



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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26 July 2011

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CONFIDENTIAL ATTACHMENTS INDEX

Confidential Attachment 1 – Item 12.8 refers
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<p>Councillors are reminded to retain the OCM Attachments for discussion with the Minutes</p>
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MINUTES

PRESENT

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

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr N Deague	Director Community and Statutory Services
Mr R Lutey	Director Technical Services
Mr R Garrett	Director Corporate and Governance
Mr J Olynyk, JP	Manager Governance
Mr M Ridgwell	Principal Governance and Compliance Advisor
Miss R Dougall	Compliance Administrator
Ms S Johnson	Governance Officer

MEMBERS OF THE GALLERY

There were 17 members of the public in the gallery and one representative from the press.

1. OFFICIAL OPENING

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

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST

3.1 FINANCIAL INTERESTS¹

Name	Item No. and Title	Nature of Interest (and extent, where appropriate)
Cr Godfrey Cr Marks Cr Hanlon Cr Powell Cr Whiteley Cr Wolff Cr Dornford Cr Gee Cr Hitt Cr Martin Cr Rossi	12.6 Council Policy BEXB13 – Gifts to Departing Elected Members	Direct Financial Interest

3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Nil.

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

4.1 ANNOUNCEMENTS

The Presiding Member made the following announcement -

“It gives me great pleasure to announce Cr Janet Gee’s successful achievement of competency in two WALGA Elected Member training units, achieving a certificate in both “Decision Making in Land Use Planning” and also “Councillor Roles and Responsibilities” .

Congratulations Cr Gee.”

¹ Refer to Page 77 of the Minutes for a detailed explanation.

4.2 DISCLAIMER

7.07pm The Presiding Member advised the following:

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

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

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

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 (I), the Presiding Member advised that she had registered one member of the public who had given prior notice to ask questions, this being Mr Haley.

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

One further member of the public gallery stated their intention to ask a question, this being Mrs Bass.

5.2.1 Mr S Haley, 8 Davis Street, Ascot

Regarding the Ascot Inn extensions, I would like to ask two questions please –

1. Over the last ten years the Council has not been able to control the traffic through Davis Street. So how is the Council going to control the traffic using the Service Vehicle Access from the hotel to Thompson Street and then through whatever street they choose in the Ascot horse area?

Response

The Director Community and Statutory Services replied that as part of the conditions of the development, a gate is required at the service entrance which will prevent members of the public gaining access to Thompson Street.

2. McDonalds are meant to supply their own parking, but they park near the corner of Lyall Street and Matheson Road. Is the Council going to allow the same thing to happen around the streets near the Ascot Inn.

Response

The Director Community and Statutory Services stated that he believed that the applicant has provided adequate on site car parking for the development, however, Council was unable to stop legal car parking on roads.

3. Council Officers are recommending retrospective approval for eight units built on the Ascot Inn site without prior approval. If I was to build 16 stables on my property (by accident), when I only have approval for eight stables, would I get retrospective approval and be able to keep them?

The Director Community and Statutory Services replied that in order for the Council to consider an approval of a retrospective planning application, the development would need to comply with the requirements of the Town Planning Scheme, the Building Code of Australia and the Stables Local Law. If the Council were to refuse the application, the owner had a right of appeal to the State Administrative Tribunal (SAT) and if the appeal was dismissed, the owner would be required to demolish the additional eight stables.

5.2.2 Mrs M Bass, on behalf of Belmont Residents / Ratepayers Action Group (BRRAG) Inc, 77 Keymer Street, Belmont

1. What has been the Department of Water's most recent advice to Council following floodplain questions raised by BRRAG at the 22 February and 22 March 2011 Ordinary Council Meetings?

Response

The Presiding Member stated that a presentation had been made to Council by the Department of Water and took the question on notice to provide further information.

Item 5.2.2 Continued

2. Councillors, as you have relied on recommendations of Council Officers in your decision of 21 December 2010 to allow (further) residential development on the Swan River floodplain and floodway in Development Areas 7 and 9 in Waterview Parade and Hay Road, Ascot, will you now move to have Council Officers review their previous recommendation, with a view to your reconsidering / rescinding your 21 December 2010 decision?

Response

The Presiding Member took the question on notice.

3. In view of proactive steps being taken by the City of South Perth, and others, what steps has the City of Belmont taken, (since receiving the 22 February this year advice by BRRAG of the flood danger to many residents of large areas of this City, in the event of a 100 – 150mm of cyclonic rainfall occurring with a 24 – 48 hour period in the Avon catchment), to raise residents' awareness of those dangers, as other towns and cities along the Swan River have already begun to do? For example, flood height markers on light poles, writing to homeowners / residents advising them of the risk, drawing their attention to computer modelling showing flood prone areas of this City, the compounding factors or projected future sea level rise / s on flooding, the future legal liability of Councils, now being taken very seriously by other Councils, the placing of memorials on title deeds, etc?

Response

The Director Community and Statutory Services replied that he was confident that correspondence had been sent to BRRAG addressing these issues.

4. In view of the ongoing destruction of the treescape along Great Eastern Highway in Belmont, where is the development of Council's tree policy at; with respect to Council planning to retain mature trees in future developments / road widening, and in beginning to progressively replace London Plan Trees with local native species (that do not have the allergy, leaf and nutrient dump problems of plane trees)? Could Council begin by planting suitable local native trees between the plane trees where they are causing a significant local problem, with a view to progressively removing those London plane trees in the future?

Response

The Presiding Member took the question on notice.

5.2.3 Mrs M Bass, 77 Keymer Street, Belmont

1. Does Council have a policy to inform residents of when their driveways will be altered during works initiated by the City and will Council reinstate the driveways to their original condition?

Response

The Presiding Member took the question on notice.

7.22pm As there were no further questions, the Presiding Member declared Public Question Time closed.

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD ON 28 JUNE 2011
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, WHITELEY SECONDED, That the minutes of the Ordinary Council Meeting held, 28 June 2011 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 11 VOTES TO 0

6.2 SPECIAL COUNCIL MEETING HELD ON 21 JUNE 2011
(Circulated under separate cover)

OFFICER RECOMMENDATION

MARTIN MOVED, POWELL SECONDED, That the minutes of the Special Council Meeting held, 21 June 2011 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 11 VOTES TO 0

6.3 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD ON 19 JULY 2011
(Circulated under separate cover)

OFFICER RECOMMENDATION

HANLON MOVED, WOLFF SECONDED, That the Information Matrix for the Agenda Briefing Forum held, 19 July 2011 as printed and circulated to all Councillors, be received and noted.

CARRIED 11 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

11.1 STANDING COMMITTEE (COMMUNITY CAPACITY) MEETING HELD ON 16 MAY 2011

(Circulated under separate cover)

OFFICER RECOMMENDATION

WHITELEY MOVED, GEE SECONDED, That the Minutes for the Standing Committee (Community Capacity) Meeting held, 16 May 2011 as previously circulated to all Councillors, be received and noted.

CARRIED 10 VOTES TO 1

Against: Hitt

11.2 STANDING COMMITTEE (AUDIT AND RISK) MEETING HELD ON 27 JUNE 2011

(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, MARTIN SECONDED, That the Minutes for the Standing Committee (Audit and Risk) Meeting held, 27 June 2011 as previously circulated to all Councillors, be received and noted.

CARRIED 10 VOTES TO 1

Against: Hitt

Note

The Presiding Member asked Cr Hitt the reason for voting against the Reports of Committees, as this was a routine procedural matter. Cr Hitt stated that he was doing so as he was not present at these meetings. The Presiding Member clarified that Council is only receiving and noting these minutes, not confirming them. Cr Hitt stated that it is his right to vote against the minutes as he was not at these meetings.

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Marks.
Item 12.2 was withdrawn at the request of Cr Marks.
Item 12.3 was withdrawn at the request of Cr Marks.
Item 12.6 was withdrawn at the request of Cr Whiteley.

GEE MOVED, POWELL SECONDED, That with the exception of Items 12.1, 12.2, 12.3 and 12.6 which are to be considered separately, that the Officer Recommendations specifically for Items 12.4, 12.5, 12.7, 12.8, 12.9 and 12.10 be adopted en - bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 11 VOTES TO 0

12.1 ANCILLARY ACCOMMODATION – LOT 1187 (17) RITCHIE WAY CLOVERDALE

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	Development Application Plans
Attachment 2 – Item 12.1 refers	Submissions Table

Voting Requirement : Simply Majority
Subject Index : 115/017
Location / Property Index : Lot 1187 (17) Ritchie Way Cloverdale
Application Index : 52/2011/DA
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : Highbury Homes (WA) Pty Ltd
Owner : R J and C W Dickson
Responsible Division : Community and Statutory Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☐ **Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ **Legislative** *Includes adopting local laws, town planning schemes 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

For Council to consider a development application for Ancillary Accommodation on Lot 1187 (17) Ritchie Way, Cloverdale.

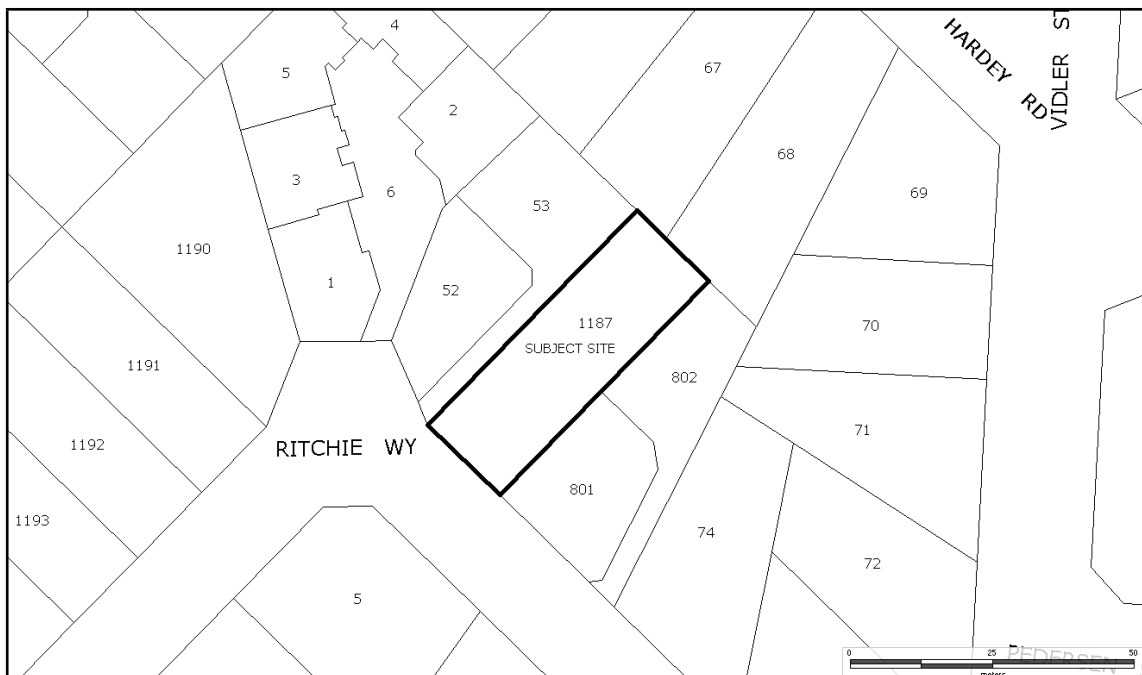
12.1 Continued

SUMMARY AND KEY ISSUES

- The proposal is for Ancillary Accommodation on Lot 1187 (17) Ritchie Way, Cloverdale.
- The property is currently developed with a single storey single dwelling and the proposed Ancillary Accommodation is located in front of the main dwelling in the front setback.
- Ancillary Accommodation is a discretionary use in the Residential zone, and was referred to the surrounding property owners for 14 days. Objections were received from the adjoining property owners.
- The proposed Ancillary Accommodation is compliant with the Acceptable Development requirements of the Residential Design Codes and the site and development provision of Town Planning Scheme No.14 (TPS14).
- It is recommended that the application be approved subject to conditions.

LOCATION

The subject property is Lot 1187 (17) Ritchie Way, Cloverdale, as detailed in the location plan and aerial photograph below.



12.1 Continued



CONSULTATION

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

The proposal was referred to the surrounding owners in accordance with Clause 5.7.2 of TPS14. Two submissions were received, including one objection. The submissions are detailed in Attachment 2 and discussed in greater detail in the Officer Comment section of this report.

STRATEGIC PLAN IMPLICATIONS

In accordance with the Strategic 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.

12.1 Continued

POLICY IMPLICATIONS

Metropolitan Region Scheme (MRS)

The subject property is zoned 'Urban' under the MRS.

Town Planning Scheme No. 14 (TPS14)

The subject property is zoned 'Residential' under TPS14, with a residential density code of R20. The intention of the Residential zone is to permit a mix of single housing and other housing types to encourage families to the district and increase the resident population.

Under TPS14 and the Residential Design Codes, Ancillary Accommodation is defined as *"self contained living accommodation of the same lot as a single house that may be attached or detached from the single house occupied by members of the same family as the occupiers of the main dwelling."* The subject proposal is consistent with the definition of Ancillary Accommodation under both TPS14 and the R - Codes.

Ancillary Accommodation is a D use in the Residential zone under TPS14. This means that the use is not permitted unless Council exercises its discretion by issuing planning approval. In exercising its discretion, Council must give due consideration to the provisions of Clause 5.8 of TPS14. Where Council is specifically considering the approval of a 'D' use, Clause 5.8.3 states that the following must be considered:

- The nature of the proposed use and its relationship to the use of other land within the locality;
- The size, shape and character of the parcel of land to which the application relates and the nature and location of any proposed building, the view from the building and any possible interruption of the existing view from other buildings or land in the locality;
- The nature of the roads giving access to the subject land; and
- The parking facilities available or proposed and the likely requirements for parking, arising from the proposed development.

Where an application is made for planning approval to commence or carry out a development which involves a 'D' use, Clause 5.7.2 permits Council to give notice of the application in accordance with the provisions of sub - clause 5.7.3.

Draft Local Planning Scheme No. 15

The City's draft Local Planning Scheme No. 15 (LPS15) was advertised from 21 May 2010 until 23 August 2010. The draft Scheme was granted final adoption by Council on 14 February 2011 and is currently pending final endorsement by the Western Australian Planning Commission (WAPC) and Minister for Planning.

Under draft LPS15, the subject property retains its current zoning of Residential, with a density coding of R20. There are no additional considerations for this proposal under draft LPS15.

Residential Design Codes (R - Codes)

Part 6 of the R - Codes contains a series of acceptable development (deemed to comply) standards for Ancillary Accommodation, specifically:

12.1 Continued

- The sole occupant or occupants are members of the family of the occupiers of the main dwelling;
- The lot is not less than 450m² in area;
- The open space requirements of Table 1 of the R - Codes are met;
- There is a maximum floor area of 60m²; and
- One additional car parking space is provided.

Where a development does not meet one or more of the acceptable development standards, approval may still be granted by demonstration of compliance with a performance criteria, this being *"Ancillary dwellings that accommodate the needs of large or extended families without compromising the amenity of adjoining properties"*.

In the interest of providing Ancillary Accommodation that is usable and livable, the City of Belmont has previously been supportive of dwellings up to a maximum size of 100m².

State Planning Policy 5.1 (Land Use Planning In The Vicinity of Perth Airport)

The subject property is located within the 20 - 25 ANEF noise contour for Perth Airport. State Planning Policy 5.1 identifies that residential development within the 20 - 25 ANEF contour is conditionally acceptable subject to the maximum density being limited to R20. Development may be approved, provided it is consistent with the zoning and density coding of the land under the operative Town Planning Scheme.

In the case of development which is subject to discretionary control under an operative Town Planning Scheme (as is the case with Ancillary Accommodation under TPS14), the impact of aircraft noise on the users or occupiers of the development should be taken into consideration in the determination of applications, and where relevant, in the imposition of conditions of approval.

A 70A notification advising of the potential for noise nuisance is to be required to be registered on the certificate of title of as a condition of subdivision or planning approval within the 20 - 25 ANEF contour.

Deemed Refusal

Under Clause 5.5.2 of the TPS14 an application that is subject to advertising is 'deemed to be refused' if it is not determined within a 90 day period.

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

The deemed refusal date for this application passed on 16 May 2011 because of the need for the applicant to submit revised plans. The applicant has deemed refusal rights.

12.1 Continued

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

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

BACKGROUND

Lodgement Date:	15 February 2011	TPS14 Zoning:	Residential R20
Lot Area:	933m ²	TPS 14 Use Class:	Ancillary Accommodation: 'D'
Estimated Value:	\$157,464	Draft LPS15 Zoning:	Residential R20
MRS:	Urban	Draft LPS15:	Ancillary Accommodation: 'D'

Proposal

The subject application proposes an Ancillary Accommodation addition at 17 Ritchie Way, Cloverdale (refer to Attachment 1). The Ancillary Accommodation is 65m² in area, is detached from the main dwelling and located in the front setback area of the property.

Development Standards

The subject proposal complies with the acceptable development provisions of the R - Codes with the exception of the floor area exceeding 60m² (65m² proposed). However, the City of Belmont has previously been supportive of dwellings up to a maximum size of 100m², and as such the minor variation to the R - Codes can be supported.

In addition to the Ancillary Accommodation development standards, compliance must also be achieved with any other relevant requirement of the R - Codes, including front and side setbacks. Initially, the proposed development incorporated a variation to the six metre front setback average requirement of the R - Codes, however, this has now been amended to comply.

Although not a specific criterion in the R - Codes, Ancillary Accommodation is typically located at the rear of the main dwelling and its location in front of the dwelling has the potential to impact the appearance of the property and the local streetscape without considered design. Notwithstanding compliance with the front setback average, the initial proposal was considered to be detrimental to the streetscape as it was set back three metres from the front boundary (in a streetscape of well set back dwellings) and presented as an 'add - on' addition, meaning that it did not appropriately address the street, nor reflect the appearance of a main dwelling when viewed from the street.

12.1 Continued

The proposal has been amended by the applicant (refer to Attachment 1) which has altered the front facade of the proposed addition to include the addition of a dominant rendered portico, distinct feature windows, and feature rendered banding across the contrast wall render. This is considered to make the Ancillary Accommodation present as if it is part of the main dwelling.

Notwithstanding this, Ancillary Accommodation is a discretionary use in the 'Residential' zone, and Council must therefore consider whether the proposal meets the intent and objectives of TPS14.

Applicant's Justification

In support of the proposal, the applicant has provided the following justification:

- The requirements of Clause 6.11.1 of the Residential Design Codes have been met (including front and side setbacks, setback averaging, open space and car parking).
- Construction of grouped dwelling developments to a similar front setback is common. The only difference is the land tenure which is invisible and irrelevant to the streetscape.
- If an ancillary accommodation unit is consistent with the quality and streetscape setbacks of a standard grouped or single dwelling there should be no separate distinction between the developments.
- The objections received from adjoining property owners are invalid as the concerns raised are aspects in which the proposed development fully complies.
- Directions 2031 and the Growth Management Strategy (WAPC 2010) both clearly promote urban infill development and increased housing diversity and affordability.
- The Department of Housing's Affordable Housing Strategy (2010 - 2020) makes specific reference to "*pursuing key planning reforms such as optimising the appropriate use of ancillary dwellings*".
- Given the above the proposed development is consistent with the State housing and planning objectives.

OFFICER COMMENT

Ancillary Accommodation provides opportunities to encourage diversity in accommodation types and provides a means for extended families to live in proximity but in autonomous. Support for alternative housing choices is reflected in various WAPC planning strategies and documents (such as Directions 2031 and the R - Codes), and one of the objectives of the City's Local Housing Strategy is to encourage a range of housing types that cater for a diverse range of age groups.

Notwithstanding the above, the R - Codes have specific development standards to ensure that the local amenity is not adversely impacted by ancillary dwellings. These have been discussed in earlier sections of this report.

Ancillary Accommodation has been approved widely across the City of Belmont, however, has traditionally been located at the rear of existing houses, making it primarily screened from the street. Accordingly, there has been no need to consider the streetscape impact and aesthetics of ancillary dwellings.

12.1 Continued

The subject development application proposes the Ancillary Accommodation at the front of the subject lot. As the use is discretionary, it is imperative that the relevant streetscape impact is taken into consideration in conjunction with the matters contained in clause 5.8.2 of TPS14 as part of the decision - making process.

Clauses 5.8.2(k) and (l) of TPS14 state that Council shall give due regard to the preservation of local amenity and the relationship of the proposal to development on adjoining land or on other land in the locality when exercising its discretion on proposed development and land use. In relation to this proposal, specific considerations may include:

- Appearance of development when viewed from the street;
- Continuity of the streetscape;
- Privacy for the proposed dwelling;
- Car parking and access space; and
- The need for a transition zone between the public street and the private dwelling, allowing for mutual surveillance and personal interaction with intrusion.

Initial assessment of the application identified that the addition in front of the dwelling presented as an 'add on' and would not enhance the existing dwelling or the surrounding streetscape. Council Officers held the strong view that any addition in front of the main dwelling should present as if it were a part of, or as if it were, the main dwelling, and appropriately address the street in the same way of a standard dwelling.

