City of Belmont

ORDINARY COUNCIL MEETING

AMENDED AGENDA[1] [2]

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25 May 2021

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[1] The Agenda was amended on 17 May 2021 to include the Report for Item 12.7

[2] The Agenda was further amended on 21 May 2021 to include an Amended Officer Recommendation at Item 12.1.

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

1. OFFICIAL OPENING

The Presiding Member will read aloud the Acknowledgement of Country.

Before I begin I would like to acknowledge the Noongar Whadjuk people as the Traditional Owners of this land and pay my respects to Elders past, present and emerging. I further acknowledge their cultural heritage, beliefs, connection and relationship with this land which continues today.

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

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES AND LEAVE OF ABSENCE

Ms M Reid (Apology) Director Infrastructure Services

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

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

3.1 FINANCIAL INTERESTS

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

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

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

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

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

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

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

4.1 ANNOUNCEMENTS

4.2 DISCLAIMER

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Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

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

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 27 APRIL 2021 (Circulated under separate cover)

OFFICER RECOMMENDATION

That the Minutes of the Ordinary Council Meeting held on 27 April 2021 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 18 MAY 2021 (Circulated under separate cover)

OFFICER RECOMMENDATION

That the Matrix for the Agenda Briefing Forum held on 18 May 2021 as printed and circulated to all Councillors, be received and noted.

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

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

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

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

11. REPORTS OF COMMITTEES

12. REPORTS OF ADMINISTRATION

12.1 AMENDMENT NO. 18 TO LOCAL PLANNING SCHEME NO. 15 – MODIFYING THE USE CLASS PERMISSIBILITY OF 'MASSAGE PARLOUR' FROM 'X' TO 'D' WITHIN THE 'COMMERCIAL', 'SPECIAL DEVELOPMENT PRECINCT' AND 'TOWN CENTRE' ZONES, AND MODIFYING THE USE CLASS PERMISSIBILITY OF 'MEDICAL CENTRE' FROM 'X' TO 'D' WITHIN THE 'TOWN CENTRE' ZONE

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	**Land Subject to the Proposed Amendment**
Attachment 2 – Item 12.1 refers	**Proposed Modification to Table 1 – Zoning Table**

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/018 – Scheme Amendment 18 – Amendment to Zoning Table for Massage Parlour and Medical Centre
Location / Property Index	:	Various
Application Index		N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Nil
Applicant	:	Element Pty Ltd
Owner	:	Various
Responsible Division	:	Development and Communities Division

COUNCIL ROLE

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

Item 12.1 Continued

PURPOSE OF REPORT

For Council to consider initiating Scheme Amendment No. 18 to Local Planning Scheme No. 15 (LPS 15) for the purpose of:

- Amending the use class permissibility of 'Massage Parlour' from 'X' to 'D' within the 'Commercial', 'Special Development Precinct' and 'Town Centre' zone.

- Amending the use class permissibility of 'Medical Centre' from 'X' to 'D' within the 'Town Centre' zone.

SUMMARY AND KEY ISSUES

- 'Massage Parlour' is currently designated with an 'X' use class permissibility within the 'Commercial' 'Town Centre' and 'Special Development Precinct' zone of LPS 15. Medical Centre' is currently designated with an 'X' use class permissibility within the Town Centre zone of LPS 15. An 'X' use class permissibility means a use is not permitted by LPS 15 within that zone.

- A 'Massage Parlour' has been designated with an 'X' use class permissibility since 1999, with the gazettal of District Zoning Scheme No. 14 (DZS 14). A 'Medical Centre' has been a not permitted use since 1972.

- A 'Massage Parlour' is likely to provide services of a personal nature similar to a hairdresser or beauty therapist which would be classified as a 'Shop'. A 'Massage Parlour' may also offer remedial or sports massage services which would be reflective of a service similar to a 'Consulting Room' land use. Both 'Consulting Room' and 'Shop' are currently designated a 'D' use class permissibility within the City's activity centres. A 'D' use class permissibility means that a use class is not permitted unless the local government has exercised its discretion by granting development approval.

- A 'Massage Parlour' is designated as a land use and is unlikely to generate any nuisances which are detrimental to the amenity of an area, provided that the City has exercised its discretion in considering the context of a particular proposal prior to granting development approval.

- 'Medical Centre' is currently designated a 'D' use class permissibility within the City's neighbourhood and local activity centres but is prohibited with an 'X' use classification in the 'Town Centre' zone.

- The current 'X' use class permissibility for 'Medical Centre' and 'Massage Parlour' does not align with contemporary planning practices listed within State Planning Policy 4.2 – Activity Centres (SPP 4.2).

- It is recommended that the amendment is supported for the purpose of public advertising on the basis that:

  - The proposed modification of the 'Medical Centre' use class permissibility will provide clarity and consistency across activity centres.

  - The proposed use class permissibility promotes an increased mix of goods and services able to be offered within the City's activity centres.

  - Both 'Medical Centre' and 'Massage Parlour' are appropriate land uses to be located within activity centres.

Item 12.1 Continued

- It is recommended that Council initiate Amendment No. 18 to LPS 15 as a 'standard' amendment.

LOCATION

The subject amendment relates to:

- The Belmont Town Centre which is designated through a 'Town Centre' zoning.
- The City's Neighbourhood and Local activity centres, which are designated through the 'Commercial' and 'Special Development Precinct' zoning.

Each precinct subject to the amendment is detailed in Attachment 1.

CONSULTATION

No consultation has been undertaken on the proposed amendment at this point in time.

The *Planning and Development Act 2005* requires scheme amendments to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). The details of this statutory consultation process are outlined in the 'Statutory Environment' section of this report.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal: Liveable Belmont

Strategy:

1.2 Plan and deliver vibrant, attractive, safe and economically sustainable activity centres.

1.4 Attract public and private investment and businesses to our City and support the retention, growth and prosperity of our local businesses.

Goal: Responsible Belmont

Strategy:

5.5 Engage and consult the community in decision-making.

5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

5.7 Engage in strategic planning and implement innovative solutions to manage growth in our City.

Item 12.1 Continued

POLICY IMPLICATIONS

State Planning Policy 4.2 is responsible for guiding planning and development requirements of activity centres within the Perth and Peel region. State Planning Policy 4.2 designates an activity centre hierarchy across the Perth and Peel region, with Belmont Town Centre being the City's highest order activity centre as a 'Secondary Centre'. The City also contains a number of Neighbourhood and Local centres which are designated through the City's existing Commercial Strategy 2008.

State Planning Policy 4.2 seeks to facilitate a mix of land uses within activity centres, as well as setting out a range of typical retail land uses. Furthermore, SPP 4.2 seeks to facilitate the sustainability of activity centres through surrounding residential population, access to public transport and appropriate built form controls.

The subject amendment will examine the intent of SPP 4.2 when considering the appropriateness of proposed modifications to the use class permissibility of 'Massage Parlour' and 'Medical Centre'.

STATUTORY ENVIRONMENT

Local Planning Scheme Amendments

Section 75 of the *Planning and Development Act 2005* provides for an amendment to be made to a local planning scheme. The procedures for amending a local planning scheme are set out within Part 5 of the Regulations.

The Regulations specify three different types of scheme amendments, being 'basic', 'standard' and 'complex'. The main differences between the amendment classifications are the differing advertising requirements, with a 'basic' amendment not having any advertising requirement unless otherwise required by the Western Australian Planning Commission (WAPC). Clause 35(2) of the Regulations requires a resolution of the local government specifying the type of amendment and the reasons for the classification.

Irrespective of the classification of the amendment, where a responsible authority (being the local government) has resolved to amend a scheme, it shall be forwarded to the Environmental Protection Authority (EPA) to determine whether the amendment requires an environmental assessment. Where no environmental assessment is required, the responsible authority shall advertise the amendment for a period of 42 days, by way of:

- Publishing a notice in a newspaper circulating in the Scheme area.
- Displaying a copy of the notice in the offices of the local government for the period of making submissions set out in the notice.
- Giving a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment.
- Publishing a copy of the notice and the amendment on the website of the local government.
- Advertising the amendment as directed by the WAPC and in any other way the local government considers appropriate.

