City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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26 April 2017

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

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MINUTES

PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr L Cayoun	West Ward
Cr M Bass *(arr 7.08pm)*	East Ward
Cr B Ryan	East Ward
Cr P Gardner	South Ward
Cr J Powell	South Ward

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Mrs J Hammah	A/Director Community and Statutory Services
Mr S Morrison	A/Director Technical Services
Mrs M Lymon	A/Manager Governance
Ms E Cashman	Senior Governance Officer
Ms S D'Agnone	Governance Officer

MEMBERS OF THE GALLERY

There were 12 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.05pm, welcomed those in attendance, and 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 Gardner to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Gardner 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.

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2. APOLOGIES AND LEAVE OF ABSENCE

Cr P Hitt (Apology)	West Ward
Cr S Wolff (Apology)	South Ward
Mr N Deague (Apology)	Director Community and Statutory Services
Mr R Lutey (Apology)	Director Technical Services
Mr J Olynyk, JP (Apology)	Manager Governance

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

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

4.2 DISCLAIMER

7.06pm 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.

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5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 MR A HODSON, 22 FINN COVE, ASCOT

The following question was taken on notice at the Ordinary Council Meeting of 28 March 2017. Mr Hodson was provided with a response on 31 March 2017. The response from the City is recorded accordingly:

1. Is Finn Cove classified as a street or road within the City of Belmont? We are unable to get waste services such as rubbish pick up and the use of skip bins due to the narrow nature of the street. Other services such as local paper distributions are also not occurring. This is being raised as developments in the Kilns precinct may run into the same issues, due to the narrow laneways in the area.

Response

Finn Cove is a gazetted road within the City of Belmont. As mentioned it is a narrow dead end lane and this prevents the 11.5 metre long side arm Cleanaway truck from safely entering and exiting to service the weekly waste bins and fortnightly recycle bins.

There is however ample presentation room on the footpath on The Boardwalk where bins should be presented for servicing.

This involves a maximum 40 metre walk from the properties at the end of the lane, which is similar to many medium density developments and is not considered an unreasonable distance.

In regards to the provision of the three cubic metre bulk bin services this was unfortunately not taken into account in 2006 when the sub division application was considered. For a number of the properties in Finn Cove there is no provision for the placing of a 3 cubic metre bulk bin.

Like the great majority of properties in the City each of the properties in Finn Cove are entitled to four x three cubic metre bulk bins per financial year even though they actually only pay for one per year in their rates.

As per current policy one of these bin allocations can be exchanged for a tip pass at the Redhill Waste Management Facility, 1094 Toodyay Road, Redhill where bulkier items can be disposed of.

In view of the issues in hand it is proposed that the Finn Cove residents who cannot receive three cubic metre bulk bins be entitled to all four bin allocations as tip passes which can be accessed when required.

The City also runs two Asbestos Drop Off Days and two White Goods Drop Off Days each year at its Operations Centre, 180 Planet Street, Carlisle. At the White Goods Drop Off Day residents can drop off not only old white goods such as fridges, freezers, ovens etc. but other predominantly metal goods such as bikes, air conditioner units etc.

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Item 5.1.1 Continued

At all four drop off days the City also accepts mattresses and bed bases which along with white goods can be picked up from a resident's property the day before the drop day by the City, if pre-arranged.

In regards to concerns that the same issues will arise at the Kilns precinct development, all developments are now fully assessed prior to any approvals being issued to ensure all waste services can be provided within the current contract.

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5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.08pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (l), the Mayor advised that he had registered four members of the public who had given prior notice to ask questions.

7.08pm Cr Bass entered the meeting.

5.2.1 DR G CARR, 3/152 GREAT EASTERN HIGHWAY, ASCOT

As a medical doctor, I've seen some horrendous dog bite injuries to children, so thankfully the law requires that dogs are on a leash in public except in designated areas.

But, although the City has at least five "Dogs Must Be On Leads" signs in 200m of small parks in Waterway Crescent (Ascot Waters), in the two kilometres of riverfront where I run most days from Adachi Park to roughly the Brick kilns, there's only one sign! There are always dogs off the leash along there, often big ones, and there's a children's playground, a public boat ramp, public bbq's, and gym equipment – so masses of potential victims; and as you can see, I'm not very big myself.

Hopefully the City will contemplate what its response and liability will be when a child or other person is badly attacked there.

1. So will the City install 10 signs from Adachi Park to Ascot Marina, which will still be only one-fifth of the sign density at Ascot Waters?

Response

The A/Director Community and Statutory Services advised that this matter has been raised with both the Manager Health and Community Safety and the Manager Parks and Environment.

The City is well aware of the damage dogs can inflict on members of the public, including children. As mentioned by Dr Carr, the legislation requires dogs to be leashed in the vast majority of public areas. Within the City, there are approximately 25 parks and reserves where dogs can be exercised off leash, under the supervision of their handlers. As such, by default, all other areas require the leashing of dogs and the responsibility and liability to ensure this occurs is with the person in charge of the dog at the time.

To cover all areas throughout the City where dogs must be leashed by installing signage is simply not practical nor is the proliferation of excess numbers of signs desirable. Notwithstanding that, the City will assess the area from Adachi Park to Ascot Marina in regard to whether there should be an increase in the number of signs. The matter has also been raised with Ranger Services who will carry out spot checks of the locations and deal with any related unrestrained dogs appropriately.

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5.2.2 MR A NIONS, 85 FAUNTLEROY AVENUE, ASCOT

Questions are regarding the proposed/recommended maximum number of 12 guests and minimum number of two night stays at the proposed holiday house at 83 Fauntleroy Avenue, Ascot.

1. Are Council aware that the requests for 12 guests and a minimum stay of two nights are from the original submission by Cadds Town Planner? Are the Council aware that Alan Moody is the owner of this business?

Response

The A/Director Community and Statutory Services advised that all development applications submitted are independently assessed by the City's Planning Department, and it was determined that a minimum two night stay and a maximum of 12 guests at any one time is appropriate for this site.

2. A maximum of 12 guests and a minimum two night stay gives the potential to have 46 different people over a seven-day period. The submission has argued that this is in keeping with a residential area. Is 12 people per household common anywhere in Perth? Do Council think that an eight guest maximum is more reasonable?

Response

The A/Director Community and Statutory Services advised that the house is extremely large and can comfortably accommodate 12 guests. There is a varied range of households in Perth ranging from a maximum of one person through to over and above 12 people. The 12 guest limit is the maximum amount of people allowed at the house at any one time and includes visitors to the house.

3. Original submission argued that a holiday home will bring tourists to the area. Check in and check out times are 10am and 2pm respectively. A two-night stay is not going to have any tourism value and is more likely to have a detrimental effect on the amenity of the neighbourhood. Does Council think that a minimum five nights is more in keeping with a holiday stay and more likely to add value to tourism in the area?

Response

The A/Director Community and Statutory Services advised that the City currently has a great deal of varied tourism accommodation, some of which has a minimum stay of one night. There is no issue with the property having a tourism related use.

4. Do the proposed rules apply at all times during the two-year period? Is an excuse such as 'that was a private party' or 'spill over from house number 81' going to give some universal out to breaking the rules?

Response

The A/Director Community and Statutory Services advised that the conditions will apply at all times. If at any time the conditions are contravened, the owners risk possible prosecution.

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Item 5.2.2 Continued

5. Airbnb and Stayz offer an 'instant book' where it is not possible to vet guests. The submission also states that guests must be a related group. How is this going to be enforced?

Response

The A/Director Community and Statutory Services advised that the owner of the holiday house is responsible for ensuring conditions of the approval are complied with at all times.

5.2.3 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

1. Can a Council Officer direct the questions that can be asked by the community from the gallery at an Ordinary Council Meeting?

Response

The Chief Executive Officer advised that the Mayor is the Presiding Member at Council Meetings and directs proceedings in the Chamber. The intent of the written response to Mr Childs was to advise that questions already asked and answered many times over may be disallowed at future meetings by the Presiding Member. It is the Presiding Member's responsibility to direct and preside over Council Meeting procedures in the Chamber.

The Presiding Member advised it is his responsibility to manage and possibly disallow repetitive questions in the Chamber. He further advised that while members of the public may not agree with an answer provided, questions have been fully responded to.

2. Do the minutes need to reflect the actual intention of Council activities?

Response

The Presiding Member advised that Mr Childs may have a different interpretation of the minutes. In the matter referred to by Mr Childs, and reflected in the minutes, the appointment of a successful candidate for Chief Executive Officer will be a decision of Council.

The Chief Executive Officer advised that the minutes could be interpreted in a particular way, however the intent is clear. The process that has been adopted by Council for the recruitment, selection and appointment of the new Chief Executive Officer has been clearly outlined by the Mayor in his extended correspondence with Mr Childs. An external, independent recruitment consultant will coordinate the selection process with the Council appointed selection panel. Appointment of the successful candidate will be undertaken by the full Council.

The minutes state that Council will appoint a successful candidate. This is correct as they will appoint only one candidate.

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5.2.4 MR R GREENWOOD, 151 COOLGARDIE AVENUE, REDCLIFFE, ON BEHALF OF THE BELMONT RESIDENTS/RATEPAYERS ACTION GROUP

1. What steps can Council take to ensure the health and welfare of residents of Redcliffe who live adjacent to the Redcliffe train station box and twin train tunnel project set to run for the next four years?

Response

The A/Director Community and Statutory Services advised that Officers are liaising with the contractor on an ongoing basis in order to ensure all matters are controlled. The contractor is aware of these responsibilities and has operational matters in hand.

2. Does the City have dust monitoring equipment?

Response

The A/Director Community and Statutory Services advised that the contractor is responsible for carrying out dust monitoring for this project, however this question can be raised with the Manager Health and Community Safety.

Mr Greenwood advised that he had already raised this and that the City does not have dust monitoring equipment. He recommended that the City should have this equipment so that independent monitoring can be undertaken.

3. How will Council ensure that the water truck on site is used every time that silica dust (micro particles in particular) is being generated by works across this site?

4. There are many elderly residents whose health and welfare will be affected by dust and heavy compaction vibration in particular, across the train station box site. What can the City do to ameliorate these effects on elderly and unwell citizens of Redcliffe?

Response

The A/Director Community and Statutory Services advised that a Construction Management Plan is in place which requires the contractor to operate within certain guidelines. This issue can also be raised with the Manager Health and Community Safety. Officers are in regular and ongoing liaison with the contractor, which includes following up on issues that arise. It is common to have dust and noise during construction; however the contractor is endeavouring to deal with all issues as they arise.

