



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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27 August 2013

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Tabled Attachment 1 – Item 8.3 refers

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

PRESENT

Cr P Marks, Mayor	East Ward
Cr S Wolff, Deputy Mayor	South Ward
Cr J Powell	South Ward
Cr M Bass	East Ward
Cr B Martin	West Ward
Cr P Hitt	West Ward
Cr R Rossi, JP	West Ward
Cr G Dornford	Central Ward
Cr Gee	Central 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
Mr J Hardison	Manager Property and Economic Development
Mr M Ridgwell	Principal Governance and Compliance Advisor
Ms S Johnson	Governance Officer

MEMBERS OF THE GALLERY

There were 30 members of the public in the gallery and one press representative.

1. OFFICIAL OPENING

The Presiding Member opened the meeting at 7.10pm, welcomed those in attendance and invited Cr Gee to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Gee read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Name	Item No and Title
Cr R Rossi	12.8 Rate Exemption Review

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

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

7.12pm 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

Nil.

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 seven members of the public who had given prior notice to ask questions, these being Mrs L Hitt, Mrs C Miles, Mrs S Curtis, Mr B Childs, Mr L O'Hehir, Mr B Doyle and Mr M Cardozo.

The Presiding Member invited the public gallery members, who had yet to register their interest to ask a question, to do so. There were no further questions.

5.2.1 Mrs L Hitt (on behalf of Mr C Carter), 31b Gild Street, Cloverdale

1. In relation to the parking problems in Gild Street, Cloverdale raised at the July Council meeting could you please advise me if:

Council Officers contacted the Hon Mr John Day on behalf of the 48 petitioners seeking to have the development at 29 Gild Street overturned?

Response

The Director Community and Statutory Services stated that the application was being amended by the applicant and being assessed by the City's Planning Department. It would be inappropriate to liaise with the Minister for Planning as there is no place for the intervention of the Minister on development applications.

2. Have Council Officers looked at the parking problems and safety of the residents, especially those residents who use wheelchairs and mobility aids and come up with a resolution to the problem?

Response

The Director Community and Statutory Services stated that City Officers had carried out inspections in Gild Street between 23 July 2013 to 14 August 2013 and could not establish a car parking problem.

3. Have Council Officers viewed the pedestrian safety on bin collection day?

Response

The Director Community and Statutory Services stated that the City could write to residents regarding the correct placement of rubbish bins on the verge, however, there could be no guarantee regarding the placement of bins on the footpath after pickup.

Item 5.2.1 Continued

4. The parking problems are not unique to Gild Street, has Council developed a parking strategy?

Response

The Director Community and Statutory Services stated that a parking strategy is currently being prepared to address the parking needs within the City. On-street car parking can actually slow down traffic flow, which can address the problem of speeding drivers.

5.2.2 Mrs C Miles, 31 Gild Street, Cloverdale

1. Further to my letter dated 21 August 2013 to Mr Stuart Cole, Chief Executive Officer and Mr Phil Marks, Mayor, requesting that I be provided with a copy of the dated notice of government changes to high density housing in the Gild Street area, I have not as yet received a response. I again ask could you please provide me with a copy of the original, dated notice which Council claims was posted to residents of Gild Street and Robinson Avenue?

Response

The Chief Executive Officer stated that a letter had been signed and posted today, addressing the above matters.

2. Could you please tell me, if I had not approached Council first, would Council have consulted me as a person who is impacted on the development at 29 Gild Street, and if so, at what stage and if not, why not?

Response

The Director Community and Statutory Services stated that the development is assessed under the Residential Design Codes. Neighbours will only be consulted if the application does not comply with the requirements of the R-Codes and there is discretion for the Council to vary those requirements. For those developments which fully comply, neighbours are advised of the approvals of those developments.

5.2.3 Mrs S Curtis, 25a Armadale Road, Kewdale

1. Why haven't residents heard from the Council regarding the complaints previously made about the problems associated with traffic and hoon behaviour in the area?

Response

The Director Technical Services stated that City Officers have undertaken traffic and speed counts and these results are being assessed.

Item 5.2.3 Continued

2. Is Council aware that these counts have happened and no response has been given?

Response

The Director Technical Services stated that once City Officers have reviewed the results from the traffic and speed counts undertaken to determine an appropriate action to address the issues raised, a response will be given to residents.

3. Is Council interested in the accident which occurred on 26 July 2013?

Response

The Presiding Member replied that traffic accidents were a police issue.

4. The Police said that it's a Council issue?

Response

The Chief Executive Officer stated that speeding vehicles were a police matter. The City is responsible for traffic management such as traffic calming devices and road treatments. The City has previously liaised with the Police Department on these matters and will endeavour to raise the matter once again.

5. What do residents do when they are being told that it is always someone else's responsibility?

Response

The Chief Executive Officer stated that residents should keep complaining to the Police Department until such time that the matters are resolved.

5.2.4 Mr B Childs, 122 Sydenham Street, Kewdale

1. Can you confirm that up until the May Ordinary Council Meeting we were providing services without qualified staff at the Youth Centre Service? The website now shows multiple services to 12 to 17 years and case work to 18 to 24 years (it was 18 to 25 years).

Response

The Chief Executive Officer stated that he would take the Question on Notice.

Item 5.2.4 Continued

2. I read that some of you may experience redundancy in the near future; however, your superiors have graciously afforded two years of continued employment to adjust.

I wonder if you may be able (in the future) to offer those in your employ something better than instant termination on redundancy?

Response

The Chief Executive Officer stated that all staff are being kept informed of the information being made available regarding the Metropolitan Local Government Reform.

5.2.5 Mr L O'Hehir, 2/11-13 Stockdale Road, Kewdale

1. I would like to ask the Shire to remove two London Plan Trees from the verge outside our properties and replace them with a smaller and more suitable tree? These trees are inappropriate and are unduly conflicting with our everyday lives and health.

Response

The Director Technical Services replied that he would investigate the matter further and took the Question on Notice.

5.2.6 Mr B Doyle (on behalf of Planning Solutions), 296 Fitzgerald Street, Perth

1. Did Councillors receive the Briefing Note circulated by Planning Solutions on 26 August 2013?

Response

The Presiding Member replied yes.

2. Recommended Condition 8 seeks to limit the size of Ace Car Rental's fleet. As Councillors would be aware, it is standard for car rental agencies to allow customers to pick up a vehicle in one location and drop it off in another. This results in the 'fleet' being shared across all of the company's sites, and not allocated to a single site. Under the provisions of the recommended Condition 8, if Ace Car Rentals was to open a second branch in, for example, Fremantle, increasing their total fleet, would they also need to make another application to the City of Belmont? This is surely not intended and would be illogical. Would the same requirement apply if they opened another branch in, for example, Albany or Broome?

Response

The Presiding Member replied that the matter will be discussed later in the agenda. Part of that discussion will include an Alternative Motion which may address Mr Doyle's concerns.

Item 5.2.6 Continued

3. Condition 4.10 of Local Planning Scheme No 15 states:

Where a non conforming use of any land has been discontinued for a period of six months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

Recommended Condition 10(a) requires the applicant to pay for a legal agreement to “acknowledge the abandonment” of the non-conforming use right. Under the provisions of Clause 4.10, if a non-conforming use ceases, but the landowner does not sign any legal agreement “accepting the abandonment” of the non-conforming use right, isn’t the non-conforming use right extinguished regardless?

Response

The Presiding Member replied that the matter will be discussed later in the agenda. Part of that discussion will include an Alternative Motion which may address Mr Doyle’s concerns.

4. If the non-conforming use rights are extinguished whether or not the applicant “accepts the abandonment”, what then is the purpose of a legal agreement? We submit there is no purpose served by such a legal agreement.

Response

The Director Statutory and Community Services replied that there was no guarantee that the non-conforming use would end after the six months and proving the cessation of a non-conforming use can be problematic. The best approach to guarantee the extinguishment of a non-conforming use is the acceptance by the owner(s) that the use is abandoned.

5. The City’s Officers have advised the recommended conditions of approval were provided to the City’s solicitors for review and comment, prior to finalisation of the agenda report. Did the City’s solicitors provide advice in relation to Conditions 9 and 10, which require the applicant to pay those solicitors to prepare legal agreements? What would be the cost to the applicant of preparing those legal agreements? Is this a fundamental conflict of interest, or does the City have a panel which means there is no direct financial return to the lawyers making the recommendation, particularly when we submit the conditions are unnecessary?

Response

The Director Statutory and Community Services replied that it was a common planning requirement that applicants were asked to enter into legal agreements, which the Council requests be prepared by the City’s appointed lawyers. He stated that there was no conflict of interest in the City’s lawyers reviewing the Officer report and the recommended Officer conditions, which included the requirement that the lawyers will be involved in preparing a legal agreement.

Item 5.2.6 Continued

6. Is there a panel?

Response

The Director Statutory and Community Services replied that there was no such panel. The Manager Governance further clarified that the City of Belmont did have access to the Western Australia Local Government Association (WALGA) panel of legal service providers, but that the City would use the most suitable provider at its own discretion.

Note

7.50pm The Presiding Member asked for a mover and seconder to extend Question Time by 10 minutes.

ROSSI MOVED, HITT SECONDED, that Question Time be extended by 10 minutes.

CARRIED 9 VOTES TO 0

5.2.7 Mr M Cardozo, 56 Lyall Street, Redcliffe

1. If the City has a long list of performance criteria for small scale grouped dwelling development eg proposed minimum 24m frontage for side by side development, 6m side setbacks, minimum 16m frontages, corner lot amalgamations limits etc, then:

Why are there no apparent performance criteria for large scale multiple dwelling developments? For example, if performance criteria existed pertaining to minimum car parking provisions for multiple dwelling/unit development, then I'm sure our residents (eg Gild Street) would not be so aggrieved.

2. Does proposed Amendment No 3 (to modify Clause 5.5.2) now provide the City discretion to also approve variations to Clause 5.7.3, particularly pertaining to frontages marginally less than 16m and proposed Amendment 1 pertaining to side by side development on lots with a frontage less than 24m?

Response to Questions 1 and 2

The Director Community and Statutory Services took the Questions on Notice.

7.55pm As there were no further questions, the Presiding Member closed question time.

6. CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 23 JULY 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

MARTIN MOVED, POWELL SECONDED, That the minutes of the Ordinary Council Meeting held on 23 July 2013 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

**6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM
HELD 20 AUGUST 2013**
(Circulated under separate cover)

OFFICER RECOMMENDATION

BASS MOVED, GEE SECONDED, That the Information Matrix for the Agenda Briefing Forum held on 20 August 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

Questions from Councillor Dornford, Councillor Hitt and Councillor Powell were asked at the Ordinary Council Meeting held on 23 July 2013 regarding parking and bin service issues in Gild Street. A memorandum addressing these matters was provided to Elected Members on Friday, 16 August 2013 by the Director Community and Statutory Services.

8.1 CR HITT

In reference to the placement of rubbish bins blocking footpaths for people with disabilities:

1. What are we really saying here? That people with disabilities and elderly are classed as second class citizens on the days leading up to rubbish pick up days and after the pick up?

Item 8.1 Continued

2. Does this mean that people with disabilities and the elderly are not deemed important enough to forward plan adequate facilities to accommodate their mobility needs in conjunction with the new planning criteria?
3. I will ask the City of Belmont as a matter of urgency move to resolve the issues relating to the location of rubbish bins on the time prior to pick up and including pick up days and the present lack of safe passage on the footpath for the people with disabilities and the elderly?

Response to Questions 1, 2 and 3

The Director Technical Services stated that he would liaise with the rubbish bin contractor regarding the placement of bins after pick up and took the Questions on Notice.

4. What is the process of contacting Ranger Services out of office hours?

Response

The Chief Executive Officer replied that there is an after hours service available for when Rangers have finished their working shifts. Ranger Services can be available 24 hours per day, seven days per week provided it has the funding to do so, which it currently does not. The Eyes On The Street Security Patrol is also available and is equipped with cameras to provide evidence in regard to illegal parking.

5. Will Council act on informing the present State Government of the ongoing negative ramification of these laws. Example multiple units adjacent to road junction and the parking issues that result from this perceived bad planning scheme?

Response

The Chief Executive Officer stated that there was a lack of evidence showing a major car parking issue and until such time, liaising with the State Government was inappropriate.

8.2 CR BASS

1. There are many cars parking on both sides of the road in Wallace Street and it has become a safety issue. Why does the City believe that street parking is safe?

Response

The Director Technical Services replied that vehicles need to slow down when driving between cars parked either side of the road and therefore, driving between cars is not unduly dangerous so long as reasonable care is taken. In general, slow vehicle speeds improve safety.

8.3 CR GEE

1. Wouldn't cars parking on both sides of the street cause sight obstruction?

Response

The Director Technical Services replied that depending on where the road was situated, it could cause some sight obstruction, however constrained driving conditions encourage drivers to take care and travel slower, and slower is safer.

2. Can Councillors be given copies of all photographs submitted regarding parking and rubbish bin location in Gild Street?

Response

The Presiding Member stated that photographs will be provided to Councillors as Tabled Attachments.

[\(Tabled Attachment 1 – Item 8.3 Refers\)](#)

8.4 CR DORNFORD

1. Can illegally parked cars be issued with fines?

Response

The Chief Executive Officer stated that if Ranger Services are informed of illegal parking, they are able to issue infringements.

8.5 CR GEE

1. Can footpaths be widened to accommodate both rubbish bins and access for people to walk by?

Response

The Director Technical Services stated that the new footpaths being built are no less than 1.5m wide, however the City doesn't have any control over where residents place their bins, irrespective of how wide the footpath is.

8.6 CR BASS

1. Why doesn't the City build pathways away from the verges?

Response

The Director Technical Services advised that there were many factors that determined the alignment of the footpath within the verge and where possible the pathway is placed close to the property line.

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 EXECUTIVE COMMITTEE HELD 14 AUGUST 2013
(Circulated under separate cover)**

OFFICER RECOMMENDATION

GEE MOVED, POWELL SECONDED, That the Minutes for the Executive Committee meeting held on 14 August 2013 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

11.2 STANDING COMMITTEE (COMMUNITY VISION) HELD 19 AUGUST 2013
(Circulated under separate cover)

OFFICER RECOMMENDATION

ROSSI MOVED, WOLFF SECONDED, That the Minutes for the Standing Committee (Community Vision) meeting held on 19 August 2013 as previously circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.2 was withdrawn at the request of Cr Wolff.
Item 12.5 was withdrawn at the request of Cr Hitt.
Item 12.10 was withdrawn at the request of Cr Bass.
Item 12.11 was withdrawn at the request of Cr Wolff.

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

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 ADOPTION OF DEVELOPMENT AREA 6 VISION PLAN AND INITIATION OF DRAFT LOCAL PLANNING POLICY NO. 12 'DEVELOPMENT AREA 6' FOR THE PURPOSE OF PUBLIC ADVERTISING

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 1 – Item 12.1 refers	<u>Development Area 6 Vision Plan</u>
Attachment 2 – Item 12.1 refers	<u>Development Area 6 Implementation Strategy</u>
Attachment 3 – Item 12.1 refers	<u>Development Area 6 Executive Briefing Summary</u>
Attachment 4 – Item 12.1 refers	<u>Draft Local Planning Policy No. 12</u>

Voting Requirement : Simple Majority
Subject Index : 116/112
Location / Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : 10 November 2003 Planning and Development Committee Item 10.3.10 and 20 February 2007 Ordinary Council Meeting Item 12.1.3

Applicant : City of Belmont and Perth Airport Pty Ltd
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 12.1 Continued

PURPOSE OF REPORT

To consider:

1. Adoption of a Vision Plan (VP) for Development Area 6 (DA6).
2. The adoption of Draft Local Planning Policy No. 12 (LPP12) (DA6 Vision) for the purpose of initiating public advertising.

SUMMARY AND KEY ISSUES

A draft VP has been prepared for DA6 by consultants acting on behalf of the City of Belmont and Perth Airport Pty Ltd.

The draft VP is the result of technical input from the DA6 project team (staff from the City of Belmont, Perth Airport Pty Ltd and Taylor Burrell Barnett (TBB)), as well as input and perspective gathered from dialogue with the local residents and business community.

A draft Local Planning Policy is proposed to clearly articulate the City of Belmont and Perth Airport's vision for DA6.

It is recommended that Council adopt the DA6 VP as Council's strategic aspiration for the future urban development of DA6 and adopt the draft LPP12 for the purpose of public advertising.

LOCATION

DA6 is the land generally bounded by Tonkin Highway, Great Eastern Highway, Coolgardie Avenue, Redcliffe Road, Fauntleroy Avenue and Perth Airport Precincts 1A and 1B, as shown in Figure 1.

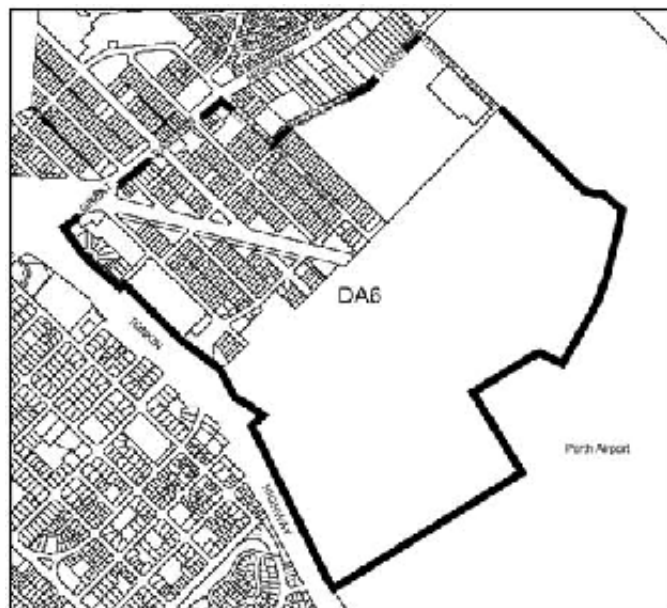


Figure 1: Location Plan

Item 12.1 Continued

CONSULTATION

Vision Plan

Community participation is a critical component of a strategic planning and visioning exercise for land that is subject to future development.

In order to provide a forum for stakeholders and the local community to participate in the visioning exercise and express their expectations and desires for the way in which redevelopment progresses in DA6, the City of Belmont and Perth Airport Pty Ltd hosted two Community Visioning Workshops on 17 and 18 May 2013. The workshops were facilitated by TBB, a professional planning and urban design firm appointed by the City of Belmont and Perth Airport Pty Ltd as the project consultant. A total of 51 community stakeholders (including residents, business owners and state government staff) attended the Visioning Workshops.

Each workshop followed the same format, focussing on three main exercises with briefing and presentations provided by the project team before each exercise. The exercises incorporated participation by all attendees and allowed discussion and preferences to be expressed and recorded. A report summarising the proceedings of the Community Visioning Workshop can be provided upon request.