Item 12.1 Continued

After the conclusion of the advertising period, Council is required to consider the submissions and pass a resolution to either support the amendment, with or without modification, or not support the amendment. After passing a resolution, the amendment is to be forwarded to the WAPC to review and provide a recommendation to the Minister for Planning.

BACKGROUND

Proposed Amendment

Amendment No. 18 to LPS 15 proposes to modify the Zoning Table in the following manner:

- Amending the use class permissibility of 'Massage Parlour' from 'X' to 'D' within the 'Commercial', 'Special Development Precinct' and 'Town Centre' zones.

- Amending the use class permissibility of 'Medical Centre' from 'X' to 'D' within the 'Town Centre' zone.

The current Zoning Table within LPS 15 can be seen below in Figure 1.

	ZONES									
USE CLASSES	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Industry - Noxious	X	X	X	X	X	A	X	X	X	X
Industry - Service	X	X	X	D	D	D	X	X	X	X
Laundromat	X	P	D	D	D	D	X	X	X	X
Liquor Store – Small	X	A	D	A	X	X	X	A	X	A
Liquor Store – Large	X	A	A	X	A	X	X	X	X	X
Logistics Centre	X	X	X	X	A	D	X	X	X	X
Lunch Bar	X	P	D	D	D	D	X	X	X	D
Massage Parlour	X	X	X	A	D	D	X	X	X	X
Medical Centre	X	X	D	D	D	D	X	X	X	A
Mining Operations	X	X	X	X	X	X	X	X	X	X

Figure 1: Current Table 1- Zoning Table (Source: Local Planning Scheme No. 15)

Land Use Definition and Use Class Permissibility

Massage Parlour

The 'Massage Parlour' land use was originally included within the Zoning Table of DZS 14, which operated between 1999 and 2011, as a not permitted 'X' use class in the 'Commercial', 'Special Development Precinct' and 'Town Centre' zones. Despite being listed within the Zoning Table, 'Massage Parlour' was not defined in DZS 14.

The adoption of LPS 15 introduced the following land use definition for 'Massage Parlour':

> *'a use of land involving the massaging manipulation or other treatment of body parts for therapeutic or remedial massage, of a kind generally administered in association with medical treatment. The term does not include the provision of any sexual services.'*

Item 12.1 Continued

The 'X' use classification remained within all three zones through the adoption of LPS 15.

Medical Centre

The 'Medical Centre' land use has been defined within the City's planning framework since at least 1972. Since this time a 'Medical Centre' has been included with differing land use definitions and use class permissibility's in Town Planning Scheme No. 11 (TPS 11), DZS 14 and LPS 15. Town Planning Scheme No. 11 operated between 1972 and 1999, DZS 14 operated between 1999 and 2011, while LPS 15 has been operational since 2011. A breakdown of the 'Medical Centre' land use definition and use class permissibility within each of the abovementioned schemes is listed below:

Town Planning Scheme No. 11

Town Planning Scheme No. 11 defined a 'Medical Centre' as:

> *'a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists'.*

Despite being defined, no use class permissibility was listed within the Zoning Table. In accordance with Clause 3.2.2 of TPS 11 this meant that a 'Medical Centre' was not permitted within the 'Town Centre' zone.

District Zoning Scheme No. 14

District Zoning Scheme No. 14 defined a 'Medical Centre' as:

> *'A building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned under the interpretations of consulting rooms but also for ancillary services provided by chiropractors, masseurs, paramedicals, pharmacists, pathologists and radiologists provided that the predominant use to which those services are ancillary is carried out on the same premises'.*

'Medical Centre' was included in DZS 14 with a not permitted 'X' use classification in the 'Town Centre' zone.

Local Planning Scheme No. 15

Within LPS 15, Medical Centre has had two different land use definitions with the originally gazetted definition (2011 – 2016) being amended following the gazettal of the Regulations. 'Medical Centre' was originally defined as:

> *'premises, other than a hospital' used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling)'.*

Scheme Amendment No. 7 saw the land use definition amended to be in accordance with the Regulations, and now currently reads as:

> *'premises other than a hospital used by three or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care'.*

Item 12.1 Continued

Local Planning Scheme No. 15 has seen a consistent not permitted 'X' use classification applied for 'Medical Centre' since its gazettal.

OFFICER COMMENT

In considering whether to initiate Amendment No. 18 to LPS 15, Council should have regard to the following:

- The appropriateness of the use class permissibility of 'Massage Parlour' within the 'Commercial', 'Special Development Precinct' and 'Town Centre' zones of LPS 15.

- The appropriateness of the use class permissibility of 'Medical Centre' within the 'Town Centre' zone of LPS 15.

These points are discussed in detail below.

Massage Parlour

A 'Massage Parlour' was likely introduced into the local planning framework in order to explicitly restrict provision of sexual services. As a result, there is merit in maintaining the existing 'Massage Parlour' land use definition within LPS 15.

A 'Massage Parlour' land use is currently permitted within the 'Mixed Business' and 'Mixed Use' zones, where the City has exercised its discretion through the granting of development approval. The intent of these zones is to provide for a mix of land uses that will not generate nuisances detrimental to the amenity of the district. The use class permissibility associated with these zones determines that a 'Massage Parlour' is an appropriate commercial land use and one that is unlikely to negatively impact upon amenity.

A 'Massage Parlour' is likely to operate in a similar nature to a 'Consulting Room' or 'Shop' (which are both designated as discretionary 'D' use classes within the City's activity centres). Despite offering services of a similar personal nature, a 'Massage Parlour' is currently not permitted within the City's activity centres.

State Planning Policy 4.2 states that activity centres should provide for a mix of land uses and lists both 'Consulting Room' and 'Shop' as appropriate land uses. Considering this, a 'Massage Parlour' could also be considered an appropriate land use within activity centres, particularly given the explicit restriction of sexual services within the land use definition. Modification of the current 'X' use class permissibility will see an increase in the potential land use mix and align with contemporary planning principles listed within SPP 4.2.

When considering the above, a massage parlour is unlikely to have a negative impact upon the current and future operation of the City's activity centres. In addition, massage parlours are unlikely to produce any greater impact than a 'Consulting Room' or 'Shop'.

Land zoned 'Special Development Precinct' within the City is accompanied by a precinct specific local planning policy (LPP). Each LPP contains controls in order to guide development. The LPP's for the Ascot Waters, Belgravia Estate, Belvidere Street and The Springs precincts designate appropriate locations for commercial land uses, thereby ensuring that proposed land use mix does not result in a detrimental impact on the amenity of an area. It should be noted that the Invercloy Estate LPP envisages solely residential land uses.

Item 12.1 Continued

On this basis, it is considered appropriate to amend the use class permissibility of 'Massage Parlour' within the 'Commercial', 'Special Development Precinct' and 'Town Centre' zones from 'X' to 'D' (Attachment 2).

Medical Centre

Medical centres provide a high level of service for the surrounding community, allowing convenient access to health care. In addition, they can also produce high levels of activity, which is beneficial for the viability of an activity centre.

The existing 'X' use classification does not align with current contemporary planning practices. State Planning Policy 4.2 states that a medical centre is an acceptable land use for activity centres, as well as designating that activity centres should include a mix of land uses.

In addition, the 'Commercial' and 'Special Development Precinct' zones in LPS 15 designate 'Medical Centre' with a 'D' use class permissibility. The 'Commercial' and 'Special Development Precinct' zones contain the City's neighbourhood and local activity centres, demonstrating that a 'Medical Centre' should also be an appropriate land use within the Town Centre zone.

The proposed amendment will allow for an increase in the range of services provided within the Belmont Town Centre and allow for greater alignment with contemporary planning principles. The proposed amendment will also create greater consistency with the use class permissibility currently listed for other activity centres within the City.

It should also be noted that significant land area remains available for future retail commercial development (which is sufficient to meet future demand). The inclusion of 'Medical Centre' with a 'D' use class permissibility is unlikely to have a negative impact on the ongoing viability of Belmont Town Centre.