To assist with the decision - making process, the proposal was advertised to surrounding landowners, and the submissions received confirmed the City's position that the proposal should enhance the streetscape rather than detract from it.

In response to the concerns raised, the applicant amended the facade of the proposed addition, which is now considered to be more reflective of the development standards of a new single or grouped dwelling development and will blend and harmonise with the surrounding streetscape.

Having regard to the continuity of the streetscape, the lots on the north - eastern side of Ritchie Way are predominantly all over 900m² and have been (or have the potential to) be redeveloped in accordance with the R20 site area provisions. Therefore, it can be considered that the adjoining properties are likely to be progressively redeveloped over time with new dwellings that can be set back with a six metre average / three metre minimum front setback in accordance with the R - Codes. With this in mind, it can be considered that the proposed Ancillary Accommodation represents the commencement of an evolving streetscape of dwellings being set back closer to the street boundary than what presently exists. It should also be noted that the development of a new dwelling, or an extension to the existing dwelling, with the proposed setbacks would fully comply with the acceptable development criteria of the R - Codes and would not require an application for planning approval.

In considering the impact of the proposed development on privacy, it would generally be assumed that maximum privacy would be achieved if the dwelling were to be positioned behind the main dwelling and away from the public realm.

12.1 Continued

However, the applicant has advised that they consider greater privacy will be achieved by having the Ancillary Accommodation at the front of the property, as there would be less direct impact from the outdoor living area of the main dwelling which is located at the rear of the dwelling. The owner has also advised that the relocation of the proposed Ancillary Accommodation behind the existing dwelling would be detrimental to the usability of the open space and outdoor living areas for the existing dwelling.

In considering this, the Ancillary Accommodation has been designed to meet the needs of the occupiers, and on the basis that the development now meets the development requirements, it is considered that privacy is satisfactory.

Conclusion

Given the points raised above, it is recommended that the proposed Ancillary Accommodation be supported. Not only does the proposed development comply with the development requirements of TPS14 and the R - Codes, but it also represents a movement towards the WAPC's goals of providing a range of diverse and affordable housing options within the City and embracing the concept of urban infill.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

As of the 1 July 2003 Energy Efficiency requirements have been implemented via the Building Code of Aust Volume 2 and all residential buildings at the time of application of a Building Licence need to comply with the 'deemed to satisfy' requirements or alternatively an Energy Audit Report can be submitted by an accredited person.

SOCIAL IMPLICATIONS

There are no social implications at this time.

12.1 Continued

OFFICER RECOMMENDATION

MARKS MOVED, DORNFORD SECONDED.

(A) That Council approve planning application 52/2011/DA as detailed in plans received 15 February 2011 submitted by Highbury Homes on behalf of the owner R J and C W Dickson for Ancillary Accommodation at Lot 1187 (17) Ritchie Way Cloverdale subject to the following conditions:

- 1 The stamped and dated plan / plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.***
- 2 The ancillary accommodation must only be used for the accommodation of a member of the family of the occupier of the main dwelling. A notification under Section 70A of the Transfer of Land Act 1893 must be prepared by the City's solicitors and placed on the Certificate of Title of the land at the owner's cost to advise owners and potential owners of the land of this restriction on occupation. The Notification shall be placed on the Certificate of Title prior to the issue of a building licence unless otherwise agreed to in writing by the City.***
- 3 A notification under Section 70A of the Transfer of Land Act 1893 shall be registered over the Certificate of Title to the land the subject of the proposed development prior to the issue of a building licence to notify owners and prospective purchasers of the land that:***
 - (a) the land is located in the 20 - 25 ANEF area as identified on the Australian Noise Exposure Forecast Plan of the 2004 Statement of Planning Policy – Land Use Planning in the Vicinity of Perth Airport produced by the Western Australian Planning Commission.***
 - (b) Noise exposure levels are likely to increase in the future as a result of increases in numbers of aircraft using the airport, changes in aircraft type or other operational changes.***
- 4 Vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed and kerbed in accordance with the approved plan (one space per ancillary accommodation unit measuring 2.5 metres by 5.5 metres) and shall be designed, paved (brick) or concrete and clearly marked in accordance with Council's engineering requirements and design guidelines.***
- 5 All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's Engineering Requirements and Design Guidelines.***
- 6 All stormwater from roofed and paved areas shall be collected and disposed of on - site in accordance with the City of Belmont's Engineering Requirements and Design Guidelines.***

12.1 Continued

- 7 *A geotechnical report prepared for the City by an appropriately qualified consultant shall be lodged with the City, at the cost of the owner / applicant, prior to an application for a building licence.***
- 8 *Any fences / walls in the front setback of the property are to comply with the provisions of the Residential Design Codes, which require front walls and fences to be visually permeable:***
 - (a) 1.2 metres above natural ground level within the primary street setback area; and***
 - (b) 0.75 metres above natural ground level within 1.5 metres of the intersection of a driveway and a public street or where two streets intersect.***

(B) Advise those who made a submission of the Council's decision and reasons.

CARRIED 11 VOTES TO 0

12.2 DEVELOPMENT AREA 10 – FINAL ADOPTION OF PROPOSED STRUCTURE PLAN

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 3 – Item 12.2 refers	Structure Plan
Attachment 4 – Item 12.2 refers	Modified Structure Plan
Attachment 5 – Item 12.2 refers	Submission Table

Voting Requirement : Simple Majority
Subject Index : 116/117
Location / Property Index : Lot 112 (1 - 13) Epsom Avenue
Lots 13 and 14 (7 and 9) Thompson Street
Lot 111 (4) Nisbet Street
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : Nil
Applicant : Land Insights
Owner : Epsom Developments Pty Ltd
Responsible Division : Community and Statutory Services

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☐ **Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets*
- ☒ **Legislative** *Includes adopting local laws, town planning schemes 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

Item 12.2 Continued

PURPOSE OF REPORT

For Council to:

1. Refuse the original submitted structure plan for Development Area 10 (DA10);
2. Adopt a revised a structure plan for Development Area 10 (DA10) with modifications; and
3. Forward the adopted Structure Plan to the Western Australian Planning Commission (WAPC) for final endorsement.

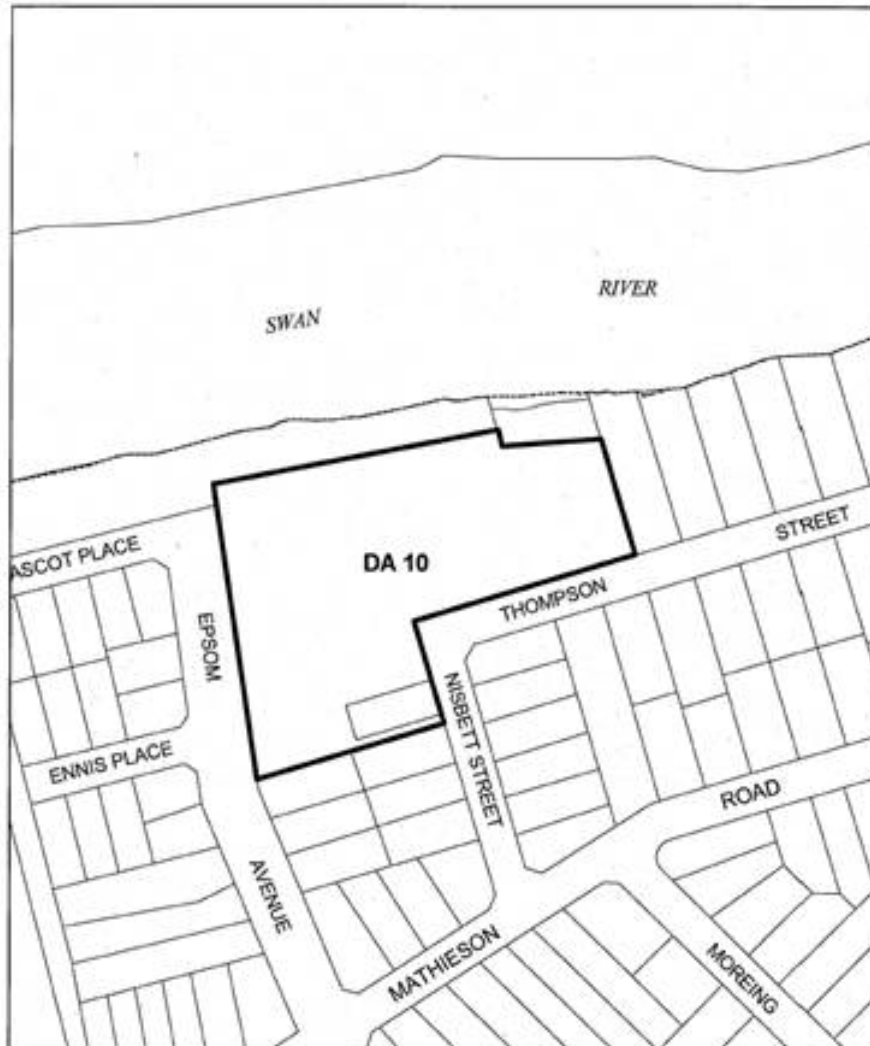
SUMMARY AND KEY ISSUES

- The Ascot Inn site is identified as 'DA10' under the City's Town Planning Scheme No. 14 (TPS14). This means that a structure plan is required to be prepared prior to any development and subdivision occurring.
- DA10 comprises of four freehold lots, however, all lots are owned by the same entity (Epsom Developments Pty Ltd).
- A Structure Plan, prepared by Land Insights Pty Ltd on behalf of the owner, has been submitted and generally accords with the provisions of Clause 10.18.7 of TPS14.
- In summary, the Structure Plan proposes a Hotel Use (with a maximum five storeys including any above ground parking levels) on the main area of the site, in conjunction with two designated areas for Serviced Apartments and / or Hotel Use (to a maximum height five storeys including any above ground car parking levels), a boundary realignment to create a new development lot in the southwest corner of the site, and boundary modification of the subject site adjacent to the Swan River foreshore reserve to accord with the Metropolitan Region Scheme (MRS) Parks and Recreation Reservation and Swan River Trust (SRT) Development Control Area. The proposal as submitted is detailed in Attachment 3.
- The Structure Plan was advertised for 21 days. The majority of submissions received raised concerns regarding proposed scale of development and impact on the amenity of the surrounding locality.
- The Structure Plan as submitted is not supported. However, a modified Structure Plan option is recommended for Council's consideration. The revision incorporates reduced building height, encouragement of the amalgamation of the subject lots and access to the site being limited to Epsom Avenue (as detailed in Attachment 4).
- It is recommended that Council grant final adoption of the structure plan with modification, and subsequently forward the modified plan to the WAPC for final endorsement.

12.2 Continued

LOCATION

DA10 comprises Lot 112 (1 - 13) Epsom Avenue, Lots 13 and 14 (7 and 9) Thompson Street and Lot 111 (4) Nisbet Street, Ascot.

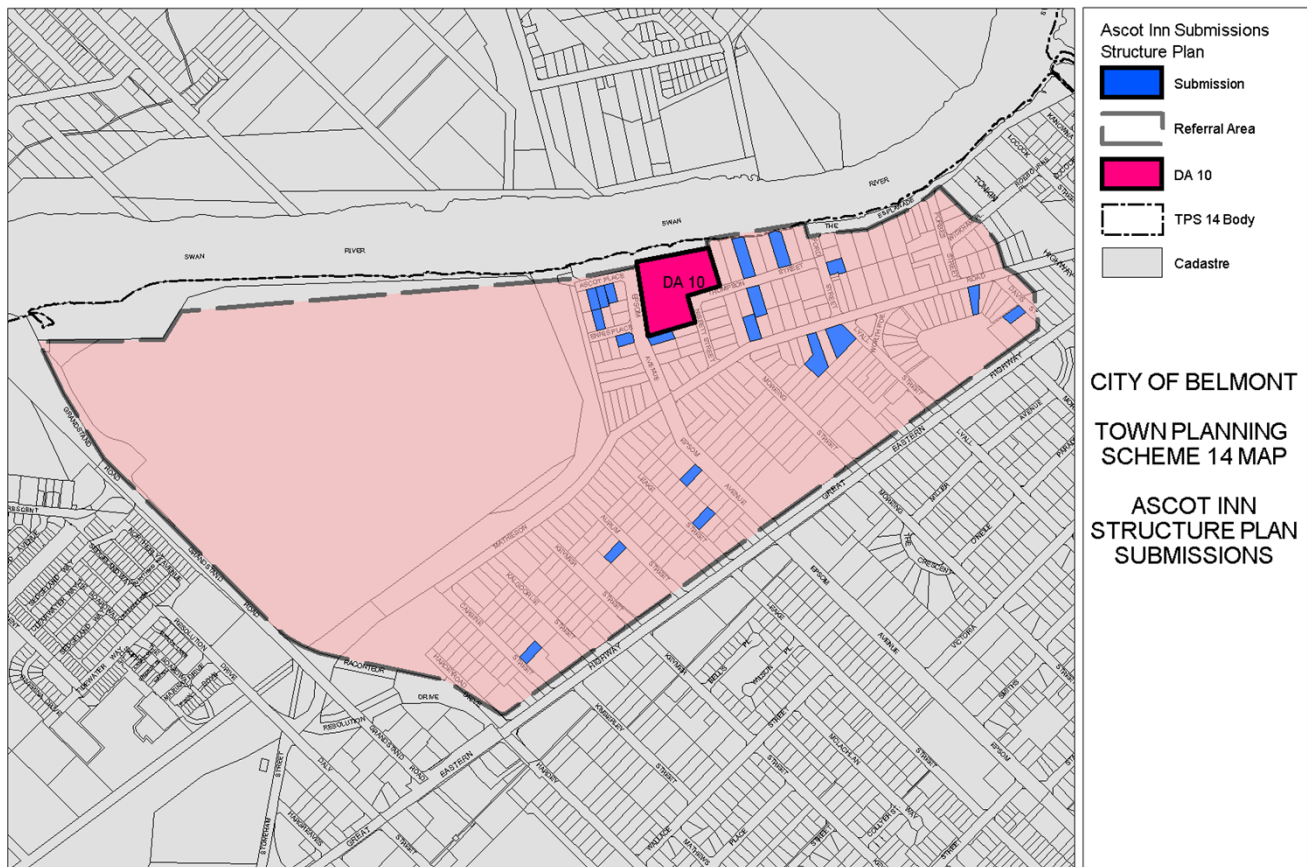
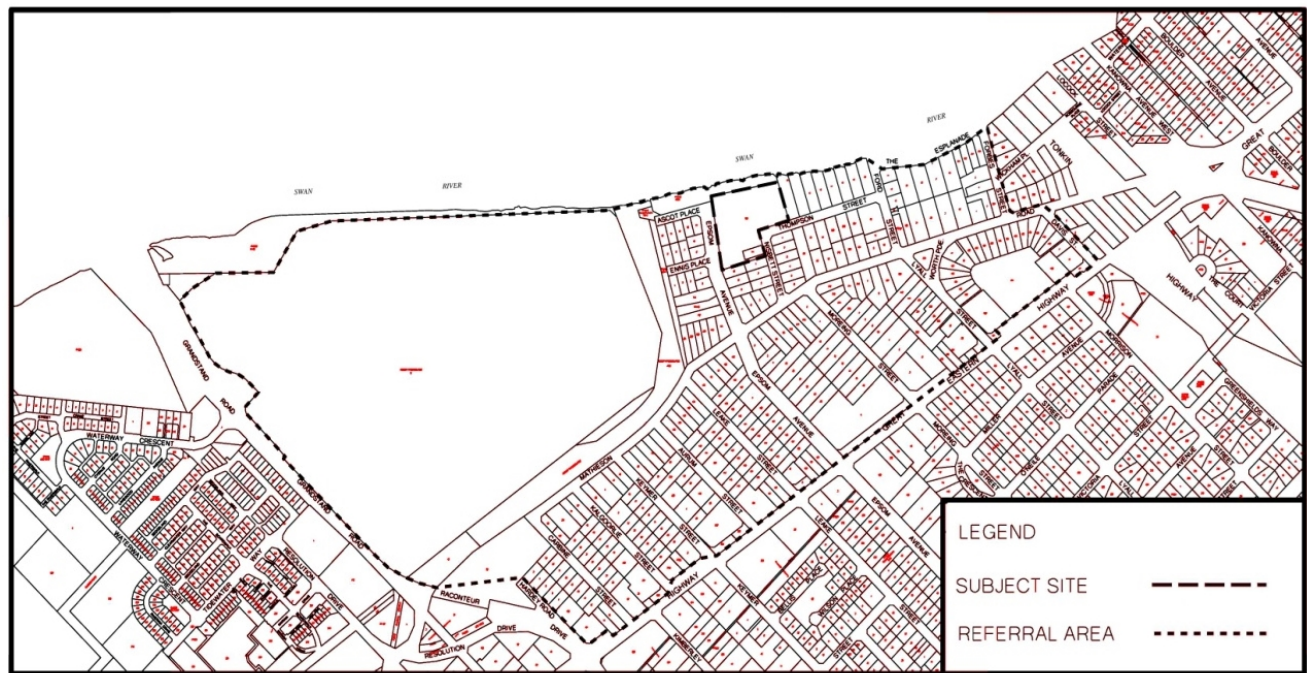


CONSULTATION

Clause 10.18.9 of TPS14 states that a proposed Structure Plan is to be advertised for a period of 21 days.

The proposed Structure Plan was advertised to all owners and occupiers located within the Residential and Stables zone, all properties along the western side of Great Eastern Highway, servicing authorities, WA Turf Club, SRT and the City of Bayswater from 8 March 2011 to 1 April 2011. The advertising involved a total of 563 owners and occupiers, as detailed in the plan below.

12.2 Continued



12.2 Continued

At the end of the advertising period, a total of 26 submissions were received. The responses were categorised as follows:

- Six (6) submissions from service authorities, Heritage Council WA and the City of Bayswater either supported or provided no comment on the application;
- Nineteen (19) submissions (from owners / occupiers within the Residential and Stables zone) raised concerns in relation to the impact of the proposed height of the future development (five storeys); and
- An objection was received from the SRT regarding proposed boundary realignment.

In summary, the main concerns identified in the 19 submissions from nearby landowners / occupiers related to:

- The height of development in relation to the surrounding precinct;
- Potential amenity impacts from any future development, specifically in relation to privacy and overshadowing; and
- The likelihood of increased traffic and required provision of parking.

The SRT advised the proposed boundary realignment could be supported if:

1. There were to be a diagonal cut at the eastern corner of the lot (so as to widen the access path for the public to access the foreshore reserve); and
2. The proposed boundary was to continue along the foreshore closer to the existing buildings, whilst still allowing sufficient room for maintenance activities and the like.

A full summary of the submissions is displayed in Attachment 5.

STRATEGIC PLAN IMPLICATIONS

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

Objective: Maximise Business Development Opportunities.

Strategy: Attract and support high quality business development and the sustainable use of land in Belmont, including Perth Airport by providing information and assistance to businesses seeking to establish operations in the City.

In accordance with the Strategic 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.

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

Objective: Protect and enhance our natural environment.

12.2 Continued

Strategy: Engage the State and Federal Governments to enable effective management of the Swan River foreshore and water quality through adequate funding and support.

POLICY IMPLICATIONS

There are no significant City of Belmont policy implications evident at this time.

State Planning Policy 2.10 – Swan / Canning River Systems

State Planning Policy 2.10 contains a vision for the future of the Swan / Canning river system. The Structure Plan recognises the importance of the riverine location and includes rationalisation of the Parks and Recreation Reserve where appropriate. The SRT submission has been made having regard to this State Planning Policy.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme (MRS)

The majority of the subject site is zoned 'Urban' under the MRS, with a portion reserved for 'Parks and Recreation', which reflects the SRT Development Control Area.

City of Belmont Town Planning Scheme No. 14 (TPS14)

The majority of the site is zoned 'Mixed Use' under TPS14, with the remainder of the site reflective of the MRS Parks and Recreation Reservation. The entire site is also identified as 'DA10' within the Scheme.

Clause 10.18.5 of TPS14 states that the City of Belmont is not to consider recommending subdivision and / or approve development of land within a Development Area without a Structure Plan being in place. A Structure Plan shall be prepared having regard to Clause 10.18.7 of TPS 14 and generally includes information relating to the location of roads, utilities, density of development and proposed lot layout. The scheme requires a Structure Plan to be advertised for a period of 21 days. Any submissions received within the public advertising period must be considered by the City of Belmont Planning Department and tabled in a report to Council. In accordance with Clause 10.18.10.1

"The local government is to consider all submissions received and within 60 days of the latest date specified in the notice or advertisement for the making of submissions is to:

- (a) Adopt the proposed Structure Plan, with or without modifications; or*
- (b) Refuse to adopt the proposed structure plan and, where the proposed structure plan was submitted by an owner, give reasons for this to the owner. Should Council resolve to adopt a Structure Plan, the documentation must then be referred to the WAPC for endorsement within 7 days of adoption."*

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

12.2 Continued

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

Draft Local Planning Scheme No. 15 (LPS15)

The City's draft LPS15 was advertised from 21 May 2010 until 23 August 2010. Council at its Special Meeting of 14 February 2010, resolved to adopt LPS15 with modifications and forward to the Minister for Planning for final approval.

