



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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26 November 2013

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

MINUTES

PRESENT

Cr P Marks, Mayor	East Ward
Cr R Rossi JP, Deputy Mayor	West Ward
Cr L Cayoun	West Ward
Cr P Hitt	West Ward
Cr M Bass	East Ward
Cr B Ryan	East Ward
Cr P Gardner	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward

IN ATTENDANCE

Mr S Cole	Chief Executive Officer
Mr N Deague	Director Community and Statutory Services
Mr R Garrett	Director Corporate and Governance
Mr R Lutey	Director Technical Services
Mr J Olynyk, JP	Manager Governance
Ms E Cashman (Arr 7.08pm)	Compliance Administrator
Mrs R Brockman	Senior Governance Officer

MEMBERS OF THE GALLERY

There were 44 members of the public in the Public Gallery. There was no press representative present.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.07pm, welcomed those in attendance and invited Cr Powell to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Powell 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.

7.08pm The Compliance Administrator entered the meeting.

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Name	Item No and Title	Nature of Interest (and extent, where appropriate)
Cr Gardner	Item 11.4 – Reports of Committees – Standing Committee (Audit and Risk) Held 28 October 2013	Indirect Financial Interest Potential entity on panel for External Audit Services is employer.
Cr Gardner	Item 12.8 – Audit Plan 2014	Indirect Financial Interest Potential entity on panel for External Audit Services is employer.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title
Cr Hitt	Item 12.3 - Reserve 44885 Copley Park – Access
Cr Rossi	Item 12.3 – Reserve 44885 Copley Park - Access

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

4.1 ANNOUNCEMENTS

Nil.

7.09pm The Compliance Administrator departed the meeting.

7.09pm The Director Corporate and Governance departed the meeting.

7.10pm The Compliance Administrator and the Director Corporate and Governance returned to the meeting.

4.2 DISCLAIMER

7.11pm 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. Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material."

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

The following questions were taken on notice at the Ordinary Council Meeting of 29 October 2013.

5.1.1 Mr W Childs, 122 Sydenham Street, Kewdale

Mr Childs was provided with a response on 14 November 2013. The response from the City is recorded accordingly:

1. I acknowledge the response to my August OCM question about age mix and un-qualified staff at the Youth Centre.

I suggest the response doesn't reflect the facts-

Prior to the May OCM the Youth Centre web site showed youth services for 12-25 years.

- Ms Sappal suffered extreme intimidation when questioning the appropriateness of the vast age mix.
- Your colleagues defended the services for 12 to 25.
- Following the May OCM the web site was changed to a new service age 12-17 years.
- Reason given- when YMCA employ the qualified staff the service would return to 12 to 25 years.

I suggest this indicates unqualified staff prior to May OCM.

With the strong defence for services 12 to 25 it would seem the tender must reflect this. Now we have limited services for the 18-25, do we have an adjustment to the tender cost?

Item 5.1.1 Continued

Response

The response provided to your question, in regards to the age groups and qualifications of YMCA Perth's staff at the August OCM, was factual.

All of YMCA's staff who are or have been employed at the City of Belmont Youth Centre since October 2012 have been adequately qualified and experienced to meet the needs of the young people accessing the service.

To avoid confusion about the eligibility in regards to age groups of young people at the City of Belmont Youth Centre, please see a detailed response below which outlines the changes that have occurred over the previous 12 months:

- ***Between October 2012 and May 2013*** (Interim Contract with YMCA), all services were available for young people aged between 14-18 years. This limited target age group was decided upon based upon the age group of the young people who were already accessing the service at the time that YMCA started service provision, and also due to the interim basis of the Contract.
- ***May 2013 to current*** (Tender awarded to YMCA), all services were and are available for young people aged between 12-17 years. Case Management is the only service available for young people aged 18-25 years.
- Due to the changes in demographics and the review of the Youth Strategic Plan, the City is currently considering providing further services for young people aged 18-25.

The website was scheduled to be updated at the time of the change in service provision (May 2013) due to a transition from the Interim Contract to the Tender that was awarded to YMCA Perth. Due to an error occurring, one part of the website was updated early, which may have lead to confusion about the age range eligibility requirement for some services for a short period of time, in May 2013. However, it did not result in young people who were not eligible (due to their age) actually accessing the service, during this period.

The Contract for the Provision of Youth Services does not state that services other than Case Management are required for the age group 18-25 and therefore the Tender cost does not need to be adjusted. This Case Management service is available in addition to previous services available, at no extra cost and is therefore a value-add to the City of Belmont Youth Centre.

2. I have asked many questions about the accuracy of the asset register prior to and after PCYC tenure. Your colleagues and you have defended the accuracy that no assets were lost in this time.

In recent times council officers expressed the wish to have an electronic drum kit at the Youth Centre.

There was an electronic drum kit on site prior to PCYC.

Do you think it may be time to accept there may be some assets missing?

Item 5.1.1 Continued

Response

The accuracy of the City of Belmont Youth Centre Asset Register, prior to and after the PCYC tenure, is not in any doubt by the City. You are correct in stating that there has been recent interest by young people accessing the Centre for a new electronic drum kit. The Asset Register prior to and after PCYC tenure had (and still has on it) a Play Station Drum Machine, which is a controller for a particular game. This has been mistaken for an electronic drum kit on a number of occasions, however technically it is not. There was no loss of assets during the handover from PCYC to YMCA.

3. It was my pleasure to see the enthusiasm and professional ability of the staff preparing the new Youth Plan.

As they dream the future direction, do you think it would be right to inform them of the limitation that this Council has applied?

Like - No Urban Art permitted
- No Face Book

Response

The City is pleased to hear that the enthusiasm and professional ability of its staff have been noted.

There have been no limitations placed on staff during this process of future planning for the City's young people. Admittedly there have been some decisions made by the City, in regards to Urban Art and Social Media, which have limited the use of these mediums in the recent past. These decisions have been made in order to reduce the risks posed to the City and the local community. There has not, however, been a blanket ban on the use of Urban Art or Social Networking. If it is deemed to be of high importance to the community, during the development of the new Youth Strategic Plan, further research into both Urban Art and Social Media may be necessary.

4. Do you know the Youth & Family Service no longer has any contact with the Islamic College?

Response

The City of Belmont's Youth Services have regular contact with the Australian Islamic College, in Kewdale. This will continue into the future, and they have been a major stakeholder during the consultation process for the new Youth Strategic Plan.

Item 5.1.1 Continued

5. Mr Mayor,

I refer to a statement, in the OCM Minutes, you made defending the failed PCYC appointment relating to the need to have youth services reflecting cultural and linguistic diversity of our youth community.

Can you confirm the present provider's staff reflect this?

Did you know, contrary to the continued given expectation of the last 2 years, there is still no indigenous youth worker at the youth centre?

Response

The City of Belmont Youth Centre's staff identify with a variety of different cultural backgrounds.

An Aboriginal specific Youth Worker has not been employed at the Centre. The City of Belmont, has however, recently employed an Aboriginal Engagement Officer.

YMCA have in place Human Resource policies, ensuring recruitment of staff reflects the client mix of services. Policies include Equal Employment Opportunity and Discrimination Policy. This guides the management and recruitment practices of a diverse staff mix to meet the needs of all YMCA clients.

5.1.2 Ms S Pethick, 110 Coolgardie Avenue, Redcliffe

Ms Pethick was provided with a response on 14 November 2013. The response from the City is recorded accordingly:

1. The Member for Belmont, Glenys Godfrey was photographed in the Councils Belmont Bulletin in relation to a community walk. Who made the decision to promote the Liberal member for Belmont?
2. When was the last time that a Labor member was featured in the Belmont Bulletin?

Response

In response to the additional detail requested by you during your questions, local members of parliament are not “promoted” in the Belmont Bulletin.

Where a local member participates in a community activity, there is a possibility that they may be included in a photograph or article relating to that activity. You will no doubt note that the local member was in no way referenced within the photographic caption or article you referred to.

Further, consistent with the City’s principle of using the Belmont Bulletin for the promotion of community related information and activities, the local Labour member was recognised in his capacity as a supporter of the 2010 City of Belmont Annual Art and Photographic Exhibition in the September 2010 Belmont Bulletin. It should be noted that in this case, reference was clearly made to Mr Ripper’s status as a MLA.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.12pm The Presiding Member drew the public gallery’s attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Presiding Member advised that he had registered six members of the public who had given prior notice to ask questions, these being Ms Scharfenstein, Mr Darroch, Mr Robinson, Mr Titchiner, Ms Quinn and Mr de Ruyter.

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

5.2.1 Ms B Scharfenstein, 140 Coolgardie Avenue, Redcliffe

1. Can you advise why both lanes of Brearley Avenue must be closed (beyond that Main Roads has made that decision)?

Response

The Mayor advised the alignment of Brearley Avenue dissects the Redcliffe precinct into two sections. By closing Brearley Avenue in its entirety, it allows for an opportunity to reconnect the two areas, reconnect the grid pattern street network, and create a linear park that has existing mature vegetation and provides a unique walking network. The retention of one side of Brearley Avenue would still diminish these opportunities.

2. Which route for the railway line to the Airport West Train Station does City of Belmont favour?

Response

The Mayor advised the City favours an underground service that generally follows the alignment of Brearley Avenue. This is what has been identified in the Vision Plan.

3. Will DA6 area residents be given the opportunity to have a continuing dialogue with City of Belmont Officers in regard to progressing the structure plan?

Response

The Mayor responded yes. The City's position is that further engagement with the community during the preparation of the structure plan will be undertaken. Community consultation is also a statutory requirement once a draft structure plan has been prepared. Specific dates are not known at this stage.

5.2.2 Mr J Darroch, 168 Coolgardie Avenue, Redcliffe

1. Because of the Ban on developing land in the Area 6, what is the timeline of future development? If the timeline is not available at present, when it is envisaged that it will be available and when it is available, will residents be immediately and thoroughly informed?

Response

The Director Community and Statutory Services advised that the matter will be the subject of a report item at the December Ordinary Council Meeting. It was indicated that at this stage, the vision plan is a long range plan and a final structure plan could still be a number of years off.

During the structure planning stage, Officers would be considering the road network, public transport, water, sewerage and other services, conservation and undertaking extensive consultation. The whole area the subject of the DA6 vision plan would be subject to detailed analysis.

2. In hearing that answer, we are looking at approximately 20 years for this plan?

Response

The Director Community and Statutory Services advised yes, however it could also be less time. If The Springs Development is used as a recent example, initial planning commenced in 1994 and it was envisaged that it would be developed in five years.

In order to justify a rail link to this area which would be considered to be of a significant benefit for Belmont residents a plan for the area needs to be in place. This plan can then be used to apply the necessary pressure to Government Departments.

It is important to note that at this stage, this is only a concept plan. Our consultants Taylor Burrell Barnett have gone into considerable detail, more than is necessary for this preliminary planning stage.

3. Does this mean that for the next 20 years, there will be no development by private individuals in this area?

Response

The Director Community and Statutory Services advised that this is not correct. Any development is examined on whether if approved it would be likely to jeopardise future planning. If Council refuses an application for development, the applicant does have avenues for appeal.

7.20pm The Compliance Administrator departed the meeting.

7.21pm The Compliance Administrator returned to the meeting.

5.2.3 Mr B Robinson, 2/100 Boulder Avenue, Redcliffe

My wife and I are in our 60s and looking ahead, we won't be here to see this plan come to fruition. Where we previously had certainty over our property, now there are big question marks. Where do we go from here?

Response

The Director Community and Statutory Services stated that planning matters are often controversial as they do have an impact on people's lives in one way or another.

During the preparation of the DA6 Vision Plan, there has been a genuine attempt to engage people. A number of items of correspondence have been distributed and a number of workshops held. This is believed to be a greater amount of public consultation than other local governments would consider for similar planning stages.

It was again reiterated that this is only a vision plan and not absolutely what is going to be implemented.

5.2.4 Mr P Titchiner, 5 Mirror Lane, Ascot

As all Councillors are now aware of the situation being experienced by residents at Mirror Lane, can I please request a show of hands of those Councillors who are prepared to support the entry to this development being moved to the Boardwalk?

Response

The Mayor stated that this question was out of order and that Councillors would be considering the item later in the Agenda and would be able to vote on the matter then.

5.2.5 Ms L Quin, 20 Gild Street, Cloverdale

Thank you for the yellow line in Gild Street, however it is on the wrong side of the street. It is also required as a no parking line, not a no standing line.

Please arrange for another line to be painted on the side where all the illegal parking takes place.

Response

The Director Technical Services stated that a yellow line means 'no standing'. It was painted on that side of the street, as that is where parked vehicles would result in the greatest obstruction. A yellow no 'standing line' can be painted on the other side of the road.

5.2.6 Mr M de Ruyter, 37 Waterway Crescent, Ascot

1. Is Council aware that a four storey high wall is proposed with nil setback on Mirror Lane?

Response

The Mayor responded yes.

The Director Community and Statutory Services advised that as was pointed out on site, the rest of the development has been staggered and there would not be a four storey high wall stretching for the entire length of road.

2. Is Council aware that the boundary of Resolution Drive juts out 2 metres and that this will exacerbate any set back reduction to those living next door and walking along the footpath?

Response

The Director Community and Statutory Services advised that the Resolution Drive boundary of 2 Mirror Lane is approximately 2 metres forward of the rear boundaries of the lots that lie between Mirror Lane and Resolution Drive.

There is a proposal for a reduced setback and this is as currently exists on the other side of Marina Drive. I don't believe there will be any adverse affects on residents.

3. Has Council considered a requirement for an on-site courtyard rather than bulk bin pickup in the street?

Response

The Director Community and Statutory Services advised that this proposal as it currently stands will have the least effect on people in the area and with the way that the Waste Management Plan is proposed it will work well.

4. Has Council considered access via Boardwalk rather than Mirror Lane?

Response

The Mayor responded yes, he had requested that it be investigated.

The Director Community and Statutory Services advised that the Traffic Engineering Manager had expressed his concerns regarding this at the on-site meeting. This would also require the removal of three visitor bays which will likely result in visitors parking in Mirror Lane.

The Council is caught in a tough position; the Western Australian Planning Commission recently changed the R-Code requirements for car parking provisions for multiple dwellings. The number of car parking spaces per unit has been reduced. This is of particular concern as reality shows that many people will have one or two vehicles per unit thus adding to a parking problem.

Item 5.2.6 Continued

Council has a responsibility to administer the R-Codes. Through effective liaison with developers, often additional parking over what is required is provided and in this instance, the developer has exceeded the required number of car parking bays.

Meetings have been arranged with senior staff at the Department of Planning and the Mayor has written to the Minister regarding the concerns of the City. The Council is however required to administer the laws as they currently stand.

5. Ascot Waters residents embrace the idea of this development, and believe that this development can be excellent particularly if the concerns of the residents are taken into account by the council and the residents. I would hope to think that council is aware that we want to see quality developments in this area.

Response

The Mayor advised that he was aware.

7.45pm ROSSI MOVED, HITT SECONDED, that public question time be extended by a further 15 minutes.

CARRIED 9 VOTES TO 0

5.2.7 Mr G Homsany, 128 Coolgardie Avenue, Redcliffe

1. Why are we even contemplating the closure of Brearley Road, as it is the most logical and practical road that is also suitable.

Response

The Director Community and Statutory Services advised that a response to this would be able to be provided once further investigation was undertaken and would be available through the structure planning stage.

No official response has been received from the Western Australian Planning Commission regarding the DA6 Vision Plan.

The Director Community and Statutory Services reiterated that residents will be kept informed and will continue to be involved in the process.

2. Why shouldn't we as a community and Council look towards the option of utilising Fauntleroy Avenue as an alternative and enlarging it in contrast to the other options presented?

Response

The response to question one applies. This will be subject to detailed analysis during the structure planning stage.

5.2.8 Mr R Broinowski, 66 Armadale Road, Rivervale

1. I would like Council to seriously consider the situation related to Copley Park and furthermore consider all aspects of development for Copley Reserve and to leave it as a Reserve. In addition, I ask Cr Hitt to reproduce a number of requests for minor problems in Copley Park which he has raised, being, dangerous trees etc, which I believe have not been enacted on by Council officials.
2. I ask Council to consider questions put to me by the owner of IGA Rivervale. That the Council remove the shady trees in-front of his supermarket where lots of antisocial drinking takes place.
3. Can Council consider installing 'A' shaped blocks along the edge of the garden, so that people can't sit on the walls of the garden bed?
4. Shopkeepers in the vicinity of Kooyong Road would like to see this area beautified. Is this something Council can consider?

Response

The Director Technical Services advised that the trees and the edge of the garden bed are not the problems. Removal of the trees and installation of blocks to prevent people sitting in the area would only shift the people causing the problem to move to another area. Removal of the trees is also contrary to the request to beautify the area.

The Chief Executive Officer advised that in his discussions, the Police had made a concerted effort to address issues at Kooyong Road. This requires a whole of community approach and shop keepers in the area need to be aware of their role also.

5. If the business owner is to cover all costs for the above, will Council consider then? Whilst the Police have been active in the area, we have been told that they don't want to attend petty offences.

Response

The Chief Executive Officer stated that during discussions with Police, they have advised that dealing with petty offences can prevent major offences from occurring. I will however take on board to seek a further update on that matter.

8.00pm There being no further questions, the Presiding Member closed Public Question Time.

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 SPECIAL COUNCIL MEETING HELD 21 OCTOBER 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

WOLFF MOVED, POWELL SECONDED. *That the minutes of the Special Council Meeting held on 21 October 2013 as printed and circulated to all Councillors, be confirmed as a true and accurate record.*

CARRIED 9 VOTES TO 0

6.2 ORDINARY COUNCIL MEETING HELD 29 OCTOBER 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, WOLFF SECONDED. *That the minutes of the Ordinary Council Meeting held on 29 October 2013 as printed and circulated to all Councillors, be confirmed as a true and accurate record.*

CARRIED 9 VOTES TO 0

6.3 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM
HELD 19 NOVEMBER 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

ROSSI MOVED, WOLFF SECONDED. *That the Information Matrix for the Agenda Briefing Forum held on 19 November 2013 as printed and circulated to all Councillors, be received and noted.*

CARRIED 9 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 COUNCILLOR HITT

1. I have previously submitted a service request regarding the installation of a rail around the garden bed at Kooyong Road, is this what Mr Broinowski is referring to?