An additional Community Information Forum was hosted on 19 July 2013 as a means of refining the preferred Vision Concept. The Community Information Forum was facilitated by TBB and attended by 18 residents (who had expressed interest in further dialogue), five Councillors and eight members of the Project Team. The session involved presentation of the 'Preliminary Vision Plan' concept which was developed as a result of feedback from the Visioning Workshops and emerging information from relevant government bodies regarding other related infrastructure projects (ie Perth Airport Rail, Gateway Western Australia and Great Eastern Highway Upgrade). The Community Information Forum involved two exercises relating to 'Land Use and Built Form', as well as 'Movement and Public Domain'. The exercises involved participation by all attendees and allowed discussion and comments to be made on the Preliminary VP. A report summarising the proceedings of the Community Information Forum can be provided upon request.

The perspective and ideas provided by participants at the workshop have formed the definition of a vision for the precinct, as outlined in this report.

Draft Local Planning Policy

In order to prepare and implement a Local Planning Policy, it is a statutory requirement under Clause 2.4 of Local Planning Scheme No. 15 (LPS15) for a public advertising period of 21 days.

In relation to the adoption of a draft Local Planning Policy, a notice will be published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area. The notice will advise the public as to the location where the draft Policy may be inspected, the subject and nature of the Policy and in what form and during what period (being not less than 21 days) submissions may be made.

Following conclusion of the consultation period, Council shall review the draft Policy in light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy.

Item 12.1 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.

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

Objective: Maximise Business Development Opportunities.

Strategy: In partnership with Westralia Airports Corporation, support the business development of the airport.

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

Objective: Protect and enhance our natural environment.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Under the Metropolitan Region Scheme (MRS), the subject land is zoned 'Urban' and partially reserved for 'Primary Regional Road' and 'Public Purposes (Commonwealth Government)', as shown in Figure 2.

The Public Purposes (Commonwealth Government) portion of the land is not regulated by the MRS, but instead is subject to the provisions of the *Airports Act 1996* which is administered by the Federal Government. This means that neither the State Government nor the City of Belmont have any jurisdiction over land use and development within the Airport land.

Item 12.1 Continued

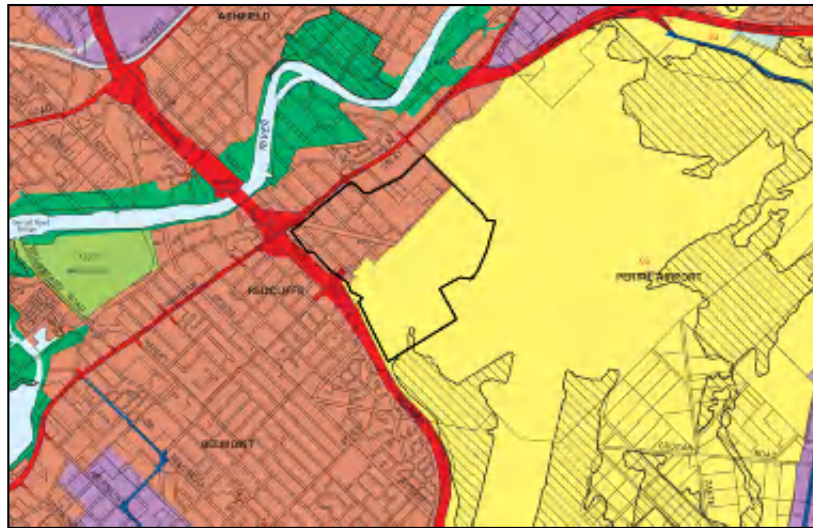


Figure 2: MRS Zoning and Reservations

Local Planning Scheme No. 15

The subject land is identified as a 'Special Control Area' under LPS15, this being 'Development Area 6'. The land within DA6 has various zonings and reservations LPS15, including Residential (R20), Mixed Use, Industrial and Service Station. Local Scheme reservations include Public Purpose (Primary School) and Parks and Recreation.

Clause 6.2.4 of LPS15 states that the City is not permitted to approve development and/or consider recommending subdivision of land within a Development Area unless there is a structure plan for the Development Area or for the relevant part of the Development Area.

The procedure for making and amending a Local Planning Policy is outlined under clause 2.4 of LPS15.

Perth Airport

In accordance with the *Airports Act 1996*, Perth Airport Pty Ltd (as the lessee of the Airport land) is required to have a Master Plan and an Environment Strategy reviewed and approved every five years by the Commonwealth Minister for Transport and Regional Services.

The current Environment Strategy was approved in September 2009 and the Master Plan was approved in November 2009 by the Commonwealth Government. Both documents are due for review in 2014.

The current Master Plan provides a concept for future development at the Airport, including consolidation of the international and domestic operations. In addition to outlining aeronautical development and airport infrastructure expansion plans, the Master Plan outlines a number of areas for non-aeronautical development. It sets aside over 300 hectares for conservation purposes, and approximately 690 hectares is identified as being suitable for non-aviation related development.

Item 12.1 Continued

The 690 hectares identified for non-aviation development has been divided into a series of Precincts. The area under consideration as part of DA6 includes Precincts 1A and 1B (Figure 3). Whilst land uses are broadly assigned under the Master Plan, there is no precinct structure planning in regard to road networks and how land uses are located to ensure compatibility with uses occurring on zoned land located abutting the Airport.

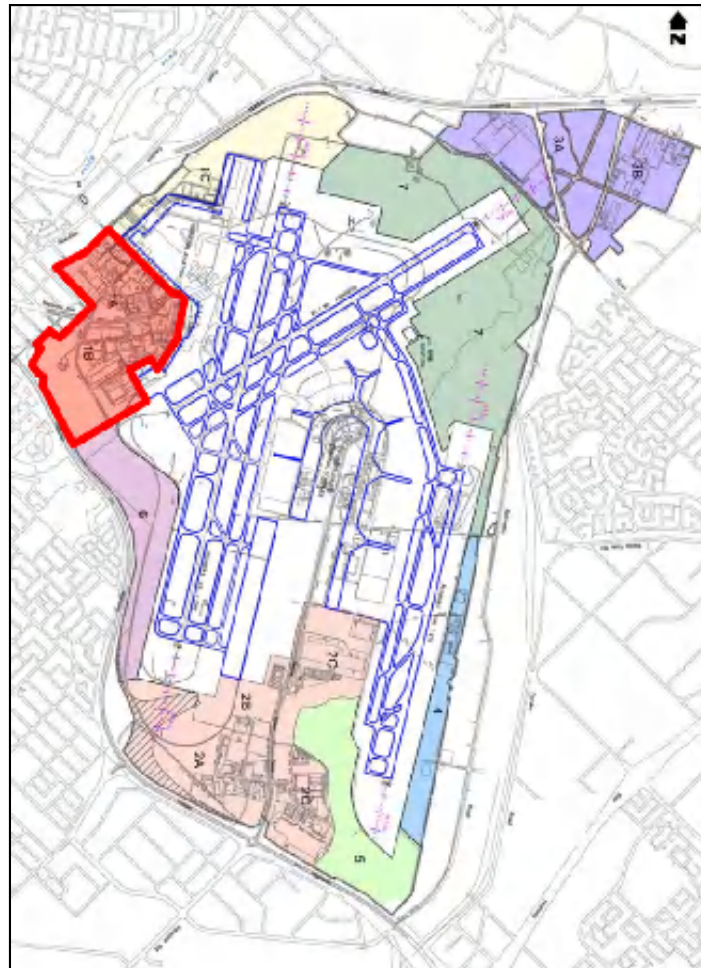


Figure 3: Perth Airport Master Plan – Precinct 1A and 1B

Under section 89 of the *Airports Act 1996*, any major development (being non-terminal buildings costing greater than \$20 million, or development likely to have significant environmental/ecological impact, or development likely to have a significant impact on the local or regional community), require a major development plan to be submitted to the Commonwealth of Australia for approval. These proposals also require an extensive consultation process with all stakeholders, including local government.

The *Airports Act 1996* also considers sensitive developments which are prohibited on Airport land (other than in exceptional circumstances). Sensitive developments defined in the *Act* include residential dwellings, community care facilities, childcare and educational institutions, and hospitals.

Item 12.1 Continued

BACKGROUND

Precinct Characteristics

DA6 is approximately 174 hectares in area, of which approximately 105 hectares is land under jurisdiction of Perth Airport. This land is primarily used for supporting aviation land uses, car parking, engineering and freight/logistics. Other land uses such as office and warehouse are also evident.

In relation to the 69 hectares outside of the Airport:

- Approximately 28 hectares is zoned 'Residential' – approximately 240 residential dwellings (mostly single dwellings) currently exist in this zone
- Approximately 16 hectares of land is zoned 'Industrial' – a number of existing general industries, warehouses and transport related uses currently exist in this zone
- Approximately six hectares of land is zoned 'Mixed Use' – the zone is primarily characterised by low-intensity showroom, office, warehouse and light industrial land uses along Great Eastern Highway
- Approximately four hectares of land is reserved for 'Recreation'
- Approximately four hectares is reserved for Public Purpose (Primary School)
- Approximately 11 hectares is road reserve.

Brearley Avenue is aligned through the middle of the residential precinct, separating it into two cells. An open drain is also located in the southern portion of the site.

The topography is generally flat, with some undulation in ground level towards the south along Tonkin Highway.

Background and Strategic Planning Context

Identification of Development Areas

In December 2003, Council identified a number of landholdings within its municipal area that were suitable for redevelopment, but prior to doing so required comprehensive planning and a coordinated approach to subdivision and development. Following the adoption of development guide plans for four of the landholdings in 2004, Council considered that it was necessary to progress the remaining seven areas through structure planning processes in order to overcome issues associated with coordinating redevelopment amongst a large number of landowners. In order to facilitate this, Council subsequently initiated Amendment No. 43 to Town Planning Scheme No. 14 (TPS14) to introduce the draft Model Scheme Text provisions related to structure plans (which were not at that time contained in the Scheme). Amendment No. 43 was adopted by Council on 29 November 2005, endorsed by the Minister on 14 May 2006 and gazetted on 30 May 2006.

Item 12.1 Continued

The remaining seven redevelopment areas (including DA6) were designated as 'Special Control Areas (Development Areas)' under Amendment No. 49 to TPS14. The Amendment was adopted by Council on 20 February 2007, approved by the Minister for Planning on 21 April 2008 and gazetted on 2 May 2008.

Development Area 6

The decision to include DA6 as a 'Development Area' was made on the basis of speculation and debate around the possible closure of Brearley Avenue and alternative access to the Domestic Airport terminal being provided elsewhere. Were this to eventuate, there would be significant impacts on the functioning of Precincts 1A and 1B of the Airport, as well as present as an opportunity for the residential pockets currently separated by Brearley Avenue to be re-examined and redeveloped in a coordinated manner.

With the initiation of Amendment 49, the City also initiated a study into Development Area 6, known at that point in time as the 'Redcliffe Area Development and Rejuvenation (RADAR)' project. The RADAR Project intended to bring together key stakeholders (the City, Perth Airport and the State) and facilitate agreement between the stakeholders, undertake public consultation and arrive at a strategy for implementation. The objectives of the project were:

- To establish a showcase precedent for the implementation of Network City
- To support a major rejuvenation opportunity within the locality of Redcliffe
- To create significant and sustained employment opportunities in the eastern metropolitan area
- To respect and support current regional and local planning principles and concerns as outlined in the MRS and the City of Belmont's Town Planning Scheme
- To foster and support sustainable development within the Airport property using the latest planning principles and support for the economic development of the region
- To ensure potential environmental impacts are appropriately managed
- To ensure that all impacted stakeholders are consulted
- To establish frequent and efficient public transport provision with good connectivity to the broader metropolitan network
- To integrate development into the regional movement network
- To ensure that the internal Airport road system is integrated with abutting developed areas.

On 8 October 2007, the City of Belmont (with the support of Creating Communities) hosted a 'Dialogue Cafe' for its residents to discuss the future of DA6, focusing on what could define it in the future, the local economy, and how to best deal with the challenges presented by adjacent land uses and the Airport redevelopment.

Item 12.1 Continued

In light of the uncertainty surrounding the closure of Brearley Avenue and speculation about a future rail link between Perth City and the Airport, the project did not progress.

Current Status

In recognition of the precinct's strategic significance, the area has been largely quarantined from redevelopment for the past six years. This has been achieved through the requirement under TPS14 and LPS15 for a structure plan to be prepared prior to any subdivision or development occurring. Notwithstanding the Special Control Area provisions, a small number of subdivision approvals have been approved by the Western Australian Planning Commission (WAPC) and State Administrative Tribunal (SAT) in recent years.

In late 2012, public transport became high on the agenda for the 2013 State Election, with both the Liberal and Labor parties committing to the implementation of a rail service to Perth Airport. Technical feasibility work by the Public Transport Authority (PTA) over the past 12 months has substantially progressed to the point where indicative alignments have been identified as well as the proposed location of three rail stations. Stations have been identified in the existing Domestic Precinct ('Airport West'), the International Terminal, and west High Wycombe.

In relation to the alignment affecting DA6, two preferred concept positions have been presented by PTA (Figure 4), albeit that the PTA have also advised that a number of other options are still being tested. The initial concepts are:

1. A spur off the existing Perth - Midland rail line at Bayswater Station, following Tonkin Highway above ground towards the existing Domestic Terminal Precinct, and then continuing underground beneath the existing Domestic Terminal and runways to the existing International Terminal Precinct, and then continuing to terminate at High Wycombe.
2. A spur off the existing Perth - Midland rail line at Bayswater Station and immediately going underground beneath the Swan River and continuing underground directly towards the existing Domestic Terminal Precinct generally along the alignment of Brearley Avenue. The line will then continue underground the runways to the existing International Terminal Precinct, and then terminating at High Wycombe.

Item 12.1 Continued



Figure 4 – Draft Rail Alignment Options

A preferred alignment has not been confirmed at the present point of time.

In addition to a future residential catchment, the rail line will importantly provide public transport for those working at Perth Airport (currently approximately 18,700 workers and expected to grow significantly to 37,000 workers by 2029).

The commitment of the State Government to the Perth Airport Rail Project and the identification of indicative alignments have both given sufficient certainty for strategic planning for DA6 to proceed. Prior to commencing technical planning, it is important that a clear vision is established, and as a result the City of Belmont and Perth Airport Pty Ltd have partnered to progress a 'Vision and Implementation Plan' for DA6.

Vision Plan

A Vision Plan for has been prepared for DA6 and is contained in [Attachment 1](#). A supporting report is contained in [Attachment 3](#).

The Vision Plan provides the achievement of a *“transit-oriented urban village in a landscaped setting”*, which is consistent with a vision statement identified in the Community Visioning Workshops. In doing so, the Vision Plan provides for the following:

- Preferred rail alignment being underground generally along Brearley Avenue alignment
- A new train station and ‘Station Plaza’ within Perth Airport land abutting the boundary, including bus drop off and pick up
- Approximately 3,500 dwellings, with a variety of housing typologies and residential densities ranging from R40 to R160
- 21,500m² of commercial floor space, primarily along Great Eastern Highway

Item 12.1 Continued

- Significant future expansion of commercial development at Perth Airport (dictated by the Perth Airport Master Plan)
- The closure of Brearley Avenue and subsequent creation of a minimum of four hectares of public open space (POS), primarily in a linear form along the former alignment of Brearley Avenue (opportunity also exists for additional POS)
- Improved movement and connectivity within the precinct and to the wider Redcliffe and Belmont areas
- Retention of existing vegetation where possible and enhancement with additional landscaping.

The Vision Plan has been prepared with regard to four key elements – Land Use, Built Form, Movement and Public Domain. These elements exist as sub-plans (refer [Attachment 1](#)) to the broader VP.

Key details of these elements are:

Land Use (refer [Attachment 1](#))

Key elements are:

- High density residential (R100 to R160) within close proximity to the new Redcliffe Train Station
- Medium to high density residential (R60 to R80) throughout the majority of the core of the residential neighbourhood, particularly adjacent to the linear POS network
- Medium-density residential (R40) has been provided along Kanowna Avenue East adjacent to Redcliffe Primary School
- Local convenience retail located in close proximity to the train station, with shops edging the Station Plaza
- Commercial/Mixed Use development (residential components up to R80) along Great Eastern Highway
- Home business 'live-work' opportunities are encouraged throughout the residential neighbourhood, particularly in close proximity to Station Plaza and along Coolgardie Avenue
- In accordance with the Perth Airport Master Plan, land uses within DA6 on Perth Airport land may include opportunities for aviation services, light industry, warehousing, commercial, retail, short stay accommodation and parking.

Item 12.1 Continued

Built Form (refer [Attachment 1](#))

- Taller buildings (10 to 13 storeys) are generally located within the Airport land, the R100-160 areas and along Great Eastern Highway, with appropriate design measures to minimise any amenity impacts. The increase in height will graduate towards the Airport and station and will be of much lower scale near the residential area
- Key landmark sites along Great Eastern Highway at the beginning of the new linear POS have been identified as an opportunity for additional density and height, subject to satisfaction of strict design criteria
- R40-80 areas of the residential neighbourhood will have lower building height of two-three storeys, with two-four storey development being appropriate adjacent the central open space network
- Large setbacks and landscaping along Coolgardie Avenue to ensure a suitable buffer and interface with adjacent industrial and commercial properties
- The interface between the residential neighbourhood and Airport land will comprise low-rise commercial development within a parkland setting
- Commercial development on the Airport land will help to create attractive street environments around the Redcliffe Train Station and residential interface and commercial and retail development adjacent to the Station Plaza will help to create a vibrant and activated space.

Movement (refer [Attachment 1](#))

- Rail alignment underground generally along the Brearley Avenue alignment
- Brearley Avenue decommissioned
- Great Eastern Highway upgraded in accordance with Main Roads Western Australia (MRWA) current planning (three lanes in each direction, with six metre median and bus priority lanes at traffic signals)
- Left in, left out access only onto side roads from Great Eastern Highway, with vehicle access to fronting development via easements connecting to the side roads
- Main access to the precinct from the signalised intersection at Coolgardie Avenue
- Local road network upgraded and enhanced to improve vehicle connectivity, circulation and allow for public transport access, whilst ensuring that 'slow streets' are also encouraged
- No new road connections to Kanowna Avenue East will be created, in an effort to minimise traffic movement past Redcliffe Primary School
- Enhancement of new and improved pedestrian and cycle paths, which will be linked to the wider recreation network in the sub-region

Item 12.1 Continued

- A bus pick-up/drop-off area and 'kiss and ride' parking will be provided alongside the Station Plaza and bus layover bays will be integrated within the street network near the Station Plaza. In the long term, a 'park and ride' parking facility will be incorporated within a decked car park near the new Station Plaza, if required.

