



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES
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28 August 2007

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ATTACHMENTS INDEX

- **Council Attachment 1 – Item 6.2 refers (Circulated under separate cover)**
- **BB Attachment 2 – Item 12.1.1 refers**
- **BB Attachment 3 – Item 12.1.1 refers**
- **BB Attachment 4 – Item 12.1.2 refers**
- **BB Attachment 5 – Item 12.1.5 refers**
- **BB Attachment 6 – Item 12.1.6 refers**
- **BB Attachment 7 – Item 12.1.6 refers**
- **BB Attachment 8 – Item 12.1.6 refers**
- **BB Attachment 9 – Item 12.1.7 refers**
- **BB Attachment 10 – Item 12.1.7 refers**
- **BB Attachment 11 – Item 12.1.7 refers**
- **BB Attachment 12 – Item 12.1.7 refers**
- **BB Attachment 13 – Item 12.1.7 refers**
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- **BB Attachment 15 – Item 12.1.7 refers**
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- **BB Attachment 17 – Item 12.1.7 refers**
- **BB Attachment 18 – Item 12.1.7refers**
- **BB Attachment 19 – Item 12.1.8 refers**
- **NB Attachment 20 – Item 12.4.1 refers**
- **BEXB Attachment 21 – Item 12.5.1 refers**
- **BEXB Attachment 22 – Item 12.5.2 refers**

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STRET, CLOVERDALE ON TUESDAY 28 AUGUST 2007, COMMENCING AT 7.03PM.

MINUTES

PRESENT

Cr G Godfrey	East Ward
Cr P Marks	East Ward
Vacant	East Ward
Cr R Rossi	West Ward
Cr B Martin	West Ward
Cr P Hitt	West Ward
Cr B Whiteley	South Ward
Cr J Powell	South Ward
Cr T Teasdale	South Ward
Cr G Dornford	Central Ward
Cr B Brennan	Central Ward

IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr N Deague	Director Community & Statutory Services
Mr S Cole	Director Corporate & Governance
Mr J Christie	A/Director Technical Services
Ms K Adsett (<i>departed the meeting at 8.16pm and did not return</i>)	Senior Planning Officer
Mr J Olynyk JP	Manager Governance
Mr M Ridgwell	Principal Governance & Compliance Advisor
Ms J Everett	A/Agenda & Minute Officer

MEMBERS OF THE GALLERY

There were 27 attendees in the gallery and one press representative.

1. OFFICIAL OPENING

The Mayor opened the meeting at 7.03pm welcomed those in attendance, and invited Cr Martin to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Martin read aloud the affirmation.

Affirmation of Civic Duty and Responsibility

I make this Affirmation in good faith on behalf of Councillors and Officers of the City of Belmont. We collectively declare that we will duly, faithfully, honestly, and with integrity fulfil the duties of our respective office and positions for all the people in the district according to the best of our judgment and ability. We will observe the City's Code of Conduct and Standing Orders to ensure the efficient, effective and orderly decision making within this forum.

7.03pm Chief Executive Officer and Principal Governance & Compliance Advisor departed the meeting.

2. APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Nil

2.2 LEAVE OF ABSENCE

Nil.

7.04pm Chief Executive Officer returned to the Meeting

7.05pm Director Corporate & Governance departed the Meeting.

3. DECLARATIONS OF INTEREST

3.1 FINANCIAL INTERESTS

7.05pm The Manager Governance read aloud the Declarations of Interest.

Name	Item No. & Title	Nature of Interest (and extent, where appropriate)
Cr Brennan	12.1.5 - Amendment of the Swan Canning Riverpark Boundary – Lot 8 (71) Grandstand Road Ascot 'Ascot Racecourse'	Direct Financial Interest
Cr Dornford	12.1.1 - City of Belmont Town Planning Scheme No. 14 – Amendment No. 52	Direct Financial Interest

3.2 DISCLOSURE OF INTEREST THAT MAY CAUSE A CONFLICT

Name	Item No. & Title
Cr Teasdale	12.1.8 - Draft Vehicular Access Plan – Lots 11 (373), 12 (374), 103 (377) & 105 (379) Orrong Road, & Lot 104 (129) Briggs Street, Kewdale
Cr Rossi	Item 13.1 – Information Bulletin
Cr Dornford	12.1.7 - Draft Structure Plan for 'The Springs'

7.07pm Principal Governance & Compliance Advisor returned to the Meeting.

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

4.1 ANNOUNCEMENTS

4.1.1 Potential Railway Connection – Perth International Airport

The Mayor advised that at the Perth Airports Municipalities Group meeting held on the 16 August 2007 a presentation was given by the Department for Planning and Infrastructure on rail access to the International Airport. She further added that this will be a long term plan, and will go to the community for consultation, and that she was very pleased that it is now on the State Government Agenda.

A drawing of the potential railway connection was tabled at the meeting for Councillors information and the Mayor advised that a presentation to Council on this matter will be arranged in the future.

4.2 DISCLAIMER

7.08pm The Manager Governance read aloud the disclaimer.

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

Any person or entity who has an application before the City must obtain, and should only rely on, written notice of the City's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council or Committee meeting.

Any advice provided by an employee of the City on the operation of a written law, or the performance of a function by the City, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the City. Any advice on a matter of law, or any thing sought to be relied upon as a representation by the City should be sought in writing and should make clear the purpose of the request.

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

Nil.

