



# City of Belmont

## ORDINARY COUNCIL MEETING

### MINUTES

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24 April 2018

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**CONFIDENTIAL ATTACHMENTS INDEX**

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<p><b>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</b></p>
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## MINUTES

### **PRESENT**

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr M Bass	East Ward
Cr B Ryan	East Ward
Cr J Davis	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward
Cr G Sekulla, JP	West Ward

### **IN ATTENDANCE**

Mr J Christie	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Mrs J Hammah	Director Community and Statutory Services
Mr R Lutey	Director Technical Services
Mr J Olynyk, JP	Manager Governance
Mrs M Lymon	Principal Governance and Compliance Advisor
Mrs J Barnes	Senior Governance Advisor
Ms D Morton	Media and Communications Officer
Ms S D'Agnone	Governance Officer

### **MEMBERS OF THE GALLERY**

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

## 1. OFFICIAL OPENING

7.07pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read the Acknowledgement of Country.

***It is important that we acknowledge the traditional owners of the land on which we are meeting today the Noongar Whadjuk people and pay respect to Elders both past and present.***

The Presiding Member invited Cr Ryan to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Ryan read aloud the affirmation.

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

## 2. APOLOGIES AND LEAVE OF ABSENCE

Cr L Cayoun (Leave of Absence)

West Ward

## 3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

### 3.1 FINANCIAL INTERESTS

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Cr J Davis	Item 14.1 Belmont Sports and Recreation Club Inc. Financial Arrangements – Confidential Matter in Accordance with <i>Local Government Act 1995</i> Section 5.23(2)(c)	<b>Indirect Financial Interest</b> Cr Davis is the Secretary of the Belmont Sports and Recreation Club
Mr J Christie – Chief Executive Officer	Item 11.2 Confirmation of Minutes – Executive Committee Meeting 9 April 2018	<b>Direct Financial Interest</b> The minutes relate to the probationary period of the Chief Executive Officer.

**3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY**

Nil.

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

**4.1 ANNOUNCEMENTS**

Nil.

**4.2 DISCLAIMER**

**7.10pm** The Presiding Member drew the public gallery's attention to the Disclaimer.

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

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

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

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

Nil.

## **5. PUBLIC QUESTION TIME**

### **5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

#### **5.1.1 MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE**

The following questions were taken on notice at the 27 March 2018 Ordinary Council Meeting. Mr Foster was provided with a response on 11 April 2018. The response from the City is recorded accordingly:

1. Regarding the JDAP for the service station/fast food outlet on the corner of Great Eastern Highway and Bulong Avenue, Main Roads WA (MRWA) supported the City of Belmont's submission by saying that that intersection and the new U turn at Great Eastern Highway and Coolgardie was inadequate for anything larger than a small car and the congestion caused by this development would be unsafe.

MRWA has also said that this intersection and U turn at Great Eastern Highway and Coolgardie which the City of Belmont (COB) supported MRWA would be adequate for traffic servicing the Airport side of Great Eastern Highway and Development Area 6 (DA6). Which statement by MRWA and the COB is correct? Safe or unsafe?

#### **Response**

The current U turn facility at Great Eastern Highway and Coolgardie Avenue is an interim treatment that MRWA recently installed to service a number of businesses on the southern side of Great Eastern Highway. Due to the current land constraints, MRWA could only construct a U turn that could cater for standard cars. When MRWA fully upgrades this intersection in the future, as part of the Great Eastern Highway Upgrade, turning pockets and fully developed U turn facilities will be provided.

MRWA's position at the JDAP was in reference to possible 'fuel discount days' at the proposed service station, which would put pressure on this interim U turn facility as well as possible signal phasing issues. These concerns however, were not totally accepted by the JDAP and MRWA will have to ultimately make minor signal phasing modifications should this become an issue in the future.

2. How are MRWA going to view any Development Applications in the DA6 as they monitor traffic flows against development applications?

#### **Response**

That is a question that only MRWA can answer, however MRWA advice will only be sought on future Development Applications on the Great Eastern Highway frontage and not throughout the DA6 area.

*Item 5.1.1 Continued*

3. The City of Belmont answered one of my questions at the last OCM by saying that Stanton/Second to Brearley Avenue was an historical link to the Airport Estate and because Brearley was to be shut, Central Avenue was to be carried thru to the Airport so as to retain this historical connection. The Second Street right turn into Brearley Avenue was closed as voted on by the COB and approved by MRWA two years before the Vision Plan was presented to the residents/ratepayers in the DA6.

Why is the COB now saying that the Central Avenue access to the Airport is maintaining this historical link while safety past two schools, proposed State Housing at the corner of Kanowna and Second and the safety of residents living along Stanton is being ignored?

**Response**

**Your question is not totally clear, as there has always been a right turn from Second Street into Brearley Avenue towards the airport, up to the closure of this in 2016 and the parallel construction of Central Avenue to replicate this route to Dunreath Drive.**

**There were modifications carried out in 2013 at the intersection of Brearley Avenue and Second Street. These works involved the removal of the right turn, southbound traffic from Brearley Avenue turning right into Second Street due to some safety issues at that time, however these works did not restrict the exit from Second Street towards the airport.**

**5.1.2 Ms B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE**

The following questions were taken on notice at the 27 March 2018 Ordinary Council Meeting. Ms Scharfenstein was provided with a response on 11 April 2018. The response from the City is recorded accordingly:

- 1(a) What type of road is Stanton Road and Second Street designated by MRWA, and what is the recommended number of vehicles per day (vpd) the City of Belmont believes these roads should carry?
- 1(b) What is the maximum number of vpd the COB will accept that Stanton Road and Second Road will carry? (7,000vpd, 8,000vpd, 10,000vpd, 12,000vpd or above?)
- 1(c) At what point will COB consider that the vpd using this route have reached an unacceptable level and take action, and what are those actions likely to be?

**Response**

**Stanton Road is currently a Local Distributor road under the MRWA Road Hierarchy. Under this classification 6,000 vpd is recommended, however like many other Local Distributor roads in Belmont and throughout the metropolitan area, this administrative classification by MRWA has not been reassessed for many years and does not represent the actual operational traffic volumes being experienced.**



*Item 5.1.2 Continued*

**The City recognises that many listed Local Distributors carry in excess of their designation as their physical geometry can cater easily for much larger traffic volumes. Stanton Road can physically carry in excess of 12,000 vpd, however the City is more concerned with overall traffic speeds and driver behaviour on these roads and therefore targets traffic management initiatives to improve the overall traffic and pedestrian safety, rather than solely looking at traffic volumes.**

2. Please explain the distinction, as to why the City considers traffic using Brearley and Boulder Avenues to travel to Central Avenue to enter the airport estate is rat running, whilst traffic using Stanton Road, Second Street and Central Avenue to enter the airport estate is not rat running, and that by doing so explain why the City is prepared to give precedence to the safety and wellbeing of one group of residents over another.

**Response**

**Rat running, to some extent, occurs throughout the entire metropolitan road network as drivers make decisions to take routes which may save them time getting to their destination.**

**The City has however, clearly highlighted the Brearley Avenue, Boulder Avenue to Central Avenue as a “rat run”, as it was created by the clear actions of closing a portion of a significant Primary Distributor Road (Brearley Avenue) at First Street. This action clearly maintained a route option to the airport which subsequently increased the traffic on Boulder Avenue threefold on this small access road.**

**Stanton Avenue has been highlighted by the City, since the very early days of the DA6 Vision Plan, as a road that already has existing direct access to the airport and therefore is used by traffic which comes from a number of origins to get to the airport. The City has also highlighted that the addition of a new rail station will place additional traffic on Stanton Road that requires further investigation to determine if any future actions are required to improve traffic flow and safety. The City therefore rejects your statement that precedence is given to one group of residents over another in regards to safety.**

3. Why has the City omitted to determine the vpd for Second Street between Tonkin Highway and Central Avenue since 2016?

Will the City put traffic counters on Second Street before October 2018 to determine the volume of traffic currently travelling to the airport and undertake a further traffic count after October 2018 to determine the impact of the opening of the DFO? If not why?

*Item 5.1.2 Continued*

**Response**

As previously advised at Item 5.1.1, 27 March 2018 Ordinary Council Meeting agenda, the City's response highlighted why traffic counts had not been undertaken on Second Street since 2016 -

*“Due to the initial road works and construction activities associated with the Central Avenue link to Dunreath Drive in 2016, there were many traffic impacts on local roads such as Stanton Avenue, Second Street, Kanowna Avenue and Boulder Avenue during this construction phase.*

*The closure of Brearley Avenue in February 2017 subsequently provided additional traffic impacts on all of these local streets, in particular Boulder Avenue, as a new link opportunity through to the airport.*

*As the City awaits a decision on the closure of Brearley Avenue, the traffic movements on all of these local streets are recognised as not operating under the normal road network environment. Should Brearley Avenue be closed, the City will be undertaking an extensive traffic assessment for DA6, which will include traffic counts on all streets within DA6.*

*In the meantime we can provide some existing traffic count information, however, on the basis that this information does not represent the usual operational situation, until the Brearley Avenue closure.”*

The City will therefore not carry out traffic counts until advice on the closure of Brearley Avenue is received from MRWA. Should this be received and the road closure implemented prior to October 2018, the City will carry out traffic counts on Stanton Avenue/Second Street and other local streets.

**5.1.3 DR D MOSSENSON, ON BEHALF OF ZONIE PTY LTD, 24 CARNARVON CRESCENT, COOLBINIA**

The following questions were taken on notice at the 27 March 2018 Ordinary Council Meeting. Dr Mossenson was provided with a response on 11 April 2018. The response from the City is recorded accordingly:

- 1(a) Is anyone present at this meeting who is representing the COB aware of the statutory process which MRWA is required to follow in order to close a road? If so, please explain what is the process and whether or not it was followed in 2015 when Council drew up its Vision Plan and became invested in the closure of Brearley Avenue?
- 1(b) If no one is aware of the requirements, then please explain why not and how could the City progress with its DA6 vision based only on the closing of Brearley Avenue, when there was always the possibility that MRWA may not in fact close the road?

**Response**

Since the 1990s MRWA have been planning for the Brearley Avenue closure as a major road connection to the airport. The completion of the Tonkin-Dunreath Interchange as part of the Gateway Project, in addition to the finalisation of the alignment and location of the Forrestfield Airport Link within the DA6 area, were the final catalyst to formally close Brearley Avenue.

*Item 5.1.3 Continued*

**The City adopted the DA6 Vision Plan (which included the full Brearley Avenue closure) on the basis of this long term MRWA planning. In addition, the closure received support from relevant State Government agencies and following extensive public consultation in the development of this Vision Plan.**

**Whilst MRWA, as a State Government Agency, has to go through formal statutory road closure processes, the City was comfortable to adopt the Vision Plan based on the long term planning and consultation that had been undertaken. Should you require any specific details on State Government Road Closure processes please contact MRWA directly.**

2. The two entry roads into the DA6 areas as proposed in the Vision Plan to service between 6,000 to 10,000 residents are Coolgardie Avenue and Stanton Road. Currently the population of the DA6 area is around 500 residents. As Stanton Road is currently carrying nearly three times the optimum level of vehicles and the intersection of Coolgardie Avenue will become an F level intersection should Brearley Avenue close, what other streets in the DA6 area would the City of Belmont propose as being suitable access roads for residents of the DA6 area?

**Response**

**Stanton Road is currently a Local Distributor road under the MRWA Road Hierarchy. Under this classification 6,000 vehicles per day is recommended however like many other Local Distributors roads within Belmont and throughout the metropolitan area, this administrative classification by MRWA has not been reassessed for many years and does not represent the actual operational traffic volumes being experienced. It is currently carrying around 7,191 vehicles per day between Epsom Avenue and Tonkin Highway and around 5,107 vehicles per day on Second Street.**

**The Vision Plan clearly highlights Coolgardie Avenue, Stanton Road and Central Avenue as the main access points to DA6 with Central Avenue, Bulong Avenue and Boulder Avenue as long term exits onto Great Eastern Highway once this road has been upgraded by MRWA.**

3. Many months ago, the Mayor stated at a Council meeting that should circumstances change then the Council would need to rethink their DA6 Vision Plan. Do you, Mr Mayor think that the time has now come for Council to ask for a review and reappraisal of the DA6 Vision Plan particularly looking at the road network, and development potential of the DA6 Area?

**Response**

**There has been no change in circumstances to warrant such a rethink of the Vision Plan.**

#### **5.1.4 MR LOVETT, 242 KOOYONG ROAD, KEWDALE**

The following question was taken on notice at the 27 March 2018 Ordinary Council Meeting. Mr Lovett was provided with a response on 11 April 2018. The response from the City is recorded accordingly:

1. What has happened to the street tree that was previously located on the verge at 6 Fulham Street, Kewdale?

#### **Response**

**The City's Arborist inspected the tree in early April 2016 and determined that in this case the tree was not poisoned or deliberately interfered with. The decline of the tree is more likely due to excavation on the site to construct the new dwelling. Mature street trees depend on extending their roots into the adjacent residential land, without which the trees are often not viable in the long term as they require a land area greater than the verge from which to extract water. Occasionally, decline and subsequent death follows in two to five years after development, although sometimes this can happen within months, as is the case at 6 Fulham Street, Kewdale.**

#### **5.1.5 ROB GREENWOOD, ON BEHALF OF THE BELMONT RESIDENTS/RATEPAYERS ACTION GROUP (BRRAG) INC.**

The following question was taken on notice at the 27 March 2018 Ordinary Council Meeting. Mr Greenwood was provided with a response on 11 April 2018. The response from the City is recorded accordingly:

1. Are ground water test results available from the piezometer test bores along the Swan River at Garvey Park, particularly those bores between the Perth Airport Northern and Southern Main Drains, and including historical test results from these test bores?

#### **Response**

**The City's piezometer monitoring wells at Garvey Park were installed to monitor groundwater quality and levels pre/post foreshore stabilisation works. The monitoring was associated with Acid Sulfate Soils and dewatering management during construction works for Garvey Park foreshore. As these projects have been completed, no ongoing monitoring is undertaken.**

#### **5.1.6 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE**

The following questions were taken on notice at the 27 March 2018 Ordinary Council Meeting. Ms Hollands was provided with a response on 13 April 2018. The response from the City is recorded accordingly:

1. How many Planning and Development applications have come before the Councillors in the last four years and on what dates?

Item 5.1.6 Continued

**Response**

**A total of 36 development (planning) applications have been considered by Council in the last four years (from 1 January 2014 to 31 January 2018). A list of the meeting dates is provided below.**

<b>Address</b>	<b>Description</b>	<b>Date</b>
1 Davis Street Ascot	10 Multiple Dwellings	OCM 26/02/2013
1 Davis Street Ascot	10 Multiple Dwellings	OCM 25/06/2013
47 Alexander Road Rivervale	Survey Strata Application (WAPC Ref: 1128-12)	OCM 26/02/2013
347 Orrong Road Kewdale	Signage	OCM 28/05/2013
400 Abernethy Road Cloverdale	Redevelopment of Gerry Archer Reserve	OCM 28/05/2013
52 Sydenham Street Kewdale	Single Dwelling	OCM 25/06/2013
183 Wright Street Kewdale	18 Multiple Dwellings	OCM 25/06/2013
1 Brighton Road Kewdale	17 Multiple Dwellings (8 Storey)	OCM 23/07/2013
1 Brighton Road Kewdale	17 Multiple Dwellings (8 Storey)	OCM 26/11/2013
1 Brighton Road Kewdale	17 Multiple Dwellings (8 Storey)	OCM 17/12/2013
215-219 Great Eastern Highway Belmont	Change of Use from Marine Sales to Motor Vehicle Hire	OCM 27/08/2013
1B Katoomba Place Belmont	Office (two storey)	OCM 24/09/2013
27 Middleton Street Cloverdale	Four Multiple Dwellings	OCM 29/10/2013
49-59 Great Eastern Highway Rivervale	Change of Use to 'Shop' and Car Park addition (Shop 8)	OCM 29/10/2013
126 Tibbradden Circle Ascot	Nine Multiple Dwellings	OCM 29/10/2013
29 Gild Street Cloverdale	Nine Multiple Dwellings	OCM 26/11/2013
2 Marina Drive Ascot	35 Multiple Dwellings	OCM 26/11/2013
2 Marina Drive Ascot	35 Multiple Dwellings	OCM 17/12/2013
1 Bowkett Street Redcliffe	Six Multiple Dwellings	OCM 29/10/2013
1 Bowkett Street Redcliffe	Six Multiple Dwellings	OCM 17/12/2013
1 Bowkett Street Redcliffe	Six Multiple Dwellings	OCM 25/03/2014
13 Rowe Avenue Rivervale	Disability Accessible Ramp	OCM 25/02/2014
71 Moreing Street Redcliffe	Five Multiple Dwellings (Two Storey)	OCM 24/06/2014
2 Marina Drive Ascot	Revised Plans to Planning Approval for 35 Multiple Dwellings	OCM 24/06/2014
267-273 Alexander Road Belmont	Canopy Addition to Showroom, Garden Centre and Cafe (Bunnings)	OCM 26/08/2014
65 Lyall Street Redcliffe	Five Multiple Dwellings	OCM 23/09/2014
105 Daly Street Belmont	Artwork addition to existing community centre	OCM 26/08/2014
8 Gild Street Cloverdale	Eight Multiple Dwellings	OCM 28/10/2014
17 Keane Street Kewdale	Change of Use (Community Homes)	OCM 25/11/2014