The Presiding Member advised that this is a State Government project and that the City has limited influence, and further advised Mr Greenwood to raise his concerns with the relevant State agencies, the Member for Belmont, Premier and Opposition Leader.

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Item 5.2.4 Continued

5. Councillors, Council Officers, are the City of Belmont planning to relocate the commercial and administrative hub of Belmont back to Redcliffe in the next four years?

Response

The Presiding Member and the Chief Executive Officer advised that they were not aware of any plans of this nature.

6. Are Councillors aware that the Public Transport Authority (PTA) has by default and without prior public consultation with the citizens of Redcliffe, arbitrarily it seems, named the train station to be built in Redcliffe, and, some six kilometres from this Council Chamber, as the 'Belmont' train station?

Response

The Presiding Member advised that he was aware of the train station name and advised that the State Government was responsible for naming the station.

7. Would naming a train station with a place name that represents a place six kilometres away, make any sense at all, or simply be confusing?

Response

The Presiding Member advised that the train station will be a PTA asset and he could not comment on their behalf. A similar situation occurred with Cockburn train station. This station is located in the suburb of Success but is named after the locality of Cockburn.

8. Surely the purpose of a place name is to evoke a memory or the social and cultural history of that place and of the peoples of that place?

9. We are told that the name Redcliffe came about from the landmark red clay cliffs visible from the boats of early settlers the early form of transport for the fledgling colony along the Derbarl Yerrigan later Swan River (today the rear of riverfront properties along the northern side of Fauntleroy Avenue) and from the house of Mark John Currie named Red Cliff burned down in 1833. What action can the Council take to make sure the station is named after the historical name of Redcliffe?

Response

The Presiding Member advised that the station will be a PTA asset and as such the station name is their decision. The City was not consulted in relation to the naming of the station. The Presiding Member suggested that a petition to the PTA may be helpful if the community has ongoing concerns with the name of the station.

7.39pm ***ROSSI MOVED, GARDNER SECONDED that question time be extended.***

CARRIED 7 VOTES TO 0

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5.2.5 MS J GEE, 97 GABRIEL STREET, CLOVERDALE

In response to my questions regarding the proposed 23 unit development at Lot 100 (346) and Lot 5 (348) Abernethy Road, Cloverdale, the attached diagram showed the proposed position of the slip road and three parking bays at the front of the site.

1. Are these three parking bays over and above the parking bay requirements for the development?

Response

The A/Director Community and Statutory Services advised that the question would be taken on notice.

7.41pm As there were no further questions, the Presiding Member declared Public Question Time closed.

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6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 28 MARCH 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, ROSSI SECONDED,

That the minutes of the Ordinary Council Meeting held on 28 March 2017 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 7 VOTES TO 0

6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 18 APRIL 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, CAYOUN SECONDED,

That the Information Matrix for the Agenda Briefing Forum held on 18 April 2017 as printed and circulated to all Councillors, be received and noted.

CARRIED 7 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

Nil.

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.

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11. REPORTS OF COMMITTEES

11.1 EXECUTIVE COMMITTEE MEETING HELD 10 APRIL 2017
(Circulated under separate cover)

OFFICER RECOMMENDATION

ROSSI MOVED, POWELL SECONDED,

That the minutes for the Executive Committee meeting held on 10 April 2017 as previously circulated to all Councillors, be received and noted.

CARRIED 7 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Cayoun
Item 12.3 was withdrawn at the request of Cr Rossi

CAYOUN MOVED, ROSSI SECONDED,

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

CARRIED BY ABSOLUTE MAJORITY 7 VOTES TO 0

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12.1 CHANGE OF USE FROM SINGLE HOUSE TO HOLIDAY HOUSE AT LOT 503 (83) FAUNTLEROY AVENUE, ASCOT

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	**Development Plans**
Attachment 2 – Item 12.1 refers	**Property Management Plan**
Attachment 3 – Item 12.1 refers	**Submissions Table**

Voting Requirement	:	Simple Majority
Subject Index	:	115/001–Development/Subdivision/Strata–Applications and Application Correspondence
Location / Property Index	:	Lot 503 (83) Fauntleroy Avenue, Ascot
Application Index		36/2017/LAND
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	J Moody
Owner	:	J Moody and A Moody
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to determine a planning application for a change of use from a 'Single House' to a 'Holiday House' at Lot 503 (83) Fauntleroy Avenue, Ascot.

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Item 12.1 Continued

SUMMARY AND KEY ISSUES

The planning application is for a change of use at Lot 503 (83) Fauntleroy Avenue from a 'Single House' to a 'Holiday House' for a period of 24 months.

The proposed use of a 'Holiday House' is a use not listed in Table 1 of Local Planning Scheme No. 15 (LPS15).

The subject site is zoned 'Residential R20' and abuts the Swan River foreshore which is reserved for 'Parks and Recreation' under the Metropolitan Regional Scheme (MRS).

Four submissions were received following public consultation. Three objections to the proposed change of use were received. These objections relate primarily to the following issues:

- Noise
- Car Parking
- Trespassing and behaviour of previous guests
- Enforcement of the Management Plan.

One submission was received that neither supported nor objected to the proposed change of use.

The applicant has submitted a Property Management Plan (refer Attachment 2) that contains a Code of Conduct which sets out the terms on which the property may be booked as well as measures aimed at ensuring there are no impacts on the amenity of neighbouring properties.

It is recommended that Council approve the application for a change of use from a 'Single House' to a 'Holiday House' for a period of 24 months with conditions.

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Item 12.1 Continued

LOCATION

The subject lot is located within an established residential area in Ascot and abuts the Swan River foreshore as illustrated in Figure 1 below.

Figure 1 – Aerial Photo Showing 83 Fauntleroy Avenue

The subject lot is zoned 'Residential R20' under LPS15. The northern boundary of the subject lot abuts the Swan River foreshore (Lot 12311) which is reserved for 'Parks and Recreation' under the MRS. The subject lot is bound by residential lots to the east and west which are also zoned 'Residential R20'.

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Item 12.1 Continued

The lots to the south of the subject site, on the other side of Fauntleroy Avenue, are zoned 'Residential R20' and are located within Development Area 8 (DA8) as illustrated in Figure 2 below.

Figure 2 – Subject Site Zoned R20, Development Area 8 and Development Control Area

The application site abuts the boundary of the Swan Canning Development Control Area. The application was referred to the Swan River Trust (SRT) in accordance with Clause 30A (2) a (ii) of the MRS.

CONSULTATION

Category C applications are those that need external referrals from third parties such as the Environmental Protection Authority, Western Australian Planning Commission, SRT, Heritage Council etc. Category C applications may also require statutory advertising, referral to neighbours or consideration by Council.

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Item 12.1 Continued

The proposed use of 'Holiday House' is a 'Use Not Listed' because it is not a use listed in Table 1 – Zoning Table in LPS15. On this basis, the application has been advertised to neighbouring properties in accordance with Clause 4.4.2 (b) of LPS15 so the City can determine whether the use proposed may be consistent with the objectives of the Residential zone.

Public Consultation

The proposed change of use application was referred to the owners/occupiers of the neighbouring properties as shown in Figure 3 below.

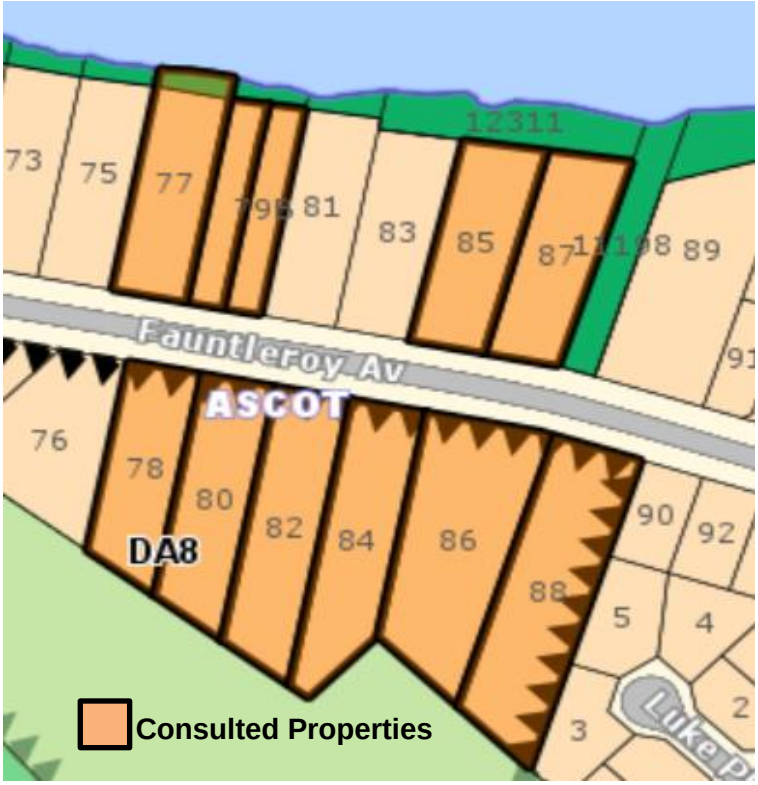

Figure 3 – Neighbouring Properties Notified

The application was advertised from 23 February 2017 until 8 March 2017. The details of the application were also displayed on the City's website during this period.

It should be noted that no consultation letter was sent to 81 Fauntleroy Avenue because one of the owners of this property is a part owner of the subject site. In addition, 81 Fauntleroy Avenue was initially included in the application in order to allow guests to use the existing pool located at No. 81. The pool has now been removed from the proposed application. Therefore, 81 Fauntleroy Avenue does not form part of this application.

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Item 12.1 Continued

At the conclusion of the advertising period, a total of four submissions were received. Three submissions objected to the proposed change of use. These objections relate primarily to the following issues:

- Noise
- Car Parking
- Trespassing and behaviour of previous guests
- Enforcement of the Management Plan.

One submission was received which neither supported nor objected to the proposed change of use.

The summary of the public submissions is provided in Attachment 3 and the main issues are discussed in the Officer Comments section below. Copies of full submissions are available to Councillors on request.

Department of Parks and Wildlife

The application was referred to the Department of Parks and Wildlife (DPAW) who carry out the administrative function of the SRT.

