional car parking is not required for CDS infrastructure, other than a 'Large Scale Facility' or a 'Container Deposit Recycling Centre'. Such a Clause eliminates the requirement for car parking assessment to be carried out for CDS infrastructure.

This amendment is considered to be unsuitable on the basis that a large reverse vending machine located on a stand-alone site would require car parking spaces to provide for customers.

Signage

In their submission, Element suggested amending the following subclauses of Clause 7.3 (Visual Amenity) relating to signage:

- (i) Clause 7.3.5 be re-worded to exempt any promotional and brand signage relating to the operation of the CDS infrastructure, provided it is attached to the infrastructure; and
- (ii) To include the following Clause:

'Minor directional signage associated with the CDS Infrastructure to be:

- *Located wholly within car parking area on site;*
- *Shall not exceed 2.5m in height; and*
- *Shall not reduce existing car park sightlines, aisle widths and maneuvering spaces.'*

The proposed amendment to Clause 7.3.5 removes the need for development approval to be sought for any signage attached to the infrastructure, where it comprises 'promotional' or 'brand' signage related to the operation of the infrastructure. Advertisement signage attached to CDS infrastructure (i.e. a reverse vending machine or container collection cage) is not anticipated to compromise the objectives and development standards listed under Part 3 and 6 of LPP 12 for the following reasons:

- The signage is attached to an approved (or exempt) CDS infrastructure and will therefore be limited by the scale of the infrastructure and be appropriately located;
- Will not pose any unnecessary risk to the safety of people and vehicles accessing a site, given that it will be attached to the infrastructure; and

Item 12.2 Continued

- Is on a structure which would be located within lot boundaries and would not have a significant impact on the existing signage strategy on the site.

It is therefore acknowledged that there is some merit to allowing flexibility for CDS operators to include or add signage to CDS infrastructure where it does not display any third-party signage.

Accordingly, it is recommended that Clause 7.3.5 be amended to state the following:

'...May only display advertising or brand signage where it is:

- *Attached to the infrastructure; and*
- *only advertises services, products and brands related to the operation of the CDS infrastructure. No third party signage is permitted.'*

Further to the above, LPP 12 is not intended to deal with directional signage and does not specify any planning controls relating to directional signage at a subject site. Any directional signage which is located within a particular lot would not generally be subject to a development assessment or any specific planning controls. Specific requirements relating to directional signage are therefore not considered necessary within LPP 18.

Conclusion

Having regard to the submissions received, it is considered that draft LPP 18 is appropriately worded and provides a comprehensive basis for the assessment of CDS development, ensuring that proposals are appropriately located and operated in a manner that does not unduly impact surrounding amenity.

It is recommended that the wording of Clause 7.3.5 be modified and Clause 5.2(d) be inserted as outlined above to provide more flexibility to operators and ensure that the relevant development standards of LPP 12 are met. It is considered that these are minor amendments which do not require re-advertising in accordance with Schedule 2 Part 2 Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 – Deemed Provisions.

It is recommended that Council adopt modified LPP 18.

FINANCIAL IMPLICATIONS

There are costs associated with publishing a notice of the adopted Policy in the newspaper and advising of the adoption of the Policy to those who made a submission. These costs are accommodated within the Planning Department's operational budget.

ENVIRONMENTAL IMPLICATIONS

The draft Policy supports the Container Deposit Scheme initiative which seeks to encourage recycling and reduce the amount of waste that goes to landfill. The draft Policy prescribes specific measures to ensure that amenity impacts are managed and to achieve environmentally sustainable outcomes.

Item 12.2 Continued

SOCIAL IMPLICATIONS

The CDS provides another avenue for schools, clubs, and community groups within the City to raise funds and build their self-reliance and capacity.