Response

The Director Technical Services advised that yes, as this would be the only place that such bricks could be placed.

2. As Mr Broinowski is referring to the owner of IGA Rivervale, would it be responsible to approach the owner directly?

Response

The Mayor advised that the Chief Executive Officer had already undertaken to do this.

8.2 COUNCILLOR GARDNER

1. Previously, we have discussed the way in which the Marketing area of the City of Belmont operates and reviews that do or do not occur. The Southern Gazette featured an advertisement placed by the City on 27 August 2013 promoting the Business Environment Awards. The advertisement included photos and visuals of Member of Parliament including Steve Irons the Federal Member of Swan. This occurred two weeks out from a Federal Election. Is this considered a responsible use of Councils money and time?

Response

The Mayor advised that he did not recall the advertisement in question and would need to take the question on notice and provide a response.

2. As the Chair of the Standing Committee (Audit and Risk), I am obligated to investigate. Does this constitute a gift as there would be some financial requirement for those advertisements to be placed in the paper? How are the advertisements overseen and approved?

Item 8.2 Continued

Response

The Mayor again stated that this question would need to be taken on notice and that as it was a political question and opportunity to examine the facts would be required.

8.3 COUNCILLOR BASS

1. Can you please explain to me why this is a political question?

Response

The Mayor advised it was a political question as it was discussing a politician.

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 SPECIAL STANDING COMMITTEE (AUDIT AND RISK) HELD 21 OCTOBER 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

GARDNER MOVED, BASS SECONDED. *That the Minutes for the Special Standing Committee (Audit and Risk) meeting held on 21 October 2013 as previously circulated to all Councillors, be received and noted.*

CARRIED 9 VOTES TO 0

11.2 SPECIAL STANDING COMMITTEE (ENVIRONMENTAL) HELD 21 OCTOBER 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

WOLFF MOVED, HITT SECONDED. *That the Minutes for the Special Standing Committee (Environmental) meeting held on 21 October 2013 as previously circulated to all Councillors, be received and noted.*

CARRIED 9 VOTES TO 0

11.3 SPECIAL STANDING COMMITTEE (COMMUNITY VISION) HELD 21 OCTOBER 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

POWELL MOVED, WOLFF SECONDED. *That the Minutes for the Special Standing Committee (Community Vision) meeting held on 21 October 2013 as previously circulated to all Councillors, be received and noted.*

CARRIED 9 VOTES TO 0

Note:

Cr Gardner declared an Indirect Financial Interest in Item 11.4 – Standing Committee (Audit and Risk) Held 28 October 2013.

8.19pm Cr Gardner departed the meeting.

11.4 STANDING COMMITTEE (AUDIT AND RISK) HELD 28 OCTOBER 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

BASS MOVED, CAYOUN SECONDED. *That the Minutes for the Standing Committee (Audit and Risk) meeting held on 28 October 2013 as previously circulated to all Councillors, be received and noted.*

CARRIED 8 VOTES TO 0

8.20pm The Director Community and Statutory Services departed the meeting.

8.20pm Cr Gardner returned to the meeting.

8.20pm The Director Community and Statutory Services returned to the meeting.

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Hitt
Item 12.2 was withdrawn at the request of Cr Gardner
Item 12.3 was withdrawn at the request of Cr Gardner
Item 12.5 was withdrawn at the request of Cr Rossi
Item 12.7 was withdrawn at the request of Cr Bass
Item 12.8 was withdrawn at the request of Cr Cayoun.

HITT MOVED, BASS SECONDED. That with the exception of Items 12.1, 12.2, 12.3, 12.5, 12.7 and 12.8 which are to be considered separately, that the Officer Recommendations specifically for Items 12.4, 12.6, 12.9, 12.10, 12.11 and 12.12 be adopted en-bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 PLANNING APPLICATION – 35 MULTIPLE DWELLINGS – LOT 341 (2) MARINA DRIVE, ASCOT

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	<u>Table of Submissions</u>
Attachment 2 – Item 12.1 refers	<u>Current Development Plans (1 November 2013)</u>
Attachment 3 – Item 12.1 refers	<u>Traffic Engineering Report</u>

Voting Requirement : Simple Majority
Subject Index : 115/001
Location / Property Index : Lot 341 (2) Marina Drive, Ascot
Application Index : 318/2013/DA
Disclosure of any Interest : N/A
Previous Items : N/A
Applicant : Chase Crown Pty Ltd
Owner : Ascot Field Nominees Pty Ltd
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 type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

Council to consider a development application for 35 Multiple Dwellings at Lot 341 (2) Marina Drive, Ascot.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

The subject lot is zoned 'Special Development Precinct – Ascot Waters' with a development density provision of R20/R100 under the City's Local Planning Scheme No 15 (LPS15).

Following public advertising 19 submissions were received objecting to the proposal. The main concerns raised included land use suitability, building bulk, car parking and setbacks.

Amended plans were received having consideration for the officer concerns and referred for a second period, which resulted in seven submissions received objecting to the development.

Revised plans have been received and addressed all issues such as reducing the building bulk, increasing on-site parking spaces provided and modifying the built form and setbacks to reflect the neighbouring two storey residential character.

The proposal is in accordance with the development provisions of the LPS15, Local Planning Policy No. 6 – Ascot Waters Special Development Precinct (LPP6) and the Residential Design Codes.

It is recommended that Council approve the subject development for 35 multiple dwellings.

LOCATION

The subject property is located at Lot 341 (2) Marina Drive, Ascot. The site is currently vacant land.

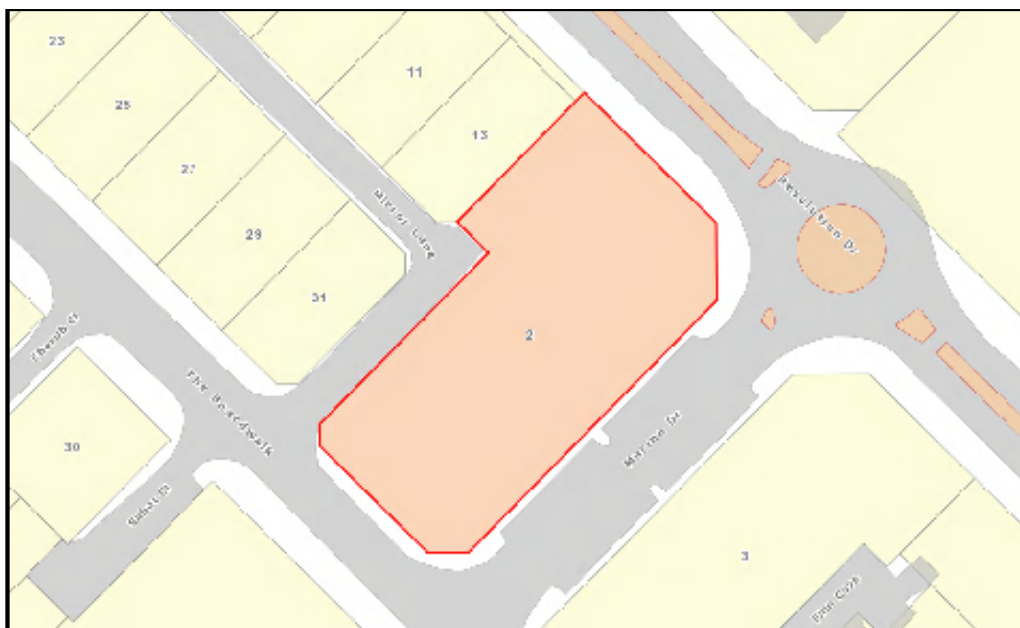


Figure 1 – Site Details

Item 12.1 Continued



Figure 2 – Aerial Photograph

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 development application was initially advertised for public comment between 3 September 2013 and 17 September 2013 to 109 landowners and land occupiers shown in bold outline below.



Figure 3 – Referral Area

Item 12.1 Continued

Fifteen submissions were received during the advertising period. In addition, four late submissions were received objecting to the proposal. [Attachment 1](#) is a schedule of submissions. Concerns raised included increased vehicle traffic, aesthetics of the development, building bulk, car parking and waste management.

Having consideration for the concerns raised, revised plans were submitted 24 October 2013. The plans were readvertised between 25 October 2013 and 8 November 2013 to the original referral area and all additional landowners who had previously provided a submission.

As a result of the second referral period seven submissions were received objecting to the proposal. Refer to [Attachment 1](#) for further information regarding the submissions received. The planning concerns included boundary setbacks to Mirror Lane, parking, waste management, aesthetics and reduced setbacks facing Resolution Drive.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

Local Planning Policy No 6 (Ascot Waters Special Development Precinct)

The City of Belmont LPP6 contains development control requirements for development within the Ascot Waters Special Development Precinct.

Specifically, the Policy objectives are to ensure a consistently high standard of development, to facilitate a harmonious and attractive living environment, promote a contemporary architectural character and provide a unifying identity for the Precinct while allowing freedom of expression.

Local Planning Policy No 11 (Public Art Contribution)

The City of Belmont Local Planning Policy No 11 (LPP11) contains development control requirements for the inclusion of a public art contribution. All development contained within the Policy Area of value greater than \$4.5 million is to provide public art in accordance with the following methods:

- In kind
- A cash-in-lieu contribution no less than one percent of the value of the eligible proposal.

The location of the public art shall be provided on-site or on crown land immediately adjacent to the site.

Item 12.1 Continued

STATUTORY ENVIRONMENT

Metropolitan Region Scheme

The land is zoned 'Urban' under the Metropolitan Region Scheme (MRS).

Local Planning Scheme No 15

The subject property is zoned 'Special Development Precinct – Ascot Waters' with a density code of 'R20/100'. Schedule No. 2 (Additional Uses) allows the City to consider the additional uses on the lot including consulting rooms, fast food/takeaway, medical centre, studio, tavern, video store, shop, office and restaurant.

Clause 5.3.4 provides Council the discretion to vary the provisions of the R-Codes relating to front and rear setbacks, car parking, open space and plot ratio on land within the Ascot Waters Special Development Precinct where the City considers the development to be in accordance with the character of Ascot Waters.

Clause 4.2 outlines that the intent and purpose of the Special Development Precinct Zone is to allow for the development of predominantly residential precincts and a mix of varied and compatible land uses. Buildings should be of a very high standard of architectural design.

Clause 10.2 details matters that should be considered by Council when exercising its discretion. Those that are applicable to the subject application are detailed as follows:

- (i) The compatibility of a use or development with its setting;
- (n) The preservation of the amenity of the locality;
- (o) The relationship of the proposal to development on adjoining land such as height, bulk, scale and setbacks;
- (y) Any relevant submissions received on the application.

State Planning Policy 3.1 - Residential Design Codes

Medium and high residential multiple dwellings are required to adhere to the provisions as stated in Part 6 of the R-Codes (design elements for multiple dwellings in areas with a coding of R30 or greater and within mixed use development and activity centres).

Item 12.1 Continued

BACKGROUND

Lodgement Date:	20/08/2013	Use Class:	Multiple Dwellings - Discretionary
Lot Area:	1701m ²	TPS Zoning:	Special Development Precinct – Ascot Waters (R20/R100)
Estimated Value:	\$6,900,000.00	MRS:	Urban

Conditional approval for subdivision of the subject property into seven green-title lots was granted on 10 April 2013. The subdivision approval has not been acted on and titles have not been issued by Landgate. There is no record of any planning approvals for other development on the subject lot.

Site Description

The subject lot is bounded by Resolution Drive, Marina Drive, The Board Walk and Mirror Lane. A portion of the northwest boundary of the subject property abuts 13 Mirror Lane, Ascot. The Ascot Waters precinct predominantly consists of single houses and grouped dwelling developments with building heights ranging from one to three storeys.

The Proposal

A planning application was submitted for the subject site on 20 August 2013 for 36 Multiple Dwellings at an R100 density. A brief summary of the initial proposal is as follows:

- Eighteen single-bedroom and 18 two-bedroom dwellings ranging between 50-76m²
- Total plot ratio area of 2359m² (a variation of 236m² under the R-Code requirement)
- Maximum wall height of 11.2 metres (four storeys)
- Thirty-six resident parking spaces and one visitor parking space, with vehicle access via Mirror Lane
- Visitor parking proposed was one car space in lieu of the nine bays required
- Units 1, 13 and 25 provided major openings overlooking the adjacent property at 13 Mirror Lane, Ascot.

The application was referred to surrounding landowners and occupiers for comment. Concerns raised related to land use suitability, excessive building bulk, car parking deficiencies, visual privacy and waste management arrangements.

Amended plans were requested from the applicant addressing planning concerns and addressing non-compliances under the R-Codes.

Item 12.1 Continued

Amended Plans

Revised plans were received 26 October 2013. Amendments consisted of:

- The removal of one dwelling and a plot ratio area reduction of 343m²
- Elevations along Resolution Drive, Marina Drive and The Boardwalk were also staggered throughout each level
- The setback of Units 14 and 25 were increased to 11.6 metres from the shared boundary of 13 Mirror Lane
- The setback of Units 21 and 32 were increased to 7.8 metres from the Mirror Lane Road Reserve
- Eight additional visitor car spaces were provided
- All visual privacy issues were resolved.

The revisions submitted were substantial and as such the revised proposal was readvertised for comment.

Notwithstanding that substantial modifications had been effected, concern remained regarding the setbacks of several units. Final amended plans were received on 1 November 2013 (refer [Attachment 2](#)) with the setback of units 22-24 and 33-35 increased to 2.4 metres from the boundary facing Mirror Lane. This variation provided a greater setback to the adjoining neighbours and a more interesting and staggered elevation addressing the street.

OFFICER COMMENT

Clause 4.2 of LPS15 states that the Special Development Precinct zone is intended to allow for the development of predominantly residential precincts and also a mix of varied but compatible land uses which do not generate nuisances detrimental to the amenity of the precincts' residents. Buildings should also be of a very high standard of architectural design. Multiple dwellings are a discretionary use.

It is considered that the development of multiple dwellings in the Special Development precinct are appropriate where regard is given to the built form appropriately reflecting a residential character and being of a very high standard of architectural design. The development objectives of LPP6 for the precinct refer to matters such as ensuring a high standard of development, facilitating harmonious and attractive living environments, promoting contemporary architectural character and providing a unifying identity for the precinct that allows freedom of expression.

The original proposal for the site was not considered to be of a high standard of design nor reflective of the character of the surrounding area. Following various iterations of design and having regard for the concerns of Council Officers and matters raised in public submissions, substantial redesign has occurred. This has resulted in a development proposal of good architectural design which addresses all street frontages, provides articulation of corner wall elements (such as vertical 'green walls'),

Item 12.1 Continued

variation in materials and colours and glass balustrade balcony treatments. Whilst the built form is of greater height and bulk than the predominant single dwellings within the precinct, the siting of the development is considered appropriate as it forms a landmark building on a corner site. This is consistent with both the R-Code requirements and LPP6 which identify corner lots as potential landmark sites that can be utilised to create a focal point for visual interest. In terms of design the revised development proposal is considered to appropriately address the street corner, incorporating good articulation of the street facades with a building height and scale which emphasises the significance of the landmark site while exuding a residential character commensurate with the single houses on the street block.

Development Standards

As previously detailed, the initial proposal did not comply with a number of development standards for multiple dwellings under the R-Codes.

The revised proposal now appropriately complies with standards relating to:

- Plot ratio (1.25 required, 1.17 proposed)
- Total parking (require 35 parking bays, 44 provided) inclusive of visitor parking (require nine, provided nine bays)
- Bulk (building height and setbacks addressing the abutting residential dwellings have been significantly reduced)
- Waste Management (preliminary management approach agreed)
- Roof form (revised to achieve a 25 degree roof pitch to resemble a residential character and reflective of the high quality design required within the Ascot Waters Estate).

In regard to the concerns raised regarding the management of waste on site, the Manager Health and Rangers Services has assessed the development and confirmed that one 3m³ bulk bin is to be provided for normal household waste which will be emptied twice a week. In brief:

- The bulk bin will remain in the enclosed bin area which will have a floor waste connected to sewer and a tapped water supply to allow cleaning of bins when required. The bin will only be presented on Mirror Lane at a time arranged with Cleanaway.
- The bulk bin is anticipated to be present in the Lane for approximately 15 minutes. The bin will then be put straight back into the enclosed bin area once emptied.
- The City will provide seventeen 360 litre sulo bins for recyclables which will be presented and serviced fortnightly in Mirror Lane.

A waste management plan is to be provided to the City as a condition of approval which will reflect the above service and specify how the caretaker will manage the bins to reduce their presentation times on Mirror Lane.

Item 12.1 Continued

Concerns were also raised in regard to increased traffic from the site. A traffic report submitted based upon the RTA NSW's 'Guide to Traffic Generating Developments' (2002) indicates that the increased traffic is within the local road capacity and the car parking arrangement is satisfactory and will not result in safety concerns (refer [Attachment 3](#)). Technical Services have confirmed that the traffic and parking arrangements are appropriate.

In relation to the matter of Public Art, the applicant has indicated that a glass sculpture is to be provided wholly within the site facing Marina Drive. The applicant is required to spend \$69,000 on public artwork and as such it is proposed that a condition be implemented to allow 60 days from the date of approval for a concept design/strategy to be submitted to the City for consideration. It should be noted that if the site were to be developed for Single Residences the opportunity for public art to be incorporated would not present itself as the monetary threshold for the imposition of the condition would not be met.