The DPAW has raised no objections to the proposed development. The SRT have requested that a condition be included that requires the applicant to install a fence along the boundary of the Swan Canning Development Control Area (DCA) at the rear of the property. The DPAW's Policy Statement No. 48 specifies that fencing is required to demarcate the boundary between the private property and the river foreshore. The intent of the policy is to ensure that the public area of the river foreshore is not privatised. The policy outlines the acceptable fencing style, colours and materials and provides for a pedestrian gate to be incorporated to allow access to the river foreshore.

It is noted that there is an existing fence and gate along the property's foreshore boundary. A condition of planning approval has been recommended to require compliant fencing (and gate) to be maintained in accordance with the DPAW's policy.

A summary of the comments provided by the DPAW is provided in the summary of submissions in Attachment 3.

City of Belmont Health Department

The City's Health Department have commented that there are no issues with the proposed development. The City's Health Department have confirmed that the subject site will be required to register with the City as a Lodging House in accordance with the *City's Health Local Law 2002*.

City of Belmont Engineering Department

The City's Engineering Department have commented that the existing five car bays provided at the subject site are compliant subject to the modifications shown on the development plans.

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City of Belmont Parks and Environment Department

The City's Parks and Environment Department have commented that there are no issues with the proposed development. It is noted that previous unauthorised improvements (in the form of landscaping and a bench) have been installed on the public foreshore land. The removal of the landscaping and bench on Lot 12311 can be addressed through future works to stabilise the river bank or as a planning compliance matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Corporate Key Action: Implement LPS15.

POLICY IMPLICATIONS

State Planning Policy 3.1 Residential Design Codes (R-Codes)

The R-Codes provides a definition for a 'Single House' which is provided below:

> *A dwelling standing wholly on its own green title or survey strata lot, together with any easement over the adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.*

Deemed-to-Comply Clause 3.1 in Part 5 of the R-Codes identifies that a dwelling with two or more bedrooms in a location that is greater than 250 metres from a high frequency bus route is required to provide two car bays.

Where the Deemed-to-Comply criteria of Clause C3.1 is not complied with, then the car parking requirements are considered against the Design Principles set out in P3.1 which identifies that adequate on-site car parking is to be provided in respect of the following:

- Type, size and number of dwellings
- The availability of on-street and other off-street parking
- The proximity of the proposed development to public transport and other facilities.

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STATUTORY ENVIRONMENT

Metropolitan Regional Scheme (MRS)

The subject property abuts land within the Swan Canning DCA.

Metropolitan Regional Scheme Clause 30A (2) a (ii) requires development applications be referred to the SRT for comment where the location of the development abuts the Swan Canning DCA.

City of Belmont Local Planning Scheme No. 15

The subject site is zoned 'Residential R20'.

Schedule 1 of LPS15 outlines the definition for various land uses. In regards to this application, the definitions of relevance are:

- **Single House:** *Has the same meaning as in the Residential Design Codes (R-Codes).*

- **Holiday House:** *'Means single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'.*

The land use of 'Holiday House' is not included in Table 1 – Zoning Table of LPS15.

Clause 4.2 of LPS15 provides the objectives of the various zones within the City. 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 4.4.2 of LPS15 allows the City to consider a land use that is not specifically mentioned in the Zoning Table by determining if the use is:

(a) Consistent with the objectives of the particular zone and is therefore, permitted;

(b) May be consistent with the objectives of the zone and thereafter follow the advertising procedures provided by Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (2015 Planning Regulations)* in considering a planning application; or

(c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Schedule No.11 – Car Parking Layout provides the required dimensions for car bays and car parks.

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Planning and Development (Local Planning Schemes) Regulations 2015

Clause 10.2 of LPS15 has been replaced by Schedule 2, Clause 67 of the Deemed Provisions of the *2015 Planning Regulations*.

Clause 67 of the *2015 Planning Regulations* sets out the matters to be considered when determining a planning application. The matters most relevant to this change of use application are:

(a) The aims and provisions of the 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

(m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality;

(n) Amenity of the locality including the following:

(i) Environmental impacts of the development;

(ii) The character of the locality;

(iii) Social impacts of the development.

(s) The adequacy of:

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

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

(y) Any submissions received on the application.

Deemed Refusal

Clause 10.9.2 of LPS15 has been replaced by Schedule 2, Clause 75 of the Deemed Provisions of the *2015 Planning Regulations*.

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

The only exception is where there is a written agreement for a further time between the applicant and the City of Belmont.

The deemed refusal date for this application passes on 1 May 2017.

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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 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:	31/01/2017	**Use Class:**	'Use Not Listed'- Holiday House
Lot Area:	1307m^2	**TPS Zoning:**	Residential R20
Estimated Value:	N/A	**MRS:**	Urban, abuts Parks and Recreation Reserve/Swan Canning Development Control Area

In December 2016 the City received a complaint that the subject property was being operated as an unauthorised lodging house. On 23 December 2016 a letter was sent to the landowners by the City stating that the use of the property as a lodging house required planning approval and must cease until planning approval has been granted. In response, the owners ceased the use on the property, removed the property from all letting websites and have submitted the subject planning application for a change of use from 'Single House' to 'Holiday House' for a temporary period of 24 months.

Existing Development

Planning approval for the existing single house was granted by the City on 21 February 2001. The single house has five car bays provided on-site consisting of two bays within the existing double garage and three bays located in front of the house.

The portion of land within the reserve area of the river foreshore at No. 83 was ceded to the City and now forms part of Lot 12311 which is publicly accessible land. Whilst that portion of the reserve is open to members of the public, it is surrounded by private land.

No further planning approvals have been granted since the above-mentioned approval.

Proposal

The application proposes a change of use from a 'Single House' to a 'Holiday House' for a period of 24 months. A 24 month time frame has been requested because the applicant is currently working and living in regional Western Australia, but intends to live at the property upon his return in 24 months' time.

The Holiday House will provide short-term accommodation for a maximum of 12 people at any one time, including day visitors. The 'Holiday House' will provide six bedrooms to accommodate tenants and will only be let all together, as a single booking. The bedrooms will not be let on an individual basis. The minimum stay duration for the Holiday House is to be two nights. The application does not propose any alterations to the existing building.

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The applicant has prepared a Code of Conduct which forms part of the Property Management Plan. The Code of Conduct is to be signed by the tenant making the booking to state that they agree to comply with the requirements of the Code of Conduct at all times.

The Property Management Plan is included as Attachment 2. The following restrictions are included within the Code of Conduct to prevent impacts on the amenity of surrounding residents:

- The number of tenants and visitors are restricted to 12 at any one time.
- Tenants are not to create a nuisance through excessive noise. All noise is to cease after 10:00pm. No external sound systems are permitted at any time.
- Tenants are not to host events, functions or parties at any time.
- Tenants are to park vehicles using the car bays provided at 83 Fauntleroy Avenue. There is to be no car parking on the street or verge.
- Tenants are able to access the river foreshore reserve but are not permitted to enter surrounding private land.
- Tenants who made the booking will be held responsible for the actions of all members of their group staying at the property.

The Code of Conduct states that failure to comply with the requirements of the Code of Conduct can result in bond monies ($2000) being withheld or the booking terminated within two hours, with no refunds given.

The Property Management Plan provides the contact details for three people who are the owners of the subject property at 83 Fauntleroy Avenue. The first two contacts identified reside at 81 Fauntleroy Avenue, located next door.

The Property Management Plan will also be provided to the residents of neighbouring properties by the owners of 83 Fauntleroy Avenue should the change of use be approved. This is so that the residents have the contact details of the property managers and are also aware of the restrictions in place at the property to assist in reporting any breaches of the Code of Conduct.

OFFICER COMMENT

Land Use

In accordance with Clause 4.4.2 (b) of LPS15, it is considered that the proposed use of the property as a Holiday House is acceptable as:

- It does not prejudice the objectives of the Residential Zone and will not impact on the ability for a mix of housing types to be provided in the precinct.
- The applicant is not proposing to make any alterations to the property that causes the development to detract from the character of a single house.

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Item 12.1 Continued

- Rather than accommodating a number of smaller unrelated groups, the use of the Holiday House by one single group is consistent with that of a single household occupying a Single House.

Having regards for the above, it is recommended that a condition be imposed that restricts the bedrooms from being let on an individual basis for the duration of the use.

Amenity Impacts

The submissions received have raised concerns that the Holiday House use would result in negative impacts on the amenity of the surrounding residential properties. The objections received raised concerns regarding noise from tenants, light spill from existing lights and by tenants entering private land via the unfenced foreshore reserve.

With respect to noise, the applicant's Code of Conduct requires all noise to cease after 10:00pm, seven days a week. However, the requirements of the *Environmental Protection (Noise) Regulation 1996* are to be complied with at all times irrespective of the time of day.

The pergola and children's play equipment is currently located on the subject site next to the boundary with 85 Fauntleroy Avenue. These have been identified through the public consultation process as locations where noise is created by people congregating in these areas. From liaising with the applicant, they have agreed to relocate the pergola and the children's play equipment to an alternative location next to the boundary with 81 Fauntleroy Avenue. It is recommended that a condition be imposed which requires the relocation of the pergola and the children's play equipment.

The property manager resides next door at 81 Fauntleroy Avenue, and is well placed to monitor noise. The Code of Conduct clearly outlines the steps to be taken by the property manager should unreasonable levels of noise occur.

Previously, the subject property has been made available for parties and functions which have generated noise. The applicant's Code of Conduct prohibits parties and other functions from being held at the property. The applicant has stated that the minimum booking for the Holiday House will be for two nights. This is proposed in order to deter people looking for a party venue from making a booking. The applicant has also confirmed that all literature advertising the property will also clearly state that the property is not a party venue.

Another amenity issue raised during the public consultation period was the issue of tenants unwittingly accessing private land from the public Parks and Recreation land along the river foreshore. The applicant's Code of Conduct includes a map showing the extent of Lot 12311 which is open to the public. The Code of Conduct clearly states that tenants must not access any land in private ownership that borders Lot 2311.

A concern regarding light spill was also raised from the objections received. It is recommended that a condition be imposed which requires all light spill from the subject property be retained on-site, so that no light spills onto adjoining properties. In addition, Section 2.4 of the City's *Urban Environment and Nuisance Local Law 2001* identifies that an offence is committed where artificial light crossing a property boundary exceeds 50 Lux.

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Item 12.1 Continued

In summary, the proposed operation of the subject property as a Holiday House does have the potential to impact on the amenity of neighbouring residents. However, with the effective implementation of the Code of Conduct by the property manager, the Holiday House is capable of operating without impacting on the amenity of neighbouring residents. This will be assisted further by the restriction in the number of people permitted to stay at the property and the size of the property which provides large areas where tenants can congregate indoors.