Item 5.1.6 Continued

<b>Address</b>	<b>Description</b>	<b>Date</b>
27-33 Cleaver Terrace Rivervale	Change of Use (Warehouse to Private Recreation)	OCM 25/11/2014
2/133 Kewdale Road Kewdale	Change of Use (Use Not Listed - Sex Related Use)	OCM 16/12/2014
148 Epsom Avenue Belmont	Roller Shutters (Retrospective)	OCM 24/03/2015
193 Belmont Avenue Cloverdale	Eight Multiple Dwellings (Two Storey plus Basement (for Carparking))	OCM 24/03/2015
79 Surrey Road Rivervale	Eight Multiple Dwellings (Two Storey)	OCM 24/03/2015
11/133 Kewdale Road Kewdale	Change of Use - Restricted Premises (Adult Shop)	OCM 22/09/2015
14 Carbine Street Ascot	Change of Use: Use Not Listed - Equestrian Supplies	OCM 22/09/2015
23 Peacock Street Cloverdale	Park Commercial Vehicle on Residential Property	OCM 22/09/2015
39 Belvidere Street Belmont	Office Addition to Medical Centre	OCM 15/12/2015
4 Tanunda Drive Rivervale	Upgrades to Bilya Kard Boodja Lookout	OCM 26/04/2016
41-49 Robinson Avenue Belmont	Additions to Premises, Facade Refurbishment and New Car Park	OCM 26/04/2016
41-49 Robinson Avenue Belmont	Additions to Premises, Facade Refurbishment and New Car Park	OCM 27/09/2016
227-267 Belmont Avenue Cloverdale	Street Furniture and Associated Urban Design Treatment	OCM 26/07/2016
346 Abernethy Road Cloverdale	23 Multiple Dwellings (Four storeys)	OCM 22/11/2016
49 Great Eastern Highway Rivervale	Change of Use from Consulting Room to Fast Food Outlet at Tenancy 8A	OCM 28/03/2017
49 Great Eastern Highway Rivervale	Change of Use from Showroom to Medical Centre (Unit 15)	OCM 28/03/2017
215 Wright Street Cloverdale	Community Centre (Library, Museum, Offices for 'Not for Profit' Groups, Senior Citizens Club Rooms, Café, Crèche)	OCM 28/03/2017
83 Fauntleroy Avenue Ascot	Change of Use from Single House to Holiday House	OCM 26/04/2017
2 Brindley Street Belmont	Child Care Premises	OCM 23/05/2017
147-159 President Street Kewdale	Additions to Educational Establishment (two-storey classroom, transportable classroom, bus wash down bay and modifications to parking and vehicle access)	OCM 23/05/2017
52 Fairbrother Street Belmont	Change of Use - Pet Day Care (Jetpets)	OCM 27/06/2017
96-98 Matheson Road Ascot	Child Care Premises	OCM 25/07/2017
1-11 Brearley Avenue Redcliffe	Belmont Train Station and Associated Works	OCM 25/07/2017

*Item 5.1.6 Continued*

<b>Address</b>	<b>Description</b>	<b>Date</b>
400 Abernethy Road Cloverdale	Proposed Market (Car Boot/Swap Meet)	OCM 12/12/2017
49 Great Eastern Highway Rivervale	Change of use of Unit 7 to Shop and Unit 14 to Medical Centre	OCM 31/10/2017
1 Rowe Avenue Rivervale	Multiple Dwelling Addition - Gate	OCM 12/12/2017
38 Gregory Street Belmont	Change of Use (Holiday House)	OCM 27/03/2018

2. I put an application in for Planning Approval yesterday. It has been a complete nightmare from day one dealing with the Planning Staff. On 19<sup>th</sup> February emails went between myself and a Senior Planner regarding the term owner. I responded in my case I would only need a copy of the probate which would include my dad's will and now I am told after lodging by another staff member that I need the Executor to sign it. I am also told I need a copy of the Title. I have not been able to find as yet the bit in the legislation regarding the requirement of proof of title.

What section in the Act is this? Why is there so much inconsistency with the staff in Planning? Why is this being made so difficult for me? My father is dead, a subdivision is planned and approved, you have the Will which says the block is to be mine and now at this late stage you are expecting the Executor to sign papers. You allowed me to put up a structure previously with nothing signed from the Executor?

**Response**

**In the case of a deceased estate, a copy of the probate would suffice for an applicant who is a tenant in common; as you are not a tenant in common, the application must be signed by the executor.**

**A copy of the current Certificate of Title (or a recent search dated within six months of the application) must be submitted as proof of ownership and identify any encumbrances registered over the property.**

**The above requirements are consistent with Schedule 2, Clause 62 and 86(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**The building permit for the patio structure was issued on the basis that the patio is exempt from requiring planning approval and the Building Permit form under the Building Act 2011 and Building Regulations 2012 does not require the signature of the landowner.**

3. When is the fountain in Tomato Lake going to be fixed? I have rung up and reported it several times and it is still not fixed.

**Response**

**An inspection of the drinking fountain at Tomato Lake on 4 April 2018, has confirmed that repairs were carried out and the fountain is now operational.**

## **5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

**7.12pm** The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered four members of the public who had given prior notice to ask questions.

The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. Two further registrations were forthcoming.

### **5.2.1 MR R UNDERWOOD, PLANNING SOLUTIONS, LEVEL 1, 251 ST GEORGES TERRACE, PERTH**

1. Is Council aware the City's planning staff proposed the variation to the 2,000m<sup>2</sup> lot size requirement of the Orrong Road Policy; that the granting of the variation will allow us to construct the development in a single stage and not two stages as we were originally proposing, and that the Council has the unconfined discretion to grant approval to the variation?

#### **Response**

The Presiding Member advised that this item was discussed at the 17 April 2018 Agenda Briefing Forum and Councillors are well informed on these matters.

2. I trust Council has all the information it needs to make an informed decision, and I would like to offer to answer any further questions of Council. Are there any questions that I can help to answer?

#### **Response**

The Presiding Member advised that Councillors are aware Mr Underwood is in the public gallery and available to answer questions during consideration of this item.

### **5.2.2 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE**

1. Can we be assured that with the appointment of our new CEO, Mr John Christie and his refreshing new culture with the focus on inclusivity of staff, elected members and Belmont citizens we will see the end of the purple circle?

#### **Response**

The Presiding Member advised that the definition of a purple circle is '*an elitist group at the exclusion of others*' and that there has never been a group of this nature operating within the City's Councillors. Councillors frequently have discussions and Mr Hitt was invited to these discussions on every occasion during his years as a Councillor. Communication is key to running any successful organisation and the City will only prosper if strong communication practices continue.

The Chief Executive Officer assured the meeting that he has never experienced evidence of a 'purple circle' during his time at the City. To the contrary, all Councillors frequently participate in healthy debate and it is his hope that this practice will continue.



**5.2.3 DR D MOSSENSON, ON BEHALF OF ZONIE PTY LTD, 24 CARNARVON CRESCENT, COOLBINIA**

- 1a. My questions presented to the March Council meeting have been responded to but not answered. Therefore I again ask the question, and a yes/no answer will simply suffice. Is there anyone present here tonight from the City of Belmont aware of the statutory process the MRWA is required to follow in order to close a road?

**Response**

**The Chief Executive Officer advised that yes there was.**

- 1b. Is that you?

**Response**

**The Chief Executive Officer advised that he became aware of the MRWA process during his previous role as a Director Technical Services, and that the City's Director Technical Services is also aware of the process.**

2. The second question asked last month enquired about what other streets in Development Area 6 (DA6) the City of Belmont proposed as being suitable access roads for residents in the DA6 area. Will Central Avenue be able to provide sufficient access if both Coolgardie and Stanton Road are functioning beyond their capacities?

**Response**

**The Presiding Member advised that the question would be taken on notice.**

3. Can the City of Belmont produce a document for the ratepayers and residents to illustrate what levels of development are possible in the DA6 area with the current proposed road development?

**Response**

**The Presiding Member advised that the question would be taken on notice.**

4. For developers, traffic light access onto main roads is most desirable. Can the City of Belmont illustrate to ratepayers and residents, by using the results of the work that they have done to date, that the closure of Brearley Avenue, with its resultant traffic implications for the DA6 area, will not limit the development potential of the area and the desirability for developers to invest in the area?

**Response**

**The Presiding Member advised that the question would be taken on notice.**

**5.2.4 MR R BIRCH, 195 KNUTSFORD AVENUE, KEWDALE**

I realise discussion of this item is to be held behind closed doors, thus some of my questions may be unacceptable. Also, I realise the matter has yet to be discussed and no decision has been made at this time.

I understand grants have previously been made to Belmont Sports and Recreation Club (BSRC) which is most commendable of the City of Belmont (COB) in assisting sports and recreation clubs within the CoB area.

1. What is the total of these grants?

**Response**

**The Director Corporate and Governance advised that the total amount of grants issued to BSRC by the City is \$110,000 (GST inclusive). These grants were issued between November 2016 and July 2017.**

2. How much was the loan subject of Item 14.1?

**Response**

**The Director Corporate and Governance advised that the City's loan to BSRC was interest free for the amount of \$50,000.**

3. When was this made and what is the due date for repayment on the loan agreement?

**Response**

**The Director Corporate and Governance advised that the loan was funded in July 2016. The agreement stipulates even repayments over five years to July 2021.**

4. Have any repayments been made?

**Response**

**The Director Corporate and Governance advised that some repayments had been made.**

5. Have any negotiations taken place for an extension?

**Response**

**The Director Corporate and Governance advised that technically the due date has not passed and therefore negotiations for a loan extension have not taken place.**

*Item 5.2.4 Continued*

6. Is it known if BSRC is operating under the new rules which all not for profit clubs and associations must adopt no later than 1 July 2019?

**Response**

**The Director Corporate and Governance advised that the City is aware of BSRC adopting revised rules of association in 2017. Any additional information on the Club's operations should be obtained from the Club directly.**

7. Is it known if BSRC is solvent or insolvent?
8. If it is known to be insolvent would the management of BSRC be in contravention of the law?
9. Why should the ratepayers of COB be called upon to convert the loan to a grant and is this legal and in the best interests of most ratepayers?

**Response**

**The Director Corporate and Governance advised that these issues may be discussed at the confidential item 14.1.**

10. If a conversion of the loan to a grant does take place, would the Council of COB have an assurance it would be the end of the matter and no further grants or loans be made to 'stump' up BSRC in future?

**Response**

**The Director Corporate and Governance advised that this would be a matter for future consideration by Council.**

11. Finally, can it be ascertained how many members are in BSRC and from this, a calculation be made as to the dollar value that has been made in grants on a per member basis?

**Response**

**The Director Corporate and Governance advised that although it is technically possible, an assessment of this nature has not been conducted by the City.**

**5.2.5 MR P HITT, 14 MCLACHLAN WAY, BELMONT**

At the Council meeting of the 27 March 2018 an employee of the Council and the newspaper reporter were personally handed a copy of my questions that I asked at this meeting.

I wish to highlight that in the minutes of this meeting the preamble to question two has been omitted. This omission drastically alters the context and downplays the answer presented by Council. I am aware that Council can summarise preambles to questions.

1. Was this preamble omitted to lessen the importance of the question asked and therefore cast the Council in a more positive light to State or Local Government officials?

**Response**

**The Director Corporate and Governance advised that the preamble to Mr Hitt's questions at the 27 March 2018 Ordinary Council Meeting was recorded in accordance with the requirements of the *Local Government Act 1995*.**

2. Will you immediately resign from your position of Mayor and will the Councillors who consistently vote against the minutes being electronically recorded also resign in the interest of transparency, good governance and accurate recording of Council minutes and meetings.

**Response**

**The Presiding Member responded that he will not resign.**

**7.44pm Cr Rossi departed the meeting.**

**5.2.6 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE**

7.47pm Cr Rossi returned to the meeting.

7.47pm **ROSSI MOVED, SEKULLA SECONDED, that question time be extended.**

**CARRIED 8 VOTES TO 0**

1. There is a Vision Plan for DA6 which has now been delayed due to the closure of Brearley Avenue and therefore until the Structure Plan is done it can't go to Council. Once this Structure Plan is done will there be further community consultation?

**Response**

**The Director Community and Statutory Services advised there will be extensive community consultation after the Structure Plan is formulated.**

2. If not, given Cr Ryan recently advertised one property he had for sale as a future high rise development site, does this mean the vote has already been taken with the current Councillors?

**Response**

**The Presiding Member advised that regardless of the status of the DA6 Structure Plan, the Vision Plan is publicly available and residents have been aware of the vision for this area for many years.**

3. Does Cr Ryan have knowledge that the Structure Plan will go ahead?

**Response**

**The Presiding Member advised there are no inevitable conclusions around whether the Structure Plan will be implemented.**

4. Councillor Ryan has made no declarations on Planning in the last four years. There is a perceived conflict of interest amongst the community. Under the Code of Conduct has any action been taken against Cr Ryan for his perceived conflict of interest relating particularly to the DA6? If not why not and why is the Code of Conduct just there for show?

**Response**

**The Presiding Member advised that Ms Hollands has continually attempted to denigrate Cr Ryan in the Chamber and this must cease. If Ms Hollands has evidence of any circumstance where Cr Ryan has breached his obligations as an Elected Member, this evidence should be provided to the Corruption and Crime Commission (CCC).**

*Item 5.2.6 Continued*

**The Chief Executive Officer advised that every Elected Member at the City is fully aware of their responsibilities regarding declarations of interest.**

**The Chief Executive Officer referred to correspondence recently forwarded to Ms Hollands that clearly outlined the process should she suspect an Elected Member of serious misconduct, this being to provide the evidence to the CCC. This correspondence included the CCC advisory number and a link to their website.**

5. Thanks to the Councillors who attended Belvidere Street on Saturday regarding Neighbourhood Watch. The Eyes on the Street were at this event on Saturday. Why was it necessary to have them standing there instead of being out in the community being the eyes on Belmont? Wouldn't his wages be better utilised to do what the community thinks these vehicles do?

**Response**

**The Presiding Member advised that Eyes on the Street arrived at the end of the event to pick up the equipment.**

6. Two East Ward Councillors did not attend this important morning. Cr Bass and Cr Ryan. This was disappointing since they are our representatives and I would like to know why they did not attend given they have both heard about the issues at Belvidere Street at Council meetings?

**Response**

**The Presiding Member advised that Cr Bass and Cr Ryan are not members of Neighbourhood Watch.**

7. Did you Mr Mayor think that Councillors should have some sort of standard when out and about dealing with the public that voted for them?
8. Cr Powell made some unnecessary remarks when I said goodbye to her as I had not even seen her there when I arrived and you were packing up. Did you speak to Cr Powell and remind her of how she should behave when dealing with the public?

**Response**

**Cr Powell advised that she could not identify who had said goodbye to her at the Neighbourhood Watch event and simply asked 'who said that?'**

**The Presiding Member acknowledged there had been a misunderstanding.**

**5.2.7 DR D MOSSENSON, ON BEHALF OF ZONIE PTY LTD, 24 CARNARVON CRESENT, COOLBINIA**

5. My understanding is that the Vision Plan has now gone to Western Australian Planning Commission (WAPC) to review and then they will be making comments and then come back to Council. Part of what is required to move the process forward requires WAPC feedback and have you had the feedback?

**Response**

The Director Community and Statutory Services advised that the Vision Plan has been adopted by Council as a Local Planning Policy. Work is proceeding on a Structure Plan which has very clear statutory requirements. The City has liaised with WAPC and other state government departments to formulate the Structure Plan however it does not require their pre-consultation. It does require public consultation.

6. Will public consultation be carried out in a similar way as in the past or in another format?

**Response**

The Director Community and Statutory Services advised that the method of consultation for the DA6 Structure Plan is yet to be decided. Typically a program is formulated which includes the statutory requirements of consultation, however the City generally leans towards additional consultation to encourage community engagement.

- 8.00pm As there were no further questions, the Presiding Member declared Public Question Time closed.

**6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX**

**6.1 ORDINARY COUNCIL MEETING HELD 27 MARCH 2018**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**POWELL MOVED, DAVIS SECONDED,**

*That the minutes of the Ordinary Council Meeting held on 27 March 2018 as printed and circulated to all Councillors, be confirmed as a true and accurate record.*

**CARRIED 8 VOTES TO 0**

**6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 17 APRIL 2018**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**DAVIS MOVED, BASS SECONDED,**

*That the Information Matrix for the Agenda Briefing Forum held on 17 April 2018 as printed and circulated to all Councillors, be received and noted.*

**CARRIED 8 VOTES TO 0**



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

Nil.

**8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

**8.1.1 CR WOLFF**

Cr Wolff referred to an article on the front page of the 20 March 2018 edition of the Southern Gazette titled '*Hitt Claims City Clique*', where former Cr Hitt claimed that a purple circle exists within Councillors of the City. Cr Wolff could not recount a time since his commencement as a Councillor where any Councillor was excluded from a gathering of Councillors, and asked the Mayor if he had any knowledge of this happening?

**Response**

**At no point has there been a gathering of Councillors (either individually or as a group) in the Councillors Lounge that specifically excluded any other Councillor(s).**

**8.1.2 CR CAYOUN**

Cr Cayoun requested that the City run an awareness campaign to inform residents in the area of the recent spike in crime and provide emergency numbers. Residents could also be made aware of the free home security service available to them.

**Response**

**The City's Community Safety and Crime Prevention team in company with Neighbourhood Watch have run numerous awareness events in Belvidere Street. The last event was attended by the City's Neighbourhood Watch committee on 24 March 2018 and was very well received. There is another event planned in the same location on 21 April 2018 from 9.30am to 11.00am where again Neighbourhood Watch will be manning a pop up stall and providing community safety information to residents and users of the shopping precinct.**

**The variable message sign has also been out in the precinct on an ongoing basis to reinforce the safety message.**

**The Community Watch Patrols will continue to monitor the area and respond to concerns. The Community Safety and Crime Prevention team will continue to promote the City's services throughout the City.**

### **8.1.3 CR POWELL**

Cr Powell made reference to the Southern Gazette 'purple circle' article and advised she would have liked to have seen some knowledge of proof behind the statements made. What is the City doing to address the risk created by this article?

#### **Response**

**The City maintains a whole of organisation or enterprise based approach to risk management. The approach is aligned with the international standard ISO31000:2018 Risk Management Guidelines.**

**Risk was subsequently considered in response to the Southern Gazette's enquiries. Given the response published and the Local Government Minister's comments, reputational risk was considered low and no further action (or risk treatment), is required.**

Cr Powell requested that a cost estimate of delivering Councillors' papers to their home be provided.