OFFICER RECOMMENDATION

That Council:

- A. Adopts Local Planning Policy No 18 – Container Deposit Scheme Infrastructure subject to the amendments shown in red in the final Local Planning Policy No 18 document under [Attachment 4](#) in accordance with the provisions of Schedule 2, Part 2, Clause 4(3)(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- B. Place an advert in a local newspaper notifying that Local Planning Policy No 18 – Container Deposit Scheme Infrastructure has been adopted with modifications in accordance with the requirements of Schedule 2, Part 2, Clause 4 (4) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- C. Advise those who made a submission on the draft Local Planning Policy No 18 – Container Deposit Scheme Infrastructure of the Council’s decision.**

Item 12.3 Continued

SUMMARY AND KEY ISSUES

Council's consideration of nominations and recommendation for the 2020 Community Service Awards.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

5.1 Support collaboration and partnerships to deliver key outcomes for our city.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

BACKGROUND

The Community Service Award was initiated in 1977 to recognise and acknowledge services performed by community members and organisations, with five people receiving the inaugural Award. From 1977 to 2019, there have been 110 awards presented with four recipients receiving the Award twice.

The majority of the Awards have been presented to individuals with only two organisations receiving the Award, those being Nulsen Haven (1982) and Belmont Community Food Centre (2000).

Item 12.3 Continued

The following Award categories have been defined to include people working in the separate areas of:

- **Aged:** This category applies to an individual/community group who contributes within the aged sector (ie: pensioner groups, activities and services for seniors).
- **Community Service:** This category applies to an individual/community group who contributes within the community (ie: emergency service volunteer, support personnel, religious organisations, culturally diverse communities, charity groups, schools).
- **People Who Make a Difference:** This category applies to an individual/community group who has made an exceptional impact, by going above and beyond their duties, and making a significant difference in their local community by assisting another or others.
- **Sport and Recreation (Including Arts and Culture):** This category applies to an individual/community group who contributes to organisations such as sporting and recreational clubs as well as arts and culture clubs and organisations.
- **Youth:** This category applies to an individual/community group who supports organisations such as girl guides, scouts, youth clubs, youth centre(s), schools etc.

The Awards are intended to acknowledge the outstanding service given to the community by individual persons and community groups using the following selection criteria:

1. The contribution made should be of benefit to the citizens of the City of Belmont (must have provided services to the residents of the City of Belmont).
2. Remuneration of an incidental nature will not exclude a nominee from eligibility.
3. Nominations can be made in more than one category for any one nominee. Each nomination has to be specific to the category for which the nomination has been submitted.
4. The nomination must be submitted on the provided nomination form.

OFFICER COMMENT

The 2020 Community Service Awards were conducted using the selection criteria as resolved by the Council at its 28 July 2015 Ordinary Council Meeting (Item 10.2).

The Selection Panel comprised of the Mayor, Chairperson of the Standing Committee (Community Vision), the Chief Executive Officer, Director Development and Communities and the Manager Economic and Community Development. The panel convened on Tuesday, 4 August 2020 to review and assess all applications. The Manager Community Placemaking subsequently participated as an independent panel member and assessed the applications due to declarations of interest submitted by some panel members.

A list of previous recipients is provided under [Attachment 5](#). Copies of nominations received are provided under [Confidential Attachment 1](#).

Item 12.3 Continued

The Selection Panel's recommendations for the 2020 Community Service Awards was discussed and endorsed at the Standing Committee (Community Vision) meeting on Tuesday, 18 August 2020 and is provided under [Confidential Attachment 2](#).

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

The Community Service Awards recognise those who assist and develop community capacity and support community groups within the City of Belmont.

COMMITTEE RECOMMENDATION

1. That Council endorses the recommendation of the Standing Committee (Community Vision) as detailed in [Confidential Attachment 2](#).
2. The decision by Council on the 2020 Community Services Awards remains confidential until announced.