It is recommended that a condition be imposed that requires the Code of Conduct be adhered to at all times. Failure to fully enforce the Code of Conduct may result in compliance action and prosecution.

Given the above, it is considered that the proposed Holiday House will comply with the requirements of Clause 67(a) (b) (m) and (n) of the *2015 Planning Regulations* in relation to compliance with the objectives of the Scheme, amenity and the compatibility of the use within its setting.

Car Parking

Table 2–Car Parking Requirements within LPS15 does not include a car parking standard for a 'Holiday House' or a 'Single House'. Given that the proposed 'Holiday House' is going to operate in the same way as a normal residence, it is considered reasonable to apply the car parking requirements provided by the R-Codes.

In accordance with Deemed-to-Comply Clause 3.1 of the R-Codes, there is a requirement for two car bays to be provided on-site. The development plans included as Attachment 1 show that there are to be five car bays provided on-site.

The applicant intends to let the property to large related groups with no more than 12 people at the property at any one time. Therefore, it is likely that tenant's would travel to the property in fewer vehicles than if the six rooms provided at the property were let individually. On this basis, the provision of five car bays is considered to be appropriate.

The three car bays at the front of the property currently do not comply with car bay dimensions required under Schedule No. 11–Car Parking Layout in LPS15. It is recommended that a condition be imposed that requires the car parking and manoeuvring arrangement detailed in the approved plans be implemented on-site.

Concern was raised during the consultation period regarding vehicles parking on the street and the verge. Whilst there are currently no restrictions for on-street car parking on Fauntleroy Avenue, the applicant's Code of Conduct states that no vehicles shall be parked on Fauntleroy Avenue or on the verge at any time.

Given the above, it is considered that the proposed 'Holiday House' will comply with the requirement of Clause 67 (s) of the *2015 Planning Regulations* in relation to issues associated with car parking.

Temporary Approval and Review of Property Management Plan

While the proposed Holiday House is considered to be an acceptable land use in the precinct, and the provision of car parking is appropriate, it is noted that proper implementation of the Code of Conduct/Property Management Plan is required to ensure that the use does not adversely impact on the amenity of the precinct.

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Given the above, a condition of planning approval is recommended to require the applicant to provide a report reviewing the nature of any complaints received during the first 12 months of the commencement of the land use and to outline the effectiveness of the measures within the Property Management Plan in addressing these issues. The condition will require the Property Management Plan to be updated to ensure its continued effectiveness to the satisfaction of the City.

It is noted that the temporary 24 month approval period provides the opportunity for Council to refuse any future extension of the approval term having regard for the suitability of the Property Management Plan in ensuring the protection of the amenity of the precinct.

Conclusion

The proposed change of use from 'Single House' to a 'Holiday House' is considered compatible with the surrounding land uses and objectives of the Residential Zone defined within LPS15. The proposed land use is unlikely to create any significant negative impacts on the amenity of neighbouring properties with the effective implementation of the Code of Conduct within the Property Management Plan.

The proposed change of use to a 'Holiday House' is considered to be consistent with the requirements of orderly and proper planning as required by Clause 67 (b) of the *2015 Planning Regulations*.

FINANCIAL IMPLICATIONS

Should the applicant seek to exercise their right to review by the SAT then there would be costs associated with the City addressing the review.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

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Item 12.1 Continued

OFFICER RECOMMENDATION

CAYOUN MOVED, ROSSI SECONDED,

That Council:

A. Approve planning application 36/2017 for a temporary period of 24 months as detailed in the plans dated 31 January 2017, 21 March 2017 and 29 March 2017 submitted by James Moody on behalf of the owners J Moody and A Moody for the change of use from Single House to Holiday House at Lot 503 (83) Fauntleroy Avenue, Ascot subject to the following conditions:

1. Development/land use shall be in accordance with the attached approved plan(s) dated 31 January 2017, 21 March 2017 and 29 March 2017 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. Upon expiry of the temporary approval period the land use shall default to a Single House.

3. The approved Property Management Plan shall be implemented and adhered to at all times. Within 12 months of the date of this approval, the applicant/land owner shall submit a report detailing all the complaints received and the effectiveness of the Property Management Plan in dealing with the issues. The Property Management Plan shall be updated as necessary to ensure its effectiveness for the subsequent 12 months of the approval term to the satisfaction of the City's Manager Planning Services.

4. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:

(a) The approved plan;

(b) Schedule 11 of City of Belmont Local Planning Scheme No. 15; and

(c) Council's engineering requirements and design guidelines.

The areas must be sealed in concrete or brick paving in accordance with the City of Belmont specifications, unless otherwise approved by the City's Director Technical Services. All parking bays must be clearly line marked.

5. There shall be no more than 12 persons on-site at any one time.

6. The whole of the Holiday House is to be let as one booking only. No bedrooms or other areas of the Holiday House are to be let on an individual basis.

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Item 12.1 Continued

7. All light spill is to be retained on-site to the satisfaction of the City's Manager Health and Community Safety.

8. Prior to the use of the development as a Holiday House the pergola and children's play equipment shall be relocated to the location marked in red on the approved plans to the satisfaction of the City's Manager Planning Services.

9. The applicant is to maintain a fence along the boundary of the Swan Canning Development Control Area at the rear of the site. The fence is not to exceed a height of 1.8 metres, is to be visually permeable and is to be constructed using colours and materials that are complementary to the amenity of adjoining reserve.

B. Write to adjoining landowners and occupiers:

1. To advise them that a temporary 24 month planning approval for the Holiday House has been granted subject to conditions including:

i. The requirement for the implementation of the Property Management Plan (including the guest Code of Conduct).

ii. The maximum of 12 persons on-site at any one time.

iii. The prohibition of letting individual bedrooms or other areas of the Holiday House separately.

iv. The requirement for any light spill to be retained within the boundary of the property.

2. To provide a copy of the Property Management Plan.

3. Request that adjoining landowners and occupiers report any contraventions relating to noise and light spill to the City's Environmental Health Department; and report to the City's Planning Department if they become aware that the maximum of 12 people on the site at any one time is breached, or that bedrooms are being let on an individual basis.

CARRIED 7 VOTES TO 0

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12.2 CITY OF BELMONT LOCAL PLANNING SCHEME NO. 15 – FINAL ADOPTION OF SCHEME AMENDMENT NO. 8

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 4 – Item 12.2 refers	**Submissions Table**
Attachment 5 – Item 12.2 refers	**Concept Plan – Advertised**
Attachment 6 – Item 12.2 refers	**Revised Concept Plan – Post Advertising**
Attachment 7 – Item 12.2 refers	**Proponents Response to Objections**

Voting Requirement	:	Simple Majority
Subject Index	:	116/126–Local Planning Scheme No. 15 LPS15/008–Scheme Amendment 8–to Rezone Lot 242 (1) Ballantyne from Industrial to Service Station Zone
Location / Property Index	:	Lot 242 (1) Ballantyne Road, Kewdale
Application Index		N/A
Disclosure of any Interest	:	Nil
Previous Items	:	13 December 2016 OCM – Item 12.2
Applicant	:	Planning Solutions on behalf of MLV Commercial and Industrial Real Estate
Owner	:	BP Australia Pty Ltd
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To consider final adoption of Scheme Amendment No. 8 to the City of Belmont Local Planning Scheme No. 15 (LPS15) following public advertising of the Amendment.

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Item 12.2 Continued

SUMMARY AND KEY ISSUES

The City received a proposal to amend LPS15 to rezone 1 Ballantyne Road, Kewdale from 'Industrial' to 'Service Station' zone. The proponent requested that the lot be rezoned to facilitate the redevelopment of the subject site for the purpose of a service station.

Scheme Amendment No. 8 was adopted by Council for the purpose of public advertising at the 13 December 2016 Ordinary Council Meeting (OCM) (Item 12.2). The Scheme Amendment was then advertised in accordance with the *Planning and Development Regulations 2015* (*Regulations*) and LPS15 from 24 January 2017 until 10 March 2017. During this time, a total of 13 submissions were received which are discussed within this report.

It is recommended that Council resolves to finalise and adopt Scheme Amendment No. 8 to LPS15 subject to a minor modification to the Concept Plan which was advertised.

LOCATION

Lot 242 (1) Ballantyne Road, Kewdale.

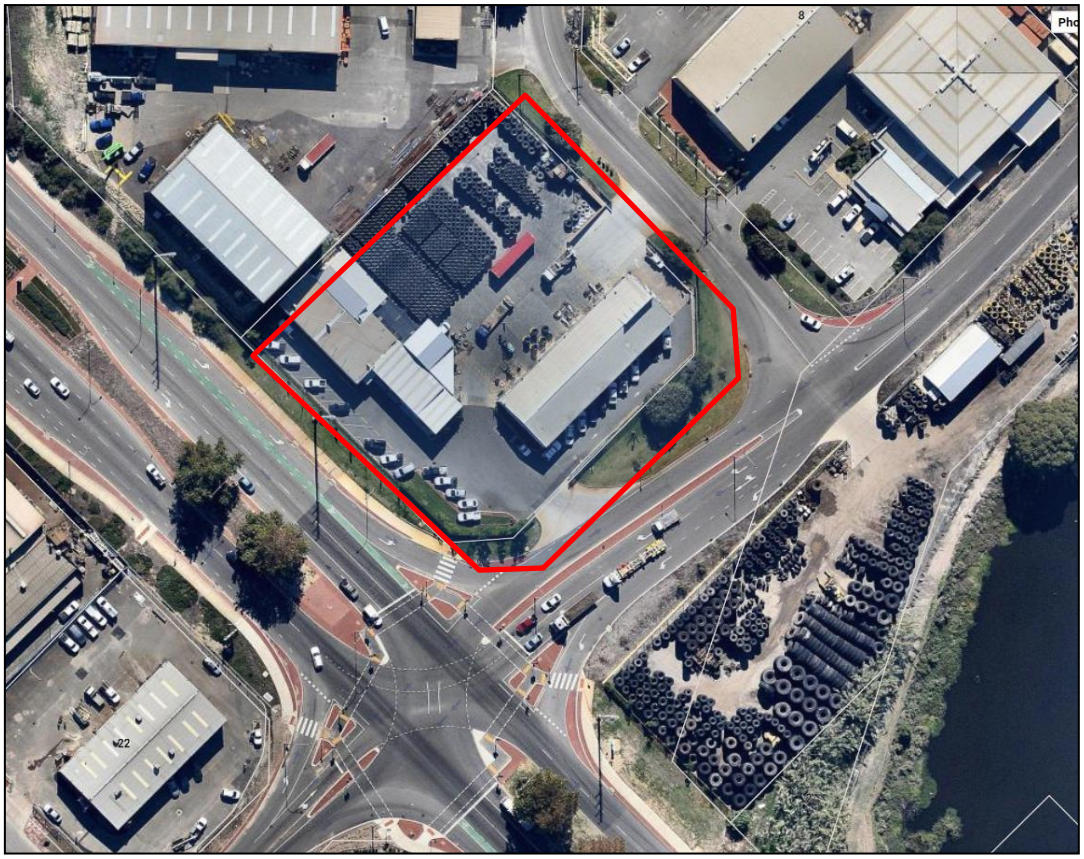

Figure 1: Aerial Photo – 1 Ballantyne Road, Kewdale

The subject site is located on the south-western periphery of the Kewdale Industrial area, on the City of Canning local government boundary. It abuts the Orrong Road/Bell Street intersection and is one of the key entry points to the Kewdale Industrial Area off Orrong Road.