The zoning of the land is not changed under draft LPS15, however, additional provisions relating to structure plans and developer contributions have been introduced consistent with the Model Scheme Text. These provisions do not have any significant bearing on the progression of the structure plan for DA10.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

Clause 10.18.17 of Scheme 14 details that an owner who has submitted a proposed structure plan under clause 10.18.8.1 may appeal under Part 14 of the *Town Planning and Development Act 2005* against a failure to advertise or determine a structure plan or any discretionary decision made by the local government under Clause 10.18.9.1.

Clause 10.18.9.1 requires a Structure Plan is to be advertised within 60 days of receipt unless otherwise agreed to in writing for a period of 21 days. In this instance as the development application and Structure Plan were to be advertised at the same time, and as the City had requested additional information, the applicant agreed in writing for the 60 day statutory time period for advertising to be extended.

Clause 10.18.10 requires a local government to consider all submissions received within 60 days of the latest date specified in the advertisement. As advertising closed on 1 April 2011 the 60 days expired on 1 June 2011. However, the Structure Plan was not presented to Council for determination earlier, on the basis that a revised Traffic Study had been requested and was received on 24 June 2011.

BACKGROUND

History

The subject site is currently developed with a 'Hotel', which was operational from 1897 until 2008. Accordingly, the development and land use of the site has been historically significant, which is reflected in the City's Municipal Heritage Inventory.

Amendment No. 49 to TPS14 (Item 12.1.3 OCM, 20 February 2007 refers) identified a number of areas within the City that possessed development potential, however, due to the complexity of issues surrounding them required specific guidance prior to such development occurring. The Ascot Inn site was one of the sites identified, and was subsequently identified as 'DA10'.

12.2 Continued

DA10 was different from other development areas given its specific characteristics, and the provisions of TPS14 specifically state that any redevelopment is to have regard for the historic value of the existing hotel and surrounding land use.

Existing Site

DA10 comprises four lots in common ownership, with a total area of a little over 2.4ha. The Ascot Inn itself is located on Lot 112 (1 - 13) Epsom Avenue, Ascot, whilst Lots 13 - 14 (7 - 9) Thompson Avenue are currently vacant and Lot 111 (4) Nisbet Street contains a building previously approved as a Betting Agency.

The Ascot Inn is not currently open to the public and Stage One construction works are being undertaken.

The Ascot Inn site is located within the Ascot Residential and Stables Precinct despite having a different zoning under TPS14 (and draft LPS15). The site, as well as the 'Residential and Stables' zone are both listed on the City's Municipal Heritage Inventory.

Previous Approvals

Council at its Ordinary Meeting of 25 August 2009 granted planning approval for Stage One of the Ascot Inn redevelopment, which included general refurbishment and additions to the hotel premises (47 rooms in total comprising 40 separate rooms and seven first floor rooms). Given a portion of the site is reserved Parks and Recreation; the application was also required to be determined by the WAPC, which was granted on 28 May 2010. Stage One is currently under construction.

Current Applications

The City is currently processing a development application for Stage Two of the Ascot Inn redevelopment (53 additional hotel rooms, equating to a total of 100 rooms on site). This application is included in this Agenda as a separate report for Council to consider. It should be noted that approval of the application for the Stage Two additions is directly dependent on the finalisation of the Structure Plan, which includes Council's final adoption and endorsement by the WAPC.

Proposed Structure Plan

A Structure Plan for DA10 has been prepared on behalf of the owner Epsom Development Pty Ltd and submitted to the City.

In summary, the proposed Structure Plan incorporates the following components:

- The majority (central portion) of the site is identified on one freehold lot for a 'Hotel' land use, which correlates with the location of the existing Ascot Inn buildings. The maximum building height identified in the Structure Plan for this portion of the site is five storeys (including any above storey parking levels);
- The south - western and eastern portions of the site are identified on separate freehold lots for Serviced Apartments and / or Hotel land uses. The maximum height of these portions of the site is identified in the Structure Plan as being five storeys (three storeys plus basement and undercroft parking);
- Modification and realignment of the MRS Parks and Recreation boundary (SRT Development Control Area) to reflect the existing site topography and development, with a development setback of 10 metres to buildings; and

12.2 Continued

- Minimum primary street setback of 7.5 metres from Epsom Avenue and Thompson Street and minimum five metres from Nisbet Street (in lieu of 15.0m average).

All building and structures being primarily orientated towards the Swan River views and vista;

- The provision of appropriate screening to ensure that there is no overlooking to adjoining residential lots;
- Provision of a 'horse trail' along the southern boundary of Lot 112 to provide horse access between Epsom Avenue and Nisbet Street;
- Maximum site coverage of 60%;
- The main vehicle access to the site provided from Epsom Avenue, with secondary / service access via the existing crossover to Thompson Street (at the intersection of Nisbet Street); and
- A minimum finished floor level for habitable room structures of 5.10 AHD to ensure compliance with the 1:100 year flood fringe abutting the north western corner of the site.

Scheme Provisions

Both Hotel and Serviced Apartment uses are designated as 'D' discretionary uses in the Mixed Use zone, and as such their suitability for the site is to be determined by the proposed Structure Plan.

In assessing any formal development application Council would be required to have regard for issues set out in TPS14 Clause 5.8. These include amenity, the relationship of the proposal to development on adjoining land and / or other land in the locality, any relevant impact with respect to access and traffic, and / or the planning merits of any submission received.

Power Supply

This site has above ground power with power poles located in Thompson Street road verge.

Servicing

It is acknowledged that there is existing servicing infrastructure such as sewer, water, power and roads available to the subject site. As such it is not necessary to require any developer contribution arrangements.

Implementation

DA10 has been identified as an area that requires comprehensive planning prior to any subdivision and development occurring. DA10 is however, unique in relation to the other development areas within the City, as it is a smaller site that comprises existing development worthy of retention and is surrounded by the low density Residential and Stables Precinct.

Any prepared structure plan will ultimately ensure that future development on the site is undertaken in a manner that is site responsive and has limited, if any, detrimental impact on the surrounding locality.

Should Council and the WAPC support a Structure Plan for DA10, all future development will be required to comply with the provisions of that Plan, including proposed land uses, development standards and vehicle access restrictions.

12.2 Continued

Implementation of the Structure Plan will be undertaken through the preparation and submission of a development application, which will ensure that future development complies with the intent, objectives and provisions of the structure plan.

OFFICER COMMENT

DA10 by virtue of its location and character is very different to the other development areas within the City of Belmont. In particular, given the site is currently developed with an existing heritage listed building worthy of retention but at the same time worthy of redevelopment under the provisions of TPS14 and draft LPS15, it is imperative that any structure plan for the site is prepared in a manner that is site and precinct responsive.

The Structure Plan that has been submitted on behalf of the landowner is considered unacceptable in its submitted form. It is considered that the proposed Structure Plan provides for development in a manner that is not reflective of its surrounds and at a scale and intensity that is likely to adversely impact the locality.

Notwithstanding this, it is considered that with modifications to the structure plan that appropriate development outcomes can be achieved. On this basis, the Structure Plan is recommended for modification, with comment, rationale and outcomes detailed below.

Land Use

Having regard to the existing zoning and land use of the site, the subject uses of 'Hotel' and 'Serviced Apartments' are generally acceptable, subject to appropriate design.

From an historical viewpoint, the Ascot Inn has offered accommodation to patrons from 1897 and is located within close proximity to Perth Airport, Great Eastern Highway and the Perth Central Area. The site therefore has a long - term cultural and heritage association with the propose land uses, which has been further enhanced by its relationship with the horse racing industry and Ascot Racecourse.

It is, however, noted that the suitability of these land uses is largely dependent on the relevant scale and intensity of development, and the associated amenity impacts resulting from such development on the adjoining precinct.

As a modification to the structure plan, it is recommended that the additional land uses of single, grouped and multiple dwellings be included as appropriate land uses, as these uses are also compatible with the surrounding precinct.

Development Lot Subdivision and Distribution of Land Use

The draft Structure Plan proposes to re - subdivide the Development Area into separate landholdings, which will generally provide scope for different land use arrangements. As discussed, it is proposed to create a larger lot in the central portion of the site to accommodate the modified existing hotel building in its own entirety, with the creation of a separate development lot in the south - west corner (incorporating Lot 111) and retention of the two individual lots on the east side of the development area (Lots 13 and 14).

12.2 Continued

There are no specific objections to the proposed re - subdivision as it will create regular shaped lots, however, the relationship between the proposed lots must be fully considered if they are to operate as one development, particularly in relation to vehicular access and egress.

In order to address the concerns raised with respect to increased traffic in the surrounding precinct and limit vehicle movements on minor roads such as Nisbet Street and Thompson Street, it is recommended that the structure plan make provision for vehicle access to DA10 for all non long - term residential land uses to be restricted to one single crossover from Epsom Avenue only where possible. Unless the sites are amalgamated, access internally to all lots shall subsequently be provided through easements in gross.

The only exception to this arrangement shall be where the separate development lots are not amalgamated, and instead developed individually for long - term residential developments. The City's Technical Services support this recommendation, and advise that Epsom Avenue could accordingly be upgraded and reclassified as a local distributor (refer Traffic Access / Amenity Impacts Section).

Scale of Development

The primary consideration of a structure plan for DA10 is the determination of the appropriate scale and intensity of development, especially when having regard to the characteristics of its locality and surrounds.

The scale of development can be ascertained in a number of ways, including density, site coverage, plot ratio, building height and setbacks, all relative to adjoining development. The provisions of TPS14 identify a number of development standards for the Mixed Use zone which intend to give guidance as to what is appropriate, however, given DA10 is subject to a Structure Plan; such design guidance shall be provided by the Structure Plan having regard to the site context.

As stated, the proposed Structure Plan proposed site coverage of less than 60%, a maximum building height of five storeys and street boundary setbacks of 7.5 metres.

In support of the proposed height of buildings, the applicant has stated that a minimum of three storeys of hotel rooms / serviced apartments plus two levels of parking (five levels in total) across DA10 will ensure that the necessary yields to make future development on these lots an economically viable option are achieved. Council must, however, be aware that economic viability is not a planning consideration (especially in relation to the preparation of a Structure Plan), and that it is more imperative that the height and intensity of development has regard to its context and surrounds.

Under City of Belmont TPS14, the majority of properties zoned 'Mixed Use' are located along Great Eastern Highway, where the scale and intensity of development is considered to be appropriate at a more dense level relative to other properties in the same zone. However, DA10 is located directly abutting the low density Residential and Stables Precinct (where dwellings are primarily single storey, with a small number developed at two storeys) as well as the Swan River foreshore. Thus consideration must be given to ensuring that the development in DA10 is site and precinct responsive and reduces any potential impacts of overshadowing and overlooking, as reflected in comments made by local residents.

12.2 Continued

The applicant has acknowledged within the submitted structure plan that whilst DA10 is a landmark site, the protection of the amenity of adjoining properties is an important consideration, particularly with respect to maintaining adequate sun to buildings and open spaces, daylight to major openings to habitable rooms and access to views, specifically, *“To restrict building height to a comparable scale to that of the existing low density residential development prevalent in the surrounding Residential and Stable zone would not represent an efficient use of the site and would not properly reflect the landmark status of the site. As such, it is proposed to limit development within the DA10 area to a maximum of five storeys.”*

It is not disputed that the Ascot Inn site is a landmark site, nor that some of the associated impacts of taller buildings (e.g. privacy) cannot be controlled. However, ensuring landmark status is not purely reflective of building height, and it is considered more appropriate that the scale and intensity of development is in context with the surrounding precinct.

Development of up to a blanket five storey maximum across the site is considered inappropriate when considering the development on adjoining lots is generally single or two storeys (refer to below figures).

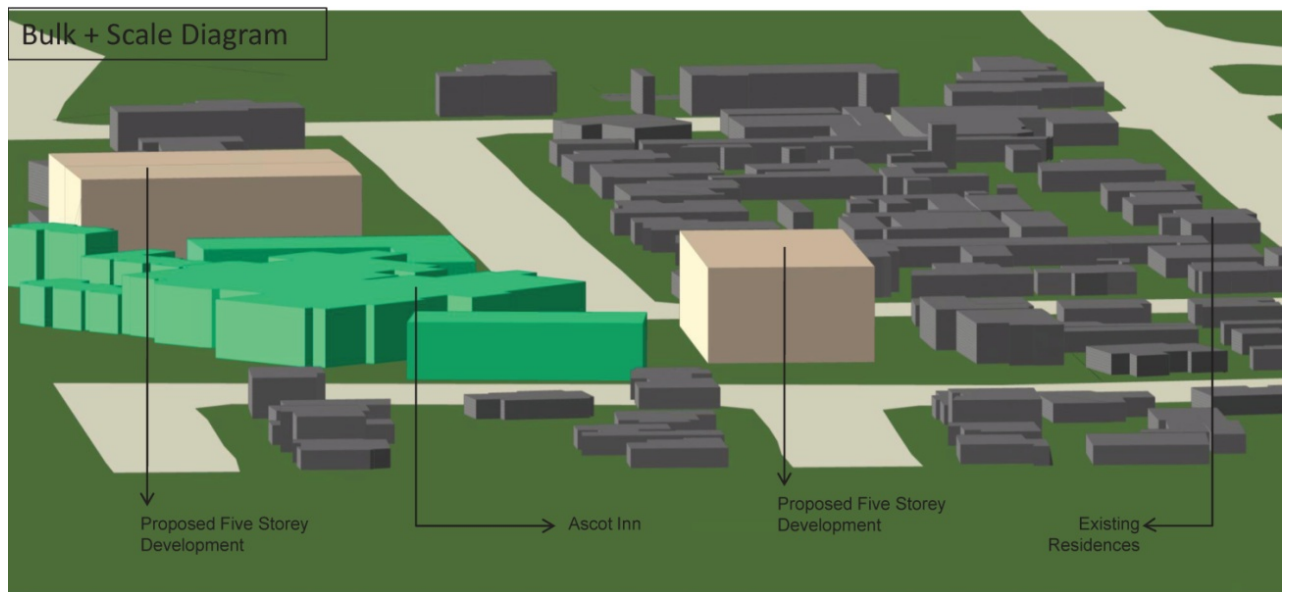
Further, in assessing the maximum height requirement the following is provided:

- The standard wall height for each floor / storey measures three metres.
- The wall height of a five storey building would therefore be 15 metres (plus roof).
- The original existing Ascot Inn building, although only two storeys, due to its age and design, has a wall height of eight metres increasing to 13.3 metres as the site slopes which allows for the undercroft development. While the wall height of the existing 40 hotel room structures completed in 1983 is six metres. Accordingly the height of the existing hotel translates to a three or four storey development.

Applicants Proposal

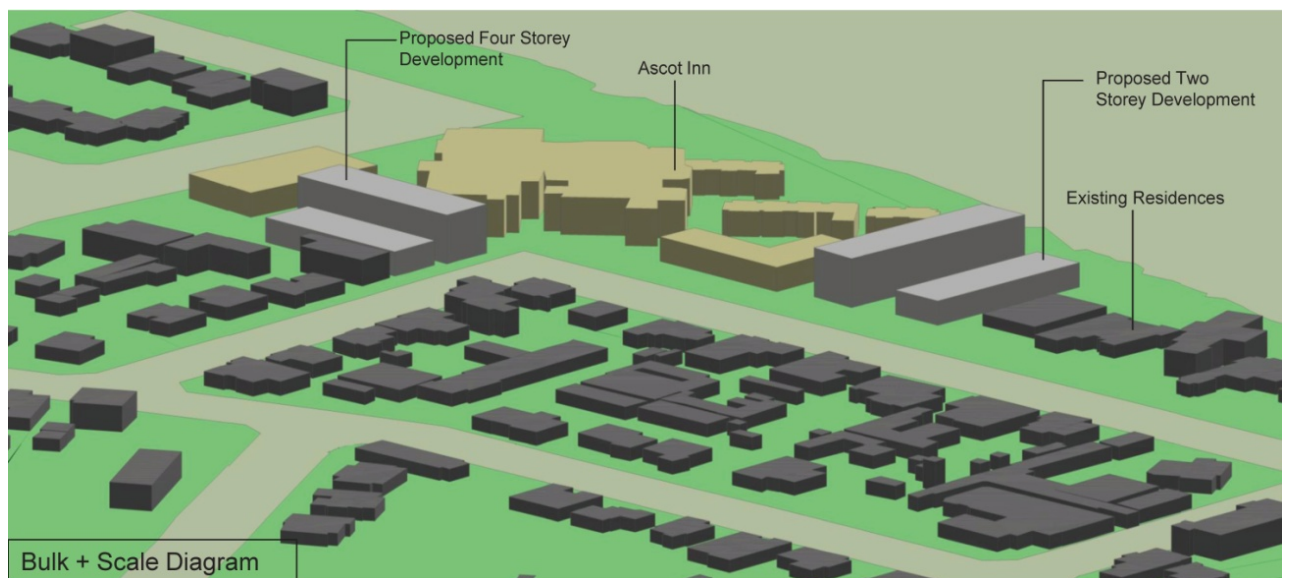


12.2 Continued

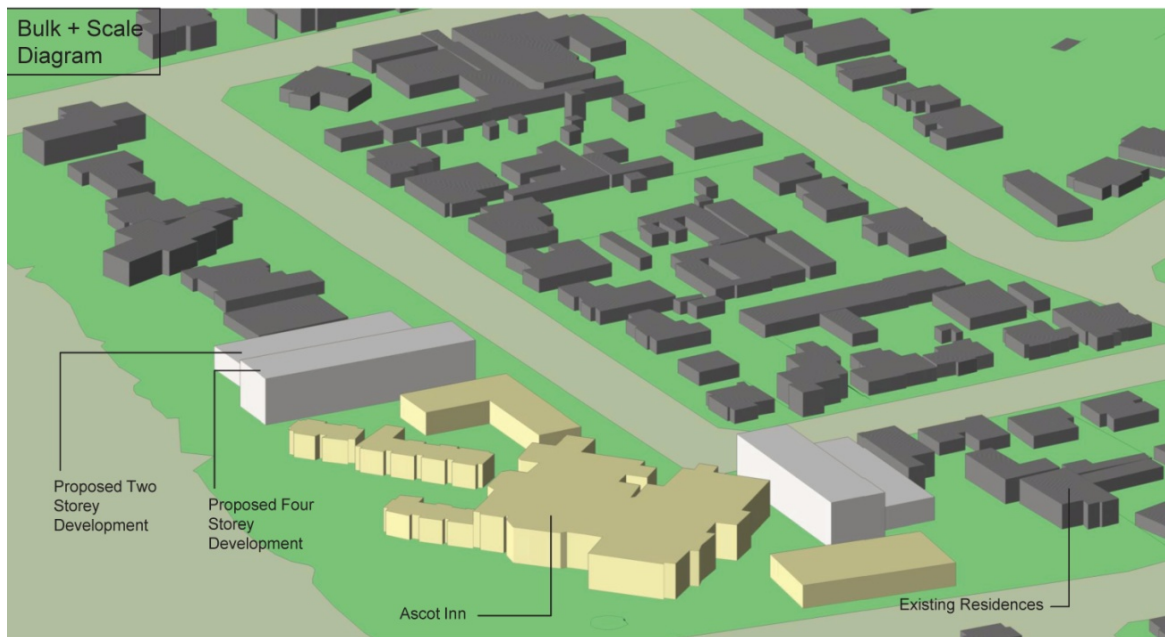


Five storey development outcome

It would, however, be considered more appropriate (and in context with the surrounding precinct) if development were to occur at four storeys in the central portion of the site, with the development 'stepping up' from two storeys from the side boundaries, as shown in below figures.



12.2 Continued



View of two and four storey development outcomes

As can be seen from the above diagrams, development at two storeys adjacent to the side boundaries and graduating to four storeys towards the existing Ascot Inn development is considered more appropriate to ensure that the amenity of the surrounding properties is not compromised. It is therefore recommended that the Structure Plan be modified to this effect.

Traffic Access / Amenity Impacts

Submissions received during the public advertising of the proposed structure plan identified concern in relation to the potential increased traffic generated from the site / land use and the associated impact on the surrounding road network.

Currently, the main entrance to the Ascot Inn site is via Epsom Avenue, with service vehicles accessing the site via the Thompson Street entrance. These arrangements were supported as part of the refurbishment approval (Stage 1).

Council, in assessing previous applications for the Ascot Inn site, supported development on the basis that all four lots forming DA10 were to be amalgamated, with the main access being from Epsom Avenue. Furthermore, at a public meeting held in 2008, the residents made it very clear that they had concerns with respect to possible traffic and advised that if the main access to the site was limited to Epsom Avenue that this would minimise any potential impact of increased traffic on Nisbet and Thompson Streets. Even though this meeting related to a different development proposal, the concerns and outcomes are still valid considerations, and therefore the Structure Plan should be modified to limit access to Epsom Avenue.