12.4 ANNUAL REVIEW OF CITY OF BELMONT ENVIRONMENT AND SUSTAINABILITY STRATEGY (2020 VERSION)

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6 – Item 12.4 refers	<u>Proposed Changes to Environment and Sustainability Strategy (2020 Version) – With Track Changes</u>
Attachment 7 – Item 12.4 refers	<u>Revised Environment and Sustainability Strategy (2020 version)</u>

Voting Requirement : Simple Majority
 Subject Index : 20/003: Environment Plan
 Location/Property Index : N/A
 Application Index : N/A
 Disclosure of any Interest : Nil
 Previous Items : 16 April 2019 Ordinary Council Meeting Item 12.5
 24 August 2020 SC(Env) - Item 11.1
 Applicant : N/A
 Owner : N/A
 Responsible Division : Infrastructure Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To present the revised City of Belmont Environment and Sustainability Strategy 2016-2021 (2020 version) to Council for endorsement.

Item 12.4 Continued

SUMMARY AND KEY ISSUES

A minor annual review of the Environment and Sustainability Strategy 2016-2021 has been undertaken.

The proposed changes and revised Strategy are being presented to Council for endorsement.

The revised Strategy will take effect from the date of Council endorsement and will expire on 30 June 2021.

LOCATION

Not applicable.

CONSULTATION

A memorandum dated 10 July 2020 was distributed to all Councillors inviting them to contribute towards the minor annual review of the Environment and Sustainability Strategy. A memorandum dated 17 August 2020 was then distributed to all Councillors providing a response to each of the suggestions made. As a result of the suggestions received, two actions were included in the revised Strategy.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020–2040 Strategic Community Plan:

Goal 3: Natural Belmont.

Strategies:

- 3.1 Protect and enhance our natural environment
- 3.2 Improve our river and waterways
- 3.3 Keep our City clean
- 3.4 Provide green spaces for recreation, relaxation and enjoyment
- 3.5 Promote energy and water efficiency, renewable energy sources, and reduce emissions and waste
- 3.6 Encourage sustainable development to guide built form.

POLICY IMPLICATIONS

Council Policy NB2.1 Environment and Sustainability Policy states that the City of Belmont will develop, implement and regularly review an organisation-wide Environment and Sustainability Strategy.

STATUTORY ENVIRONMENT

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

Item 12.4 Continued

BACKGROUND

The City of Belmont Environment and Sustainability Strategy 2016-2021 was first endorsed by Council on 27 July 2016 and provides strategic direction for environmental activities throughout the City.

As per the 'Environment and Sustainability Policy' (Council Policy NB2.1), the City is committed to the development, implementation and regular review of the Environment and Sustainability Strategy.

OFFICER COMMENT

Recommended changes to the Environment and Sustainability Strategy 2016-2021 have been identified.

The proposed changes were considered by the Standing Committee (Environmental) at the 24 August 2020 meeting, with the following resolution made:

"OFFICER RECOMMENDATION

MARKS MOVED, RYAN SECONDED

That the Standing Committee (Environmental) recommend that Council endorse the City of Belmont Environment and Sustainability Strategy 2016-2021 (2020 version) (Attachment 2), to take effect immediately.

CARRIED 4 VOTES TO 0."

The proposed changes, as shown as track changes in [Attachment 6](#) include:

- Terminology changes to names of internal Departments/ positions, State Government agencies and stakeholders.
- Updates to reflect new Strategic Community Plan 2020- 2040.
- Expansion of scope of Environmental Management System, as per requirements of the ISO 14001 standard.
- Removal of action numbers in Executive Summary, as these change with each annual review.
- Removal of references to a 'TravelSmart Workplace Plan' as this is not in use.
- Inclusion of 2019-2020 actions anticipated to be complete by 30 June 2020 in the 'Previous Achievements' section.
- Amendments to key stakeholders to include new groups (Urban Forest Working Group and Belmont Environmental Group Inc), and remove the Belmont Bayswater Rivercare Assoc. which has disbanded.
- Amendment to the description of the role of the Standing Committee (Environmental) to reflect the current Terms of Reference.
- Amendment to the Environment and Sustainability Policy to reflect the 2019 Council Policy Manual review (endorsed by Council in December 2019).
- Inclusion of reference to the Belmont Hub (previously Faulkner Civic Precinct Community Centre).