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Subject Proposal

The subject site is currently zoned 'Industrial' under the City's LPS15 and currently accommodates a light industry/motor vehicle repair operation which includes tyre and wheel replacement and fittings for cars and trucks. The purpose of the subject Amendment is to facilitate the development of a service station by rezoning the subject site from 'Industrial' to 'Service Station'.

Context

A United service station is currently operating on the western side of Orrong Road approximately 450 metres south-west of the subject site. This service station would attract northbound traffic on Orrong Road and has formed part of the traffic analysis which was provided as part of the Amendment documentation. The closest service station on the south/east bound run of Orrong Road is 5.5 kilometres away in Wattlegrove. Considering its setting, and the high frequency of passing vehicles, the proposed service station would seek to service both light and heavy vehicles within Kewdale, Welshpool and the wider locality.

Lot Anomaly

The south-western portion of the subject site is within the City of Canning (refer to Figure 2 below) and is therefore subject to the City of Canning's Town Planning Scheme No. 40 (TPS 40).

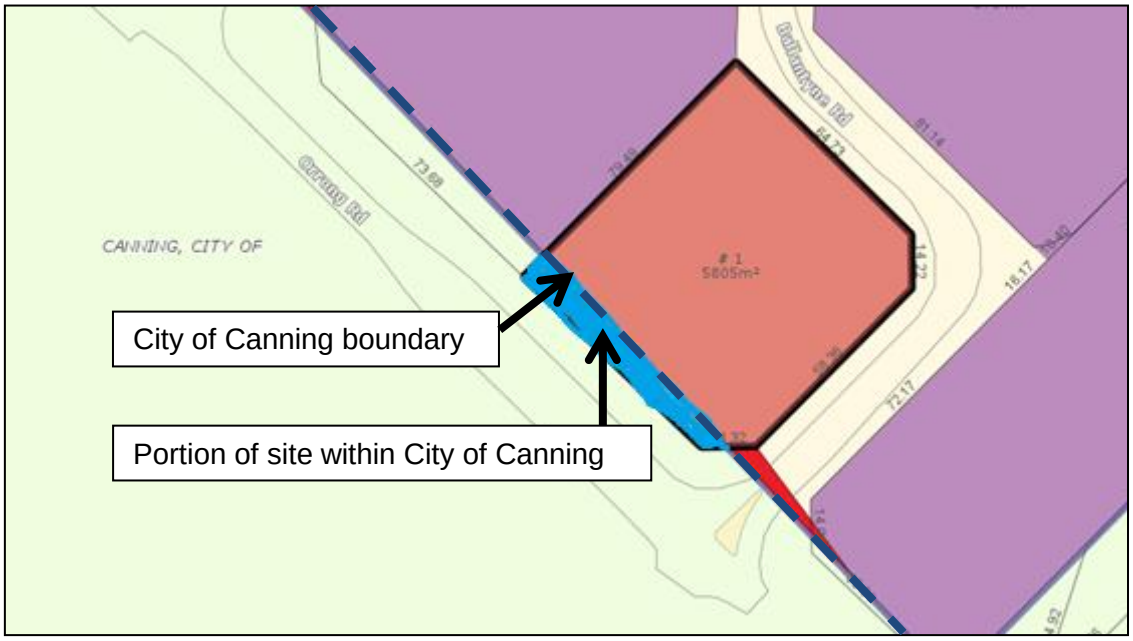

Figure 2: Site Boundaries and Jurisdiction

A separate amendment request has therefore been made with the City of Canning to rezone this portion of land to 'Service Station' under Amendment No. 224 to their Town Planning Scheme No. 40 (TPS40). The City of Canning Amendment No. 224 was advertised from Tuesday 14 February 2017 to Tuesday 28 March 2017 and they intend to present the subject item for final adoption at their Ordinary Council Meeting held on 16 May 2017.

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Item 12.2 Continued

CONSULTATION

The Amendment was advertised in accordance with the *Regulations* and LPS15.

Amendment No. 8 was advertised from Tuesday 24 January 2017 to Friday 10 March 2017. At the conclusion of the advertising period, a total of 13 submissions were received, two of which were objections to aspects of the proposed Amendment. These objections relate primarily to the following topics:

- Corner of Ballantyne Road onto Bell Street is a blind corner.
- Potential for collisions due to increased traffic entering and exiting the station.
- Access point location is not acceptable. The applicant has incorrectly measured the tangent point, utilising the truncation point instead, thus making the preferred concept invalid and the location of the crossover incorrect.
- Slight design inaccuracy can have considerable consequences on vehicle movements and lot layout.

The other 11 submissions had no objection to the proposed amendment. The majority of these submissions offered comments which will need to be addressed at the development application stage.

The summary of the submissions is provided under Attachment 4 and the main themes are discussed in the Officer Comment section below. Copies of the full submissions are available to Councillors on request.

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

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Item 12.2 Continued

STATUTORY ENVIRONMENT

Planning and Development Act 2005

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

Planning and Development (Local Planning Schemes) Regulations 2015

The Planning and Development (Local Planning Schemes) Regulations 2015 operates under the *Act*, with Part 5, Regulation 34 including classification criteria for the three amendment types – Basic, Standard and Complex. The City considers the subject Amendment to be a 'Standard' amendment, as was outlined in the 13 December 2016 Ordinary Council Meeting (Item 12.2).

Part 5 – Amending Local Planning Scheme, Regulation 47 of the *Regulations* requires the Local Government to advertise the standard amendment as soon as is reasonably practicable.

Part 5 – Amending Local Planning Scheme, Regulation 50 of the *Regulations* requires the Local Government to make a recommendation in respect of each submission. If the Local Government is not prepared to modify the amendment as a result of a submission, then the submission is dismissed.

Part 5 – Amending Local Planning Scheme, Regulation 51 of the *Regulations* mentions that a Local Government may advertise proposed modifications to a standard amendment.

BACKGROUND

The subject site is located within the Industrial Zone where a service station is an 'X' use, not permitted. Therefore, the proposed scheme amendment has been initiated to rezone the site from 'Industrial' to 'Service Station' in order to allow for the consideration of a service station land use on-site.

Concept Plans

As part of the original lodgement documentation for the Amendment, three concept development plans were lodged. All three Concept Plans were not supported by the City of Belmont and City of Canning. However, upon meeting with the proponent, it was agreed that Concept Plan 2 was the most appropriate of the three concepts with some modification. In addressing the City's' request, a revised Concept Plan was submitted (refer Attachment 5) which addressed the City's' concerns and was subsequently advertised as part of the consultation period for this amendment.

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Item 12.2 Continued

OFFICER COMMENT

During the advertising period, a total of 13 submissions were received, two of which were objections to certain aspects of the proposed amendment. The objection submissions are addressed below.

Bell Street Crossover Location

During the consultation period, a submission was received from Main Roads Western Australia (MRWA) raising concern regarding the crossover located on Bell Street. Clause 3.3.5 of the MRWA driveway policy requires a 25 metre setback from the tangent point to the crossover. According to MRWA, the applicant has incorrectly measured the tangent point, utilising the truncation point instead and therefore making the drawing invalid and the location of the crossover incorrect.

Figure 3: Initially Proposed Crossover Locations

Regulation 50 under Part 5 – Amending Local Planning Scheme, of the *Regulations* mentions that a standard amendment can be supported subject to proposed modifications to address issues raised in the submissions period being made.

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The proponent has submitted an amended Concept Plan (refer Attachments 6 and 7), as shown in Figure 4 below.

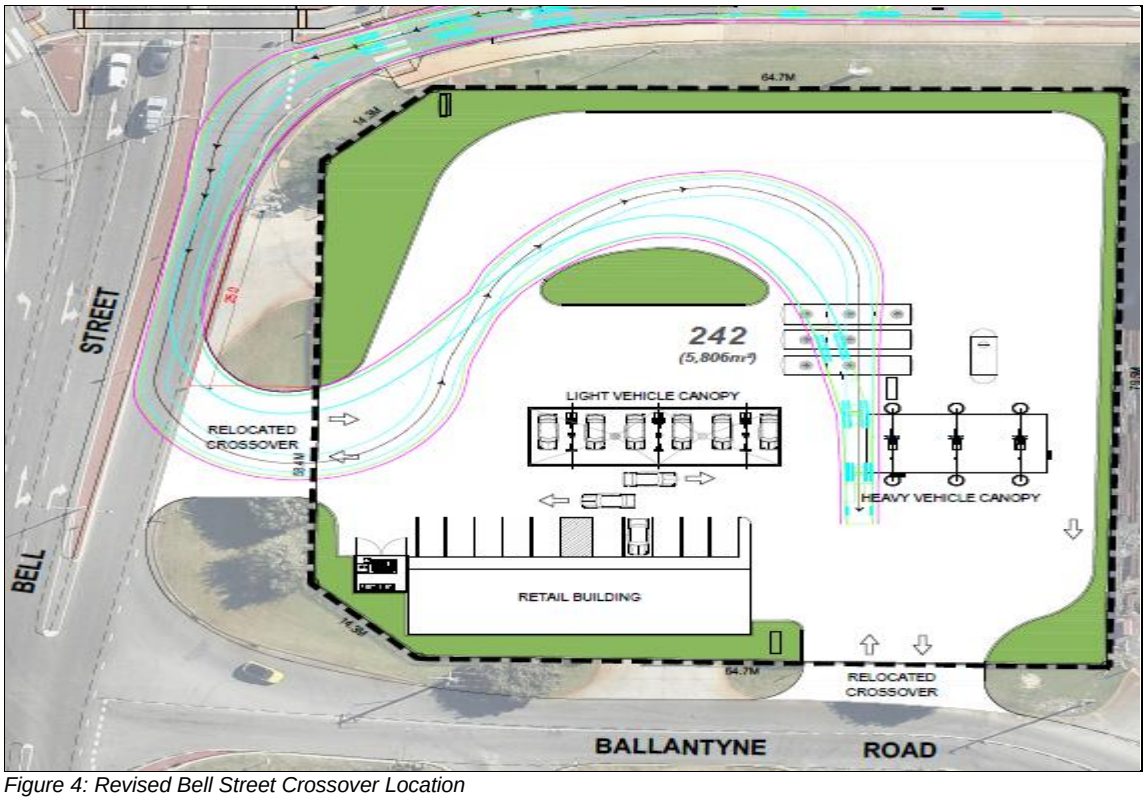

Figure 4: Revised Bell Street Crossover Location

Comments were sought from MRWA on the revised Concept Plan to address the issue they raised with the Bell Street crossover. At the time of preparing this report, no written response has been received from MRWA but they have informed the City verbally that the revised Concept Plan does meet their requirements.