Conclusion

The revised proposal has addressed the required development standards and design elements. The final proposal is considered to be a high quality design which has addressed earlier concerns and is now considered to be a fitting design response to a landmark corner site whilst being sympathetic with the adjoining single residential dwellings. Given the above, it is considered the proposal is consistent with the intention of the Ascot Waters Special Development Precinct and the development application is recommended for conditional approval.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.1 Continued

OFFICER RECOMMENDATION

HITT MOVED, WOLFF SECONDED. That Council approve planning application 318/2013/DA as detailed in plans received 4 November 2013 submitted by Chase Crown on behalf of the owner Ascot Field Nominees for 35 Multiple Dwellings at Lot 341 (No 2) Marina Drive, Ascot, subject to the following conditions:

1. The development plans, as dated marked and stamped 'Approved', together with any requirements and annotations detailed thereon by the City, are the plans approved as part of this application and shall form part of the planning approval issued.
2. All existing buildings and structures on the lots, including all retaining walls, soakwells, septic tanks and waste water disposal systems, shall be removed from the site and the land levelled.
3. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.
4. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
 - (a) The approved plan (35 spaces measuring 2.5 metres x 5.5 metres)
 - (b) Schedule 11 of City of Belmont Local Planning Scheme No 15
 - (c) Council's engineering requirements and design guidelines.

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

5. Prior to occupation of the development, a minimum of 12 bicycle bays are to be installed and maintained for the course of the development to the specifications contained within the City's Supplementary Planning Guidelines for End of Trip Facilities, to the satisfaction of the City's TravelSmart Officer.
6. A minimum of nine visitor parking bays are to be provided and maintained to the satisfaction of the City's Manager Projects and Development.
7. Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City's Technical Services, construct a vehicle crossover in accordance with the approved plans and Council's engineering specifications to the satisfaction of the City's Manager Parks and Environment.
8. Prior to occupation or use of the development, the redundant crossover, as shown on the approved plans, shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications, to the satisfaction of the City's Manager Projects and Development.

Item 12.1 Continued

9. All stormwater from roofed and paved areas to be connected and disposed of off-site via pipe connection to a silt pit in accordance with Council's Engineering Requirements and Design Guidelines.
10. All 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
 - (b) 0.75 metres above natural ground level within 1.5 metres of the intersection of a driveway and a public street or where two streets intersect.
11. Prior to occupation or use of the development, landscaping, plants and irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan for the duration of the approved development to the satisfaction of the City's Manager Parks and Environment.
12. Any lighting installed on the building, yard areas or car parking areas shall be located and designed in a manner that ensures:
 - (a) All illumination is confined within the boundaries of the property
 - (b) There will not be any nuisance caused to an adjoining property or the local area to the satisfaction of the City's Manager Health and Rangers Services.
13. The development shall incorporate noise attenuation measures as detailed in Ascot Waters Special Development Precinct Policy Local Planning Policy No. 6 to the satisfaction of the City's Director Community and Statutory Services, Manager Planning Services or Coordinator Planning Services. Details of the proposed noise attenuation measures shall be submitted to the City prior to lodgement of an application for a building permit.
14. Front and rear fencing, and all fencing forward of the building line, shall comply with the provisions of the Ascot Waters Special Development Precinct Policy. Piers and dado walls shall be constructed of limestone blocks with red brick capping. Infill panels shall be visibly permeable and be coloured to harmonise with the proposed residence.
15. All piped and wired services (in particular plumbing pipes and vents), air conditioners, evaporative coolers, clothes drying areas and hot water storage tanks are to be located on the property so that they are not visible from any street or public place.
16. The finish of the external face of all parapet and boundary walls shall be face brick or painted render.

Item 12.1 Continued

17. The development shall be constructed to a minimum finished floor level of 4.2 metres AHD. Fill is limited to a maximum of 200 millimetres higher than this minimum finished floor level.
18. Within 60 days from the date of this planning approval, a public art concept/strategy for the subject development to the value of \$69,000 shall be submitted to the City in accordance with the provisions of the City of Belmont Public Art Contribution Local Planning Policy, to the satisfaction of the City's Director Community and Statutory Services or Manager Planning Services.
19. The approved public art concept/strategy shall be thereafter implemented and the artwork constructed prior to use/occupation of the development, and maintained for the life of the development to the satisfaction of the City's Director Community and Statutory Services.
20. Prior to occupation of the development, an updated Waste and Rubbish Collection Management Plan shall be submitted for the approval of the City's Manager Health and Rangers Services. The approved waste and rubbish collection management plan shall be thereafter implemented for the duration of the development.
21. The applicant shall prepare and submit a Construction Management Plan to the satisfaction of the City's Manager Projects and Development prior to commencement of any site works or construction associated with the development.
22. A Management Statement with respect to management of the facility, including waste management being prepared and implemented to the satisfaction of the City's Director Community and Statutory Services, Manager Planning Services or Coordinator Planning Services.

LOST 8 VOTES TO 1

For: Ryan

Against: Bass, Cayoun, Gardner, Hitt, Marks, Powell, Rossi, Wolff

Item 12.1 Continued

Note:

Cr Bass Foreshadowed an Alternative Councillor Motion

ALTERNATIVE COUNCILLOR MOTION

BASS MOVED, WOLFF SECONDED. That Planning Application 318/2013DA be deferred for further consideration between the City's Planning Officers and the Applicant.

CARRIED 8 VOTES TO 1

*For: Bass, Cayoun, Gardner, Hitt, Powell, Rossi, Ryan, Wolff
Against: Marks*

Reason:

***It is considered that Officers should undertake to negotiate with the applicant over the following matters:
carparking provision, amenity, rubbish collection, safety, building height and bulk.***

12.2 PROPOSED MULTIPLE DWELLINGS – LOT 14 (29) GILD STREET, CLOVERDALE

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4 – Item 12.2 refers	<u>Development Application Plans</u>

Voting Requirement	:	Simple Majority
Subject Index	:	115/001
Location / Property Index	:	Lot 14 (29) Gild Street, Cloverdale
Application Index	:	246/2013/DA
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	Eurotek Investments Pty Ltd–Amano Homes
Owner	:	Ravina Property Pty Ltd
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 type="checkbox"/> | Legislative | <i>Includes adopting local laws, local planning schemes and policies.</i> |
| <input type="checkbox"/> | Review | <i>When Council reviews decisions made by Officers.</i> |
| <input checked="" type="checkbox"/> | Quasi-Judicial | <i>When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

Council to consider a development application for nine multiple dwellings at Lot 14 (29) Gild Street, Cloverdale (refer [Attachment 4](#))

Item 12.2 Continued

SUMMARY AND KEY ISSUES

The City has received an application for planning approval for nine multiple dwellings consisting of 4 x one bedroom units and 5 x two bedroom units at Lot (29) Gild Street, Cloverdale.

The subject lot is zoned Residential R20/50/100 under the City of Belmont Local Planning Scheme No. 15 (LPS15).

The subject application is presented to Council due to concerns raised by surrounding residents. The concerns raised relate to parking, bin presentation space and the development of multiple dwellings in the area.

The proposal is in full compliance with the Residential Design Codes (R-Codes), and LPS15.

It is recommended that Council approve the application.

LOCATION

The subject property is located at Lot 14 (29) Gild Street, Cloverdale. The site is 911 square metres and has a frontage of 24.14 metres which narrows to 16.09 metres at the rear of the site (as shown in Figure 1).

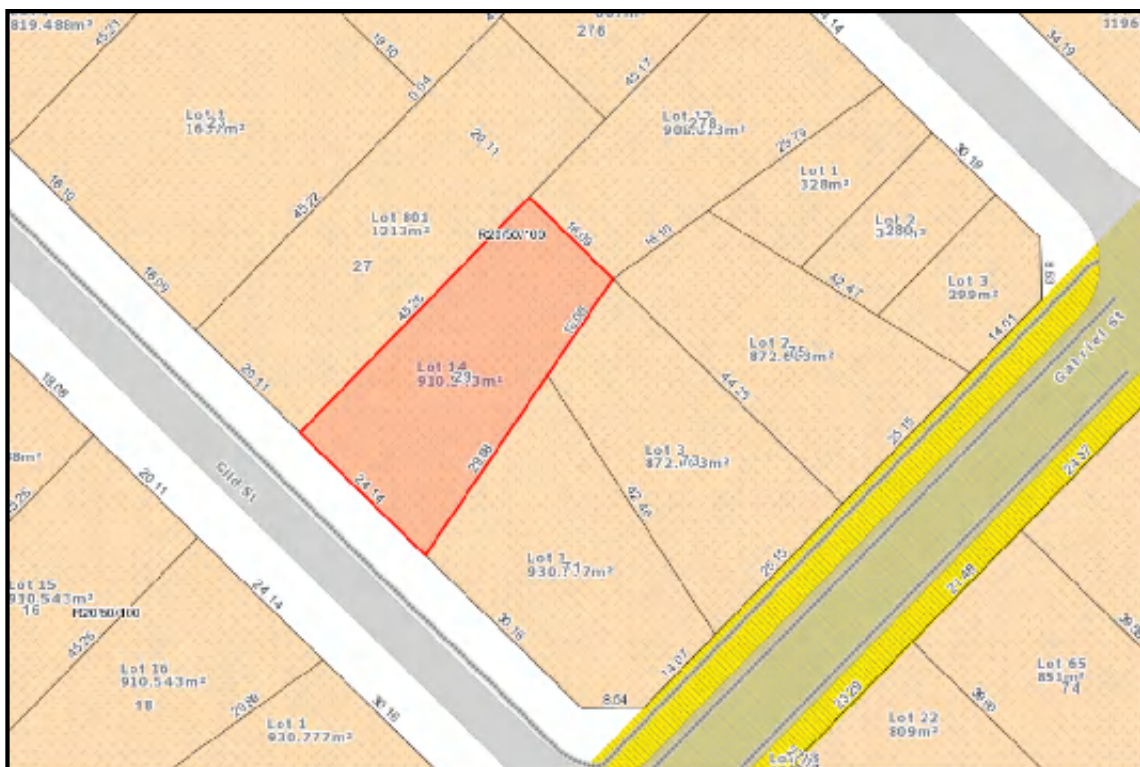


Figure 1—Site Details

Item 12.2 Continued



Figure 2–Aerial Photo

The site consisted of a brick and tile single dwelling constructed in the late 1960s which has recently been demolished. There is also an established verge tree which will not be affected by the proposed development.

CONSULTATION

Category A applications are those that are complete, fully comply, can be approved under delegated authority, need no approval from any other body. Category A applications are classified as such on the basis that they are fully compliant and do not require advertising under relevant legislation.

No consultation was required as the application was fully compliant with the R-Codes. Unsolicited submissions were however received from members of the community following marketing and advertising of the proposal on the subject site. The concerns that were raised related to bin presentation area, car parking and the provision for multiple dwellings in the area.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Item 12.2 Continued

POLICY IMPLICATIONS

State Planning Policy 3.1–Residential Design Codes

The development standards for medium residential multiple dwellings are required to adhere to the provisions as stated in Part 6 of the R-Codes (design elements for multiple dwellings in areas coded R30 or greater and within mixed use development and activity centres).

Part 6 comprises of four parts and any development application assessed against the R-Codes must satisfy the deemed-to-comply provisions under each part. Should the application not be able to satisfy the deemed-to-comply provision, an assessment under the Design Principles is undertaken which requires the applicant to provide further justification as to why the application is acceptable and complies with the objectives of the R-Codes.

Local Planning Policy 13 Vehicular Access for Residential Development

4.3.1 Development of Multiple Dwellings

- (a) For all developments comprising ‘Multiple Dwellings’ on a lot, a maximum of one vehicle crossover shall be permitted to provide access to all dwellings.

The subject application proposes one crossover and complies with the Policy.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme

The land is zoned ‘Urban’ under the Metropolitan Region Scheme (MRS).

Local Planning Scheme No 15

- The subject property is zoned ‘Residential R20/50/100’ under the City of Belmont LPS15.
- Clause 5.7.3 sets out the development standards that apply when contemplating the development of land within any of the flexible coded areas above the base coding of R20. These provisions include:
 - (a) The frontage of the lot is not less than 16 metres.
 - (b) Any existing building or development which, in the opinion of the City, is of low quality and incapable of being upgraded to a standard commensurate with new development is demolished
 - (c) Developments of two or more dwellings shall have a minimum side setback of six metres between the side wall of the first dwelling fronting the public street and the side boundary of the parent lot

Item 12.2 Continued

- (d) Rear dwellings shall be designed so that significant sections of the front elevations have an outlook to, and be visible from the public street
- (e) Single storey dwellings shall be permitted only up to an R30 density with a mix of single and two storey dwellings up to a density of R40 provided that 50% or greater of the dwellings are two storey
- (f) Solid external or internal fencing is not permitted where, in the opinion of the City, views from dwellings to the public street will be limited
- (g) Dwellings located on the front portion of a lot, or where there is more than one street frontage, shall be oriented to address the public street(s)
- (h) Dwellings located adjacent to public open space shall be oriented to provide informal surveillance of public areas
- (i) Solar design principles shall be incorporated in the dwelling design
- (j) For developments that propose dwellings adjacent to each other, carports and garages shall be incorporated into the house design so they do not dominate the appearance of the dwelling and the streetscape
- (k) Development on corner lots or lots with more than one frontage shall have driveways from the street with lesser traffic
- (l) The number of crossovers for any development shall be minimised.
- Clause 10.2 lists matters the Council may consider, and include:
 - (a) The aims and provisions of the Scheme
 - (b) The requirements of orderly and proper planning
 - (e) Any relevant policy or strategy of the Commission, Government or the State
 - (l) The compatibility of a use or development with its setting
 - (j) Any social issues that have an effect on the amenity of the locality
 - (n) The preservation of the amenity of the locality
 - (o) The relationship of the proposal to development on adjoining land including the likely effect of the height, bulk, scale, orientation and appearance of the proposal
 - (p) Whether adequate provision has been made for parking of vehicles
 - (q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety
 - (t) Whether adequate provision has been made for access for pedestrians and cyclists

Item 12.2 Continued

- (u) Whether adequate provision has been made for access by disabled persons
- (v) Whether adequate provision has been made for the landscaping of the land
- (y) Any relevant submissions received on the application
- (za) Any other planning consideration the local government considers relevant.

BACKGROUND

Lodgement Date:	5 July 2013	Use Class:	'D' – Discretionary Use
Lot Area:	911m ²	TPS Zoning:	Residential R20/50/100
Estimated Value:	\$1,350,000	MRS:	Urban

Site Description

The subject property is located on Gild Street and is surrounded predominantly by single houses and grouped dwellings. The site is within 250 metres of a high frequency bus route and 270 metres of Belmont Forum. There is also an established street tree which will not be affected by the proposed development.

The Proposal

The application proposes the construction of 9 x two storey multiple dwellings (refer [Attachment 4](#)). The site will be accessed via a proposed crossover on the south eastern boundary. The development is proposed at a density of R50 density with a residential gross floor area of 396.65 square metres. Each floor of the development is outlined below:

Building A–First and Second Floor (*Four Units–Units 1, 2, 5 and 6*)

- Two (2), two bedroom units
- Two (2), one bedroom units
- Units range in size from 63 square metres to 75 square metres
- All units are provided with a minimum of 10 square metres outdoor living area.

Building B–First and Second Floor (*Five Units–Units 3, 4, 7, 8 and 9*)

- Three (3), two bedroom units
- Two (2), one bedroom units
- Units range in size from 61 square metres to 82 square metres
- All units provided with a minimum 10 square metres outdoor living area.

Item 12.2 Continued

Assessment of Application

The proposal complies with the deemed-to-comply provisions of the R-Codes, LPS15 and Local Planning Policy No. 13 (LPP13). The table below is a summary of the assessment against the development requirements:

Development Component	Required / Permitted	Proposed	Comment
Local Planning Scheme No. 15 and Local Planning Policy No. 13			
Land Use	Any use with a use class of P, D or A may be considered.	Multiple Dwellings – 'D'.	The Scheme provides discretion for approval; Multiple Dwellings at the R50 density are a development type consistent with the Residential R20/50/100 zoning.
Frontage	16m	24.14m	Complies
View corridors down the access leg	6m side setback between side wall of front unit and side boundary. Rear dwellings to address the street.	6m provided and rear dwellings address the street: <ul style="list-style-type: none"> Unit 4, ground floor bed 2 window ; and Unit 9, first floor bed 2 window. 	Complies
Solid internal fencing	Solid internal fencing is not permitted where, in the opinion of the City, views from dwellings to the street will be limited.	Front fencing compliant. Rear fencing proposed as colourbond which does not comply with LPS 15 – the fence is therefore to be constructed in masonry/timber.	Variation – a condition to this effect has been recommended.
Front dwellings address the street	Dwellings located on the front portion of a lot, or where there is more than one street frontage, are oriented and designed to address all public street(s).	Building has habitable room windows (and balconies) addressing the street.	Complies
Solar design principles	Solar design principles are incorporated in the design.	Primarily north facing outdoor living areas, doors and windows positioned to take advantage of south westerly breezes, eaves provided.	Complies
Crossovers	The number of crossovers for any development is minimised, having regard to the relevant Local Planning Policy.	One crossover provided.	Complies

Item 12.2 Continued

Development Component	Required / Permitted	Proposed	Comment
Residential Design Codes			
Plot Ratio	Max. 0.6	0.589	Complies
Building height	Max wall height – 9m. Max pitched roof height – 12m.	6.2m skillion roof proposed. 7.4m highest point of skillion roof.	Complies
Building setbacks	As per Table 2 A and B of the R-Codes (Tower).	All ground floor and upper floor setback appropriately.	Complies
Boundary walls	Max 2/3 at no higher than 3.5m on one side only.	The application proposes two boundary walls at a combined length of 7m on the western boundary.	The proposed boundary walls comply with the R-Codes which permit a wall being built up to 2/3 the length of one boundary (up to 28m permitted).
Open space	45%	56%	Complies
Street surveillance	The building has habitable room windows or balconies that face the street.	Building has habitable room windows (and balconies) addressing the street.	Complies
Front walls and fences	Front walls and fences within the primary street setback area that are visually permeable 1.2m above natural ground level.	Propose visually permeable fencing above 1.2m	Complies
Outdoor living area	Each unit is to be provided with at least one balcony or equivalent, accessed directly from a habitable room with a minimum area of 10m ² and a minimum dimension of 2.4m.	Each dwelling provided with balcony/courtyard located next to main living area of at least 10m ² .	Complies
Landscaping	Landscaping plan.	Landscaping plan provided.	Complies and will be conditioned for its installation.
Car parking	7 resident bays, 3 visitor bays, and 3 bicycle bays	10 resident bays, 2 visitor bays and 4 bicycle bays provided.	Does not comply. One resident bay to be made a visitor bay. Condition required.
Vehicle access	Formed driveways designed for two way access and for vehicles to enter the street in forward gear.	Convex mirror provided.	Complies
Visual privacy	Screening if necessary.	Screening provided for balconies as required and major openings proposed (ie windows) all setback appropriately as per the R-Codes.	Complies

Item 12.2 Continued

Development Component	Required / Permitted	Proposed	Comment
Solar overshadowing	25% of Lot 3 Gabriel Street. 35 % of Lot 1 Gabriel Street.	28m ² – 3%. 16m ² – 1.7%.	Complies
Street trees	Tree to be protected.	Tree is proposed to be retained.	Condition required to ensure protection during construction.
Drainage	On site	On site	Complies - conditioned
Storerooms	Each dwelling provided a 4m ² storeroom with a min. dimension of 1.5m.	The development plans indicate a total of 9 storerooms.	Complies
Waste Management	14 sulo bins stored on site, 10.5m of verge presentation space.	See Officer Comment.	Complies

Table 1 – Assessment of proposal

OFFICER COMMENT

Subject to the imposition of appropriate conditions, the application complies with the deemed-to-comply standards of the R-Codes, LPS15 and LPP13. Notwithstanding the above, there has been a great deal of concern raised by residents in the area in relation to parking, bin presentation space and the general development of multiple dwellings in the area. The subject proposal is therefore presented to Council for its consideration.