Item 12.4 Continued

- Inclusion of new 'ongoing' actions:
 - Undertake annual review of EnviroLaw Compliance Register (currently undertaken as a result of an opportunity for improvement from May 2019 external audit).
 - Support the Belmont Oasis in the Waterwise Aquatic Centre Program (currently in progress to achieve Waterwise Gold).
 - Participate in the Cities Power Partnership program (currently undertaken as approved by the Executive Leadership Team).
 - Implement the Waste Minimisation Plan and Work Instruction- Waste Minimisation and Management for Faulkner Civic Buildings (documents to be produced in completion of 2019-2020 action 5.5).
 - Assist and encourage applicants for developments to incorporate verge landscaping that supports environmental outcomes and other community benefits.
 - Seek opportunities to showcase and promote demonstration verge landscaping, including through signage.
- Amendment to indicators for the Business Environmental Assessment Project.
- Deletion of the following action and indicator, due to Kooda ceasing operations in January 2020:
 - 'Ongoing' action: Compost organic waste generated from the Civic Centre, Ruth Faulkner Public Library, Harman Park Community Centre and the Operations Centre office.
 - Indicator: Annual quantity of organic waste composted from City operated buildings.
- Removal of actions completed (or those anticipated to be completed) in 2019-2020 from the "New Actions" tables, including:
 - 1.1 Develop guidelines and assist and encourage applicants for developments to establish verge landscaping that supports environmental outcomes and other community benefits.
 - 5.5 Develop a Waste Minimisation Plan for the Faulkner Civic Precinct, including the Civic Centre, Ruth Faulkner Public Library, Functions Centre and new Community Centre.
 - 5.6 Undertake a Water Sensitive Cities Index benchmarking workshop.
- Addition to the 'New Actions' tables:
 - 2.4 Develop a Nature Passbook to highlight nature-rich locations within the City of Belmont and fun nature play activities for families.
 - 5.5 Implement *Action 3: Energy audit and energy-water strategy* of the Water Sensitive Cities Benchmarking and Assessment Report.
- Change to responsibility for Action 2.1 to the Manager Parks, Leisure & Environment (previously Parks Technical Officer).
- Extension of timeframes for several actions to 2020-2021:
 - 1.1 Contribute towards review of the City's Local Planning Scheme, particularly the Environmental Strategy Supporting Document and consider relevance of inclusion of the UN Sustainable Development Goals.
 - 2.1 Develop updated guidelines that promote establishment of edible verge gardens and Waterwise and Fertilise Wise verges with ecological values, for release upon gazettal of the revised City of Belmont Local Law.
 - 2.3 Review Community Contribution Fund criteria to consider category for environmental awareness initiatives and eligibility for schools.
 - 6.1 Participate in the EMRC's "Understanding and Managing Flood Risk in Perth's Eastern Region" project Stage 4: Flood Intelligence and Adaptation Planning.

Item 12.4 Continued

FINANCIAL IMPLICATIONS

The estimated cost of implementing individual new actions is documented in each Chapter of Part II of the Strategy.

The additional direct financial cost arising from the 2020 review is associated with the new action:

- 2.4 Develop a Nature Passbook to highlight nature-rich locations within the City of Belmont and fun nature play activities for families.

The cost of this action (\$5,400) has been included in the 2020-2021 Environmental Services Budget.

The proposed new action *5.5 Implement Action 3: Energy audit and energy-water strategy of the Water Sensitive Cities Benchmarking and Assessment Report* can be undertaken utilising existing data, with no additional budget or resourcing requirements.

ENVIRONMENTAL IMPLICATIONS

Continuous improvement through annual review of the Environment and Sustainability Strategy will assist the City's ability to protect and enhance the natural environment.