A Traffic Report prepared by Uloth and Associates and submitted for the Ascot Inn redevelopment development application was formulated based on a total of 188 hotel rooms on site, and not a total of 100 rooms as currently proposed.

The findings recommended that a 60% reduction in on - site parking was appropriate having regard to the fact that the demand for the other uses on site (restaurant, bar / cafe / function room and shop) would primarily be attributed to guests staying at the hotel rather than external visitors.

12.2 Continued

The report also recommended that a 50% reduction in vehicle movements be recognised given that the number of vehicle trips to and from the site was primarily associated with the hotel use and not the ancillary uses.

The City's Technical Services requested that a revised Traffic Report be provided based on:

1. A total of 100 rooms and without assuming any reduction in trips.
2. If a reduction were to be used, then a lower percentage of 25% or 30% would be considered more realistic.
3. Provision of the details of traffic associated with the horse industry, and in particular note any impact that increased traffic may have on horse traffic in the area.

Accordingly a revised traffic report was submitted. The City's Technical Services in assessing the Traffic and Parking Report dated 14 September 2010, together with the Addendum Report dated 24 June 2011 (Attachment 3 and 4) of separate development application in this month's Ordinary Council Meeting, Item 12.2), confirmed that the increased traffic numbers are acceptable and the local road network has the capacity to accommodate the anticipated increase in traffic.

Notwithstanding the above finding, it was noted that the projected number of trips generated on Epsom Avenue was calculated to be 3400vpd (above the 3000vpd recommended for a local road), which was primarily attributed to the fact that entry to the site is via Epsom Avenue. Given the width of the road reserve, the City's Technical Services have recommended that Epsom Avenue be reclassified as a local distributor, so as to allow for between 3001vpd and 6000vpd and subsequently better cater for the anticipated number of vehicle movements. It is noted that the upgrading of Epsom Avenue will involve the design of Epsom Avenue including the upgrading of the Epsom Avenue / Matheson Road intersection and also consideration of traffic volumes, vehicle speed, horse traffic, on - street car parking and pedestrian / cyclist access to the river from Great Eastern Highway. This would be considered as part of the development application.

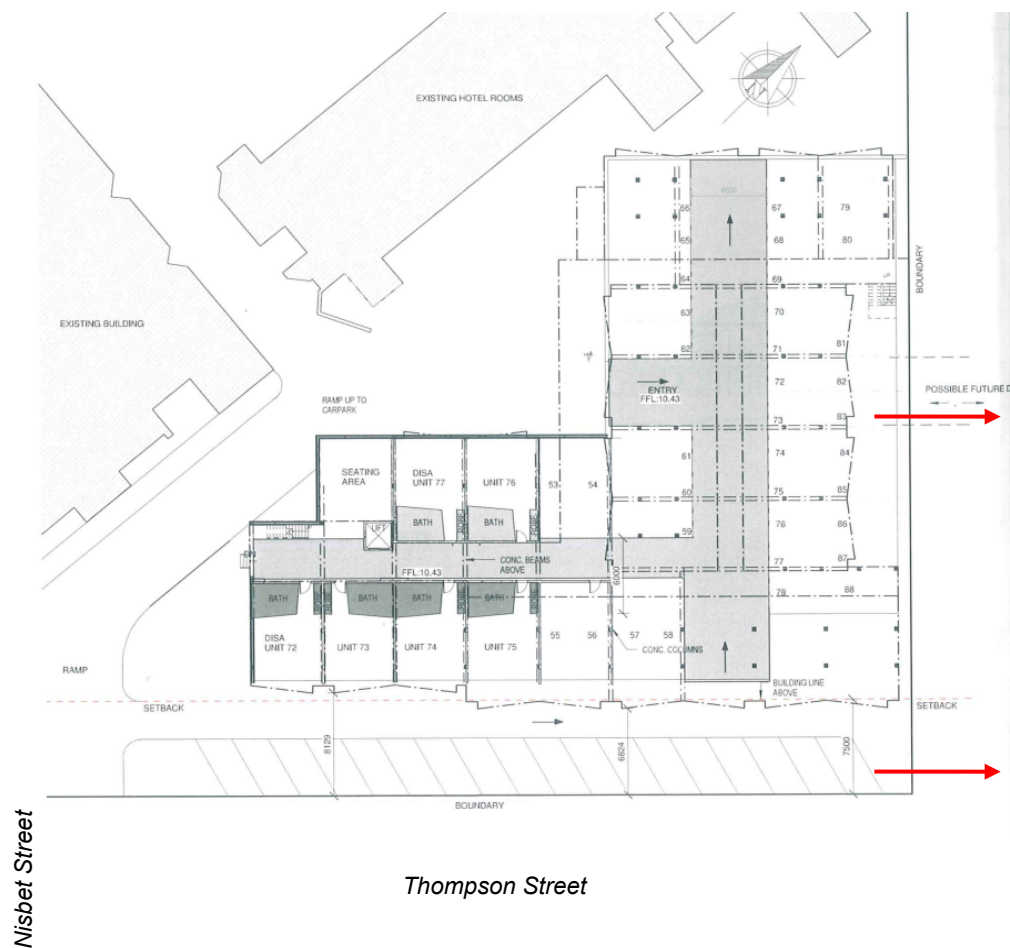
It is also noted that the traffic report only includes traffic generated from the refurbished Ascot Inn building and does not include future traffic generated from the proposed development of the three separate freehold development lots within DA10. Development of these lots will have ultimate impacts to the traffic on the local road network. Given the concerns raised regarding increased traffic and potential impact on the horse industry, consideration should therefore be given to the access point to any new development, as previously mentioned. To reiterate, the following is recommended for the structure plan (refer to figures below):

- All access and egress from the land within DA10 is to be restricted to Epsom Avenue (which is to be designated as a local distributor) with no access to Nisbet Street to ensure traffic is within local access road capacity and internal access shall be secured through the provision of easements in gross (Amalgamation of Lots 13 and 14 Thompson Street is encouraged); and
- If Lots 13 and 14 Thompson Street are not amalgamated, separate access for these lots shall only be provided if development occurs as a 'single dwelling' use class.

12.2 Continued



Extract from Structure Plan



Extract 554/2010/DA site plan Section C additions.

12.2 Continued

Swan River Foreshore Rationalisation

As mentioned, DA10 is influenced by the MRS Parks and Recreation Reserve / SRT Development Control Area, as portions of the site encroach into this area. The proposed Structure Plan intended to modify this boundary to ensure:

- The Parks and Recreation Reserve / SRT Development Control Area is better reflective of the existing characteristics and topography of the site;
- The portion of Lots 13 and 14 Thompson Street reserved Parks and Recreation is excluded from the Structure Plan; and
- The northwest corner of the site (corner of Epsom Avenue) is modified to ensure the hotel development is within zoned land.

The proposed Structure Plan was referred to the SRT, it requesting that the boundary alignment of the Parks and Recreation reservation be modified to include a larger truncation for Lot 112, so as to provide both a wider physical and visual access from Epsom Avenue to the foreshore reserve. This requested boundary change is consistent with the 100 year flood fringe plan, however, is not reflective of the existing retained land and fencing in this corner.

A site meeting was held with Officers from the Department of Planning, SRT and the City to discuss the boundary alignment issue and whether a larger truncation requested by the SRT would achieve a better view and clear sight path of the Parks and Recreation area. It was noted that due to the slope of Epsom Avenue road reserve down to the foreshore reserve (a drop of four metres) the view of the foreshore reserve was restricted within approximately 60 metres. It was also noted that a condition of any development approval would require open fencing on all boundaries of the Ascot Inn site. It was agreed by all parties that the Structure Plan be modified to show a 10 metre x 15 metre truncation which would ensure the vista of the foreshore reserve to the jetty was maintained.

The existing retaining wall and fence located within this truncation corner area will be required to be modified or removed, and any fill removed to allow the public to access this triangular area with ease.

The applicant has now provided a plan showing the agreed Parks and Recreation reserve boundary (plan dated June 2011), which is supported and recommended for inclusion in the modified structure plan.

Item 12.2 Continued



12.2 Continued

Impact on Horses

In regard to the safety of horses in the Residential and Stables area, the applicant's traffic consultant, Uloth and Associates, also included a survey of horses which observed both horse vehicles and horses within the area. On the survey day a total of 34 horses were counted with the majority being walked or ridden along Matheson Road and Moreing Street.

Under Stage Two of the Ascot Inn development, a horse trail is proposed along the southern boundary of the site linking Nisbet Street and Epsom Avenue. As Council is aware, the residents in the surrounding precinct have historically used the Ascot Inn site to pass from Nisbet Street to Epsom Avenue (and vice a versa); however, there is no indication on the titles that any formal easement exists for this to occur. Therefore it is concluded that no legal right has ever been established for residents to walk their horses through the site.

The applicant has advised that they have no issue with informal access being provided, however, have stated that in order for the land to remain in private ownership it is proposed to close the link for one day a year. It is, however, considered that this outcome is not appropriate and instead the horse trail be recognised as an easement in gross on title thus maintaining ownership yet legally confirming access through the site. As this is shown in the separate development application this would be included as a condition of approval, but should be noted as part of the Structure Plan.

Given the lower speed limit for the area (40kmph), the predicted increase in vehicles per day and the early morning hours associated with track work, it is considered that the increase in traffic numbers with respect to the safety of residents and horses can be accommodated. Furthermore by modifying the Structure Plan to show access to be restricted to the main entry on Epsom Avenue and restricted access on Thompson Street, together with the proposed horse trail through the site, it is considered that any adverse traffic impacts would be minimised.

Conclusion

In summary, the proposed Structure Plan for DA10 as submitted is not supported as it is not considered to represent an appropriate relationship with the adjoining precinct and surrounding sites. However, as the proposed land uses and anticipated development do in fact accord with the cultural and heritage significance of the Ascot Inn site and the development status provided for under TPS14, it is considered that the Structure Plan can be adopted with modifications, and subsequently address the concerns raised by those who made submissions.

Having regard to the above, the proposed structure plan is recommended for final approval subject to the following modifications:

- Modifying the Parks and Recreation boundary as shown on plan dated 10 June 2011.
- Restricting the height to a maximum of two storey for development adjacent to Lot 15 (11) Thompson Street, Lot 1 (6) Nisbet Street and Lot 10 (15) Epsom Avenue, increasing to maximum of four storeys towards the centre of the development area.
- Showing access to DA10 for all development to be from Epsom Avenue, with access from the existing Thompson Street crossover limited to service vehicles only.

12.2 Continued

- Amalgamation of Lots 13 and 14 Thompson Street with Lot 112 Epsom Avenue is encouraged.
- If amalgamation does not occur, vehicular access is to be secured via a right of carriageway (easement in gross).
- Separate access may be provided if the individual lots (Lots 13 and 14 Thompson Street) are developed for a single house use class only.

FINANCIAL IMPLICATIONS

The upgrade of Epsom Avenue will have financial implications for the City as part of funding for capital works, however, a cost contribution from the developer at the development stage is recommended.

ENVIRONMENTAL IMPLICATIONS

A portion of the subject lot is currently reserved Parks and Recreation under the MRS and within the SRT Management Area. The Structure Plan proposes to realign this boundary. The WAPC is responsible for modifying the MRS.

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

SOCIAL IMPLICATIONS

Both the Ascot Inn Hotel premises and Residential and Stables zone have cultural and heritage significance.

OFFICER RECOMMENDATION

MARKS MOVED, HANLON SECONDED, That Council:

- 1. Refuse to adopt the proposed Structure Plan as submitted as it is considered that the proposed scale of the development with a maximum height of five storeys will have a detrimental impact on the amenity of the surrounding locality.***
- 2. Advise the applicant that the City is willing to adopt a modified Structure Plan for Development Area 10 submitted by Land Insights on behalf of the owner Epsom Developments Pty that:***
 - a. Modifies the Parks and Recreation boundary as shown on the plan dated 10 June 2011 and includes a 10 metre x 15 metre truncation which will ensure the vista of the foreshore reserve to the jetty was maintained.***
 - b. Restricts the height of development to a maximum of two storey height of future Hotel and / or Serviced Apartments adjacent to Lot 15 (11) Thompson Street, Lot 1 (6) Nisbet Street and Lot 10 (15) Epsom Avenue, increasing to maximum of four storeys.***

12.2 Continued

- c. Access to DA10 for all development is to be from Epsom Avenue, with access from the existing Thompson Street crossover limited to service vehicles only.*
- d. Amalgamation of Lots 13 and 14 Thompson Street with Lot 112 Epsom Avenue is encouraged.*
- e. If amalgamation does not occur, access is to be secured via a right of carriageway.*
- f. Separate access may be provided if the individual lots (Lots 13 and 14 Thompson Street) are developed for a single house only.*

CARRIED 11 VOTES TO 0

12.3 ADDITIONS TO HOTEL – ASCOT INN (STAGE TWO) - LOT 112 (1 - 13) EPSOM AVENUE, ASCOT

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 6 – Item 12.3 refers	Development Application Plans
Attachment 7 – Item 12.3 refers	Submission Table
Attachment 8 – Item 12.3 refers	Traffic Report - September 2010
Attachment 9 – Item 12.3 refers	Traffic Report - June 2011

Voting Requirement : Simple Majority
Subject Index : 115/005,
Location / Property Index : Lot 112 (1 - 13) Epsom Avenue, Ascot
Application Index : 554/2010/DA
Disclosure of any Interest : Nil
Previous Items : 25 August 2009 OCM Item 12.2 (Ascot Inn Hotel Refurbishment - Stage One)
Applicant : Land Insights Pty Ltd
Owner : Epsom Developments 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, town 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

For Council to consider a development application (refer to Attachment 6) for the Stage Two hotel additions to the Ascot Inn (Lot 112 Epsom Avenue, Ascot) and make a recommendation to the Western Australian Planning Commission (WAPC).

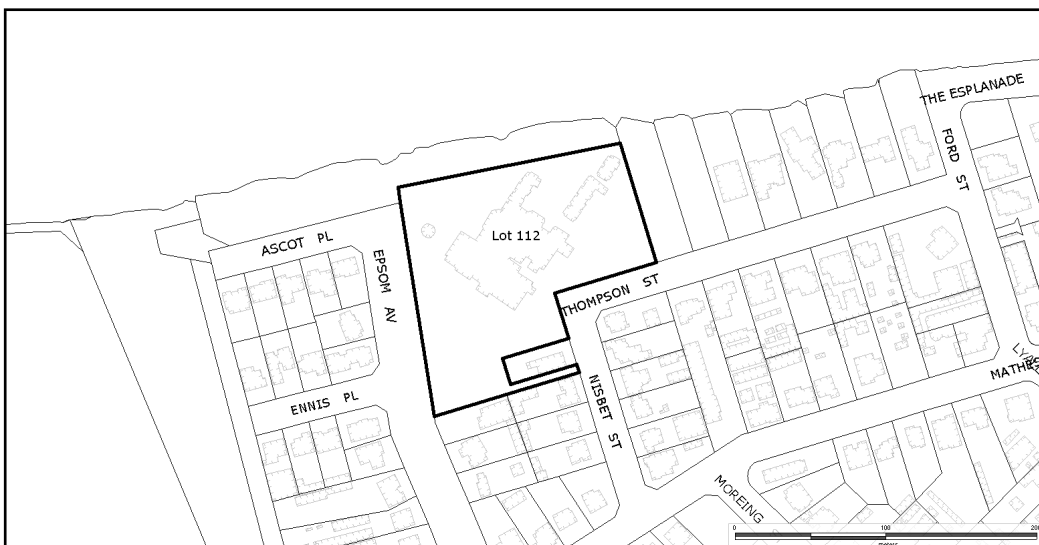
12.3 Continued

SUMMARY AND KEY ISSUES

- The proposal is for Stage Two of the Ascot Inn refurbishment, comprising the addition of 53 hotel rooms to make a total of 100 rooms.
- The subject site forms part of Development Area 10 (DA10) which requires an approved Structure Plan to guide subdivision and development. A draft Structure Plan is being considered separately by Council at this Ordinary Council Meeting (Item 12.3).
- 'Hotel' is designated a discretionary land use in the 'Mixed Use' zone under both Town Planning Scheme No. 14 (TPS14) and draft Local Planning Scheme No. 15 (LPS15).
- The proposal incorporates a variation to TPS14 in relation to car parking.
- A portion of the subject lot is reserved for Parks and Recreation under the City of Belmont TPS14 and the Metropolitan Region Scheme (MRS) and is within the Swan River Trust Management Area. The site is situated adjacent to the Residential and Stables zone.
- Council is required to determine the development on the zoned portion of the site and the WAPC is required to determine the regional reserved portion of the site (i.e. dual approval). The Council's recommendation shall be forwarded to the WAPC and a copy of Council's decision forwarded to the Heritage Council of WA and Swan River Trust.
- It is recommended that Council support the proposed additions subject to the provision of a revised plan showing 210 car bays to the satisfaction of the Director Technical Services, and delegate the Council's decision making power to the Director Community and Statutory Services for finalisation of the application.

LOCATION

Lot 112 (1 - 13) Epsom Avenue, Ascot.

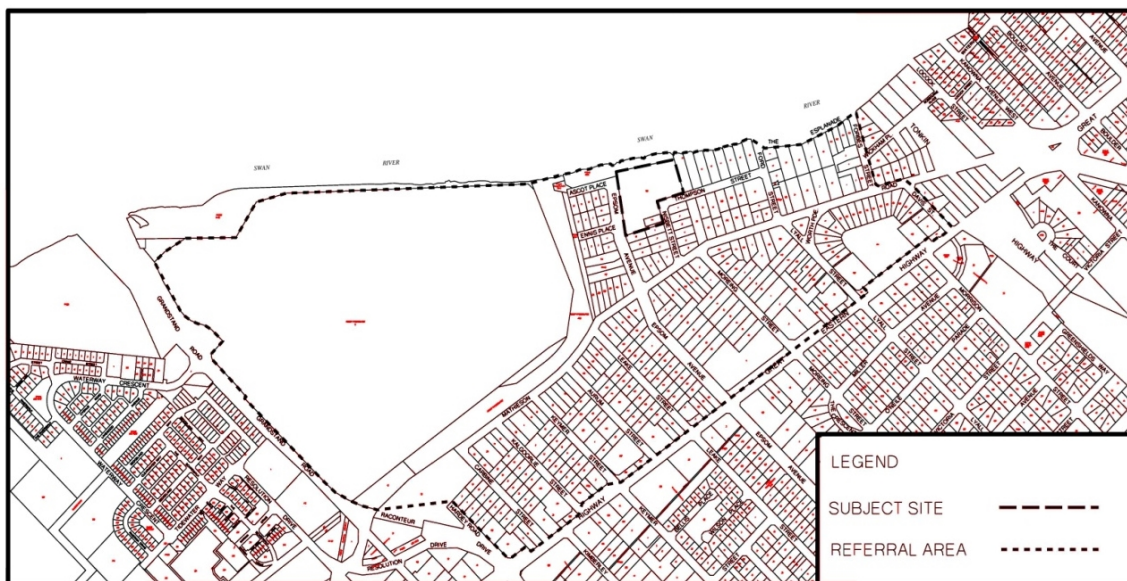


12.3 Continued

CONSULTATION

Category C applications are those that need external referrals from third parties such as the Environmental Protection Authority, WAPC, Swan River Trust, Heritage Council etc. Category C applications may also require statutory advertising, referral to neighbours or consideration by Council.

The proposed development application was advertised to all owners and occupiers located within the Residential and Stables zone, all properties along the western side of Great Eastern Highway, servicing authorities, WA Turf Club, Swan River Trust and the City of Bayswater from 8 March 2011 to 1 April 2011. The advertising involved a total of 563 owners and occupiers, as detailed in the plan below.