Public Domain (refer [Attachment 1](#))

- A vibrant, multi-functional, pedestrian-friendly, community-oriented plaza adjacent to the Station, which will serve both the residents of Redcliffe and employees on the Perth Airport land. The train station building will be contained within the space, and other transport modes will directly interface with the plaza
- An extensive linear POS area along the redundant alignment of Brearley Avenue as a series of interlinked spaces, each with a different character and purpose:
 - A large POS area, 'Neighbourhood Park', will provide informal active play opportunities amongst retained existing trees and an improved drainage swale
 - Two medium sized POS areas further south from Great Eastern Highway will provide a mix of passive and active opportunities amongst retained trees and drainage swale or living stream, including public art in strategic locations
 - Small linear POS areas will create a network and linkage between the medium and larger sized open space areas, whilst providing opportunities for abutting residential development to overlook amenity
 - A large park will complete the open space network and provide a direct link through to Dunreath Drive and the Redcliffe Station, whilst providing opportunities for abutting higher density residential development to overlook
- There is also opportunity to consider Redcliffe Primary School playing fields to be utilised for community use, on agreement by the Primary School and Department of Education
- A landscaped edge to Great Eastern Highway, with a small POS area provided at the intersection of Great Eastern Highway and Brearley Avenue to ensure existing trees are retained
- New and existing streets will be improved and upgraded to include new street tree planting and road pavement design to create an attractive residential streetscape.

Vision Plan and Implementation Recommendations

In order to sustain the current momentum achieved through the visioning process and to build upon the strong foundation of community and stakeholder engagement, the following actions have been recommended in the VP report:

Item 12.1 Continued

1. City of Belmont to prepare an interim Local Planning Policy to support the VP and provide for development to be in accordance with the Local Structure Plan (draft LPP12 as detailed in this item).
2. City of Belmont shall liaise with the WAPC in order to ascertain involvement of state planning agencies (eg WAPC, Metropolitan Redevelopment Authority, LandCorp) in progression of structure planning and implementation.
3. City of Belmont (or other state agency) to commence Local Structure Plan (or equivalent) and Perth Airport Pty Ltd to commence Airport Master Plan and associated supporting studies as soon as practical.
4. City of Belmont and Perth Airport Pty Ltd to continue negotiations with PTA on the rail alignment, station configuration and development timing.
5. City of Belmont and Perth Airport Pty Ltd to continue negotiations with PTA regarding additional bus services and bus station to service the development.
6. City of Belmont to continue negotiations with MRWA to achieve appropriate outcomes from the Great Eastern Highway improvements to support additional intensity of Mixed Use/Commercial properties with frontage on the Highway and to allow improved pedestrian and cycle crossing points.
7. City of Belmont and Perth Airport Pty Ltd to continue engagement with Government stakeholders (Department of Planning, Environmental Protection Authority, Department of Transport, Department of Water etc) and service providers (Water Corporation, Alinta Gas, Western Power, National Broadband Network etc) regarding the VP and potential redevelopment yield to enable forward planning.

An indicative implementation strategy is included in [Attachment 2](#).

Draft Local Planning Policy No. 12

Given the significance of Development Area 6 as a strategic transit orientated development and the need to ensure that the strategic significance of the precinct is clearly recognised, a draft Local Planning Policy has been prepared as an interim measure until structure planning is substantially progressed. The objectives of the draft Policy are:

- To articulate a clear vision for DA6 that is representative of the views and aspirations of the local resident and business community and key stakeholders
- To ensure effective integration between aviation, commercial and residential land use in a manner that has regard to the current and future context of the area
- To ensure the delivery of a diversity of housing types and choices for the local community
- To ensure that current and future development/land use within DA6 is undertaken in a manner that takes full advantage of public transport opportunities and creates a high level of amenity for residents, workers and visitors

Item 12.1 Continued

- To promote development that is economically realistic and appropriate.

A copy of draft LPP12 is included in [Attachment 4](#).

The draft Policy is not intended to be a decision-making policy nor override the requirement for detailed structure planning to be undertaken in accordance with the requirements of LPS15. The Policy simply intends to give greater articulation, emphasis and recognition to the City of Belmont and Perth Airport Pty Ltd's vision for DA6 so as to assist in precluding any detrimental decision-making by other statutory bodies.

OFFICER COMMENT

The VP for DA6 has been established in partnership with Perth Airport Pty Ltd to provide a key framework to guide future development within the precinct, as well as to ensure that the respective interests of each entity are coordinated and reflected in all strategic planning for the precinct.

The VP for DA6 has been the subject of significant amount of technical input from the DA6 Project Team, as well as positive feedback received through community participation. The VP integrates leading practice in urban design to create character and a sense of place with sufficient intensity to support a mix of facilities and activities. The VP is considered to represent the highest and best land use and will promote development outcomes that take advantage of the strategic opportunities provided by the rail line. The positive response to the VP resulting from the community workshops is an indication that the redevelopment of DA6 has community 'buy in' and ownership.

Implementation of the VP will be subject to PTA's confirmation of the rail alignment and station location, and hence there may be some required adjustments to the Vision at that point in time. The timing of confirmation is still unclear; however City Officers will continue to liaise with PTA. Notwithstanding this, the Plan is considered to be flexible enough to be able to be adapted in the event that current planning for the railway changes.

As stated, the VP is intended to provide a strategic framework for DA6, and Council's adoption of the VP would allow for the progression of structure planning in accordance with the Vision. It will also give certainty of Council's support for coordinated redevelopment to Perth Airport Pty Ltd in their progression of the Perth Airport Master Plan review.

Given structure planning may take some time to be finalised, it is recommended that Council additionally adopt draft LPP12 as an interim measure to ensure that the DA6 VP concept can be articulated to planning decision-makers, government agencies, and the local community. This will ensure that the Plan is given due statutory regard and limit scenarios where prejudicial planning decision-making occurs in the absence of an adopted structure plan.

FINANCIAL IMPLICATIONS

The costs associated with the advertising of the draft Policy will be borne by the City of Belmont.

Item 12.1 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council:

1. *Adopt the Development Area 6 Vision Plan (as detailed in [Attachment 1](#)) as the Council's strategic aspiration for the future urban development of Development Area 6.*
2. *Adopt and advertise the Draft Local Planning Policy No. 12 'Development Area 6 Vision' (as detailed in [Attachment 4](#)) for public comment in accordance with the provisions of Clause 2.4 of Local Planning Scheme No. 15.*
3. *Advise the Western Australian Planning Commission, Public Transport Authority, Metropolitan Redevelopment Authority, Department of Transport, Main Roads Western Australia and the Local Member for Belmont of the progress of Development Area 6 to date and to seek support for detailed structure planning and a suitable implementation methodology.*

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

**12.2 CHANGE OF NON CONFORMING USE – EASTERN CORNER OF THE INTERSECTION
OF GREAT EASTERN HIGHWAY AND BELGRAVIA STREET – HAYWAY MARINE**

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 5 – Item 12.2 refers	<u>Site Plan – Traffic Movement</u>
Attachment 6 – Item 12.2 refers	<u>Applicant's Report</u>
Attachment 7 – Item 12.2 refers	<u>Submission</u>

Voting Requirement	:	Simple Majority
Subject Index	:	115/001
Location / Property Index	:	Lot 702 (215) Great Eastern Highway, Belmont Lot 123 (7) Belgravia Street, Belmont Lot 180 (9) Belgravia Street, Belmont Strata Lot 1 (223) Great Eastern Highway, Belmont Strata Lot 2 (223A) Great Eastern Highway, Belmont Strata Lot 3 (22) Hargreaves Street, Belmont Strata Lot 4 (24) Hargreaves Street, Belmont Strata Lot 5 (22) Hargreaves Street, Belmont
Application Index	:	198/2013/DA
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Planning Solutions (Aust) Pty Ltd
Owner	:	Great Eastern Group Pty Ltd
Responsible Division	:	Community and Statutory Services Division

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>

Item 12.2 Continued

PURPOSE OF REPORT

Council to consider a change of non conforming use from 'Marine Sales and Repairs' to 'Motor Vehicle Hire' for a portion of the site located at 215 Great Eastern Highway, 7 and 9 Belgravia Street and 22 and 24 Hargreaves Street, Belmont.

SUMMARY AND KEY ISSUES

The subject application proposes to modify an existing showroom located on the corner of Great Eastern Highway and Belgravia Street for office and showroom use for Motor Vehicle Hire (previously marine showroom).

The hardstand area adjacent to Hargreaves Street is to be used to park the hire vehicles and an existing wash down bay is to be relocated on-site.

Given the strategic location and change to the existing non conforming use, the application is referred to Council for determination.

It is recommended that Council grant conditional approval.

LOCATION

The location is as follows:

Lot 702 (215) Great Eastern Highway, Belmont
Lot 123 (7) Belgravia Street, Belmont
Lot 180 (9) Belgravia Street, Belmont
Strata Lot 1 (223) Great Eastern Highway, Belmont
Strata Lot 2 (223A) Great Eastern Highway, Belmont
Strata Lot 3 (22) Hargreaves Street, Belmont
Strata Lot 4 (24) Hargreaves Street, Belmont
Strata Lot 5 (22) Hargreaves Street, Belmont

Please refer to Figure 1 and Figure 2 on the following page.

Item 12.2 Continued

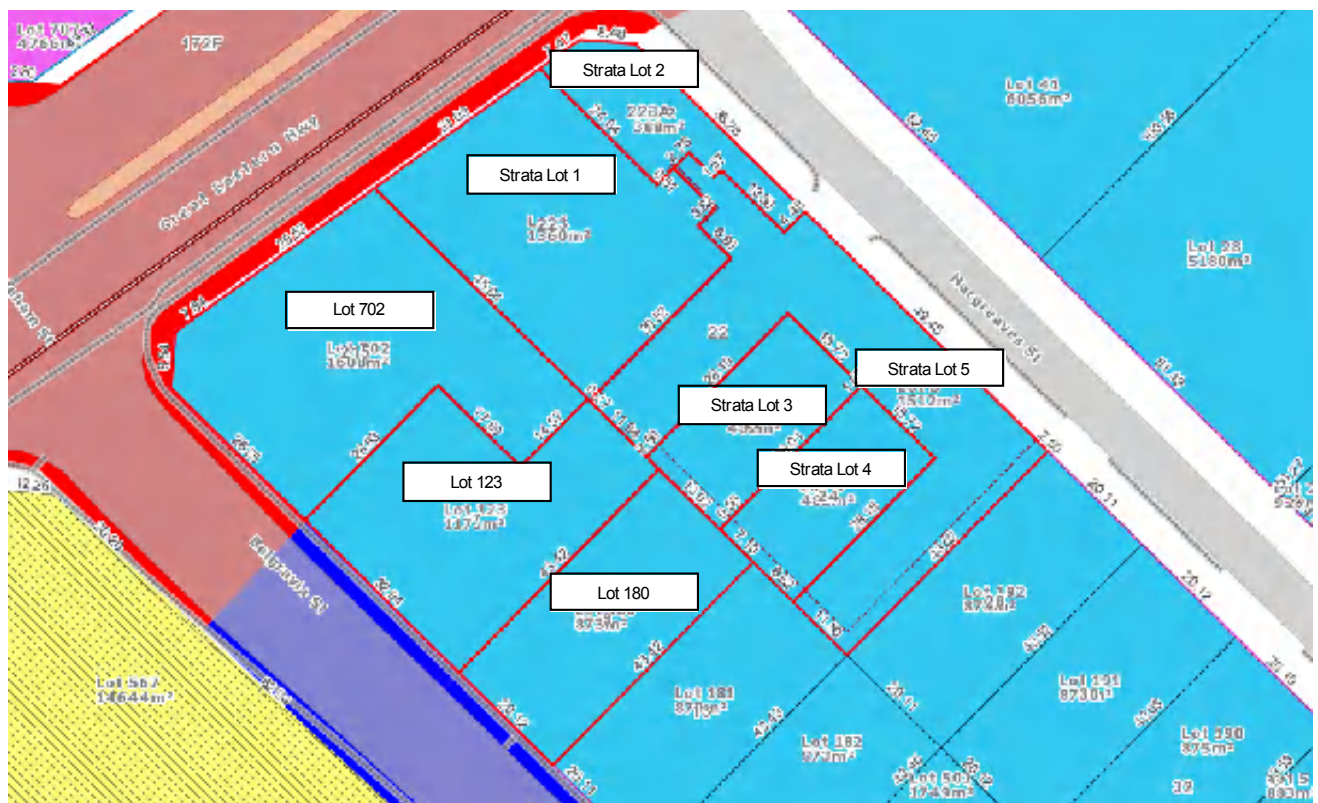


Figure 1

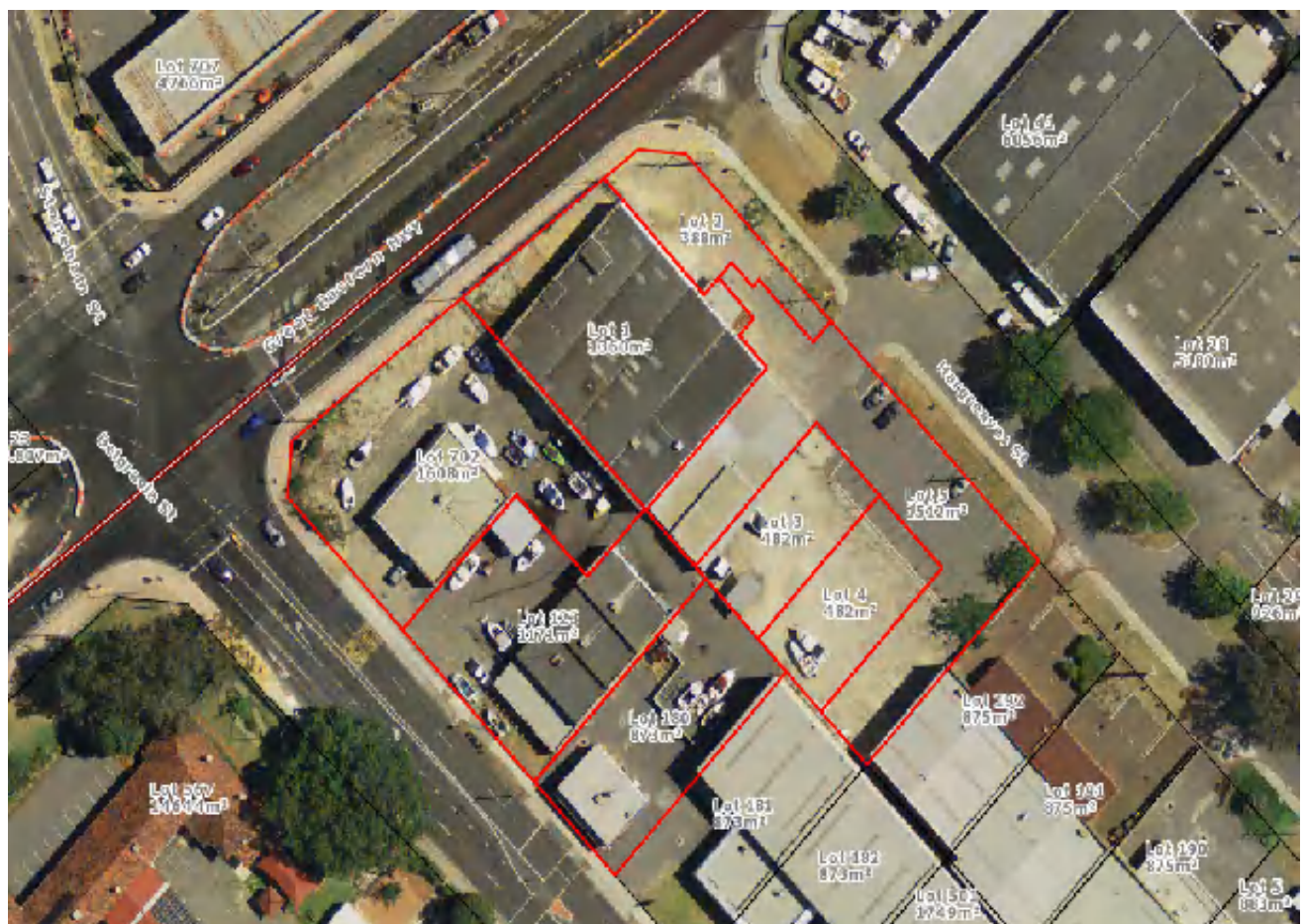


Figure 2

Item 12.2 Continued

CONSULTATION

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

In accordance with Local Planning Scheme No. 15 (LPS15) Clause 4.9, an alteration or extension to a non conforming use is required to be advertised in accordance with the provisions of Clause 9.4 for a period of not less than 14 days. The proposal was referred to surrounding owners on 12 July 2013 requesting comments by 5 August 2013 (ie 21 days).

At the time of writing this report one non objection from the Department of Education had been received. A copy of the submission is attached (refer [Attachment 7](#)).

The proposal was not referred to Main Roads Western Australia (MRWA) as no access is provided to Great Eastern Highway.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Maximise Business development opportunities.

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Metropolitan Region Scheme

The subject lot is zoned 'Urban' under the Metropolitan Region Scheme (MRS) and abuts Great Eastern Highway which is reserved Primary Regional Road.

Item 12.2 Continued

Local Planning Scheme No. 15

The subject lots are zoned 'Mixed Business' and have non conforming use rights for 'Marine Sales and Repairs'.

Clause 4.9 contains provisions relating to extensions and changes to non conforming uses including changing an existing non conforming use to another non conforming use; specifically where the proposed use is less detrimental to the amenity of the locality than the existing non conforming use.

Clause 4.9.3 states: *"Where an application is for a change of use from an existing non conforming use to another non conforming use, the local government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone".*

Clause 4.9.2 and Clause 9.4.3 requires an application for a change of use to be advertised for a period of not less than 14 days.

Clause 10.2 contains provisions relating to matters to be considered when assessing applications including compatibility, amenity, traffic, access, landscaping and any relevant submissions.

Clause 10.6 allows the local government to impose conditions limiting the period of time for which the approval is granted.

Clause 5.12 contains provisions relating to Mixed Business zone.

Clause 10.6 refers to a temporary planning approval, where the Council may impose a condition(s) limiting the period of time for which an approval is granted.

Under Table 1 – Zoning Table both 'Showroom' and 'Office' are designated 'P' permitted uses, however 'Motor Vehicle, Boat and Caravan Sales' and 'Motor Vehicle Hire' are designated as 'X' uses – not permitted. However, the site has non conforming use rights for 'Marine Sales and Repair'.

Deemed Refusal

Clause 10.9.2 of the City of Belmont LPS15 applies where a land use is classified as a 'D' or 'A' use under the City of Belmont LPS15 Zoning Table and is subject to advertising requirements detailed in Clause 9.4 of the Scheme. As such, the application is 'deemed to be refused' if it is not determined within a 90 day period.

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

The deemed refusal date for this application is 8 September 2013. Should Council defer this item, then the deemed refusal rights will arise before the matter is referred back to Council.

Item 12.2 Continued

Right of Review

Is there a right of review? ☒ Yes ☐ No

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

BACKGROUND

Lodgement Date:	10 June 2013	Use Class:	Motor Vehicle Hire 'X' use.
Lot Area:	Calculated 2500m ²	LPS Zoning:	Mixed Business
Estimated Value:	\$45,000	MRS:	Urban

Location

The subject site is bounded by Great Eastern Highway to the northwest and Belgravia Street to the southwest. A range of commercial uses, consisting primarily of showrooms, warehouses and offices are found in the immediate locality. Belmont Primary School is situated on the opposite side of Belgravia Street to the south west of the subject site.