4.4 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 13.1

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Mr. S Wolff, 191 Kew Street Kewdale

The following questions were taken on notice at the Ordinary Council Meeting of 7 August, 2007. Mr Wolff was provided with a response on 9 August 2007. The response from the City is recorded accordingly –

1. Are Councillors aware that the City of Belmont has contracted to have the parks of Belmont sprayed (in August 2007) with a Bayer product known as 'Chipco' or 'Spearhead' that contains an active constituent more potent than Roundup and (from the Bayer information sheet) with a residual half life of 15 to 30 weeks, that Worksafe describes as hazardous, and that requires the operator to wear full protective/breathing apparatus during spraying?

"The City of Belmont uses the product Spearhead for the control of broad leaf weeds in turf. Spearhead is a schedule 5 herbicide which has the same classification as Roundup. Spearhead is a product which has one of the lowest rates of active ingredient of any selective broadleaf herbicide available. As such it has an excellent environmental and Occupational Health & Safety profile

Spearhead has been fully assessed by the relevant regulatory authorities here in Australia (the Australian Pesticides and Veterinary Medicines Authority and associated agencies such as the Office of Chemical Safety). Its use pattern has been fully approved by these authorities."

2. Are Councillors aware that the parks of Belmont will likely remain toxic to young Belmont children in particular and to all who use the parks for at least 15 weeks and likely thirty weeks and beyond, that is until February 2008 if this product is used?

"The 15 - 30 week half life which is referred to relates to one of the active ingredients (diflufenican). This figure is true; however it is also irrelevant; since diflufenican has very low toxicity.

At the current rate of application, studies in mammalian toxicological models show that a (for example) 20 kg child would have to consume all of the product which has been applied over 5,000 square metres of turf to receive a dose of diflufenican adequate to cause discernable effects.

The City of Belmont parks are not toxic to young children. The fact is that Spearhead has been used on tens of thousands of hectares of recreational parks and turf across Australia and in the UK with no incidence of any ill-health in any individuals who have entered treated areas."

*Item 5.2 Continued***5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

7.08pm The Mayor drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that she had registered three members of the public who had given prior notice to ask questions, these being from Mr Brown, Mr Fraser and Mr Holmes.

The Mayor invited the public gallery members, who had yet to register their interest to ask a question, to do so. eight further registrations were forthcoming from the gallery these being Ms Robeson, Mr Wolff, Mr Todd, Mr Bass, Mr Birch, Mr Greenwood, Mr Harris & Mr Broinowski.

5.2.1 Mr G Brown, 17/152 Great Eastern Highway, Belmont

The following written questions were received by Council prior to the Meeting. The responses from the City is recorded accordingly:-

1. Would Council please table a clearly legible copy of the Deed of Trust relating to Belmont Trust Land at Ascot and a map of the boundaries of that land at the time of the establishment of the Trust concerning land available to all residents to clear up misconceptions regarding the purpose of the Trust Land, and would Council make available a clearly legible copy of the same document available to resident and ratepayers at the Public Library?

The Mayor responded that copies will be provided of both the Deed of Trust and the original trust land diagram in the Public Library.

2. Would Council please explain the reason why there is a private developers sign (Ascot Waters Concrete Plinth) on land owned by the Trust?

The Mayor took this question on notice and a written response will be provided by the City.

5.2.2 Mr R Fraser, 24/152 Great Eastern Highway, Ascot

1. Would the Council please advise on what grounds they, as Trustees of Belmont Trust land, resolved "that use of the land for additional car parking was in accordance with the purpose for which the trust was created and will be of benefit to the Trustees", when it was clearly stated in the developer's application and the Council's own report that at least 24 of the proposed parking bays will be required to make up a residential parking bay shortfall for the proposed future development of Ascot Waters Marina Village Precinct, and furthermore, that the hours of peak baring (weekends) will conflict with the peak hours required for the purposes of the Trust Land?

The Mayor responded that the City is currently seeking legal advice from the Advisory Trustee in relation to this matter.

Item 5.2 Continued

2. Would Council please confirm in detail that they have received the necessary approvals under the Planning and Development Act 2005 and the Swan River Trust to develop residential parking for the use of a private developer on the 'Belmont Trust' Land at Ascot Waters.

The Mayor responded that Council has determined all the necessary approvals under Town Planning Scheme No 14. The City has also received notification from the Swan River Trust that the application was approved subject to conditions.

5.2.3 Mr R Holmes, 1/152 Great Eastern Highway, Ascot

1. Will any decision to reactivate Supreme Court action CIV 2080/95, or to institute a fresh attempt to lift the Trust over the Grove Farm Trust Lands, only be made in open Council meeting and in such clear terms that residents may be aware that such a decision has been made?

The Mayor responded that there has been no decision to reactivate the Supreme Court action by the City to date.

Matters pertaining to the Trust that affect the City's interest will be considered by the Council at its meetings when they arise. Whether these matters are classified confidential or not will be determined on a report by report basis.

Trust meetings will be open to the public and whether any items will be considered in a confidential manner will be for the Trustees to determine on advice from the Independent Trustee.

5.2.4 Mr S Todd, 44/56 Riversdale Road, Rivervale

1. Is there an application for 48 and 60 Riversdale Road, Rivervale in "The Springs" precinct for zoning to be changed from R100 to R160 and if so would this need to go back for public consultation before a decision is made by Council as only the R100 density codes have been agreed upon by residents?

The Mayor responded that an amendment for these properties will not be referred back to Council.