The subject Amendment relates solely to the zoning of the subject site, not the future land use which will require a planning application to be submitted. Therefore, it is not considered necessary to obtain written confirmation from MRWA on the proposed revised Concept Plan (refer Attachment 6) given that this will need to be addressed and approved as part of any planning application for the subject site.

Further to the above, Regulation 51 under Part 5 - Amending Local Planning Scheme, of the *Regulations* mentions that a Local Government may advertise proposed modifications to a standard amendment. In this instance, given the nature of the modification requested to the Concept Plan by MRWA, it is not considered necessary to advertise the modification to the Concept Plan made (refer Attachment 6). The modification requested by MRWA to the Concept Plan that was advertised is not a significant change, and will not impact on any of the adjoining properties or those agencies that lodged submissions during the initial consultation period.

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Traffic Analysis

It was raised in one of the submissions received that the existing corner from Ballantyne Road onto Bell Street is a blind corner. This intersection was upgraded as part of the works done to Orrong Road and is compliant with MRWA requirements. The City considers that the intersection is not a blind corner as vehicles along Ballantyne Road approaching the Ballantyne Road/Bell Street intersection when turning either left (facing north) or right (facing south) don't have any impeded views of the traffic along either side of Bell Street.

As part of the same submission on the above issue, it was raised that the potential for accidents would increase on-site due to the proposed service station land use. The proponents have provided a Traffic Impact Assessment (TIA) which included a Signalised (and unsignalised) Intersection Design Research Aid (SIDRA) analysis of all the intersections. The TIA and SIDRA took into account light and heavy vehicle movements in and around the subject site. No potential traffic hazards were identified as part of those reports as there will be minimal impact from queuing vehicles wanting to enter the site as well as operational activities within the site.

It needs to be noted that the revised Concept Plan subject to this amendment (refer Attachment 6) is an indicative layout only at this stage and will be further refined at the development application stage. As part of the development application, a TIA and SIDRA will need to be submitted to ensure that the service station land use will not negatively impact traffic, be it now or in the next 10 years.

Conclusion

The proposed Scheme Amendment is considered to be consistent with the intent of the City's Local Planning Strategy and addresses the key considerations of a service station operation.

As per Regulation 50 of the *Regulations*, the Local Government has the opportunity to modify a proposed amendment as a result of a submission. The objection received from MRWA in regards to the crossover location proposed on Bell Street in the Concept Plan that was advertised (refer Attachment 5) has been addressed by way of a revised concept plan being submitted (refer Attachment 6).

Therefore, given the proponent has modified the Concept Plan to address the objection received from MRWA, it is recommended that Council adopts Amendment No. 8 to LPS15 in its final form and forward the Scheme Amendment to the WAPC subject to the revised Concept Plan (refer Attachment 6) being the endorsed Concept Plan.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

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Item 12.2 Continued

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That in relation to Scheme Amendment No. 8 to the City of Belmont Local Planning Scheme No. 15, Council:

1. ***Uphold the submissions lodged by Water Corporation, ATCO Gas Australia, Department of Mines and Petroleum, Department of Mines and Petroleum–Resources Safety, Telstra, Department of Transport, Department of Environment Regulation, Department of Water, City of Canning, Department of Health and Perth Airport in accordance with Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015.***

2. ***Partially uphold the submission lodged by Main Roads Western Australia in relation to the Bell Street crossover location in accordance with Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015.***

3. ***Dismiss the submission lodged by A Pellicciotti on behalf of Western Controls in accordance with Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015.***

4. ***Adopt Scheme Amendment No. 8 to the City of Belmont Local Planning Scheme No. 15 subject to the revised Concept Plan (refer Attachment 6) being the endorsed Concept Plan.***

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

6. ***Seek endorsement by providing the advertised Amendment No. 8 to City of Belmont Local Planning Scheme No. 15 to the Western Australian Planning Commission together with the additional information required in accordance with Regulation 53(1) of the Planning and Development (Local Planning Schemes) Regulations 2015 within 21 days of passing the resolution.***

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

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12.3 BELMONT MEN'S SHED INCORPORATED

SOCIAL BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 8 – Item 12.3 refers	**Letter from Belmont Men's Shed**
Attachment 9 – Item 12.3 refers	**Belmont Men's Shed Memorandum of Understanding Report and Application**

Voting Requirement	:	Absolute Majority
Subject Index	:	52/008 – Mens Shed
Location/Property Index	:	Lot 150 (57) Robinson Avenue, Belmont
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	23 June 2015 OCM – Item 12.1
Applicant	:	City of Belmont
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

To provide an update on the progress of the Belmont Men's Shed and to determine the level of financial support provided by Council to the Belmont Men's Shed Incorporated (BMSI) to assist with the ongoing operations. The report advises Council of the BMSI Steering Committee's decision to formally relinquish the previously identified site at 314 Kew Street, Cloverdale as a future development site for its Men's Shed.

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Item 12.3 Continued

SUMMARY AND KEY ISSUES

The City of Belmont has been working closely with the Belmont Men's Shed Steering Committee since its inception in May 2013.

At the Ordinary Council Meeting (OCM) held 23 June 2015 (Item 12.1), Council endorsed the provision of funds over a two year period to assist with the establishment of Belmont's inaugural Men's Shed, specifically to assist with accommodation costs. The establishment of an MOU ensued which is now nearing its expiry at the end of this current financial year (2016-2017).

A letter of intent was provided to the Steering Committee evidencing Council's support for the future development of a Men's Shed at the previously identified site at 314 Kew Street, Cloverdale. The BMSI have since made the decision to formally relinquish the site as they have not deemed it a realistic option for the Shed particularly in terms of location and operation (refer Attachment 8).

LOCATION

Lot 150 (57) Robinson Avenue, Belmont.

CONSULTATION

Since the 23 June 2015 OCM, the City's Officers have had ongoing discussions with the Steering Committee, as the Shed's development has progressed.

The BMSI Steering Committee presented the item to Councillors at the 8 November 2016 Information Forum (Item 6.1).

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Item 12.3 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: The City will take a key leadership role to ensure access to services and facilities and developing collaborative partnerships that enable greater accessibility for a changing community.

Strategy: Adopt a collaborative approach through the development of partnerships with services providers, to ensure maximum benefit for community groups and individuals.

Objective: Develop Community capacity and self-reliance.

Strategy: Assist clubs and community groups to be viable and active.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

The City of Belmont has been working closely with the BMSI Steering Committee since its inception in May 2013. To the present day, the Steering Committee has requested support from the City to secure a site to develop a Men's Shed in Belmont. Direct support from the City to the Steering Committee has been by way of financial support through a MOU. Indirect support from multiple internal departments such as Community Development, Building and Planning Services, and Technical Services has continued on an ongoing basis with Officers providing information, advice and support on a range of operational matters.

In 2015, in partnership with the City, representatives of the Steering Committee were consulted with and a site at 314 Kew Street, Cloverdale, was identified as being the preferred option for the development of a future Men's Shed.

In May 2015, the City met with Lotterywest and proposed a number of future development projects; one being the Men's Shed. Lotterywest was supportive of the development of a Men's Shed in Belmont, but suggested that they were unlikely to provide significant funds towards the development until the Steering Committee had both an operational and financial history to evidence an ongoing need and a sustainable model into the future. They suggested that the Steering Committee start with a smaller operational model and grow as demand and finances allow.

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Item 12.3 Continued

At the 23 June 2015 OCM (Item 12.1), it was resolved:

ROSSI MOVED, POWELL SECONDED,

That Council:

1. ***Commit $72,000 over the next two financial years (2015-2017) for accommodation support through the development of a Memorandum of Understanding between the City of Belmont and the Belmont Men's Shed Incorporated.***

2. ***Provide a letter of intent to support the future development of a Men's Shed at the 314 Kew Street, Cloverdale site.***

3. ***Authorise the preparation of a Development Application for the proposed Men's Shed at the 314 Kew Street, Cloverdale site to be submitted to the Council for consideration and recommendation to the Western Australian Planning Commission for determination.***

*****ABSOLUTE MAJORITY REQUIRED*****

CARRIED BY ABSOLUTE MAJORITY 8 VOTES TO 0

The BMSI Steering Committee presented a progress report to Council at the Information Forum on 8 November 2016 (Item 6.1). The President also highlighted a number of ongoing challenges including limited cash flow, also current and future financial instability.

The City formalised its relationship and partnership with the BMSI through the development of a MOU which commenced in October 2015 and expires in June 2017. It is important to note that as funds are paid in advance, the MOU funds actually cover rental expenditure to October 2017.

OFFICER COMMENT

The BMSI Committee has recently written to the City (refer Attachment 8) requesting consideration of continued and additional funding through the development of a three year MOU until June 2020. The request is for $55,000 per financial year at a total cost of $165,000 over the full term of the agreement.

The letter also includes a request that Council revoke its earlier resolution endorsed at the 23 June 2015 OCM (Item 12.1, Point 3), as the Committee has determined that the previously identified 314 Kew Street, Cloverdale site is no longer a realistic option for the Men's Shed particularly in terms of location and operation.

The Committee also provided a progress report (refer Attachment 9) outlining achievements and challenges since June 2015 and into the future. The Committee highlights it has been active in trying to generate funds by various means and applying for grants from a number of sources, including the City's Community Contribution Fund for specific items of need.