#### **Response**

**It is estimated that the delivery of papers to all Councillors' homes by the City's Rangers would cost approximately \$90 per distribution round including officer time and vehicle costs.**

**Hand delivery and receipt in person of the papers would be required due to the confidential nature of many of the documents. If a Councillor was not at home to receive the papers at the arranged time additional costs would be incurred to make alternative arrangements and for any extra trips required.**

### **8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**

Nil.

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

Nil.

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

Nil.

**11. REPORTS OF COMMITTEES**

**11.1 STANDING COMMITTEE (ENVIRONMENTAL) MEETING HELD 19 MARCH 2018**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**WOLFF MOVED, ROSSI SECONDED,**

*That the minutes for the Standing Committee (Environmental) meeting held on 19 March 2018 as previously circulated to all Councillors, be received and noted.*

**CARRIED 8 VOTES TO 0**

**Note:**

The Chief Executive Officer, Mr J Christie, disclosed a direct financial interest in Item 11.2 Confirmation of Minutes Executive Committee Meeting held 9 April 2018.

Nature of Interest: The minutes of the Executive Committee Meeting relate to the probationary period of the Chief Executive Officer. Mr Christie is the Chief Executive Officer.

8.03pm The Chief Executive Officer departed the meeting.

**11.2 EXECUTIVE COMMITTEE MEETING HELD 9 APRIL 2018**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**ROSSI MOVED, SEKULLA SECONDED,**

*That the minutes for the Executive Committee meeting held on 9 April 2018 as previously circulated to all Councillors, be received and noted.*

**CARRIED 8 VOTES TO 0**

8.04pm The Chief Executive Officer returned to the meeting.

**12. REPORTS OF ADMINISTRATION**

**WITHDRAWN ITEMS**

Item 12.2 was withdrawn at the request of Cr Rossi  
Item 12.3 was withdrawn at the request of Cr Rossi

**SEKULLA MOVED, DAVIS SECONDED,**

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

**CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0**

**12.1 FOUR GROUPED DWELLINGS (TWO-STOREY) – LOT 154 (114) GLADSTONE ROAD,  
CORNER WICKAILS COURT, RIVERVALE**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 1 – Item 12.1 refers</b>	<a href="#"><b>Development Plans</b></a>

Voting Requirement	: Simple Majority
Subject Index	: 115/001 – Development/Subdivision/Strata – Applications and Application Correspondence
Location / Property Index	: Lot 154 (114) Gladstone Road, Rivervale
Application Index	: 413/2017/DA
Disclosure of any Interest	: Nil.
Previous Items	: N/A
Applicant	: Gladstone 114 Pty Ltd
Owner	: Gladstone 114 Pty Ltd (previously S Szabo)
Responsible Division	: Community and Statutory Services

**COUNCIL ROLE**

<input type="checkbox"/>	<b>Advocacy</b>	<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"/>	<b>Executive</b>	<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"/>	<b>Legislative</b>	<i>Includes adopting local laws, local planning schemes and policies.</i>
<input type="checkbox"/>	<b>Review</b>	<i>When Council reviews decisions made by Officers.</i>
<input checked="" type="checkbox"/>	<b>Quasi-Judicial</b>	<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 a development application for four, two-storey grouped dwellings at 114 Gladstone Road, Rivervale.

*Item 12.1 Continued*

**SUMMARY AND KEY ISSUES**

- The City has received an application for planning approval for four, two-storey grouped dwellings on the corner of Gladstone Road and Wickails Court. The dwellings front Wickails Court.
- The subject site is zoned Residential R20/60 under the City of Belmont Local Planning Scheme No.15 (LPS15) and is subject to Local Planning Policy No. 2 – Orrong Road Policy (LPP2).
- The application proposes a variation to the 2,000 square metre minimum site area requirements specified in LPP2 for development at a density higher than R40.
- The application complies with all the 'Deemed-to-Comply' requirements of the Residential Design Codes (R-Codes) at R50 except for the ground floor rear setback.
- It is recommended that Council support the variations to LPP2 and the R-Codes and approve the proposed development.

*Item 12.1 Continued*

**LOCATION**

The subject site is located on the corner of Gladstone Road and Wickails Court and has a total site area of 814 square metres.



Figure 1 – LPS15 Extract (Residential R20/60 and LPP2 area)

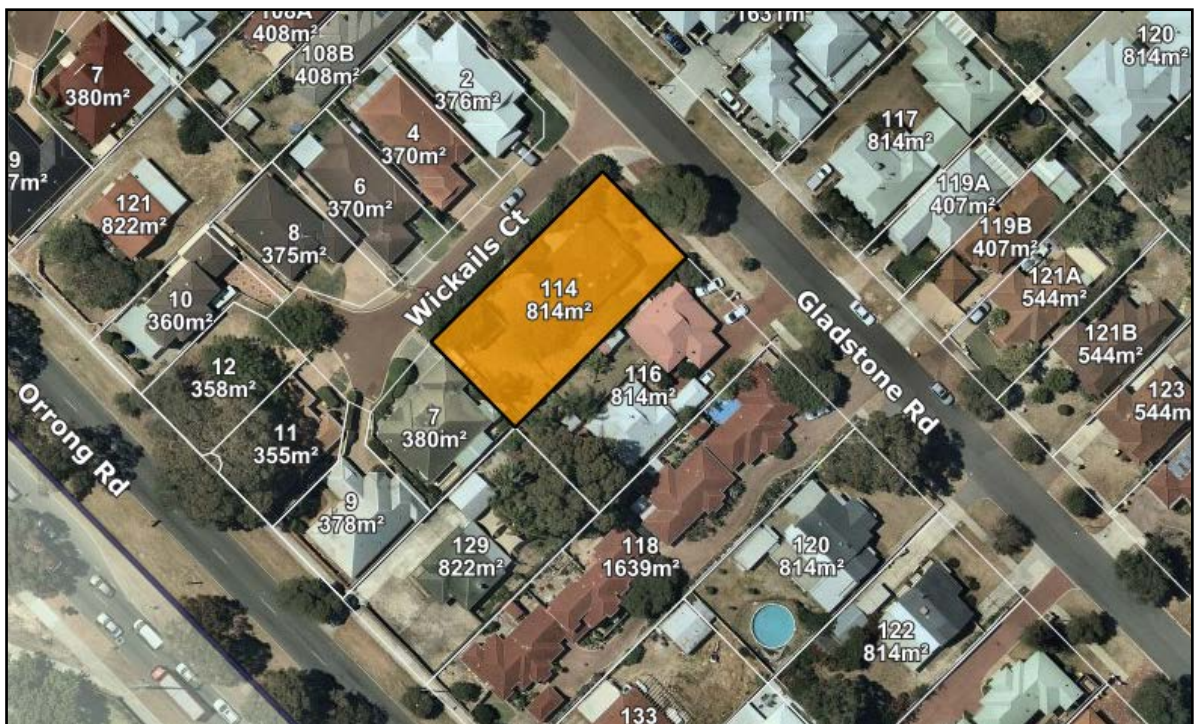


Figure 2 – Aerial (Source: Nearmaps)



*Item 12.1 Continued*

**CONSULTATION**

**Public Consultation**

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

The application was advertised to landowners/occupiers of adjoining and surrounding lots that were considered to be affected by the proposed development as shown in Figure 3. The setback variation of the ground floor to the south-eastern boundary of 1 metre in-lieu of 1.5 metres, in accordance with Clause 5.1.3 of the R-Codes was individually advertised to the affected owners/occupiers at 116 Gladstone Road.



*Figure 3 – Map of consulted properties*

**Submissions Received:**

At the conclusion of the advertising period, one submission was received from the owner of 7 Wickalls Court, objecting to the proposed development. The main issues raised in the submission are as follows:

- Inappropriate development due to Policy variation.
- Loss of privacy and access to natural light.
- Increased traffic volume and additional cars parked in the cul-de-sac (Wickalls Court).
- Loss of vegetation and habitat for local fauna.
- Loss of neighbourhood character.

*Item 12.1 Continued*

The issues are discussed in detail in the 'Officer Comment' section below.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

**Corporate Key Action:** Implement LPS15.

**POLICY IMPLICATIONS**

**Local Planning Policy No. 2 (LPP2) Orrong Road Planning Policy**

Part B of LPP2 sets out development standards for lots coded R20/60, stating that:

*"...Residential development may be approved at a density higher than the base density coding of R20, where an application demonstrates compliance with Clause 5.7.3 of LPS15."*

Part B also specifies that for any application seeking to achieve a density higher than R40, Council must ensure compliance with the following criteria:

- *"A minimum lot size of 2,000 square metres.*
- *Provision of an alternate vehicular access or easement in gross in accordance with an approved vehicular access plan for land fronting Orrong Road.*
- *At least one portion of the lot must abut Orrong Road.*
- *The achievement of a high standard of development through establishing an individual identity for each dwelling, imaginative layout, variation in building design and use of complementary colours and materials.*
- *Council will require two storey development and/or the incorporation of mezzanines for all dwellings to create variety and ensure sufficient open space around dwellings.*
- *The removal of existing dwellings or conversely the retention of dwellings with the historical value (which are of a high quality and character)."*



*Item 12.1 Continued*

**Local Planning Policy No. 13 Vehicular Access for Residential Development**

Local Planning Policy No. 13 (LPP13) Clause 4.3.3 *Development of Grouped Dwellings on Corner Lots* states that where a development comprises two or more grouped dwellings on an existing lot with frontage to two constructed roads and the density of development exceeds R30:

- (a) *“One vehicle crossover shall be permitted to service all dwellings;*
- (b) *More than 1 vehicle crossover may, at the discretion of Council, be permitted where:*
  - i. *There is a demonstrated need for multiple crossovers by virtue of the inability for the development to function based on the number of dwellings, the size of the development, the shape and topography of the site, or any other unusual site limitation;*
  - ii. *There will be no impact on the safety of vehicles entering/exiting the site;*
  - iii. *There will be no impact on the safety of vehicles using the adjoining public street(s);*
  - iv. *Multiple crossovers will not impact the amenity of the streetscape and locality;*
  - v. *There is sufficient verge space for bin collection and informal vehicle parking.”*

The provisions listed above are relevant to proposed access arrangements at the subject site and are discussed in further detail in the ‘Officer Comment’ section.

**State Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning**

State Planning Policy 5.4 (SPP5.4) is relevant where a proposed noise-sensitive development is in the vicinity of an existing or future major road, rail or freight handling facility. The subject site is located within the vicinity of Orrong Road and therefore the impact of transport noise on the proposed development requires consideration.

**STATUTORY ENVIRONMENT**

The subject site is zoned ‘Residential’ with a density coding of R20/60 under LPS15. 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 LPS15 sets out development standards that apply 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. The development is compliant with the provisions of this clause.

*Item 12.1 Continued*

Clause 5.7.6 states that in dealing with a development application involving or contemplating development of land within any of the flexible coded areas other than those with a maximum density of R50 depicted on the Scheme Map, the base R20 coding shall apply to any dwelling but may, at the discretion of the City, be increased to a higher code up to the maximum specified where:

- The development complies with the requirements of Clause 5.7.3; and
- There is a high degree of compliance with performance based criteria contained in the relevant local planning policy.

**Planning and Development (Local Planning Schemes) Regulations 2015**

Schedule 2 Part 2 Clause 4 outlines matters relating to local planning policies. The following clause is relevant to this application:

- (5) *“In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme.”*

Schedule 2 Part 9 Clause 67 of the *Regulations* states the matters to be considered by local government in determining a planning 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;*
- (c) *Any approved State planning policy;*
- (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;*
- (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;*

*Item 12.1 Continued*

- (t) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *The availability and adequacy for the development with respect to public transport services, public utility services, storage, management and collection of waste, access for pedestrians and cyclist and access for older people and people with disability.”*

**Local Housing Strategy Report**

The Local Housing Strategy Scheme Report 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 provisions of residential land and housing.*
- *To encourage a range of housing types, which will attract and meet the needs of a diverse range of age groups.*
- *To identify and encourage the location of appropriate densities and housing types (for families, singles, aged and couples), which support community and education facilities, commercial centres and transport routes within the City.*
- *To achieve the highest standard of residential development and subdivision outcomes for the City based on sound planning principles and design criteria.”*

**Orrong Road Planning Study**

The Orrong Road Planning Study provides a framework for future development of land adjacent to Orrong Road as well as the basis for LPP2.

The following objectives of the Orrong Road Planning Study relate to the proposed development:

- *“To eliminate direct vehicular access onto Orrong Road;*
- *Encourage a range of low to medium density housing along adjacent land;*
- *Redevelopment of under-utilised land.”*

**Deemed Refusal**

Under Schedule 2 Part 9 Clause 75 of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, if an application is advertised under Schedule 2 Part 9 Clause 64, it 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, a written agreement was provided by the applicant to extend the deadline for issuing a determination to 30 March 2018.

The deemed refusal date for this application passed on 30 March 2018 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—[www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au).

**BACKGROUND**

<b>Lodgement Date:</b>	7 September 2017	<b>Use Class:</b>	Grouped Dwellings
<b>Lot Area:</b>	814m <sup>2</sup>	<b>TPS Zoning:</b>	Residential R20/60
<b>Estimated Value:</b>	\$750,000	<b>MRS:</b>	Urban

*Item 12.1 Continued*

**Site Description**

The subject site currently features a 1970s built single house facing Gladstone Road, with an attached carport, patio and shed at the rear. The existing secondary street of Wickails Court, includes a fence screened by extensive shrub and other vegetation as shown in Figure 5.

The surrounding area includes a mix of housing types i.e. two and single-storey grouped dwellings on the lots directly north of the subject site, along Gladstone Road, and one and two-storey single houses adjoining Wickails Court. Lot sizes in the immediate vicinity of the site vary between 355 square metres to 822 square metres.

The site falls within 250 metres of the Kooyong Road commercial strip and Wilson Park, and is also located within 400 metres of a bus stop.



*Figure 4 – Existing house as viewed from Gladstone Road (Source: Nearmaps)*



*Item 12.1 Continued*

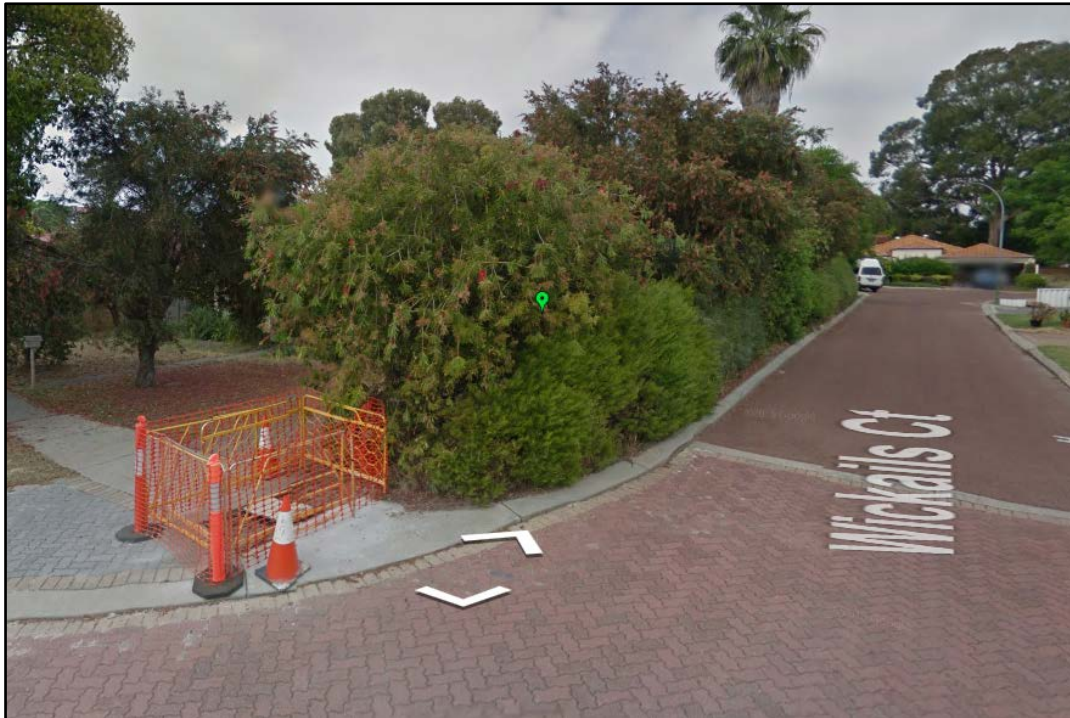


Figure 5 – Existing site as viewed from the corner of Gladstone Road and Wickalls Court (Source: Nearmaps)

**Development Proposal**

The application proposes the construction of four, two-storey grouped dwellings which front onto Wickalls Court, at a density of R50 as shown in Figures 6. The proposal includes the following:

- A variation to LPP2, specifically to the minimum site area requirement of 2,000 square metres in order to qualify for development above R40.
- An R-Code variation to the south-east rear setback requirement.
- Access to the dwellings are provided via two shared crossovers (6 metres wide) which may be permitted at the discretion of Council.



Figure 6 – Primary street elevation perspective drawing, facing Wickalls Court

*Item 12.1 Continued*

**OFFICER COMMENT**

**Local Planning Policy No. 2 – Orrong Road**

In accordance with the requirements of LPS15, development on flexible coded land is permitted at densities greater than R40 (up to the maximum density specified) providing it complies with the performance based criteria of any applicable local planning policy. In this regard, the subject site is required to comply with the standards in LPP2, which includes a minimum site area requirement of 2,000 square metres to enable development above an R40 density. The subject site is 814 square metres in area and the proposed development is equivalent to a density of R50, and therefore it does not comply with this particular requirement of LPP2.