History

The site comprises a total of eight 'green title' and 'strata' lots containing two showroom premises, canopy, workshop with spare part sales, two wash-down bays and a lunch bar (currently vacant) together with parking bays located adjacent to Hargreaves Street. The site was previously fully occupied by Hayway Marine Boat Sales and Repairs which now operate repairs, spare parts and sales from the existing workshop/spare parts premises located on Lot 123 (7) Belgravia Street, and uses a portion of the rear of Lot 180 (9) Belgravia Street to store boats.

The showroom premises located on Strata Lot 1 (223) Great Eastern Highway (with access and parking bays via Hargreaves Street) is currently vacant and is to be leased separately.

The showroom premises located on Lot 702 (215) Great Eastern Highway (corner of Belgravia Street) is the subject of this application.

The City's records show that the entire site has valid planning approvals for Marine Showrooms, Sales and Repairs dating from 1968 through to 2005 and therefore has existing non conforming use rights.

Proposal

The application is to consider a change of use for a portion of the site from 'Marine Sales and Repairs' to 'Motor Vehicle Hire'.

Item 12.2 Continued

The proposal is for Ace Rental Car Hire to operate from the existing showroom building located on Lot 702 (215) Great Eastern Highway with the car hire vehicles to be parked on a portion of Strata Lots 3 and 4 and common property Lot 5 (22-24) Hargreaves Street. All access is to be provided from Belgravia Street.

The applicant has provided the following details:

- The proposed Motor Vehicle Hire premises comprises an initial fleet of approximately 50 vehicles and will expand over time as necessary to maintain a 70% vehicle utilisation rate. The number of vehicles on-site at any one time is expected to be 30-40% of the total vehicle fleet.
- A portion of the existing showroom will undergo minor internal alterations to create an office space, from which administrative services associated with the motor vehicle hire operation will be performed. The office will be an open plan with furniture and counters arranged to service customers. The adjacent showroom space will function as an area to vacuum and clean returned rental cars (not for display).
- Customer drop off and pick up parking bays will be located on-site adjacent to Great Eastern Highway.
- Ace Rental Cars will also operate a shuttle service from the airport to the premises for customers to collect the hire vehicles. The shuttle bus will be a Toyota Commuter 12 seater.
- No vehicle servicing or mechanical repairs are to be undertaken on-site. Maintenance of vehicles is to be limited to cleaning.
- The existing wash-down bay is to be relocated from Strata Lot 3 to Lot 702 (215) Great Eastern Highway, adjacent to the existing wash-down bay located on Lot 123 (7) Belgravia Street. Returned vehicles will be washed and vacuumed prior to being stored in the fenced parking area. This allows for efficient on-site functioning.
- The six car parking bays relocated to the rear of the office/showroom building are for staff car parking only. Staff will be responsible for returning/retrieving vehicles from the fenced hire car parking area on Strata Lot 4 and portion of common property Strata Lot 5. This fenced hire car parking area can accommodate 55 cars stacked five deep with adequate space to access each queue of vehicles. Public access to this area will not be permitted.
- All access to the car hire business is via Belgravia Street. No parking in front of the office is proposed to ensure safe and efficient access to customer pick up/drop off parking bays. The proposed accessway is currently paved and capable of accommodating the proposed vehicle movement path.
- All existing fencing on the subject site will remain, except for the existing internal fence and gate adjacent to the subject office/showroom on Lot 702 to allow access to the drop-off/pick-up parking bays.

Item 12.2 Continued

- External upgrades (painting) to the existing showroom on Lot 702 are proposed including new signage. A separate signage application will be submitted. The landscape area adjacent to Great Eastern Highway shall also be upgraded and maintained.
- No vehicle transporters will be used to deliver cars to the site. Any cars left at the airport will be driven back to the site by staff.
- The primary client base is customers arriving through the airport. As flights are scheduled throughout the day, seven days a week; no specific peak times such as Friday afternoon and Saturday mornings are envisaged and therefore would not result in any problematic issues. The use of the shuttle bus service from the airport, together with the provision of 11 customer parking bays on site, is considered to provide a safe and efficient service for the volume of customers expected for the business.
- The subject site is in common ownership, and thus legal access between Lots 702, 123, 180 and Strata Lots 3, 4 and common property Lot 5 can be achieved. It is agreed under the lease that the northwest portion of Lot 123 is to be a common area for use by both the existing marine workshop and the proposed vehicle hire. Directional line markings will be utilised to mark off the six metre wide crossover at the northwest corner of Lot 123 providing access to the vehicle hire premises at Lot 702. The remainder of the existing crossover (approximately 12 metres in width) will provide for adequate separate access to the existing Hayway Marine workshop and to the rear portion of Lot 180 which is used to store boats.
- The proposed car hire lease is for two years with an option for a further two years. The proposal is to use the site for this period after which the owner intends to redevelop the site.

A site plan showing all lot boundaries of the subject site and the location of the proposed Motor Vehicle Hire Facilities is attached (refer [Attachment 5](#)). A copy of the applicant's full report is also attached – refer [Attachment 6](#).

A summary of the applicant's grounds for support for the change of use are as follows:

- Hayway Marine has scaled back its operation and the existing showroom on Lot 702 is vacant. The existing showroom at Lot 702 is therefore underutilised and the current state of neglect clearly contributes negatively to the amenity of the locality.
- The proposed change of use would allow for revitalisation of this portion of the subject site through upgrading of the building appearance, maintenance of landscaping areas and a general sense of activity on this high profile corner.
- The proposed partial change of use for car hire will result in a substantial improvement to the site and car hire will have a less detrimental impact than the current non conforming use.

Item 12.2 Continued

- The objectives of the Mixed Business zone can be generally summarised to encourage a mix of compatible commercial uses, with industrial activity limited to minimise detrimental health, welfare, safety and amenity impacts. Current non conforming use includes servicing of boats which is a light industrial use. The proposed Motor Vehicle Hire use consists primarily of administration associated with organising car rentals, cleaning of rental cars and parking of the vehicles on-site, which is a less industrial use than boat servicing.
- The proposal provides for a greater diversity of use across the group of lots which make up the subject site. Given the existing non-conforming use cannot sustain its business across the entire subject site, the proposal provides for a mix of compatible uses on the subject site until such time as the entire site is redeveloped.
- The proposed use is compatible within the local context and consistent with the nature of uses in the surrounding area. The subject site is located along a major traffic route well serviced by public transport, thus making it an easily accessible location for customers without their own vehicle. Residential development, particularly to the west of the subject site along Great Eastern Highway has the potential to house residents less likely to own cars. This growing demographic could be expected to use the car rental facility on occasions they require a vehicle, and will appreciate the convenient location of such facilities. Further, Coates Equipment Hire, located on the opposite side of Great Eastern Highway, establishes a precedent for hire facilities in this specific locality.
- Diversification of uses on the subject site will bring the overall use of the site closer to the intended use of the zone and will afford the level of activity and amenity expected of development within the Mixed Business zone.
- Further to the above arguments, the proposal comprises very minimal capital investment and will simply make better use of the existing buildings and structures on the subject site. By not involving any significant investment, the proposal allows for an improvement in amenity and a use closer to the intended purpose of the zone without compromising or undermining any future development potential.

Power Supply

This site has above ground power.

OFFICER COMMENT

Traffic/Access

In assessing changes to a non conforming use, consideration must be given to whether the impacts will be the same or less. It is acknowledged that the proposed number of boats and cars on site will be less than the number of boats on site when the Marine Sales and Repair business was fully operational. However, given the nature of the car hire business and history of other car hire operations, in comparing the two uses, it is highly likely that an increase of traffic movements would occur. In this instance, the proposal is for an initial fleet of 50 hire cars which at 70% utilisation the applicant has advised results in five vehicle transactions per day.

Item 12.2 Continued

This limited number together with the use of the shuttle service provided to and from the airport, is not considered to have any adverse impact.

The City's Engineering Services has also confirmed that the proposed access, parking and on site vehicle movements are acceptable and can be supported. The crossover is located over 27 metres from the truncation of Great Eastern Highway, which accords with MRWA minimum distance requirements from intersections. Access to the site is also limited to left in and left out due to the existing central island in Belgravia Street, with traffic flow controlled by the lights at the intersection.

This means that traffic associated with both the proposed and existing businesses on site are able to safely enter and exit the site, even during peak traffic times.

To ensure the proposed hire car business operates in accordance with the details provided, it is recommended that a condition be imposed limiting the car hire business to a maximum of 50 hire cars. Any further proposals to increase the size of the fleet should be the subject of a further application and should provide analysis of car movements and traffic flow, due to its proximity to the intersection of Great Eastern Highway and Belgravia Street. Based on advice from the applicant that 70% of the fleet would be in use, it is estimated that if a total of 55 cars are stored within the parking area, then the site has the capacity for a fleet of 183 cars. There is some concern that this may have an impact to the flow of traffic, due to the proximity to the intersection of Great Eastern Highway and Belgravia Street, however it is hard to comment at a technical level without a traffic impact report. It is therefore recommended that the car fleet size be limited to 50 cars.

Amenity

The site is a prominent landmark site and therefore redevelopment is encouraged. The proposed car hire business has been flagged as an interim use (approximately four years) after which the entire site is intended to be redeveloped. It is acknowledged that the proposed external and internal upgrades to the showroom building and landscape area adjacent to Great Eastern Highway will improve the visual amenity of the locality (rather than a vacant unkempt building) without compromising or undermining any future development potential.

Any signage will require a separate signage application in accordance with the City's Local Planning Policy No. 12 (LPP12) – Signage Applications.

The proposal also includes the relocation of the existing wash-down bay. The City's Environmental Officer - Light Industry has advised that all waste water from wash-down bays must be connected to the reticulated sewerage system and be constructed and maintained in accordance with Water Corporation requirements, including a valid Industrial Waste Discharge Permit. The wash-down bay must be of an appropriate size and design to prevent any waste water (including overspray) from escaping during use. Failure to comply may result in breaches of the *Environmental Protection (Unauthorised Discharges) Regulations 2004* or relevant local laws. This would be included as a condition and advice note.

Item 12.2 Continued

Temporary Planning Approval

The applicant has indicated that the hire car use is required for approximately four years. Once the new non conforming use is approved on the site however, there will be no further guaranteed opportunity for the Council to revisit the matter. The land fronting Great Eastern Highway is undergoing rapid change and the Council wishes to see an upgrade of the uses on this landmark site. It is considered therefore that a 10 year limitation on an approval is appropriate, giving the opportunity for the matter to be revisited after the expiration of 10 years.

Non Conforming Use

A change to an existing non conforming use can only be supported where it is considered to be less detrimental to the amenity of the locality and closer to the intended purpose of the zone.

It is acknowledged that the objectives of the Mixed Business zone allows for a mix of varied businesses on the same lot or adjacent lots, therefore, the two proposed uses would not conflict with this objective. However, as both motor vehicle, boat or caravan sales and motor vehicle hire are listed as X uses – not permitted, the use cannot be considered to be closer to the intended purpose of ‘Mixed Business’.

In the limited capacity proposed with a fleet of only 50 cars, the use is considered to be less detrimental than the existing approved use. Should however, the scale of the use change or the extent of the total site proposed to be impacted change, then that would need to be the subject of further consideration by the Council.

In support of the proposal, the applicant advised that Coates Equipment Hire located opposite establishes a precedent for hire facilities. That is not the case, as that site is zoned Mixed Use and planning approval for Coates Hire for a ‘machinery hire depot’ was granted on 3 August 1988 on the basis that it was a ‘use not listed’ (and therefore does not set a precedent).

Consideration should also be given to any impact on future development on the site. The current ‘Marine Sales and Repairs’ non conforming use comprises a total of eight lots under the one ownership with lease agreements creating common access areas. This means that any of the individual lots could be sold while maintaining the non conforming use rights. It is therefore considered reasonable to include a condition that the owner enter into a deed of agreement with the City of Belmont that should any of the lots be sold, the owner shall grant and reserve access easements to ensure access for the non conforming uses is maintained.

It is recommended that the owner formally abandon the non conforming use of marine sales and repairs for the area to be the extent of the new non conforming use. This is seen necessary to avoid possible future uncertainty on the extent and nature of non conforming uses on the subject lots.

Item 12.2 Continued

Conclusion

The site is a prominent landmark site and will in time be redeveloped in accordance with the provisions of the Mixed Business zone. The proposal as an interim use is considered to be more visually appealing than the current state of the premises. In addition, given the reduction in boat numbers on site together with the limited number of hire cars and daily traffic movements on-site, it is considered that the proposal will have lesser adverse impacts on the amenity of the locality when compared with the current non conforming use of 'Marine Sales and Repairs'. It is therefore recommended that Council support the proposed change of non conforming use to allow both uses - Marine Sales and Repairs and Motor Vehicle Hire on the subject site.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

The existing wash-down bays are required to comply with the Water Corporation requirements, the *Environmental Protection (Unauthorised Discharges) Regulations 2004* and relevant Health local laws.

SOCIAL IMPLICATIONS

There are no social implications at this time.

OFFICER RECOMMENDATION

That Council give temporary approval for a period of 10 years from the date of this approval of the planning application 198/2013/LAND, as detailed in amended plan received 22 July 2013 submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner Great Eastern Group Pty Ltd, for a Change of Non Conforming Use on part of the subject site by changing the existing non-conforming use of Marine Sales and Repair to Motor Vehicle Hire, on that part of the subject site indicated on the approved plans. The subject site is Lot 702 (215) Great Eastern Highway, Lot 123 (7) Belgravia Street, Lot 180 (9) Belgravia Street, Strata Lot 1 (223) Great Eastern Highway, Strata Lot 2 (223A) Great Eastern Highway, Strata Lot 3 (22) Hargreaves Street, Strata Lot 4 (24) Hargreaves Street, and Strata Lot 5 (22) Hargreaves Street, Belmont. This approval is given 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. A landscaping and irrigation plan for the upgrade of the existing landscaping is to be prepared and submitted to the City for approval within three months of the date of this approval.

Item 12.2 Continued

3. 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.
4. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines. All customer drop-off and pick-up bays and staff parking bays must be clearly line marked and directional arrows shall be painted as shown on the approved plan.
5. Prior to occupation or use of the development, the redundant crossover to Lot 702 (215) Great Eastern Highway, Belmont, 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.
6. Prior to occupation or commencement of the use, a separate signage application for the site/development shall be prepared and submitted to the City.
7. The wash-down bay is to be relocated on-site as shown on the approved plan. Waste water from the wash bay is to be discharged into the reticulated sewage system.
8. No more than 50 hire cars are permitted within the fleet.
9. Prior to commencement of the use, the owner shall enter into a deed of agreement with the City of Belmont that should any of the lots be sold, the owner shall grant and reserve access easements to ensure access is maintained. The legal agreement shall be prepared by the City's solicitors (at the owner's full cost) to the satisfaction of the City and enable the City to lodge an absolute caveat over Lot 702 (215) Great Eastern Highway, Lot 123 (7) Belgravia Street, Lot 180 (9) Belgravia Street, Strata Lot 1 (223) Great Eastern Highway, Strata Lot 2 (223A) Great Eastern Highway, Strata Lot 3 (22) Hargreaves Street, Strata Lot 4 (24) Hargreaves Street, Strata Lot 5 (22) Hargreaves Street, Belmont to ensure the owner complies with this condition.
10. The owner is to enter into an agreement, which may be combined with the agreement in Condition 9, prepared by the City's solicitors at the owner's cost:
 - a) accepting the abandonment of the non conforming use right of 'marine sales and repairs' for the area of land the subject of the proposed 'motor vehicle hire' use
 - b) agreeing to provide to the City's authorised representative on demand the documents and records of the operator of the motor vehicle hire business recording or evidencing the number of vehicles in the fleet of the business so that the City can ensure that the restriction in Condition 8 on the number of vehicles within the fleet is being complied with.
11. The use of the subject site for motor vehicle hire is not to be continued after the expiration of ten years from the date of this approval without a further approval from the City and any application for such approval is to be made not less than six months prior to the date of expiry of the 10 year period.'

Item 12.2 Continued

Note

Cr Wolff put the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

WOLFF MOVED, POWELL SECONDED, That Council give temporary approval for a period of 10 years from the date of this approval of the planning application 198/2013/LAND, as detailed in amended plan received 22 July 2013 submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner Great Eastern Group Pty Ltd, for a Change of Non Conforming Use on part of the subject site by changing the existing non-conforming use of Marine Sales and Repair to Motor Vehicle Hire, on that part of the subject site indicated on the approved plans. The subject site is Lot 702 (215) Great Eastern Highway, Lot 123 (7) Belgravia Street, Lot 180 (9) Belgravia Street, Strata Lot 1 (223) Great Eastern Highway, Strata Lot 2 (223A) Great Eastern Highway, Strata Lot 3 (22) Hargreaves Street, Strata Lot 4 (24) Hargreaves Street, and Strata Lot 5 (22) Hargreaves Street, Belmont. This approval is given 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. A landscaping and irrigation plan for the upgrade of the existing landscaping is to be prepared and submitted to the City for approval within three months of the date of this approval.
3. 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.
4. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines. All customer drop-off and pick-up bays and staff parking bays must be clearly line marked and directional arrows shall be painted as shown on the approved plan.
5. Prior to occupation or use of the development, the redundant crossover to Lot 702 (215) Great Eastern Highway, Belmont, 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.
6. Prior to occupation or commencement of the use, a separate signage application for the site/development shall be prepared and submitted to the City.
7. The wash-down bay is to be relocated on-site as shown on the approved plan. Waste water from the wash bay is to be discharged into the reticulated sewage system.
8. No more than 55 hire cars be stored on the subject land at any time. Hire vehicles shall be stored only in the designated hire car parking area as depicted on the approved plan and cars for hire shall not be parked on any other part of the subject land or on public roads.

Item 12.2 Continued

9. Prior to commencement of the use, the owner shall enter into a deed of agreement with the City of Belmont that should any of the lots be sold, the owner shall grant and reserve access easements to ensure access is maintained. The legal agreement shall be prepared by the City's solicitors (at the owner's full cost) to the satisfaction of the City and enable the City to lodge an absolute caveat over Lot 702 (215) Great Eastern Highway, Lot 123 (7) Belgravia Street, Lot 180 (9) Belgravia Street, Strata Lot 1 (223) Great Eastern Highway, Strata Lot 2 (223A) Great Eastern Highway, Strata Lot 3 (22) Hargreaves Street, Strata Lot 4 (24) Hargreaves Street, Strata Lot 5 (22) Hargreaves Street, Belmont to ensure the owner complies with this condition. Alternatively, all lots comprising the subject land shall be amalgamated into a single lot and a new certificate of title obtained for the amalgamated lot.
10. The owner is to enter into an agreement, which may be combined with the agreement in Condition 9, prepared by the City's solicitors at the owner's cost accepting the abandonment of the non conforming use right of 'marine sales and repairs' for the area of land the subject of the proposed 'motor vehicle hire' use.
11. The use of the subject site for motor vehicle hire is not to be continued after the expiration of ten years from the date of this approval without a further approval from the City and any application for such approval is to be made not less than six months prior to the date of expiry of the 10 year period.