SOCIAL IMPLICATIONS

The Environment and Sustainability Strategy is anticipated to result in a beneficial social impact, particularly via the 'Community Awareness, Engagement and Behaviour Change' theme, which aims to -

“engage with the wider Belmont residential and business community to promote and encourage involvement in environmental programmes, sustainable behaviour change and minimise risk of pollution incidence”.

COMMITTEE RECOMMENDATION

That Council endorse the City of Belmont Environment and Sustainability Strategy 2016-2021 (2020 version) ([Attachment 7](#)).

**12.5 REQUEST FOR RATE EXEMPTION – THE HAVEN CENTRE INC –
22 WYNYARD STREET, BELMONT**

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	Rear Unit – 22 Wynyard Street, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	The Haven Centre Inc
Owner	:	Indira Manawadu
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider a request for rates exemption.

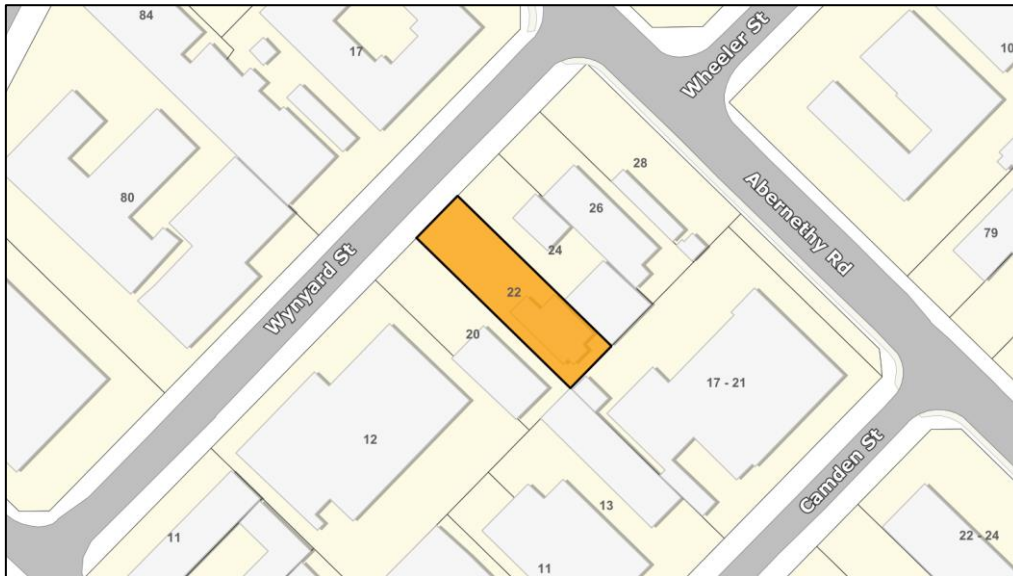
SUMMARY AND KEY ISSUES

- The Haven Centre Inc. (The Haven) is a not for profit organisation that have lodged an objection under Section 6.76 of the *Local Government Act 1995* to the Rate Book.
- The objection and recommended rates exemption relates to the unit at 22 Wynyard Street, Belmont.
- The unit is used to store the overflow of furniture and household goods as well as dry and packaged food and supports the organisations Furniture Assist Program.
- It is recommended that Council endorse the rate exemption.

Item 12.5 Continued

LOCATION

Rear Unit at Lot 83 on Plan 2094 known as 22 Wynyard Street, Belmont 6104.



CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020–2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

5.2 Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the community.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

The relevant sections of the *Local Government Act 1995* that apply are:

1. Section 6.26 of the *Local Government Act 1995* states:

“Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land

(g) land used exclusively for charitable purposes;”

Item 12.5 Continued

2. Section 6.53 of the *Local Government Act 1995* states:

“Land becoming or ceasing to be rateable land:

Where during a financial year -

(a) land that was not rateable becomes rateable land; or

*(b) rateable land becomes land that is not liable to rates,
the owner of that land –*

(c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or

(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land,

as the case requires”

3. Section 6.76 of the *Local Government Act 1995* states:

“(1) A person may, in accordance with this section, object to the rate record of a local government on the ground —

(a) that there is an error in the rate record —

(ii) on the basis that the land or part of the land is not rateable land;

(3) An objection under subsection

(1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.”