In considering this variation, it should be noted that the intent of the Policy provision is to encourage amalgamation and development of lots directly abutting Orrong Road, in order to eliminate direct access onto Orrong Road and to provide an alternate vehicular access to a local road. A 2,000 square metre lot size more appropriately accommodates the higher R50 and R60 density development, where the resultant amalgamated lot and alternative vehicle access may create a lot with limited road frontage or an irregular lot configuration. In considering this in the context of the subject site and the proposed development, the following points are considered relevant:

- The subject site is a regular shaped corner lot with frontage to two constructed roads. This provides the advantage of a large frontage which allows safe and adequate vehicle access from a local road with a lower traffic volume.
- The two street frontages enables an appropriate built form with interactive frontage to both roads through the provision of balconies, large windows, interesting architectural features and contrasting colours and materials. The development enhances streetscape and provides greater opportunities for passive surveillance in the area.
- The area features a mix of diverse housing types (i.e. single house and grouped dwellings). The proposed development contributes to the housing mix.
- The site is located within 400 metres of high frequency public transport along Orrong Road and Kooyong Road, within 41 metres of the major transport corridor of Orrong Road and within 250 metres of shops and recreational facilities. The proposal to build at a higher density therefore aligns with the City's Housing Strategy objective '*to encourage appropriate densities...which support community and educational facilities, commercial centres and transport routes*'.
- The variation to the 2,000 square metres minimum site area for the subject site at R50 does not prejudice the future amalgamation or development potential of adjoining lots on the basis that:
  - i. 7 Wickails Court was previously part of a comprehensive redevelopment in the mid 1990s which created nine single residential lots with access off Wickails Court. Further redevelopment is unlikely for these lots; and
  - ii. 116 Gladstone Road is currently developed with two grouped dwellings with access off Gladstone Road. Potential redevelopment options include three grouped dwellings or the potential amalgamation with the abutting rear property at 129 Orrong Road, which would eliminate access from Orrong Road for this site and create a larger development site.

*Item 12.1 Continued*

- Irrespective of the minimum site area requirement of LPP2, the subject site can still develop at an R40 density which would allow for the development of three dwellings on the site, representing a difference of one dwelling. This difference will have a negligible impact on the streetscape amenity as the development still complies with the R40 built form requirements, such as street setback.

Based on the above reasons, it is considered that in this instance it is appropriate to vary the minimum site area requirement specified by LPP2.

**Local Planning Policy 13 – Vehicle Access**

In accordance with Clause 4.3.3(b) of LPP13, more than one crossover is permitted to service a grouped dwelling development on a corner lot, where the density exceeds R30 and where Council discretion is exercised in accordance with the planning criteria listed within this clause. The subject application proposes two crossovers to Wickails Court, and therefore does not comply with the Clause 4.3.3(b) of LPP13. In considering this variation, the following points are relevant:

- A single crossover will not allow for safe ingress and egress to all four grouped dwellings.
- Access is proposed from Wickails Court, which is a local road and has a lower traffic volume than Gladstone Road.
- No street trees are proposed for removal to accommodate the crossovers.
- The lot has a large frontage and a second crossover will not compromise verge space for rubbish bin collection.

Based on the above reasons, the proposed variation is considered acceptable.

**Residential Design Codes**

The application complies with all the relevant Deemed-to-Comply provisions of the R-Codes, with the exception of those outlined in the below table.

Development Component	Permitted	Proposed	Officer's Comment
Building Setbacks	1.5m – south-east ground floor setback, as per Table 1, 2A and B of the R-Codes.	1m – south-east ground floor setback.	The south-east ground floor elevation is articulated, minimising any bulk impact on the adjoining property. A 1.8m high boundary fence will screen any direct overlooking onto the adjoining neighbours. Privacy is maintained.

For the reasons outlined in the Officer Comment section of the above table, the setback responds to the 'Design Principles' set out under Clause 5.1.3 of the R-Codes, which states that the proposal must:

- *"Reduce impacts of building bulk on adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties".*



*Item 12.1 Continued*

It should be noted that the abovementioned variation was advertised to the adjoining affected landowner of 116 Gladstone Road, who did not raise any objection to the variation. It is therefore considered that the proposed variation is acceptable.

**Transport Noise**

The subject site could potentially be impacted by adverse noise from Orrong Road which is approximately 41 metres from the subject site. In accordance with SPP5.4, a noise-sensitive development such as the proposed development requires the submission of a noise assessment in order to address compliance with noise parameters. The assessment may determine that certain building design guidelines, such as thicker glazed windows, need to be implemented. This can be addressed with the imposition of a planning condition that requires the preparation and implementation of a noise assessment in accordance with SPP5.4.

**Neighbour Submission**

The owner of 7 Wickails Court, which abuts the south-west side of the subject site, raised concerns regarding loss of privacy, access to natural light, vegetation and an increase in traffic and cars parked on Wickails Court. In considering these concerns, the following points are considered relevant:

- All first floor windows and balconies are compliant with the visual privacy setbacks outlined in Clause 5.4.1 of the R-Codes and compliance is achieved for setback provisions on the south-west side adjacent to 7 Wickails Court.
- Overshadowing resulting from the proposed development meets the 'deemed-to-comply' provisions of Clause 5.4.2 of the R-Codes i.e. 20 percent of 7 Wickails Court is overshadowed whereas a maximum of 50 percent is permissible. Furthermore, the portion of land which is proposed to be overshadowed by the development is currently shaded by an existing roof structure and tree cover.
- Whilst the vegetation along Wickails Court will be removed, the applicant is required to submit a landscaping and irrigation plan for the Wickails Court primary street setback area which will contribute to the streetscape landscaping.
- The proposed development meets the minimum car parking requirement as per Clause 5.3.3 of the R-Codes. It is not anticipated that the development will result in significant increase in traffic or cars parked on the street.

Based on the above points, it is considered that the concerns raised in the submission do not warrant a refusal or modification to the development proposal.

**Conclusion**

In summary, the proposed variations to LPP2 and the R-Codes are considered acceptable for the following reasons:

- The development addresses the intent of the Orrong Road Planning Study, LPP2 and the Local Housing Strategy.

*Item 12.1 Continued*

- The setback variation to the 'Deemed-to-Comply' provisions of the R-Codes adequately addresses the 'Design Principles' and does not detrimentally impact on the adjoining property.
- Proposed vehicle access is consistent with the provisions listed under Clause 4.3.3(b) of LPP13.

It is recommended that conditional approval be granted for the development.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

**ENVIRONMENTAL IMPLICATIONS**

No advice has been received from the applicant in regard to green star rating under any rating system.

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 12.1 Continued*

**OFFICER RECOMMENDATION**

That Council approve planning application 413/2017/DA as detailed in plans dated 21 March 2018 submitted by and for Gladstone 114 Pty Ltd on 4 Grouped Dwellings at Lot 154 (114) Gladstone Road, Rivervale subject to the following conditions:

1. Development/land use shall be in accordance with the attached approved plan(s) received 21 March 2018 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 the City's Manager Planning Services.
2. All existing buildings and structures on the lots, including soakwells, leach drains septic tanks and waste water disposal systems, shall be removed and the land levelled.
3. A landscaping and irrigation plan for the subject development site and street verge which includes provision for street trees in the Wickhams Court verge at a rate of one per dwelling, is to be prepared and submitted to the City for approval within three months of the date of this approval.
4. Prior to commencement of any development works hereby approved, an Arboricultural Method Statement prepared by a qualified Arborist must be submitted to and approved by the City and shall detail measures taken to protect the street tree on Gladstone Road during the demolition and construction phase of development and include:
  - (a) Current photographs of the tree;
  - (b) Details of any tree surgery that may be required to enable construction;
  - (c) Details (schematic) of adequate fencing to be placed around and at least two metres away from, the base of the tree;
  - (d) Areas proposed for material lay down and any necessary signage;
  - (e) Details indicating the extent of the excavations and the requirement of specialist trenchless excavation techniques.
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 for the duration of the approved development to the satisfaction of the City's Manager Parks and Environment.
6. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.

*Item 12.1 Continued*

7. Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City's Technical Services (Technical Services Clearance application), construct a vehicle crossover in accordance with the approved plans and Council's engineering specifications to the satisfaction of the City's Manager Infrastructure Development.
8. Prior to occupation or use of the development, the redundant crossover(s), as shown on the approved plans, shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications, to the satisfaction of the City's Manager Infrastructure Development.
9. 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.
10. Any fences/walls in the front setback of the property are to comply with the provisions of the Residential Design Codes, 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) 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.
11. Prior to the lodgement of a Building Permit application, the applicant shall submit an acoustic report from a qualified acoustic consultant prepared in accordance with the requirements of State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning'. Any recommendations contained in the acoustic report shall be thereafter implemented and maintained for the duration of the development, to the satisfaction of the City's Manager Planning Services.
12. No services, such as air conditioners or water heaters shall be visible from the street.
13. All clothes drying devices and clothes drying areas shall be located and positioned so as not to be visible from the street or a public place.
14. All south-east (rear) and south-west facing first floor bedroom and living room windows shall be modified to comply with Clause 5.4.1 of the Residential Design Codes to the satisfaction of the City's Director Community and Statutory Services, Manager Planning Services, Coordinator Planning Services or Coordinator Design Projects.

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

## 12.2 ADOPTION OF DRAFT LOCAL PLANNING POLICY NO. 16 SERVICE STATIONS

### BUILT BELMONT

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 2 – Item 12.2 refers	<a href="#"><u>Draft Local Planning Policy No. 16– Service Stations (revised November 2017)</u></a>
Attachment 3 – Item 12.2 refers	<a href="#"><u>Schedule of Submissions</u></a>

Voting Requirement	: Simply Majority
Subject Index	: LPP15/016 – LPS15 Local Planning Policy 16
Location / Property Index	: N/A
Application Index	: N/A
Disclosure of any Interest	: Nil.
Previous Items	: 12 December 2017 OCM - Item 12.1
Applicant	: City of Belmont
Owner	: N/A
Responsible Division	: Community and Statutory Services

#### COUNCIL ROLE

- |                                     |                       |   |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <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"/>            | <b>Executive</b>      | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i>  |
| <input checked="" type="checkbox"/> | <b>Legislative</b>    | <i>Includes adopting local laws, local planning schemes and policies.</i>   |
| <input type="checkbox"/>            | <b>Review</b>         | <i>When Council reviews decisions made by Officers.</i>   |
| <input type="checkbox"/>            | <b>Quasi-Judicial</b> | <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 submissions made during re-advertising of draft Local Planning Policy No. 16 Service Stations (LPP16) and to consider adoption of the draft Local Planning Policy by Council.

*Item 12.2 Continued*

**SUMMARY AND KEY ISSUES**

- Draft LPP16 was developed to ensure that Service Stations are suitably located and have due regard for amenity of the locality, traffic, and achieve a high standard of architectural design.
- Draft LPP16 was originally adopted by Council for public advertising on 23 May 2017. As a result of public submissions significant modifications were undertaken to the draft LPP16. Consequently, on 12 December 2017, Council adopted the modified Draft LPP16 for the purpose of re-advertising.
- A total of 15 submissions were received during the advertising period. The submissions received raised concerns regarding the requirement for a two kilometre separation distance between service stations, a limit on retail floor space associated with a Service Station to 100 square metres and the requirement for technical reports to be lodged with a planning application. A submission was received suggesting requirement for a Stormwater Management Plan and a Dewatering Management Plan.
- It is recommended that Council adopt the draft Policy (refer [Attachment 2](#)) with minor modifications clarifying matters relating to wastewater and stormwater.

**LOCATION**

Draft LPP16 relates to zones within the City of Belmont where a service station has a 'P' land use classification (i.e. the land use is permitted by the Scheme), or where approval may be granted where the decision maker exercises discretion (i.e. zones where a service station has a 'D' or 'A' land use classification). Currently, a Service Station may be considered in the following zones:

*Item 12.2 Continued*

**Mixed Use Zone**

Located on either side of Great Eastern Highway (GEH) with small pockets on Kanowna Avenue East and on Grandstand Road as illustrated in Figures 1 and 2 below.

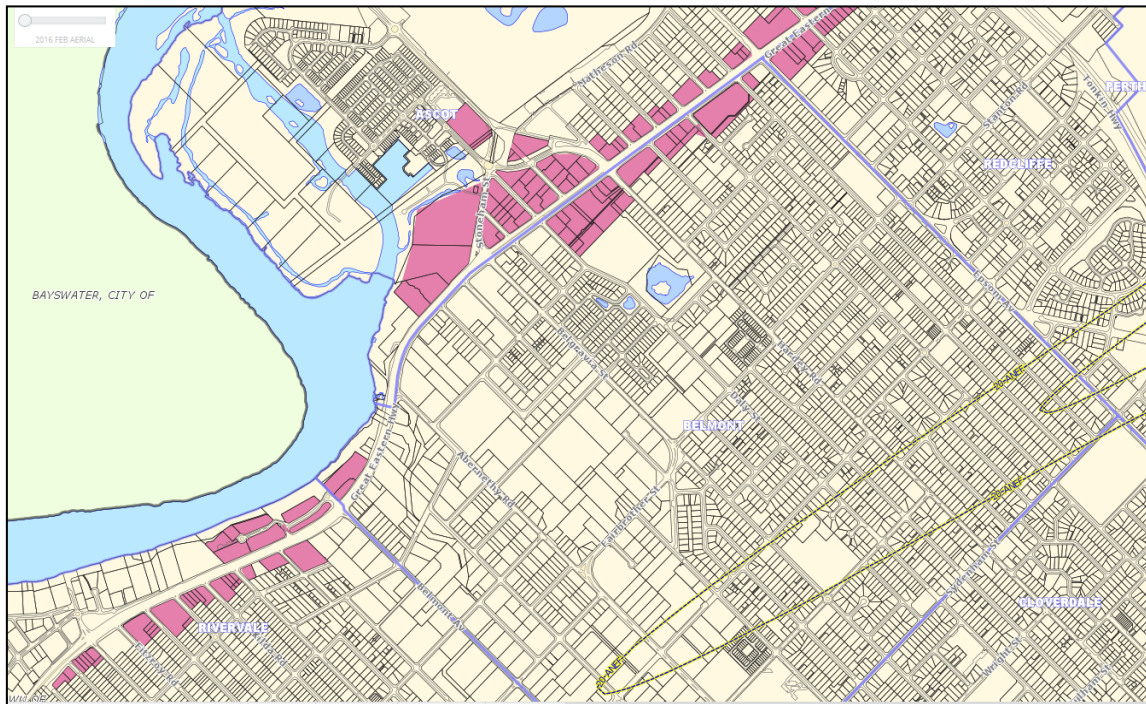


Figure 1 – Mixed Use Zone (lots marked in pink) along Great Eastern Highway from Orrong Road to Epsom Avenue

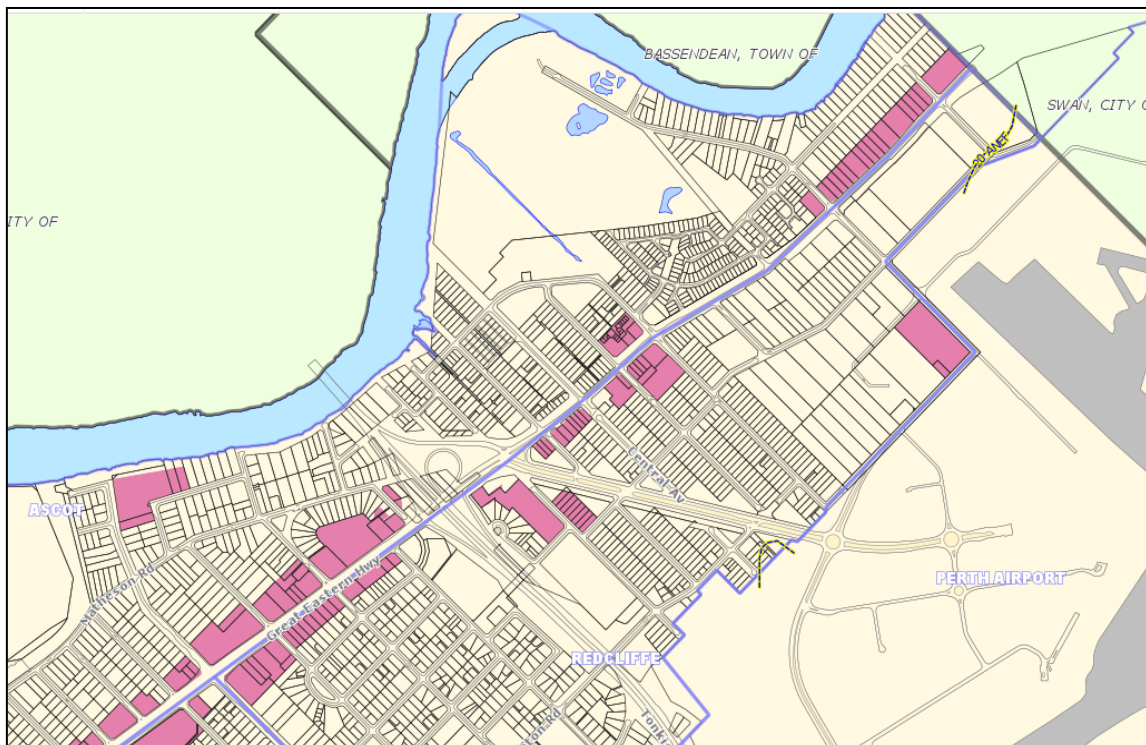


Figure 2 – Mixed Use Zone (lots marked in pink) along Great Eastern Highway from Epsom Avenue to Ivy Street/City of Swan boundary



*Item 12.2 Continued*

**Town Centre Zone**

Located in an area bounded by Knutsford Avenue, Fulham Street, Abernethy Road and Wright Street as illustrated in Figure 3 below.