5.2.5 Mrs M Robeson, 84 Norwood Road, Rivervale

1. Is the Council able to stop the proposed development of public housing by the Department of Housing and Works at 83 & 85 Norwood Road, Rivervale and is it possible that further Homeswest Development proposals be subject to community consultation to facilitate positive outcomes for the Rivervale community?

The Chief Executive Officer responded that the State Government have revised legislation that allows them not to seek Local Government approval on these developments. He also recommended that a petition be sent to the Department of Housing and Works and added that the City has recently written to the Minister requesting no development proceed on the subject sites.

Item 5.2 Continued

7.14pm Director Corporate & Governance returned to the Meeting.

5.2.6 Mr S Wolff, 191 Kew Street, Kewdale

1. Did Councillors receive and read the email from the Belmont Resident Ratepayers Action Group (BRRAG) regarding the safety hazards of the herbicide Spearhead™, in particular advising that protective clothing must be worn when working on turf two weeks after application of the herbicide, and that the treated turf should not be fed to livestock?

The Mayor responded that all Councillors did receive the email from the BRRAG.

2. Are Councillors confident that the amount and duration of signage displayed whilst spraying public open spaces is adequate for the safety of residents, their children and pets?

The Mayor advised that Council's response to a previous question taken on notice in regard to this matter was provided in writing to Mr Wolff. The Chief Executive Officer added that he is satisfied with Council processes for spraying and signage. Further the Chief Executive Officer invited Mr Wolff to meet with himself and the Manager Parks Leisure & Environment to resolve any further concerns on this matter.

5.2.7 Mr J Bass, 77 Keymer Street, Belmont

1. Is the Council going to stand down Cr Janet Powell now that she has been charged with perjury?

The Mayor responded that this is a private matter and under the Local Government Act 1995 there is no requirement for a Councillor to stand down at this point of time and that Cr Powell is innocent until proven guilty.

2. Why is the Council using the Mayoral Dinner to invite people like Sam Riley a Journalist who works for the West Australian newspaper to the Dinner and can the ratepayers be given a list of invited guests and what connections and benefits they have to the City?

The Mayor advised that members of the media do contribute to promoting the City.

5.2.8 Mr R Harris, 481 Abernethy Road. Cloverdale

1. Is Council doing anything further with the petition which was submitted on Anderson's Hardware?

The Chief Executive Officer responded that Council had previously resolved its position in respect to Andersons Hardware. The CEO advised that discussions were taking place with Hames Sharley in order to determine whether there are any other opportunities which would generate a suitable outcome for Andersons Hardware and the City.

Item 5.2 Continued

2. Will the Pine tree and Moreton Bay Trees be preserved?

The Chief Executive Officer advised that regrettably the Moreton Bay Tree will be removed for the road widening proposed on Great Eastern Highway. The Pine tree will remain unless deemed to be a safety risk in the future.

5.2.9 Mr R Birch, 195 Knutsford Avenue, Kewdale

1. Will Council consider funding towards a Primary School – Early reading support programme for grades 1 to 6 as early intervention may prevent the problems which are currently being experienced with illiteracy in High Schools?
2. What can Council do to make Shopping Centres and shop owners more accountable for abandoned Shopping trolleys, and what does this cost Council to administer and could a by-law introducing a deposit system for trolleys be considered by Council?

The Mayor took these Questions on Notice and a written response will be provided to Mr Birch.

7.37pm Chief Executive Officer departed the Meeting.

(7.38pm)

DORNFORD MOVED, ROSSI SECONDED, that Public Question Time be extended for a further five minutes.

CARRIED 10 VOTES TO 0

7.39pm Cr Dornford departed the Meeting.

7.40pm Cr Dornford returned to the Meeting.

5.2.10 Mr R Greenwood, 151 Coolgardie Avenue, Redcliffe

Several questions were asked by Mr Greenwood in regard to his concerns on the use of the herbicide Spearhead™ in the City of Belmont, and similar to the issues raised earlier in public question time by Mr Wolff.

The Mayor advised that Council has identified the use of this product earlier this evening and in the questions raised by Mr Wolff previously taken on notice and printed in this evening's Agenda. The Mayor extended the same invitation to Mr Greenwood to meet with the Chief Executive Officer and Mr Wolff to resolve any on-going concerns they feel need to be further clarified.

Item 5.2 Continued

5.2.11 Mr R Broinowski, 66 Armadale Road, Rivervale

1. What is Council intending to do about Brothels and prostitutes and the scores of residents opposed to this activity?

The Mayor acknowledged that this is a serious issue and has been listed as an item for future consideration pending new legislation to be adopted by the State Government. The Director Community & Statutory Services added that it is difficult to enforce this activity under existing Local Government Planning regulations.

7.42pm The Mayor declared public question time closed.

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 7 AUGUST 2007

WHITELEY MOVED, BRENNAN SECONDED, that the minutes of the Ordinary Council Meeting held on 7 August 2007 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 10 VOTES TO 0

6.2 SPECIAL COUNCIL MEETING HELD 21 AUGUST 2007

BRENNAN MOVED, MARTIN SECONDED, that the minutes of the Special Council Meeting held on 21 August 2007 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 10 VOTES TO 0

6.3 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 21 AUGUST 2007**

****Council Attachment 1 – Item 6.2 refers
(Circulated under separate cover)**

HITT MOVED, POWELL SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 21 August 2007 as circulated as Council Attachment 1 of the 28 August, 2007 Agenda, be received and noted.