Considering the above, a 'Medical Centre' land use is appropriate within the Town Centre zone. It is therefore proposed that Table 1 of LPS 15 is amended to reflect 'Medical Centre' as a 'D' use in the 'Town Centre' zone (Attachment 2).

Amendment Type

The Regulations specify three different types of Scheme amendments, being 'basic', 'standard' and 'complex'. Clause 35(2) of the Regulations requires a resolution of the local government specifying the type of amendment and the reasons for the classification.

A standard amendment is identified by the Regulations as meaning:

> *"(a) An amendment relating to a zone or reserve that is consistent with the objectives identified in the Scheme for that zone or reserve.*
>
> *(b) An amendment that is consistent with a local planning strategy for the Scheme that has been endorsed by the Commission.*
>
> *(c) An amendment to the Scheme so that it is consistent with a Region Planning Scheme that applies to the Scheme area, other than an amendment that is a basic amendment.*

Item 12.1 Continued

(d) An amendment to the Scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the Scheme for the land to which the amendment relates if the Scheme does not currently include zones of all the types that are outlined in the plan.

(e) An amendment that would have minimal impact on land in the Scheme area that is not the subject of the amendment.

(f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area.

(g) Any other amendment that is not a complex or basic amendment."

The proposed amendment is considered to be a 'standard' amendment for the following reasons:

i. The proposed amendment relates to the 'Commercial', 'Special Development Precinct' and 'Town Centre' zones and is consistent with the objectives of these zones under LPS 15.

ii. The proposed amendment will only apply to land zoned 'Commercial' 'Special Development Precinct' and 'Town Centre' and will have no impact on land in the scheme area not the subject of this amendment.

iii. The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

iv. The proposed amendment will facilitate a greater mix of land uses within the City of Belmont's activity centres, in accordance with SPP 4.2.

Conclusion

The proposed amendment is seeking to allow an increase in the number of land uses within the City's activity centres. Both 'Massage Parlour' and 'Medical Centre' are considered to be appropriate land uses for an activity centre.

The proposed amendment will provide consistency across activity centres and align with contemporary planning practice, as outlined by SPP 4.2. It is recommended that Council initiate Amendment No. 18 for advertising following approval from the WAPC.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

Item 12.1 Continued

SOCIAL IMPLICATIONS

It is considered that the amendment will assist in delivering vibrant, attractive, safe and economically sustainable activity centres, attract public and private investment and businesses to our City and support the retention, growth and prosperity of our local businesses.

OFFICER RECOMMENDATION

That Council:

A Pursuant to Section 75 of the *Planning and Development Act 2005*, adopts for the purpose of advertising the following amendment to Local Planning Scheme No. 15:

(i) Amending the Zoning Table to reflect a 'D' use class permissibility for 'Massage Parlour' within the 'Commercial', Special Development Precinct' and 'Town Centre' zones.

(ii) Amending the Zoning Table to reflect a 'D' use class permissibility for 'Medical Centre' within the 'Town Centre' zone.

B Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No. 18 to Local Planning Scheme No. 15 is a 'standard' amendment, for the following reasons:

(i) The proposed amendment relates to the 'Commercial', 'Special Development Precinct' and 'Town Centre' zones and is consistent with the objectives of these zones under LPS 15.

(ii) The proposed amendment will only apply to land zoned 'Commercial' 'Special Development Precinct' and 'Town Centre' and will have no impact on land in the scheme area not the subject of this amendment.

(iii) The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

(iv) The proposed amendment will facilitate a greater mix of land uses within the City of Belmont's activity centres, in accordance with SPP 4.2.

C Forwards Amendment No. 18 to Local Planning Scheme No. 15 to the Environmental Protection Authority for comment, pursuant to Section 81 of the *Planning and Development Act 2005*, and subject to no objection being received form the Environmental Protection Authority, advertise the amendment for public comment for a period of 42 days in accordance with Clause 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Officer Explanation

Further to questions raised at the 18th May 2021 Agenda Briefing Forum, it is now recommended that a 'Massage Parlour' land use is not considered appropriate in a Special Development Precinct characterised by residential development, but can be contemplated in the Belvidere Main Street Special Development Precinct which is characterised by commercial land uses.

Item 12.1 Continued

AMENDED OFFICER RECOMMENDATION

That Council:

A. Pursuant to Section 75 of the *Planning and Development Act 2005*, adopts for the purpose of advertising the following amendment to Local Planning Scheme No. 15:

i. Amending the Zoning Table to reflect a 'D' use class permissibility for 'Massage Parlour' within the 'Commercial' and 'Town Centre' zones.

ii. Amending 'Additional Use No. 20' to introduce the 'Massage Parlour' land use.

iii. Amending the Zoning Table to reflect a 'D' use class permissibility for 'Medical Centre' within the 'Town Centre' zone.

B. Pursuant to Clause 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No. 18 to Local Planning Scheme No. 15 is a 'standard' amendment, for the following reasons:

i. The proposed amendment relates to the 'Commercial' and 'Town Centre' zones and is consistent with the objectives of these zones under LPS 15.

ii. The proposed amendment applies to the 'Commercial' and 'Town Centre' zones, and land designated by 'Additional Use No. 20' and will have no impact on land in the scheme area not the subject of this amendment.

iii. The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

iv. The proposed amendment will facilitate a greater mix of land uses within the City of Belmont's activity centres, in accordance with SPP 4.2.

C. Forwards Amendment No. 18 to Local Planning Scheme No. 15 to the Environmental Protection Authority for comment, pursuant to Section 81 of the *Planning and Development Act 2005*, and subject to no objection being received form the Environmental Protection Authority, advertise the amendment for public comment for a period of 42 days in accordance with Clause 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

12.2 Q10/2021 – Supply and Laying of Asphalt Road Surfacing

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.2 refers	**Evaluation Matrix (Confidential Matter in Accordance with *Local Government Act 1995* Section 5.23(2)(c)(e))**
Confidential Attachment 2 – Item 12.2 refers	**Price Schedule (Confidential Matter in Accordance with *Local Government Act 1995* Section 5.23(2)(c)(e))**
Confidential Attachment 3 – Item 12.2 refers	**Cost Comparison (Confidential Matter in Accordance with *Local Government Act 1995* Section 5.23(2)(c)(e))**

Voting Requirement	:	Simple Majority
Subject Index	:	135/2021-10
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	:	Infrastructure Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award Quotation Q10/2021 – Supply and Laying of Asphalt Road Surfacing.

Item 12.2 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite quotations and evaluate the responses received.

The contract is for the supply and laying of hot asphalt road surfacing in accordance with the Institute of Public Works Engineering Australasia (IPWEA)/Australian Asphalt Pavement Association (AAPA) Asphalt Specification.

The contract period is for three years.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 5: Responsible Belmont.

Strategy:

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

POLICY IMPLICATIONS

BEXB7.1–Purchasing

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states:

'3.57. Tenders for providing goods or services

(1) 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.

(2) Regulations may make provision about tenders.'

and

The *Local Government (Functions and General) Regulations 1996* Regulation 11(2)(b) which states:

Item 12.2 Continued

'11. When tenders have to be publicly invited

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

(aa) the supply of the goods or services is associated with a state of emergency; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or ..'

BACKGROUND

Under the *Local Government (Functions and General) Regulations 1996,* Regulation 11(2)(b), tenders are not required to be publicly invited if the supply of the services is to be obtained through the West Australian Local Government Association (WALGA) Preferred Supplier Program. WALGA has established a panel for Roads Infrastructure and Depot Services. Five panel members were invited to provide a quote and three responses were received from:

- Asphaltech Pty Ltd
- Downer Infrastructure
- Fulton Hogan Industries Pty Ltd.

OFFICER COMMENT

The Evaluation Panel consisted of the Coordinator Works, Supervisor Construction and Coordinator Procurement.