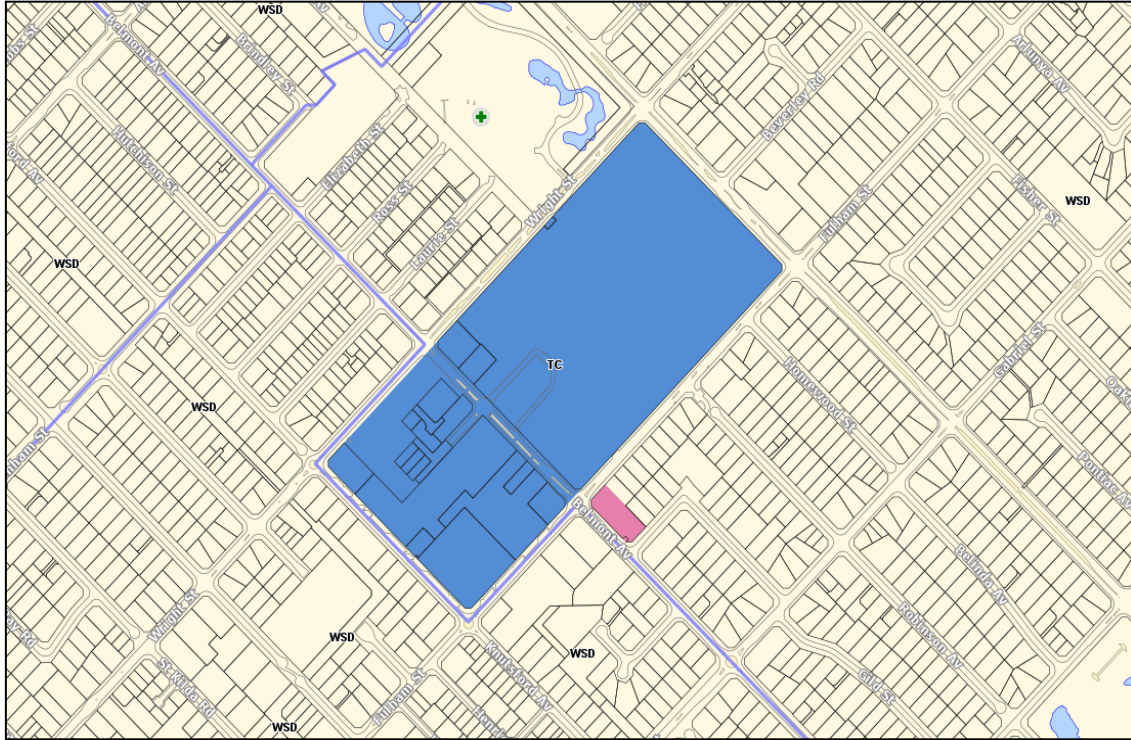


Figure 3 – Town Centre Zone Shaded Blue (bounded by Abernethy, Wright, Fulham Roads and Belmont Avenue)

**Service Station Zone**

There are currently five 'Service Station' zoned sites located within the City of Belmont. These are:

- Lot 3 (303) Great Eastern Highway, Belmont.
- Lot 613 (113-115) Great Eastern Highway, Rivervale.
- Lot 120 (419) Great Eastern Highway.
- Lot 1 (2) Fenton Street, Kewdale.
- Lot 242 (1) Ballantyne Road, Kewdale.

**CONSULTATION**

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



*Item 12.2 Continued*

**Public Advertising**

Revised draft LPP16 was advertised from Tuesday 9 January 2018 to Friday 2 February 2018. A notice was published in the 9 January 2018 and 2 February 2018 editions of the Southern Gazette. A total of 1630 letters were sent to key stakeholders including:

- Planning consultants and service station companies involved in the pre-consultation in drafting the policy.
- Owner/occupiers of properties within the Mixed Use Zone.
- Owner/occupiers of properties within the Town Centre Zone. In relation to Belmont Forum Shopping Centre, a letter was sent to the Centre Management.
- Owner/occupiers of properties abutting existing and proposed service station sites.
- Relevant State agencies.
- Owners/occupiers that have previously provided comment on applications for service stations within the City or previous advertising of the draft Policy.

Draft LPP16 was displayed on the City's website during the advertising.

At the conclusion of the advertising period 15 submissions were received, which includes:

- Two supported.
- Ten (10) neither supported nor objected but provided comments on the provisions of draft LPP16.
- Three objected.

The main matters raised during advertising are summarised as follows:

- The proposed two kilometre separation distance between service stations on the same side of the road is anti-competitive and unjustified.
- The lack of planning basis in limiting retail floor space associated with a Service Station to a maximum 100 square metres of net lettable area (NLA).
- The additional information required to be lodged with a planning application is too onerous or has no planning basis. Some of the reports/analysis specified in the policy may not be required in all circumstances.
- The requirement for service stations to provide a high quality façade treatment and architectural design is not consistent with service station design and will impact on feasibility.
- The clause specifying the height and material for fencing on a common boundary should be amended so that it is more flexible in responding to the characteristics of the site.
- The requirements relating to signage conflict with the requirements for freestanding signage provided by the *Petroleum Products Pricing Regulations 2000*.

*Item 12.2 Continued*

- The provisions of the draft Policy are a departure from established planning principles.
- A requirement for a Stormwater Management Plan and/or Dewatering Management Plan should be included in the list of additional information required to be lodged with a planning application.

A summary of the submissions is provided in [Attachment 3](#). The above matters are further discussed in the Officer Comment section of this report.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Protect and enhance our natural environment.

**Strategy:** Ensure the City has policies and practices that safeguard and enhance the natural environment.

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

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

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

**Corporate Key Action:** Implement Local Planning Scheme No. 15 (LPS15).

### **POLICY IMPLICATIONS**

Local Planning Policy No. 16 will form the basis to guide assessment of future Service Station applications.

### **STRATEGIC ENVIRONMENT**

The strategic environment as documented in the Council report Item 12.1 of 12 December 2017 remains applicable to the current consideration of this Policy. The relevant regional strategic documents include:

- Directions 2031 – A regional strategy that addresses future urban growth.
- Perth and Peel @ 3.5 million – A suite of documents that aim to address the challenge of supporting a predicted increase in population to 3.5 million by 2050.
- Draft Central Metropolitan Perth Sub-Regional Strategy 2010 – A strategy which sets employment and housing targets for the sub-region.

*Item 12.2 Continued*

**City of Belmont Local Planning Strategy**

The Local Planning Strategy underpins LPS15 and appreciates the rapid change that the City is undergoing in terms of urban renewal, community needs and perceptions. The Strategy acknowledges the changing environment along GEH and specifies the following for future development:

- No additional supermarkets or convenience stores should be permitted other than those currently existing or firmly planned.
- Additional Shop Retail uses should not be permitted; the only retail uses that should be permitted in the Highway Commercial complexes are designated Other Retail uses.
- Office/Business uses of high quality appearance should continue to be encouraged.
- Opportunities should be seized through the development control process to, wherever possible, rationalise and improve traffic access to commercial properties on the highway.

**STATUTORY ENVIRONMENT**

**Planning and Development (Local Planning Schemes) Regulations 2015**

The procedure for preparing and amending a Local Planning Policy is outlined under Schedule 2, Part 2, Clauses 4 and 5 of the Deemed Provisions of the Regulations. Clause 4 (3) of the Deemed Provisions of the Regulations states that:

*“After the expiry of the period within which submissions may be made, the local government must:*

- (a) Review the proposed policy in the light of any submissions made; and*
- (b) Resolve to –*
  - (i) Proceed with the policy without modification; or*
  - (ii) Proceed with the policy with modification; or*
  - (iii) Not to proceed with the policy”.*

Clause 4 (4) states that:

*“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.”*

*Item 12.2 Continued*

**Local Planning Scheme No. 15**

Currently, the Scheme provides that service stations may be considered in the Town Centre, Mixed Use and Service Station Zones. The objectives of these zones are as follows:

**Town Centre Zone**

The Town Centre Zone is intended to provide for retail commercial function and entertainment.

**Mixed Use Zone**

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

**Service Station Zone**

The Service Station Zone is intended to allow for the development of service stations and appropriate support activities which do not generate nuisances detrimental to the amenity of the district and having particular regard for the health, welfare and safety of any residents and workforce associated with any immediately abutting zoned land.

**BACKGROUND**

In response to a number of contentious Service Station applications, the City initiated Amendment No. 7 to LPS15 which aimed to prohibit Service Stations in all zones under the Scheme, except within a Service Station Zone. The Minister for Planning at that time dismissed the proposal to prohibit Service Stations and instead determined that an 'A' use classification should be applied to service stations within the Mixed Use and Town Centre zones, and a 'D' use classification should apply to the Service Station zone.

The objective of draft LPP16 is to:

- Provide detailed criteria for Service Station developments.
- Ensure future and existing Service Station developments are convenient and accessible and serves the needs of the resident and travelling public.
- Prevent service stations from establishing in locations that are unsuitable.

Draft LPP16 was initially advertised for 21 days in July 2017. Following the receipt of public submissions substantial changes were undertaken to the draft Policy. Subsequently Council resolved to re-advertise the draft Policy for public comment.

*Item 12.2 Continued*

**OFFICER COMMENT**

The submissions received during re-advertising raised key matters for consideration. These matters are addressed below.

**Two Kilometre Separation Distance on Major Traffic Routes**

The submissions consider the two kilometre separation distance between service stations is anti-competitive and unjustified. These issues were addressed previously in the 'Officer Comment' section in the report to Council on 12 December 2017. A summary of the Officer Comment is provided below:

- There is a need to ensure that the strategic intent provided by Directions 2031 and Perth and Peel @ 3.5 million for GEH to become a multifunctional corridor that provides a high level of amenity and medium-rise high density residential development is not prejudiced by a proliferation of service station developments.
- There is a need to ensure that the objectives of the Mixed Use zone in LPS15 (for a mix of varied, but compatible developments that do not generate nuisances detrimental to the amenity of residents) are not compromised by a proliferation of service station developments.
- The two kilometre separation distance between service stations on the same side of the road is required to restrict the number of crossovers and traffic movements to avoid conflict between road users on major traffic routes such as GEH.
- The two kilometre separation distance is not intended to be anti-competitive. The requirement is aimed at ensuring that the strategic transport corridor, such as GEH is not dominated by service stations and provides opportunities for other land uses to establish in a form that supports the effective function of the transport corridor.

The points above remain relevant in addressing the concerns raised by the submissions. Therefore, the two kilometre separation distance requirement within draft LPP16 is maintained. Notwithstanding, where it can be demonstrated that a proposed Service Station will not undermine the objective of the site criteria under draft LPP16 and is compatible with other development in the locality, minor variations to the two kilometre separation distance may be considered.

**Retail Floor Space Limited to 100 square metres**

Submissions have raised concern that no justification is provided for limiting retail uses associated with a Service Station to 100 square metres NLA and that the limit should be increased to 300 square metres NLA. These concerns were addressed previously in the 'Officer Comment' section in the report to Council on 12 December 2017. A summary of the Officer Comment regarding this matter is provided below:

- Increasing the limit on retail floor space associated with a Service Station land use to 300 square metres means that the retail component is no longer considered incidental to the service station. The development would be considered to fall within the land use definition of a Convenience Store, which by definition allows retail floor area up to 300 square metres NLA.

*Item 12.2 Continued*

- Limiting the retail floor space to 100 square metres ensures that the retail component of a Service Station sells a limited range of goods for convenience purposes only. The purchasing of fuel will remain the primary purpose to access the Service Station, with the retail component being incidental.
- Limiting the retail floor space to 100 square metres is consistent with the objective of the Local Planning Strategy in ensuring the economic viability of the City's established centres is not compromised by the development of convenience stores along GEH.

Draft LPP16 details the relevant State and Local agency legislation, policies, guidelines and strategies which provide the basis on which to formulate LPP16 policy provisions. Given the above, it is considered appropriate to retain the maximum retail floor area of 100 square metres NLA for a service station.

**Accompanying Information Reports**

Submissions have suggested that the requirement for some of the technical reports required with the lodgement of a development application be removed. The submissions argue that these technical reports, such as a Needs Analysis, Environmental Management Plan and Site Specific Scientific Study are either not a planning consideration or are addressed by Australian Standards or other legislation.

Part 5 of draft LPP16 includes a number of technical reports which are required to be submitted. The technical reports are required to demonstrate how compliance with draft LPP16 is achieved with regard to such matters as:

- Appropriateness of the development adjacent to neighbouring sensitive land uses through a Noise Assessment report.
- Appropriateness of any discharge and emissions through an Environmental report.
- Appropriateness of vehicle access through a Traffic Impact Assessment report.
- Suitability of the proposed location through a Needs Analysis report.

The provisions of Schedule 2 Part 8 Clause 63 (1) (C) of the Regulations allow the City to request a report on any specialist matter that the local government requires for the purposes of the planning assessment. In addition, the provisions of Schedule 2 Part 9 Clause 67 of the Regulations set out the matters to be considered by local government. The relevant clauses are below:

- (d) Any environmental protection policy approved under the *Environmental Protection Act 1986* section 31.
- (m) Compatibility of the development with its setting.
- (n) The amenity of the locality.
- (o) The likely impact of the development of the natural environment.
- (x) The impact of the development as a whole.

*Item 12.2 Continued*

The requirement to assess the proposed development against these clauses also provides the basis for requesting the technical reports listed in Part 5 of draft LLP16. However, Clause 5.3 in draft LPP16 also provides the flexibility to waive the requirement to provide certain technical reports at the discretion of the City, where considered appropriate.

Given the above, the requirement for a planning application to include a Needs Analysis, an Environmental Management Plan and a Site Specific Scientific Study is retained in draft LPP16.

**Stormwater Management Plan and Dewatering Management Plan**

The Department of Biodiversity, Conservation and Attractions submission suggests that a Stormwater Management Plan and a Dewatering Management Plan be a mandatory report to be lodged at the planning application.

There is merit in requiring early information at the planning application stage regarding stormwater management and also to provide greater clarity and distinction with wastewater management. Therefore a minor modification to the Policy is proposed to address this matter as follows:

- Require the Environmental Management Plan to include a stormwater plan and wastewater proposal (Footnote 3 details the contents of the Environmental Management Plan).
- Modify Part 6.6 *Environment Management Plan* to more clearly distinguish between wastewater requirements and stormwater management requirements.
- Include two definitions for 'Fuel Dispensing Area Runoff' and 'Stormwater' (Part 4, Policy Definitions).
- Delete Footnote 8 that refers to State Water Quality Protection Note 49 (WQPN49) as the re-drafted Part 6.6 provides greater clarity and reference to WQPN49 exists in Footnote i).

A Dewatering Management Plan is not required at the planning application stage. It is not information that assists in considering the appropriateness of the development/land use proposal. Dewatering is a feature of the construction phase and the requirement for a Dewatering Management Plan is more appropriately addressed as a condition of development approval as required.

**Façade Treatment and Architectural Design**

Submissions have raised concerns that the requirement for high standard of façade treatment and architectural design is not consistent with service station design and will impact on economic feasibility of service station development.

Achieving a high standard of architectural design that enhances the streetscape is a key objective of draft LPP16 and is also consistent with the objectives of LPS15. The illustrations provided in draft LPP16 are indicative only. The façade treatment and architectural design of a proposed service station will be assessed on its merits taking into consideration the context of the site and the locality and the requirements of the Policy. On this basis, no changes to the clauses relating to façade treatment and architectural design are required.

*Item 12.2 Continued*

**Fencing**

Submissions have recommended that the clause regarding the construction of fencing on common boundaries should be amended to state that fencing should be of an 'appropriate material' and of 'sufficient height as recommended by a suitable qualified acoustic consultant'.

The provisions of draft LPP16, as worded, require fencing on common boundaries to be constructed from masonry with a minimum height of 2.8 metres to ensure the amenity of neighbouring sensitive land uses is not impacted by the proposed service station. A masonry fence is required in order to mitigate the impacts of noise. In some cases lighter weight fencing materials can have reduced acoustic properties. Draft LPP16 includes a clause that allows the height of the boundary fence to be reduced from 2.8 metres where it can be demonstrated to the satisfaction of the City that the reduced height fence can provide adequate noise mitigation.

The approach taken in draft LPP16 is appropriate. Therefore, no change to draft LPP16 is required.

**Signage**

Submissions have raised concerns that the requirements for signage to be integrated into the design of the service station conflict with the requirements for freestanding signage in Clause 6 (2) of the *Petroleum Products Pricing Regulations 2000*. A review of this clause by the City identifies that a freestanding sign is not required for the purposes of displaying fuel prices to passing motorists. The *Petroleum Products Pricing Regulations 2000* require fuel pricing be displayed so that it is clearly legible to passing motorists. The requirement for a clearly legible sign can be accommodated with the signage requirements of the draft Local Planning Policy through the design process. Therefore, no change is required to the draft LPP16.

**Conformity with LPS15 and the Regulations**

A submission states that the draft Policy seeks to vary the provisions of LPS15 and 'departs from planning principles'. Local Planning Policy No. 16 does not vary any provisions of LPS15. The purpose of draft LPP16 is to provide additional guidance and certainty to those proposing service station development and a consistent position for the determining authority when considering development applications for service stations.

Draft LPP16 is prepared in accordance with the relevant clauses of the Regulations and is based on sound town planning principles that address the strategic context and operational requirements of service station developments.

**Conclusion**

The proposed modifications that include further information on wastewater management and stormwater management improves and clarifies these provisions within the Policy; it does not alter the intent of draft LPP16. The draft LPP16 is an appropriate and comprehensive planning document to guide future consideration of service station proposals within the City of Belmont. It is recommended that Council adopts the Policy with these minor modifications.



*Item 12.2 Continued*

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

The intent of the Policy is to ensure that sustainability principles are incorporated into all Service Station developments. The draft Policy prescribes specific measures applicable to all areas of design to ensure environmentally sustainable outcomes through environmental management, water management, solar access and landscape management.

**SOCIAL IMPLICATIONS**

The Policy seeks to ensure that Service Stations are located and developed in a manner that does not unduly impact on the community.

**OFFICER RECOMMENDATION**

That Council:

- A. Proceed to adopt draft Local Planning Policy No. 16–Service Stations as detailed in [Attachment 2](#) 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, with the following modifications:

1. To modify Part 4. Policy Definitions by adding the following new definitions:

**“Fuel Dispensing Area Run-off**

Liquid run-off from within the fuel dispensing areas, including but not limited to stormwater which has entered this area and other liquids or contaminants spilt in this area.