CARRIED 10 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

12. REPORTS OF ADMINISTRATION

12.1 BUILT BELMONT

WITHDRAWN ITEMS

Item 12.1.1 was withdrawn at the request of Cr Dornford.

Item 12.1.5 & 12.1.6 was withdrawn at the request of Cr Powell.

Item 12.1.7 was withdrawn at the request of Cr Marks.

Item 12.1.8 was withdrawn at the request of Cr Teasdale.

BRENNAN MOVED, MARTIN SECONDED, that with the exception of Items 12.1.1, 12.1.5, 12.1.6, 12.1.7 and 12.1.8 which are to be considered separately, the Officer Recommendations in the Built Belmont Key Result Area Report, specifically Items 12.1.2, 12.1.4 and 12.1.9 be adopted en bloc.

CARRIED 10 VOTES TO 0

****7.46pm** Having earlier declared a direct financial interest, Cr Dornford departed the Meeting.

12.1.1 City of Belmont Town Planning Scheme No. 14 – Amendment No. 52 **

****BB Attachment 2 – Item 12.1.1 refers**

****BB Attachment 3 – Item 12.1.1 refers**

Report by Community & Statutory Services Division

DATE

23 July 2007

PURPOSE OF REPORT

To consider final adoption of Local Planning Policy No. 29 and Amendment No. 52 to the City of Belmont Town Planning Scheme No. 14, following formal advertising of the proposals.

COUNCIL ROLE

Legislative

The legislative role includes the adoption of local laws, town planning schemes and policies.

Item 12.1.1 Continued

SUMMARY AND KEY ISSUES

To consider final adoption of Amendment No. 52 to the City of Belmont Town Planning Scheme No. 14, following formal advertising of the proposal.

The amendment seeks to:

- introduce a new Mixed Business zone and associated development controls; and
- modify numerous development control standards inclusive of parking, setbacks and landuse definitions as they relate to business uses within the City of Belmont.

To consider adopting for final approval draft Local Planning Policy No. 29 'Residential Landuse in the Mixed Business Zone'.

Four submissions were received.

Officer Recommendation Summation

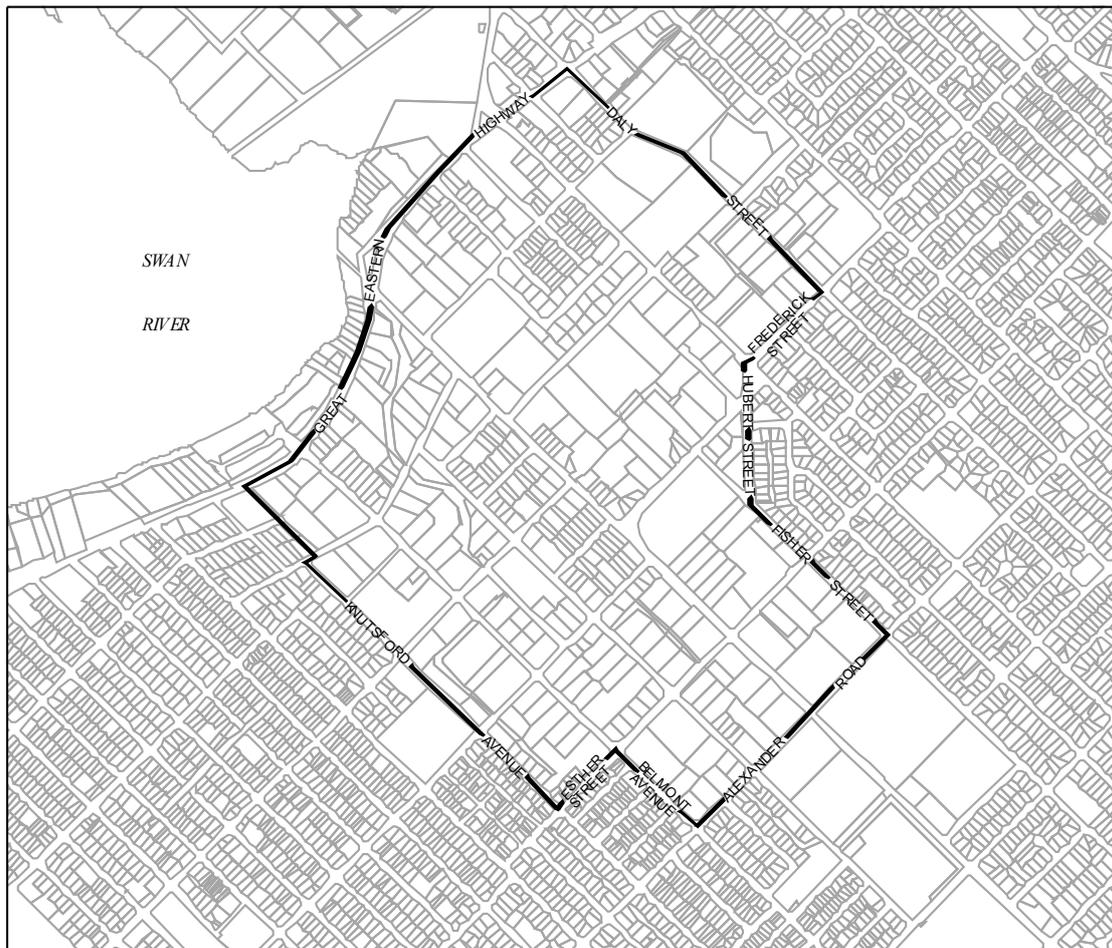
That Council adopt:

- Amendment No. 52 for final approval with minor modifications; and
 - Local Planning Policy No. 29 without modification.
-
-

LOCATION

The area bounded by Great Eastern Highway, Knutsford Avenue, Esther Street, Belmont Avenue, Alexander Road, Fisher Street, Hubert Street, Frederick Street and Daly Street, as shown below.