LOST 5 VOTES TO 4

*Against: Bass, Dornford, Gee, Hitt, Rossi
For: Martin, Powell, Wolff, Marks*

Reason

The change in Condition 8 recognises that the purpose is to limit the number of vehicles on the subject site to ensure compliance with the non-conforming use provisions of the Scheme. The size of the fleet could be larger with vehicles stored at another site or location.

Condition 9 now provides as an alternative that the lots be amalgamated which would then overcome the need for access easements.

Condition 10(b) is deleted as it is no longer necessary to require details of the fleet size.

Item 12.2 Continued

Note

Cr Bass put the following Foreshadowed Motion

BASS MOVED, DORNFORD SECONDED, That Council give temporary approval for a period of five years from the date of this approval of the planning application 198/2013/LAND, as detailed in amended plan received 22 July 2013 submitted by Planning Solutions (Aust) Pty Ltd on behalf of the owner Great Eastern Group Pty Ltd, for a Change of Non Conforming Use on part of the subject site by changing the existing non-conforming use of Marine Sales and Repair to Motor Vehicle Hire, on that part of the subject site indicated on the approved plans. The subject site is Lot 702 (215) Great Eastern Highway, Lot 123 (7) Belgravia Street, Lot 180 (9) Belgravia Street, Strata Lot 1 (223) Great Eastern Highway, Strata Lot 2 (223A) Great Eastern Highway, Strata Lot 3 (22) Hargreaves Street, Strata Lot 4 (24) Hargreaves Street, and Strata Lot 5 (22) Hargreaves Street, Belmont. This approval is given 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. A landscaping and irrigation plan for the upgrade of the existing landscaping is to be prepared and submitted to the City for approval within three months of the date of this approval.**
- 3. 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.**
- 4. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines. All customer drop-off and pick-up bays and staff parking bays must be clearly line marked and directional arrows shall be painted as shown on the approved plan.**
- 5. Prior to occupation or use of the development, the redundant crossover to Lot 702 (215) Great Eastern Highway, Belmont, 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.**
- 6. Prior to occupation or commencement of the use, a separate signage application for the site/development shall be prepared and submitted to the City.**
- 7. The wash-down bay is to be relocated on-site as shown on the approved plan. Waste water from the wash bay is to be discharged into the reticulated sewage system.**

Item 12.2 Continued

8. ***No more than 55 hire cars be stored on the subject land at any time. Hire vehicles shall be stored only in the designated hire car parking area as depicted on the approved plan and cars for hire shall not be parked on any other part of the subject land or on public roads.***
9. ***Prior to commencement of the use, the owner shall enter into a deed of agreement with the City of Belmont that should any of the lots be sold, the owner shall grant and reserve access easements to ensure access is maintained. The legal agreement shall be prepared by the City's solicitors (at the owner's full cost) to the satisfaction of the City and enable the City to lodge an absolute caveat over Lot 702 (215) Great Eastern Highway, Lot 123 (7) Belgravia Street, Lot 180 (9) Belgravia Street, Strata Lot 1 (223) Great Eastern Highway, Strata Lot 2 (223A) Great Eastern Highway, Strata Lot 3 (22) Hargreaves Street, Strata Lot 4 (24) Hargreaves Street, Strata Lot 5 (22) Hargreaves Street, Belmont to ensure the owner complies with this condition. Alternatively, all lots comprising the subject land shall be amalgamated into a single lot and a new certificate of title obtained for the amalgamated lot.***
10. ***The owner is to enter into an agreement, which may be combined with the agreement in Condition 9, prepared by the City's solicitors at the owner's cost accepting the abandonment of the non conforming use right of 'marine sales and repairs' for the area of land the subject of the proposed 'motor vehicle hire' use.***
11. ***The use of the subject site for motor vehicle hire is not to be continued after the expiration of five years from the date of this approval without a further approval from the City and any application for such approval is to be made not less than six months prior to the date of expiry of the five year period.'***

CARRIED 8 VOTES TO 1

*For: Bass, Dornford, Gee, Hitt, Marks, Powell, Rossi, Wolff
Against: Martin*

Reason

The Foreshadowed Motion recognises the temporary approval of the application from ten years to five years.

8.37pm The Manager Business and Economic Development departed the meeting.

8.39pm The Manager Business and Economic Development returned to the meeting.

**12.3 CITY OF BELMONT LOCAL PLANNING SCHEME No 15 - SCHEME AMENDMENT
No 3 (TO MODIFY CLAUSE 5.5.1 VARIATIONS TO SITE AND DEVELOPMENT
STANDARDS AND REQUIREMENTS)**

BUILT BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/003
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

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input checked="" type="checkbox"/> | Legislative | <i>Includes adopting local laws, 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 consider adoption of Scheme Amendment No 3 to the City of Belmont Local Planning Scheme No 15 (LPS15) for public advertising.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

Council to consider adoption of Scheme Amendment No. 3 to the City of Belmont LPS15 for public advertising.

The current wording of clause 5.5.1 of LPS15 restricts the exercise of discretion where the Residential Design Codes apply.

Rewording of the clause is recommended to clarify that the standards of the Scheme may be varied where they relate to Residential zoned land.

LOCATION

N/A.

CONSULTATION

There has been consultation undertaken with Officers from the Department of Planning in respect to this matter.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

The clauses of LPS15 relevant to this report are clauses 5.5, 5.7.3 and 10.2.

Item 12.3 Continued

Clause 5.5 of LPS15 refers to 'Variations to Site and Development Standards and Requirements'. The clause states:

5.5.1. Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2. In considering an application for planning approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the local government is to:

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 9.4; and*
- (b) have regard to any expressed views prior to making its determination to grant the variation.*

5.5.3. The power conferred by this clause may only be exercised if the local government is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and*
- (b) the non compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.*

5.7.3. In dealing with development applications involving or contemplating development of land within any of the flexible coded area up to a maximum density of R50 depicted on the Scheme Map, the base R20 code shall apply to any dwelling but may, at the discretion of City, be increased to a higher code up to the maximum specified provided:

- (a) The frontage of the lot is not less than 16 metres; and*
- (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; and*
- (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; and*
- (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; and*
- (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; and*

Item 12.3 Continued

- (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; and*
- (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); and*
- (h) Dwellings located adjacent to public open space shall be oriented to provide informal surveillance of public areas; and*
- (i) Solar design principles shall be incorporated in the dwelling design; and*
- (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; and*
- (k) Development on corner lots or lots with more than one frontage shall have driveways from the street with lesser traffic; and*
- (l) The number of crossovers for any development shall be minimised.*

10.2 Matters to be considered by local government

The local government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development the subject of the application:

- (a) the aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area (including the Metropolitan Region Scheme);*
- (b) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (c) any approved statement of planning policy of the Commission;*
- (d) any approved environmental protection policy under the Environmental Protection Act 1986;*
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;*
- (f) any Local Planning Policy adopted by the local government under clause 2.4, any heritage policy statement for a designated heritage area adopted under clause 7.2.2, and any other plan or guideline adopted by the local government under the Scheme;*
- (g) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*

Item 12.3 Continued

- (h) the conservation of any place that has been entered in the Register within the meaning of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area;*
- (i) the compatibility of a use or development with its setting;*
- (j) any social issues that have an effect on the amenity of the locality;*
- (k) the cultural significance of any place or area affected by the development;*
- (l) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (m) whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;*
- (n) the preservation of the amenity of the locality;*
- (o) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;*
- (p) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and 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;*
- (r) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*
- (s) whether public utility services are available and adequate for the proposal;*
- (t) whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
- (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 to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (w) whether the proposal is likely to cause soil erosion or land degradation;*
- (x) the potential loss of any community service or benefit resulting from the planning approval;*

Item 12.3 Continued

- (y) any relevant submissions received on the application;*
- (z) the comments or submissions received from any authority consulted under clause 10.1.1;*
- (za) any other planning consideration the local government considers relevant.*

BACKGROUND

Applications for subdivision and survey strata approval are dealt with by the Western Australian Planning Commission (WAPC).

Where an application is made for a survey strata approval in respect of a lot which contains an existing dwelling, upon the WAPC approval of the plan of subdivision, the existing dwelling is converted, as a matter of law, to a grouped dwelling. This results from the definition of 'grouped dwelling' in the R-Codes, which applies to the City's LPS15.

A number of vacant survey strata lots were being approved by the WAPC which retained existing dwellings which did not comply with clause 5.7.3. The WAPC's approach to subdivision approval is that development standards are not a consideration of subdivision. Therefore, there is the potential for disconnection to occur between subdivision and development.

The City received legal advice that grouped dwellings on vacant survey strata lots (above an R20 density) where an existing house has been retained which does not comply with the development standards specified under the Scheme cannot be approved.

As the strata subdivision applications dealt with here, and the development associated with them, involves development to which the R-Codes apply, the discretionary provisions of c1.5.5 of LPS15 do not appear to apply. Therefore, there appears to be no discretion for the City under LPS15, to relax the standards in c1.5.7.3.

A number of vacant survey strata lots were identified where the City is unable to approve a grouped dwelling as the City is unable to vary the standards of the Scheme in regard to development where the Residential Design Codes apply (as per the Model Scheme Text requirements).

The wider implications of the advice is that the City is unable to vary the Scheme standards where it relates to Coded land no matter how soundly based the argument is, or how minor the variation to the Scheme requirements. The City does not have the ability to vary those Scheme requirements.

On becoming aware of the issue and wider implications, Council Officers commenced discussions with Officers of the Department of Planning. It was agreed that the simplest solution would be to modify Clause 5.5.1 of the LPS15 Text so that the standards of the Scheme could be varied where arguments support that variation.

Item 12.3 Continued

OFFICER COMMENT

The ability to exercise discretion where warranted is integral to the implementation of the aims of the Scheme and to ensure that common sense can be applied to specific cases. Unthinking adherence to Scheme provisions without reality testing is administratively easier to apply however does not result in a good planning outcome as there are commonly cases where variances can be supported. The checks and balances on these variations come in the form of clauses 5.5.2. and 5.5.3 which allows for: consultation; consideration of the criteria to be applied when exercising discretion (as detailed in clause 10.2); and ensures a proposal will not have adverse effect on the future of the locality.

This principle can be applied to all Scheme clauses with the exception of the clauses pertaining to the Residential zone as the current wording of clause 5.5.1 restricts the exercise of discretion where the Residential Design Codes apply. In discussion with Department of Planning Officers that was not the intent of the wording of clause 5.5.1 and as such some rewording of the clause to clarify that the standards of the Scheme as they relate to Residential zoned land may be varied is highly desirable.

In regard to the potential exercise of discretion in relation to the 'disconnect' which has occurred between subdivision and development, it is proposed that the exercise of discretion should only be applied in those current instances where a new vacant survey strata lot has been created and land ownership has changed from the original subdividing owner thereby catching the new owners in a no-win situation where they have purchased a vacant lot which effectively cannot be developed on. With any future such proposals for strata subdivision which does not comply with the provisions of clause 5.7.3 (particularly the six metre side setback) the City shall continue to request that the WAPC impose appropriate conditions and/or footnotes, and, in the event that appropriate conditions or advice notes are not applied, shall write directly to the owner/applicant to advise that they may not acquire an approval for a dwelling on the new lot they are proposing due to non compliance with the Scheme. This will ensure that for any future purchaser it is clear that the owner was aware of the issue and as such liability will lie clearly with them.

FINANCIAL IMPLICATIONS

There are costs associated with the advertising of a Scheme Amendment.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.3 Continued

OFFICER RECOMMENDATION

That Council:

- 1. In pursuance of Section 75 of the Planning and Development Act 2005, amend Local Planning Scheme No 15 by:***

- Deleting clause 5.5.1 as follows:***

Except for development in respect of which the Residential Design Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

And inserting amended Clause 5.5.1 as follows:

If a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

- 2. Forward the Amendment to the Environmental Protection Authority for assessment prior to commencing advertising for public inspection in accordance with the provisions of the Planning and Development Act 2005.***

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

**12.4 COMMUNITY SPORT AND RECREATION FACILITIES (CSRFF) APPLICATION
– FORSTER PARK BASEBALL BATTING CAGES**

SOCIAL BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 8–Item 12.4 refers	<u>Similar Proposed Batting Cage</u>
Attachment 9–Item 12.4 refers	<u>Existing Single Lane Cage</u>

Voting Requirement	:	Simple Majority
Subject Index	:	57/003
Location/Property Index	:	Part Lot 278 (130) Keane Street, Cloverdale
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Victoria Park Belmont Baseball Club Inc
Owner	:	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

To provide Council with background on a CSRFF application received from the Victoria Park Belmont Baseball Club (VPBBC) for a two lane batting cage at Forster Park, and to seek Council support and approval for a one-third financial contribution towards the project in the 2013-2014 financial year.

Item 12.4 Continued

SUMMARY AND KEY ISSUES

The VPBBC has identified the need for a new two lane batting cage due to:

- Club membership growing from 110 players in 2011-2012 to over 130 players in 2012-2013.
- The Committee is concerned that the existing single lane cage is inadequate, old and unsafe.
- The inability for coaches to run more structured training sessions. By holding effective training sessions, participants have more opportunity to increase physical activity levels and help attract new members.

The CSRFF application proposes that the City of Belmont contributes one-third of the project cost as per policy SB19 'Applications for Council Assistance', with the remaining two-thirds of the project costs being covered by the VPBBC and the Department of Sport and Recreation (DSR). Prior to submission of the application, minutes confirming Council's support for the application are required to be attached.

It has been agreed that the City will maintain the exterior fencing and replenish and compact the cracker dust base as required. The internal soft netting will be maintained by VPBBC.

LOCATION

Part Lot 278 (130) Keane Street, Cloverdale (Forster Park).



Item 12.4 Continued

CONSULTATION

This CSRFF application has been developed in consultation with the Belmont Districts Football Club (BDFC) and DSR. The BDFC have no direct involvement or benefit from the project and therefore will not make a financial contribution. However, their comments were considered during the design phase of the project to ensure there was no conflict with the proposed location and impact on their sporting activities. Each of the clubs have indicated they are satisfied with the project proceeding should funding be approved.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

- Objective:** Develop community capacity and self reliance.
- Strategy:** Assist clubs and community groups to be viable and active.
- Corporate Key Action:** Assist new and existing local sporting clubs to be sustainable.

POLICY IMPLICATIONS

Policy SB19 'Applications for Council Assistance' has been considered when assessing this application and states the following:

"All applications from non-profit, sporting and other community bodies, for Council's assistance in upgrading facilities will be considered on a basis of up to a maximum of one-third contribution by Council and two-thirds being the responsibility of the applicant".

STATUTORY ENVIRONMENT

Should the CSRFF application be successful, the applicant will be required to apply for a building permit.

BACKGROUND

The VPBBC has identified the need for a new two lane batting cage, similar to the batting cages shown in [Attachment 8](#). Club membership has grown from 110 players in 2011-2012 to over 130 players in 2012-2013. These batting cages are for sole use by the VPBBC.

Item 12.4 Continued

The Committee is concerned that the existing single lane cage located on the Keane Street side is inadequate, old and unsafe (refer to [Attachment 9](#)). Currently, teams are taking batting practice outside the confines of the existing single lane batting cage which poses a risk to players and the wider community, particularly community members who are undertaking their own physical activity on the oval such as walking their dogs. A two lane batting cage will reduce this risk with less baseballs being hit across the reserve.

The addition of a new two lane batting cage at Forster Park will allow coaches to run more structured training sessions. The extra cage will see players rotated through batting practice much quicker than the current system which has players standing in the outfield fielding the ball, while waiting for their turn to bat. This will in turn positively increase physical activity levels and help attract new members.

The VPBBC has obtained two quotes. The complete installation of an exterior fence and internal soft netting is \$26,600 excluding GST. The construction of a new surface for the batting cage is \$13,989.96 excluding GST. The total project cost is \$40,209.70 excluding GST.

OFFICER COMMENT

Community participation in sporting clubs provides many benefits including:

- Providing physical activity and recreation opportunities in a volunteer capacity
- Providing the opportunity for community members to meet one another, create close friendships and feel part of a community
- Contributing towards a tolerant community and providing a positive impact for Culturally and Linguistically Diverse communities
- Contributing towards a healthier population resulting in less stress on the health care system
- Positively impacting on children's learning
- Positively impacting on mental health in the wider community
- Reducing anti-social behaviour as community members are more actively engaged in sport
- Contributing to a safer community.

There have been several meetings with the VPBBC over the last year in relation to improving the baseball facilities at Forster Park. The Club has over 130 members and is Perth's largest baseball club with 18 teams competing in the Baseball Western Australia competition. The club has identified the need to improve the training facilities at the reserve in order to support the growth and sustainability of the club.

The City of Belmont provides advice and assists clubs in seeking resources to enhance their services and facilities. This enables clubs to provide a more attractive and appealing environment which increases community participation.

Item 12.4 Continued

The VPBBC will be managing the project and have indicated that they have secured a \$5,000 donation and are willing to contribute as indicated under Financial Implications.

The existing batting cages will remain in its current condition and location until a decision is made on its future use.

Due to safety reasons, the new batting cage will only be accessible by the baseball club. Notwithstanding, the cages will become an asset of the City, and will be maintained as follows:

- City of Belmont: Exterior fencing and cracker dust base
- VPBBC: Internal soft netting.

FINANCIAL IMPLICATIONS

If the funding application is approved, the City of Belmont will be required to contribute one-third of the project cost which equates to \$13,403.23 excluding GST. An amount of \$20,000 has been budgeted for in the 2013-2014 budget.

Project	Total Cost exc GST	Cost to Council exc GST	Cost to Club exc GST	CSRFF Funding exc GST
Forster Park	\$40,209.70	\$13,403.23	\$13,403.23	\$13,403.23

Should the funding approved from DSR be less than the funding requested, the VPBBC have identified that the extra funds will be sourced from club funds.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The addition of a new two lane batting cage will support community groups by:

- Ensuring that the community has access to the services and facilities it needs
- Assisting in developing community capacity
- Supporting community groups
- Enhancing a sense of community and the image of Belmont
- Contributing to an environment where residents are safe and feel safe.

Item 12.4 Continued

OFFICER RECOMMENDATION

That Council:

- 1. Approve the Victoria Park Belmont Baseball Club Community Sport and Recreation Facilities application, for the amount of \$40,209.70 excluding GST for the addition of a new two lane batting cage.***
- 2. Contribute \$13,403.23 excluding GST towards the project as provided for in the 2013-2014 Budget, if funding for the application is approved by the Department of Sport and Recreation.***

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

12.5 NAME CHANGES FOR COUNCIL FACILITIES AND PARKS

SOCIAL BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 10 – Item 12.5 refers	<u>Park Names in the City of Belmont</u>
Attachment 11 – Item 12.5 refers	<u>Map of Park Names and Public Open Space</u>

Voting Requirement	:	Simple Majority
Subject Index	:	117/008
Location / Property Index	:	N/A
Application Index	:	Nil
Disclosure of any Interest	:	Nil
Previous Items	:	12 February 2013 Information Forum Item 6.3
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input 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

Council to determine its position on the names of Council facilities and the naming of the area known as 'Faulkner Park'.