**Stormwater**

‘Rainwater run-off from roof areas and unroofed hardstand areas (but not including fuel dispensing area run-off).’

2. To modify Footnote 3 to clarify the contents of the Environmental Management Plan to include reference to wastewater and stormwater proposals/plan, to read as follows:

“<sup>3</sup> An Environmental Management Plan shall i) demonstrate that any emissions and/or discharges will achieve compliance with the relevant standards (such as the Australian Standards) set by other legislative requirements, ii) include a Wastewater Management Proposal including sewage, trade wastewater and fuel dispensing area run-off and iii) Stormwater Management Plan.”

*Item 12.2 Continued*

3. To modify Part 6.6 Environmental Management Plan to more clearly distinguish between wastewater development requirements and stormwater development requirements, to read as follows:

“6.6 Environmental Management

Wastewater Management

- 6.6.1 The fuel dispensing area must be roofed to minimise direct rainfall and the fuel dispensing area must be graded to direct all fuel dispensing area run-off to a dedicated treatment system.
- 6.6.2 Fuel dispensing area run-off (whether treated or untreated) shall not be disposed into an on-site or off-site stormwater drainage system.
- 6.6.3 Where the reticulated sewer network is available, all wastewater must discharge to the reticulated sewer network. Wastewater includes sewage (wastewater from kitchens, toilets, etc) trade wastewater (such as from grease traps or washdown bays) and fuel dispensing area run-off.
- 6.6.4 Where the reticulated sewer network is not available, the site must be of an appropriate size to provide for onsite disposal of treated wastewater.

Stormwater Management

- 6.6.5. The site shall be designed and constructed to prevent stormwater from entering the fuel dispensing area. Stormwater from roofed and paved areas outside of the fuel dispensing area shall be discharged to a stormwater drainage system approved by the City.”
4. To delete Footnote 8 on the basis that the redrafted Clause 6.6 provides greater clarification between wastewater and stormwater and the reference to the State Water Quality Protection Note 49 is currently identified in Footnote i) against Part 2. Policy Area and Application.
- B. Place an advert in a local newspaper notifying that Local Planning Policy No. 16– Service Stations 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 submitters of the final adopted Policy.

Item 12.2 Continued

**ALTERNATIVE COUNCILLOR MOTION:**

**ROSSI MOVED, POWELL SECONDED,**

***That Council:***

- A. ***Proceed to adopt draft Local Planning Policy No. 16–Service Stations as detailed in [Attachment 2](#) 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, with the following modifications:***

1. ***To modify Part 4. Policy Definitions by adding the following new definitions:***

**“Fuel Dispensing Area Run-off**

***Liquid run-off from within the fuel dispensing areas, including but not limited to stormwater which has entered this area and other liquids or contaminants spilt in this area.***

**Stormwater**

***‘Rainwater run-off from roof areas and unroofed hardstand areas (but not including fuel dispensing area run-off).’***

2. ***To modify Footnote 3 to clarify the contents of the Environmental Management Plan to include reference to wastewater and stormwater proposals/plan, to read as follows:***

***“<sup>3</sup> An Environmental Management Plan shall i) demonstrate that any emissions and/or discharges will achieve compliance with the relevant standards (such as the Australian Standards) set by other legislative requirements, ii) include a Wastewater Management Proposal including sewage, trade wastewater and fuel dispensing area run-off and iii) Stormwater Management Plan.”***

3. ***To modify Part 6.6 Environmental Management Plan to more clearly distinguish between wastewater development requirements and stormwater development requirements, to read as follows:***

**“6.6 Environmental Management**

**Wastewater Management**

***6.6.1 The fuel dispensing area must be roofed to minimise direct rainfall and the fuel dispensing area must be graded to direct all fuel dispensing area run-off to a dedicated treatment system.***

***6.6.2 Fuel dispensing area run-off (whether treated or untreated) shall not be disposed into an on-site or off-site stormwater drainage system.***

*Item 12.2 Continued*

**6.6.3 Where the reticulated sewer network is available, all wastewater must discharge to the reticulated sewer network. Wastewater includes sewage (wastewater from kitchens, toilets, etc) trade wastewater (such as from grease traps or washdown bays) and fuel dispensing area run-off.**

**6.6.4 Where the reticulated sewer network is not available, the site must be of an appropriate size to provide for onsite disposal of treated wastewater.**

***Stormwater Management***

**6.6.5. The site shall be designed and constructed to prevent stormwater from entering the fuel dispensing area. Stormwater from roofed and paved areas outside of the fuel dispensing area shall be discharged to a stormwater drainage system approved by the City."**

**4. To delete Footnote 8 on the basis that the redrafted Clause 6.6 provides greater clarification between wastewater and stormwater and the reference to the State Water Quality Protection Note 49 is currently identified in Footnote i) against Part 2. Policy Area and Application.**

**5. To delete Clause 6.9.3 and re-number Clause 6.9.4 accordingly, as follows:**

~~**6.9.3 Where a site specific noise assessment demonstrates that a reduced fence height can provide adequate noise mitigation to adjoining properties, support for a reduction of the 2.8 metre minimum height may be considered at the discretion of the City, having regard for the security and visual amenity of the adjoining sensitive land use.**~~

~~**6.9.4**~~

**6.9.3 Notwithstanding the requirements for fencing along the boundary of sensitive land uses, all boundary fencing on service station sites shall provide visual interest through the use of colours and materials (as illustrated in Figure 9) that complement the architectural design of the buildings on site.**

**B. Place an advert in a local newspaper notifying that Local Planning Policy No. 16–Service Stations 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 submitters of the final adopted Policy.**

**CARRIED 8 VOTES TO 0**

**Reason**

**The minimum height of 2.8 metres will ensure that consistency across the City is achieved and will ensure noise mitigation is achieved.**

## 12.3 COMMUNITY PLACEMAKING STRATEGY 2018–2023

### SOCIAL BELMONT

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4 – Item 12.3 refers	<a href="#"><u>Community Placemaking Strategy 2018-2023</u></a>
Attachment 5 – Item 12.3 refers	<a href="#"><u>Ten Benefits of Creating Good Public Spaces</u></a>
Attachment 6 – Item 12.3 refers	<a href="#"><u>Ten Strategies for Transforming Cities and Public Spaces through Placemaking</u></a>

Voting Requirement : Simple Majority  
Subject Index : 160/002–Place Activation Projects  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil.  
Previous Items : 13 March 2018 Information Forum Item 6.3  
Applicant : N/A  
Owner : City of Belmont  
Responsible Division : Community and Statutory Services

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

Council to adopt the Community Placemaking Strategy 2018–2023 (refer [Attachment 4](#)).

*Item 12.3 Continued*

**SUMMARY AND KEY ISSUES**

The City has experienced significant growth in both new housing and commercial developments over the past two decades as more people have been attracted to its convenient location to reside and work. With a rapidly growing population, the City recognises that the public realm is more important than ever to the community; hence the need to develop a Community Placemaking Strategy. This will ensure the City continues to offer great places that result in more connected, healthier and sustainable communities.

The City of Belmont Placemaking Strategy 2018–2023 sets the direction that Council will take to create public spaces that promote health, happiness, wellbeing and prosperity. This will be achieved by drawing on the community's assets, aspirations and potential.

**LOCATION**

Not applicable.

**CONSULTATION**

A broad and comprehensive phase of consultation was undertaken in 2017 as follows:

**Internal Stakeholder Consultation**

Relevant sections of the organisation were consulted, in particular those that would have a direct role to play in implementing the Community Placemaking Strategy. Sections included Parks and Environment, Property and Economic Development, Health and Community Safety, Community Development and Marketing and Communications.

**External Stakeholder Consultation**

The following focus groups were consulted during the period February–May 2017.

- Aboriginal Reference Group
- Age Friendly Focus Group
- Belmont Business Advisory Group
- Cultural Diversity Focus Group
- Disability Access and Inclusion Focus Group
- Youth Advisory Group.

In addition to these groups, officers also met with a sample of local schools to gather their perspective on Placemaking. Teachers and Principals from Redcliffe Primary School, Belmont City College and the Australian Islamic College were consulted and all other local schools encouraged to share their feedback via the Community Placemaking Survey on Belmont Connect.

*Item 12.3 Continued*

**Public Surveys**

Placemaking questions were included in the City's 2017 Community Wellbeing Scorecard Survey, which was conducted by mail and online during April and May 2017. The survey was completed by 748 residents, achieving statistical validity.

Additionally, a separate Placemaking Survey was developed, in which respondents were asked to rate and comment on prospective Placemaking initiatives and nominate areas for Placemaking in the City of Belmont. This survey was conducted online via the City's Belmont Connect community engagement platform in April 2017, and received 86 responses.

**Public Consultation**

Further consultation with the community was undertaken at the annual Autumn River Festival on Sunday 2 April 2017 at Garvey Park.

**Community Workshop**

A community workshop was held at the Ruth Faulkner Public Library on Wednesday, 10 May 2017 to identify the community's needs and aspirations for 'their place'. Elected members were invited to observe this workshop. It was attended by 13 residents, observed by one elected member and delivered by an external facilitator with the assistance of the City's Community Wellbeing officers.

**Consultation Findings**

Feedback captured during the consultation period identified a number of popular Placemaking initiatives that could assist in creating a more vibrant place to live, work and play. The most popular initiatives were:

1. Farmers markets
2. Night markets
3. Al fresco dining
4. Nature play
5. Fitness classes
6. Nature walks
7. Children and family activities
8. Murals
9. Community gardens
10. Amphitheatre/park performances
11. Planter boxes
12. Laneway events
13. Food and coffee vans
14. Health promotion
15. Creative verges.

*Item 12.3 Continued*

The consultation also identified the community's most popular places to engage and socialise in the City of Belmont, these being:

1. Parks and playgrounds, citing specific reference to:
  - (a) Garvey Park
  - (b) Tomato Lake
  - (c) 'City Centre' Faulkner Civic Precinct
  - (d) Swan River area.
2. Shops/main streets
3. Cafés and restaurants
4. Sport and recreation facilities
5. Library
6. Churches
7. Schools.

Finally, consultation identified three top recommendations for the City to consider:

1. Foster the development of community networks for Placemaking.
2. Build the capacity of prospective community 'Placemaking champions', and support them through funding and in-kind expertise and assistance.
3. Ensure that Placemaking initiatives are inclusive and accessible for people of all abilities and backgrounds.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Create a City that leads to feelings of wellbeing, security and safety.

**Strategy:** Activate public spaces as a means to improving community spirit and sense of belonging.

**Corporate Key Action:** Identify opportunities and spaces within the City that can encourage place activation and community participation.

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.



*Item 12.3 Continued*

## **STATUTORY ENVIRONMENT**

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

## **BACKGROUND**

In late 2016, it was considered that a strategy was required to guide the City in the emerging area of Placemaking. Placemaking creates public spaces that promote health, happiness, wellbeing and prosperity. It achieves this by drawing on a community's assets, aspirations and potential.

Development of the Strategy commenced in 2017, with officers undertaking extensive internal and external consultation, as well as desktop research that identified leaders in the field of Placemaking such as the Project for Public Spaces (PPS). Project for Public Spaces is a central hub for the global Placemaking movement, connecting people to ideas, resources, expertise and partners who see placemaking as the key to addressing some of the greatest challenges experienced by cities and communities.

In developing the Strategy, officers considered the PPS Placemaking tools and adapted the '10 Benefits of Creating Good Public Spaces' (refer [Attachment 5](#)) and 'Ten Strategies for Transforming Cities and Public Spaces through Placemaking' (refer [Attachment 6](#)) to be relevant in a local context. The combination of extensive consultation and research formed the foundation for the development of the City's inaugural Community Placemaking Strategy.

The objectives of the City's overarching Strategic Community Plan and other discipline-specific strategies and plans were considered in the development of the Community Placemaking Strategy. The City's Vision as stated in the Strategic Community Plan 2016–2036 is to *"be home to a diverse and harmonious community, thriving from the opportunities of our unique, riverside City"*.

The Strategic Community Plan 2016–2036 sets out strategies across the key result areas of 'Built Belmont', 'Business Belmont', 'Natural Belmont', 'Social Belmont' and 'Business Excellence'. Many of these relate to Placemaking, as follows:

### **Built Belmont**

Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.

### **Business Belmont**

- Enhance the relationship and interaction with existing business entities within the City.
- Promote the City of Belmont through various promotional and informative materials, facilitated networks and media to make it clear that the City is a great place to do business.

*Item 12.3 Continued*

**Natural Belmont**

- Develop quality public open space in accordance with community needs.
- Protect and enhance the Swan River foreshore respecting its environmental values, social benefits and cultural significance in guiding land use, civic design and development.

**Social Belmont**

- Provide leisure, recreation, arts and lifestyle programs and resources to address existing and future community needs.
- Provide art and cultural opportunities as a means of community engagement and inclusion.
- Identify and support initiatives that promote healthier and more active lifestyles.
- Activate public spaces as a means to improving community spirit and sense of belonging.

**Business Excellence**

- Ensure community requirements drive internal policies and processes.
- Ensure that the organisation's capacity and capability meets strategic, customer and operational needs.
- Promote the City as the 'City of Opportunity'.
- Ensure effective communication and consultation with the community and other stakeholders.

Additionally, the Community Placemaking Strategy has been informed by many of the City's discipline-specific strategies and plans, including but not limited to the following:

- Age Friendly Community Plan
- Asset Management Strategy
- Belmont on the Move – Integrated Movement Network Strategy
- City of Belmont Local Bike Plan
- Community Safety and Crime Prevention Plan
- Disability Access and Inclusion Plan
- Environment and Sustainability Strategy
- Land Asset Management Plan
- Leisure, Arts and Lifestyle Plan

*Item 12.3 Continued*

- Library and Heritage Plan
- Local Planning Scheme
- Marketing Plan
- Moving Forward City of Belmont Youth Strategic Plan
- Multicultural Action Plan
- Public Art Directions and Master Plan
- Reconciliation Action Plan
- Urban Forest Strategy.

The City's role in achieving Placemaking specifically relates to urban design; facilitation and connection; efficient and effective regulatory processes; and revitalisation.

**Urban Design:** Effective planning and management of new developments, infrastructure and facilities to create great places for our community.

**Facilitation and Connection:** Enabling community capacity by bringing together and supporting people, businesses and organisations to drive Placemaking initiatives that respond to local need and aspiration.

**Efficient and Effective Regulatory Processes:** Making it easier for the community to engage with the City to achieve community driven Placemaking outcomes.

**Revitalisation:** Upgrading and improving public facilities and spaces through a city wide asset renewal program and; responding to identified areas of need by investing resources into precincts to renew and strengthen community hubs.

**OFFICER COMMENT**

Through the process of community consultation, three overarching outcomes were identified to address the City's commitment to offer great places that result in more connected, healthier and sustainable communities. These outcomes are:

**Outcome 1:** Empowered and Engaged Communities

**Outcome 2:** Healthy and Active Communities

**Outcome 3:** Leadership and Advocacy.

The following key strategies for each outcome derive from the consultation recommendations.

*Item 12.3 Continued*

**Outcome 1: Empowered and Engaged Communities**

**Aim:** The City of Belmont's communities are supported and empowered to create place led initiatives that will instil local pride, increase community participation and connection.

**Key Strategies:**

- Identify and support 'local champions' to create great places.
- Develop a process whereby the City can support community-led Placemaking initiatives.
- In partnership with relevant internal stakeholders, facilitate a recurrent series of community and industry capacity building workshops for Placemaking.

**Outcome 2: Healthy and Active Communities**

**Aim:** The City of Belmont's places and facilities support health and wellbeing opportunities for people of all backgrounds and abilities.

**Key Strategies:**

- Ensure the City's infrastructure and planning supports the development of contemporary, high-quality and accessible public open spaces that contribute to health and wellbeing.
- Ensure the City's place activation initiatives are accessible and inclusive of people of all backgrounds and abilities, with consideration to activities that are age, disability and family friendly.
- Deliver place activation initiatives that celebrate Belmont's diversity and rich history.
- Increase delivery and/or support of arts and cultural activities.
- Develop 'place specific' health and wellbeing initiatives that encourage communities to 'stay healthy stay local'.
- Undertake a place-based approach to comprehensive neighbourhood consultation in relation to parks and major projects, ensuring amenity aligns to neighbourhood expectation and need.

**Outcome 3: Leadership and Advocacy**

**Aim:** The City of Belmont provides strong leadership and advocacy in Placemaking.

**Key Strategies:**

- Establish annual budgets to deliver community-driven and Council-led Placemaking initiatives.

*Item 12.3 Continued*

- Promote the economic and social benefits of Placemaking to local businesses and investigate initiatives that have the potential to support businesses to thrive.
- Ensure consideration of place-based approaches as part of all strategic and master planning.
- Ensure this Strategy and all place/precinct plans are considered as part of the development and review of all relevant Council strategies and policies.
- Ensure the history of an area is investigated and incorporated where appropriate into place/precinct plans.
- Continue to conduct a biennial Community Wellbeing Scorecard Survey to evaluate Placemaking and other initiatives.

The Community Placemaking Strategy sets the direction the City will take over the next five years to achieve the above outcomes. The Strategy is intrinsically aligned to the City's Strategic Community Plan 2016–2036 as well as the community's aspiration for stronger connections between people and place. Adoption of the Community Placemaking Strategy is recommended.

### **Implementation of the Strategy**

The Strategy is supported by an operational Implementation Plan detailing the actions required to progress Placemaking in the City. Many of the key actions of the Implementation Plan address the necessary groundwork the City will need to undertake in order to achieve the objectives of Placemaking. The Implementation Plan is intended for internal use to ensure the key outcomes of the Strategy are achieved. This Strategy's implementation will be progressed and monitored through the City's integrated planning and reporting systems.