Land Use

The subject property is zoned R20/R50/R100 under the City of Belmont's LPS15 which was gazetted on the 1 December 2011. In the process of developing LPS15, extensive community consultation was undertaken including advertising of the draft LPS15 prior to final adoption and gazettal. The consultation process identified the desire for a variety of housing types in the area, including multiple dwellings where strict development standards are satisfied. These development standards are outlined in Clause 5.7.3 of LPS15, Local Planning Policy No. 1 (LPP1) when developing above the R50 density, LPP 13 and State Planning Policy 3.1 – Residential Design Codes (R-Codes).

The R-Codes provide a basis for control of residential development throughout Western Australia and are produced by the Western Australian Planning Commission (WAPC). Where a development is in strict compliance with the 'Deemed-to-Comply' provisions, the development is considered to satisfy the Objectives and Design Principles of the R-Codes. This means that the local government is required to approve that component of the proposal. Where a development does not meet one or a number of the 'Deemed-to-Comply' provisions, approval is discretionary and can only be granted by the local government where it can be clearly demonstrated that the related 'Design Principle' is adequately achieved. This may involve the local government advertising the proposal to adjoining properties depending on the nature of the variation.

Item 12.2 Continued

The subject proposal has been assessed against the provisions of the R-codes, LPS15 and the relevant Local Planning Policies and subject to conditions, complies with all standards. As is illustrated in Table 1 above, this includes, but is not limited to design elements such as building bulk, height, privacy, overshadowing, car parking and waste disposal. As the proposal demonstrates compliance with the deemed-to-comply provisions, the City has no justification to refuse it based on an R-Code assessment.

Whilst multiple dwellings are a discretionary land use, Officers consider the land use appropriate for this zone and area as it is the clear intent of the Scheme to encourage infill housing at the higher density under performance criteria.

Plot Ratio and Associated Building Bulk

The assessment of the bulk and scale of a development can be broken down into a number of components, consisting of the analysis of aspects such as open space, building height, setbacks and overshadowing.

The application proposes a plot ratio of 0.59 which complies with the maximum 0.6 permitted under the R-Codes. Additionally, at the R50 density, the proposal exceeds the expectations of the R-Codes by providing 56% open space in lieu of the 45% required. The proposal is also compliant with the height provisions set out under Table 4 of the R-Codes which permits a total wall height of nine metres (6.2 metres provided) and total pitched roof height of 12 metres (7.3 metres the highest point of the skillion roof).

All buildings comply with the setback requirements of the R-Codes. The R-Codes assist in ensuring sufficient articulation is provided through the proposed building to minimise any perceived bulk on neighbouring properties. The walls have subsequently been adequately stepped back with different forms of materials being used as well as different window types to soften the side and rear façades. Lastly, the proposed building bulk does not cause any overshadowing or visual privacy issues on the abutting 'Residential' zoned properties.

Car Parking

The application proposes 10 resident bays, two visitor bays and four bicycle bays. This exceeds the number of bays required under the R-codes (seven resident bays required, three visitor bays required, three bicycle bays required) but is not proportionately correct in relation to resident and visitor bays. A condition has therefore been imposed to ensure that resident car bay 10 is marked as a visitor bay.

Residents within the vicinity of the proposed development did raise concern regarding existing off-site car parking problems. The residents believed the subject development would accentuate the problem. As a result, a number of site inspections were undertaken to assess the car parking situation. The conclusion reached after this investigation is that no on-street car-parking problem exists in Gild Street for the months of July and August and it is unlikely there would be much difference for the other months, perhaps with the exception of the Christmas period in December.

Item 12.2 Continued

The City Rangers have also patrolled Gild Street with a view to checking for illegal parking. Between 24 September 2013 and the 4 October 2013, there were 22 checks carried out and only three infringements issued.

Waste Disposal

The City's Health Services Department have assessed the application and provided comment on waste disposal. The subject site provides a six metre wide grassed verge area with a two metre footpath to the roadside and 18 metres of verge presentation space for bins (24 metre frontage minus a six metre wide crossover).

Under the normal waste and recycling service, the development would require 13.5 metres of verge presentation space which can be met. The City's Health Services Department however has proposed an amended service in line with a reviewed version of City's Refuse Charges Policy. This Policy allows for the amended service to provide the same volume, however with fewer bins.

The service would also receive a 70% density bonus due to the size of the dwellings and therefore a total of 10.5 metres of verge space would be needed for bin presentation area which the subject site can provide. Bulk bins are also able to be dropped off on the front available grassed verge area and 14 sulo bins can be accommodated on-site in one communal location near Unit 4 as shown on the plans.

The calculations are subject to the Policy change being accepted by Council. Should Council not accept this Policy change, the City's Health Department is still able to provide the full service which complies with the required standards.

Should vehicle parking hinder the bin collection service (Cleanaway), the City may install no parking signage and infringe those vehicles where necessary.

Conclusion

The application complies with the deemed-to-comply provisions of the R-Codes, clause 5.7.3 of LPS15 and LPP13. Given the above, it is considered that the proposal is consistent with the proposed future development within the 'Residential R20/50/100' zone and the development application is recommended for conditional approval.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.2 Continued

OFFICER RECOMMENDATION

GARDNER MOVED, BASS SECONDED, That Council approve planning application 246/2013/DA as detailed in plans received 23 October 2013 submitted by Amano Homes on behalf of the owner Ravina Property for nine multiple dwellings at Lot 14 (29) Gild Street, Cloverdale subject to the following conditions:

- 1. The development plans, as dated marked and stamped 'City of Belmont Planning Consent Granted Subject To The Conditions of Planning Approval', together with any requirements and annotations detailed thereon by the City, are the plans approved as part of this application and shall form part of the planning approval issued.***
- 2. All existing buildings and structures on the lots, including soakwells, septic tanks and waste water disposal systems, shall be removed and the land levelled.***
- 3. Prior to occupation or use of the development, the external face of the boundary wall/s shall be finished in either:***
 - (a) Face brick;***
 - (b) Painted render; or***
 - (c) Painted brick work.***
- 4. Prior to occupation or use of the development, landscaping, plants and irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan for the duration of the approved development to the satisfaction of the City's Manager Parks and Environment.***
- 5. No existing turf, irrigation or street trees located in the road verge abutting or adjacent to the subject land may be damaged or removed during the course of the development, unless separately approved in writing by the City.***
- 6. Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with Council's engineering requirements and design guidelines.***

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

- 7. Resident Bay 10 is to be marked up as a visitor parking bay. All visitor bays are to be constructed and maintained in accordance with the City's engineering requirements and design guidelines to the satisfaction of the City's Director Technical Services. The bays must be clearly marked on-site as 'Visitor Bays' and made available for use by visitors at all times.***

Item 12.2 Continued

8. ***All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.***
9. ***Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City's Technical Services, construct a vehicle crossover in accordance with the approved plans and Council's engineering specifications to the satisfaction of the City's Manager Projects and Development.***
10. ***Prior to occupation or use of the development, the redundant crossover/s to Lot 14, as shown on the approved plans, shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications, to the satisfaction of the City's Manager Projects and Development.***
11. ***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. ***A geotechnical report prepared by an appropriately qualified consultant certifying that the land is capable of accommodating the proposed development shall be lodged with the City, at the cost of the owner/applicant, prior to lodgement of an application for a building permit to the satisfaction of the City's Manager Projects and Development.***
13. ***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.***
14. ***All fencing visible from the street or an internal access way shall be constructed in:***
 - (a) ***Brick and timber; or***
 - (b) ***Brick and visually permeable wrought iron; or***
 - (c) ***Other materials which match the units and which are acceptable to the City's Director Community and Statutory Services, Manager Planning Services or Coordinator Planning Services.***

CARRIED 6 VOTES TO 3

*For: Hitt, Marks, Powell, Rossi, Ryan, Wolff
Against: Bass, Cayoun, Gardner*

12.3 RESERVE 44885 COPLEY PARK – ACCESS

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item 12.3 refers	<u>Submissions Table</u>
Attachment 6 – Item 12.3 refers	<u>History of Approvals, Existing Access and Easement Requirement Table</u>

Voting Requirement	:	Simply Majority
Subject Index	:	125/028
Location / Property Index	:	Reserve 44885 (Location 12643 and 12644) Fitzroy Road, Rivervale
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	10 April 2012 Information Forum Item 6.3 12 February 2013 Information Forum Item 6.2 12 November 2013 Information Forum Item 6.3
Applicant	:	City of Belmont
Owner	:	State Land Services
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 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, local 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 local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i>

PURPOSE OF REPORT

For Council to support the limited provision of access easements for private vehicle use through Reserve 44885 Copley Park, Rivervale.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

Notice of Copley Road closure was gazetted on 11 March 1997.

Reserve 44885 Copley Park Reserve was gazetted on 6 June 1997 for the purpose of Park and Utility Services. It is jointly vested in the City of Belmont and the Water Corporation.

Vehicular access to several abutting properties is still available through Copley Park Reserve.

Legal advice suggests that the City does not have the authority to grant access through Reserve 44885 and provided advice with respect to duty of care and potential liability.

Department of Lands (DoL) confirmed that private vehicular access through Reserve 44885 is inconsistent with the purpose of the reserve.

On 2 October 2013 the DoL advised that they are prepared to issue easements for those properties that currently have the City's approval for access via the reserve.

Council to provide the DoL with a list of those properties where access easements through Copley Park Reserve are supported.

LOCATION

Reserve 44885 located between Kooyong Road and St Kilda Road, Rivervale.

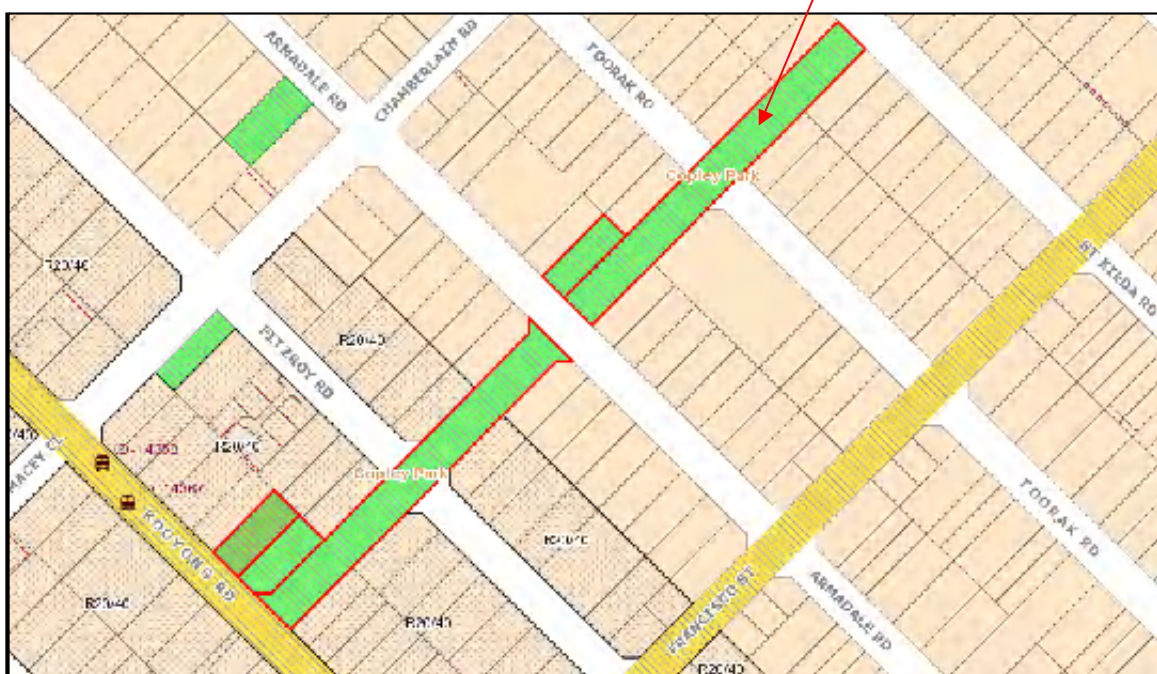


Figure 1-Site Details

Item 12.3 Continued



Figure 2-Aerial Photo

CONSULTATION

Following the advice received from the City's Solicitors regarding the issue of access through the park, the matter was referred to all abutting landowners on 14 September 2012 requesting comments by 15 October 2012. The landowners were advised that when Copley Street was closed and Copley Park Reserve gazetted on 6 June 1997, vehicle access through the park was no longer an option and that all sealed access through Copley Park to individual properties should have been removed with alternative access being provided to a gazetted road at that time. The letters also provided details of the City's records for each individual lot (i.e. planning approvals and building licences). A total of 13 submissions were received; 11 objections and two in support which are discussed in Officer Comment. Refer [Attachment 5](#) for summary of submissions received.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Item 12.3 Continued

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

and

Objective: Provide and maintain a safe and efficient transport infrastructure.

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

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

Objective: Protect and enhance our natural environment.

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

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

Objective: Create a City that evokes feelings of wellbeing, security and safety.

Strategy: The City will continue to design and implement programmes which enhance safety, security and wellbeing in the community.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 15 (LPS15)

- Part 3 Reserves – Clause 3.4 relates to use and development of local reserves.
- Part 9 Applications for Planning Approval – Clause 9.1.1 (a) relates to use of a local reserve.

BACKGROUND

Lodgement Date:	N/A	Use Class:	N/A
Lot Area:	8151m ²	TPS Zoning:	Reserved Parks and Recreation
Estimated Value:	N/A	MRS:	Urban

Reserve 44885 known as Copley Park runs between Kooyong Road and St Kilda Road. The City records show that in 1975 Copley Street roadway was replaced with grass through which concrete paths were installed to provide public access. Cross vehicle traffic is limited due to a cul-de-sac located at Fitzroy Street and Toorak Road with the principal use being passive recreation/playground. Although officially closed to traffic since 1975, formal closure of Copley Street was not considered by Council until

Item 12.3 Continued

the meetings of December 1995 and February 1996. Council at that time agreed to formal closure with no change to any existing vehicle access. Accordingly Copley Park Reserve was gazetted on 6 June 1997 and is jointly vested in the City of Belmont and Water Corporation for the purpose of Park and Utility Services.

In 2010 the City's Coordinator Parks Projects undertook a review of Copley Park with respect to future development to enhance walkability, improve safety, adopt a planting strategy, install durable public art and/or additional playground equipment. The study identified that future development of the Reserve was limited by the shape of the Reserve (length and width), the fact that it crosses two roads and existing vehicle access which constrains the usability as an active space. No further action to upgrade Copley Park has been undertaken at this stage pending the private vehicular access issue being resolved.

Current Access

Of the 17 properties adjoining Copley Park Reserve access is provided as follows:

- Four properties have existing crossover road access with no access to Copley Park Reserve
- Eight properties have existing crossover road access plus either sealed or unsealed access to the rear of the lots via Copley Park Reserve
- One lot has crossover access to the dwelling plus sealed access through the Reserve to the ancillary accommodation located at the rear of the main dwelling
- Three properties have no crossover access to a gazetted road with sealed access via Copley Park Reserve
- One strata lot has no direct access to a gazetted road and an easement in gross access easement via Copley Reserve will be required to provide access.

Legal Advice

Legal opinion was sought as to the status of vehicular access via Copley Reserve and the City's position given that:

- Residents whose dwellings adjoin the Reserve do not have any legal entitlement to continued vehicle access
- If the City denied access it would be open to legal action by some owners.

Based on legal advice, the following points were noted:

- The City could continue with the approach referred to as 'the status quo' however, this is not considered entirely consistent with the purpose of the Reserve.
- The City could consider dedication of the Reserve as a road and/or the prevention of vehicle access to the Reserve.