Referral Plan

At the end of the advertising period, a total of 39 submissions were received (refer Attachment 7). The responses were categorised as follows:

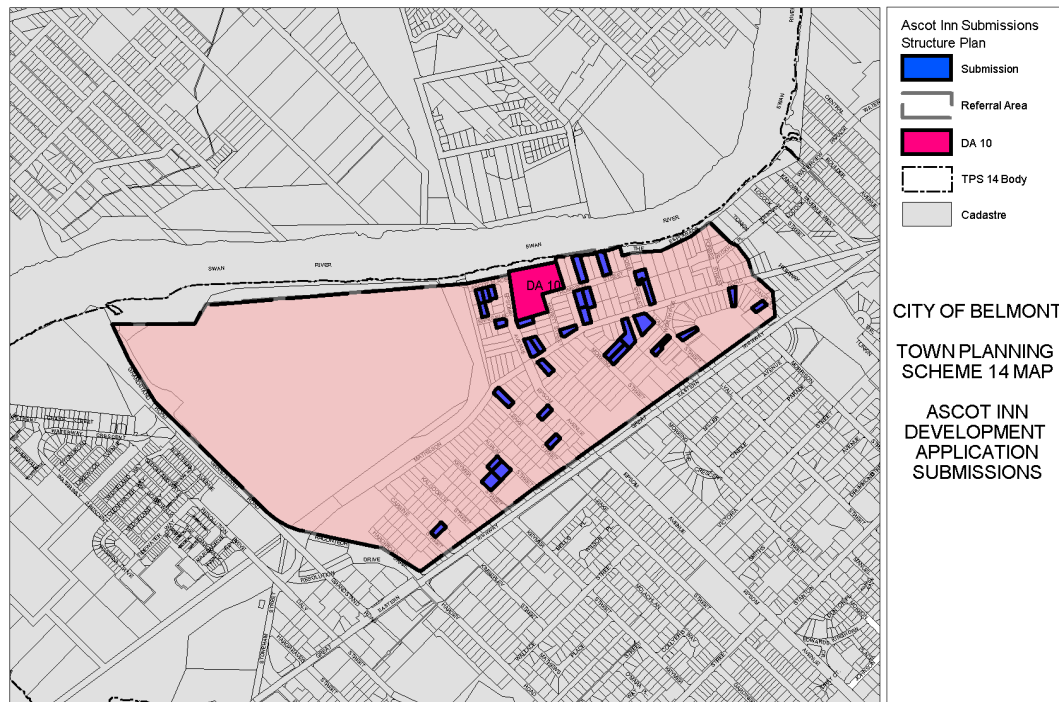
- Five submissions from service authorities, Heritage Council WA and the City of Bayswater, which either supported or provided no comment on the application;
- One submission from the Swan River Trust in support subject to a modified Parks and Recreation boundary and fencing along the boundary being open style;
- One submission from the WA Racing Trainers Association which noted the site was once the centre of the horse industry social life, however, raised concerns regarding increased traffic; and
- 32 submissions from landowners and occupiers within the Residential and Stables zone which either objected or expressed concern over the application.

In summary, the main concerns identified in the submissions from nearby landowners / occupiers related to:

- Scale of development, in particular the density and height;
- The potential impact on the amenity of locality, the Residential and Stables zone and horse industry;

12.3 Continued

- Traffic / access / parking / road safety;
- Noise;
- Business operations and use of facilities; and
- Impact on Swan River foreshore.



Submission Plan

STRATEGIC PLAN IMPLICATIONS

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

Objective: Maximise Business Development Opportunities.

Strategy: Attract and support high quality business development and the sustainable use of land in Belmont, including Perth Airport by providing information and assistance to businesses seeking to establish operations in the City.

In accordance with the Strategic 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.

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

Objective: Protect and enhance our natural environment.

12.3 Continued

Strategy: Engage the State and Federal Governments to enable effective management of the Swan River foreshore and water quality through adequate funding and support.

POLICY IMPLICATIONS

There are no significant City of Belmont policy implications evident at this time.

State Planning Policy 2.10 – Swan / Canning River Systems

State Planning Policy 2.10 contains a vision for the future of the Swan / Canning river system. The Structure Plan recognises the importance of the riverine location and includes rationalisation of the Parks and Recreation Reserve where appropriate. The Swan River Trust submission has been made having regard to this state planning policy.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme (MRS)

The majority of the subject site is zoned 'Urban' under the MRS, with a portion reserved for 'Parks and Recreation', which is reflective of the Swan River Trust Development Control Area.

City of Belmont Town Planning Scheme No. 14

The land is identified as 'DA10' and zoned Mixed Use under TPS14, with a portion of the lots abutting the Swan River reserved for 'Parks and Recreation'.

Clause 10.18.5 of TPS14 states that the City of Belmont is not to consider recommending subdivision and / or approve development of land within a Development Area without a structure plan being in place. A draft Structure Plan has been prepared for the site and has been presented for Council's consideration as part of the agenda for this Ordinary Council Meeting (Item 12.3).

Please note that any decision regarding the subject development application would be subject to finalisation of the Structure Plan (i.e. endorsed by Council and the WAPC).

Clause 10.18.5.2 states:

"Notwithstanding clause 10.18.5.1, a local government may recommend subdivision or approve the development of land within a Development Area prior to a structure plan coming into effect in relation to that land, if the local government is satisfied that this will not prejudice the specific purposes and requirements of the Development Area."

Part 7 of TPS14 relates to Heritage conservation and preservation and specifies that planning approval is required for any modification to the building. The Ascot Inn hotel is included in the City of Belmont's Municipal Heritage Inventory.

12.3 Continued

Draft Local Planning Scheme No. 15 (LPS15)

The City's draft LPS15 was advertised from 21 May 2010 until 23 August 2010. Council at its Special Meeting of 14 February 2011 resolved to adopt LPS15 with modifications and forward to the Minister for Planning for final approval. The zoning of the land is not changed under draft LPS15 and there are no additional considerations relevant to this application or property.

Deemed Refusal

Under Clause 5.5.2 of the City of Belmont Town Planning Scheme No. 14 applies where a land use is classified as a 'D' or 'S' use under the City of Belmont Town Planning Scheme No. 14 Zoning Table and is subject to advertising requirements detailed in Clause 5.7 of the Scheme. As such, the application is 'deemed to be refused' if it is not determined within a 90 day period. The deemed refusal date for this application passed on 11 March 2011 and the applicant already has deemed refusal rights.

The only exception to these cases is where there is a written agreement for further time between the applicant and the City of Belmont. In this case, as the development application and structure plan were to be advertised at the same time, and as the City requested additional information, the applicant agreed for the statutory time period to be extended with no 'until' date provided.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

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

BACKGROUND

Lodgement Date:	13 December 2010	TPS14 Zoning:	Mixed Use zone
Lot Area:	18685m ²	TPS 14 Use Class:	Hotel – 'D' Use
Estimated Value:	\$3,800,000	Draft LPS15 Zoning:	Mixed Use zone
MRS:	Urban and portion reserved Parks and Recreation.	Draft LPS15:	Hotel – 'D' Use

Site Description

The subject lot (Lot 112 Epsom Avenue) forms part of DA10 which is located adjacent to the Ascot Residential and Stables Precinct.

12.3 Continued

The site contains the Ascot Inn building and has frontage to Epsom Avenue, Nisbet Street, Thompson Street and the Swan River foreshore. A portion of the lot is reserved Parks and Recreation under the City of Belmont TPS14 and MRS and forms part of the SRT Development Control Area.

The Ascot Inn site is included in the City of Belmont's Municipal Heritage Inventory with a 'high level of protection' management category to provide maximum encouragement to conserve the significance of the place and for any future modifications to reflect the original style and character of the buildings. The Ascot Inn is also listed in the Heritage Council of WA database (No. 8648).

A portion of the site is identified as having a moderate to high acid sulphate (ASS) risk and within the Swan River 1 in 100 year flood fringe.

History

The Ascot Inn Hotel has existed on the site since 1897. The original single and two storey building was constructed in the Victorian Regency style. Upgrades and additions comprising a new entry foyer, saloon bar and lounge bar additions plus toilets were completed by 1961, together with extensions to the lounge, a new terrace, and a Totalisator Agency Board agency (TAB), which were completed in 1973. Further renovations comprising a 40 room motel, a dining room, cocktail bar, function room, seminar room, drying room, toilet block and swimming pool were completed by 1983.

Council in 2005, determined that a flexible residential coding of R20 / 40 was considered appropriate for the site. At that time, Council also resolved that development fronting the river and abutting outer boundaries be limited to two storeys, increasing to three or four storeys towards the centre. It should be noted, however, that this was a separate application and was assessed on its merits in accordance with all relevant scheme and R - Code provisions.

Previous Approval (Stage One)

Council at its Ordinary Meeting of 25 August 2009 granted planning approval for Stage One of the Ascot Inn redevelopment, which included general refurbishment and additions to the Hotel premises (47 rooms in total comprising 40 separate rooms and seven first floor suites). Given a portion of the site is reserved Parks and Recreation, the application was also required to be determined by the WAPC, which was granted on 28 May 2010. Stage One is currently under construction.

Proposal (Stage Two)

This development application is Stage Two of the additions to the Ascot Inn Hotel. Stage Two comprises:

- The construction of 53 additional hotel rooms;
- 185 parking bays; and
- New rendered and painted 1.8 metre high boundary fence with open wrought iron infill along all street frontages.

The additional 53 rooms are located as follows:

- Three additional suites on the first floor of the hotel building;
- Eight rooms in the undercroft of the hotel building;

12.3 Continued

- 13 rooms in a new building adjacent to Epsom Avenue including basement and ground floor parking with wall height of eight metres, equating to three storeys; and
- 29 rooms in a new building adjacent to Thompson Street including undercroft parking with wall height of six metres equating to two storeys.

It should also be noted that retrospective planning approval is being sought for the eight undercroft hotel rooms as construction of these rooms has commenced.

Scheme Development Requirements

Within the Mixed Use zone, the provisions of TPS14 generally require:

- Maximum site coverage – 60%;
- Street Setbacks – 15 metre average;
- Car parking (hotel) – 293 bays based one bay per bedroom plus one bay per 2m² of bar / lounge floor area (or one bay per 4m² of seating only areas);
- Minimise number of crossovers and use of easements in gross;
- Highly attractive building facades and fencing where visible from the street; and
- No outdoor storage.

Council is required to determine the development on the zoned portion of the site and the WAPC is required to determine the regional reserved portion of the site (ie dual approval).

Structure Plan

Notwithstanding the development standards in TPS14, as DA10 is a development area, more site specific development standards can be considered through the preparation of a structure plan.

The draft Structure Plan for DA10 (as recommended for modification) (Item 12.3) provides:

- Maximum building height for the hotel site of four storeys, initially Draft Structure Plan proposed five storeys;
- Maximum site coverage of 60%;
- Minimum 7.5 metre setback to all street frontages;
- Minimum 10 metre setback to the SRT Development Control Area;
- Access from Epsom Avenue, with service only access from Thompson Street; and
- Easements in gross to be provided for access to other lots within DA10.

Traffic Report

As part of the application, the applicant has submitted a Traffic Impact analysis undertaken by Uloth and Associates which incorporates data with respect to vehicle access, pedestrian access and movements, and car parking providing on site. The Traffic Report dated September 2010 was based on 188 rooms and was advertised with the application (refer to Attachment 8).

12.3 Continued

As the development application is for a total of 100 hotel rooms the results of report were not considered accurate. Accordingly the applicant was requested to modify the Traffic Report and to consider any impacts with respect to horse movements.

A revised Traffic Report was received on 27 June 2011 (refer Attachment 9) which included a traffic count undertaken on 26 May 2011 between 6:00am and 9:00am. This report estimated that the subject development application will generate a total of 1410 vehicle trips per day, which is an increase of 130 vehicles per day from the current approved development. The future trip generation shows Epsom Avenue to exceed 3000vpd, Matheson Road to remain below 3000vpd and both Nisbet and Moreing Streets to remain below 1000vpd.

The revised Traffic Report recommends that the parking requirement for the use be 210 spaces, comprising 75 spaces for hotel guests and 135 spaces for staff and visitors to other facilities (restaurant, bar / cafe, function room). This represents a variation to TPS14.

Power Supply

This site has above ground power with power poles located within the Thompson Street verge area.

OFFICER COMMENT

Over the years, the Ascot Inn has been a focal point for gatherings and functions associated with the Belmont area and the racing industry. However, in recent years the site has become run - down, resulting in its closure in 2007.

The subject development application (and the Stage One application) intend to refurbish and improve the site and existing buildings, and ultimately reinstate the Ascot Inn consistent with its earlier glory.

Whilst regeneration of the Ascot Inn is generally supported, Council must consider the suitability of the proposed development having regard to all Scheme provisions and the draft Structure Plan, and give particular regard to matters such as amenity, the relationship of the proposal to development on adjoining land within the locality, access to and egress from the site, traffic generation, car parking and the relevant merits of any submissions received.

Structure Plan

As Council is aware, the subject site requires a Structure Plan to guide subdivision and development. A draft Structure Plan has been submitted to the City (Item 12.3), which is considered acceptable at Officer level subject to certain modifications. The proposed modifications do not have any particular adverse bearing on this application, however, are relevant as context for this consideration of this application.

Notwithstanding Clause 10.18.5.1 of TPS14 (which requires the finalisation of a structure plan prior to supporting development), it is considered that this development application can be supported prior to the structure plan coming into effect (in accordance with Clause 10.18.5.2 of TPS14) if it is considered that approval would not prejudice the specific purposes and requirements of the Structure Plan.

12.3 Continued

Scale of Development

The subject site is zoned 'Mixed Use' under TPS14 and therefore does not have a height limitation. However, the recommended modifications to the draft Structure Plan for DA10 (which is being considered under a separate report) allocates maximum building height in different parts of the development area, including two storeys adjacent to the Residential and Stable zoned lots, increasing to a maximum of four storeys away in the central portions of the development area.

The proposed undercroft and first floor suite additions, together with the new two storey additions (Section A and C) are located within or adjacent to the existing hotel structure (on the northern portion of Lot 112). Under the Structure Plan this portion of the site is designated 'Hotel' with a maximum height of four storeys and as such the height is well below the potential four storeys. Although local residents have expressed concern regarding the potential building height of five storeys (as per the initial structure plan), it is considered appropriate for a maximum of four storeys for the Ascot Inn component as it is existing, located centrally within DA10, and not directly adjacent to Residential and Stables properties. This means that it has the potential to be buffered by additional development on the southern and eastern periphery of DA10, which is recommended to be a maximum of two storeys at the adjacent to the property boundaries, with the potential for increased height to four storeys away from the boundary.

The new buildings adjacent to Epsom Avenue and Thompson Street are supported on the basis that they comply with relevant setbacks, do not exceed the maximum four storeys height limit proposed as part of the Structure Plan and are in keeping with the overall height, scale and design of the existing structures.

It should also be noted that the proposed additions are within the 60% site coverage requirement for Mixed Use zoned lots.

Setbacks / Visual Privacy

Both additions consist predominantly of concrete tilt up panels with a rendered finish and floor to ceiling windows designed to maximise views of the Swan River and provide passive surveillance to Epsom Avenue (Section A) and Nisbet Street (Section C).

Concern was raised by local residents regarding setbacks, particularly in relation to overlooking and visual privacy impacts of properties adjacent to Epsom Avenue. This concern is not supported as the development is setback 7.5 metres with an average of 15 metres, thus compliant with front setback provisions of the Mixed Use zone.

In addition the development has also been assessed in accordance with Clause 6.8.1 of the R - Codes which incorporates acceptable development criteria to address visual privacy and provides setbacks for upper floor windows and balcony areas (4.5 metres for a bedroom, six metres for a living area and 7.5 metres for an unenclosed outdoor active area). The proposed setback to Epsom Avenue also complies with these R - Code provisions.

With respect to the proposed addition to the rear of the existing hotel (Section C), the setback to Thompson Street also complies with the minimum 7.5 metre for secondary road frontage whilst the proposed side setback is a minimum of one metre with no windows. This wall would need to comply with the fire protection provisions of the Building Code of Australia (BCA) and would be addressed at the building licence stage.

12.3 Continued

In order to comply with the acceptable development criteria for upper floor windows a minimum 4.5 metre cone of vision setback is required. The design of these rooms incorporate angled floor to ceiling glazing with a setback measuring 4.3m to five metres along this side boundary. Accordingly, a condition of planning approval would require the side windows to comply with the 4.5 metre privacy setback and the solid wall would need to comply with the fire protection provisions of the Building Code of Australia (BCA). This would be required to be addressed at the building licence stage although the setback and BCA fire protection requirements would alter if the lots were amalgamated.

Parking

Stage One of the redevelopment of Ascot Inn required a total of 251 bays to be provided on site. The parking calculation at that time was based on floor area of the various uses rather than seating capacity as this information was not available at that time. The parking shortfall was supported on the basis that the previous shortfall had been reduced.

The required number of car bays for the site (Stage Two) is 293 bays, which is based on the number of rooms and seating capacity of the restaurant and cafe areas (a maximum of 300 seats for the restaurant and 160 seats for the cafe and bar area).

The subject application provides a total of 185 parking bays on site. The applicant has calculated this car parking figure based on the number of rooms, floor area and seating numbers of the various uses with reductions based on facilities being for the exclusive use of hotel guests (i.e. bar and cafe facilities) having regard to the traffic report by Uloth and Associates. The report recommends that at least 30% of the parking demand for the 'other uses' (restaurant, bar, cafe, function room and shop) will be attributed to hotel guests. The applicant has also stated that many hotel guests will be from interstate or overseas and will arrive via airport shuttle bus, small charter vehicle, chauffeur transfers or taxi. This may well be true, however, hotel guests may also wish to hire vehicles to drive to other Perth tourist destinations.

It is not unusual for Council to support parking variations based on reciprocity of uses associated with a subject site and this has occurred in the past, although each application has been assessed on its merits.

It is a recognised function of hotels that guests at times may well be the exclusive users of these associated uses. However, it must also be remembered that the Ascot Inn was previously a well established drinking and dining establishment and a destination of choice not only for the surrounding Ascot residents and racing community, but also patrons from all over the Perth metropolitan community. Exclusive use may therefore be difficult to regulate.

The Uloth traffic report recommends 0.75 car bays per room (as opposed to one bay per room) and proposes 30% reciprocity for the other uses provided on site, resulting in 210 bays required (83 bays less than what is required under TPS14). This would require an additional 25 bays to be provided on site.

The City's Technical Services supports the findings of the Traffic Report and Addendum by Uloth and Associates with respect to the requirement for 210 parking spaces required for the hotel premises based on the existing approved hotel uses (restaurant, bar, cafe and 47 rooms) and the proposed 53 room additions.

12.3 Continued

Similarly, they agree with the method of calculating parking at 0.75 bays per room (given that the 100 rooms in the Hotel may not always be at full occupancy) and the 30% reduction for other hotel facilities given the intended exclusive nature.

On this basis, it is recommended that prior to determination, a revised plan be submitted showing provision of 210 bays to demonstrate that adequate parking can be provided. Should this be satisfactory, a condition can be placed on any approval for the provision of 210 bays and limitation of maximum number of seats.

The majority of parking for the hotel rooms is to be provided within the basement and sub - basement of Section A or in the undercroft of Section C beneath their allocated room where possible. Some tandem bays have also been proposed in these areas.

In support of the parking arrangement, the applicant has advised that it will be necessary for the hotel to manage the assignment of all parking bays and this will be undertaken by reception on arrival. Should the tandem bays be allocated to guests, it is intended to operate a valet parking service if required. This is a normal function of many hotels. The applicant further states that the remaining 52 open air bays are to be primarily used by restaurant patrons, which together with the additional 25 bays required would equate to 77 open air bays provided.

Council's Technical Services section in reviewing the car park layout plan, has advised that the following items are required to be addressed:

- As discussed, a revised parking plan is required to be submitted which shows 210 car spaces in accordance with the amended Traffic Report (currently plan shows 185 bays).
- The 60 degree car parking layout in Area Three is not acceptable as it does not comply with Australian Standards. The angled bays may need to be revised, possibly 45 degrees with no overhang over the lot boundary.
- Parking in Area One – 2801 mm wide access is not acceptable and is not necessary anyway as egress and ingress can be via the proposed additional crossover on Epsom Avenue near to Parking Area 6.
- Parking Area Six – bay 185 is not acceptable and is required to be relocated.
- Crossover at Thompson Street shall be restricted to a maximum of six metres wide.
- Redundant crossovers at Epsom Avenue and Thompson Street shall be removed and the kerb and verge reinstated to Council's requirements.
- Verge and kerb in Nisbet Street near the intersection of Thompson Street shall be reinstated to Council's requirements.

These items can all be addressed prior to issue of the building licence.

Traffic

Technical Services have assessed the original Traffic Report (September 2010) and the Addendum Report (dated 24 June 2011) based on the generated traffic volume from the 100 room proposal. The report concludes that the daily traffic generation of the site will increase from 1280 vehicles per day (vpd) under the current approval to 1410 vehicles per day (vpd) (an increase in traffic of 130vpd).

12.3 Continued

The horse traffic activity survey observed a maximum of 34 horses between 6:00am and 7:00am and dropping to 16 horses between 8:00am and 9:00am. The main activity was along Matheson Road and Moreing Street with a small number using Nisbet Street and Epsom Avenue. The report concluded that horse activity at its peak will not be impacted, as it is outside of the peak hour vehicle traffic between 8:00am and 9:00am.

It should also be noted that discussions with the Turf Club Track Manager confirmed that the Ascot racecourse track and horse swimming facility is open Monday to Saturday from 4:00am until 9:00am with the entry via Matheson Road and that the majority of horses are floated in. The Track Manager also confirmed that the training track known as 'Little Sandown' is open seven days a week from 4:00am to 5:00pm but is closed for maintenance between 12:00noon and 1:00pm. During the winter months, horse racing occurs at Belmont Park Racecourse and not at the Ascot Racecourse, however, the Ascot Track Manager confirmed that this did not have any major impact on the number of horses using the racecourse for training purposes.

In accordance with the City's Functional Road Hierarchy Plan, Epsom Avenue, Matheson Road, Moreing Street, Nisbet Street and Thompson Street are all classified as local roads with a capacity of 3000vpd. The findings of the traffic reports indicated that Epsom Avenue south of Matheson Road would be 3400vpd which exceeds this local road capacity.