### **FINANCIAL IMPLICATIONS**

There are no immediate financial implications from the implementation of the Community Placemaking Strategy. Future monetary resources will be required to be budgeted for on an annual basis in line with the Council budget process.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

It is expected that the implementation of the Strategy will give rise to many social benefits, including but not limited to the following:

**Provision of Cultural Opportunities:** Many Placemaking initiatives provide arts and cultural opportunities, such as murals and performances. These can be leveraged to support community capacity-building outcomes (e.g. murals and performances by mentored youth).

*Item 12.3 Continued*

**Increased Volunteerism:** Many place activation initiatives are fully or partially delivered by community groups, thereby increasing volunteerism and community capacity building.

**Reduction of Crime:** Placemaking and the theory of Crime Prevention through Environmental Design (CPTED) have several points of intersection. In particular, CPTED states that crime can be prevented through natural and organised surveillance, and space management (in which spaces are well used and maintained). Many Placemaking initiatives increase surveillance by bringing people together in the public domain and increase the use and maintenance of spaces.

**Improved Pedestrian Safety:** Many Placemaking initiatives de-emphasise cars (e.g. through road closures) and improve footpaths and lighting, thereby increasing pedestrian safety.

**Increased Use of Public Transportation:** The abovementioned de-emphasis of cars increases use of public transportation.

**Improved Public Health:** According to 'The Case for Healthy Places' by Project for Public Spaces (2016), Placemaking improves public health through increased social support and interaction, play and active recreation, green and natural environments, healthy food, and walking and biking.

OFFICER RECOMMENDATION

That Council endorse the Community Placemaking Strategy 2018–2023 (refer [Attachment 4](#)).

AMENDED OFFICER RECOMMENDATION

That Council:

1. Endorse the Community Placemaking Strategy 2018-2023 (refer Attachment 4) subject to a modification to the wording in Attachment 4 on page A51 (column two referring to the 'Faulkner Civic Precinct') to read:

Key components of this aspirational Plan include:

- The potential for the closure of Progress Way to improve pedestrian movement and facilitate the development of larger open spaces.

*Item 12.3 Continued*

**Note:**

**Cr Rossi put forward the following Alternative Councillor Motion.**

**ALTERNATIVE COUNCILLOR MOTION**

That Council:

1. Endorse the Community Placemaking Strategy 2018-2023 (refer to Attachment 4) subject to a modification to the wording in Attachment 4 on page A51 (column two referring to the 'Faulkner Civic Precinct') to read:

Key components of this aspirational Plan include:

- The potential for the closure of Progress Way to improve pedestrian movement and facilitate the development of larger open spaces.
2. Directs the Chief Executive Officer to commence investigation into the appropriate definition and status of Faulkner Park parkland within the Faulkner Civic Precinct as part of the review of the Public Open Space Strategy and Local Planning Strategy.

Reason

To ensure the land is protected as a park for further generations to enjoy in the heart of the city.

**Note:**

**Cr Wolff put forward the following Amended Councillor Motion which lapsed for want of a seconder.**

**AMENDED COUNCILLOR MOTION**

**WOLFF MOVED,**

That Council:

1. Endorse the Community Placemaking Strategy 2018-2023 (refer to Attachment 4) subject to a modification to the wording in Attachment 4 on page A51 (column two referring to the 'Faulkner Civic Precinct') to read:

Key components of this aspirational Plan include:

- The closure of Progress Way to improve pedestrian movement and facilitate the development of larger open spaces.
2. Directs the Chief Executive Officer to commence investigation into the appropriate definition and status of Faulkner Park parkland within the Faulkner Civic Precinct as part of the review of the Public Open Space Strategy and Local Planning Strategy.

*Item 12.3 Continued*

**Note:**

As Cr Wolff's Amended Councillor Motion lapsed, Cr Rossi's Alternative Councillor Motion became the Substantive Motion.

**ALTERNATIVE COUNCILLOR MOTION**

**ROSSI MOVED, SEKULLA SECONDED,**

***That Council:***

1. ***Endorse the Community Placemaking Strategy 2018-2023 (refer to [Attachment 4](#)) subject to a modification to the wording in Attachment 4 on page A51 (column two referring to the 'Faulkner Civic Precinct') to read:***

***Key components of this aspirational Plan include:***

- ***The potential for the closure of Progress Way to improve pedestrian movement and facilitate the development of larger open spaces.***
2. ***Directs the Chief Executive Officer to commence investigation into the appropriate definition and status of Faulkner Park parkland within the Faulkner Civic Precinct as part of the review of the Public Open Space Strategy and Local Planning Strategy.***

**CARRIED 8 VOTES TO 0**

**Reason**

To ensure the land is protected as a park for further generations to enjoy in the heart of the city.



**12.4 ANNUAL REVIEW OF CITY OF BELMONT ENVIRONMENT AND SUSTAINABILITY  
STRATEGY 2016-2021 (2018 VERSION)**

**NATURAL BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 7 – 12.4 Item refers</b>	<a href="#"><u>Revised Environment and Sustainability Strategy (2018 version)</u></a>
<b>Attachment 8 – 12.4 Item refers</b>	<a href="#"><u>Revised Environment and Sustainability Policy (Council Policy NB3)</u></a>

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 : 26 April 2017 OCM - Item 12.4  
19 March 2018 SC(Environmental) – Item 11.1  
Applicant : N/A  
Owner : N/A  
Responsible Division : Technical 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 (2018 version) and Environment and Sustainability Policy (Council Policy NB3) to Council for endorsement.

*Item 12.4 Continued*

**SUMMARY AND KEY ISSUES**

Recommended changes to the Environment and Sustainability Strategy have been identified, relating to:

- Update to background information
- Deletion of actions from the “New Action” tables that have been completed
- Deletion of ongoing actions that are no longer implemented
- Addition of new actions or rewording of existing actions
- Alteration to timeframes, priority and/ or responsible officer.

Amendments to the Environment and Sustainability Policy (Council Policy NB3) are also proposed, to reflect the new requirements of the ISO 14001: 2015 Standard to consider a life cycle perspective.

Council to consider and endorse the City of Belmont Environment and Sustainability Strategy 2016-2021 (2018 version) (refer [Attachment 7](#)) and the Environment and Sustainability Policy (Council Policy NB3) (refer [Attachment 8](#)), to take effect from 1 July 2018.

**LOCATION**

Not applicable.

**CONSULTATION**

Councillors were invited to contribute towards the minor annual review of the Environment and Sustainability Strategy in a Memorandum uploaded on the Councillor Portal on 14 February 2018. A response has been provided to Councillors who provided suggestions.

The EMRC's Environmental Services team also contributed to the review.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Protect and enhance our natural environment

**Strategy:** Ensure the City has policies and practices that safeguard and enhance the natural environment.

**Corporate Key Action:** 212: Conduct annual review of the City of Belmont's Environmental and Sustainability Policy and Strategy

*Item 12.4 Continued*

**POLICY IMPLICATIONS**

The Environment and Sustainability Policy (Council Policy NB3) states that the City of Belmont will develop, implement and regularly review an organisation-wide Environment and Sustainability Strategy.

Changes are proposed to the Policy to reflect requirements of the new ISO 14001: 2015 Standard to consider life cycle impacts. Specifically, inclusion of:

- A new policy statement that the City is committed to considering life cycle impacts and minimising single use disposable plastics
- Procurement as one of the aspects for which environmental implications are considered
- Council Policy NB1 Environmental Purchasing as a Reference/Associated Document.

**STATUTORY ENVIRONMENT**

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

**BACKGROUND**

The City of Belmont Environment and Sustainability Strategy 2016-2021 was 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 NB3), the City is committed to the development, implementation and regular review of the Environment and Sustainability Strategy. Annual review of the Strategy is undertaken prior to preparation of the budget each year.

A review of the Environment and Sustainability Policy (Council Policy NB3) has also been undertaken, against the new requirements of the ISO 14001:2015 Standard to consider a life cycle perspective.

**OFFICER COMMENT**

Recommended changes to the Environment and Sustainability Strategy have been identified, relating to:

- Update to background information
- Deletion of actions from the "New Action" tables that have been completed
- Deletion of ongoing actions that are no longer implemented
- Addition of new actions or rewording of existing actions
- Alteration to timeframes, priority and/ or responsible officer.

The Standing Committee (Environmental) considered the proposed changes at its meeting held on 19 March 2018.

*Item 12.4 Continued*

Following comments from the Committee, Action 2.1 from the “New Actions” table was subsequently amended to include reference to edible verge gardens as shown in red:

Develop updated ~~verge~~ 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.

The key changes include:

- Amendments to Environment and Sustainability Policy (Council Policy NB3) to reflect requirements of the new ISO 14001: 2015 standard to consider life cycle impacts
- Expansion of the definition of the City’s significant environmental aspects to include those associated with commitments of the Environment and Sustainability Policy
- Deletion of ongoing action : ‘Organise an annual ‘Carbon Plus’ staff tree planting day, with the number of trees planted to sequester the equivalent amount of carbon generated annually as a result of the City’s light vehicle fleet emissions’. Due to unavailability of a planting site suitable to accommodate the required number of trees, this has not occurred since 2015. This action will be replaced with an action to offset the City’s light vehicle fleet emissions through purchase of “Gold Standard” carbon offsets certified under the National Carbon Offset Standard
- Modification to existing ongoing actions:
  - Removal of the City of Belmont Environmental Achievers Program for Business and associated recognition event. The City will instead nominate local businesses demonstrating significant environmental achievements for recognition through Switch your thinking’s Switched on Business program and the EMRC’s Business Exemplar Project
  - Change to the electricity sites for which 25% renewable energy or equivalent in “Gold standard” carbon offsets is purchased, from the top five highest consuming sites to contestable sites
  - Inclusion of the City’s light vehicle fleet as an emissions source that will be fully offset through purchase of “Gold Standard” carbon offsets certified under the National Carbon Offset Standard.
- Inclusion of following new actions:
  - 1.2 At time of next review of Policy NB1 Environmental Purchasing, investigate additional provisions to support reduction in single use disposable plastics and make reference to consideration of the life cycle impacts of procurement
  - 1.3 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
  - 2.2 Provide information to assist local businesses and residents to adapt following introduction of the Plastic Bag ban, and promote further reduction of single use disposable plastics
  - 2.3 Participate in EMRC’s Bush Skills 4 Youth Program
  - 5.6 Consider relevance and benefits of evaluating the City against sustainability frameworks such as the CRC for Water Sensitive Cities Index
  - 5.7 Develop an Environmental Sustainability events checklist to assist City staff when planning and delivering events on behalf of the City
  - 5.8 Implement actions and submit for Gold Standard Waterwise Council recognition
  - 6.3 Consider WALGA’s revised Climate Change Policy Statement in annual review of the Council Policy Manual

*Item 12.4 Continued*

- 6.4 Consider WALGA's 'Discussion Paper on Divestment in Fossil Fuels: Opportunities for Local Governments' at time of next review of Policy BEXB 35 Investment of Funds
- Revision of action 3.9 from the 'New Action' table, to include establishment of a local law to enable financial penalties for removal or damage to street trees, rather than investigation only.
- Amendment to action 2.1 from the "New Actions" table to include reference to edible verge gardens.
- Modifications to goals for waste reduction to:
  - Reduce the quantity (by weight and volume) of single use disposable plastics in the Civic Centre general waste (landfill)

### **FINANCIAL IMPLICATIONS**

The estimated cost of implementing individual new actions is documented in each Chapter of Part II of the Strategy (refer [Attachment 7](#)).

The only additional direct financial cost is associated with proposed new action 2.3 'Participate in EMRC's Bush Skills 4 Youth Program'. This involves a cost of \$3,500 in 2018-2019 and \$7,000 (plus CPI) per annum thereafter.

The cost of implementing all remaining actions, both ongoing and new, is included in existing maintenance, capital renewal/upgrade or operating budgets, or is accounted for in the Corporate Business Plan.

### **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 (2018 version) ([Attachment 7](#)) and the Environment and Sustainability Policy (Council Policy NB3) ([Attachment 8](#)), to take effect from 1 July 2018.***

***COMMITTEE RECOMMENDATION ADOPTED EN BLOC BY ABSOLUTE MAJORITY –  
REFER TO RESOLUTION APPEARING AT ITEM 12***

**12.5 REQUEST FOR RATE EXEMPTION – THE SALVATION ARMY – 10/199 ABERNETHY ROAD, BELMONT**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	10/199 Abernethy Road, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	Carrooda Pty Ltd and Sansom Nominees Pty Ltd
Owner	:	Carrooda Pty Ltd and Sansom Nominees Pty Ltd
Responsible Division	:	Corporate and Governance

**COUNCIL ROLE**

- |   |   |
|---|---|
| <input type="checkbox"/> <b>Advocacy</b>                  | <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"/> <b>Executive</b>                 | <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"/> <b>Legislative</b>               | <i>Includes adopting local laws, local planning schemes and policies.</i>   |
| <input type="checkbox"/> <b>Review</b>                    | <i>When Council reviews decisions made by Officers.</i>   |
| <input checked="" type="checkbox"/> <b>Quasi-Judicial</b> | <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 rate exemption for Unit 10 at Lot 5 on Diagram 75378 known as 199 Abernethy Road, Belmont.

**SUMMARY AND KEY ISSUES**

The owners of the property being Carrooda Pty Ltd and Sansom Nominees Pty Ltd have made an objection under section 76 of the *Local Government Act 1995* against the rate book and provided documentation to show that the property is leased by The Salvation Army for charitable purposes.

*Item 12.5 Continued*

## **LOCATION**



Lot 5 on Diagram 75378 known as 199 Abernethy Road, Belmont (Unit 10 only for this request)

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

There is no specific strategy associated with rating practices; however the consideration of this report is consistent with the Strategic Community Plan Key Result Area: Business Excellence Belmont.

**Objective:** Apply sound and sustainable business management principles.

**Strategy:** Ensure competitive and sustainable financial performance through effective modelling, financial management and reporting practices which underpin capacity building.

## **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 Salvation Army is an evangelistic branch of the universal Christian Church that was formed in England in August 1878.

Their mission is both spiritual and practical encompassing the preaching of the gospel of Jesus Christ and alleviating human suffering and distress without discrimination. The organisation exists in 111 countries around the world.

They have provided the completed Rate Exemption Best Practices booklet and provided the necessary Australian Charities and Not for Profits Commission (ACNC) registration document, Tax Exemption Certificate and their Corporate Governance Booklet.

The original lease commenced on 1 July 2004 for a 5 year and optional 5 year period. The current lease is from June 2014 for 5 years expiring on 30 June 2019.

## **OFFICER COMMENT**

The owners Carrooda Pty Ltd and Sansom Nominees Pty Ltd have requested a rate exemption for Unit 10 on behalf of their tenant, The Salvation Army.

Within the complex at 199 Abernethy Road, Belmont, the City has already granted rate exemption for Unit 3 and Unit 8 to two other charitable organisations which run similar businesses.



*Item 12.5 Continued*

### **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 the property as being non rated effective from the date of the lease or 1 July of the year the application is being made.

The property is rated as commercial. Council has requested a separate Gross Rental Valuation (GRV) for Unit 10 which then allows a reduction in the GRV for the balance of the property. Based on the revised Valuation received from Landgate, the loss of rate revenue for 2017-2018 on Unit 10 is \$4,881.

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

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

Rates department staff have undertaken a site visit as required. The store sells used and second hand clothing, household furniture, books and bric-a-brac in order to raise funds. Profits from the store help fund the Salvation Army Community Programs through various support groups which help in ending hunger and homelessness and helps build stronger families and communities.

The store currently has two Managers, a full-time and part-time Sales Assistant and approximately 25 part-time volunteers. This includes providing work opportunities to members of the community who may not otherwise be able to find work elsewhere giving them a sense of purpose and valuable work experience.

### **OFFICER RECOMMENDATION**

***That Council endorse the rate exemption for Unit 10 at the property situated at 199 Abernethy Road, Belmont under section 6.26 (2)(g) and section 6.53 of the Local Government Act 1995 effective from 1 July 2017.***

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

**12.6 TENDER 02/2018 - TREE MAINTENANCE AND REMOVAL WITHIN THE CITY OF BELMONT**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Confidential Attachment 1 – Item 12.6 refers</b>	<a href="#"><u>Tender 02/2018 Price Schedule</u></a>
<b>Confidential Attachment 2 – Item 12.6 refers</b>	<a href="#"><u>Tender 02/2018 Cost Comparison</u></a>
<b>Confidential Attachment 3 – Item 12.6 refers</b>	<a href="#"><u>Tender 02/2018 Evaluation Matrix</u></a>

Voting Requirement : Simple Majority  
Subject Index : 114/2018-02  
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 : Technical Services

**COUNCIL ROLE**

- |  |   |
|--|---|
| <input type="checkbox"/> <b>Advocacy</b>             | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>   |
| <input checked="" type="checkbox"/> <b>Executive</b> | <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"/> <b>Legislative</b>          | <i>Includes adopting local laws, local planning schemes and policies.</i>   |
| <input type="checkbox"/> <b>Review</b>               | <i>When Council reviews decisions made by Officers.</i>   |
| <input type="checkbox"/> <b>Quasi-Judicial</b>       | <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 seek Council approval to award Tender 02/2018 - Tree Maintenance and Removal within the City of Belmont.

*Item 12.6 Continued*

### **SUMMARY AND KEY ISSUES**

This report outlines the process undertaken to invite and evaluate tenders and includes a recommendation to award Tender 02/2018 in accordance with the requirements of the *Local Government Act 1995*.

The contract is for tree maintenance, including powerline pruning, and removal of trees as required. The contract period is for two years commencing 1 June 2018 with the option of two, one year extensions at the sole discretion of the City.

Twenty prospective tenderers downloaded the tender documents from the City's eTendering portal and four responses were received from:

- Arbor West Pty Ltd trading as Classic Tree Services
- Geoff's Tree Service
- MPK Tree Management Pty Ltd
- WA TreeWorks Pty Ltd.

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Protect and enhance our natural environment.