Item 12.1.1 Continued



APPLICANT

Not applicable.

FILE REFERENCE

- 112/016 Mixed Use Study – Belmont Part 1
- 112/035 Mixed Use Study – Belmont Part 2
- 116/102 – Amendment 52

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

Item 12.1.1 Continued

CONSULTATION

The Amendment was advertised in accordance with the relevant Town Planning Regulations. The statutory town planning consultation requirements in relation to Town Planning Scheme Amendments is considered adequate in terms of informing the community of the proposal.

Amendment No. 52 was advertised from 5/6/07 to the 20/7/07. 571 referral letters were sent out asking for comment. At the conclusion of the advertising period, four submissions were received.

A summary of the submissions is provided under the BB Attach 2 to this report. **Copies of the full submissions are available to Councillors on request.**

Pursuant to Regulation 18 of the Town Planning Regulations 1967, the Council is required to make a recommendation in respect of each submission. If the Council is not prepared to modify the amendment as a result of a submission, then the submission is dismissed.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – *“Revise the Town Planning Scheme to reflect current and emerging needs.”*

BUILT BELMONT - *“Encourage the upgrading and compatible redevelopment of the City”.*

BUSINESS BELMONT – *“Attract and support high-quality high employment businesses to the City of Belmont.”*

POLICY IMPLICATIONS

Draft Local Planning Policy No. 29 proposes to introduce requirements for Residential Landuses within the Mixed Business Zone.

STATUTORY ENVIRONMENT

Amendment

The Planning and Development Act 2005 requires that advertising of a Scheme Amendment be undertaken for 42 days.

Policy

Clause 2.5 of Town Planning Scheme No. 14 details requirements for advertising and adoption of a local planning policy.

BACKGROUND

At the Council Meeting of 19/12/2006, Amendment No. 52 was initiated for the purposes of public advertising. The Amendment proposed to:

Item 12.1.1 Continued

- introduce a new Mixed Business zone and associated development controls; and
- modify numerous development control standards inclusive of parking, setbacks and landuse definitions as they relate to business uses within the City of Belmont.

OFFICER COMMENT

Amendment No. 52 was advertised from the 5/6/2007 to the 20/7/2007. At the conclusion of the advertising period, 4 submissions were received. A summary of the submissions is provided under BB Attach 2 to this report. Copies of the individual submissions are available to Councillors on request.

No submissions were received on the Local Planning Policy advertised concurrently with the amendment.

The low level of submissions received on the amendment proposal and draft policy are attributed to the high level of involvement and consultation with impacted business operators and landowners in developing the Mixed Use Study and its recommendations that formed the basis of Amendment No. 52.

Minor modification to the Scheme Map is proposed as the consequence of submissions by the City's Planning Department and the Water Corporation (refer BB Attach 3 to this report). The changes reflect:

- zoning changes proposed under Amendment No. 50 which sought to include some additional lots in the Mixed Use zone; and
- the designation of an existing sewerage pump station as a 'Public Purpose' reserve under the Scheme.

A further change is recommended in regard to the three landuse categories with proposed 'IP' (Incidental to Predominant Use) designation. The 'IP' designation is not currently referred to elsewhere in the text or zoning table. It is considered that the new classification should be deleted and any incorporation of 'IP' uses be considered in the context of the entire zoning table as part of the Scheme review process.

Accordingly, it is recommended that 'Motor Vehicle Wash' and 'Trade Display' be modified from 'IP' to 'D' and 'Shop' from 'IP' to 'X¹' which requires the use to be incidental under clause 10.5.6 of the Scheme.

Final approval of the Amendment is recommended subject to these minor amendments.

FINANCIAL IMPLICATIONS

A Scheme Amendment incurs costs for advertising and consultation.

Item 12.1.1 Continued

ENVIRONMENTAL IMPLICATIONS

Co-ordinated planning ensures a good built outcome and can allow for better coordination of servicing and access having regard for environmental impacts of development.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 2	Submission Table
BB Attach 3	Modified Scheme Map

MARKS MOVED, POWELL SECONDED, that in relation to Amendment No. 52 to the City of Belmont Town Planning Scheme No. 14, Council:

1. ***Dismiss the submission lodged by Western Power in accordance with Regulation 18 of the Town Planning Regulations 1967.***
2. ***Uphold submissions from the City of Belmont and the Water Corporation in accordance with Regulation 18 of the Town Planning Regulations 1967.***
3. ***Adopt Amendment No. 52 to the City of Belmont, Town Planning Scheme No. 14 with modification to:***
 - i) ***the Scheme Map as detailed in BB Attachment 3 (to the 28 August 2007 Council Agenda);***
 - ii) ***the zoning table of the Scheme Text so that 'Motor Vehicle Wash' and 'Trade Display' are listed as 'D' uses and 'Shop' is listed as 'X¹'***
and seek the Minister for Planning and Infrastructure approval of the amendment.
4. ***Adopt Local planning policy No. 29 for final approval in accordance with clause 2.5 of Town Planning Scheme No. 14.***
5. ***Advise those who made a submission of the Council's decision.***

CARRIED 9 VOTES TO 0

7.47pm Cr Dornford returned to the Meeting.