The responses received were assessed (refer Confidential Attachment 1) on the same selection criteria included with the invitation to quote, being:

	CRITERIA	**WEIGHTING**
1	Company Profile	10%
2	Experience	15%
3	Company Capacity	15%
4	Methodology	15%
5	Safety	10%
6	Price	35%
	TOTAL	**100%**

Asphaltech is a Western Australian owned civil engineering company that specialises in asphalt surfacing. They have been operating since 1994 and operate their own asphalt plant, laboratory and workshop in addition to their construction division. Asphaltech have demonstrated that they have local government experience and the capacity to meet the City's requirements.

Item 12.2 Continued

FINANCIAL IMPLICATIONS

Confidential Attachment 2 – Price Schedule details the rates submitted while Confidential Attachment 3 – Cost Comparison provides a comparison of costs based on previous works. The cost comparison shows that while overall the rates tendered by all respondents are cheaper than the current rates, Asphaltech will provide the greatest savings.

Expenditure using this contract is budgeted for within specific capital projects that require asphalt, principally but not limited to roads. There is also an allowance within the road maintenance budget for minor repairs that require asphalt.

ENVIRONMENTAL IMPLICATIONS

The methodology submitted by Asphaltech shows their commitment to developing sustainable products and to minimising their carbon footprint through waste management and advanced production technologies.

Asphaltech have also included details of an asphalt mix that uses a high percentage of recycled materials which can potentially be used in some locations if assessed as suitable.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council awards quotation Q10/2021 – Supply and Laying of Asphalt Road Surfacing to Asphaltech Pty Ltd in accordance with the schedule of rates submitted (refer Confidential Attachment 2) for a period of three years commencing 1 July 2021.

12.3 Q07/2021 – PROVISION OF WASTE MANAGEMENT FACILITIES

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 4 – Item 12.3 refers	**Evaluation Matrix (Confidential Matter in Accordance with *Local Government Act 1995* Section 5.23(2)(c)(e))**
Confidential Attachment 5 – Item 12.3 refers	**Price Schedule (Confidential Matter in Accordance with *Local Government Act 1995* Section 5.23(2)(c)(e))**

Voting Requirement	:	Simple Majority
Subject Index	:	135/2021-07
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	:	Infrastructure Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award Quotation Q07/2021 – Provision of Waste Management Facilities.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite quotations and evaluate the responses received.
The scope of works includes:

(a) Disposal of waste to landfill from the kerb side collection service including public litter bins.
(b) Disposal of residual waste from the kerb side recycling collection service.
(c) Disposal of residual waste from the hard waste bulk bin service.
(d) Processing of green waste from the bulk collection service.
(e) The responsible recovery and recycling of various bulk items collected from the On Demand service.
(f) Processing of Food Organics and Garden Organics (FOGO) from a kerb side collection service.

The contract period is two years for landfill and green waste disposal and one year for FOGO processing.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 3: Natural Belmont.

Strategy:

3.3 Keep our City clean.

3.5 Promote energy and water efficiency, renewable energy sources, and reduce emissions and waste.

POLICY IMPLICATIONS

BEXB7.1–Purchasing

Item 12.3 Continued

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government Act 1995*, in particular Section 3.57 which states:

'3.57. Tenders for providing goods or services

(1) 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.

(2) Regulations may make provision about tenders.'

and
The *Local Government (Functions and General) Regulations 1996* Regulation 11(2)(b) which states:

'11. When tenders have to be publicly invited

(2) Tenders do not have to be publicly invited according to the requirements of this Division if —

(a) the supply of the goods or services is to be obtained from expenditure authorised in an emergency under section 6.8(1)(c) of the Act; or

(aa) the supply of the goods or services is associated with a state of emergency; or

(b) the supply of the goods or services is to be obtained through the WALGA Preferred Supplier Program; or ..'

BACKGROUND

The release of the State Government Waste Avoidance and Resource Recovery Strategy 2030 (WARR Strategy) forecast fundamental changes to how the City was to undertake waste management practices into the future by preparing a Waste Plan.

The City's Waste Plan was endorsed by Council at its Ordinary Council meeting on 24 November 2020.

The WARR Strategy contains targets for the reduction of waste generated per capita and also targets for the recovery of resources from the waste generated by 2025.

With this in mind and in conjunction with ongoing service delivery reviews, the City invited quotations from suitably qualified suppliers to potentially accelerate progress towards the recovery targets and to compare rates of disposal with those currently paid to the Eastern Metropolitan Regional Council (EMRC).

Under the *Local Government (Functions and General) Regulations 1996* Regulation 11(2)(b), tenders are not required to be publicly invited if the supply of the services is to be obtained through the West Australian Local Government Association (WALGA) Preferred Supplier Program. WALGA has established a panel for Waste Collection Goods & Services. The following panel members were invited to provide a quote:

- Cleanaway
- Southern Metropolitan Regional Council (SMRC)
- SUEZ Recycling & Recover Pty Ltd (SUEZ).

All three submitted a response.

Item 12.3 Continued

OFFICER COMMENT

The Evaluation Panel consisted of the Manager Works, Coordinator Works and Coordinator Procurement.

The responses received were assessed on the same selection criteria included with the invitation to quote, being:

	CRITERIA	WEIGHTING
1	Experience	10%
2	Company Capacity	10%
3	Environment	20%
4	Value Adding	10%
5	Safety	10%
6	Price	40%
	TOTAL	**100%**

The scope of works was divided into three separable portions:

- Part 1 - Waste Disposal to Landfill
- Part 2 - FOGO
- Part 3 - Green Waste Processing and Recovery.

Cleanaway and SUEZ submitted prices for all three parts while SMRC only responded to the FOGO and Green Waste processing.

In evaluating the responses, the Evaluation Panel assessed Part 1 and scored Cleanaway and SUEZ. They also undertook a separate assessment for Parts 2 and 3, including SMRC in this assessment. Confidential Attachment 4 – Evaluation Matrix sets out the scores awarded by the Evaluation Panel for each part.

SUEZ demonstrated that they have the capacity to process the City's waste with a landfill site in North Bannister, a transfer station in Welshpool with a backup site in Bibra Lake and an organics transfer station also in Bibra Lake. They also offered relevant 'value adds' that would be of benefit to the City.

The cost for the processing of FOGO is related to the level of contamination in the material and all three respondents provided variable rates.

It is expected that despite an extensive community education plan prior to the rollout of the three bin kerbside collection, contamination will be higher than desired in the first year. Ongoing education, monitoring and communication should reduce contamination into future years.

Contamination within the FOGO material in the initial year is expected to be between 8%–15%. SUEZ has submitted two fixed rates for processing that allows for this, providing a more economical outcome and reducing the financial risk. In addition, any loads having a level of contamination considered to be not worthy of processing, can be diverted to landfill within the same site.

Table 6 in the Price Schedule (refer Confidential Attachment 5) shows the annual cost to process 4,898t of FOGO material based on the rates provided by each respondent with respect to the level of contamination.

Item 12.3 Continued

FINANCIAL IMPLICATIONS

Confidential Attachment 5 – Price Schedule details the rates submitted and provides a comparison of costs based on estimated tonnages.

This contract was offered in three separable parts to maximise the financial benefit to the City.

SUEZ has made a submission that provides the most advantageous outcome for Separable Parts 1 and 2 of the contract.

In relation to Separable Part 3, the difference in cost between the lowest submission and SUEZ equates to $4,860 per annum. This component of the contract equates to approximately 0.18% of the overall contract value in the first year and is considered a minor part of the contract. With reporting requirements associated with waste management, the City believes improved outcomes and contract management efficiencies would be achieved by also awarding this portion of the contract to SUEZ.

The dry bulk green waste is also beneficial in the processing of FOGO to balance the dense material from the kerbside collection to produce a high quality end product.

SUEZ will make the resulting AS 4454-certified soil conditioner available from their Welshpool Resource Recovery Park at a discounted rate per cubic metre or in $1m^3$ bulk bags. This will support the circular economy and enable the City to provide a market for its recovered and recycled material.

The annual sanitation budget for the coming year is based on the forecast total expenditure for all waste services provided by the City including collection, disposal or processing.

ENVIRONMENTAL IMPLICATIONS

This contract allows for the disposal of some waste to landfill in the second year. However, when the East Rockingham Waste to Energy plant begins operation in the first quarter of 2022-2023, the volume of waste to landfill will reduce significantly.