Item 12.3 Continued

In order to resolve the vehicle access problems caused by closure of the reserve to private vehicles the following options were suggested:

- Construction of vehicle crossovers to those adjoining properties that do not currently have access to a gazetted road
- Advising owners of lots with no frontage to a gazetted road that these properties would be required to either purchase a portion of the Reserve or acquire a formal easement over the portion of the Reserve from the State Land Services
- Reconfiguration of sealed access ways within the Reserve so as to separate vehicle use that is to be retained (with an easement) from pedestrian use of the Reserve.

State Lands Officers Advice

The City wrote to State Lands Services (SLS) on 3 March 2011 and 25 March 2011 seeking advice. On 6 April 2011 the SLS replied advising that the matter was being investigated and that this may take a considerable amount of time given the detailed research required. The City sent a follow up letter on 19 August 2011 and SLS replied on 23 August 2011 as follows:

- The City should not have allowed private vehicular access across Reserve 44885 and should prevent future vehicular access across Reserve 44885, as it is inconsistent with the purpose of the reserve.
- Access for any future developments of adjoining lots should be from a gazetted road.
- An easement over the Reserve to allow access to residential lots should only be granted in exceptional circumstances and considered on a case by case basis with details to be provided as to why an easement is required.

Accordingly research of the City's planning and building records were undertaken to ascertain the history of approvals for the current existing access for the 17 properties abutting Copley Park.

Advertising

On 14 September 2012 letters to all abutting landowners were sent advising them of the legal advice the City had received and therefore vehicle access through Copley Park Reserve was no longer an option. The letters provided details of the City's records of any planning and building approvals for each individual property and requested comments by 15 October 2012.

Thirteen submissions were received of which two were letters of support stating that the park was a great asset in the area and closing the park to all vehicle traffic would increase safety and public amenity. Eleven submissions objected to closing vehicle access through the Reserve. These mainly related to the retention of vehicle access to the rear of the dwellings on the basis the dwelling was constructed prior to Copley Street being closed, the design of the dwelling specifically allowed for rear access through the Reserve, rear access provided secure parking, and there had been no recorded incidents between any vehicles and park users. Comments were also

Item 12.3 Continued

received stating that when the road was closed Council had given assurances that vehicle access would be retained. No written confirmation of this assurance was located.

Meeting with State Lands Officers

Following the concerns raised, the City's Planning Officers requested a meeting with State Lands Officers to discuss the legislative procedures as to how to progress access easements for those properties that required access through Copley Park. Due to the availability of Senior State Lands Officers this did not occur until January 2013. From this meeting the following options were discussed:

Option 1: Gazette the park back to a road reserve.

Option 2: Modify the use to include vehicle access.

The State Lands Officers advised that Option 2 – Management Orders allowing vehicle access may be possible given that access to some lots was granted prior to the Reserve being gazetted. A formal response was received 2 October 2013 when the DoL Officer confirmed that they would be prepared to issue easements at nil consideration for those properties that currently have the City's planning approval for access via the Reserve only. As the managing body of Reserve 44885 the City is required to provide confirmation in writing that we are agreeable to the provision of access easements as a solution, and to provide a list of addresses that require an easement for the DoL review.

OFFICER COMMENT

The Department of Lands has now confirmed that in order to rectify the situation, an access easement can be granted for those properties that have the City's planning approval for vehicle access through the reserve. Accordingly an assessment of the existing access and the history of approvals of the 17 properties abutting Copley Park reserve has been undertaken.

Item 12.3 Continued

Address	Crossover Access	Reserve Access	Action
St Kilda Road			
Lot 8 (64) St Kilda Road	No crossover	Sealed access to rear. Valid approval.	Access easement.
Lot 9 (68) St Kilda Road	Yes	No sealed access but gate in fence.	Advise owner no access permitted through park.
Toorak Road			
Lot 27 (59) Toorak Road	Yes	Sealed access to rear. Valid approval.	Access easement.
Lot 42 (60) Toorak Road	Yes – crossover to dwelling	Sealed access to ancillary dwelling. Valid approval.	Access easement.
Lot 26 (61) Toorak Road	Yes	Sealed access to rear (no gate in fence).	Advise owner no access permitted through park. Sealed path to be removed.
Lot 6 (62) Toorak Road	Yes	No sealed access however vehicles parked in Reserve (sealed access via Armadale Road).	Advise owner / occupier no access through park and no parking in park.
Armadale Road			
Lot 62 (59) Armadale Road	Yes	No	No action required.
Lot 60 (63) Armadale Road	No	Yes – sealed access to rear. Valid approval.	Access easement.
Lot 10 (64) Armadale Road	Yes	Yes. Rear gate access – not sealed. Valid approval.	Access easement.
Lot 16 (66) Armadale Road	Yes	Yes – sealed access to rear outbuildings	Advise owner no access permitted through park. Sealed path to be removed. Access easement required for portion of driveway located in the truncation of the reserve.
Fitzroy Road			
Lot 11 (77) Fitzroy Road	Yes	Yes – sealed access to rear garage and pool. Valid approval.	Access easement.
Strata Lot 1 (78)	Yes	No.	No action required.

Item 12.3 Continued

Address	Crossover Access	Reserve Access	Action
Fitzroy Road			
Strata Lot 2 (78A) Fitzroy Road	No	Yes – sealed access from Kooyong Road. Valid approval.	Access easement.
Lot 57 (82) Fitzroy Road	Yes	Yes – sealed access to Unit 3.	Advise owner / occupier no access permitted through park and no parking in park. Sealed path to be removed.
Lot 31 (83) Fitzroy Road	Yes	Yes – sealed access not in use.	Sealed access to be removed.
Kooyong Road			
Lot 44 (73) Kooyong Road	Yes	No	No action required.
Lot 32 (83) Kooyong Road	No	Yes – sealed access to rear garage. Valid approval.	Access easement.

Full details of whether the lot has crossover access and/or reserve access, the history of approvals, a summary of the submissions received and whether an easement can be supported is provided in [Attachment 6](#).

In summary, of the 17 properties, eight properties were found to have valid planning approval for access through the reserve as listed:

- Lot 8 (64) St Kilda Road: Access to garage granted 1957
- Lot 27 (59) Toorak Road: Access to garage granted 2001
- Lot 42 (60) Toorak Road: Access to ancillary accommodation granted 2002
- Lot 60 (63) Armadale Road: Access to garage granted 1957
- Lot 10 (64) Armadale Road: Access to garage granted 1980
- Lot 11 (77) Fitzroy Road: Access to original garage granted 1956 and new replacement garage granted 1997
- Strata Lot 1 (78A) Fitzroy Road Access via reserve granted 2003 and Strata title granted 2004
- Lot 32 (83) Kooyong Road Access for garage granted 1965.

The remaining nine properties have crossover access to a gazetted road. Four of these properties also have a sealed path to the rear of their properties. As no valid planning approvals were located for these lots, the City would be required to modify the pathway and remove these portions of sealed path. An access easement will also be required over the crossover driveway for one of these properties (Lot 16 (66) Armadale

Item 12.3 Continued

Road) as the driveway access from Armadale Road traverses the truncation of Copley Park Reserve.

It should also be noted that as redevelopment of any of the lots abutting Copley Park occurs, all access would be required to be provided from the adjoining gazetted road. Any sealed vehicle access through the Reserve would be required to be removed. As this occurs, the City would be responsible for notifying DoL that the existing access easement for that property is no longer valid and is to be removed.

The City would also be responsible for regulating unauthorised vehicle usage in the park.

It is therefore recommended that Council advise the DoL that the above eight properties have valid planning approval for access to their lots through Copley Park Reserve and request that an access easement be provided for these lots. In addition it is also requested that access easements be provided for the existing driveway access of Lot 16 (66) Armadale Road which traverses the corner of the Reserve.

FINANCIAL IMPLICATIONS

The Technical Services Division, Engineering Department would be responsible for modifying the sealed path where the abutting lots have access to a gazetted road.

In addition, any future redevelopment of Copley Park with respect to upgrade of planting, additional play equipment and public art will need to be budgeted by the Parks and Environment Department.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.3 Continued

Cr Rossi declared an Impartiality Interest with respect to Item 12.3 – Reserve 44885 Copley Park – Access.

Cr Hitt declared an Impartiality Interest with respect to Item 12.3 – Reserve 44885 Copley Park – Access.

9.20pm Cr Hitt departed the meeting.

OFFICER RECOMMENDATION

That Council:

1. Advise the Department of Lands that:
 - (a). The City supports the provision of access easements over Reserve 44885 Copley Park for the following Rivervale properties as they have valid planning approval:
 - Lot 8 (64) St Kilda Road
 - Lot 27 (59) Toorak Road
 - Lot 42 (60) Toorak Road
 - Lot 32 (83) Kooyong Road
 - Strata Lot 1 (78A) Fitzroy Road
 - Lot 11 (77) Fitzroy Road
 - Lot 10 (64) Armadale Road
 - Lot 60 (63) Armadale Road.
 - (b). The City requests the provision of an access easement for Lot 16 (66) Armadale Road, Rivervale over the portion of the existing driveway that traverses the truncation of the reserve.
2. Advise all adjoining owners that:
 - (a) Only the above eight properties have valid approval to access their properties through Copley Park Reserve
 - (b) Any future redevelopment of these lots shall require access from the gazetted road and the access easement removed
 - (c) Once access easements are finalised the sealed pathway will be modified to remove any secondary access
 - (d) The City would be responsible for regulating unauthorised vehicle usage in Copley Park Reserve.

Item 12.3 Continued

Note:

Cr Gardner put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

GARDNER MOVED, CAYOUN SECONDED, That Council defer consideration of the matter relating to vehicular access through Copley park by adjoining landowners and it be referred to a future Information Forum for further discussion

LOST 5 VOTES TO 3

*For: Bass, Cayoun, Gardner
Against: Marks, Powell, Rossi, Ryan, Wolff*

Reason

To ensure Councillors are fully informed of all issues and consequences resulting from proposed and potential changes to access to Copley Park.

Note:

Cr Rossi foreshadowed the Alternative Officer Recommendation.

ALTERNATIVE OFFICER RECOMMENDATION

ROSSI MOVED, POWELL SECONDED, *That Council:*

1. Advise the Department of Lands that:

The Council supports the provision of access easements over Reserve 44885 Copley Park for the following Rivervale properties, as they have valid planning approval, these being:

- ***Lot 8 (64) St Kilda Road***
- ***Lot 27 (59) Toorak Road***
- ***Lot 42 (60) Toorak Road***
- ***Lot 32 (83) Kooyong Road***
- ***Strata Lot 1 (78A) Fitzroy Road***
- ***Lot 11 (77) Fitzroy Road***
- ***Lot 10 (64) Armadale Road***
- ***Lot 60 (63) Armadale Road***

Item 12.3 Continued

- ***Lot 16 (66) Armadale Road.***
2. ***That the implications for the remaining eight property owners whose properties adjoin Copley Park be referred to a future Information Forum. Further, that the Department of Lands be advised accordingly and that there may be a request for additional easements if sufficient evidence becomes available.***
3. ***Advise all adjoining owners that:***
- (a) ***Only the above nine properties have valid approval at this time to access their properties through Copley Park Reserve***
 - (b) ***The implications for the remaining eight properties owners will be the subject of further deliberation by the Council***
 - (c) ***Any future redevelopment of any of the 17 (seventeen) lots shall require access from the gazetted road and the access easement be removed***
 - (d) ***Once access easements are finalised the sealed pathway will be modified to remove any secondary access***
 - (e) ***The City would be responsible for regulating unauthorised vehicle usage in Copley Park Reserve.***

CARRIED 7 VOTES TO 1

For: Bass, Cayoun, Marks, Rossi, Ryan, Wolff, Powell
Against: Gardner

- 9.33pm The Director Community and Statutory Services departed the meeting.
- 9.34pm Cr Hitt returned to the meeting.
- 9.34pm The Director Community and Statutory Services returned to the meeting.

12.4 REVIEW OF THE CITY OF BELMONT'S INVENTORY

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 7 – Item 12.4 refers	A. Letter from State Heritage Office dated 27 April 2013 B. Letter from M Robinson dated 8 February 2013.
Attachment 8 – Item 12.4 refers	Modified Place Records 'First State Housing Area'
Attachment 9 – Item 12.4 refers	Modified Place Record '67 Riversdale Road'
Attachment 10 – Item 12.4 refers	Modified Place Record 'Moreton Bay Fig Tree'
Attachment 11 – Item 12.4 refers	Proposed New Place Record 'Wooden Paved Road'

Voting Requirement : Simple Majority
Subject Index : 86/001
Location / Property Index : Various
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 11 December 2007 Ordinary Council Meeting
Item 12.1.6, 22 September 2009 Ordinary Council Meeting
Item 12.4, 28 February 2012 Ordinary Council Meeting
Item 12.4
Applicant : City of Belmont
Owner : Various
Responsible Division : Community and Statutory Services

COUNCIL ROLE

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

Item 12.4 Continued

PURPOSE OF REPORT

To consider additional nominations and modifications to the City's Municipal Heritage Inventory (MHI). Refer to [Attachment 7.8](#), [9](#), [10](#) and [11](#).

SUMMARY AND KEY ISSUES

Under State Planning Policy 3.5 – 'Historical Heritage Conservation' and Local Planning Scheme No 15 (LPS15) Part 7 'Heritage Protection and Tree Preservation', the City must establish and maintain a Local Government Inventory (formerly MHI) and Heritage List.

Council at its meeting held on 28 February 2012, resolved to adopt the current Inventory. The Inventory is also adopted as the City's Heritage List.

One new nomination is to be considered together with modifications to two place records.

It is recommended that Council adopt the proposed amendments and also adopt the City of Belmont Inventory as the City's Heritage List.

LOCATION

Various.

CONSULTATION

Clause 45 of the *Heritage of Western Australia Act 1990* requires local governments to compile and maintain an inventory of buildings and sites of cultural significance. The inventory is to be compiled with proper public consultation and reviewed every four years.

LPS15 Clause 7.1.3 requires that the owner shall be notified in writing of any nominations for inclusion in the City's Municipal Heritage Inventory. Accordingly, the owners of the Surrey Road dwellings proposed to be included in the First State Housing Area listing and the owners of the heritage listed dwelling located at 67 Riversdale Road, Rivervale were notified in writing of the proposed changes to the Inventory entries. The proposed changes were advertised for 21 days from 26 August 2013 until 16 September 2013. At the close of the advertising period the City received a query regarding the place record for 67 Riversdale Road and a query regarding the level of significance of 50 Surrey Road, Rivervale. Both concerns raised have been addressed and the entries modified accordingly (refer to Officers comments).

Item 12.4 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

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

Objective: Ensure that the cultural and historical significance of the City is identified and captured.

Strategy: Recognise all aspects of historical significance within the City.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Heritage of Western Australia Act 1990

Section 45 of the *Heritage of Western Australia Act 1990* states as follows:

“45. Local Government Inventories

- (1) A local government shall compile and maintain an inventory of buildings within its district which in its opinion are, or may become, of cultural heritage significance.*
- (2) The inventory required by subsection (1) shall be compiled no later than 4 years from the commencement of this Act and shall be:*
 - (a) updated annually; and*
 - (b) reviewed every 4 years after compilation.*
- (3) A local government shall provide the Council with a copy of the inventory compiled pursuant to this section.*
- (4) A local government shall ensure that the inventory required by this section is compiled with proper public consultation.”*

Item 12.4 Continued

State Planning Policy 3.5 Historic Heritage Conservation

The Policy sets out the principles of sound and responsible planning for the conservation and protection of Western Australia's historic heritage. The Policy provides measures for identification and assessment of places for inclusion in a local government inventory.

Local Planning Scheme No 15

- Part 7 of LPS15 relates to Heritage Protection and Tree Preservation
- Clause 7.1.3 contains provisions relating to establishing and maintaining a Heritage List
- Clause 8.2 states that planning approval is required for all building works and demolition of heritage listed properties.

BACKGROUND

In accordance with the *Heritage of Western Australia Act 1990* the City's Heritage List is required to be reviewed every four years. The next major review is not due until 2016. However minor reviews can be considered as additional heritage information and new entries are proposed. As such the following entries are to be considered:

- The State Heritage Office requested the City consider the inclusion of 8 dwellings located in Surrey Road, Rivervale which were constructed circa 1950 as part of the State Housing Commission project in Rivervale.
- The City also received a request to modify the existing heritage record for the dwelling located at 67 Riversdale Road to include additional historical information.
- A new historical record for the old convict built wooden paved road known as 'Hampton's Cheeses'. The cheeses were uncovered during the recent Great Eastern Highway upgrade.
- A minor modification to the historical site record for the Moreton Bay Fig tree previously located at 78-82 Great Eastern Highway is proposed. The tree is listed in the City's Inventory as being one of Belmont's biggest and oldest trees.

The first three entries were forwarded to Eddie Marcus, Heritage Consultant for assessment of their heritage significance and creation of a heritage place record for inclusion in the Heritage List if appropriate.

The Heritage Consultant assessed the proposed amendments and recommended that the existing place records for the First State Housing Commission Area and the character dwelling located at 67 Riversdale Road be modified accordingly. The Heritage Consultant also created a new 'site only' place record for the wooden paved road discovered during the upgrade works to Great Eastern Highway.

Item 12.4 Continued

In investigating the entry relating to the Moreton Bay Fig tree the matter was referred to the City's Arborist to ascertain the age of the tree. A search of the titles and check of aerial photos was also undertaken to ascertain its exact location.

OFFICER COMMENT

State Housing Commission Group Area, Rivervale

The Heritage Consultant confirmed that the eight dwellings located in Surrey Road (38-46 and 50-54), Rivervale are good examples of dwellings constructed by the State Housing Commission Group circa 1950. The dwellings constructed at this time were all of similar design; however the exteriors were varied slightly and painted various colours to give the appearance of variety. The subject dwellings are all timber framed weatherboard single storey dwellings with either a cement tile or corrugated iron roof.

The Consultant advised that some dwellings have been extended to the rear but the front façades remain relatively unchanged. Photos of the dwellings taken either by the Heritage Consultant or the City's Planning Officer are to be included. These photos show the variations provided to the external design such as colours, roof materials and roof line.