12.1.2 City of Belmont Town Planning Scheme No. 14 – Amendment No. 54 **
****BB Attachment 4 – Item 12.1.2 refers**

Report by Community & Statutory Services Division

DATE

30 July 2007

PURPOSE OF REPORT

To consider final adoption of Amendment No. 54 to the City of Belmont Town Planning Scheme No. 14, following formal advertising of the proposal.

COUNCIL ROLE**Legislative**

The legislative role includes the adoption of local laws, town planning schemes and policies.

SUMMARY AND KEY ISSUES

To consider final adoption of Amendment No. 54 to the City of Belmont Town Planning Scheme No. 14, following formal advertising of the proposal.

The Baptist Church of Western Australia (owner) has confirmed that the subject lot is no longer required for church purposes and requests that the land be rezoned to enable the land to be developed for residential purposes. The amendment seeks to rezone Lot 151 (44) Somers Street, Belmont from 'Place of Public Assembly' zone to 'Residential R20' zone.

Officer Recommendation Summation

That Council adopt Amendment No. 54 for final approval without any modifications.

Item 12.1.2 Continued

LOCATION

Lot 151 (44) Somers Street, Belmont.



APPLICANT

Baptist Churches of Western Australia

FILE REFERENCE

116/107 Town Planning Scheme No 14 - Amendment 54
44 Somers Street, Property File

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

Item 12.1.2 Continued

CONSULTATION

The Amendment was advertised in accordance with the relevant Town Planning Regulations. The statutory town planning consultation requirements in relation to Town Planning Scheme Amendments is considered adequate in terms of informing the community of the proposal.

Amendment No. 54 was advertised from 5 June 2007 to the 20 July 2007 with advertisements placed in the West Australian and the Southern Gazette newspapers. A sign was also placed on site. A total of 8 letters were sent to surrounding landowners/occupiers together with letters to servicing authorities advising of the amendment. At the conclusion of the advertising period, two submissions were received.

A summary of the submissions is provided under BB Attach 4 to this report. **Copies of the full submissions are available to Councillors on request.**

Pursuant to Regulation 18 of the Town Planning Regulations 1967, the Council is required to make a recommendation in respect of each submission. If the Council is not prepared to modify the amendment as a result of a submission, then the submission is dismissed.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – *“Revise the Town Planning Scheme to reflect current and emerging needs.”*

BUILT BELMONT - *“Encourage the upgrading and compatible redevelopment of the City”.*

POLICY IMPLICATIONS

There are no policy implications evident at this point in time.

STATUTORY ENVIRONMENT

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

BACKGROUND

At the Council Meeting of 20 February 2007, Amendment No. 54 was initiated for the purposes of public advertising. The Amendment proposed to rezone Lot 151 (44) Somers Street, Belmont from ‘Place of Public Assembly’ zone to ‘Residential R20’ zone as the lot is no longer required for church purposes. The surrounding properties are zoned Residential R20.

Item 12.1.2 Continued

OFFICER COMMENT

Amendment No. 54 was advertised from the 5th June 2007 to the 20th July 2007. At the conclusion of the advertising period, two submissions were received from servicing authorities who had no objections to the proposed amendment. A summary of the submissions has been included as BB Attach 4 to this report. Copies of the individual submissions are available to Councillors on request.

Final approval of the amendment is therefore recommended.

FINANCIAL IMPLICATIONS

A Scheme Amendment incurs costs for advertising and consultation, which are charged to the applicant.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 4	Submission Table

OFFICER RECOMMENDATION

That in relation to Amendment No. 54 to the City of Belmont Town Planning Scheme No. 14, Council:

- 1. Dismiss the submissions lodged by Western Power and Water Corporation in accordance with Regulation 18 of the Town Planning Regulations 1967.***
- 2. Adopt Amendment No. 54 to the City of Belmont, Town Planning Scheme No. 14 without modification and seek the Minister for Planning and Infrastructure approval of the amendment.***
- 3. Advise those who made a submission of the Council's decision.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

12.1.3 ITEM WITHDRAWN

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12.1.4 Crown Reserve 31820, Loc 8817 (375) Fisher Street Cloverdale - Proposal to Include a Road Name in the City's Schedule of Names Reserved for Streets and Parks**

Report by Community & Statutory Services Division

DATE

1 August 2007

PURPOSE OF REPORT

For Council to consider the suitability of the name 'Dod' for a new road reserve which is to be excised from PH Dod Reserve - Crown Reserve 31820, Loc 8817 (375) Fisher Street Cloverdale.

COUNCIL ROLE

Quasi-Judicial

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

SUMMARY AND KEY ISSUES

The Council at its 15 May 2007 meeting resolved to adopt a structure plan for Development Area 3 which proposes:

- The creation of a road reserve on portion of Crown Reserve 31820 Loc 8817 (No. 375) Fisher Street Cloverdale abutting Lots 128-133, 6 and 51 Kew Street and Lot 8 Fisher Street.
- The subdivision of the rear of the above mentioned lots to create nine new lots with frontage to the new road.

Council's Consultant for DA3, Statewest Surveying and Planning, has received instruction from the Department for Planning and Infrastructure to proceed with compiling a Deposited Plan which is to be lodged with the Department by 7 September 2007. The Deposited Plan is required to support the excision of a portion of Crown Reserve 31820 which will be designated for the purpose of a road reserve. In order to facilitate the road dedication a road name must be shown on the plan.