The awarding of this contract prepares the City to accelerate its introduction of the FOGO resource collection system allowing earlier than anticipated progress towards achieving recovery targets set within the City's Waste Plan.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council awards quotation Q07/2021 – Provision of Waste Management Facilities to SUEZ Recycling & Recovery Pty Ltd for all three separable parts in accordance with the schedule of rates submitted (refer Confidential Attachment 5) for a period of two years for separable Parts 1 and 2 commencing 1 July 2021 and one year for separable Part 3 commencing 1 July 2022.

12.4 REQUEST FOR RATE EXEMPTION – SALVATION ARMY WA PROPERTY TRUST 96-98 NORWOOD ROAD, RIVERVALE

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	96-98 Norwood Road, Rivervale
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Salvation Army WA Property Trust
Owner	:	Salvation Army WA Property Trust
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider a request for rates exemption.

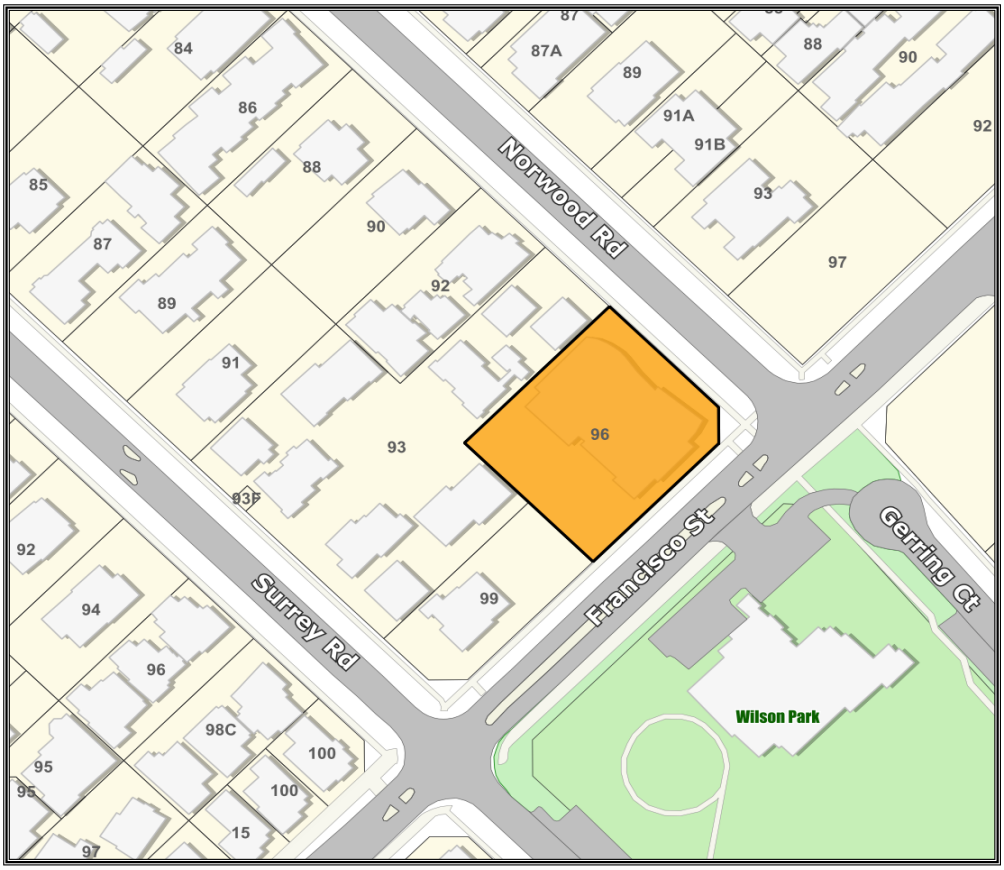
SUMMARY AND KEY ISSUES

- The Salvation Army WA Property Trust is a worldwide Christian Church that have requested a rates exemption for their property known as 96-98 Norwood Road, Rivervale.
- The property is used as a church/office by various Church groups and for associated community engagement programs.
- It is recommended that Council endorse the rate exemption.

Item 12.4 Continued

LOCATION

Lot 1 on Diagram 48352 known as 96-98 Norwood Road, Rivervale



CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 - 2040 Strategic Community Plan:

Goal 5: Responsible Belmont

Strategy: Manage the City's assets and financial resources in a responsible manner and provide the best possible services for the Community.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.4 Continued

STATUTORY ENVIRONMENT

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

'6.26. Rateable land

(1) Except as provided in this section all land within a district is rateable land.

(2) The following land is not rateable land — ..

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and ..'

'6.53. 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.'

'6.76. Grounds of objection

(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 —

(i) with respect to the identity of the owner or occupier of any land; or

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

or

(b) if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted.

(2) An objection under subsection (1) is to —

(a) be made to the local government in writing within 42 days of the service of a rate notice under section 6.41; and

(b) identify the relevant land; and

(c) set out fully and in detail the grounds of objection.

(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.'

Item 12.4 Continued

BACKGROUND

The Salvation Army WA Property Trust previously had rate exemption status on this property until December 2015 when the hall was closed and therefore the exemption was no longer applicable.

The Salvation Army WA Property Trust have reapplied for a rate exemption due to the property again being used since December 2019 for religious and charitable services.

The property is currently used by the following groups -

- The Salvation Army – Urban Mission movement – 12-month leadership development training programme. Also use office and have fortnightly gatherings.
- Collective Hope – Run an array of community engagement programs including recovery college – Weekly Church service and use of small office space.
- Harvest Community Church – weekly Church service and run small groups during the week at various times also use office space.
- Mount Zion Indigenous Church – weekly Church service and a small group meeting during the week.

OFFICER COMMENT

The following documentation has been provided:

- An application for Rate exemption from the Best Practices Guidelines (Western Australian Local Government Association approved documentation)
- Statutory Declaration confirming the use of the property
- Deed of Constitution
- Notice of Endorsement for Charity Tax Concessions with the Australian Taxation Office.

Planning approval was granted in 1998 and the building was approved in 1999 for the use as a Church/Hall.

Due to the building not being used for quite a few years, there has also been an up to date Public Buildings Inspection carried out by the City.

FINANCIAL IMPLICATIONS

Section 6.26(2)(d) of the *Local Government Act 1995* states land used or held exclusively by a religious body as a place of public worship or in relation to that worship is not rateable land. Section 6.53 of the *Local Government Act 1995* defines when during a financial year the land is deemed rateable compared to non-rateable.

The property has a Gross Rental Value (GRV) of $61,000 and is rated commercial. If the request for exemption is approved, the 2020-2021 financial year loss of revenue to the City will be $4,225.53.

Item 12.4 Continued

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council endorse the rate exemption for the property known as 96-98 Norwood Road, Rivervale under section 6.26 (2)(d) and Section 6.53 of the *Local Government Act 1995* effective from 1 July 2020.

12.5 ACCOUNTS FOR PAYMENT – APRIL 2021

ATTACHMENT DETAILS

Attachment No	Details
Attachment 3 – Item 12.5 refers	**Accounts for Payment – April 2021**

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

LOCATION

Not applicable.

Item 12.5 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	788653 to 788665	$28,066.68
Municipal Fund EFTs	EF072609 to EF073088	$5,076,042.01
Municipal Fund Payroll	April 2021	$1,512,136.15
Trust Fund EFTs	EF072618 to EF072619	$15,540.25
Total Payments for April 2021		**$6,631,785.09**

A copy of the Authorised Payment Listing is included as Attachment 3 to this report.

Item 12.5 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 April 2021 as provided under Attachment 3 be received.

12.6 MONTHLY ACTIVITY STATEMENT AS AT 30 APRIL 2021

ATTACHMENT DETAILS

Attachment No	Details
Attachment 4 – Item 12.6 refers	**Monthly Activity Statement as at 30 April 2021**

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

LOCATION

Not applicable.

Item 12.6 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires that financial statements are presented on a monthly basis to Council. Council has adopted 10% of the budgeted closing balance as the materiality threshold.