BACKGROUND

The Haven Centre Inc. (The Haven) is a not for profit organisation that have their head office and main place of business based in East Victoria Park.

Some of the objectives or purposes as stated in their Constitution are:

To render spiritual oversight, care and assistance whether material or otherwise and other such help as may be deemed appropriate to meet the needs of people including without limitation either itself or in association with other like associations:

a) by establishing, developing and maintaining (within the framework of a Christian based programme) -

- Catering for nutritional dietary requirements*
- Personal hygiene and sanitary facility*
- Community and support services*
- Life skill and retail sales, training and vocational education*

b) by engaging in activities which are deemed by the committee to be advantageous in helping the community at large.

Whilst the main office and place of business is in East Victoria Park, the rear unit warehouse at 22 Wynyard Street, Belmont itself plays a part within the organisation's ability to help those in need.

Item 12.5 Continued

As part of The Haven's Furniture Assist Program, the unit at 22 Wynyard Street, Belmont is used to store the overflow of furniture and household goods as well as dry and packaged food and water.

The food and water are used at the East Victoria Park property where they provide 25-30 food hampers per week to vulnerable members of the local and surrounding suburbs.

Whilst relatively new, the Furniture Assist Program has already helped Belmont families with household furniture and furnishings / goods that they may not otherwise be able to afford.

The warehouse, as and when required, can include a staff member, the Warehouse manager and volunteers each week (i.e. TAFE students, Work for the Dole participants) to manage stock. In kind, the volunteers can practice work related and interpersonal skills.

Also as and when required, clients requiring furniture and household goods may visit the warehouse to discuss their Furniture Assist application.

OFFICER COMMENT

The following documentation has been provided:

- An application for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation)
- Statutory Declaration confirming the use of the warehouse whilst also confirming that the City will be advised immediately if the use of the warehouse changes
- Current Constitution
- Copy of Lease – Lease commenced on 17 February 2020 for two years with a further one year option
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office
- Australian Charities and Not for Profit Commission Certification.

As part of the application process a site visit was organised to ensure that the use of the property was as per the application. The warehouse is well stocked with furniture, beds, mattresses, bedding, tinned food and water.

A client list is received from various charitable organisations where they have gone through a process to ensure they are eligible. Client list is received at The Haven who then put together and deliver (all free) Care packages which can include tinned food, fresh food, pots, pans, beds, bedding, lounge suites etc.

FINANCIAL IMPLICATIONS

Section 6.26(2)(g) of the *Local Government Act 1995* states that the property must be used exclusively for charitable purposes. Section 6.53 of the *Local Government Act 1995* defines when during a financial year the land is rateable compared to non-rateable.

Item 12.5 Continued

The property is rated Commercial and the lease is effective from 17 February 2020.

As the property comprises of individual non strata warehouse units, the City provided Landgate a copy of the leased area to ascertain individual Gross Rental Valuations (GRV's) for each unit. As the lease commenced during last financial year, we will also require the previous revaluation GRV's as well as the current revaluation GRV's.

At this point in time, the individual valuations have not been received to ascertain the loss of rate revenue effective from February 2020.

However based on two similar sized units the estimated loss of revenue is \$425.00 for the 2019-2020 year (part) and \$1,100.00 for the 2020-2021 financial year.

The Fire Services Levy is still applicable and is required to be paid in full and the payment forwarded to the Department of Fire and Emergency Services (DFES) as per the current legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

Ensure that those in need in the community have access to the services that The Haven supply.