It is recommended that the name Dod be applied to the proposed new road reserve.

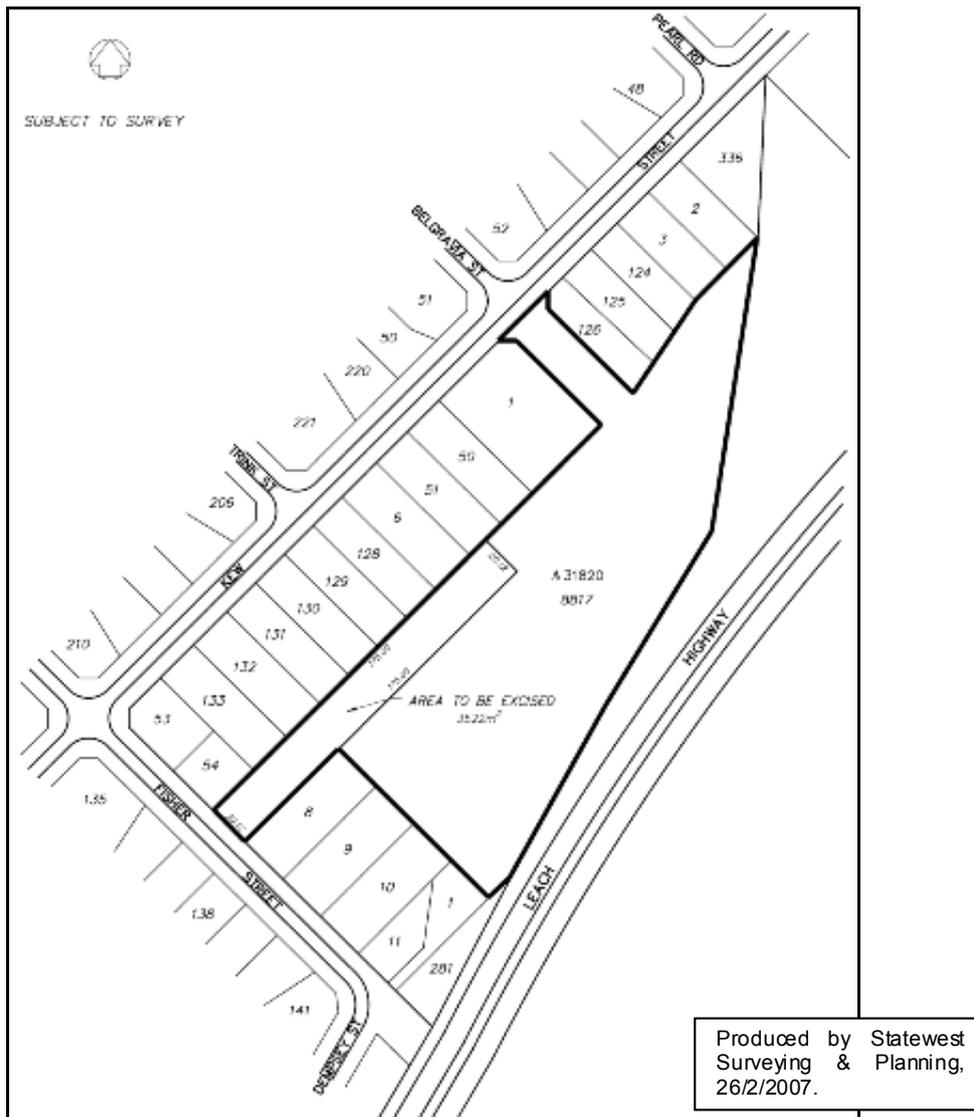
*Item 12.1.4 Continued***Officer Recommendation Summation**

That Council:

1. Approve the name 'Dod' for inclusion in the City's Schedule of Names Reserved for Streets and Parks;
2. Seek approval from Landgate's Geographic Names Committee to use the name 'Dod' on a Deposition Plan to enable the designation of a new road reserve which is to be excised from Crown Reserve 31820, and confirm the appropriate type of cul-de-sac suffix; and,
3. Advise the consultant, Statewest Surveying and Planning, of its decision.

LOCATION

The new 3522m² road reserve will be excised from a portion of *PH Dod Reserve* – Crown Reserve 31820, Loc 8817 on Plan 8803 (No. 375) Fisher Street Cloverdale.



Item 12.1.4 Continued

APPLICANT

Statewest Surveying and Planning

FILE REFERENCE

- 117/008 - Naming Roads/Streets/Localities/Wards/Suburbs
- 116/095 - Dod Reserve Rationalisation
- P/FIS.375 - Property file for 375 Fisher Street Cloverdale

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

At this stage no public consultation has taken place. The procedure for naming of roads does not generally require public consultation.

Following Council’s resolution the proposal will require referral to Landgate’s Geographic Names Committee for final confirmation on compliance with the Committee’s ‘Road Naming Guidelines’ and the specific type of cul-de-sac suffix to be used.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT - “Encourage the upgrading and compatible redevelopment of the City of Belmont.”

POLICY IMPLICATIONS

City of Belmont Policy Manual C5.4.1 ‘Naming of Streets, Parks and Reserves’.