**Strategy:** Ensure the City has policies and practices that safeguard and enhance the natural environment

**Corporate Key Action:** Operational activities which support predominantly this environmental safeguarding strategy.

### **POLICY IMPLICATIONS**

BEXB28–Purchasing

#### **POLICY OBJECTIVE**

This policy aims to deliver a high level of accountability whilst providing a flexible, efficient and effective procurement framework.

*Item 12.6 Continued*

**STATUTORY ENVIRONMENT**

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states that “a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services”.

**BACKGROUND**

The City of Belmont currently has a contract in place with Classic Tree Services which is due to expire 31 May 2018. The contract commenced 1 June 2015 for an initial term of one year with two, one year extension options which have now been utilised.

An invitation to tender for Tree Maintenance and Removal within the City of Belmont was advertised in the West Australian on Saturday, 24 February 2018, closing on Tuesday, 13 March 2018 at 3pm.

**OFFICER COMMENT**

The Evaluation Panel consisted of the Coordinator Contracts and Tenders, Coordinator Parks and Senior Supervisor Parks.

The Evaluation Panel assessed the tenders on the same selection criteria included with the tenders, being:

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Company Profile	15%
2	Experience	15%
3	Company Capacity	10%
4	Methodology	15%
6	Safety	15%
6	Price	30%
	<b>TOTAL</b>	<b>100%</b>

[Confidential Attachment 1](#) Price Schedule details all the rates submitted by the tenderers while [Confidential Attachment 2](#) Cost Comparison compares the estimated annual expenditure based on the tendered rates and the most common services required by the City. The figures from this comparison were used to calculate the score for the Price Criterion.

The Evaluation Matrix (refer [Confidential Attachment 3](#)) details the scores awarded to the tenderers by the Evaluation Panel. All three Evaluators identified Classic Tree Services as providing the most advantageous tender.

The preferred tenderer Classic Tree Services has been operating for 31 years and has significant experience with local governments in Western Australia, some relationships having been established over 20 years ago. They have demonstrated they have the capacity to meet the requirements with 30 plus staff, many of whom hold, as a minimum, Certificate III in Arboriculture or the equivalent and tree risk assessment qualifications. They propose to utilise a subcontractor for stump grinding services and will undertake works on major roads under the City's traffic management contractor.

*Item 12.6 Continued*

### **FINANCIAL IMPLICATIONS**

Annual expenditure is estimated to be nearly \$600,000 excluding GST. The contract allows for a price adjustment based on the annual CPI (All Groups Perth) to the March quarter preceding any contract extension date.

### **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 Council:***

- 1. Accept the tender submitted by Arbor West Pty Ltd trading as Classic Tree Services for Tender 02/2018 – Tree Maintenance and Removal within the City of Belmont as specified and in accordance with the schedule of rates provided as the most advantageous solution; and***
- 2. Award the contract to Arbor West Pty Ltd trading as Classic Tree Services for an initial period of two years commencing 1 June 2018 with the option of two, one year extensions at the sole discretion of the City.***

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

**12.7 ACCOUNTS FOR PAYMENT - MARCH 2018**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 9 – Item 12.7 refers</b>	<b><u><a href="#">Accounts for Payment - March 2018</a></u></b>

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

**COUNCIL ROLE**

<input type="checkbox"/>	<b>Advocacy</b>	<i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>
<input checked="" type="checkbox"/>	<b>Executive</b>	<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"/>	<b>Legislative</b>	<i>Includes adopting local laws, local planning schemes and policies.</i>
<input type="checkbox"/>	<b>Review</b>	<i>When Council reviews decisions made by Officers.</i>
<input type="checkbox"/>	<b>Quasi-Judicial</b>	<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**

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 12.7 Continued*

**LOCATION**

Not applicable.

**CONSULTATION**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**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*
- (d) sufficient information to identify the transaction.”*

**BACKGROUND**

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

**OFFICER COMMENT**

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

Municipal Fund Cheques	787688 to 787722	\$272,006.41
Municipal Fund EFTs	EF054766 to EF055291	\$3,880,398.92
Municipal Fund Payroll	March 2018	\$1,680,207.54
Trust Fund EFTs	EF053519 to EF053520	\$311,512.36
Total Payments for March 2018		<u>\$6,144,125.23</u>

*Item 12.7 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 March 2018 as provided under [Attachment 9](#) be received.*

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



**12.8 MONTHLY ACTIVITY STATEMENT AS AT 31 MARCH 2018**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 10 – Item 12.8 refers</b>	<b><u><a href="#">Monthly Activity Statement as at 31 March 2018</a></u></b>

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**

- |                                     |                       |   |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/>            | <b>Advocacy</b>       | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i>   |
| <input checked="" type="checkbox"/> | <b>Executive</b>      | <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"/>            | <b>Legislative</b>    | <i>Includes adopting local laws, local planning schemes and policies.</i>   |
| <input type="checkbox"/>            | <b>Review</b>         | <i>When Council reviews decisions made by Officers.</i>   |
| <input type="checkbox"/>            | <b>Quasi-Judicial</b> | <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 provide Council with relevant monthly financial information.

**SUMMARY AND KEY ISSUES**

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

*Item 12.8 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**

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 July authorised budgeted closing balance as the materiality threshold.

### **OFFICER COMMENT**

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

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

*Item 12.8 Continued*

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

The monthly financial report is to be accompanied by:

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

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

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

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

In order to provide more details regarding significant variations as included in [Attachment 10](#) the following summary is provided.

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure - Capital</b>			
Town Planning	90,338	544,962	Relates to development contribution income from the Springs that has been received on behalf of and on paid to Landgate.
Road Works	4,368,173	3,357,927	Variance mainly relates to works along Abernethy and Kewdale roads that required tenders and are now expected to begin in April.
Footpath Works	580,139	309,883	Variance relates partially to outstanding invoices as well as some projects delayed due to unplanned staff leave.
Drainage Works	562,808	465,049	Variance mainly relates to sub-soil pipe upgrades that have been delayed due to Watercorp approvals.
Operations Centre	479,515	554,084	Plant and fleet purchases are slightly ahead of budget.
Building Operations	1,907,146	859,675	Variance mainly relates to the budget spread of the new Community Centre.
<b>Expenditure – Operating</b>			
Executive Services	1,264,414	1,180,316	Variance mainly relates to employee costs.
Governance	2,984,961	2,751,212	Variance mainly relates to Activity Based Costing allocations (ABC's).
Rangers	673,067	610,460	Employee costs are under budget.
Community Services	676,827	620,270	ABC's as well as employee and consulting costs are under budget.
Belmont HACC Services	2,040,338	1,866,668	Employee, contractor and training costs are under budget.
Town Planning	2,251,317	2,312,497	Legal and consulting costs are currently above budget.
Sanitation Charges	4,169,891	3,987,391	Variance relates to outstanding invoices.

*Item 12.8 Continued*

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Grounds Operations	3,852,785	3,792,541	Employee, contractor and consulting costs are under budget.
Grounds - Active Reserves	836,369	968,962	Turf maintenance costs currently above budget due to new tender rates.
Streetscapes	749,897	934,493	Reactive tree pruning above budget although the variance will reduce over the remainder of the year.
Drainage Works	283,676	364,215	This year's gully educting program found numerous pits that were full with maintenance of those pits brought forward.
Technical Services	1,873,018	1,807,147	Comprises minor variances across multiple expense types.
<b>Revenue - Capital</b>			
Town Planning	(38,000)	(495,418)	Relates to development contribution income from the Springs that has been received on behalf of and on paid to Landgate.
Road Works	(1,556,351)	(1,464,533)	Budget spread issue regarding NSRF funding.
<b>Revenue - Operating</b>			
Finance Department	(1,533,757)	(1,476,586)	ABC recoveries are below budget.
Computing	(1,788,105)	(1,698,547)	ABC recoveries are below budget.
Human Resources	(1,032,893)	(948,855)	ABC recoveries are below budget.
Accommodation Costs	(486,811)	(416,824)	ABC recoveries are below budget.
Rates	(47,687,269)	(47,753,713)	Interim rates are currently above budget.
Financing Activities	(983,021)	(867,592)	Variance results from the timing of term deposits maturing.
Belmont HACC Services	(2,245,661)	(2,176,820)	Variance relates to internal recoveries of administration overheads.
Town Planning	(1,003,513)	(908,376)	ABC recoveries are below budget.

*Item 12.8 Continued*

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.

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 31 March 2018</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	78,158,840	Includes municipal and reserves
- less non rate setting cash	(45,880,202)	Reserves
Receivables	1,746,925	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(303,452)	ESL Receivable
Stock on hand	212,095	
<b>Total Current Assets</b>	<b>33,934,207</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(9,768,667)	Includes ESL and deposits
- less non rate setting creditors and provisions	3,470,040	Cash Backed LSL, current loans and ESL
<b>Total Current Liabilities</b>	<b>(6,298,628)</b>	
<b>Nett Current Assets 31 March 2018</b>	<b>27,635,579</b>	
Nett Current Assets as Per Financial Activity Report	27,635,579	
Less Restricted Assets	(1,259,464)	Unspent grants held for specific purposes
Less Committed Assets	<b>(25,876,116)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

### **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 March 2018 as included in [Attachment 10](#) be received.***

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

### 13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

Nil.

#### 13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

#### 13.2 TENDER 04/2018 - CONSTRUCTION OF CENTENARY PARK PLAYGROUP PLAYSPACE

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 8 – Item 13.2 refers	<a href="#">Tender 04/2018 Evaluation Matrix</a>
Confidential Attachment 9 – Item 13.2 refers	<a href="#">Tender 04/2018 Price Schedule</a>

Voting Requirement : Simple Majority  
Subject Index : N/A  
Location/Property Index : N/A  
Application Index : 114/2018-04  
Disclosure of any Interest : Nil.  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Technical 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.*

*Item 13.2 Continued*

**PURPOSE OF REPORT**

To seek Council approval to award Tender 04/2018-Construction of Centenary Park Playgroup Playspace.

**SUMMARY AND KEY ISSUES**

This report outlines the tender process undertaken and puts forward a recommendation to award Tender 04/2018 in accordance with the requirements of the *Local Government Act 1995*.

The tender is for the construction of all hard and soft landscaping necessary for the installation of a new playground at Centenary Park. The tender does not include the purchase of the specialised purpose built, multi- functional play equipment.

**LOCATION**

Centenary Park, Corner Daly Street/Barker Street, Belmont.



**CONSULTATION**

Following the development of the initial playground design concept, consultation was undertaken with the Mothers' Groups and other relevant users of the Centenary Park Community Centre by the City's Parks and Environment Department to ensure that it would suit the needs of the user groups as well as the wider community.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Protect and enhance our natural environment.

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

**Corporate Key Action:** Operational activities which support predominantly this Public Opens Space Development Strategy.

*Item 13.2 Continued*

### **POLICY IMPLICATIONS**

In accordance with the 2017/2018 Delegated Authority Register Delegation DA04-Tenders, the Chief Executive Officer is authorised to accept tenders where there is a Council budget provision approved and the amount is under \$250,000 per annum.

As the tendered cost of the works exceeds the current budget provision the Chief Executive Officer is unable to authorise the purchase and accept the tender under the conditions of Delegation DA04 - Tenders.

BEXB28-Purchasing

#### **POLICY OBJECTIVE**

This policy aims to deliver a high level of accountability whilst providing a flexible, efficient and effective procurement framework.

### **STATUTORY ENVIRONMENT**

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states that “a local government is required to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services”.

### **BACKGROUND**

Following consultation with users of the Centenary Park Community Centre, in particular the Mothers Groups, the preferred playground items would feature elements that would encourage creative play and be in keeping with the natural feel of the location. A timber multi-unit playground centre was selected as best value for money. This unique, purpose built, multi- functional piece of play equipment is crafted from a highly durable timber (100% sustainably sourced Robinia) and is only available from Europe with an estimated delivery time of 20 - 25 weeks. The City has placed an order for this equipment to allow for the delivery time and although it will not arrive until the next financial year, early placement of the order was required.

Whilst this site is highly constrained with numerous underground services, its location and design offers a unique experience for the users of Centenary Park that is creative, visually appealing and safe and sets a new standard in junior play for the City.

An invitation to tender for the Construction of Centenary Park Playgroup Playspace was advertised in the West Australian on Saturday, 10 March 2018, closing on Tuesday, 27 March 2018 at 3pm.

Twenty five sets of tender documents were downloaded from the City's eTendering portal by prospective tenderers and five responses were received from:

- Donegan Enterprises Pty Ltd
- Earthcare Landscapes
- LD Total
- Ligna Construction
- Nature Playgrounds.



*Item 13.2 Continued*

**OFFICER COMMENT**

The Evaluation Committee consisted of the Coordinator Contracts and Tenders, Manager Parks and Environment and Parks Projects Coordinator.

The tenders were assessed on the same selection criteria included with the tenders, being:

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Company Profile	5%
2	Experience	15%
3	Company Capacity	15%
4	Methodology	10%
5	Safety	10%
6	Price	45%
	<b>TOTAL</b>	<b>100%</b>

The Evaluation Matrix (refer [Confidential Attachment 8](#)) details the scores awarded to the tenderers by the Evaluation Panel.

Donegan Enterprises are seen to offer the best value for money. They are a small, family owned business who have completed many projects for the City and currently have the contract for minor works required for the City's parks and playgrounds. The Evaluation Panel felt that Donegan Enterprises offered greater flexibility in their programming of the works at a competitive price. (refer [Confidential Attachment 9](#))

The tendered cost of the works exceeds the current available budget allocation; therefore the Chief Executive Officer is unable to authorise the purchase and accept the tender under the conditions of Delegation DA04 - Tenders.

**FINANCIAL IMPLICATIONS**

\$175,000 was allocated in the 2017-2018 Budget for the installation of a new playground at Centenary Park Community Centre. The preferred tenderer's price for the Construction of Centenary Park Playgroup Playspace is \$148,087.80. The early placement of the order for the purpose built play equipment for \$43,468.25 has reduced the available funds in the budget for the current financial year to \$131,531.75 leaving a shortfall of \$16,556.05.

Council approval is required to accept the tender over the current available budget allocation. Due to some on-site design changes at the McLarty Park playground installation project, resulting in savings, there will be sufficient funds available to compensate for this additional cost of the Centenary Park Playgroup Playspace within the 2017-2018 Budget.

The delay in equipment delivery will result in carry forward funds being required as part of the 2018-2019 Annual Budget consideration.

*Item 13.2 Continued*

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

The construction of the Centenary Park Playgroup Playspace will:

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

### **OFFICER RECOMMENDATION**

**ROSSI MOVED, SEKULLA SECONDED,**

***That Council:***

- 1. Accepts the tender submitted by Donegan Enterprises Pty Ltd for the Construction of Centenary Park Playgroup Playspace for the sum of \$148,087.80 excluding GST as the most advantageous; and***
- 2. Notes that any unspent funds at 30 June 2018 and a further allocation of \$16,556 for finalisation of the playground installation will be included in 2018-2019 Annual Budget considerations.***

**CARRIED 8 VOTES TO 0**

**14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**Note:**

Cr J Davis disclosed an indirect financial interest in Item 14.1 Belmont Sports and Recreation Club Inc. Financial Arrangements – Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2) (c)

Nature of Interest: Cr Davis is the Secretary of the Belmont Sports and Recreation Club

8.19pm Cr Davis departed the meeting.

**Note:**

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

8.20pm ***ROSSI MOVED, POWELL SECONDED, that in accordance with Section 5.23(2) of the Local Government Act 1995, the meeting proceed behind closed doors to discuss Confidential Item 14.1 - Belmont Sports and Recreation Club Inc. Financial Arrangements.***

**CARRIED 7 VOTES TO 0**

8.20pm Members of the public gallery departed the meeting.

**14.1 BELMONT SPORTS AND RECREATION CLUB INC. FINANCIAL ARRANGEMENTS – CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2) (c)**

**BUILT BELMONT**

<b><u>Attachment No.</u></b>	<b><u>Details</u></b>
Confidential Attachment 4 - Item 14.1 refers	<a href="#"><u>Report Item – Belmont Sports and Recreation Club Inc. Financial Arrangements – Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2) (c)</u></a>
Confidential Attachment 5 – Item 14.1 refers	<a href="#"><u>BSRC Letter Request Deferral of Loan</u></a>
Confidential Attachment 6 – Item 14.1 refers	<a href="#"><u>BSRC Audited Annual Financial Statements 30 June 2017</u></a>
Confidential Attachment 7 – Item 14.1 refers	<a href="#"><u>BSRC Interim Financial Statements 31 December 2017 (Unaudited)</u></a>

*Item 14.1 Continued*

**OFFICER RECOMMENDATION**

**ROSSI MOVED, SEKULLA SECONDED,**

***That Council:***

- 1. *Not support the Belmont Sports and Recreation Club's request to convert the City's interest free loan to a grant.***
- 2. *Authorise the Chief Executive Officer to defer the Belmont Sports and Recreation Club loan repayments until 31 October 2018, to be reviewed following receipt of the Club's audited Annual Financial Report to 30 June 2018, to be received by the City no later than 30 September 2018.***
- 3. *Notes that at the conclusion of the review of the Club's audited Annual Report to June 30 2018 a further report will be presented to Council for consideration.***
- 4. *Requests the Chief Executive Officer to notify the Belmont Sport and Recreation Club of points 1-3 above.***

**CARRIED BY ABSOLUTE MAJORITY 7 VOTES TO 0**

8.57pm **POWELL MOVED, WOLFF SECONDED,** *that the meeting again be open to the public.*

**CARRIED 7 VOTES TO 0**

8.57pm Cr Davis returned to the meeting.

8.57pm The meeting came out from behind closed doors.

**15. CLOSURE**

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 9pm.

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**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 24 April 2018 were confirmed as a true and accurate record at the Ordinary Council Meeting held 22 May 2018:

Signed by the Person Presiding:  \_\_\_\_\_

PRINT name of the Person Presiding: **PHILIP MARKS**

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