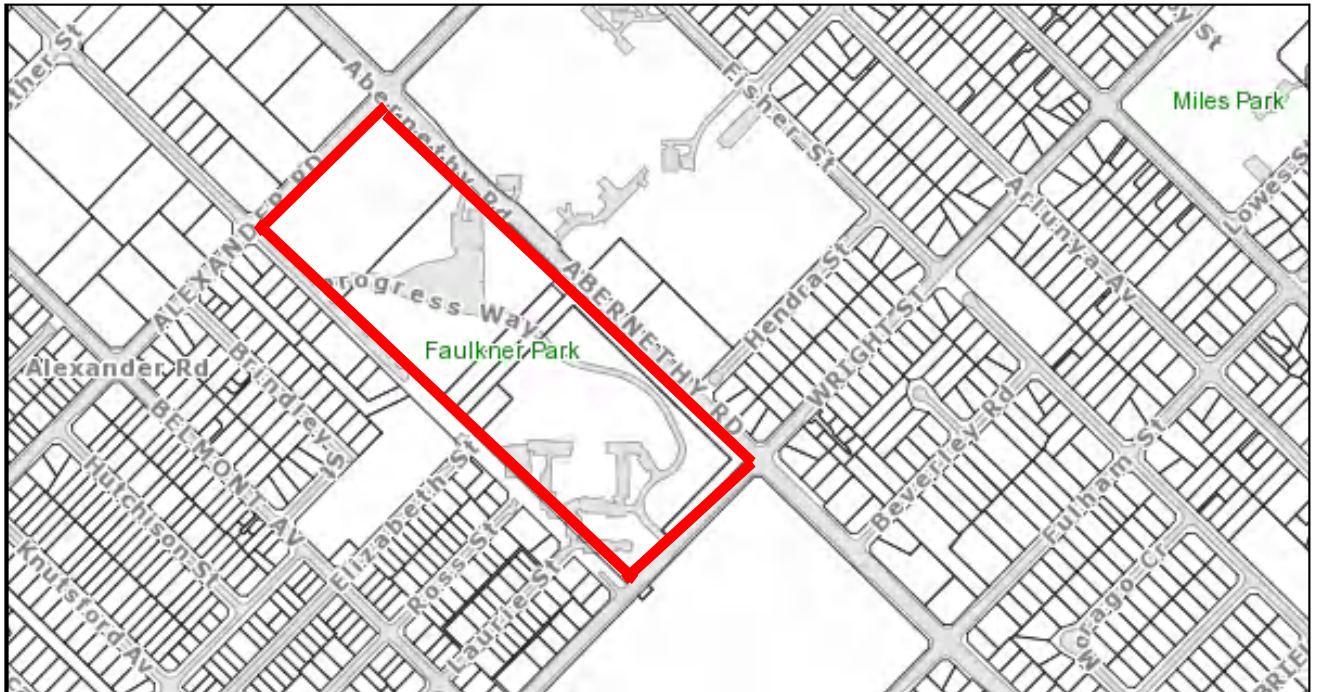
SUMMARY AND KEY ISSUES

It is proposed that hall names be standardised and referred to as 'Community Centres'. A name change of 'Faulkner Park' to 'Belmont Civic Centre' is also proposed.

Item 12.5 Continued

LOCATION

Faulkner Park, corner of Wright Street, Abernethy Road and Alexander Road, Cloverdale.



CONSULTATION

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

Item 12.5 Continued

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

The relevant Council Policies are SB3-‘Naming or Renaming of Streets, Parks and Reserves’, and SB4-‘Naming of Council Facilities’.

STATUTORY ENVIRONMENT

The approval of the Geographic Names Committee will be required for a change of name of what is known as ‘Faulkner Park’.

BACKGROUND

At the Agenda Briefing Forum of the 21 August 2012, there was a question relating to Item 12.8 ‘Tender 21/2012 – Refurbishment of Forster Park Community Centre’ seeking consideration of a name change of the Forster Park Community Centre. The Centre’s current name is Forster Park Hall.

An alternative name of Cloverdale Community Centre was put forward for consideration. The rationale behind this suggestion was that the City has the Rivervale Community Centre at Wilson Park. It was considered preferable to have a preliminary discussion on this matter at the Information Forum of 12 February 2013. Some other possible name changes were also raised for discussion at that Forum.

[Attachment 10](#) is a list of ‘Park Names in the City of Belmont’. This is useful as it provides a list of all names of parks currently in use and also the history of the names. [Attachment 11](#) is a map of the Park names within the City and other areas of public open space without names.

Names of Recreation Facilities on Parks

In regard to the existing names of recreation facilities on parks, the following is listed:

- Redcliffe Park Community Centre
- Rivervale Community Centre
- Peet Park Community Centre
- Miles Park Community Centre
- Robinson Netball Centre
- Forster Park Hall
- Middleton Park Community Centre
- Centenary Park Clubrooms

Item 12.5 Continued

- Harman Park Cloverdale Kindergarten
- Kewdale Kindergarten
- 400 Abernethy Road Cloverdale:
 - Belmont Sports and Recreation Club (*building*)
 - Gerry Archer Athletic Track
 - Belmont Park Tennis Club
 - Belmont SES Unit and SES Mounted Section.

It has been suggested in the past that the Belmont Sports and Recreation Centre be called 'Cloverdale Central'. This would however, have implications in regard to naming for all the other organisations that use the Centre.

The naming of a hall, clubrooms or community centre having the same name as the Park in which it is situated makes for easy and convenient identification of its location. This is an important principle that should be maintained.

It was therefore considered that the name of Forster Park Hall should be formally changed to the Forster Park Community Centre. Council should decide on the names of its facilities for consistent reference in the future.

PJ Faulkner Park

Faulkner Park should be more accurately referred to as PJ Faulkner Park as this is the Landgate approved name. But even this name is misleading, because the subject land is not a park, but a civic and cultural area and has been reserved as such in the Shire of Belmont Town Planning Scheme No. 6 of 1972 and in all subsequent Town Planning Schemes.

The civic and cultural precinct includes the 'City of Belmont Civic Centre', the Belmont Senior Citizens Centre, the Belmont Oasis Leisure Centre, the Ruth Faulkner Public Library and the Volcano Park. It was previously indicated that the name of this area should be called the Belmont Civic Precinct, but it was considered that the area being referred to as the 'Belmont Civic Centre' would be more appropriate. The name of PJ Faulkner could then be preserved for a future room or a building within the Belmont Civic Centre. The name of Faulkner is however recognised by the name 'Faulkner Park Retirement Village' and the Ruth Faulkner Library.

It is important that the community know that the Civic Centre area will accommodate buildings and land-uses that are located in a landscaped, parkland setting. This should be the cultural heart of our City.

Item 12.5 Continued

There is an incorrect perception that the Civic Centre area is for recreation, mainly because of the incorrect naming as a park and extensive landscaping to create a parkland setting. It is understandable that some members of the community regard building and car-parking areas, current or proposed as unwanted and unnecessary intrusions.

The primary purpose of a parcel of land should provide an indicator for its name. For example, the University of Western Australia (UWA) has its grounds as an education centre, but it is also the site of active and passive recreation, cultural events, markets, conferences, weddings, outdoor theatre etc. It has beautiful garden and parkland surrounds, but the area is not known as a park. This is similarly the case for the Curtin and Murdoch Universities and also the Cottesloe Civic Centre.

The Cottesloe Civic Centre is reserved under the Town of Cottesloe Town Planning Scheme No. 2 for 'Civic and Cultural Purposes'. This area has been landscaped as a parkland and is used extensively for passive recreation, weddings, major events such as the car show and boat show, but it is not known or promoted as a park.

Foreshore Recreation Areas

The boat ramp at Rivervale has been historically referred to as the Goodwood Parade Boat Ramp, but is located on Balbuk Way. It is also referred to as the Rivervale Boat Ramp.

From this boat ramp extending in an easterly and north-easterly direction the foreshore reserve varies substantially in width. In some locations, names have been given, as evident from the map at [Attachment 11](#). Consideration could be given to naming the various sections of the foreshore reserve.

In regard to the remaining portion of the former Hardey Park, as the development plan for this area creates a 'destination' there may be an argument for giving this a name. Whilst there is the standard list of names, Sandringham Park was first suggested as a possibility, or an Aboriginal name, as the River and its environs hold special significance to Aboriginal people.

There are many Noongar (Nyoongar) names that could apply to various locations, examples are:

- 'Koorliny' meaning movement (walking, coming and going)
- 'Moombaki' meaning where the river meets the sky
- 'Nun-gow' meaning to look, to see and to behold
- 'Paconaua' meaning to look, to see, observe
- 'Mordakdup' meaning steep, high
- 'Katta' meaning hill or 'kat-ta' the head the top of anything.

Reference 'A Nyoongar Wordlist from the South-West of Western Australia'. Compiled and edited by Peter Bindon and Ross Chadwick 1992.

Item 12.5 Continued

Councillors at the Information Forum of the 12 February 2013 were requested to consider the following naming issues:

1. Forster Park Hall to be named 'Forster Park Community Centre'
2. Centenary Park Clubrooms to be named 'Centenary Park Community Centre'
3. Harman Street Kindergarten to be named 'Harman Park Community Centre'
4. Belmont Sports and Recreation Centre to be named 'Cloverdale Central'
5. P J Faulkner Park to be named 'Belmont Civic Centre'
6. The remaining portion of the former Hardey Park to be named 'Sandringham Park'
7. Faulkner Park Playground to be named 'Volcano Playground'.

The following was concluded:

1. Forster Park Hall to be named 'Forster Park Community Centre' (*general agreement by Councillors*)
2. Centenary Park Clubrooms to be named 'Centenary Park Community Centre' (*general agreement by Councillors*)
3. Harman Street Kindergarten to be named 'Harman Park Community Centre' (*general agreement by Councillors*)
4. Belmont Sports and Recreation Centre to be named 'Cloverdale Central' (*Councillors not in agreement*)
5. P J Faulkner Park to be named 'Belmont Civic Centre' (*divided opinion by Councillors, P J Faulkner would need to be recognised in any new development of the Civic Centre*)
6. The remaining portion of the former Hardey Park to be named 'Sandringham Park'

There was general agreement by Councillors that the park should not be named 'Sandringham Park'. It was suggested that rather than a 'Park', 'Lookout' should be used, whilst incorporating an Aboriginal name.

The Director Community and Statutory Services was requested to investigate an appropriate Aboriginal name for the 'Lookout'

7. Faulkner Park Playground to be named 'Volcano Playground' (*general agreement by Councillors*).

In relation to point 6, an approach was made to our Consultant Jacqueline Minney from 'Opportunities Without Boundaries Pty Ltd' (OWB) for advice on reaching a suitable Noongar name that reflected local Aboriginal culture and heritage and the geographical importance of the place, being the highest position in Belmont with River views.

Item 12.5 Continued

There are cultural sensitivities associated with the disjointed Noongar groups within the City of Belmont. In regard to these issues, Ms Minney believed it paramount to engage a cross section of the Noongar community in a consultative process, to ensure the Council can make an informed decision on a possible name for the former Hardey Park.

To achieve this, Ms Minney suggested a localised approach that is, consulting with local Aboriginal communities, Elders and relevant stakeholders within the Belmont area during the Aboriginal Engagement Plan consultations and with the City's Aboriginal Reference Committee members. This is a more thorough, localised and an advantageous process. Initially, the South West Aboriginal Land and Sea Council's Wadjuk Working Party was approached for consultation however, this process has been delayed.

With the City consulting extensively with local Aboriginal communities, it ensures that decision making processes are based upon local Aboriginal interests, that the outcomes are acquired from community engagement and also represents an integral step in empowering Aboriginal community members and acknowledging their culture and heritage within the Belmont area.

A further report will be prepared for Council in regard to the naming of the land previously referred to as 'the portion of the former Hardey Park'.

OFFICER COMMENT

The only name issue that now requires further deliberation is the change of P J Faulkner Park (known as Faulkner Park) to Belmont Civic Centre. In view of the extensive redevelopment of 'Faulkner Park' which is under consideration, it is considered extremely important that the area be named appropriately as the Belmont Civic Centre. This will overcome future confusion and misunderstanding.

Given the likelihood of the merging of the City of Belmont with the Shire of Kalamunda, it is considered that the Town Centre will remain as such and therefore it becomes critical that the name of 'Belmont' be preserved with the naming of our civic and cultural heart as the 'Belmont Civic Centre'.

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 12.5 Continued

OFFICER RECOMMENDATION

That Council:

1. Approve the names of the following facilities.
 - Forster Park Hall to be named 'Forster Park Community Centre'
 - Centenary Park Clubrooms to be named 'Centenary Park Community Centre'
 - The former Harman Street Kindergarten to be named 'Harman Park Community Centre'
 - Faulkner Park Playground to be named 'Volcano Playground'.
2. Seek the approval of the Geographic Names Committee to the following names:
 - P J Faulkner Park to be named 'Belmont Civic Centre'.

Note

Cr Hitt put forward the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

HITT MOVED, ROSSI SECONDED, That Council:

1. ***Approve the names of the following facilities:***
 - ***Forster Park Hall to be named 'Forster Park Community Centre'***
 - ***Centenary Park Clubrooms to be named 'Centenary Park Community Centre'***
 - ***The former Harman Street Kindergarten to be named 'Harman Park Community Centre'***
 - ***Faulkner Park Playground to be named 'Volcano Playground'.***
2. ***Refer the renaming of P J Faulkner Park to a future Information Forum.***

CARRIED 9 VOTES TO 0

Reason

To enable Councillors to investigate ways in which PJ Faulkner Park's current green environment and recreational usage can be safeguarded for the future for the residents of the City of Belmont.

- 8.41pm The Chief Executive Officer and the Manager Property and Economic Development departed the meeting.
- 8.42pm The Principal Governance and Compliance Advisor departed the meeting.
- 8.43pm The Manager Property and Economic Development and the Principal Governance and Compliance Advisor returned to the meeting.
- 8.45pm The Chief Executive Officer returned to the meeting.

12.6 ACCOUNTS FOR PAYMENT–JULY 2013

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 12 – Item 12.6 refers	Accounts for Payment July 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

- ☐ **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 12.6 Continued

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

LOCATION

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.

Item 12.6 Continued

OFFICER COMMENT

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

Municipal Fund Cheques	785010 to 785068	\$222,197.82
Municipal Fund EFTs	EF028646 to EF029057	\$2,761,673.04
Municipal Fund Payroll	July 2013	\$1,230,840.95
Trust Fund Cheques	905389	\$25,177.66
Trust Fund EFTs	EF028733	<u>\$5,978.58</u>
Total Payments for July 2013		\$4,245,868.05

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 July 2013 as provided under [Attachment 12](#) be received.

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

12.7 MONTHLY ACTIVITY STATEMENT AS AT 31 JULY 2013

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 13 – Item 12.7 refers	<u>Monthly Activity Statement as at 31 July 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

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

Item 12.7 Continued

SUMMARY AND KEY ISSUES

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

LOCATION

N/A.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

Item 12.7 Continued

OFFICER COMMENT

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

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

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

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.*

Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards (AASB1031).

AASB1031 discusses the principles to be applied in determining if a variance is material. AASB1031 states that:

Information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively, to influence the economic decisions of users taken on the basis of the financial statements or affect the discharge of accountability by the management or governing body of the entity. In deciding whether an item or an aggregate of items is material, the size and nature of the omission or misstatement of the items usually need to be evaluated together.

In the case of Council’s Annual Budget (and related monthly Statement of Financial Activity), it is felt that the potential impact on the estimated closing balance should determine if an item is material or not. For this reason, Council has previously adopted 10 per cent of the budgeted closing balance as the materiality threshold.

Item 12.7 Continued

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of AASB1031 as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council.

Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual versus year to date budget.

In order to provide more details regarding significant variations (refer to [Attachment 13](#)) the following summary is provided.

Report Section	YTD Budget	YTD Actual	Comment
Expenditure–Capital			
Road Works	421,829	196,178	Contractor invoices for roads are generally received one month in arrears.
Operations Centre	109,754	27,492	Relates to pending fleet purchases.
Building Operations	111,250	16,172	Relates to outstanding contractor invoices for Harman St.
Expenditure–Operating			
Computing	203,442	281,550	Relates to a timing difference in regards to software maintenance renewals.
Belmont Community Watch	59,603	2,318	Invoices for security services are received one month in arrears.
Grounds Operations	407,989	241,248	Relates to outstanding contractor invoices and wage allocations.
Other Public Works	78,821	(56,525)	Relates to the reversal of a street lighting invoice which will be corrected in August.
Revenue–Capital			
Property and Economic Development	(275,000)	0	Relates to a timing difference in regards to land sales.
Operations Centre	(56,000)	0	Relates to pending fleet sales.
Revenue–Operating			
Computing	(157,386)	(281,550)	ABC cost recovery allocation above budget.
General Purpose Income	(97,000)	0	Timing issue in regards to receipt of the Financial assistance Grant.
Belmont HACC Services	(185,822)	(539,958)	Quarterly operating grant received in advance.
Road Works	(62,467)	0	Timing issue in regards to receipt of the Financial assistance Grant.

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

Item 12.7 Continued

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 July 2013	\$	Comment
Cash and investments	35,350,581	Includes municipal, reserves and deposits
-less non rate setting cash	(29,645,336)	Reserves and deposits held
Receivables	43,285,274	Rates levied yet to be received and Sundry Debtors
-less non rate setting receivables	(6,659,003)	ESL levied and GST payable
Stock on hand	266,088	
Total Current Assets	42,597,603	
Current Liabilities		
Creditors and provisions	(13,945,372)	Includes deposits
-less non rate setting creditors and provisions	8,752,822	ESL, GST and deposits held
Total Current Liabilities	(5,192,550)	
Nett Current Assets 31 July 2013	37,405,054	
Nett Current Assets as Per Financial Activity Report	37,405,054	
Less Restricted Assets	(154,638)	Unspent grants held for specific purposes
Less Committed Assets	(36,750,416)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There are no social implications at this time.

Item 12.7 Continued

OFFICER RECOMMENDATION

1. *That Council adopt ten per cent of the estimated closing balance as the base amount for determining materiality of variations in accordance with Regulation 34(5) of the Local Government (Financial Management) Regulations 1996.*
2. *That the Monthly Financial Reports as at 31 July 2013 (refer to [Attachment 13](#)) be received.*

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

12.8 RATE EXEMPTION REVIEW PROCESS

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Absolute Majority
Subject Index	:	98/008 – Rate Exemption
Location/Property Index	:	Various
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	As listed in report
Owner	:	As listed in Report
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

- | | | |
|-------------------------------------|-----------------------|---|
| <input type="checkbox"/> | Advocacy | <i>When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.</i> |
| <input type="checkbox"/> | Executive | <i>The substantial direction setting and oversight role of the Council eg adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.</i> |
| <input type="checkbox"/> | Legislative | <i>Includes adopting local laws, 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

This report presents the first stage of the City's review of rate exempt property status for Council's noting and endorsement.