However, the anticipated increased traffic volume for Matheson Road east of Epsom Avenue and Nisbet Street of 210 vpd and 280 vpd respectively together with an increase of 120 vpd on Moreing Street are not significant and within the local access road network capacity.

As the main entry to the hotel is to be via Epsom Avenue where two crossovers are shown, consideration was given to the possibility of closing the existing crossover in Thompson Street. However, as this provides direct access to the service area of the hotel, Technical Services recommend that this crossover be restricted to service vehicles only, limited to six metre wide and the ingress / egress controlled by adequate signs on site.

Technical Services also confirmed that there is a potential rat run by vehicles exiting the site from Epsom Avenue and Nisbet Street via Matheson Road and Moreing Street to travel eastwards on Great Eastern Highway. As stated above, although the traffic volumes are within the road capacity, the Manager Project Development has advised that this will need to be monitored.

In conclusion Technical Services have noted the traffic impacts resulting from the proposed Stage Two development and provide the following recommendations:

- The predicted traffic volume for Epsom Avenue is above the maximum 3000vpd capacity for a local access road. It is noted, however, that the section of Epsom Avenue between Great Eastern Highway and Matheson Road was previously classified as a local distributor (maximum desirable vehicles of 3001 to 6000). The road was reclassified to a local access road (maximum desirable vehicles per day of 3000) because Ascot Inn was not operating. It is therefore recommended that Epsom Avenue be reclassified as a local distributor to facilitate this development.

12.3 Continued

- To continue to provide an acceptable standard of service, it is proposed that Epsom Avenue be upgraded to safely accommodate the traffic increase. With the upgrade of the Epsom Avenue and Great Eastern Highway intersection as part of the Great Eastern Highway widening project, there is an opportunity for this section of Epsom Avenue from Great Eastern Highway to Ascot Place to be upgraded as a main entry to the horse stables area. Epsom Avenue has a 30 metre wide road reserve thus providing adequate space to provide on - street car parking, median island landscaping, dual use path, bridle path etc. In funding for the capital works, it is appropriate that a cost contribution from the developer shall be considered and included as a condition of the development approval. The design of Epsom Avenue will need to include the upgrading of the Epsom Avenue / Matheson Road intersection and consider traffic volumes, vehicle speed, horse traffic, on - street car parking and pedestrian / cyclist access to the river from Great Eastern Highway.

It is also anticipated that traffic management including additional signage may be required to control vehicle speeds especially on Epsom Avenue.

Impact on Amenity of the Residential and Stable Zone

It is acknowledged that the Ascot Inn premises has cultural and heritage significance and has a long association with Ascot Racecourse and the horse racing industry.

Prior to the erection of the unauthorised temporary fence the community have been able to walk or ride their horses through the car park to access Ascot racecourse, Gould Reserve or the training track known as 'Little Sandown'. There is no indication on the titles for any of the lots comprising Ascot Inn site that any formal easement exists, and therefore it is concluded that no legal public access right was ever established for residents to walk their horses through the site.

The owner has advised that he is willing to continue to let horses be walked through the site, and the proposal therefore incorporates a 2.5m wide horse trail along the southern boundary to allow residents and horses safe access between Epsom Avenue and Nisbet Street. The applicant has, however, advised that the owner proposes to close the access one day a year to ensure ownership rights are maintained. It is recommended that rather than close this access one day a year, the horse trail be recognised as an easement in gross on the title thus maintaining ownership yet legally confirming access through the site. This would be included as a condition of approval.

Additionally, should a fence be erected along the northern side of this path, it is recommended that a minimum width of three metres be achieved in order to ensure that two horses could pass one another.

Noise / Hours of Operation

Given the nature of the use, the hotel is proposed to operate 24 hours a day, seven days a week. It is, however, noted that the horse industry starts in the early hours of the morning finishing in the afternoon, and as such it is acknowledged that the variance in hours may conflict amongst the different operations. This was raised as a concern by local residents.

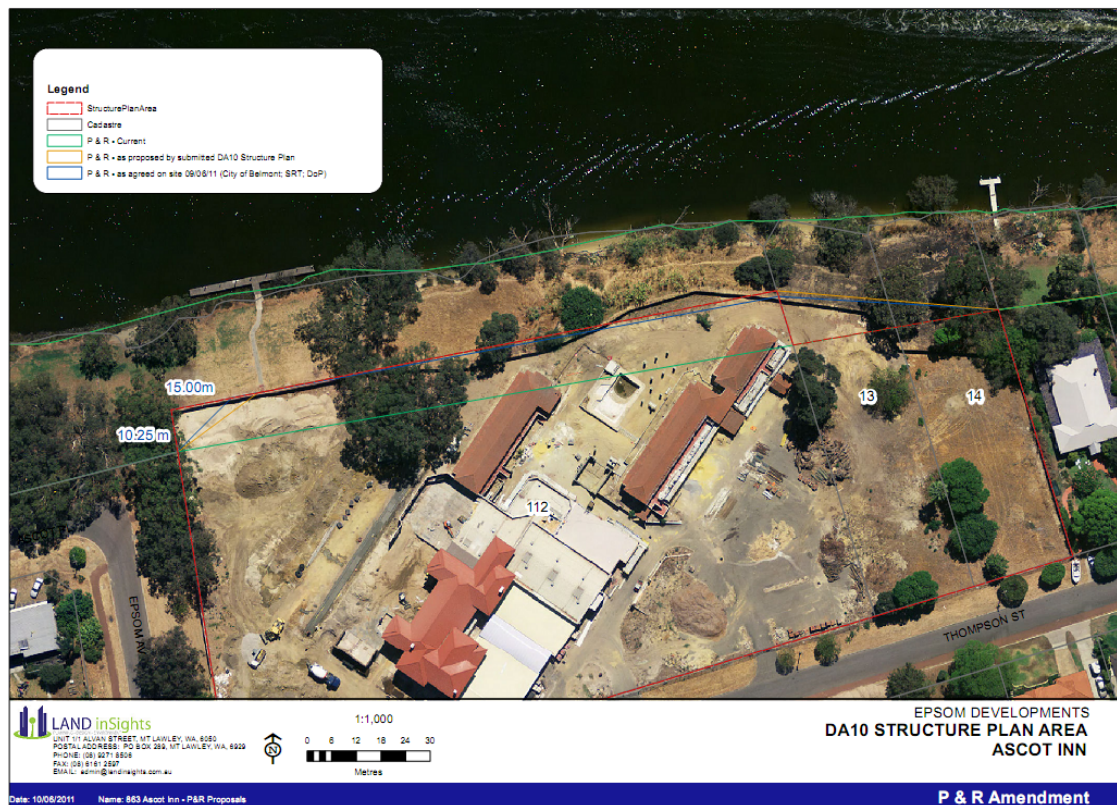
12.3 Continued

It considered inappropriate to not support the proposed hotel additions as both industries have operated together in the area for many years as the Ascot Inn was first established in 1897. In addition any anti - social behaviour relating to the premises and impacting on the surrounding locality is a management issue and a police matter.

Notwithstanding the above, all premises are required to comply with the *Environmental Protection (Noise) Regulations 1997*, and it is recommended that this be included as an advice note should the application be approved.

Swan River Trust Management Area / Parks and Recreation Reserve

As discussed in the Structure Plan report, a portion of the subject site is reserved Parks and Recreation under the MRS and is within the SRT Management Area. Officers from the Department of Planning, SRT and Council Officers met on site and agreed that the Parks and Recreation boundary be modified as shown in the attached plan dated 10 June 2011. An amendment to the MRS by the WAPC will also trigger an amendment to the SRT Management Area boundary. This realignment has no specific bearing on the proposed application.



Modified Parks and Recreation boundary Plan dated 10 June 2011

The Trust response also identified that the maximum fencing height along the MRS Parks and Recreation Reserve boundary is to be a maximum of 1.8 metres including any retaining walls. As Council is aware, the existing solid fencing has been erected for safety and security during the construction stage only. The application proposes a visually permeable fence to a maximum of 1.8 metres high comprising of rendered and painted solid lower wall with open steel infill around the site boundary.

12.3 Continued

As part of the rationalisation of the Parks and Recreation Reserve / SRT Development Control Area boundary, a portion of the existing retaining wall located in the northwest corner of the site (corner Epsom Avenue) is required to be removed. To achieve a maximum 1.8 metre fence height including any retaining, the retained corner of the site (Epsom Avenue and foreshore reserve) would need to be banked. Accordingly this could be included as a condition of planning approval.

As an alternative, given the slope of Epsom Avenue down to this corner and considering that this portion of the site has been retained since 1972 with open fencing on top and provided a landscaped grassed area, the construction of a new retaining wall with open fencing above for this corner of the site only could be supported. This is the preferred option. Accordingly structural details of the retaining wall modifications would be required at the building licence stage.

In the event that the application is approved, it is recommended that a condition of planning approval be imposed to require a landscape plan that details the type of plants to the satisfaction of the City's Parks and Environment Section.

Conclusion

Stage Two of the redevelopment of Ascot Inn includes 53 additional hotel rooms, taking the total number of rooms to 100. The development has been assessed and is considered to comply with the relevant scheme setbacks and the design is in keeping with the overall height, scale and design of the existing hotel premises, as provided for within the modified draft Structure Plan.

Although a parking shortfall is proposed, it is recognised that hotel guests will also utilise the other hotel functions area, restaurant, bar and cafe and therefore some reciprocity of uses for hotel guests can be supported. Based on 75% hotel room capacity and 30% reciprocity for hotel guests / other hotel functions, a total of 210 parking bays are required to be provided on site.

It is considered that the development application can be supported prior to the Structure Plan being finalised on the basis that the development approval will not prejudice the purpose and requirements of the Development Area.

To ensure that the number of bays can be adequately provided, it is recommended that Council's support be dependent on the provision of revised plans, with decision - making authority granted to the Director Community and Statutory Services.

Once a revised plan showing the required number of car parking bays is lodged then approval can be considered by the Council.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

12.3 Continued

ENVIRONMENTAL IMPLICATIONS

A portion of the subject site is identified as having moderate to high acid sulphate soil (ASS) risk. The applicant submitted an ASS detailed site analysis and Dewatering Management Plan to the Department of Conservation dated 13 August 2009. On 25 September 2009 the Department of Environment and Conservation confirmed that the Acid Sulphate Soils Management Plan was suitable for the earthworks outlined and advised approval was valid for two years. As this approval has now lapsed, a condition of planning approval will require a new ASS management plan.

Council is required to determine the development on the zoned portion of the site and the WAPC is required to determine the regional reserved portion of the site (i.e. dual approval). The application includes realignment of the SRT Management Area which currently encroaches into the subject site. The Structure Plan has been modified to show the proposed Parks and Recreation and SRT Management Area boundary as agreed to by officers from WAPC and SRT on 10 June 2011. An amendment to the MRS by the WAPC and an amendment to the SRT Management Area boundary is required.

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

SOCIAL IMPLICATIONS

The Ascot Inn has always been part of the Residential and Stables area, however, over the last few years has been allowed to run down and finally close. It is considered that once the refurbishment and proposed additions are complete the Ascot Inn will once again form part of the community.

OFFICER RECOMMENDATION

That Council defer the application numbered 554/2010/DA as detailed in plans dated 13 December 2010, submitted by Land Insights Pty Ltd, on behalf of the owner Epsom Development Pty Ltd for Hotel Additions at Lot 112 (1 – 13) Epsom Avenue, Ascot until such time as the revised site plan viewing 210 car parking bays is revised and is satisfactory to the Director Technical Services.

12.3 Continued

REVISED OFFICER RECOMMENDATION

That Council:

A. Approve the application numbered 554/2010/DA as detailed in plans received 13 December 2010, 10 February 2011 and 20 July 2011 submitted by Land Insights Pty Ltd on behalf of the owner Epsom Development Pty Ltd for Hotel Additions at Lot 112 (1 – 13) Epsom Avenue, Ascot subject to the following conditions:

1. The stamped and dated plan / plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.
2. A landscaping and reticulation plan is to be prepared by a professional horticulturist or a qualified landscape contractor for the subject development site and street verge and submitted to the City for approval prior to the issue of a building licence, unless otherwise agreed to by the City in writing.
3. Landscaping, plants and reticulation are to be installed and thereafter maintained in accordance with the approved landscaping and reticulation plan for the duration of the approved development to the satisfaction of the City's Manager Parks and Environment.
4. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, line marked and kerbed in accordance with:
 - (a) The approved plan (minimum 239 spaces measuring 2.5 metres x 5.5 metres);
 - (b) Schedule 3 of the City of Belmont Town Planning Scheme No. 14; and
 - (c) Council's engineering requirements and design guidelines, with respect to drainage requirements.

The areas must be paved in bitumen or concrete 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. Prior to occupation or use of the development, vehicle crossovers shall be approved by the City of Belmont Technical Services and be constructed in coloured concrete or brick paving or hot mix in accordance with the City of Belmont specifications for the construction of concrete, brick or hot mix paved crossovers for industrial and commercial properties.
6. The redundant crossovers as shown on the approved plans shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications for Crossovers, to the satisfaction of the City's Project / Development Engineer.

12.3 Continued

7. A detailed drainage plan to be submitted to the satisfaction of Director Technical Services or Manager Project Development. All stormwater from roofed and paved areas shall be collected and disposed of via connection to the existing system in accordance with the City of Belmont's Engineering Requirements and Design Guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction.
8. A geotechnical report prepared for the City by an appropriately qualified consultant shall be lodged with the City, at the cost of the owner / applicant, prior to an application for a building licence.
9. The northwest corner of Lot 112 Epsom Avenue is to be modified to provide a 10 metre x 15 metre truncation to ensure an open vista from Epsom Avenue to the Parks and Recreation reserve and view of the jetty is maintained.
10. Structural details of the retaining wall modifications are to be submitted prior to issue of the building licence, to the specification and satisfaction of Director Technical Services or Manager Project Development.
11. All fencing facing any public street and the Swan River Parks and Recreation Reserve is to be visually permeable and constructed of masonry and wrought iron or similar materials to the satisfaction of the Director Community and Statutory Services and / or the Manager Planning Services.
12. A 3 metre wide horse trail is to be provided as an easement in gross through the site between Epsom Avenue and Nisbet Street as shown on the approved plans and constructed to the satisfaction of the Director Technical Services and / or Manager Technical Services.
13. A gate is to be provided to the entry / exit located on Thompson Street and signed accordingly to ensure the entry / exit is for service vehicles only to the satisfaction of Director Technical Services or Manager Project Development.
14. A cost contribution of \$5000 is to be paid prior to issue of the building licence for the initial upgrade of Epsom Avenue signage with respect to horses and 40kmph speed limit and for the future safety improvements of the Epsom Avenue and Matheson Road intersection.
15. Prior to the commencement of any site works, the applicant / owner shall:
 - (i) complete and submit an Acid Sulfate Soils Self - Assessment Form to the Department of Environment and City of Belmont; and
 - (ii) if required as a result of the self - assessment, subsequently prepare and submit an Acid Sulfate Soils Report and an Acid Sulfate Soils Management Plan to the Department of Environment and Conservation and the City of Belmont for approval.

12.3 Continued

Where an Acid Sulfate Soils Management Plan is required to be submitted, all site works shall be carried out in accordance with the approved management plan.

- B. Recommend to the Western Australian Planning Commission that it approve the development application 554/2010/DA as detailed in plans received 13 December 2010, 10 February 2011 and amended 20 July 2011 submitted by Land Insights Pty Ltd on behalf of the owner Epsom Development Pty Ltd for Hotel Additions at Lot 112 (1 - 13) Epsom Avenue, Ascot subject to the same conditions noted in Part (A) of this resolution.
- C. Advise all who made submissions of the above.

Cr Marks put the following Alternative Motion.

ALTERNATIVE MOTION

MARKS MOVED, POWELL SECONDED, That Council:

- A. ***Approve the application numbered 554/2010/DA as detailed in plans received 13 December 2010, 10 February 2011 and 20 July 2011 submitted by Land Insights Pty Ltd on behalf of the owner Epsom Development Pty Ltd for Hotel Additions at Lot 112 (1 – 13) Epsom Avenue, Ascot subject to the following conditions:***
- 1. The stamped and dated plan / plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.***
 - 2. A landscaping and reticulation plan is to be prepared by a professional horticulturist or a qualified landscape contractor for the subject development site and street verge and submitted to the City for approval prior to the issue of a building licence, unless otherwise agreed to by the City in writing.***
 - 3. Landscaping, plants and reticulation are to be installed and thereafter maintained in accordance with the approved landscaping and reticulation plan for the duration of the approved development to the satisfaction of the City's Manager Parks and Environment.***
 - 4. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, line marked and kerbed in accordance with:***
 - (a) The approved plan (minimum 239 spaces measuring 2.5 metres x 5.5 metres);***
 - (b) Schedule 3 of the City of Belmont Town Planning Scheme No. 14; and***
 - (c) Council's engineering requirements and design guidelines, with respect to drainage requirements.***

12.3 Continued

The areas must be paved in bitumen or concrete 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. Prior to occupation or use of the development, vehicle crossovers shall be approved by the City of Belmont Technical Services and be constructed in coloured concrete or brick paving or hot mix in accordance with the City of Belmont specifications for the construction of concrete, brick or hot mix paved crossovers for industrial and commercial properties.***
- 6. The redundant crossovers as shown on the approved plans shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications for Crossovers, to the satisfaction of the City's Project / Development Engineer.***
- 7. A detailed drainage plan to be submitted to the satisfaction of Director Technical Services or Manager Project Development. All stormwater from roofed and paved areas shall be collected and disposed of via connection to the existing system in accordance with the City of Belmont's Engineering Requirements and Design Guidelines and any associated drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction.***
- 8. A geotechnical report prepared for the City by an appropriately qualified consultant shall be lodged with the City, at the cost of the owner / applicant, prior to an application for a building licence.***
- 9. The northwest corner of Lot 112 Epsom Avenue is to be modified to provide a 10 metre x 15 metre truncation to ensure an open vista from Epsom Avenue to the Parks and Recreation reserve and view of the jetty is maintained.***
- 10. Structural details of the retaining wall modifications are to be submitted prior to issue of the building licence, to the specification and satisfaction of Director Technical Services or Manager Project Development.***
- 11. All fencing facing any public street and the Swan River Parks and Recreation Reserve is to be visually permeable and constructed of masonry and wrought iron or similar materials to the satisfaction of the Director Community and Statutory Services and / or the Manager Planning Services.***
- 12. A 3 metre wide horse trail is to be provided as an easement in gross through the site between Epsom Avenue and Nisbet Street as shown on the approved plans and constructed to the satisfaction of the Director Technical Services and / or Manager Technical Services.***

12.3 Continued

13. ***A gate is to be provided to the entry / exit located on Thompson Street and signed accordingly to ensure the entry / exit is for service vehicles only to the satisfaction of Director Technical Services or Manager Project Development.***
14. ***A cost contribution of \$5000 is to be paid prior to issue of the building licence for the initial upgrade of Epsom Avenue signage with respect to horses and 40kmph speed limit and for the future safety improvements of the Epsom Avenue and Matheson Road intersection.***
15. ***Prior to the commencement of any site works, the applicant / owner shall:***
 - (i) ***complete and submit an Acid Sulfate Soils Self - Assessment Form to the Department of Environment and City of Belmont; and***
 - (ii) ***if required as a result of the self - assessment, subsequently prepare and submit an Acid Sulfate Soils Report and an Acid Sulfate Soils Management Plan to the Department of Environment and Conservation and the City of Belmont for approval.***

Where an Acid Sulfate Soils Management Plan is required to be submitted, all site works shall be carried out in accordance with the approved management plan.

- B. ***Recommend to the Western Australian Planning Commission that it approve the development application 554/2010/DA as detailed in plans received 13 December 2010, 10 February 2011 and amended 20 July 2011 submitted by Land Insights Pty Ltd on behalf of the owner Epsom Development Pty Ltd for Hotel Additions at Lot 112 (1 - 13) Epsom Avenue, Ascot subject to the same conditions noted in Part (A) of this resolution.***
- C. ***Advise all who made submissions of the above.***
- D. ***The applicant is advised that the increase in car spaces from 210 to 239 as shown on the amended approved plan should not be taken as acceptance of an existing car parking bay credit on site. Any future development application and car parking provision will be assessed on its merit at a future time and must address parking requirements at that time.***

CARRIED 11 VOTES TO 0

Reason

The applicant had submitted a revised site plan which provided a total of 239 bays on site. This plan had been assessed and approved by the City's Technical Services Department. This allowed the consideration by Council for conditional approval.