OFFICER COMMENT

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

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

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

Item 12.6 Continued

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 %.*

In order to provide more details regarding significant variations as included in Attachment 4 the following summary is provided.

Report Section	*Budget YTD*	*Actual YTD*	*Comment*
Expenditure - Capital			
Computing	560,420	409,428	A number of IT projects are under review and likely to be deferred to 2021-2022.
Environment	252,093	124,876	A number of foreshore design projects are behind budget.
Belmont Oasis	122,813	70,266	Relates to the purchase of gym and pool equipment with some items below the capitalisation threshold and transferred to operating.
Ruth Faulkner Library	304,857	188,080	The purchase of furniture for Belmont Hub is likely to be under budget with total costs less than anticipated.
Grounds Operations	1,644,291	1,007,107	Variance relates to a number of projects with Brearley Ave and Faulkner Park irrigation and Peachey Park and Volcano Playground renewals being the more significant. It's expected all jobs will be finalised this year with the exception of one job to be carried forward.
Road Works	4,214,997	3,466,080	It's expected all jobs will be finalised this year with the exception of one job to be carried forward.
Footpath Works	679,216	368,527	It's expected all jobs will be finalised this year with the exception of one job to be carried forward.
Building Operations	2,462,670	2,059,380	Primarily due to renewal works at the Oasis that are expected to be completed in early 2021-2022.
Expenditure – Operating			
Marketing & Communications (General Admin.)	1,792,649	1,545,790	Variance mainly relates to employee and printing costs.
Executive Services	1,130,628	1,076,042	Variance mainly relates to employee costs.
Chief Executive Officer	631,908	569,036	Variance relates to employee and training costs that are below the budget projection.
Human Resources	1,105,231	1,024,743	Variance mainly relates to legal and consulting costs.

Item 12.6 Continued

Report Section	*Budget YTD*	*Actual YTD*	*Comment*
Governance	2,860,096	2,510,486	Activity Based Costing (ABC) allocations are the primary reason for the variance.
Belmont Trust	90,000	2,789	Variance mainly relates to legal and consulting costs.
City Facilities & Property	808,127	698,838	Variance mainly relates to employee costs.
Rangers	801,652	734,040	Relates to a number of items that have minor cost variances.
Health	1,144,562	1,092,599	Relates to a number of items that have minor cost variances.
Engagement Strategies	1,410,230	1,177,176	Variance mainly relates to employee costs and a number of other minor cost variations.
Town Planning	2,506,349	2,350,941	Variance mainly relates to employee costs and ABC's.
Sanitation Charges	4,549,982	4,635,793	Variance relates to a minor budget spread issue.
Marketing & Communications (Events)	706,635	444,512	Budget spread issue regarding the events.
Donations and Grants	323,333	263,713	Variance will be reduced following the final round of the Community Contribution Fund.
Ruth Faulkner Library	2,680,709	2,424,276	Relates to operational costs associated with the final fit-out as well as other minor cost variances.
Community Place Making	193,683	82,934	Variance largely relates to public art projects.
Building - Active Reserves	588,567	485,271	Primarily under budget due to contractors which are generally paid one month in arrears
Grounds Operations	4,560,415	4,426,268	Employee and contractor costs are below budget with invoices outstanding.
Grounds - Active Reserves	1,157,090	1,061,170	Plant and other maintenance costs currently below budget.
Footpath Works	202,198	137,651	Maintenance is on an as reported or observed basis and currently all requests have been completed.
Drainage Works	277,706	212,636	Maintenance to the system in Belmont Ave/Kew St has been scheduled otherwise all requests have been completed.
Operations Centre	633,774	714,266	Relates to a number of items that have minor cost variances.
Building Operations	1,037,184	925,970	General maintenance costs are below budget.
Plant Operating Costs	771,408	695,275	Employee related and fuel costs are below budget.
Technical Services	2,254,405	2,093,997	Variance mainly relates to employee costs.
Revenue - Capital			

Item 12.6 Continued

Report Section	*Budget YTD*	*Actual YTD*	*Comment*
Town Planning	(61,249)	(247,141)	Variance relates to the receipt of a development contribution payable to Landcorp.
Grounds Operations	(210,245)	Nil	Budget relates to Brearley Ave. irrigation works that are also under budget.
Road Works	(630,104)	(513,272)	Budget timing issue regarding receipt of grant funding.
Operations Centre	(475,413)	(60,364)	Budget timing issue regarding plant replacement.
Revenue - Operating			
Finance Department	(1,818,305)	(1,711,572)	ABC recoveries are below budget.
Computing	(2,257,318)	(2,181,157)	ABC recoveries are below budget.
Reimbursements	(220,968)	(168,380)	Variance is offset by reimbursable expenses.
Human Resources	(1,110,702)	(1,024,742)	ABC recoveries are below budget.
Accommodation Costs	(448,114)	(379,425)	ABC recoveries are below budget.
Rates	(50,380,243)	(50,751,693)	Interim rates have been better than expected.
City Facilities & Property	(889,345)	(818,015)	Nil impact with variance relating to internal cost recoveries.
Financing Activities	(764,078)	(433,895)	Monthly variances are expected due to the timing of term deposits maturing.
Town Planning	(1,057,912)	(955,059)	ABC recoveries are below budget.
Public Facilities Operations	(145,126)	(208,602)	Income from facility hire is better than expected.
Grounds Operations	(26,088)	(152,846)	Reimbursement for recovery type costs regarding a storm event that occurred in the prior year.
Streetscapes	(48,657)	(160,326)	Variance relates to reimbursement from MRWA for verge maintenance issues along Orrong Rd.
Customer Service	(543,362)	(485,717)	ABC recoveries are below budget.
Public Works Overheads	(1,208,479)	(998,854)	Overhead recoveries are below budget.
Plant Operating Costs	(1,276,948)	(827,228)	Overhead recoveries are below budget.
Other Public Works	(48,167)	(98,172)	Income for private works is higher than anticipated.

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

Item 12.6 Continued

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 30 April 2021	**$**	**Comment**
Cash and investments	70,435,495	Includes municipal and reserves
- less non rate setting cash	(48,359,205)	Reserves
Receivables	3,854,688	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(337,409)	ESL Receivable
Stock on hand	222,533	
Total Current Assets	**25,816,102**	
Current Liabilities		
Creditors and provisions	(9,042,178)	Includes ESL and deposits
- less non rate setting creditors & provisions	3,109,541	Cash Backed LSL, current loans & ESL
Total Current Liabilities	**(5,932,637)**	
Nett Current Assets 30 April 2021	19,883,464	
Nett Current Assets as Per Financial Activity Report	19,883,464	
Less Committed Assets	**(19,383,464)**	All other budgeted expenditure
Estimated Closing Balance	**500,000**	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

Item 12.6 Continued

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 30 April 2021 as included in Attachment 4 be received.

12.7 PROPOSED AMENDMENT TO CONDITION OF DEVELOPMENT APPROVAL – CAFÉ/RESTAURANT TENANCY SEATING CAPACITY, BELMONT HUB – LOT 33 (213) WRIGHT STREET, CLOVERDALE

ATTACHMENT DETAILS

Attachment No	Details
Attachment 5 – Item 12.7 refers	**Belmont Hub – Café Fit-Out and Furnishing Plans**

Voting Requirement	:	Simple Majority
Subject Index	:	115/001 – Development/Subdivision/Strata – Applications and Application Correspondence
Location / Property Index	:	Lot 33 (213) Wright Street, Cloverdale
Application Index		687/2016/A
Disclosure of any Interest	:	Application associated with leasing of tenancy by City of Belmont (City Facilities and Property Department
Previous Items	:	28 March 2017 Ordinary Council Meeting Item 12.5
Applicant	:	City of Belmont (City Facilities and Property; Manager Design and Assets
Owner	:	City of Belmont
Responsible Division	:	Development and Communities Division

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider allowing a maximum of 178 seats in the Belmont Hub café tenancy in lieu of the 120-seat limit previously imposed as a condition of development approval.