SUMMARY AND KEY ISSUES

The first group of properties reviewed are those that have been granted rate exemption for Charitable Use status. Each owner was sent a letter giving them the opportunity to object to the rate book and provide documentation to prove that the property use is still charitable. In the case of the property being leased, the tenant through the owner has provided the required documentation. This review has so far resulted in two properties being identified as rateable, with another two awaiting additional information to enable a decision to be made.

Item 12.8 Continued

LOCATION

LIST ONE – CONTINUED EXEMPT STATUS

ORIGINAL EXEMPTION GRANTED TO	PROPERTY	USE PROPERTY	OF	RATE TYPE	PROPERTY OWNER
Advocare Incorporated	1/190 Abernethy Road, Belmont	Advocacy for Seniors - non Profit		Commercial	Valetta Pty Ltd
Baptist Churches of Western Australia (WA)	2/21 Rowe Avenue, Rivervale	Administration Centre		Commercial	Baptist Churches of Western Australia
Baptist Churches of WA	3/21 Rowe Avenue, Rivervale	Administration Centre		Commercial	Baptist Churches of Western Australia
Baptist Churches of WA	4/21 Rowe Avenue, Rivervale	Administration Centre		Commercial	Baptist Churches of Western Australia
Baptist Churches of WA	19 Rowe Avenue, Rivervale	Staff Car park for Administration Centre		Residential	Baptist Churches of Western Australia
Girl's Brigade of WA	2/407 Great Eastern Highway, Redcliffe	Administration Centre		Commercial	Girl's Brigade of WA
Good Samaritan Industries	8/199 Abernethy Road, Belmont	store that trains people with disabilities		Commercial	Carooda Pty Ltd and Sansom Nominees Pty Ltd
Jacaranda Community Centre	146 Epsom Avenue, Belmont	Counselling Service		Commercial	Jacaranda Community Centre
Southern Cross Care (WA) Inc	15 Rowe Avenue, Rivervale	Administration Centre		Commercial	Southern Cross Care (WA) Inc

Item 12.8 Continued

ORIGINAL EXEMPTION GRANTED TO	PROPERTY	USE OF PROPERTY	RATE TYPE	PROPERTY OWNER
St John Ambulance Association	7 Hehir Street, Belmont	Ambulance Centre - Used as a store for various equipment, vehicles, workshop to refurbish emergency management kits. Also used for training.	Commercial	St John Ambulance Association
St John Ambulance Association	526 Abernethy Road, Kewdale	Ambulance Depot	Industrial	St John Ambulance Association
St John Ambulance Association	203-209 Great Eastern Highway, Belmont	Ambulance Call Centre - various administration duties, education and training of Paramedics	Commercial	St John Ambulance Association
St Vincent De Paul Society	17-21 Camden Street, Belmont	Administration Centre	Commercial	St Vincent De Paul Society
St Vincent De Paul Society	110 Kooyong Road, Rivervale	Not for profit shop	Commercial	Ernest Gracian D'Silva
Wanslea Charitable Group Inc	311 Abernethy Road, Cloverdale	Office	Commercial	Wanslea Charitable Group Inc
EMRC	226 Great Eastern Highway, Ascot	Administration Centre	Commercial	EMRC

LIST TWO – EXEMPTION NO LONGER APPLICABLE

ORIGINAL EXEMPTION GRANTED TO	PROPERTY	USE OF PROPERTY	RATE TYPE	PROPERTY OWNER
Australian Red Cross	17-19 Belgravia Street, Belmont	Shop	Commercial	Funview Enterprises Pty Ltd
Therapy Focus	4/161 Great Eastern Highway, Rivervale	Occupational Therapy	Commercial	Abadal Pty Ltd, F Grapsas and P and A Pan Pty Ltd, Angelo Michael Mavromatis and Dimitrios Politis

Item 12.8 Continued

LIST THREE – AWAITING FURTHER INFORMATION

ORIGINAL EXEMPTION GRANTED TO	PROPERTY	USE OF PROPERTY	RATE TYPE	PROPERTY OWNER
Workpower Inc	159-161 Abernethy Road, Belmont	Office - Warehouse	Commercial	Sansom Nominees Pty Ltd
The Gowrie Child Care Centre	23 Paterson Road, Kewdale	Childcare	Commercial	Crown - Vested in Minister for Community Development

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

1. Section 6.26 of the Local Government Act states:

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

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

2. Section 6.53 of the Local Government Act states:

“Land becoming or ceasing to be rateable land:

Where during a financial year –

- (a) land that was not rateable becomes rateable land; or*
- (b) rateable land becomes land that is not liable to rates, the owner of that land –*
 - (c) is liable for rates proportionate to the portion of the year during which the land is rateable land; or*

Item 12.8 Continued

(d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land, as the case requires”

3. Section 6.39(b) states that a local government:
“*may amend the rate record for the 5 years preceding the current financial year.*”

BACKGROUND

Rates staff are in the process of conducting a review on properties that have been granted rate exemption previously to ensure that the properties are being used for the same purpose for which the exemption was originally granted.

There are currently 83 properties that have current rate exemption status. The list has been broken down to three main categories of exemptions:

- Charitable use exemption
- Religious purposes
- Aged and crisis accommodation.

Due to the requirement to obtain updated information from owners and lessees, this review will take time to complete. Each category will be reviewed over time and reported to Council when suitable results become available.

It is expected that some properties will change status (as has been the result in the category presented in this report) and will become rateable as a result of this review. Each report presented to Council will recommend that properties with no change continue to be exempt, and others where change has occurred be treated according to their individual circumstances.

OFFICER COMMENT

List one properties are broken into three categories being 1) the administration and distribution centres for the charitable organisation; 2) are retail not for profit shops that are staffed mainly by people with disabilities allowing them to gain confidence in themselves and gain some employment at the same time and 3) Counselling services for the elderly, frail, low income and those with disabilities. It is the view of officers that each of these properties substantially meet the definition of “*land used exclusively for charitable purposes*”.

List two properties are no longer being used by the organisation that was originally granted the rate exemption and therefore the circumstances of the original exemption have changed. In both of these cases, it is reasonable to determine that these properties no longer meet the requirements for a charitable exemption.

List three properties are still under review and will be reported to Council when their reviews are finalised.

Item 12.8 Continued

FINANCIAL IMPLICATIONS

Properties shown on list two are no longer eligible to have rate exemption status and should be rated accordingly from the time that their circumstances changed.

The property at 4/161 Great Eastern Highway, Rivervale changed its use as at 31 May 2007, however this change of status was not notified to the City. This property is to be back rated for the full five years allowable under *Section 6.39(b) of the Local Government Act 1995*. The rate applicable to 2013-2014 year is \$7,101.20.

17-19 Belgravia Street, Belmont has changed its status as at 1 April 2013 and will be back rated to this time. The rate applicable to 2013-2014 year is \$7,308.70.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

The City's Rates staff undertook site visits where applicable. After visiting each of these organisations it is evident each of the organisations recommended for exemption plays a significant role within the City's Community. They each give support and access to services and facilities which clearly enhances the wellbeing of members of our community who are in need of an environment in which they feel safe and secure within their homes and the surrounding area.

Note

Cr Rossi previously disclosed an Interest Affecting Impartiality in respect to this item.

OFFICER RECOMMENDATION

That as contained in the Officer Report, Council:

- 1. Approve the properties in "List One – Continued Exempt Status" continuing to receive rate exemption under section 6.26 (2)(g) and Section 6.53 of the Local Government Act 1995 effective from 1 July 2013.**
- 2. Approve amendment to the rate record for the properties in "List Two – Exemption No Longer Applicable" as at their effective dates and that they be rated as provided by the Local Government Act 1995.**
- 3. Note that the properties in "List Three – Awaiting Further Information" are still under review and their status will be reported to Council after it has been determined.**

ABSOLUTE MAJORITY REQUIRED

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

12.9 INTERIM FINANCIAL AUDIT REPORT

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 14 – Item 12.9 refers	<u>Interim financial audit report-letter</u>

Voting Requirement	:	Simple Majority
Subject Index	:	19/001
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 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 checked="" 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

This report provides Council feedback from the City's auditors as a result of their interim audit conducted in May 2013.

Item 12.9 Continued

SUMMARY AND KEY ISSUES

The Interim Audit Report included seven areas of Council's operations which received comment from the auditors as a result of the interim audit process. These areas are "Bank Reconciliations", "Creditors", "Depot", "Rates", "Sundry Debtors", "Investments" and "Payroll". The comments predominantly related to improving existing procedures, particularly to the existing monthly reconciliation process.

The Audit Report was presented to the Audit and Risk Committee on 15 July 2013.

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 Belmont.

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

Strategy: Ensure Council is engaged at a strategic level to enable effective decision making.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 7.2 of the *Local Government Act 1995* requires that "the accounts and Annual Financial Report of a local government for each financial year are audited by an auditor appointed by the local government."

BACKGROUND

During May 2013, Macri Partners, the City's appointed auditors, undertook an interim audit for the purposes of assessing the internal controls and compliance aspects of the City's operations. This provides the auditors with an indication of the extent to which they can rely on the City's systems and controls in determining the accuracy of the City's Annual Financial Report as at 30 June of the year in question.

Item 12.9 Continued

OFFICER COMMENT

The audit letter from Macri Partners (Refer [Attachment 14](#)) details the items raised as a result of the interim audit. Comments from the City's administration in response to the items can be found under the 'Management Comment' section within the letter.

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.

OFFICER AND COMMITTEE RECOMMENDATION

That the Council note the results of the 2012-2013 Interim Audit Report as detailed in [Attachment 14](#).

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

12.10 MATHESON ROAD SUBDIVISION – MAJOR LAND TRANSACTION BUSINESS PLAN

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 15—Item 12.10 refers	<u>Major Land Transaction Business Plan for Matheson Road Subdivision, Ascot</u>

Voting Requirement	:	Absolute Majority
Subject Index	:	68/004 – Council Land Acquisitions and Management
Location/Property Index	:	9 and 11 The Esplanade, Ascot 97, 99 and 10 Matheson Road, Ascot
Application Index	:	N/A
Disclosure of any Interest	:	None
Previous Items	:	Item 11.3.3, 24 September 2004 Item 6.4, Information Forum 13 - November 2012
Applicant	:	City of Belmont
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> |
| <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 seek Council's endorsement to give Statewide public notice advising that the City of Belmont proposes to commence a major trading undertaking through the actions associated with the disposal of the land comprising the Matheson Road Subdivision.

Item 12.10 Continued

SUMMARY AND KEY ISSUES

Belmont City Council has endorsed the clearing, subdivision and disposal of the properties that were originally used for the Ascot Water Playground. Subsequent to this decision the Swan River Trust expressed concerns over the proposal to remove the land from the 'Parks and Recreation' reserve and include the lots in the 'Residential and Stables' zone. This matter was eventually resolved and the land was included in the 'Residential and Stables' zone with the Gazettal of Local Planning Scheme 15 on 1 December 2011.

City Officers have conducted further assessments of the issues and opportunities associated with the disposal of the former Ascot Water Playground, which is now referred to as the Matheson Road subdivision.

Pursuant to the requirements of the *Local Government Act 1995* and the *Local Government (Functions and General) Regulations 1996* it is now necessary to prepare a Major Land Transaction Business Plan (Refer [Attachment 15](#)) to support the proposed disposal of the land comprising the Matheson Road Subdivision. Further to this it will be necessary to give Statewide public notice advising of the intention to subdivide and dispose of the land comprising the Matheson Road Subdivision. The Statewide public notice must also advise that the Major Land Transaction Business Plan is available for viewing and that submissions on the proposal are welcomed.

Once the submission period is closed, a further report to Council will be provided to consider any submissions received and for a decision to be made on the continuation of the process.

LOCATION

The subject properties are Lots 1 and 2, and 25 (9 and 11) The Esplanade and Lots 50, 3 and 48 (97, 99 and 101) Matheson Road, Ascot, as shown in Figure 1.



Figure 1: Location plan and aerial photograph

Item 12.10 Continued

CONSULTATION

There was considerable public consultation at the time that Council originally approved the subdivision and disposal of the land comprising the Matheson Road Subdivision.

Subsequent to this, the City engaged in lengthy dialogue with the Swan River Trust to allay their concerns about the properties potential use as stables. The formal notification of the rezoning of the land from 'Parks and Recreation' to 'Residential and Stables' was provided within the public advertising and consultation conducted prior to the Gazettal of Local Planning Scheme 15 on 1 December 2011.

Finally, there has been extensive consultation with the relevant Directors and Managers of the City of Belmont.

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: Operate Council's land and facilities portfolio as an efficient investment.

Corporate Key Action: Implement the City's Land Asset Management Plan.

POLICY IMPLICATIONS

BEXB27 Financial Management – Major Land Transactions

Policy Objective

To ensure specific financial management is applied to Major Land Transactions (a Major Land Transaction would be defined as per s3.59 of the *Local Government Act 1995*).

Policy Statement

Major Land Transactions, Special Local Planning Schemes (as defined in the *Local Government Act 1995*) and significant special projects are subjected to specific financial management.

STATUTORY ENVIRONMENT

Section 3.59 of the *Local Government Act 1995* outlines the requirements that must be met for the City to undertake the proposed disposal of the Matheson Road subdivision. The Act states:

Item 12.10 Continued

3.59. Commercial enterprises by local governments

- (1) *In this section —*
 - land transaction** means an agreement, or several agreements for a common purpose, under which a local government is to —
 - (b) develop land;
 - major land transaction** means a land transaction other than an exempt land transaction if the total value of —
 - (b) anything done by the local government for achieving the purpose of the transaction,is more, or is worth more, than the amount prescribed for the purposes of this definition;
- (2) *Before it —*
 - (b) enters into a major land transaction; or
 - (c) enters into a land transaction that is preparatory to entry into a major land transaction,a local government is to prepare a business plan.
- (3) *The business plan is to include an overall assessment of the major trading undertaking or major land transaction and is to include details of —*
 - (a) its expected effect on the provision of facilities and services by the local government; and
 - (b) its expected effect on other persons providing facilities and services in the district; and
 - (c) its expected financial effect on the local government; and
 - (d) its expected effect on matters referred to in the local government's current plan prepared under section 5.56; and
 - (e) the ability of the local government to manage the undertaking or the performance of the transaction; and
 - (f) any other matter prescribed for the purposes of this subsection.
- (4) *The local government is to —*
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to commence the major trading undertaking or enter into the major land transaction described in the notice or into a land transaction that is preparatory to that major land transaction; and
 - (ii) a copy of the business plan may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed undertaking or transaction may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;and
 - (b) make a copy of the business plan available for public inspection in accordance with the notice.
- (5) *After the last day for submissions, the local government is to consider any submissions made and may decide* to proceed with the undertaking or transaction as proposed or so that it is not significantly different from what was proposed.*

Item 12.10 Continued

Section 8A of the *Local Government (Functions and General) Regulations 1996* states that:

8A. Amount prescribed for major land transactions; exempt land transactions prescribed (Act s.3.59)

- (1) *The amount prescribed for the purposes of the definition of **major land transaction** in section 3.59 (1) of the Act is —*
 - (a) *if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —*
 - (i) *\$10 000 000; or*
 - (ii) *10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;*

Given that the anticipated revenue from the disposal of the land is in excess of \$5,900,000, which is more than 10% of the operating expenditure incurred by the City of Belmont from its municipal fund in 2012/2013, this disposal is a major land transaction. Accordingly, this Major Land Transaction Business Plan has now been prepared to address the requirements of the *Local Government Act 1995* with regards to the disposal of the land.

BACKGROUND

The Ascot Water Playground was originally built in 1977 on land owned in fee simple by the City of Belmont. It was designed specifically for families and young children as an alternative to the usual children's playground and the conventional 'Olympic' swimming pool facilities of the time.

The Water Playground was operated by the City until 1980, after which it was managed by a contracted caretaker/operator. The YMCA was appointed in 1996 to manage the facility.

After 1996, there were increasing community concerns in regard to traffic, parking, anti-social behaviour and vandalism. There was a decline in patronage and increasing requirements for safety and legislative compliance. As a result of this situation, the Council commissioned a Strategic Analysis Report.

The critical findings of that Report were as follows:

- The facilities were outdated and in some cases deteriorating
- Significant capital works were required to be undertaken if the Playground were to continue operating to ensure compliance with current safety and environmental standards
- The level of subsidy required to fund the operations was increasing as the patronage declined.

During 2003 the Swan River Trust highlighted concern that pool water, including backwash, was being discharged into the Swan River through the local stormwater system. A solution to this problem was requested.

Item 12.10 Continued

After consideration of the costs of modifying the waste water handling to the Trust's requirements and the many other improvements required of the facilities, it was decided that the only cost effective outcome was to close the Ascot Water Playground. Accordingly, in August 2003 the Council resolved to close the facility and, subject to the undertaking of legislative requirements, dispose of the site.

As part of this process, Council undertook further community consultation. In September 2004 the Council approved the following recommendations:

1. *In accordance with Section 7 of the Town Planning and Development Act 1928 (as amended), the Council initiate Amendment No. 46 to amend Town Planning Scheme No. 14 by removing Lots 1 and 2, and 25 (9 and 11) The Esplanade and Lots 50, 3 and 48 (97, 99 and 101) Matheson Road, Ascot (former Ascot Water Playground) from the 'Parks and Recreation' reserve and including the lots in the 'Residential and Stables' zone.*
2. *The Council adopt Option 7B (provided overleaf at Figure 2) as the preferred subdivision plan for the former Ascot Water Playground site.*
3. *The Engineering Department design a foreshore plan to include:*
 - (a) *The newly formed road reserve*
 - (b) *The protection of the large trees on the reserves*
 - (c) *The protection of the privacy of the people living on the foreshore, taking into account their submission.*
4. *The Council authorise the Chief Executive Officer to proceed with the required processes in order to create the lots as shown by Option 7B for future disposal.*
5. *That the Subdivisional Plan 7B be referred to all those who made submissions for their information and advising of the basis on which the composite option was preferred.*

During September 2012 the City of Belmont commissioned Porter Consulting Engineers (PCE) to provide servicing advice and indicative development costs for the proposed 9 lot subdivision.

It was noted that the site still has most of the infrastructure associated with its former use in situ. This will need to be removed either prior to or as part of the subdivision works.

PCE conducted a geotechnical investigation of the properties, and have recommended that an AS 2870-2011 (*Residential Slabs and Footings*) site classification of 'P' should be adopted for the site at present. Class P describes sites which include soft soils, loose sands, landslip, mine subsidence, collapsing soils, erosion, fill and abnormal moisture conditions. For the Matheson Road subdivision, this classification stems from the presence of existing structures, several abandoned underground service trenches, organic soils at several test locations and possibly elsewhere on the site. This Classification would need to be improved to an AS 2870-2011 site classification of 'A' to return the expected revenue.

PCE have provided a schedule of indicative development costs. The total cost of clearing the site, undertaking the works required to achieve an AS 2870-2011 site classification of 'A', and subdivide the property is estimated at \$2,007,448.