12.4 FINAL ADOPTION OF AMENDED LOCAL PLANNING POLICY NO 31 'THE SPRINGS DESIGN GUIDELINES'

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 10 - Item 12.4 refers	Final Proposed Amended LPP 31 – The Springs Design Guidelines 2011
Attachment 11 - Item 12.4 refers	Submission Table
Attachment 12 - Item 12.4 refers	Advertised Proposed Amended LPP31 – The Springs Design Guidelines 2011
Attachment 13 - Item 12.4 refers	Existing LPP 31 – The Springs Design Guidelines 2007 (as adopted by Council)

Voting Requirement	:	Simple Majority
Subject Index	:	116/108 and 116/077
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	12.4 of OCM 27/04/11 12.1.4 of OCM 20/05/08 12.1.7 of OCM 28/08/07
Applicant	:	WA Land Authority (LandCorp)
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

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

12.4 Continued

PURPOSE OF REPORT

For Council to:

1. Consider the comments and submissions made during the advertising period in relation to the draft Amended Local Planning Policy No 31 'The Springs Design Guidelines' (LPP31), refer to Attachment 12.
2. Consider final adoption of proposed Amended LPP31 (as amended in Attachment 10).

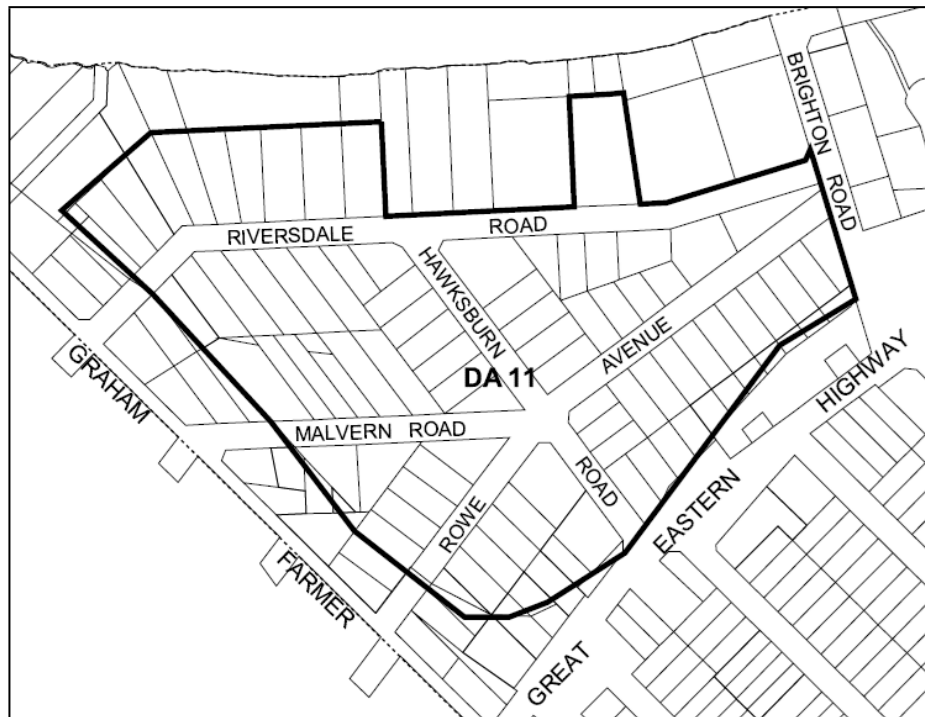
SUMMARY AND KEY ISSUES

- At the Ordinary Council Meeting (OCM) of 27 April 2011, Council resolved to adopt a series of amendments to existing LPP31 for the purpose of public advertising (refer to Attachment 12).
- Public advertising occurred from 16 May 2011 until 10 June 2011, with nine submissions received.
- The submissions have been reviewed and summarised in Attachment 11. LandCorp has subsequently submitted a revised version of Amended LPP31 (refer to Attachment 10) which addresses these points.
- The proposed Amendments to LPP31 are considered appropriate having regard to the submissions received.
- It is recommended that Council grant final adoption of Amended LPP31 (with the post - advertising modifications in Attachment 10).

LOCATION

Local Planning Policy No 31 has been prepared for application to land zoned 'Special Development Precinct – The Springs' under the City's Town Planning Scheme No 14, as shown as 'DA11' in the location plan below.

12.4 Continued



CONSULTATION

Consultation is a statutory process required under Clause 2.5 of the Town Planning Scheme No 14 (TPS14). TPS14 requires advertising for a minimum period of 21 days.

The draft Amended LPP31 (Attachment 12) was advertised from 16 May 2011 until 10 June 2011 (25 days), with nine submissions received.

STRATEGIC PLAN IMPLICATIONS

In accordance with the Strategic 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.

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

Objective: Enhance the City's environmental sustainability through the efficient use of natural resources.

Strategy 1: Manage energy use with a view to minimising greenhouse gas emissions.

Strategy 2: Manage water use with a view to minimising consumption.

12.4 Continued

POLICY IMPLICATIONS

Local Planning Policy No 31 (The Springs Design Guidelines)

Design Guidelines for The Springs were adopted by Council as Local Planning Policy No 31 at the OCM of 28 August 2007 (refer to Attachment 13). The guidelines contain principles and objectives that are to be applied to all development proposals within The Springs, so as to emphasise the relationship between built form and surrounding streets / open spaces.

Local Planning Policy No 31 is proposed to be amended, as detailed in this report.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme

The area identified as 'The Springs' is zoned 'Urban' under the Metropolitan Region Scheme. The land also abuts land reserved for Parks and Recreation (Swan River foreshore) and Primary Regional Road (Graham Farmer Freeway and Great Eastern Highway).

Town Planning Scheme No 14

The land identified as 'The Springs' is zoned 'Special Development Precinct' under the City's TPS14. The Scheme also identifies The Springs Special Development Precinct as 'Development Area 11', which requires the preparation and adoption of a local structure plan prior to any development or subdivision occurring. A local structure plan for The Springs has been adopted by Council and endorsed by the Western Australian Planning Commission (WAPC).

A Local Planning Policy for The Springs has been adopted by Council having regard to the provisions of TPS14 and The Springs Local Structure Plan. The procedure for making and amending a local planning policy is outlined under clause 2.5 of TPS14.

Draft Local Planning Scheme No 15

The City has prepared Draft Local Planning Scheme No 15 (LPS15). Draft LPS15 was advertised for public comment from 21 May 2010 to 23 August 2010.

Under Draft LPS15, The Springs retains the zoning of 'Special Development Precinct' and continues to be identified as 'Development Area 11'. Draft LPS15 also incorporates new provisions relating to Developer Contribution Areas which will apply to The Springs.

The Springs Local Structure Plan

The Springs Local Structure Plan was adopted by Council in November 2009 and endorsed by the WAPC in December 2009.

Part 6.4 of the Structure Plan identifies that built form design guidelines are to be prepared for The Springs and adopted as a Local Planning Policy. The Structure Plan provides guidance for each precinct in formulating the design guidelines.

Any Design Guidelines for The Springs must be consistent with the provisions of the Local Structure Plan.

12.4 Continued

BACKGROUND

Existing LPP31 and Rationale for Review

A full background on the existing LPP31 and the rationale for review of the Policy is detailed under item 12.4 of the OCM report of 27 April 2011.

Submissions – Riversdale North

A number of comments made in submissions by Greg Rowe and Associates (on behalf of the landowners of Lots 80, 130 - 133 and 603 Riversdale Road, Rivervale) and the Swan River Trust have direct relevance to the Riversdale North precinct of The Springs.

The Riversdale North precinct has been identified in The Springs Local Structure Plan as one that requires a specific Detailed Area Plan (DAP) to guide development of the land given its proximity to the Swan River and Cracknell Park. As such, the primary detailed design of development in this precinct will be dealt with by the Detailed Area Plan, with the Design Guidelines (LPP31) acting as a supporting document to provide broad context to the design parameters and address matters not dealt with the Detailed Area Plan. Many of the comments made by Greg Rowe and Associates and the Swan River Trust therefore are more appropriately dealt with as part of the DAP process.

Summary of Changes Post - Advertising

The large majority of submissions received in relation to Amended LPP31 generally supported the overall intent of the Design Guidelines. A number, however, raised concerns with certain clauses or made suggestions for improvements. Consequently a number of modifications have been made to the document, specifically:

Page / Section	Summary of Change	Reason
-	Style and branding of document changed.	LandCorp has revisited its marketing of The Springs and will promote the area as 'Springs Rivervale'. The City and all relevant documents will still however, refer to the area as 'The Springs'. The style and branding changes have been discussed with Officers of the City and are consistent with the requirements to ensure recognition as the City of Belmont's document.
P6	Relationship to CoB TPS, other Policies and Regulations – modification of content to reflect the weight of statutory heads of power in relation to situations where provisions in different documents are in conflict with one another.	To provide additional clarity to proponents.

12.4 Continued

Page / Section	Summary of Change	Reason
P7	Development Approval Process – applicants encouraged to discuss their proposals with Swan River Trust and the Department of Transport / Main Roads where it abuts land within their jurisdiction (eg Swan River foreshore, Graham Farmer Freeway, Great Eastern Highway, etc).	To encourage proponents liaise with referral agencies prior to lodgement of their application to assist in resolving specific design issues earlier and ensure a faster processing time.
P9	Rowe Avenue West – reworded – maximum overall building height is nine storeys with a maximum podium height of three metres.	To provide clarity as the previous wording was open to interpretation.
P10	Figure 2.2 caption reworded – example of cut and fill to maximise views.	To ensure that the diagram did not pre-empt the built form outcomes of Riversdale North properties, which are being dealt with under a separate DAP (not part of Design Guidelines).
P12	Figure 2.5 – building envelopes removed.	Building envelopes are not necessary on this diagram.
P14	Tree Retention – wording adjusted to make reference to tree retention in the Riversdale North Precinct being a separate consideration under the relevant DAP.	To inform proponents that tree retention in Riversdale North has not been addressed under LPP31, but will be considered under the DAP.
P19	Rowe Avenue West Height modified to refer to maximum building height of nine storeys (or 35m).	As per P9.
P21	Figure 3.1.5 modified.	Previous diagram did not clearly state whether the required separation distances were for the relevant portions of the building or the overall building, and therefore open to interpretation. The diagram now confirms that the separation is for the relevant portion of the building having regard to its height above ground level.
P24	Building Facades – Acceptable Development Control 1 modified to include reference to regional open space (Swan River Foreshore).	To ensure that the facades facing the Swan River Foreshore are also addressed.

12.4 Continued

Page / Section	Summary of Change	Reason
P24	Building Facades – additional Acceptable Development Control added to require non - reflective materials facing primary regional roads	As per Main Roads advice so as limit any distraction or light reflection impact for traffic on primary regional roads.
P33	Car Parking – Design Guidance includes reference to encouragement of electric vehicle charging facilities.	To recognise and provide for sustainable transport modes.
P35	Dwelling Diversity – Design Guidance reworded to include reference to other mobility impaired transport modes (eg electric gophers).	
R40	Riversdale North Precinct – additional wording to reflect the relationship between the Design Guidelines and Riversdale North DAP and the approval process for the DAP.	To ensure that all proponents are aware of the approval process and relationship between the Design Guidelines and the Riversdale North DAP.
P42	Lot 1000 removed from Rowe Avenue West (Residential) precinct (and the Design Guidelines generally).	Lot 1000 is part of the Riversdale North Precinct and therefore subject to the Riversdale North DAP which is being prepared independently of the Design Guidelines.
P46	Minor modifications to slip road.	To reflect the existing concept for the slip road as agreed to with Main Roads WA.
P46 - 47	Great Eastern Highway (Mixed Use) – additional note included in relation to the awnings.	To clarify that awnings are to be contained wholly within lot boundaries despite being shown outside the lot boundaries for illustration purposes.

The above changes have been incorporated into an updated version of Amended LPP31 (refer to Attachment 10).

OFFICER COMMENT

The submissions received on the draft Amended LPP31 have been assessed on their relevant merits and having regard to the provisions of The Springs Local Structure Plan. The majority of comments made supported the Guidelines subject to inclusions and minor modifications, which have been made where appropriate.

12.4 Continued

Riversdale North Precinct

Some of the comments submitted by Greg Rowe and Associates and the Swan River Trust in relation to the Riversdale North Precinct, although noted, are specific development design elements that are not specifically relevant to the Design Guidelines process (as this precinct is being separately dealt with by a DAP which is required to address specific design).

Comments in the Greg Rowe and Associates submission to the effect that all provisions of the Design Guidelines aside from section 5.1 should not apply to the Riversdale North DAP is strongly disputed. Although it is accepted that the primary development outcomes for the Riversdale North Precinct will be guided by the Detailed Area Plan, it is not considered appropriate to consider Riversdale North in isolation from the remainder of The Springs, especially when there are matters that the DAP will not specifically address. The process and weight of planning instruments has, however, been clarified to emphasise that the Design Guidelines and Riversdale North DAP must be read in conjunction with one another, specifically:

- The Riversdale North DAP provides primary guidance for development in the Riversdale North precinct; and
- The Springs Design Guidelines (LPP31) act as a supporting document to give general direction for the Riversdale North DAP and address with matters not specifically dealt with by the DAP.

In relation to the Swan River Trust comments on the Riversdale North R100 / 160 performance criteria, it is not considered appropriate to modify any of the provisions under the Amended Local Planning Policy. This is because the criteria remains the same as what is currently operational under existing LPP31 and still provides the City with the opportunity to consider all applications on their merits having regard to any comments and concerns raised by the Swan River Trust. The specific areas of the performance criteria that the Trust has identified can be more appropriately dealt with by the Riversdale North DAP, which is currently being assessed by the City.

Conclusion

As previously reported to Council prior to advertising, the proposed format and structure of the amended Design Guidelines is supported, as it is considered to better clarify the development requirements, ensures consistency across precincts and promotes greater useability for applicants / landowners preparing development applications and for decision - makers in assessing those applications. The development standards contained within the amended Design Guidelines are sound and consistent with existing planning policies (such as the Residential Design Codes) and best practice built form design principles.

It is therefore recommended that Council resolve to grant final adoption of Amended Local Planning Policy No 31 (as modified in Attachment 10).

FINANCIAL IMPLICATIONS

There are no financial implications at this time.

12.4 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

- 1 That Council adopt the amended version of Local Planning Policy No 31 'The Springs Design Guidelines' in accordance with Clause 2.5 of the City of Belmont Town Planning Scheme No 14 as detailed in Attachment 10.***
- 2 That Council advise the applicant, the Western Australian Land Authority (LandCorp), and all parties who made submissions on the advertised Local Planning Policy No 31, of its decision.***

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

12.5 REQUEST FOR RATE EXEMPTION – SOUTHERN CROSS CARE – 15 ROWE AVENUE, RIVERVALE

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	98/008 – Rate Exemptions
Location / Property Index	:	15 Rowe Avenue, Rivervale
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	Southern Cross Care
Owner	:	Southern Cross Care
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

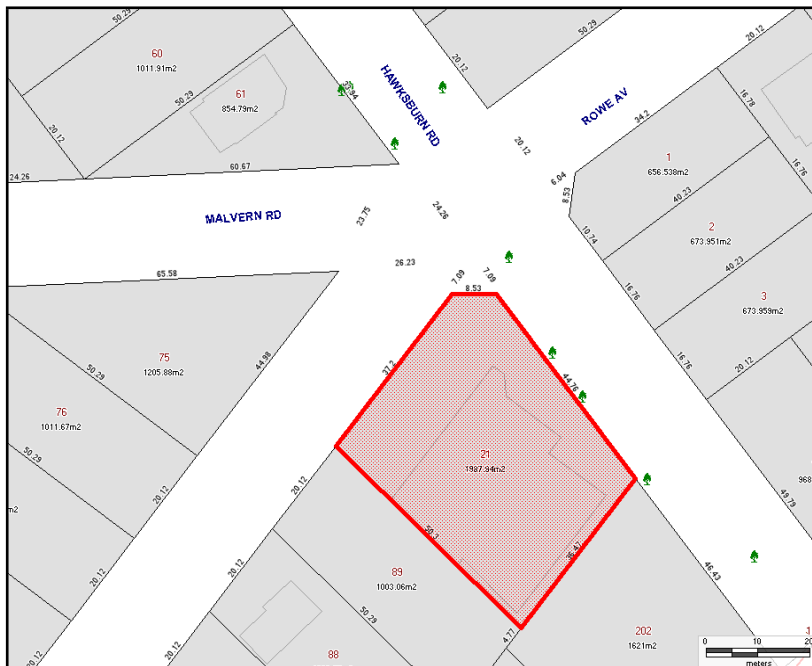
To consider the request for rate exemption at (Lot 21 on Diagram 68571) known as 15 Rowe Avenue, Rivervale.

12.5 Continued

SUMMARY AND KEY ISSUES

Request for rate exemption for Southern Cross Care under Section 6.26 (2)(g) and Section 6.53 of the *Local Government Act 1995*.

LOCATION



Lot 21 on Diagram 68571

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

12.5 Continued

STATUTORY ENVIRONMENT

There are two sections of the *Local Government Act 1995* that apply.

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

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

- (2) The following land is not rateable land*
- (g) land used exclusively for charitable purposes;*

Section 6.53 of the *Local Government 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”.

BACKGROUND

Southern Cross Care is a licensed charitable organisation licensed in Western Australia under the *Charitable Collections Act 1946* registered with Consumer Protection. The organisation is also registered with the Australian Taxation Office as an income tax exempt Charity.

The purpose of Southern Cross Care is to enhance the quality of life of those who use their services. The objectives are to undertake the care and welfare of and to provide facilities for the aged, infirmed, retired and pensioners in Western Australia.

The organisation operates on a not for profit making basis with services and facilities to be provided in conformity with all requirements of Governments, both Federal State and Local contingent upon Southern Cross Care not operating in a manner contrary to the express statements of the Catholic Bishops of Australia, the State Council or the National Board.

Southern Cross Care also attend, to the fullest extent possible, to the needs of all of its residents as individuals having regard to their spiritual, intellectual, physical, medical and other needs and to do everything possible to with the objects of the Southern Cross in mind, encourage and support by family members, priests and members of the community.

12.5 Continued

The organisations Core Values are –

- Respect for the individual;
- Compassion;
- Dignity;
- Integrity;
- Excellence;
- Teamwork; and
- Professionalism.

OFFICER COMMENT

The property is located in the Special Development Precinct of 'The Springs' and the property is used as the main administrative offices of Southern Cross Care. The property houses Client Service Officers, Care Coordinators and support staff. It is also used to train direct care workers in a range of areas.

The organisation provides the delivery of care services and houses the Community Services Division.

Council staff met with a representative from the organisation on site on 29 June 2011 to confirm that the property is being used for the purposes requested in the rate exemption request.

As part of the information required for the rate exemption request, Council has received a copy of their Constitution, the Australian Taxation Office Notice of Endorsement as a charitable institute and a letter confirming the use of the property.

FINANCIAL IMPLICATIONS

Section 6.26(2)(g) of the *Local Government Act 1995*, states that the property must be used exclusively for charitable purposes. Section 6.53 of the *Local Government Act 1995*, defines the property as being non rated effective from the date of the lease or 1 July of the year the application is being made.

Therefore, based on the adopted rate in the dollar for commercial properties for 2010 / 2011, the loss of rate revenue effective from 1 July 2010 is \$21,407.87.

The Fire Services levy is still applicable to the property as a whole and is required to be paid in full and the payment forwarded to the Fire and Emergency Services Authority as per the current legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

12.5 Continued

SOCIAL IMPLICATIONS

The organisation maintains and continues to pursue an interest in health care for the aged and infirmed, therefore providing a service for the community as a whole.

OFFICER RECOMMENDATION

That Lot 21 on Diagram 68571 known as 15 Rowe Avenue, Rivervale be granted rate exemption under Section 6.26(2)(g) and Section 6.53 of the Local Government Act 1995 effective 1 July 2010.

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

NOTE

ITEM 12.6 - COUNCIL POLICY BEXB13 – GIFTS TO DEPARTING ELECTED MEMBERS

The Chief Executive Officer read aloud correspondence dated 25 July 2011, from the Manager Governance of the Department of Local Government which was received after a request was made by the Chief Executive Officer to allow Elected Members to consider Item 12.6 Council Policy BEXB13 – Gifts to Departing Elected Members, of which they had declared a financial interest in.

Under Section 5.69(3) of the *Local Government Act 1995* and in accordance with the authority delegated by the Minister for Local Government, the Director General has approved the request for Elected Members who made a declaration to participate in discussion and decision making procedures for the Item. All Elected Members were provided with a copy of the Department of Local Government's letter dated 25 July 2011. The approval is valid only for the Ordinary Council Meeting of 26 July 2011.

All Elected Members made the financial interest declaration at the Agenda Briefing Forum dated 19 July 2011, except for Cr Rossi, who was not present at that meeting. Consequently, the approval did not include Cr Rossi.

7.55pm Cr Rossi departed the meeting.

12.6 COUNCIL POLICY BEXB13 – GIFTS TO DEPARTING ELECTED MEMBERS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 14 – Item 12.6 refers	Revised Policy BEXB13 - Gifts to Departing Elected Members

Voting Requirement	:	Absolute Majority
Subject Index	:	32/015 – Council Policy Manuals / Code of Conduct
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	All Elected Members will be required to complete a Financial Interest Declaration Form. Once received, a request will be sent for Ministerial Approval for Council to consider the matter. This is required due to a legislative drafting error associated with the amendment to section 5.100A of the <i>Local Government Act 1995</i> .
Previous Items	:	Ordinary Council Meeting – 27 July 2010 – Item 12.9
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Councils endorsement of amended policy BEXB13 – Gifts to Departing Elected Members.