Item 12.7 Continued

SUMMARY AND KEY ISSUES

- The development application for the City of Belmont's community building – Belmont Hub was considered and approved at the 28 March 2017 Ordinary Council Meeting, subject to conditions including a maximum seating capacity for the café/restaurant tenancy of 120 seats.

- A café operator has now entered into an agreement to lease the tenancy and seeks to fit-out the café with 178 seats.

- The seating capacity limit in the March 2017 Development Approval was based on the number of car parking spaces available in the precinct at that time.

- As part of urban design improvements to the Civic Centre and Belmont Hub forecourt, the car park at the front of the Civic Centre building was modified, and additional car parking spaces were constructed within the precinct (along Progress Way) in May 2020.

- The May 2020 works increased the number of car parking bays in the precinct by 39 bays (from 225 bays to 264 bays).

- Having regard for the car parking standard previously applied in the Development Approval for Belmont Hub, the increase from 120 seats to 178 seats for the café tenancy means that an additional 11 car parking bays are required.

- It is recommended that the proposal to allow a maximum seating capacity of 178 seats for the café tenancy be supported on the basis that an additional 39 car parking bays have been constructed and only 11 additional bays are required to support the increased seating capacity.

LOCATION

The property known as Belmont Hub is located at 213 Wright Street, Cloverdale. The building is situated at the southern corner of the lot, with frontages to Robinson Avenue, Wright Street and Progress Way as reflected in the image below.

Figure 1 – Aerial photograph – Belmont Hub (corner of Robinson Avenue and Wright Street)

Item 12.7 Continued

CONSULTATION

Public consultation is not considered necessary in this instance as the proposal is unlikely to have an adverse planning impact on the surrounding properties. This is on the basis that the additional car parking spaces constructed within the precinct in May 2020 is considered sufficient to support the proposed additional seating capacity for the café.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal: Liveable Belmont.

Strategy:

1.2 Plan and deliver vibrant, attractive, safe and economically sustainable activity centres.

1.3 Ensure activity centres have a thriving economy.

1.4 Attract public and private investment and businesses to our City and support the retention, growth and prosperity of our local businesses.

Goal: Responsible Belmont

Strategy:

5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

Amending a Development Approval

Clause 77(1)(b) of the *Planning and Development (Local Planning Schemes) Regulation 2015* provides for an application to be made to amend or delete any condition of a development approval that has been previously granted.

Clause 77(4) provides that the local government may determine an application made under Clause 77(1) by:

(a) Approving the application without conditions; or

(b) Approving the application with conditions; or

(c) Refusing the application.

Item 12.7 Continued

Consideration of Application by Local Government

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* states the matters to be considered by the local government in determining a planning application. The following matters are of particular relevance to the consideration of this application:

"(n) the amenity of the locality…".

"(s) the adequacy of:

(i) the proposed means of access to and egress from the site; and

(ii) arrangements for the loading, unloading, maneuvering and parking of vehicles."

Deemed Refusal

Under Clause 75 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, an application is 'deemed to be refused' if it is not determined within a 60 day period.

The only exception is where there is a written agreement for a further time from the applicant. The deemed refusal date for this application is 20 June 2021.

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.

BACKGROUND

Lodgement Date:	14 May 2021	**Use Class:**	N/A – Restaurant/Café ancillary to Civic building within Civic and Cultural reserve
Lot Area:	46,628m²	**LPS Zoning:**	Civic and Cultural reserve
Estimated Cost of Development:	$650,000	**MRS:**	Urban

The Belmont Hub community building houses the Ruth Faulkner Library, Museum, Belmont Senior Citizens Club, 12 tenancies for not-for-profit organisations, a crèche and a café tenancy.

Following the completion of construction works, Belmont Hub was partially open to the public in October 2020 with the Library and Museum commencing operations at that time.

Item 12.7 Continued

Operation of the not-for-profit tenancies on the second floor of the building commenced in March 2021; currently there are:

- Four not-for-profit tenancies operating.
- Lease commitments for a further two tenancies formalised with operations for those tenancies expected to commence by November 2021.
- Leasing arrangements for the remaining six tenancies yet to be finalised.

In April 2021, a lease commitment for the café tenancy was formalised and the tenant has submitted an application to seek the requisite approvals for fit-out and furnishing of the café to accommodate 178 seats (Attachment 5).

Common car parking areas are provided around the City's Civic Centre Administration Building and Belmont Hub in a shared/reciprocal use arrangement for various user groups and visitors to the precinct. This shared arrangement is managed through a Car Parking Management Strategy which was developed for the precinct. The Car Parking Management Strategy includes measures such as allocation of bays to various user groups and time-restrictions to control, prioritise and facilitate availability of bays to each user group.

Given Belmont Hub has yet to be fully occupied, the full car parking demand implications for the precinct is not yet known.

Having regard for the above, it is necessary to consider the planning conditions associated with March 2017 approval decision, which are intended to control car parking within the precinct and which may be affected by this application for an increased café seating capacity. The two relevant conditions of that approval are:

> *"11. Within six months of the occupation of the Community Centre building the City to undertake a review of the use of the parking around the Council Administration building and the Community Centre building to determine the adequacy of the parking numbers for all user groups and to review the allocation of car bays amongst the user groups and for any implications associated with parking on surrounding streets to the satisfaction of the City's Director Community and Statutory Services.*
>
> *13. The restaurant/café shall have a maximum (internal/external) seating capacity of 120 seats".*

An assessment of the proposal and its implications are outlined in the Officer Comment section of the report below.

OFFICER COMMENT

The adequate provision of car parking for a development is one of the matters for Council to consider in granting development approval. Failing to ensure the adequacy of car parking provision could result in parking overflowing to the surrounding areas, causing undue impact on the amenity of the locality.

Item 12.7 Continued

The March 2017 decision to approve the Belmont Hub development took into consideration the following factors:

- For the purposes of the parking assessment at that time, an assumed a maximum café occupancy of 120 seats was adopted.

- Considering the parking standards specified under Local Planning Scheme No. 15 in conjunction with the appropriate concessions as detailed in the supporting assessment, it was deemed appropriate to apply the requirement of 297 car parking bays for the precinct.

- A total of 225 spaces were available in the car parking areas surrounding the Civic Centre Administration Building and Belmont Hub basement as indicated in the image below.

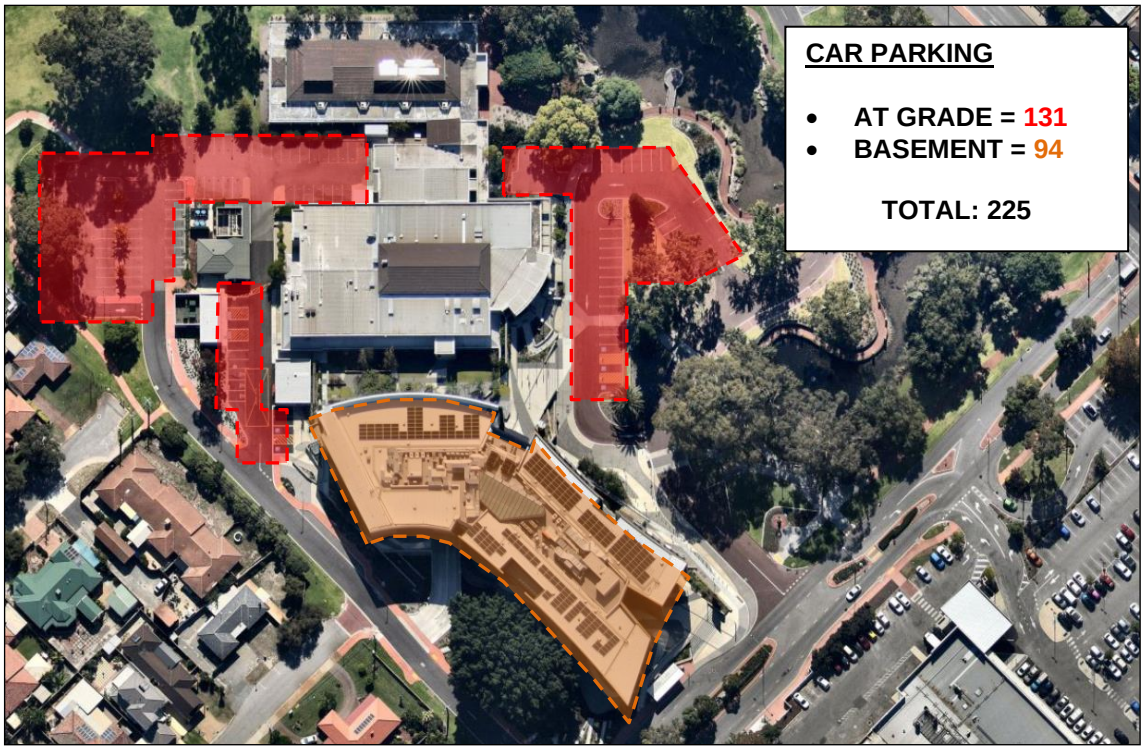


Figure 2 – Location of car parking bays

- The requirement for 297 bays against the 225 bays that were provided resulted in a shortfall of 72 bays.