Item 12.10 Continued

As with all estimates, there may be unexpected costs, especially with clearing and disposal, earthworks and drainage. It is also noted that these indicative costs include \$235,400 in "contingency" expenditure. Notwithstanding these caveats, these are the costings to be used in the further development of the business plan.



Item 12.10 Continued

PWandE have made the following observations within their valuation report:

“Because of its riverfront location Ascot remains a popular residential suburb. The newer, marina-type development at Ascot Waters proved popular with home buyers from the outset and has continued to attract high real estate prices.

The immediate proximity of the Ascot Racecourse has been the catalyst for the development of residential and stables facilities in nearby streets for many years. Most of the area is fully developed with a varying standard of accommodation supporting a wide range of property values.”

PWandE employed a direct comparison to similar sales methodology to determine approximate values for the nine individual blocks that will be created through Subdivisional Plan 7B, and reported:

“We assess the value of the proposed five lots fronting Matheson Road to be in the order of \$500,000 per lot.

We assess the value of the proposed four lots fronting The Esplanade to be in the order of \$850,000 per lot.”

OFFICER COMMENT

The subdivision and disposal of the land comprising the Matheson Road Subdivision is a longstanding objective of both Council and the City. Currently, the properties do not present well, provide an opportunity for anti-social behaviour and can harbour breeding mosquitoes. It is considered that the disposal and subsequent development of this land will be to the benefit of the community within Ascot.

FINANCIAL IMPLICATIONS

It is expected that the disposal of the land comprising the Matheson Road Subdivision will have a positive financial effect on the City of Belmont. However, the extent of this benefit is difficult to accurately quantify.

There are three issues that need to be considered when evaluating the expected financial effect stemming from this proposed disposal.

Firstly, the expected return of \$5,900,000 is a valuation based on a comparison to similar sales methodology for the disposal of 9 fully subdivided lots. In the end, the return from the sale of the land will be determined by market conditions. It will be recommended that the City dispose of this land by auction. For the purpose of this business plan the estimated return will be set at \$5,900,000.

Secondly, the costs associated with subdividing the land are estimates, with significant levels of contingency built in. The City will contract these works through a tender process, and the final costs will be determined by the market. As stated, for the purpose of this business plan, the value of the works will be estimated at \$2,007,448.

Item 12.10 Continued

If these were the only considerations, the calculation of the expected financial effect is a simple return on sales income less subdivision expenditure estimate, ie \$5,900,000 less \$2,007,448 equals \$3,892,552.

A further consideration stems from the need for the City of Belmont to adhere to Section 3.18 (3) (b) of the *Local Government Act 1995* where it is stated:

3.18. Performing executive functions

- (3) *A local government is to satisfy itself that services and facilities that it provides —*
 - (b) *do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private.*

The City of Belmont is not a land developer and, consistent with the requirements of the *Local Government Act 1995*, should not be undertaking activities that could be delivered by the private sector. As such, it is proposed to undertake the disposal of the property through a series of stages. The rationale for this approach is to strike a balance between seeking the maximum return for the City whilst not duplicating activities that should be delivered by a private sector property developer.

In the first instance, it is proposed that the City of Belmont will call for tenders from appropriately skilled companies to undertake the demolition of the redundant infrastructure on the site and clear out majority of the vegetation. It is felt that this is necessary to reduce perceptions of risk for developers who may hold concerns about redundant infrastructure under the ground.

Based on the PCE estimates, this should cost approximately \$378,400 (including GST). The City will then seek to auction off the entire site to a property developer, with the expectation that they would finalise the subdivision to the structure plan agreed to by Council.

It would be expected that any competent property developer would calculate their expected return less the costs required to finalise the subdivision. If it is assumed that their income versus expenditure calculations are exactly the same as those obtained by the City, it could be expected that they would be prepared to pay approximately \$4,270,952 for the property. As the City will have spent \$378,400 to get the property ready for disposal, the net return will still be \$3,892,552.

If, at this time, the property does not sell or falls far short of any reserve set by the City, then further work will be undertaken by contracting appropriate private sector contracting firms to advance the subdivision.

As shown at Table 1, it is estimated that there could be up to four iterations before the property is finally sold.

Item 12.10 Continued

DEVELOPMENT ACTIONS / STAGES	Stage 1	Stage 2	Stage 3	Stage 4
Clearing and Disposal	\$ 344,000	\$ 344,000	\$ 344,000	\$ 344,000
Earthworks		\$ 373,300	\$ 373,300	\$ 373,300
Establishment and Survey			\$ 100,000	\$ 100,000
Remaining construction costs				\$ 734,400
Construction Sub-Total	\$ 344,000	\$ 717,300	\$ 817,300	\$ 1,551,700
Subdivision costs				\$ 280,583
Total GST	\$ 34,400	\$ 71,730	\$ 81,730	\$ 175,165
TOTAL	\$ 378,400	\$ 789,030	\$ 899,030	\$ 2,007,448
Estimated return on sale	\$ 4,270,952	\$ 4,681,582	\$ 4,791,582	\$ 5,900,000
City expenditure	\$ 378,400	\$ 789,030	\$ 899,030	\$ 2,007,448
Real return	\$ 3,892,552	\$ 3,892,552	\$ 3,892,552	\$ 3,892,552

Table 1: Staged subdivision activities and expenditure versus income

Again, emphasis must be made on the approximate nature of the figures used herein. Both the income and expenditure used in this plan are skilled estimates. The intent of the City would be to realise approximately **\$5,000,000** return from the disposal of the properties comprising the Matheson Road subdivision. This will be achieved by setting appropriate reserves at the time the land is taken to auction. It is understood that there may be a risk of the land not initially selling but it is accepted that, over time, the value of the properties will increase.

However, the works that are necessary to bring the land to market should be undertaken now as these costs will also, inevitably, increase over time.

It is intended that this return will be placed into a restricted reserve and utilised by the City for the benefit of the local residents.

ENVIRONMENTAL IMPLICATIONS

There are no negative environmental implications at this time. It is assumed that the eventual reduction in mosquito breeding areas will have a positive environmental outcome for the immediate community.

SOCIAL IMPLICATIONS

It is expected that the use of the income stemming from the proposed disposal for the benefit of local residents will help ensure that the community has access to the services and facilities they need.

Item 12.10 Continued

OFFICER RECOMMENDATION

BASS MOVED, DORNFORD SECONDED, That Council:

- 1. *Endorse the Major Land Transaction Business Plan for Matheson Road Subdivision, Ascot as detailed in [Attachment 15](#).***
- 2. *Approve giving Statewide public notice stating that —***
 - i) the City of Belmont proposes to commence the major land transaction described in the notice***
 - ii) a copy of the business plan may be inspected or obtained at any place specified in the notice***
 - iii) submissions about the proposed transaction may be made to the City of Belmont.***

ABSOLUTE MAJORITY REQUIRED

CARRIED BY ABSOLUTE MAJORITY VOTES 9 TO 0

12.11 METROPOLITAN LOCAL GOVERNMENT REFORM

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	111/006 - Local Government Structural Reform
Location/Property Index	:	City of Belmont
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	Item 12.11 Ordinary Council Meeting, 26 March 2013. Item 12.11 Ordinary Council Meeting, 22 May 2012. Item 12.14 Ordinary Council Meeting, 20 December 2011. Item 12.9 Ordinary Council Meeting, 25 August 2009.
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 confirm and consider any required actions for the City of Belmont in response to the Minister for Local Government announcement of 30 July 2013, dealing with Metropolitan Local Government Reform.

Item 12.11 Continued

SUMMARY AND KEY ISSUES

In July 2013 the State Government announced a range of changes to local government in metropolitan Perth. The State Government has stated that the changes are planned to strengthen both the capacity and viability of Perth's local governments so they are in a stronger position to plan, manage and provide services for their communities.

The proposed changes include reducing the number of local governments in Perth from 30 to 14 with the goal to have new local governments in place from 1 July 2015.

The Minister for Local Government the Hon Tony Simpson MLA on Tuesday, 30 July 2013 unveiled the State Government blueprint for change. For the benefit of the community details can be located on the Department of Local Government website, <http://dlg.wa.gov.au/>

Premier Colin Barnett said the reform plan redefined outdated local government boundaries to create councils with improved economies of scale and provided better co-ordination across the metropolitan area.

It would create nine new local government areas through a series of mergers.

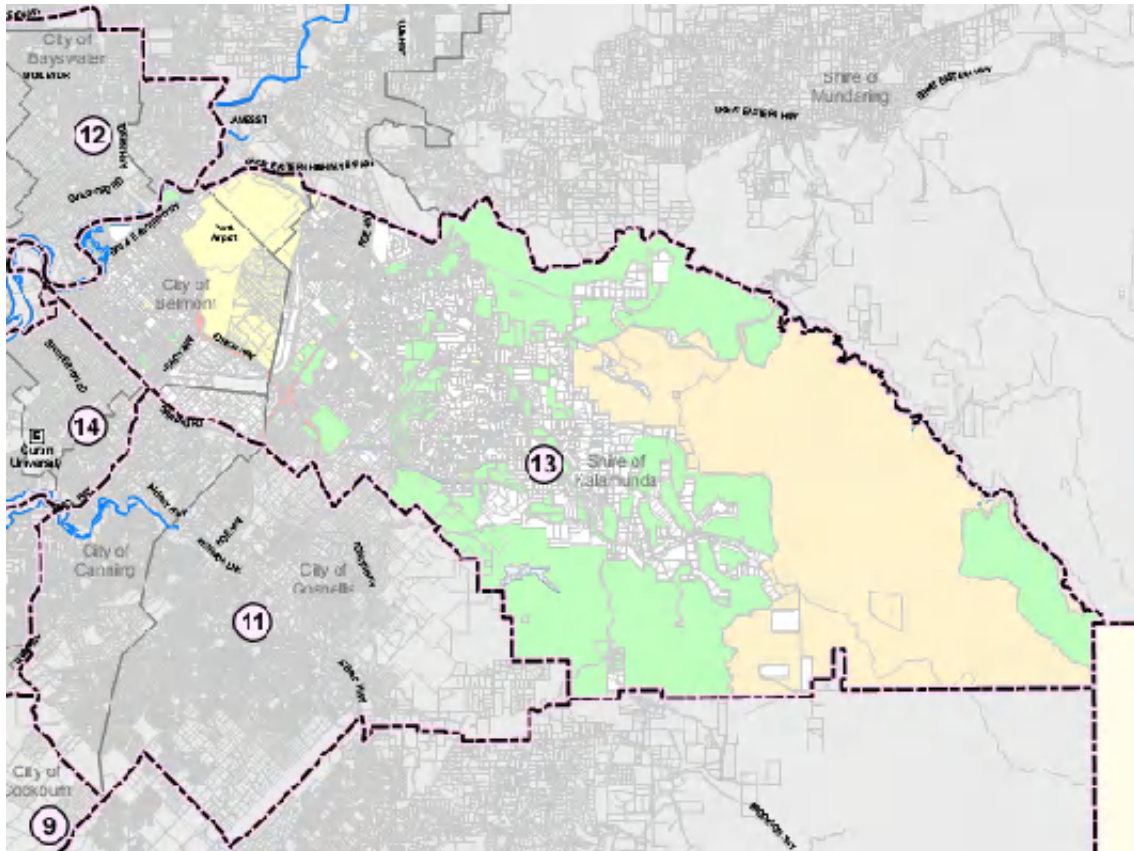
Local Government Minister Tony Simpson said the reforms aimed to deliver strategic benefits for Perth, and financially stable councils, with a population of around 100,000 people in each.

Mr Simpson said the announcement came four years after Western Australia's local governments were asked to voluntarily merge, and followed widespread consultation and more than 600 submissions.

The reform plan affects the City of Belmont through a proposed merger with the Shire of Kalamunda. The City is now required to liaise with the Shire of Kalamunda and submit either jointly or on its own a merger proposal to the Local Government Advisory Board (LGAB) before 4 October 2013. Failure to lodge a proposal by the required date or lodgement of a proposal that does not fit with Government's preferred model will result in the Minister lodging a proposal or counter proposal to one that does accord with the Government's model.

Item 12.11 Continued

LOCATION



Amalgamated City of Belmont and Shire of Kalamunda. Includes Perth Airport and Part of the City of Canning.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

The Strategic Community Plan 2012–2032 sets the direction that Council will take and Management will follow. It establishes objectives, strategies to achieve them and measurable performance indicators to enable Council and the Community to review progress.

The proposed merger of the City of Belmont and the Shire of Kalamunda will necessitate the creation of a new Strategic Community Plan.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

Item 12.11 Continued

STATUTORY ENVIRONMENT

The State Government proposes to seek a number of amendments to the *Local Government Act 1995* to facilitate the implementation of the proposed model for metropolitan local government reform.

The proposed changes include amendments to the current poll provisions, expanding the membership of the Local Government Advisory Board (LGAB) and clarifying other parts of the legislation.

In the past, the poll provisions have stopped proposed amalgamations from going ahead even when they have the support of all of the local governments involved. In these cases, only a very small number of electors were able to determine the outcome despite it affecting thousands of other residents and ratepayers.

The proposed changes to the LGAB would see its membership expanded to allow the community's views to be better represented. The Board is established under the *Local Government Act 1995* to advise the Minister on local government constitutional matters.

It is led by a chair nominated by the Minister and currently has four other members - two members who have experience as local government Councillors and are nominated by the WA Local Government Association; one member with experience as a local government Chief Executive Officer who is nominated by Local Government Managers Australia (WA Division) and one member who is an officer from the Department of Local Government and Communities.

The amendments are being considered so that boundary changes recommended by the Local Government Advisory Board, and approved by the Minister, could go ahead.

BACKGROUND

In February 2009, the then Minister for Local Government, Hon John Castrilli MLA, announced his wide-ranging Local Government Reform Strategies. In the Minister's release it was noted that there has been widespread recognition for many years that the existing local government structure, with 138 local governments, some of which have less than 200 electors, is not sustainable.

On 24 June 2011, the Minister for Local Government announced an independent review of Perth metropolitan local government and broader governance structures. The review panel's terms of reference included an expectation that the Panel would directly engage with the Perth community, local governments, peak bodies, and government agencies.

The Independent Metropolitan Governance Review Panel (the Panel) was asked by the Minister for Local Government to:

- Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years.
- Identify current and anticipated national and international factors likely to impact in the next 50 years.

Item 12.11 Continued

- Research improved local governments structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, and accountability and state imperatives among other things the panel may identify during the course of the review.
- Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.
- Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact.
- Present a limited list of achievable options together with a recommendation on the preferred option.

The Panel was chaired by Professor Alan Robson AM CitWA. Other members were Dr Peter Tannock and Dr Sue van Leeuwen.

Two advisory groups provided expert advice to the Panel. One consisted of the Directors General of the Departments of Local Government and Planning, while the other consisted of the President and Deputy President of the Western Australian Local Government Association.

The Panel reported back to the Minister on 30 June 2012.

OFFICER COMMENT

Council's resolved position adopted in June 2009 has never varied:

HITT MOVED, ROSSI SECONDED.

1. *That Council confirms that it does not support the need to amalgamate with any other Local Government.*

CARRIED 9 VOTES TO 1

Against: Domford

Council has since 2009 endorsed a number of submissions to the Minister of Local Government, the essence of which is captured in the proposed merger, with one significant variance. That being the inclusion of the Shire of Kalamunda in its entirety.

Item 12.11 Continued

The government announcement on 30 July 2013 places the City of Belmont and the Council in a difficult position. Essentially all avenues the Council may have had to influence the outcome of the proposed merger have been eliminated. The poll provisions under the *Local Government Act 1995* are to be suspended in relation to the metropolitan area taking away the communities ability to democratically influence an amalgamation or merger.

The Minister for Local Government also has made it abundantly clear that:

- By the 4 October 2013 – local governments are to lodge merger proposals with the LGAB
- After 4 October, if local governments have not lodged a merger proposal, the Minister will do so and if a local governments merger proposal does not fit with Government's preferred model, the Minister may put forward a counter proposal to LGAB.

The Chief Executive Officer has already been undertaking preliminary discussions with the Shire of Kalamunda Chief Executive Officer to ascertain more closely their position in relation to this matter. One outcome of these discussions was that it would be beneficial for both organisations to identify their respective proposed members of the Local Implementation Committee (LIC) as required by the Minister.

It is considered at this stage that a small group will be more effective and the membership should be defined as the Chief Executive Officer of each organisation (Belmont and Kalamunda) and two Councillors from each organisation (a total of six).

In the interests of continuity, and in recognition of their current roles with the City of Belmont, it is proposed in the officer recommendation that the Councillor representatives for the City of Belmont should be Cr Phil Marks and Cr Steve Wolff.

FINANCIAL IMPLICATIONS

There will be significant financial implications but these are unable to be quantified at this stage.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications at this time.

SOCIAL IMPLICATIONS

There will be social implications but these are unable to be quantified at this stage.

Item 12.11 Continued

OFFICER RECOMMENDATION

That Council:

1. Acknowledges the State Government's announcement of 30 July 2013 and its intention toward merging the City of Belmont and the Shire of Kalamunda.
2. Expresses its concern that the State Government's decision is essentially a fait accompli allowing little or no provision for Council or the community to influence or amend the outcome.
3. With the best interest of the Belmont Community in mind addresses the State Government's merger proposal by working with the Shire of Kalamunda and state government agencies in a proactive manner.
4. Authorises the Mayor and Chief Executive Officer to commence discussion with the Shire of Kalamunda and undertake the necessary communication with other local government representatives and state government agencies.
5. Appoint Cr Phil Marks, Cr Steve Wolff and the Chief Executive Officer to represent the City of Belmont as members of the Local Implementation Committee
6. Request that the Mayor and Chief Executive Officer undertake to update Councillors in the appropriate manner as required.

Note

Cr Wolff put the following Alternative Councillor Motion.

ALTERNATIVE COUNCILLOR MOTION

WOLFF MOVED, POWELL SECONDED, That Council:

1. ***Acknowledges the State Government's announcement of 30 July 2013 and its intention toward merging the City of Belmont and the Shire of Kalamunda.***
2. ***Expresses its concern that the State Government's decision is essentially a fait accompli allowing little or no provision for Council or the community to influence or amend the outcome.***
3. ***With the best interest of the Belmont Community in mind addresses the State Government's merger proposal by working with the Shire of Kalamunda and state government agencies in a proactive manner.***
4. ***Authorises the Mayor and Chief Executive Officer to commence discussion with the Shire of Kalamunda and undertake the necessary communication with other local government representatives and state government agencies.***

Item 12.11 Continued

- 5. *Appoint Cr Phil Marks and Cr Steve Wolff or as required, the Mayor's nominated Councillor Representative and the Chief Executive Officer to represent the City of Belmont as members of the Local Implementation Committee***
- 6. *Request that the Mayor and Chief Executive Officer undertake to update Councillors in the appropriate manner as required.***

CARRIED 8 VOTES TO 1

*For: Bass, Hitt, Gee, Powell, Marks, Martin, Rossi, Wolff
Against: Dornford*

Reason

Point 5 amended to include "the Mayor's nominated Councillor Representative" in the event of one of the other representatives being unavailable.

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business the Presiding Member closed the meeting at 8.57pm.