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Item 12.3 Continued

In the 23 June 2015 OCM Report (Item 12.1), it was noted that the financial support granted at that time would allow the Steering Committee to secure premises, test their model of operation, grow their membership and secure further funding for the development of a permanent location and premises in Belmont.

It is recommended that Council also consider information that had previously been given by Lotterywest, (noted earlier in this report); that they were unlikely to provide significant funds towards the Men's Shed until both operational and financial history evidenced an ongoing need and a sustainable model into the future.

However, with ongoing significant support from Council it will be very difficult to gauge the level of financial sustainability of the Men's Shed. This ongoing generosity may then lead to Council being the Men's Shed's only source of funding for the foreseeable future and leaves them vulnerable and exposed to insolvency, if at any time, the Council decides to prioritise and apportion funds elsewhere.

The BMSI has indicated in its report (refer Attachment 9) that the funding request is for rent and outgoings directly connected to its lease agreement for a further three years. To remain consistent with other MOUs, it is recommended that Council consider committing $55,000 for the October 2017 to October 2018 year for accommodation support through an updated MOU, rather than the three years requested by the BMSI. This will then ensure the MOU is in line with all other MOUs across the City, so that the level of funding required for the subsequent financial years to June 2020 can be reviewed on an annual basis, as per the arrangement with all other MOU partners.

FINANCIAL IMPLICATIONS

By the end of the 2016-2017 financial year, Council will have provided BMSI with $72,000 for accommodation support plus additional funds granted under the City's Community Contribution Fund program.

The Committee's current request is for an allocation of $55,000 to be included in the 2017-2018 financial year budget for Men's Shed accommodation support, and a further $55,000 per year to June 2020. This will amount to a total contribution of $165,000 over the next three financial years.

It is recommended that Council consider committing $55,000 for the 2017-2018 financial year for accommodation support through an updated MOU.

In line with all other MOUs administered by the City, the Belmont Men's Shed Incorporated will be required to provide an end of financial year report to Council so that their financial sustainability is encouraged and monitored. This also ensures the MOU with the BMSI is in line with all other MOUs across the City, and the level of funding required for the following two financial years to June 2020 can be reviewed on an annual basis, as per the arrangement with all other MOU partners.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

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SOCIAL IMPLICATIONS

As has been noted previously, the benefits of Men's Sheds are well documented and evidenced, particularly in the Beyond Blue, Men's Sheds in Australia, Effects on Physical Health and Mental Well-being 2013 Report, which identifies the following four findings:

1. For many, Shed membership comes about following a significant life change.

2. Men's Sheds are ideally placed to reach some priority populations for health intervention.

3. There are clear health benefits associated with Men's Sheds, particularly when compared with less socially active men.

4. Awareness of mental health issues like depression and anxiety is improved through Men's Shed membership.

OFFICER RECOMMENDATION

ROSSI MOVED, POWELL SECONDED,

That Council:

1. ***Receive the progress report of the Belmont Men's Shed Incorporated (refer Attachment 9).***

2. ***Commit $55,000 for the 2017-2018 financial year for accommodation support through an updated Memorandum of Understanding between the City of Belmont and the Belmont Men's Shed Incorporated.***

3. ***Require Belmont Men's Shed Incorporated to provide a detailed report to Council annually so that their financial sustainability is encouraged and monitored and that the level of funding required for each of the following two financial years to June 2020 can be reviewed and the level of funding determined.***

4. ***Acknowledge that the Belmont Men's Shed Incorporated no longer requires the use of 314 Kew Street, Cloverdale and that support for a Development Application on this site by the Belmont Men's Shed Incorporated is no longer necessary.***

*****ABSOLUTE MAJORITY REQUIRED*****

CARRIED BY ABSOLUTE MAJORITY 7 VOTES TO 0

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12.4 ANNUAL REVIEW OF CITY OF BELMONT ENVIRONMENT AND SUSTAINABILITY STRATEGY

NATURAL BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 10 – Item 12.4 refers	**Revised City of Belmont Environment and Sustainability Strategy 2016-2021**

Voting Requirement	:	Simple Majority
Subject Index	:	30/003 – Environment Plan
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	27 July 2016 OCM – Item 12.3, 20 March 2017 Standing Committee (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 (2017 version) (refer Attachment 10) to Council for endorsement.

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Item 12.4 Continued

SUMMARY AND KEY ISSUES

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 City's 'Environment and Sustainability Policy', Council 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.

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

- Deletion of new actions that have been completed
- Moving actions that have become ongoing to the relevant section
- Addition of new actions or rewording of existing actions
- Alteration to timeframes, priority and/ or responsible officer.

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

In accordance with the Strategic Community Plan Key Result Area: 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

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.

STATUTORY ENVIRONMENT

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

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Item 12.4 Continued

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 City's 'Environment and Sustainability Policy', Council 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.

OFFICER COMMENT

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

- Deletion of new actions that have been completed
- Moving actions that have become ongoing, to the relevant section
- Addition of new actions or rewording of existing actions
- Alteration to timeframes, priority and/or responsible officer.

The proposed changes were presented to the Standing Committee (Environmental) on 20 March 2017 for comment, prior to referral of the updated Strategy to Council for endorsement.

The key proposed changes include:

- Rewording of several sections for clarification, without altering substantive content or intent
- Deletion of note that the Canopy Plan is currently under development, due to anticipated Council endorsement in 2017
- Inclusion of completed 2016/17 actions under 'Previous Achievements'
- Expansion of list of 'Key Stakeholders for the City of Belmont'
- Update to the Plan Do Check Act Diagram under 'Environmental Management System' to reflect the updated diagram in the ISO 14001: 2015 Standard
- Inclusion of risk criteria applied to identify significant environmental aspects
- Inclusion of reference to the presence of Banksia woodland within the City of Belmont and its new classification as a Threatened Ecological Community under legislation
- Deletion of 22 actions either completed or expected to be complete by 30 June 2017, with seven new associated ongoing actions included:
  - Provide a forum for staff to identify, share and discuss environmental sustainability initiatives through the Environmental Sustainability Focus Group
  - Implement an environmental awareness training program for new staff, with staff in relevant roles to complete Waterwise Garden and Irrigation, Water Auditing and Fertilise Wise training
  - Promote relevance of environment/sustainability to the City's values, the "Innovation Webform" and relevant categories of the Star Awards (ie innovation)
  - Monitor and note changes to environmental legislation in a central register, and if relevant to City of Belmont, corresponding changes to City procedures and communication undertaken

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- Incorporate environmental considerations when planning major community events
- Apply Detailed Tree Selection for planting of verges located adjacent environmentally sensitive areas such as bushland, drainage basins and river foreshore
- Include "whole of life" fuel use as a tender criterion for new plant purchased, based on fuel efficiency (L/hr) and expected lifetime operating hours

- Inclusion of following new ongoing actions:
  - Promote the Responsible Cafes Program and encourage local cafes to join and provide a discount to customers who bring their own reusable takeaway cup
  - Investigate and invest in new technologies that assist in gaining maximum efficiencies in groundwater management.
  - Consider environmental benefits of electric vehicles and potential incorporation into the light vehicle fleet
- Modification to existing ongoing actions:
  - Delete specific reference to content of the annual groundwater monitoring report to Department of Water, and instead reference the Groundwater Licence Operating Strategy.
  - Inclusion of reference to progress of the Canopy Plan in the ongoing actions list for Natural Environment and Biodiversity
  - Inclusion of reference to the Water Corporation Drains for Liveability program
- Inclusion of following new actions:
  - 1.4 Consider the outcomes of WALGA's review of Sustainable Procurement in the WA Local Government Sector, in the annual review of the City of Belmont Environmental Purchasing Policy.
  - 3.3 Undertake biological surveys (fauna and/or macroinvertebrates) of restoration sites to monitor changes in local ecology
  - 3.4 Undertake updated flora surveys of key natural areas to monitor changes and plan for future restoration
  - 3.7 Revise the City's Process Map for "Clearing of native vegetation" to include referrals under the Environmental Protection and Biodiversity Conservation Act 1999
  - 4.3 Develop a Nutrient Awareness Campaign for the Ascot Stables stormwater catchment, with the aim to improve water quality through further education, awareness and enforcement of local laws
  - 5.2 Implement a commitment pledge/Memorandum of Understanding with one lessee of a City owned building/facility, regarding environmental sustainability initiatives.
  - 5.5 Develop a Waste Minimisation Plan for the Faulkner Civic Precinct, including the Civic Centre, Ruth Faulkner Public Library, Functions Centre and new Community Centre.
  - 6.1: Participate in the EMRC's "Understanding and Managing Flood Risk in Perth's Eastern Region" project; Stage 3: Flood Risk and Vulnerability Assessment, Floodplain Development Strategy and Stage 4: Flood Intelligence and Adaptation Planning.
- Deletion of the following actions unable to be implemented as stated:
  - 2.1 Implement an education and engagement programme for residents of "The Springs" regarding environmental and sustainability issues.

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- 5.4 Upon completion of data transfer to Planet Footprint, consider a new Corporate carbon emission reduction goal for City managed buildings/ facilities, using 2015/16 as a baseline.

- Extension of timeframe for the following actions to 2017/18
  - 3.2 Obtain "as constructed" digital designs for stormwater drainage upon completion of the Tonkin Highway upgrade, and incorporate into the City's Intramaps system.
  - 1.4 (now 1.1) Develop guidelines and assist and encourage applicants for unit developments to establish verge landscaping that supports environmental outcomes and other community benefits.
- Inclusion of new indicators
  - % of significant environmental aspects reviewed by Senior Management
  - Sheets of paper printed annually (calendar year) for Councillor communications
- Inclusion of the following new goals and targets for Resource Use, Waste and Carbon Emissions:
  - Performance targets for the Faulkner Civic Precinct Community Centre, as set in the Owners Project Requirements document
  - Goals for Corporate and residential scheme water consumption set in the endorsed City of Belmont Water Efficiency Action Plan 2016-2021
  - Maintain annual energy consumption per FTE at the Operations Centre to within 10% of 2015/16 levels until 2021
  - Reduce annual electricity consumption at Harman Park Community Centre by 10%, from 2014/15 levels by 2020/21
  - Reduce the average 'CO2 tailpipe emissions rating' of the City's light vehicle fleet between 2016 and 2021
  - Reduce the percentage of recyclable material in the Civic Centre bulk bin at the time of the annual audit in comparison to 2016/17 results
  - Minimise sheets of paper printed annually (calendar year) for Councillor communications below 2016 figures.