OFFICER RECOMMENDATION

That Council endorse the rate exemption for the rear warehouse unit at 22 Wynyard Street, Belmont under section 6.26 (2)(g) and Section 6.53 of the *Local Government Act 1995* effective from commencement of lease being 17 February 2020.

12.6 ACCOUNTS FOR PAYMENT – AUGUST 2020

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 8 – Item 12.6 refers	<u>Accounts for Payment – August 2020</u>

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, local planning schemes and policies.*
- Review** *When Council reviews decisions made by Officers.*
- Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.6 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

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*, Regulation 12.

OFFICER COMMENT

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

Municipal Fund Cheques	788522 to 788532	\$77,031.26
Municipal Fund EFTs	EF069143 to EF069539	\$3,348,711.81
Municipal Fund Payroll	August 2020	\$1,771,032.76
Trust Fund EFTs	EF069144 to EF069145	<u>\$12,174.30</u>
Total Payments for August 2020		\$5,208,950.13

A copy of the Authorised Payment Listing is included as [Attachment 8](#) to this report.

Item 12.6 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for August 2020 as provided under [Attachment 8](#) be received.

12.7 MONTHLY ACTIVITY STATEMENT AS AT 31 AUGUST 2020

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 9 – Item 12.7 refers	<u>Monthly Activity Statement as at 31 August 2020</u>

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 and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

LOCATION

Not applicable.

Item 12.7 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

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

The monthly financial report is to be accompanied by:

Item 12.7 Continued

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

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

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

***Based on a materiality threshold of 10 percent.

In order to provide more details regarding significant variations as included in [Attachment 9](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Computing	274,751	27,614	Timing issue regarding the payment of business applications and equipment.
Crime Prevention & Comm Safety	106,671	26,298	Variance relates to the purchase and installation of CCTV at the Belmont Hub.
Belmont Oasis	8,000	89,913	Relates to gym equipment that is a carryover from 2019-2020.
Ruth Faulkner Library	561,086	127,515	Timing issue regarding the receipt of furniture and equipment at the Belmont Hub.
Grounds Operations	154,714	73,406	Variance mainly relates to the Forster Park upgrade.
Road Works	414,215	483,258	Over budget due to carryover projects.
Building Operations	1,096,467	190,539	Mainly relates to the Belmont Oasis and Belmont Hub.
Expenditure - Operating			
Finance Department	396,240	162,329	Relates to the reversal of end of year accruals with the offsetting expense expected in September.
Computing	468,602	618,683	Budget spread issue with licence fees generally paid early in the year.
Marketing & Communications	343,154	255,361	There are a number of items currently under budget.
Reimbursements	38,667	106,458	Wages accrued in 2019-2020 have yet to be reversed.
Insurance	413,702	343,801	Relates to the timing of insurance premium payments that are also expected to be slightly less than budget.
Governance	635,820	307,539	Activity Based Cost (ABC's) allocations are outstanding.

Item 12.7 Continued

Report Section	Budget YTD	Actual YTD	Comment
Rates	976,751	211,111	Timing issue regarding the rates discount with rates levied later this year.
Property & Economic Development	313,870	210,550	Relates to the reversal of end of year accruals with the offsetting expense expected in September.
Belmont Community Watch	223,853	112,779	Invoices are processed one month in arrears.
Youth Services General	126,078	60,143	Invoices are processed one month in arrears.
Town Planning	553,279	360,125	Employee and consulting fees are below budget.
Sanitation Charges	898,356	499,562	Invoices are processed one month in arrears.
Donations and Grants	75,917	13,777	Budget spread issue regarding payment of MOU's.
Public Facilities Operations	84,213	2,390	Budget spread issue regarding contributions to sporting clubs.
Belmont Oasis	145,464	89,775	Outstanding contractor costs.
Ruth Faulkner Library	609,332	391,006	Largely relates to consulting costs regarding the Belmont Hub.
Grounds Operations	905,220	833,515	A number of items are below budget including pump maintenance.
Road Works	183,332	97,706	Road sweeping and street lighting maintenance costs are below budget.
Building Operations	299,143	230,741	Mainly relates to the Belmont Hub costs being under budget.
Revenue - Capital			
Financing Activities	(8,000,000)	Nil	Transfer from reserve to allow for potential cashflow issues. This will still need to be budgeted but will be reallocated to later in the year as part of the budget review.
Crime Prevention & Comm Safety	(90,005)	(2,455)	Budget spread issue regarding grant income for CCTV at the Belmont Hub.
Road Works	(385,174)	17,574	Relates to the reversal of end of year accruals with the offsetting income expected in September.
Revenue - Operating			
Finance Department	(363,661)	(199,468)	ABC's are outstanding.
Computing	(451,464)	(528,043)	ABC's are outstanding.
Records Management	(133,536)	(75,851)	ABC's are outstanding.
Human Resources	(222,140)	(119,250)	ABC's are outstanding.