- Rather than removing grassed and landscaped areas for the purposes of proceeding to construct the additional 72 bays immediately, it was considered appropriate to implement a Parking Management Strategy and allow the review of the car parking arrangement within six months of the completion of Belmont Hub.

Proposed Amendment

The purpose of the 120 seat limit for the café was to ensure that car parking demand from the development does not exceed the number of car parking spaces available in the precinct. The proposal to allow a 178 seat limit for the café means an increase of 58 seats, and the need to provide additional car parking spaces. The assessment below details the basis for considering the required number of car parking spaces, as consistent with the standards applied when Council determined the application in March 2017.

Item 12.7 Continued

The requirement to provide 297 car parking bays for the Civic Centre Administration Building and Belmont Hub was determined as follows:

Land Use	Required Car Bays
Civic Centre Administration Building	140
Belmont Hub	157
TOTAL	**297 bays**

Table 1 – Car parking attributed to Civic Centre and Belmont Hub

The 157 car parking bays attributed to the Belmont Hub was determined as follows:

Land Use	Required Car Bays
Library and Museum	60
Senior Citizens	28
Offices (not-for-profit)	45
Crèche	3
Café	21
TOTAL	**157 bays**

Table 2 – Car parking attributed to each land use within Belmont Hub

As the proposal to amend the maximum number of seats only relates to the café, it is accepted that the car parking requirement for the other land uses remains unchanged. It is therefore appropriate to examine the basis for the 21 car bays attributed to the café, and to apply the same standard to determine the number of parking bays required when increasing the seating capacity to 178 seats.

It is noted that a concessional standard was applied to allow a lesser number of car parking spaces given the café is located with a mixed of other land uses (i.e. office, Library and Museum). The rationale is that some of the café patrons are likely to also be office staff or Library and Museum visitors; this means that reciprocity of car parking use can be taken into account so as not to duplicate the car parking demand from these patrons. On this basis, a 30 percent reduction in seats was applied in determining the number of car parking spaces to be attributed to the café. The method of calculation is outlined as follows:

Number of seats (less 30 percent) x (1 bay/4 seats) = Concessional Requirement

Item 12.7 Continued

Therefore,

- In the case of 120 seats:

120 (0.7) x 0.25 = 21

- In the case of 178 seats:

178 (0.7) x 0.25 = 32[3]

PARKING DEMAND ATTRIBUTED TO CAFÉ LAND USE			
LPS15 Standard	**Number of Seats**	**Standard Requirement**	**Concessional Requirement**
1 bay for every 4 seats	120	120 seats divided by a bay per 4 seats = **30 bays**	**21 bays**
	178	178 seats divided by a bay per 4 seats = **45 bays[4]**	**32[5] bays**

Table 3 – Comparison for increase seating capacity

From the above, 32 bays are required where café seating capacity is increased to 178 seats. This means that an additional 11 car parking bays are required, which equates to a total of 308 car parking bays for the precinct rather than 297 car parking bays contemplated in previously approving the Belmont Hub development.

Additional Parking Constructed

It is noted that as part of urban design improvements to the Civic Centre and Belmont Hub forecourt, the car park at the front of the Civic Centre building was modified, and additional car parking spaces were constructed within the precinct (along Progress Way as indicated in Figure 3 below) in May 2020. This increased the number of car parking bays in the precinct from 225 bays previously to 264 bays now, which equates to 39 additional car parking bays for the precinct.

[3] Rounded up from 31.15
[4] Rounded up from 44.5
[5] Rounded up from 31.15

Item 12.7 Continued

Figure 3 – Additional car parking constructed

Given an increase to 178 seats for the café only requires 11 additional car parking bays and 39 additional bays have been constructed, it is considered appropriate to approve an increase to the number of seats for the café.

Monitoring and Review of Car Parking

Condition number 11 of the Development Approval for Belmont Hub required that a review of the use of parking around the Civic Centre Administration Building and Belmont Hub be undertaken within six months of occupation of Belmont Hub. It is noted that this review has not occurred on the basis that the café tenancy and the majority of office tenancies remained vacant at the six month milestone, and a review at that point would not be a true reflection of car parking use within the precinct.

Considering that the café is expected to become operational in July 2021, and six of the 12 office tenancies are expected to be occupied by November 2021, it is appropriate to amend Condition number 11 to require a review of car parking in the precinct within six months of the café becoming operational – i.e. by the end of January 2022.

FINANCIAL IMPLICATIONS

Amending the condition of development approval to allow 178 seats in the café enables the fit-out and furnishing works to proceed as scheduled. This results in rent income for the City.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

Item 12.7 Continued

SOCIAL IMPLICATIONS

The café tenancy occupies the main Wright Street frontage of Belmont Hub. Commencement of the café operation would provide a significant uplift to the urban interface between Belmont Hub and Wright Street. This creates an active frontage to the building which contributes to vibrancy and safety for the community.

OFFICER RECOMMENDATION

That Council approve planning application 687/2016/A as detailed in plans dated 14 May 2021 submitted by D Boylan on behalf of the owner (City of Belmont), to amend the conditions of development approval pursuant to Clause 77(1)(b) and Clause 77(4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* at Lot 33 (No 213) Wright Street, Cloverdale subject to the following conditions:

1. **All conditions of the development approval dated 21 April 2017 are to be satisfied, with the exception of Conditions 11 and 13 which are amended as follows:**

    11. **Within six months of the occupation of the café tenancy, the City shall undertake a review of the use of the parking around the Council Administration building and the Community Centre building to determine the adequacy of the parking numbers for all user groups and to review the allocation of car bays amongst the user groups and for any implications associated with parking on surrounding streets to the satisfaction of the City's Director Development and Communities.**

    13. **The restaurant/café shall have a maximum (internal/external) seating capacity of 178 seats.**

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

13.2 NOTICE OF MOTION

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

14.1 STAFF MATTER – CHIEF EXECUTIVE OFFICER – INTERIM REVIEW 2020-2021 (CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2)(A)(B)(C)(E))

ATTACHMENT DETAILS

Attachment No.	Details
Confidential Attachment 6 - Item 14.1 refers	Report Item – Staff Matter – Chief Executive Officer – Interim Review 2020-2021 (Confidential Matter in Accordance with *Local Government Act 1995* Section 5.23(2)(a)(b)(c)(e))

COMMITTEE RECOMMENDATION

That Council note the information provided by the Chief Executive Officer on interim progress against the Goals and Targets set by Council for the Officer for the 2020-2021 review year, as contained in Confidential Attachment 7.

14.2 STAFF MATTER – CHIEF EXECUTIVE OFFICER – ANNUAL REMUNERATION REVIEW 2019-2020 (CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 523(2)(A)(B)(C)(E))

ATTACHMENT DETAILS

Attachment No.	Details
Confidential Attachment 8 - Item 14.2 refers	Report Item – Staff Matter – Chief Executive Officer – Annual Remuneration Review 2019-2020 (Confidential Matter in Accordance with *Local Government Act 1995* Section 5.23(2)(a)(b)(c)(e))

COMMITTEE RECOMMENDATION

That Council approve Option 1 as contained in this report.

15. CLOSURE