As noted in the minutes of the 20 March 2017 Standing Committee (Environmental) meeting:

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

- *The downpour that occurred earlier this year was considered a flood event. The river level was significantly higher at Garvey Park and the river was flowing much faster than normal.*

- *The time of year when the rain event occurred helped and the rain occurred over a 24 hour period rather than over a number of weeks. The ground was also dry as it was summer.*

- *The Avon river catchment area starts in the Wheatbelt.*

- *Electric vehicles are being investigated and usage will increase. When fleet vehicles are replaced CO2 emission levels are looked at. These indicators are reported to the Standing Committee (Environmental) on a regular basis.*

- *There are more and more electric vehicle options coming onto the market, the technology is improving and charging stations are becoming more prevalent.*

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Item 12.4 Continued

- *There are still limitations on battery life, range and recharging ability. Significant research and effort is being undertaken in improving battery technology. It was also noted that charging stations can cost up to $30,000 to install.*

- *The most recent flora surveys were undertaken over ten years ago and some areas such as Garvey Park were last surveyed in 1994. Many of these areas have changed significantly in this time and the surveys are required to provide information on the flora now in the area. Officers will investigate the possibility of partnering with universities to undertake these surveys.*

- *There are a number of aquatic plants present at Tomato Lake such as duck weed which is beneficial in the aquatic environment.*

- *The City is transitioning to the 2015 ISO standard and will be certified in the new standard by 2018. It will be noted that the diagram used in the 2017 update to the Environmental and Sustainability Strategy is from the 2015 standard.*

- *Councillor Wolff suggested the inclusion of additional text in the revised Strategy to clarify that the updated Plan Do Check Act Diagram is based on the ISO 14001: 2015 standard (rather than the 2004 standard).*

OFFICER RECOMMENDATION

MARKS MOVED, RYAN SECONDED,

That Council endorse the revised City of Belmont Environment and Sustainability Strategy 2016-2021 (2017 version) (refer Attachment 3).

CARRIED 3 VOTES TO 0

Following the comments from the Committee, additional text has subsequently been included on page 12 of the Strategy to clarify that the Plan-Do-Check-Act diagram is based on the 2015 ISO standard.

FINANCIAL IMPLICATIONS

The estimated cost of implementing individual new actions is documented in each Chapter of Part II of the Strategy (refer Attachment 10). This is an approximate cost only and is reviewed during preparation of the budget each year.

The only additional direct financial cost to implement actions included in the Strategy is associated with proposed new action 3.4 'Undertake updated flora surveys of key natural areas to monitor changes and plan for future restoration'. This involves consultancy costs of an estimated $10,000 to engage qualified botanists to conduct flora surveys at five sites.

Costs for all other actions (ongoing and new) are already accounted for in maintenance, capital renewal/upgrade, operating budgets or in the Corporate Business Plan.
A significant but unquantified cost is related to Officer time, which involves not only the activities of Environment Section staff, but also those identified as responsible officers.

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Item 12.4 Continued

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 revised City of Belmont Environment and Sustainability Strategy 2016-2021 (refer Attachment 10).

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

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12.5 FINALISATION OF RATE EXEMPTION REVIEW PROCESS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	As listed in report
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	25 August 2015 OCM – Item 10.1
Applicant	:	As listed in report
Owner	:	As listed in report
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

This report presents the final update of the City's review of those properties with a rates exempt status for Council's endorsement.

SUMMARY AND KEY ISSUES

The four properties reviewed are those that have been granted rate exemption for Charitable Use and / or Religious purposes. Each owner was sent a letter giving them the opportunity to provide documentation to confirm that their respective properties have continued to be used for charitable and / or religious purposes.
This final review has resulted in one property being identified as rateable.

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CONSULTATION

There has been no specific consultation undertaken in respect to this matter other than with the owners of each property.

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 significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The relevant sections of the *Local Government Act 1995* (the *Act*) 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

(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

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

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2. Section 6.53 of the *Act* 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 6.39 of the *Act* states

> *"(2) A local government -*
>
> *(b) may amend the rate record for the 5 years preceding the current financial year."*

4. Section 6.76 of the *Act* 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

In 2013 City Officers commenced the process of reviewing all properties that had been granted rate exemptions previously to ensure they were being used for that same purpose as for which the exemption was originally granted. The list had been broken down to three main categories:

- Charitable Use Exemption
- Aged and Crisis Accommodation
- Religious Purposes.

This report focuses on the final outstanding four properties that had as yet not been reviewed in the review cycle required to be reported to Council.

Those four properties are:

- 96-98 Norwood Road, Rivervale
- 23 Paterson Road, Kewdale
- 1/79 Robinson Road, Belmont
- 61 Alexander Road, Kewdale.

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OFFICER COMMENT

The respective properties owners have completed the Rates and Charitable Land Use Exemption Application and provided necessary supporting documentation. The following tables summarise the outcome and recommendations of the review.

Table 1 – Continued Exempt Status

Exemption Granted	Property Address	Property Use	Rate Type
The Gowrie	23 Paterson Road, Kewdale	Crown owned land vested for use as a Child Care Centre to be used by this charitable organisation (charitable use)	Com
Churches of Christ in WA (Trading as Elevate Church)	61 Alexander Road, Kewdale	Church (religious purposes)	Com
Harvest West Bible College Ltd	1/79 Robinson Road, Belmont	School for religious studies (religious purposes)	Ind

Table 2 – Exemption No Longer Applicable

Exemption Denied	Property Address	Property Use	Rate Type
Salvation Army	96-98 Norwood Road, Rivervale	Now Vacant- effective from January 2016.	Com

Salvation Army ceased to use the property effective 1 January 2016.

FINANCIAL IMPLICATIONS

Section 6.53 of the *Act* defines the property as being non-rateable effective from the date of the lease or 1 July of the year the application is being made.

The property listed in Table 2 has been interim rated effective from 1 January 2016 and payment received.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The City's Rates Officers undertook site visits where applicable. Based on the site visits and supporting documentation, it is evident the respective organisations play a significant role within the Community. They each give support and access to services and facilities which clearly enhances the wellbeing of members of our community who are in need.

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Item 12.5 Continued

OFFICER RECOMMENDATION

That Council:

1. Approve that the properties in "Table 1 – Continued Exempt Status" of the Officer report continue to receive rate exemption under section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from 1 July 2016.

2. Note amendment to the rate record for the property in "Table 2 – Exemption No Longer Applicable" of the Officer report as at 1 January 2016.

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

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12.6 ACCOUNTS FOR PAYMENT – MARCH 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 11 – Item 12.6 refers	**Accounts for Payment – March 2017**

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

☐	**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.*

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Item 12.6 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	787305 to 787340	$272,256.32
Municipal Fund EFTs	EF048948 to EF049454	$4,086,923.55
Municipal Fund Payroll	March 2017	$1,615,364.99
Trust Fund EFTs	EF048949, EF048950 and EF049070	$27,012.10
Total Payments March 2017		$6,001,556.96

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FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for March 2017 as provided under Attachment 11 be received.

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

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12.7 MONTHLY ACTIVITY STATEMENT AS AT 31 MARCH 2017

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 12 – Item 12.7 refers	**Monthly Activity Statement as at 31 March 2017**

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.

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LOCATION

N/A

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

- Annual budget estimates
- Budget estimates to the end of the reporting month
- Actual amounts to the end of the reporting month
- Material variances between comparable amounts

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- Net current assets as at the end of the reporting month.

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

The monthly financial report is to be accompanied by:

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

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

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

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

In order to provide more details regarding significant variations as included in Attachment 12 the following summary is provided.

Report Section	***Budget YTD***	***Actual YTD***	***Comment***
Expenditure - Capital			
Road Works	3,385,138	3,203,204	Projects are generally tracking well with invoices paid in arrears.
Footpath Works	525,317	396,771	Projects are generally tracking well with invoices paid in arrears.
Expenditure - Operating			
Computing	1,663,156	1,832,334	Software purchases include prepayments which are yet to be allocated.
Marketing and Communications	1,209,744	1,098,561	Employee related, printing and event costs are currently under budget.
Reimbursements	136,500	234,752	Job cost allocations are outstanding.
Governance	2,713,016	2,534,943	Activity Based Costing (ABC's) allocations are below budget.
Belmont HACC Services	1,995,009	1,875,486	Employee related costs and internal expense allocations are below budget.
Grounds Operations	3,684,525	3,555,091	Parks maintenance costs are currently under budget.
Streetscapes	731,657	830,846	Street tree pruning and watering costs are currently above budget.
Public Works Overheads	1,193,558	1,101,733	Employee costs are currently under budget.

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Report Section	***Budget YTD***	***Actual YTD***	***Comment***
Revenue - Capital			
Revenue - Operating			
Finance Department	(1,484,223)	(1,425,928)	ABC's allocations are below budget.
Computing	(1,705,888)	(1,832,334)	ABC's allocations are above budget.
Faulkner Park Retirement Vill	(166,332)	(266,860)	Unit sales are above budget.
Town Planning	(1,120,842)	(852,977)	Variance mainly relates to application fee income.
Sanitation Charges	(5,679,026)	(5,771,981)	Slightly above budget due to the increasing number of dwellings.
Grounds Overheads	(1,108,099)	(963,542)	Overhead recoveries are below budget.
Public Works Overheads	(1,056,550)	(1,116,739)	Overhead recoveries are above budget.
Plant Operating Costs	(1,102,769)	(936,420)	Overhead recoveries are below budget.
Other Public Works	(19,260)	(91,945)	Private works income is above budget.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 March 2017	**$**	**Comment**
Cash and investments	64,576,241	Includes municipal and reserves
- less non rate setting cash	(40,770,640)	Reserves
Receivables	2,233,532	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(311,681)	ESL Receivable
Stock on hand	252,440	
Total Current Assets	**25,979,892**	
Current Liabilities		
Creditors and provisions	(7,863,190)	Includes ESL and deposits
- less non rate setting creditors and provisions	3,363,855	Cash Backed LSL, current loan and ESL
Total Current Liabilities	**(4,499,335)**	
Nett Current Assets 31 March 2017	21,480,557	
Nett Current Assets as Per Financial Activity Report	21,480,557	
Less Restricted Assets	(333,052)	Unspent grants held for specific purposes
Less Committed Assets	**(20,647,505)**	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.

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Item 12.7 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 March 2017 as included in Attachment 12 be received.

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

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 7.53pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 26 April 2017 were confirmed as a true and accurate record at the Ordinary Council Meeting held 23 May 2017:

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: PHILIP MARKS

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