12.6 Continued

SUMMARY AND KEY ISSUES

Prior to this review, policy BEXB13 – Gifts to Departing Elected Members allowed for the value of the gift to be based on the period of service by the retiring Elected Members. This was as follows:

>2 years of service	\$100.00
≥4 years of service	\$585.00
≥8 years of service	\$1,180.00
≥12 years or more	\$1,770.00

These amounts were exclusive of GST and subject to an annual CPI increase.

This policy has been amended to remove these amounts and in line with the legislative requirements set the prescribed value as \$100.00 per year of service, to a maximum of \$1000.00.

It is important to note that to be eligible for a gift, the retiring Elected Member must have served at least one full four year term.

LOCATION

N/A.

CONSULTATION

N/A.

STRATEGIC PLAN IMPLICATIONS

In accordance with the Strategic Plan Key Result Area: Business Excellence.

Objective: Achieve excellence in the management and operation of the local government.

Strategy: Ensure that community requirements are understood and drive internal policies and processes

POLICY IMPLICATIONS

Council's adoption of this policy will necessitate amendments to be made to the City of Belmont Policy Manual – BEXB13 – Gifts to Departing Elected Members.

STATUTORY ENVIRONMENT

The *Local Government Act 1995* provides the basis for this policy and therefore consistency with the legislation has been reflected.

12.6 Continued

BACKGROUND

The Department of Local Government issued a circular on the 28 April 2011 regarding the proclamation of section 34 of the *Local Government Amendment Act 2009*. Particular attention has been paid to *regulation 34AC* – Council provided gifts to Elected Members.

As a result of this circular, a review of Council policy was necessary.

OFFICER COMMENT

Amendments to this Policy were necessary to ensure the City of Belmont remained compliant with the *Local Government Act 1995*.

Section 5.100A. Gifts to council members states:

*“A local government cannot give a gift to a council member unless —
(a) the gift is given in prescribed circumstances; and
(b) the value of the gift is less than a prescribed amount.”*

Regulation 34AC of the Local Government (Administrations) Regulations 1996 states the prescribed amount is to be calculated as follows:

- limited to \$100.00 per year of service; and
- to a maximum of \$1000.00.

The regulation also states that any furniture or equipment provided during an Elected Members term of office and which is chosen to be retained by a retiring Elected Member is not to have a residual value more than the prescribed amount.

To be eligible for a gift, the Elected Member must have served at least one full four year term of office.

The proposed policy BEXB13 – Gifts to Departing Elected Members is provided in Attachment 14.

FINANCIAL IMPLICATIONS

There are no significant financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

12.6 Continued

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

WHITELEY MOVED, WOLFF SECONDED, That amended policy BEXB13 – Gifts to Departing Elected Members as outlined within this report and Attachment 14 be endorsed.

<i>**ABSOLUTE MAJORITY REQUIRED</i>
--

CARRIED 10 VOTES TO 0

8.00pm Cr Rossi returned to the meeting.

12.7 TENDER 19 / 2008 – FINANCIAL AUDIT SERVICES

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Absolute Majority
Subject Index	:	114/208
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item No 12.13 Ordinary Council Meeting, 18 November 2008
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to extend Tender 19 / 2008 – Financial Audit Services for a further two years to Anthony Macri from Macri Partners.

SUMMARY AND KEY ISSUES

To seek Council approval to extend Tender 19 / 2008 for a further two years.

The tender is for the provision of Financial Audit Services for the City of Belmont (City).

12.7 Continued

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Policy Manual, BEXB28 – Purchasing

STATUTORY ENVIRONMENT

Section 7.3 of the *Local Government Act 1995* states –

“7.3. Appointment of auditors

- (1) A local government is to, from time to time whenever such an appointment is necessary or expedient, appoint* a person, on the recommendation of the audit committee, to be its auditor.*

** Absolute majority required.*

- (2) The local government may appoint one or more persons as its auditor.*

- (3) The local government’s auditor is to be a person who is —*

(a) a registered company auditor; or

(b) an approved auditor.”

BACKGROUND

The City’s Standing Committee (Audit and Risk) reviewed the proposed tender specifications and evaluation criteria at its meeting of 15 September 2008 and an invitation to tender for the provision of Financial Audit Services was advertised in the West Australian on Saturday, 27 September 2008, closing on Wednesday, 15 October 2008 at 2.00pm.

Following the evaluation process the Officers’ recommendation was adopted by the Standing Committee (Audit and Risk) at its meeting of 27 October 2008 before going to the Ordinary Council Meeting held 18 November 2008.

Council awarded the tender for the provision of Financial Audit Services to Macri Partners to cover three financial years ending 30 June 2011 with the option to extend for a further two years.

12.7 Continued

OFFICER COMMENT

The current auditor, Anthony Macri of Macri Partners, has been performing to a satisfactory standard, completing audits and producing reports as required.

At the meeting of the Standing Committee (Audit and Risk) on 27 June, 2011, the motion to adopt the Officer's Recommendation that the contract for Tender 19 / 2008 for the provision of Financial Audit Services should be extended for a further two years to cover the financial years 2011 / 2012 and 2012 / 2013 was carried.

FINANCIAL IMPLICATIONS

At the time of the tender submission prices were tendered for both the initial period and the extension period and have been allowed for in the 2011 / 2012 budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

COMMITTEE AND OFFICER RECOMMENDATION

- 1 *That approval be granted for the extension of the current arrangements with Anthony Macri from Macri Partners for a further two years commencing 5 January 2012.***
- 2 *That the Coordinator Contracts and Tenders advise the Contractor by letter of the decision to extend the contract under the same terms and conditions as Tender 19 / 2008 for the provision of Financial Audit Services.***

**ABSOLUTE MAJORITY REQUIRED

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

12.8 TENDER 06 / 2011 – PROFILING AND ROAD CONSTRUCTION

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.8 refers	Price Schedule
Confidential Attachment 2 – Item 12.8 refers	Price Comparison
Confidential Attachment 3 – Item 12.8 refers	Evaluation Matrix

Voting Requirement : Simple Majority
Subject Index : 114/271
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Technical Services

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☒ **Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ **Legislative** *Includes adopting local laws, town planning schemes 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To seek Council approval to award Tender 06 / 2011 – Profiling and Road Construction.

12.8 Continued

SUMMARY AND KEY ISSUES

To seek Council approval to award Tender 06 / 2011 in accordance with the requirements of the *Local Government Act 1995*.

The tender is for the provision of Profiling and Road Construction.

13 sets of tender documents were issued to prospective tenderers and six tenders were received as follows:

Blue Tongue Profiling;
West Coast Profilers;
HAS Earthmoving;
Terry Ilich Civil Engineering;
Downer EDI Works Pty Ltd; and
WA Profiling.

Downer EDI Works Pty Ltd (Downer) is the recommended supplier for Profiling and Road Construction.

LOCATION

N/A

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

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

Objective: Maintain public infrastructure in accordance with sound asset management practices.

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

Corporate Key Action: Maintain Assets in accordance with Asset Management Strategy and associated Plans.

POLICY IMPLICATIONS

Policy Manual, BEXB28 – Purchasing

12.8 Continued

STATUTORY ENVIRONMENT

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

BACKGROUND

An invitation to tender for Profiling and Road Constructions was advertised in the West Australian on Saturday, 28 May 2011, closing on Tuesday, 14 June 2011 at 2.00pm.

OFFICER COMMENT

Price Schedule

The Price Schedule (Confidential Attachment 1) shows the tenderers' price submissions.

Evaluation Criteria

The Evaluation Committee consisted of the Coordinator Contracts and Tenders, the Coordinator Works, and the Construction Supervisor.

The tenders were assessed based on the same selection criteria that was included within the tender, being:

	<i>Criteria</i>	<i>Weighting</i>
1.	Experience	20%
2.	Personnel	10%
3.	Quality	5%
3.	Company Capacity	15%
4.	Safety	10%
5.	Price	40%
	Total	100%

The schedule of rates contained in the tender documents includes profiling, pulverising and wet mixing, pavement finishing, sub base compaction and plant hire. Of the six tenderers, only Downer was able to provide a rate for every activity.

Terry Ilich Civil Engineering is primarily a plant hire company and was therefore not evaluated along with the other tenders. The evaluation panel did not consider there to be any advantage in awarding a contract to the company for plant hire only as the selection of equipment offered was limited.

12.8 Continued

Blue Tongue Profiling, West Coast Profilers and WA Profiling all submitted prices for profiling and some plant hire but none of the road construction items. HAS Earthmoving did include rates for the majority of the road construction but not for the pulverising and wet mixing of existing base course. Nevertheless, these tenders were evaluated together with the tender from Downer.

Table 1 in (Confidential Attachment 2) – Price Comparison analysis the submitted rates in the context of works completed in this financial year. However, as the tenderers did not all submit prices in the requested format, only three items in the schedule of rates could be utilised for the purpose of comparison and this was the figure used for the evaluation scorecard.

The evaluation panel examined the possible benefits of obtaining the various services from different suppliers but having analysed the rates schedules and considered all the points of comparison the final scores shown in (Confidential Attachment 3) – Evaluation Matrix strongly support Downer EDI Works as the recommended supplier.

FINANCIAL IMPLICATIONS

Employing the same figures used in the analysis of the tendered rates in Table 1 of (Confidential Attachment 2) – Price Comparison, Table 2 examines the schedule of rates submitted by Downer against the rates currently being charged.

The price rise represents an increase of less than 3%.

ENVIRONMENTAL IMPLICATIONS

Downer has an integrated management system in place that addresses the intent of ISO 14001:2004 – Environmental Management Systems.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the tender submitted by Downer EDI Works Pty Ltd for Profiling and Road Construction in accordance with the schedule of rates tendered be accepted as the most advantageous.

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

12.9 ACCOUNTS FOR PAYMENT – JUNE 2011

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 15 – Item 12.9 refers	Accounts for Payment – June 2011

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

COUNCIL ROLE

- ☐ **Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government / body / agency.*
- ☒ **Executive** *The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.*
- ☐ **Legislative** *Includes adopting local laws, town planning schemes 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

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*.

12.9 Continued

LOCATION

N/A.

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	783256 - 783341	\$196,843.50
Municipal Fund EFTs	EF018015 - EF018440	\$2,866,456.98
Municipal Fund Payroll	June 2011	\$1,158,527.01
Trust Fund Cheques	905337 - 905338	\$17,991.06
Trust Fund EFT	EF018048	\$2,100.00
Total Payments for June 2011		\$4,241,918.55

12.9 Continued

A copy of the Authorised Payment Listing is included as Attachment 15 to this report.

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 June 2011 as provided under Attachment 15 be received.

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

12.10 MONTHLY ACTIVITY STATEMENT AS AT 30 JUNE 2011

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 16 – Item 12.10 refers	Monthly Activity Statement as at 30 June 2011

Voting Requirement : Simple Majority
Subject Index : 32/009 – Financial Operating Statements
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : N/A
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, town 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 town planning applications, building licences, applications for other permits / licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To provide Council with 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.

12.10 Continued

LOCATION

N/A.

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

Indicate the appropriate statutory environment implications if required.

BACKGROUND

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

OFFICER COMMENT

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

12.10 Continued

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

The amendment to the Regulations has fundamentally changed the reporting structure which has been used to 30 June 2005, as it now requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based.

The monthly 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***; and
- Such other information as is considered relevant by the local government.

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

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

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

In order to provide more details regarding significant variations as included in Attachment 16 the following summary is provided.

Please note that the 30 June 2011 Financial Report is still to be updated for year end accounting adjustments. The main adjustments include June ABC allocations, reserve transfers, expenditure accruals, salary accruals and leave accruals.

Report Section	YTD Budget	YTD Actual	Comment
Expenditure – Capital			
Computing	464,360	333,744	Anticipated reduction in expenditure although the majority of the variance relates to outstanding invoices.
Transfer to Reserve	10,431,856	0	End of Year Reserve Journals yet to be processed.
Belmont Trust	1,681,500	0	The transfer to reserve is dependent on the settlement of land along Great Eastern Highway which is yet to settle.
Property and Economic Development	337,500	(3,010)	Land purchases (Belgravia Street and Beverly Rd) budgeted this financial year did not occur in 2010 / 11. The credit relates to a minor prior year adjustment.
Crime Prevention and Comm Safety	542,000	432,012	Alarm Assist program fully budgeted in 2010 / 11, however, the program will now be carried forward into 2011 / 2012.

12.10 Continued

Report Section	YTD Budget	YTD Actual	Comment
Gabriel Gardens	84,186	14,850	Reserve Journals yet to be completed.
Faulkner Park Retirement Village	140,000	0	Reserve Journals yet to be completed.
Technical Services	476,403	411,209	Invoices outstanding for work completed.
Ground Operations	1,193,111	1,058,033	Anticipated reduction in expenditure although the variance predominantly relates to invoices outstanding for work completed.
Road Works	5,075,721	4,922,121	Invoices outstanding for work completed.
Streetscapes	191,662	138,085	Invoices outstanding for work completed.
Footpath Works	513,173	447,998	Invoices outstanding for work completed.
Drainage Works	640,664	779,377	Drainage includes costs that need to be reallocated to road works (\$120k).
Operations Centre	1,343,805	1,273,641	Plant has been ordered but not yet received.
Building Operations	1,581,666	1,140,001	Minor carry forward of projects into 2011 / 2012 although predominantly the variance relates to Invoices outstanding for work completed.
Expenditure – Operating			
Finance Department	1,532,630	1,459,790	ABC Allocations lower than anticipated.
Computing	1,353,491	1,222,894	Employee related costs are lower than anticipated and invoices outstanding.
Marketing and Communications	1,192,310	1,036,900	Employee related and event costs lower than anticipated.
Executive Services	1,566,053	1,298,820	Consulting, training and ABC allocations lower than anticipated.
Records Management	573,118	517,972	Employee related costs and ABC allocations lower than anticipated.
Human Resources	1,005,116	912,386	Employee related costs and ABC allocations lower than anticipated.
Governance	2,448,703	2,178,785	Legal and Consulting costs lower than anticipated.
Belmont Trust	70,000	10,528	Legal costs lower than budget.
Property and Economic Development	584,016	533,511	Consulting costs lower than anticipated.
Belmont Community Watch	616,142	531,371	Invoices outstanding for Security Services.
Criminal Damage	302,241	251,446	Contractor costs outstanding for June 2011.
Rangers	602,022	551,428	Employee related costs and ABC allocations lower than anticipated.
Crime Prevention and Comm Safety	534,417	405,478	CCTV and Alarm Assist equipment installations to continue into 2011 / 12.
Health	821,871	760,106	Agency staff and ABC Cost allocations lower than anticipated.
Community Services	548,959	453,288	Consulting costs for June 2011 outstanding

12.10 Continued

Report Section	YTD Budget	YTD Actual	Comment
Youth Services General	772,561	717,676	Employee and program costs lower than anticipated.
Town Planning	1,529,172	1,448,968	ABC allocations lower than anticipated.
Sanitation Charges	4,227,552	3,680,237	Outstanding rubbish collection costs.
Ruth Faulkner Library	1,659,570	1,461,097	ABC Allocations lower than anticipated.
Community and Recreation Services	457,700	359,819	Consulting and project costs less than anticipated.
Grounds Operations	3,748,791	3,689,998	Services - Other and ABC allocations lower than anticipated.
Grounds Overheads	1,311,772	1,197,989	ABC cost allocations lower than anticipated.
Streetscapes	1,336,038	1,072,989	Anticipated reduction in costs.
Operations Centre	659,470	603,253	ABC allocations lower than anticipated.
Grounds Operations	122,010	52,011	Ascot Waters Marina maintenance costs are lower than anticipated.
Building Operations	420,340	367,944	Building maintenance and consultants costs are outstanding.
Public Works Overheads	1,209,538	1,291,870	Employee related costs higher than anticipated.
Technical Services	1,682,809	1,548,985	Employee related costs and ABC Allocations are lower than anticipated.
Other Public Works	1,044,378	750,559	Variance predominantly relates to outstanding street lighting costs.
Revenue – Capital			
Belmont Trust	(1,681,500)	0	Compulsory sale of land not yet finalised.
Rates	(120,000)	0	Reserve Journals yet to be completed.
Property and Economic Development	(6,540,400)	(5,750,932)	Some land sales have been carried forward into the 2011 / 12 budget.
Belmont HACC Services	(203,599)	(42,727)	Asset replacement transfer outstanding.
Technical Services	(336,983)	(279,855)	Reserve transfers not yet occurred.
Grounds Operations	(308,552)	(45,455)	Reserve transfers not yet occurred.
Grounds Overheads	(59,966)	0	Reserve transfers not yet occurred.
Road Works	(1,199,767)	(1,043,248)	Grant funding outstanding.
Operations Centre	(1,109,205)	(598,952)	Reserve transfers not yet occurred.
Grounds Operations	(66,425)	0	Reserve transfers not yet occurred.
Building Operations	(371,084)	(162,786)	Reserve transfers not yet occurred.
Technical Services	(176,642)	(87,045)	Reserve transfers not yet occurred.
Revenue - Operating			
Finance Department	(1,480,619)	(1,359,995)	ABC Allocation Recovery lower than anticipated.
Computing	(1,506,708)	(1,104,633)	ABC Allocation Recovery lower than anticipated.
Records Management	(585,118)	(471,611)	ABC Allocation Recovery lower than anticipated.
Human Resources	(975,366)	(839,641)	ABC Allocation Recovery lower than anticipated.

12.10 Continued

Report Section	YTD Budget	YTD Actual	Comment
Rates	(32,247,918)	(32,786,478)	Higher than expected (Airport) interim rates.
General Purpose Income	(970,429)	(1,279,303)	Prepaid grant plus greater than anticipated transfer of aged bonds and deposits.
Financing Activities	(1,414,582)	(1,589,333)	Investment returns higher than expected.
Crime Prevention and Comm Safety	(727,260)	(808,413)	Timing variance regarding the recognition of Alarm Assist income.
Belmont HACC Services	(1,752,362)	(1,913,872)	Internal allocations greater than anticipated.
Public Facilities Operations	(110,741)	(198,805)	Facility hire income more than anticipated.
Road Works	(342,202)	(466,251)	Prepaid grant funds.
Public Works Overheads	(1,185,158)	(1,095,573)	Overheads lower than anticipated.
Plant Operating Costs	(1,284,704)	(1,052,278)	Recoveries lower than anticipated.
Other Public Works	(478,631)	(357,564)	Private Works less than anticipated.

In accordance with *Local Government (Financial Management) Regulations 1996, Regulation 34 (2)(a)* the following table explains the composition of the net current assets amount which appears at the end of the report (Attachment 16).

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 30 June 2011	\$	Comment
Cash and investments	28,602,126	Includes municipal, reserves and deposits
- less non rate setting cash	-11,875,086	Reserves and deposits held
Receivables	1,687,541	Rates levied yet to be received and Sundry Debtors
- less non rate setting receivables	-312,831	ESL levied and GST payable
Stock on hand	193,412	
Total Current Assets	\$18,295,162	
Current Liabilities		
Creditors and provisions	-5,810,288	Includes deposits
- less non rate setting creditors and provisions	1,496,473	ESL, GST and deposits held
Total Current Liabilities	-\$4,313,815	
Nett Current Assets 30 June 2011	\$13,981,347	
Nett Current Assets as Per Financial Activity Report	\$13,981,347	
Less Restricted Assets	-286,183	Unspent grants held for specific purposes
Less Committed Assets	-13,195,164	All other budgeted expenditure
Estimated Closing Balance	500,000	

12.10 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 30 June 2011 as included in Attachment 16 be received.

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

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

8.00pm **GEE MOVED, HITT SECONDED**, *That in accordance with Section 5.23 of the Local Government Act 1995 the meeting proceed behind closed doors to discuss the Confidential Item.*

CARRIED 11 VOTES TO 0

8.00pm The members of the public and the member of the press departed the meeting.

8.02pm **GEE MOVED, HITT SECONDED**, *That the Meeting again be open to the public and resolution passed behind closed doors to be read aloud.*

CARRIED 11 VOTES TO 0

8.02pm Members of the public and the press representative returned to the meeting.

8.02pm The Principal Governance and Compliance Advisor read aloud the resolution.

14.1 PRESENTATION OF 2011 OPPORTUNITY AWARDS - CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23 (2) (B) (CIRCULATED UNDER SEPARATE COVER)

OFFICER RECOMMENDATION

POWELL MOVED, WOLFF SECONDED, *That Council endorse the recipients of the 2011 Opportunity Awards as identified in Confidential Item 14.1 and that these nominations remain confidential until presented at the Mayoral Dinner scheduled for 17 September 2011.*

CARRIED 11 VOTES TO 0

15. CLOSURE

There being no further business the Presiding Member closed the meeting at 8.03pm.