Concerns were raised on behalf of one of the owners with respect to the heritage listing and the impact this may have on any future additions to the dwellings or redevelopment of the site. The current 'level of significance' category for the existing First State Housing Area in Rivervale is 'D-Some Significance'. This category is given to historic sites without built features and contributes to the heritage of the locality. If buildings do exist, a photographic record prior to major development or demolition is required.

In this instance, the proposal to modify the place record to include the eight dwellings was advertised with the level of significance changed from 'D-Some Significance' to 'C-Significant'. Where a site or building is designated as 'C-Significant' this means that it contributes to the heritage of the locality and conservation of the dwelling is highly desirable. Where a heritage listed property is classified as 'C-Significant' planning approval for any additions as well as for demolition is required in accordance with the City's LPS15 (LPS15 Clause 8.2a-Permitted Development, specifically excludes any building included in the City's Heritage List). The State Heritage Office nominated the dwellings on the basis they provide a relatively intact area of the State Housing Commission's project in Rivervale.

It should be noted that the 1950s style streetscape on Surrey Road is not continuous as a new dwelling was constructed in 2010 at 48 Surrey Road, Rivervale. However the subject eight dwellings do provide a photographic illustration of the design and style of state housing built in the 1950s along Surrey Road. Accordingly, it is recommended that the place record for Rivervale State Housing Area site remain as 'D-Some Significance'. This means that should demolition/redevelopment of any of the subject dwellings occur in the future, planning approval would not be required.

It is therefore recommended that the place record for the State Housing Commission Group, Rivervale area be modified to include details of the dwellings located at 38-46 and 50-54 Surrey Road, as examples of the variety of dwelling façades built by the Housing Commission in Rivervale circa 1950 and the level of significance remain 'D-Some Significance' (refer [Attachment 8](#)).

Item 12.4 Continued

Character Dwelling 67 Riversdale Road Rivervale

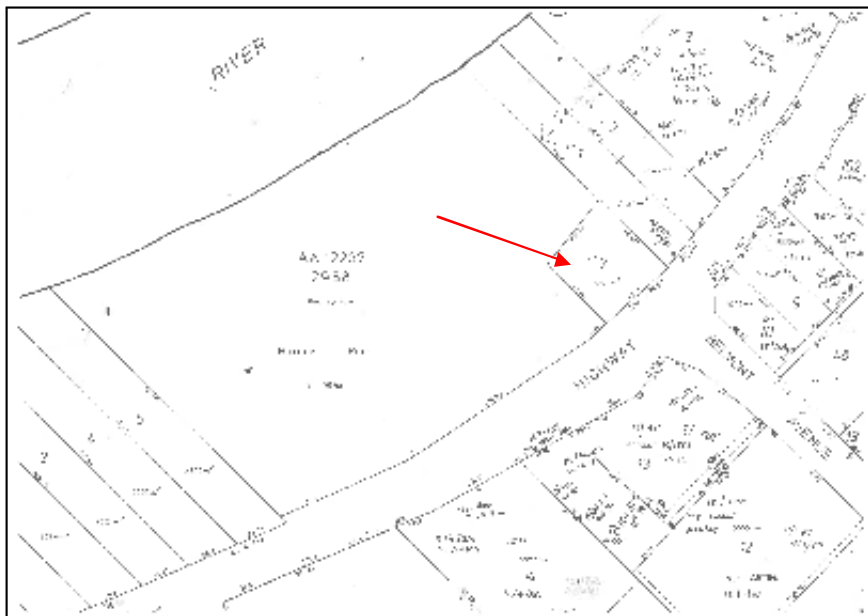
Additional historical information was provided to the City by Ms Marlene Robinson on behalf of the Taylor family regarding their former family home. The information was forwarded to the City's Heritage Consultant who modified the place record. This was then referred out for comment. Following concerns raised regarding some of the historical references and details, Ms Robinson contacted the Heritage Consultant directly. This resulted in the wording of the place record being modified to both their satisfaction.

The place record has been updated and the Heritage Consultant has confirmed that the subject dwelling was built circa 1930s and is a fine example of the simplified Interwar Old English Style. It was known as 'The Taylor Place' due to its association with John Robert Hallam and the Taylor family who resided in the dwelling from 1942 to 1985.

It is therefore recommended that the place record and photo of the two storey dwelling located at 67 Riversdale Road be modified to incorporate the additional details with no change to the level of significance which is to remain 'B-Considerable Significance', (refer [Attachment 9](#)).

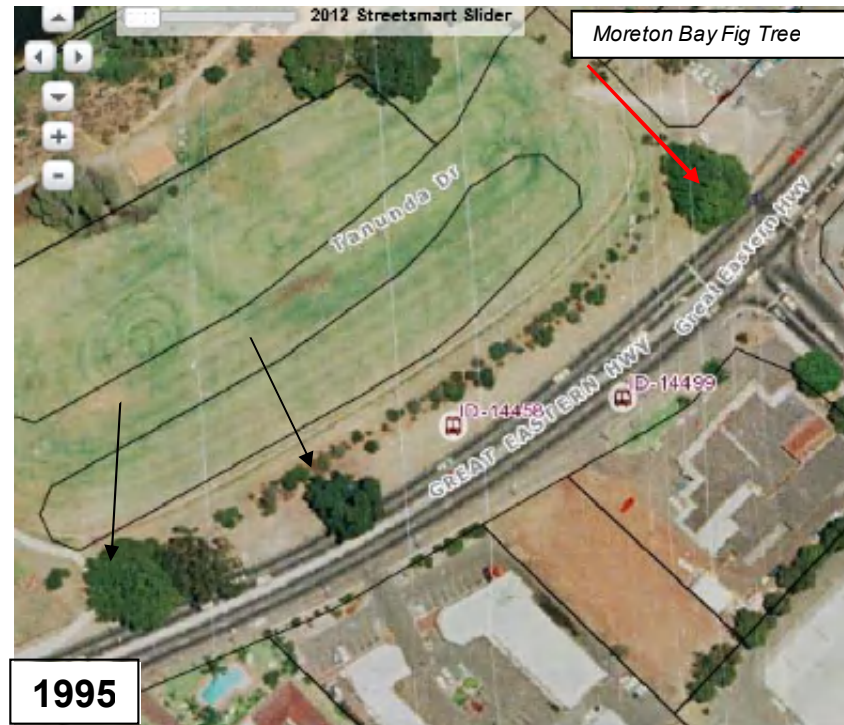
Moreton Bay Fig Tree 78-82 Great Eastern Highway, Belmont

The Belmont Museum has displayed a log, which is a portion of a Moreton Bay Fig Tree, originally located on Great Eastern Highway, immediately opposite the junction with Belmont Avenue. The tree was felled on Sunday 30 November 1997 to make way for Great Eastern Highway upgrades at that time. The current entry of the City's Inventory lists the tree as being located on Part Lot 6. However, a search of the City's records revealed that the subject tree was actually located on Lot 7 (84) Great Eastern Highway. Lot 7 and the adjoining lot, Portion of Swan Location 34, which was 'A' Class Reserve 12237 were developed as a recreation area and previously known as 'Hardey Park' (refer cadastre plan circa 1973). *Please note that due to road widening, creation of Tanunda Drive and a land swap, Hardey Park is now located at 144 Great Eastern Highway north of Adachi Park).*



Item 12.4 Continued

This tree was one of three Moreton Bay Fig Trees that were located on the north side of Great Eastern Highway. The other two were on Reserve 12237 as can be seen on the attached aerial dated 1995.



The current place record also states *“It was estimated that the tree was planted around 1880 by Robert Davey Hardey”*.

Reserve 12237 and Lot 7 were originally owned by Robert Davey Hardey and an old Certificate of Title appears to indicate that he owned the land from the 27 April 1895. If Robert Davey Hardey who died in 1904 did plant the three Moreton Bay Fig Trees, they would have been approximately 100 years old in 1997. The Council’s Arborist has advised that he believes that the three Moreton Bay Fig trees were planted prior to Mr Robert Davey Hardey’s death in 1904. The size of the tree on Lot 7 and its dimensions as given are consistent with what is observed for this species at approximately 100 years of age. Unfortunately there is no evidence as to who may have planted the tree and therefore to be accurate, it should be stated that the tree was believed to be planted by a member of the Hardey family and perhaps by Robert Davey Hardey himself.

It is therefore recommended that the place record of the Moreton Bay Fig Tree be modified to correctly detail its location as being Lot 7 (84) Great Eastern Highway, Belmont as identified above, and to advise that the tree may have been planted by a member of the Hardey family or perhaps by Robert Davey Hardey himself (refer [Attachment 10](#)).

Item 12.4 Continued

New Listing

Great Eastern Highway – Wooden Paved Road (Site Only)

With the upgrades and widening of Great Eastern Highway, round jarrah blocks known as Hampton's Cheeses which paved the 1860s road surface were located. The Heritage Consultant has advised that the portion of the road to Guildford now known as Great Eastern Highway was constructed by convicts under instructions from John Hampton, the Governor of Western Australia from 1862 to 1868. The convicts cut down trees, placed them over sawpits and cut them into discs measuring 30cm thick. The discs were then positioned alongside each other with the space between compacted either with soil or crushed limestone. This made the road more usable especially during the winter months.

Five of the wooden discs have been relocated to the courtyard of the City's Museum for public display. They will shortly be relocated inside the Museum into special cabinets in order to prevent the discs from deteriorating.

It is therefore recommended that the wooden paved road which formed part of the road to Guildford (now known as a portion of Great Eastern Highway), be included in the Inventory as a site only with level of significance category being 'D–Some Significance' (refer [Attachment 11](#)).

Conclusion

It is recommended that the current City of Belmont Inventory 2012 be modified as follows:

1. Modify the following existing place records to reflect the additional information and photos provided:
 - (a) State Housing Commission Group Area, Rivervale with heritage category of 'D–Some Significance'.
 - (b) Character Dwelling located at 67 Riversdale Road, Rivervale with a heritage category of 'B–Considerable Significance'.
 - (c) Moreton Bay Fig Tree located at 84 Great Eastern Highway – site only, with a heritage category of 'D–Some Significance'.
2. Include the following new nomination:
 - (a) Wooden Paved Road – Great Eastern Highway, Rivervale – Site Only, with a heritage category of 'D–Some Significance'.

FINANCIAL IMPLICATIONS

Five wooden discs known as Hampton's Cheeses, which formed part of the paved road to Guildford (now known as Great Eastern Highway), are currently located at the Museum. The City is currently applying for grants to fund the construction of special purpose cabinets to ensure that they don't deteriorate.

Item 12.4 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The Inventory identifies places of cultural and historical significance within the City and provides an overview of development within the district from the time of white settlement to the present.

OFFICER RECOMMENDATION

That Council:

1. ***Modify the City's Inventory 2012 as follows:***
 - (a) ***Modify the following existing place records to reflect the additional historical information and photos provided:***
 - i ***State Housing Commission Group Area, Rivervale with heritage category of 'D-Some Significance'.***
 - ii ***Character Dwelling located at 67 Riversdale Road, Rivervale with a heritage category of 'B-Considerable Significance'.***
 - iii ***Moreton Bay Fig Tree located at 84 Great Eastern Highway – site only, with a heritage category of 'D-Some Significance'.***
 - (b) ***Include the following new nomination:***
 - i ***Wooden Paved Road – Great Eastern Highway, Rivervale – Site Only, with a heritage category of 'D-Some Significance'.***
 - (c) ***Adopt the City of Belmont's Inventory as the City's Heritage list under local Planning Scheme No. 15 Clause 7.1.***
2. ***Advise the State Heritage Office of the above minor review and forward a copy of the updated Inventory for their records.***
3. ***Advise the owners of the dwellings at 38-46 and 50-54 Surrey Road, Rivervale and Ms Marlene Robinson and the owner 67 Riversdale Road, Rivervale of the above review and Council's decision.***

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

12.5 PETITION – DRAFT LOCAL PLANNING POLICY No, 14 (DEVELOPMENT AREA VISION 6) – CHANGE OF ROAD USE FOR COOLGARDIE AVENUE, REDCLIFFE

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 12 – Item 12.5 refers	Petition

Voting Requirement	:	Simple Majority
Subject Index	:	11/010 Petition
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Nil
Applicant	:	Mr George Homsany
Owner	:	N/A
Responsible Division	:	Corporate and Governance and 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 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, local 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 local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

The purpose of this report is to consider a petition received regarding the Change of Use for Coolgardie Avenue, Redcliffe under the Local Planning Policy No. 14 (Development Area Vision 6).

Item 12.5 Continued

SUMMARY AND KEY ISSUES

On 31 October 2013, a petition (refer [Attachment 12](#)) bearing 54 signatures was received. The petition reads as follows:

"We the undersigned electors of the City of Belmont express the concerns of the community in regard to Draft Local Planning Policy No. 14 Development Area Vision 6 (DA6), Particularly in relation to the change of road use for Coolgardie Avenue".

The petition states the following reasons:

"The adverse impact of opening up of Coolgardie Avenue on the residents of the street and surrounding community".

LOCATION

The Petition specifically refers to Coolgardie Avenue, Redcliffe as shown in red below:



CONSULTATION

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

Item 12.5 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Objective: Provide and maintain a safe and efficient transport infrastructure.

Strategy: Encourage a broad range of transport alternatives and provide adequate management of traffic density, parking, congestion and safety of the transport network, in and surrounding the City of Belmont.

POLICY IMPLICATIONS

BEXB3 Correspondence from Members of the Public

“In regard to petitions (or items of correspondence submitted by multiple correspondents), the City:

- will promote to the community, guidelines consistent with the City of Belmont Standing Orders Local Law for the submission of petitions*
- will generally correspond with the petition initiator, expecting that this person (or group) will correspond with all petitioners*
- will in the case of petitions with a small number of petitioners, endeavour where practicable, to provide individual response to each correspondent.”*

STATUTORY ENVIRONMENT

City of Belmont Standing Orders Local Law 2012 stipulates:

“6.8 Petitions

- (1) A petition is to –
 - (a) be addressed to the Mayor;*
 - (b) be made by electors of the district;*
 - (c) state the request on each page of the petition;*
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;*
 - (e) contain a summary of the reasons for the request; and*
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.**
- (2) Upon receiving a petition, the local government is to submit the petition to the relevant employee to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subsection (3).*

Item 12.5 Continued

- (3) *At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless—*
(a) the matter is the subject of a report included in the agenda; and
(b) the Council has considered the issues raised in the petition.”

BACKGROUND

A Vision Plan for DA6 was adopted by Council at the 27 August 2013 Ordinary Council Meeting. A Vision Plan does not have any statutory weight and may potentially be overlooked in State Government decision making on matters affecting this area. A Local Planning Policy (LPP) has therefore been prepared to assist in strengthening the status of the Vision Plan, so as not to undermine the strategic objectives of the precinct.

OFFICER COMMENT

The draft LPP and associated Vision Plan for DA6 was advertised for comment in accordance with statutory requirements.

During the advertising period, a number of residents made submissions in respect of the component of the Vision Plan which identifies that Coolgardie Avenue strategically has a role as a key road connecting into Redcliffe residential neighbourhood and a future railway station at Airport West. The objections consider that the reinstatement of Coolgardie Avenue as a through road (rather than a cul-de-sac) is at odds with the community's expectations for the area, and that other roads should serve this purpose. The petition received is an extension of the submissions received from residents – some people who made submissions during the advertising period are party to the petition, as are others who did not make a formal submission during the advertising period.

The petition was not received during the statutory advertising period so it will be considered a public view; however the matters identified have been independently covered in a number of submissions that were received during the advertising period. The matters contained in the petition will therefore be addressed by the City in reviewing the submissions and responded to in a report to Council. Council can additionally give consideration to the petition as part of their decision on the matter.

The Draft LPP will be presented to Council for a final decision at the 17 December 2013 Ordinary Council Meeting. The Officer Report will respond to the submissions received.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

Item 12.5 Continued

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That the Petition which reads:

"We the undersigned electors of the City of Belmont express the concerns of the community in regard to Draft local Planning Policy No. 14, Development Area Vision 6 (DA6), Particularly in relation to the change of road use for Coolgardie Avenue, Redcliffe"

Be received and noted.

Note:

Cr Rossi put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

ROSSI MOVED, WOLFF SECONDED, That Council:

1. Receive and note the petition, which reads as follows:

"We the undersigned electors of the City of Belmont express the concerns of the community in regard to Draft local Planning Policy No. 14, Development Area Vision 6 (DA6), particularly in relation to the change of road use for Coolgardie Avenue, Redcliffe"

2. Direct that the contents of the petition be included in any relevant future report to the Council.

CARRIED 9 VOTES TO 0

Reason:

To ensure that the issues raised in the petition are considered by Officers and Councillors in the future.

12.6 PROPOSED NAME FOR ROAD FOR THE GATEWAY WA PROJECT, KEWDALE

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 13 – Item 12.6 refers	<u>Submission Table</u>

Voting Requirement	: Simple Majority
Subject Index	: 102/052 and 117/008
Location / Property Index	: N/A
Application Index	: N/A
Disclosure of any Interest	: Nil
Previous Items	: 28 May 2013 Ordinary Council Meeting Item 12.2
Applicant	: Gateway WA Pty Ltd
Owner	: The Crown; Management Order to the City of Belmont
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 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, local 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 local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

For Council to endorse the preferred name of a new road (refer [Attachment 13](#)) created as a result of works associated with the Gateway WA project, and to seek approval from the Geographic Names Committee (GNC).

Item 12.6 Continued

SUMMARY AND KEY ISSUES

Gateway WA, Perth Airport and Freight Access Project (the Project) focuses on road upgrades and new construction on sections of Tonkin Highway between Great Eastern Highway and Roe Highway, and parts of Leach Highway from Orrong Road to Perth Airport. To cater for this expansion the Project proposes to redesign and change a number of road interchanges and also create a number of new roads within the City.