Item 12.7 Continued

Report Section	Budget YTD	Actual YTD	Comment
Rates	(49,940,755)	(38,484,927)	Ex-gratia rates are expected to be invoiced in September.
Property & Economic Development	(9,661)	(125,174)	Budget spread issue regarding rent/lease income from Council buildings.
Financing Activities	(163,063)	(322,798)	Monthly variances are expected due to the timing of term deposits maturing.
Orana Aged Housing	72,186	Nil	Relates to the reversal of end of year accruals with the offsetting income expected in September.
Town Planning	(196,018)	(122,846)	ABC's are outstanding.
Sanitation Charges	(6,058,345)	(6,137,079)	Number of services slightly more than anticipated.
Streetscapes	Nil	(76,401)	Prepaid road/verge maintenance income.
Building Control Customer Service	(108,672)	(56,566)	ABC's are outstanding.
Public Works Overheads	(152,904)	(95,709)	Overhead recoveries are below budget.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 August 2020	\$	Comment
Cash and investments	57,196,142	Includes municipal and reserves
- less non rate setting cash	(47,853,269)	Reserves
Receivables	49,711,007	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(8,035,128)	ESL Receivable
Stock on hand	216,086	
Total Current Assets	51,234,839	
Current Liabilities		
Creditors and provisions	(20,385,780)	Includes ESL and deposits
- less non rate setting creditors & provisions	11,552,928	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(8,832,852)	
Nett Current Assets 31 August 2020	42,401,987	
Nett Current Assets as Per Financial Activity Report	42,401,987	
Less Restricted Assets	0	Unspent grants held for specific purposes
Less Committed Assets	(41,901,987)	All other budgeted expenditure
Estimated Closing Balance	500,000	

Item 12.7 Continued

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 associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 August 2020 as included in [Attachment 9](#) be received.

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1 STAFF MATTER – CHIEF EXECUTIVE OFFICER ANNUAL PERFORMANCE APPRAISAL 2019-2020 (CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2)(A)(B)(E))

<u>Attachment No.</u>	<u>Details</u>
Confidential Attachment 3 - Item 14.1 refers	<u>Report Item - Staff Matter – Chief Executive Officer Annual Performance Appraisal 2019-2020 (Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(A)(B)(C)(E))</u>
Confidential Attachment 4 – Item 14.1 refers (Circulated under Separate Cover)	CEO Performance Management Plan 2019-2020 – Executive Committee Submission
Confidential Attachment 5 – Item 14.1 refers	<u>CEO Current Salary Scale and Remuneration Range Strategy</u>

COMMITTEE RECOMMENDATION

That Council:

1. Accept the Executive Committee’s assessment of the CEO’s performance for the period 25 September 2019 to 30 June 2020 (refer Confidential Attachment 4).
2. Approve the CEO’s performance Goals and Targets as determined for the next review period ending 30 June 2021 (refer Confidential Attachment 4).
3. Approve the CEO remaining on Step 4 of the pay scale.

15. CLOSURE