At the 28 May 2013 Ordinary Council Meeting (OCM), Council resolved to endorse the name Sharples Street and advertise the name to affected properties.

City Officers received one objection during the advertising period.

This report recommends that Council endorse the name Bell Street.

LOCATION

The new road is located within the Kewdale Industrial Area and is detailed within the Background section of this report.

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 affected property owners (two letters) for a period of 14 days from 14 June 2013 to 28 June 2013. The referral area is shown in the diagram below.



One submission was received (refer [Attachment 13](#)). A copy of the full submission can be provided on request.

Item 12.6 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Ensure that the cultural and historical significance of the City is identified and captured.

Strategy: Recognise all aspects of historical significance within the City.

POLICY IMPLICATIONS

The City of Belmont Policy Social Belmont 3 (SB3) 'Naming or Renaming of Streets, Parks and Reserves.

"Policy Objective:

To ensure the naming of streets, parks and reserves within the City conform to accepted criteria.

Policy Statement:

- 1. A Schedule of Names Reserved for Streets and Parks be maintained by the Planning Department following advice from the Geographic Names Committee of Landgate.*
- 2. The Planning Department will be responsible for recommendations to the Council that relate to the naming or renaming of all streets, parks and reserves within the City. Such recommendations are to comply with the Guidelines of the Geographic Names Committee of Landgate or justification be provided for any exception to the Guidelines that is likely to be acceptable to the Geographic Names Committee.*
- 3. Unless otherwise determined by resolution of the Council, names shall be drawn from the following sources:*

Criteria for Recognition

- (a) The surnames of pioneering families*
- (b) Prominent district identities*
- (c) Persons who have made a significant contribution to the community*
- (d) Councillors who have retired and completed a service to the community of approximately six years or more (corresponding to the original two terms of three years)*
- (e) Encouragement of ethnic and gender diversity*
- (f) Horses that have been winners of two or more major racing events*

Item 12.6 Continued

- (g) *Flora and fauna that is recognised as being unique to the location encompassed by the Swan Coastal Plains.*

Priority for Use of Names

The use of a name be determined by where the person resided. The horse names to apply to Ascot.

4. *Where Council has in its opinion sufficient community or government emergency services agencies requests for the rectification of problems associated with segmented sections of a street, the Council may instigate the re-naming of the segmented portions after seeking comments from all property owners within the affected street sections.*
5. *All new persons listed within the Schedule of Names, be first consulted (or where relevant their next of kin) to ensure their written consent is given."*

The Council may however at its discretion resolve to adopt other names that have local and contextual relevance to a certain area:

Renaming of Streets

In regard to the renaming of streets:

1. *To enable the process to continue and be completed there is to be 75% support from the affected owners for the proposed change*
2. *The Council will not be responsible for the costs associated with stationery changes relating to the business name and address*
3. *The Council will provide three months notice prior to the installation of street signage to enable the correction of stationary and business advertisement signage.*

STATUTORY ENVIRONMENT

Landgate's GNC-Principles, Guidelines and Procedures (May 2006) includes the following guidelines for Selection of Names and Procedure for Naming New Roads under the section 'Road Naming Guidelines':

"Selection of Names

Suitable Names

Preferred sources of names include names from Aboriginal languages currently or formerly identified with the general area, pioneers of the State or area, citizens who have made a significant community contribution, war casualty lists and thematic names (eg nautical, sporting etc). Ethnic and gender diversity is encouraged. Given/first and surname combinations are suitable only if the surname alone cannot be used because of duplication. All name proposals must clearly identify the origin of the name and provide relevant references to allow for the verification of the name.

Item 12.6 Continued

Unsuitable Names

Names characterised as follows are to be avoided-given/first names, corrupted, unduly cumbersome or difficult to pronounce names, obscene, derogatory, racist or discriminating names, company or commercialised names (unless in an historical context).

Name Duplication

Name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than five times in the metropolitan region, must be at least 10 kilometres from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within similar sounding suburbs even if more than 10 kilometres away. In rural areas the distance should be at least 50 kilometres away.

Names of Living Persons

The names of living persons are not normally suitable for road names, and if proposed will be subject to a more rigorous selection process. The proposal must be accompanied by comprehensive biographical details including details of community involvement, and also an indication of strong community support for the proposed name."

BACKGROUND

The new road is described below:

Road 1–Bell Street Extension, Kewdale

A new road (Road 1) is to be constructed from the south-western point where Orrong Road ends in the City of Belmont Local Government area, extending approximately 900 metres to the north east to link up to the existing Bell Street location and continue north to Miles Road.

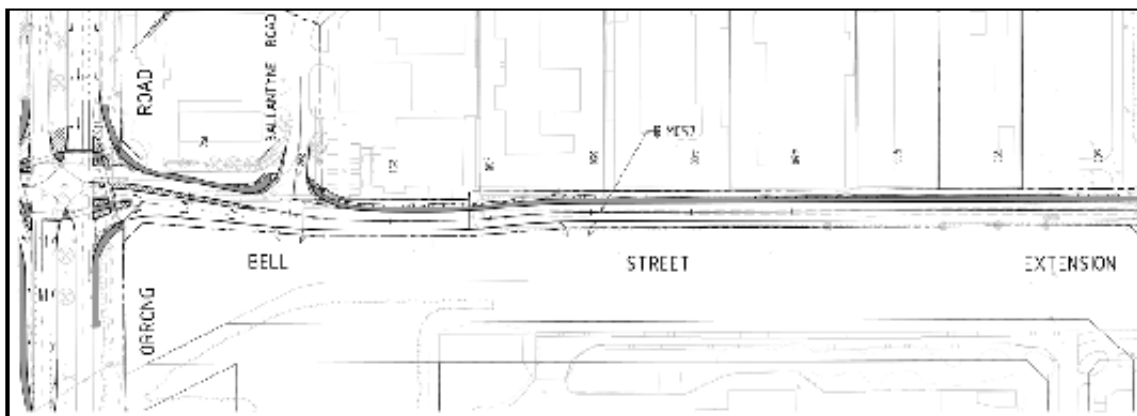


Figure 1-Bell Street Extension Layout Drawing 1

Item 12.6 Continued

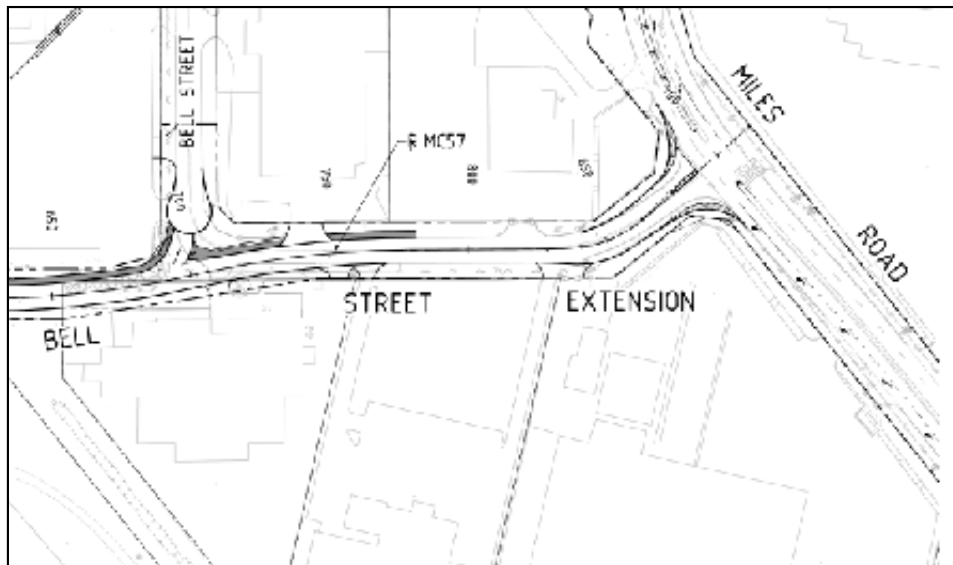


Figure 2-Bell Street Extension Layout Drawing 2

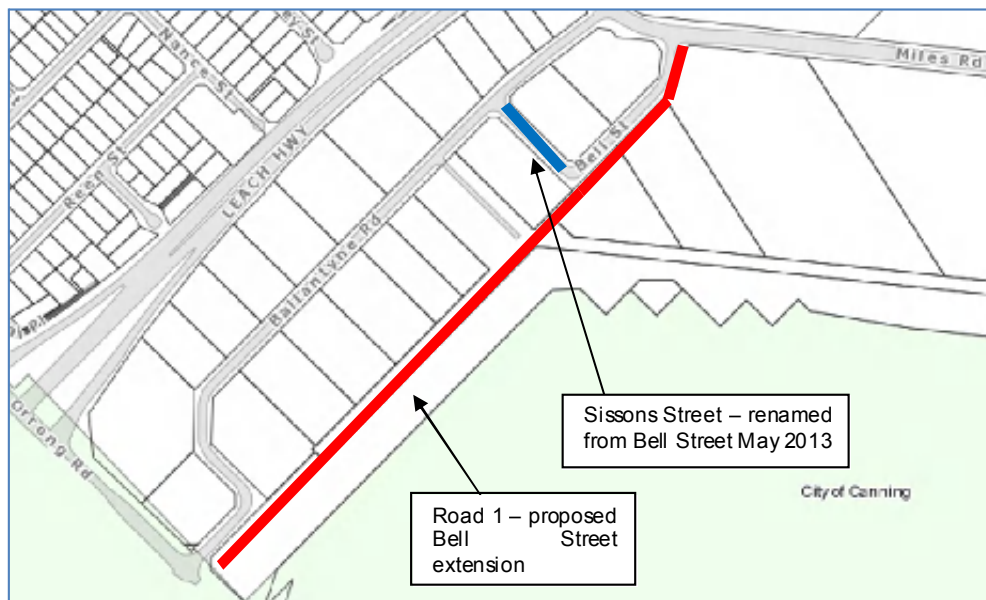


Figure 3-Bell Street Extension Locality Map

Previous Council consideration

At the 28 May 2013 Ordinary Council Meeting Item 12.2 proposed to name five roads within the Kewdale Industrial Area. Landgate's GNC advised the City that the Bell Street extension requires a new name, and to avoid confusion in the arrival of emergency services should an incident occur, the name 'Bell' is recommended to be changed. This is due to Bell Crescent' existing five kilometres away within the suburb of Kewdale (Shire of Kalamunda). This recommendation from Landgate's GNC was considered appropriate, and Council endorsed 'Sharples Street' as the preferred name for the Bell Street extension.

Item 12.6 Continued

Part 5 and 6 of the Officer Recommendation to Item 12.2 stated:

“5. Council initiate advertising to seek public comment on the proposal to apply the name ‘Sharples Street’ to the road reserve currently named ‘Bell Street’ by:

- (a) Writing to the affected landowners (numbers 8 and 10 Bell Street, Kewdale).*

6. Following closure of the advertising period:

- If objections are received then the matter shall be referred to a future Council meeting for formal consideration.”*

Two properties (numbers 8 and 10) use Bell Street as their formal street address. City Officers advertised the proposed road name change to the landowners of the two properties and received one submission which objected to the name change (refer [Attachment 13](#)). As a result, the proposed road name for the Bell Street extension is referred to Council for formal consideration.

The submission stated that the business located at 8 Bell Street has been operating from the same premises for over 34 years. The cost involved in informing the company’s extensive client list and in changing over stationary and advertising media would be significant. The submission questioned the extent of the believed confusion between Bell Crescent in the Shire of Kalamunda and Bell Street in the City of Belmont, as no businesses take an address from Bell Crescent.

City Officers visited Bell Crescent in the Shire of Kalamunda and confirmed that no businesses take their address from Bell Crescent. Bell Crescent is a 60 metre road and is used more as a storage area for the business located on the corner of Bell Crescent and Wharton Road.

In light of the information gathered by the site visit, City Officers contacted Landgate GNC and requested the previous advice to rename Bell Street be reconsidered. City Officers have since been advised by Landgate GNC that the Shire of Kalamunda will remove the name of Bell Crescent, thereby removing any possible confusion with Bell Street in the City of Belmont.

The four other roads endorsed by Council under Item 12.2 of the 28 May 2013 Ordinary Council Meeting have since been endorsed by Landgate GNC.

Proposed Name

The City’s Officers have arrived at a suitable name for the new road, this being:

Bell Street

The City of Belmont’s List of Names of Streets/Road states that Bell Street was probably named after Mrs Elsie Bell who, in the 1940s, owned four acres of land in Boulder Avenue, East Belmont, close by where the Mint is now located.

Item 12.6 Continued

OFFICER COMMENT

In considering the suitability of names for streets within the City of Belmont, the Council has adopted a series of guidelines that simply state that selected names are to have direct relevance to the Belmont municipal area or the local area. Consideration should also be given to the selection of an appropriate theme where suitable to give a level of association with the precinct.

In this instance as the new road is an extension of an existing road named Bell Street, it is considered most appropriate to retain the existing name of Bell Street. As the Shire of Kalamunda have agreed to remove the name of Bell Crescent within their Local Government area, this will remove any existing confusion with Bell Street in the City of Belmont. Retaining Bell Street will ensure the long established business at 8 Bell Street will not be affected and can continue operating unchanged. On this basis it is recommended that Council support the name Bell Street.

Should the GNC not support the proposed road name, it is recommended that the following name be used as an alternative:

Sharples

- W Sharples served as a Belmont Road Board Councillor from 1946-54.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.6 Continued

OFFICER RECOMMENDATION

That Council:

- 1. Endorse the application of the following name to the new road reserve within Kewdale:***
 - Bell Street (Road 1).***
- 2. Endorse the name 'Sharples' as a potential substitute name in the event that the Geographic Names Committee rejects one of the proposed road reserve names.***
- 3. Forward the Council's endorsement of the proposed street name to the Geographic Names Committee for its consideration to apply the name as appropriate to the new road reserves within the Kewdale Industrial area.***

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

12.7 FORMAL ADOPTION OF THE ANNUAL REPORT 2012-2013

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 14 – Item 12.7 refers	City of Belmont Annual Report 2012-2013

Voting Requirement	:	Absolute Majority
Subject Index	:	32/001 – Operational/Strategic Planning-Originals
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

- | | | |
|-------------------------------------|-----------------------|---|
| <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, local 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 local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

To adopt Council's Annual Report for 2012-2013.

Item 12.7 Continued

SUMMARY AND KEY ISSUES

The statutory Annual Report is prepared to advise the Community on the activities of the local government and includes the audited Annual Financial Report. The Annual Report also contains an overview of the Plan for the Future. The Annual Report is to be presented to the Annual meeting of electors that must be conducted prior to the 31 December of the financial year being reported on, however, if the Auditor's Report is not available in time for acceptance by 31 December, then it must be accepted within two months of receiving the Auditor's Report.

LOCATION

N/A.

CONSULTATION

No public consultation was considered to be required in respect to this matter. The Annual Financial Report and Audit Report have been considered by the Audit and Risk Committee.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 5.53(1) of the *Local Government Act 1995* prescribes that a Local Government must prepare an Annual Report and Section 5.53(2) prescribes what must be contained within the Annual Report.

Section 5.54 of the *Local Government Act 1995* prescribes that the Annual Report be accepted by the Local Government by 31 December after that financial year however, if the Auditor's Report is not available in time for acceptance by 31 December, then it must be accepted within two months after the receipt of the Auditor's Report.

Section 5.55 of the *Local Government Act 1995* prescribes that local public notice is to be given as soon as practicable, as to the availability of the Annual Report after its acceptance by the Local Government.

Section 29(2) of the *Disability Services Act 1993* requires a Local Government with a Disability Services Plan to report via its Annual Report on the implementation of this Plan.

Item 12.7 Continued

Competitive Neutrality Obligations under the Competition Principles Agreement require the City to publish an Annual Report on the implementation of the principles including any allegations of non compliance.

Principle 6 of the State Records Principles and Standards 2002 (*State Records Act 2000*) requires that the City's Annual Report include evidence on the efficiency and effectiveness of the City's Record Keeping Plan, training and induction programs.

Section 94 of the *Freedom of Information Act 1992* requires the City to provide an "Information Statement" that outlines the structure of the City, access to information and a range of other information. The City provides details of our "Information Statement" in our Annual Report.

BACKGROUND

The local government is required to prepare, adopt and advertise its Annual Report, prior to the Elector's Meeting. The Annual General Meeting of Electors is scheduled to take place at 7.00pm on Wednesday, 11 December 2013.

OFFICER COMMENT

The Annual Report contains:

- Reports from the Mayor and Chief Executive Officer together with reports from individual Committee Presiding Members
- A copy of the Financial Statements including the Auditor's Report
- Council's obligations under clause 7(1) Agreement of the National Competition Policy
- An overview of the Plan for the Future
- Report on City's Disability Services Plan achievements
- Details of the City's Freedom of Information Act - Information Statement
- Report on the status of the City's Record Keeping Plan.

In accordance with the City's Policy BEXB11B, a table is included which discloses the total expenditure on Professional Development activities by Councillors for the year being reported on. The listed expenditure does not include Council Nominated Professional Development and Authorised Travel as defined in the policy.

A copy of the Annual Report has been provided as [Attachment 14](#) and a final "published" version will be circulated to all Councillors when they become available.

The official published copy of the Annual Report will be available for members of the public at the Electors Meeting and includes a complete Annual Financial Report; however a copy will be made available for public inspection as soon as practicable following Council's resolution on this report.

Council is also advised that arrangements have been made for the appropriate advertising to be carried out once the Annual Report has been accepted.

Item 12.7 Continued

FINANCIAL IMPLICATIONS

There are no significant financial implications evident at this time other than the costs associated with publication of the Annual Report and statutory advertising.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

BASS MOVED, ROSSI SECONDED, That:

1. ***Council accept the 2012-2013 Annual Report as included in [Attachment 14](#).***
2. ***The availability of the Annual Report is advertised in accordance with Section 5.55 of the Local Government Act 1995.***
3. ***The Annual Report be available for distribution to members of the public at the Annual Meeting of Electors on Wednesday, 11 December 2013 and a copy be available for inspection by the public as soon as practicable after this meeting.***

ABSOLUTE MAJORITY REQUIRED

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.8 AUDIT PLAN 2014

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 15 – Item 12.8 refers	<u>Proposed 2014 Audit Plan</u>
Attachment 16 – Item 12.8 refers	<u>2013 Audit Plan</u>

Voting Requirement	: Simple Majority
Subject Index	: 19/003 Audit and Risk Schedule
Location/Property Index	: N/A
Application Index	: N/A
Disclosure of any Interest	: Nil
Previous Items	: OCM 27/11/2012 Item 12.6
Applicant	: N/A
Owner	: City of Belmont
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> |
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PURPOSE OF REPORT

To consider endorsing the City's 2014 Audit Plan (refer [Attachment 15](#)).

SUMMARY AND KEY ISSUES

The City has developed a coordinated approach to these audit activities, the activities are managed from year to year by an Audit Plan. The adopted 2013 Audit Plan is attached (refer [Attachment 16](#)).

Item 12.8 Continued

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Apply sound and sustainable business management principles.

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

POLICY IMPLICATIONS

The adoption of an Audit Plan is supported by Council Policy BEX31 – Compliance Management.

STATUTORY ENVIRONMENT

Under the *Local Government Act 1995* the City is required to conduct annual financial audits and four yearly financial system audits. The City must also conduct an annual Statutory Compliance Audit, which is undertaken under the guidance of the Department of Local Government and Communities.

Under the International Quality Management Standard ISO 9001:2008 the City is required to conduct a programme of internal audits.

BACKGROUND

A presentation was made to the Standing Committee (Audit and Risk) at its meeting of 28 October 2013, on the organisations progress in respect to the 2013 Audit Plan (refer to [Attachment 16](#)) and the proposed Audit Plan for 2014 (refer to [Attachment 15](#)).

Item 12.8 Continued

OFFICER COMMENT

The Audit Plan is based on:

- Internal audit best practice
- Statutory audit requirements
- The integration of the internal audit approach with other management system initiatives being introduced by the City (such as Quality Assurance, Risk Management and Process Mapping)
- The need to support the City's chosen governance approach
- The requirement to provide a comprehensive solution that can be undertaken within existing resources.

A presentation was made to the Standing Committee (Audit and Risk) at its meeting of 28 October 2013, on the organisations progress in respect to the 2013 Audit Plan (refer [Attachment 16](#)) and the proposed Audit Plan for 2014 (refer [Attachment 15](#)).

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

- Information and results of the Audits conducted throughout the year are presented to the Standing Committee (Audit and Risk) as they are undertaken.
- Staff of the City attend seminars and conferences both locally and nationally to look at ways of improving efficiency across the board.

The Audit Plan was endorsed by the Standing Committee (Audit and Risk) and is presented to Council for endorsement.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.8 Continued

Note:

Cr Gardner declared an Indirect Financial Interest in Item 12.8 Audit Plan 2014.

9.44pm Cr Gardner departed the meeting.

COMMITTEE RECOMMENDATION

CAYOUN MOVED, ROSSI SECONDED. *That Council endorse the City of Belmont Audit Plan 2014 as outlined in [Attachment 15](#).*

CARRIED 8 VOTES TO 0

9.45pm Cr Gardner returned to the meeting.

12.9 ACCOUNTS FOR PAYMENT – OCTOBER 2013

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 17 – Item 12.9 refers	Accounts for Payment – October 2013

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

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, local planning schemes and policies.</i> |
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| <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 local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.</i> |

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.9 Continued

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	785231 to 785303	\$226,503.37
Municipal Fund EFTs	EF029929 to EF030353	\$6,221,093.36
Municipal Fund Payroll	October 2013	\$1,410,018.31
Trust Fund Cheques	905395 to 905396	\$68,800.22
Trust Fund EFTs	EF029991	<u>\$34,406.72</u>
Total Payments for October 2013		\$7,960,821.98

Item 12.9 Continued

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 October 2013 as provided under [Attachment 17](#) be received.

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

12.10 MONTHLY ACTIVITY STATEMENT AS AT 31 OCTOBER 2013

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 18–Item 12.10 refers	<u>Monthly Activity Statement as at 31 October 2013</u>

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

Item 12.10 Continued

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

- Annual budget estimates
- Budget estimates to the end of the reporting month
- Actual amounts to the end of the reporting month

Item 12.10 Continued

- Material variances between comparable amounts
- Net current assets as at the end of the reporting month.

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

The monthly financial report is to be accompanied by:

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

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

***Assets which are restricted by way of externally imposed conditions of use 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 18](#) the following summary is provided.

Report Section	YTD Budget	YTD Actual	Comment
Expenditure – Capital			
Road Works	2,089,080	1,501,304	The variance mainly relates to outstanding contractor invoices that are generally paid one month in arrears.
Footpath Works	300,220	53,430	The footpath replacement program has been delayed but it is anticipated the full year program will be delivered.
Building Operations	478,794	737,921	A payment for the Harman St project was made earlier than expected.
Expenditure – Operating			
Insurance	949,984	843,333	Outstanding invoice for public liability insurance.
Governance	1,068,403	961,639	Activity Based Costing (ABC’s) allocations are under budget.
Aboriginal Strategies	117,088	37,430	The Aboriginal Engagement Officer position has only recently been filled and the CALD Officer position is vacant.
Grounds Overheads	643,379	539,172	Wages are currently under budget.
Road Works	299,078	247,533	Maintenance costs are lower than expected however specific maintenance projects are scheduled to begin.
Revenue – Capital			
Revenue – Operating			
Rates	(37,908,774)	(38,060,280)	Growth through interim rates is stronger than expected.
Volunteer Emergency	(30,716)	(102,440)	Grant income received earlier than

Item 12.10 Continued

Report Section	YTD Budget	YTD Actual	Comment
Services			expected.
Belmont HACC Services	(1,084,684)	(1,144,325)	The quarterly operating grant allocation was slightly higher than expected.
Grounds Overheads	(533,353)	(474,120)	The use of contract staff has led to a lower than budgeted recovery of overheads.
Public Works Overheads	(561,593)	(459,547)	The use of contract staff has led to a lower than budgeted recovery of overheads.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 October 2013	\$	Comment
Cash and investments	57,021,040	Includes municipal, reserves and deposits
- less non rate setting cash	(29,882,585)	Reserves and deposits held
Receivables	12,408,638	Rates levied yet to be received and Sundry Debtors
- less non rate setting receivables	(2,141,194)	ESL levied and GST payable
Stock on hand	252,785	
Total Current Assets	\$37,658,684	
Current Liabilities		
Creditors and provisions	(8,312,378)	Includes deposits
- less non rate setting creditors and provisions	4,256,948	ESL, GST and deposits held
Total Current Liabilities	(\$4,055,948)	
Nett Current Assets 31 October 2013	\$33,602,736	
Nett Current Assets as Per Financial Activity Report	33,602,736	
Less Restricted Assets	(504,500)	Unspent grants held for specific purposes
Less Committed Assets	(32,598,236)	All other budgeted expenditure
Estimated Closing Balance	500,000	

Item 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 Report as at 31 October 2013 as included in [Attachment 18](#) be received.

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

12.11 QUOTATION 18/2013 - SUPPLY AND INSTALLATION OF CCTV SYSTEMS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 1 – Item 12.11 refers	<u>Price Schedule</u>
Confidential Attachment 2 – Item 12.11 refers	<u>Evaluation Matrix</u>

Voting Requirement : Simple Majority
Subject Index : 135/2013-18
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 : Community and Statutory Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award Quotation 18/2013 - Supply and Installation of Closed Circuit Television (CCTV) Systems.

Item 12.11 Continued

SUMMARY AND KEY ISSUES

To seek Council approval to award Quotation 18/2013 in accordance with the requirement of the *Local Government Act 1995* and the City of Belmont's purchasing policy.

Three quotes for the supply and installation of CCTV systems were invited from members of the West Australian Local Government Association's (WALGA) preferred supplier panel as follows:

- Intervid
- Satellite Security Services Pty Ltd
- Zenien.

Responses were received from Intervid and Zenien.

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Create a City that evokes feelings of wellbeing, security and safety.

Strategy: The City will continue to design and implement programs which enhance safety, security and wellbeing in the community.

Corporate Key Action: Implement Community Safety and Crime Prevention Plan.

POLICY IMPLICATIONS

BEXB28–Purchasing

Policy Objective

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

Item 12.11 Continued

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government (Functions and General) Regulations 1996*, in particular Regulation 11(2) (b) which states that “Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”.

BACKGROUND

The West Australian Local Government Association (WALGA) has established a preferred supplier panel for Security Systems and Services. This arrangement gives local government authorities direct access to the market without the cost or risk of independently tendering for suppliers as this function has been undertaken on their behalf by WALGA. However, the City of Belmont still has an obligation under its Purchasing Policy to obtain more than two written quotes and undertake a formal evaluation where the contract value is over \$50,000.

Invitations to quote were posted on WALGA's e-Quotes portal on Tuesday, 1 October 2013 closing on Wednesday, 16 October 2013.

OFFICER COMMENT

The Price Schedule (refer [Confidential Attachment 1](#)) shows the tenderers' price submissions.

Evaluation Criteria

The Evaluation Committee consisted of the Coordinator Contracts and Tenders, the Manager Health and Ranger Services and the Coordinator Community Safety and Crime Prevention.

The tenders were evaluated against the same selection criteria that was included within the tender, being:

	<i>Criteria</i>	<i>Weighting</i>
1.	Experience	30%
2.	Company Capacity	15%
3.	Methodology	15%
4.	Safety	20%
5.	Price	20%
	Total	100%

The Evaluation Matrix (refer [Confidential Attachment 2](#)) shows the scores of the Evaluation Committee.

The CCTV program was originally developed after the City received substantial Federal funding in 2008 under the Safer Suburbs program.

Item 12.11 Continued

The intention of the City in having the widespread deployment of CCTV in targeted areas is to create a wireless (or cabled where existing) network that provides not only quality footage available to WAPOL to assist them in the identification and apprehension of offenders but also engenders a feeling of security to those living and working in the City and acts as a deterrent to criminal and anti-social behaviour.

The existing CCTV system uses Milestone Systems open platform IP video management software and it was made clear in the specification that all future installations must also incorporate this. As such it is imperative that the successful contractor is in possession of Milestone Advanced Certification. The quality of the equipment is also essential to ensure that the images are clear enough for offenders to be identified.

Zenien as an organisation possesses Milestone Advanced Certification and several of their technicians are also Milestone Certified. They are also able to offer the highest level of Milestone software. Their methodology demonstrated that they have a good understanding of both the installation and maintenance requirements of the contract and included several value added features such as regular remote system checks at no charge. Although the equipment offered is more expensive, the quality of the Axis cameras is superior to the competition and complements the cameras that are already in place.

Despite the difference in quality, a straight comparison of the prices was made to arrive at a score and as a result Zenien received a lower mark for this criterion. However the organisation still rated highest overall and is therefore the recommended contractor.

FINANCIAL IMPLICATIONS

\$210,000 for new installations and \$40,000 for maintenance of the system has been allocated in the 2013/2014 budget.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

This project contributes to the City of Belmont's objective to evoke feelings of wellbeing, security and safety within the community.

OFFICER RECOMMENDATION

That Council accepts the Quote submitted by Zenien for the Supply and Installation of CCTV Systems as specified, and in accordance with the schedule of rates provided, as the most advantageous.

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

12.12 QUOTATION 19/2013 - PROVISION OF CONSTRUCTION WASTE DISPOSAL SERVICES

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 3 – Item 12.12 refers	<u>Price Schedule</u>
Confidential Attachment 4 – Item 12.12 refers	<u>Evaluation Matrix</u>

Voting Requirement : Simple Majority
Subject Index : 135/2013-19
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, local planning schemes and policies.*
- ☐ **Review** *When Council reviews decisions made by Officers.*
- ☐ **Quasi-Judicial** *When Council determines an application/matter that directly affect a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of quasi-judicial authority include local planning applications, building licences, applications for other permits/licences (eg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

PURPOSE OF REPORT

To seek Council approval to award Quotation 19/2013 - Provision of Construction Waste Disposal Services.

Item 12.12 Continued

SUMMARY AND KEY ISSUES

To seek Council approval to award Quotation 19/2013 in accordance with the requirement of the *Local Government Act 1995* and the City of Belmont's purchasing policy.

Three quotes for the provision of construction waste disposal services were invited from members of the West Australian Local Government Association's (WALGA) preferred supplier panel as follows:

- All Earth Group Pty Ltd
- Capital Recycling
- Eastern Metropolitan Regional Council.

Responses were received from All Earth Group and Capital Recycling.

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Protect and enhance our natural environment.

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

Corporate Key Action: Operational activities which support predominantly this Strategy.

POLICY IMPLICATIONS

BEXB28–Purchasing

Policy Objective

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

Item 12.12 Continued

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government (Functions and General) Regulations 1996*, in particular Regulation 11(2) (b) which states that “Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”.

BACKGROUND

The West Australian Local Government Association (WALGA) has established a preferred supplier panel for Disposal of Road Waste. This arrangement gives local government authorities direct access to the market without the cost or risk of independently tendering for suppliers as this function has been undertaken on their behalf by WALGA. However, the City of Belmont still has an obligation under its Purchasing Policy to obtain more than two written quotes and undertake a formal evaluation where the contract value is over \$50,000.

Invitations to quote were posted on WALGA's e-Quotes portal on Monday, 7 October 2013 closing on Tuesday, 22 October 2013.

OFFICER COMMENT

The Price Schedule (refer [Confidential Attachment 3](#)) shows the tenderers' price submissions.

Evaluation Criteria

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

The tenders were evaluated against the same selection criteria that was included within the tender, being:

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

The Evaluation Matrix (refer [Confidential Attachment 4](#)) shows the scores of the Evaluation Committee.

Both All Earth Group and Capital Recycling have the experience and capacity to provide the required services. However, Capital Recycling has a reclamation facility in Welshpool which means that it would be as quick for the City's works crew to take waste straight to the site as it would be to take it back to the Operations Centre.

Item 12.12 Continued

This eliminates the need for the contractor to collect the waste from the Operations Centre at an extra cost and therefore allows for a cheaper, more efficient, disposal process.

Capital Recycling does not receive verge waste which includes old furniture, mattresses, televisions, washing machines and fridges. All Earth Group did provide a price per cubic metre but significant savings could be made if the City were to transport the verge waste to the Red Hill Waste Management Site themselves rather than to avail themselves of the service offered by All Earth Group.

The score for the price criterion was based on a straight comparison of the most common use items as highlighted on the price schedule. Had the comparison taken into account the savings that can be made from having the facility so close would have resulted in an even greater difference in the two scores.

Capital Recycling, as the highest scorer on the evaluation matrix, is the recommended supplier.

FINANCIAL IMPLICATIONS

Expenditure on construction waste disposal has been just over \$250,000 per annum on average over the term of the current contract. It is anticipated that the proximity of the waste facility will reduce these costs.

ENVIRONMENTAL IMPLICATIONS

The services provided in this tender contribute to the City's objective under the Environment Plan to minimise the amount of waste disposed to landfill and promote the 4Rs of reduce, reuse, recycle and recover.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council accepts the Quote submitted by Capital Recycling for the Provision of Construction Waste Disposal Services as specified, and in accordance with the schedule of rates provided, as the most advantageous.

***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

9.46pm **HITT MOVED. BASS SECONDED.** *In accordance with Section 5.23(2) (d) of the Local Government Act 1995 and State Administrative Tribunal Act 2004 Section 54 (6) - the meeting proceed behind closed doors to discuss the Confidential Item.*

CARRIED 9 VOTES TO 0

9.46pm The Presiding Member advised the public that remained in the Gallery that the meeting would now proceed behind closed doors and they would be required to leave the Chamber.

Members of the Public departed the Chamber.

9.46pm The Compliance Administrator departed the meeting.

9.46pm The Director Corporate and Governance departed the meeting.

9.46pm The Compliance Administrator returned to the meeting.

9.48pm The Director Corporate and Governance returned to the meeting.

14.1 RECONSIDERATION – 17 MULTIPLE DWELLINGS (EIGHT STOREY RESIDENTIAL TOWER) – LOT 200 (1) BRIGHTON ROAD, RIVERVALE CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(D) AND STATE ADMINISTRATIVE TRIBUNAL ACT 2004 SECTION 54(6)

<u>Attachment No</u>	<u>Details</u>
Confidential Attachment 5 – Item 14.1 refers	<u>Report Item</u>
Confidential Attachment 6 – Item 14.1 refers	<u>Grounds for Reconsideration</u>
Confidential Attachment 7 – Item 14.1 refers	<u>Swan River Trust Advice</u>
Confidential Attachment 8 – Item 14.1 refers	<u>Approved Development Plans</u>
Confidential Tabled Attachment 1 – Item 14.1 refers	<u>Confidential Minutes including Recommendation for Item 14.1.</u>

AMENDED OFFICER RECOMMENDATION

ROSSI MOVED, HITT SECONDED, That Council endorse the mediation position for 17 Multiple Dwellings (Eight Storey Residential Tower) – Lot 200 (1) Brighton Road, Rivervale as details in Confidential Tabled Attachment 1.

Note:

Upon completion of the State Administrative Tribunal (SAT) determination related to the subject site, the Confidential status of the Report and Attachments will be lifted.

CARRIED 9 VOTES TO 0

9.50pm **POWELL MOVED, WOLFF SECONDED, That the Meeting again be open to the public**

CARRIED 9 VOTES TO 0

9.50pm There were two members of the Public Gallery who returned to the Chamber.

15. CLOSURE

9.50pm There being no further business to discuss, the Presiding Member thanked everyone for the attendance and closed the meeting.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 26 November 2013 were confirmed as a true and accurate record at the Ordinary Council Meeting held 17 December 2013:

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____