“Policy Objective:

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

Policy Statement:

1. *A Schedule of Names Reserved for Streets and Parks be maintained by the Planning Department following advice from the Geographic Names Committee of the Department of Land Information (DLI).*

Item 12.1.4 Continued

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

Criteria for Recognition

- (a) *The surnames of pioneering families.*
- (b) *Prominent district identities.*
- (c) *Persons who have made a significant contribution to the community.*
- (d) *Councillors who have retired and completed a service to the community of approximately six years or more. (Corresponding to the original two terms of three years).*
- (e) *Encouragement of ethnic and gender diversity.*
- (f) *Horses that have been winners of two or more major racing events.*
- (g) *Flora and fauna that is recognised as being unique to the location encompassed by the Swan Coastal Plains.*

Priority for Use of Names

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

4. *The Schedule of Names Reserved for Streets and Parks be reviewed biennially for a report to the Council.”*

STATUTORY ENVIRONMENT**Reserve Closure**

The Land Administration Act 1997 sets out the procedure for closure of Crown reserves.

Road Dedication

The excised portion of Crown Reserve land is to be dedicated as a road reserve in accordance with Section 56 (1) of the Land Administration Act.

Road Naming Guidelines

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

Item 12.1.4 Continued

“Selection of Names

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

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

Name Duplication - Name duplication within local governments or adjoining local governments shall be avoided. When a duplicated name is proposed elsewhere, it must not be duplicated more than 5 times in the metropolitan region, must be at least 10 km from the existing duplication and must have a different road type. These exclusions apply to similar sounding or written names, and also apply to those within similar sounding suburbs even if more than 10 km away. In rural areas the distance should be at least 50 km away.

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

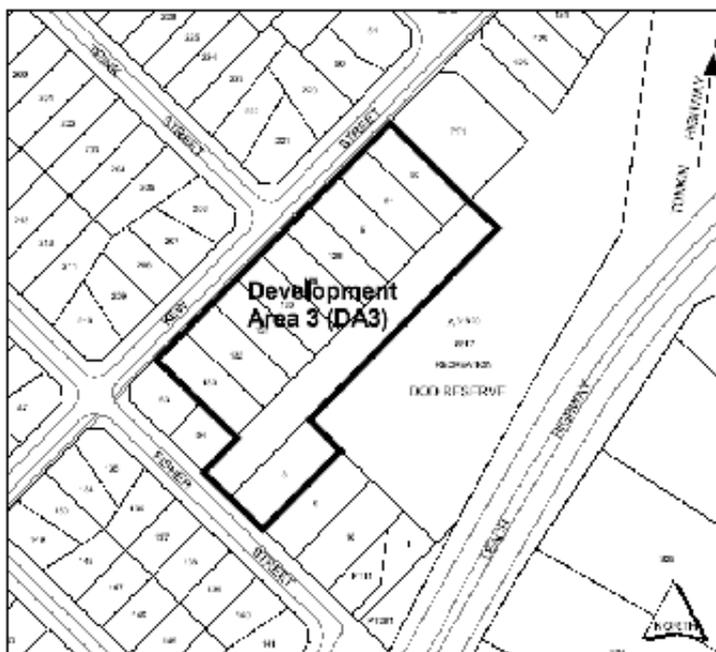
BACKGROUND

Owner:	State Government (Crown) Vested to the City of Belmont.	Ward:	South
Lodgement Date:	Not Applicable	Use Class:	Not Applicable
Lot Area:	2.0942 hectares	TPS Zoning:	Parks & Recreation
Estimated Value:	Not Applicable	MRS:	Urban

Requirement for a New Road Name

The subject portion of Crown Reserve 31820 is located within Development Area 3 (DA3) as shown in the following plan. DA3 also includes Lot 8 (377) Fisher Street; and Lot 133 (356), Lot 132 (364), Lot 131 (366), Lot 130 (368), Lot 129 (370), Lot 128 (372), Lot 6 (374) and Lot 51 (376) Kew Street, Cloverdale.

Item 12.1.4 Continued



The Council at its 15 May 2007 meeting resolved to adopt a structure plan for DA3 which proposes:

- *The creation of a road reserve on portion of Crown Reserve 31820 Loc 8817 (No. 375) Fisher Street Cloverdale abutting Lots 128-133, 6 and 51 Kew Street and Lot 8 Fisher Street.*
- *The subdivision of the rear of the above mentioned lots to create nine new lots with frontage to the new road.*

Council’s Consultant for DA3, Stawest Surveying and Planning, has received instruction from the Department for Planning and Infrastructure to proceed with compiling a Deposited Plan which is to be lodged with the Department by 7 September 2007. The Deposited Plan is required the support the excision of a portion of Crown Reserve 31820 which will be designated for the purpose of a road reserve. In order to facilitate the road dedication a road name must be shown on the plan.

Proposed Road Name

The City’s Planning Department has selected the name Dod to coincide with the name of the public recreation reserve *PH Dod Reserve* from which the road reserve will be excised.

The following background is provided in support of the City’s Criteria for Recognition “(a) *The surnames of pioneering families*”,

According to the City’s records, Philip Hayman Dod acquired part of location 33 after Henty, the original owner, relinquished it in 1829.

Item 12.1.4 Continued

Phillip, only 19 years of age when he arrived at Perth, was the son of Henry Dod, a shipping agent who had provisioned the 'Caroline' for Henty and the others who had chartered her from England to the Swan River. Dod repeatedly complained that his river frontage was too marshy and eventually he received the full 2000 acres and presumably an accessible river frontage. In 1831, he exchanged part of location 33 for land owned by J W Hardey and moved across the river to Tranby House for a short period before moving to Fremantle."

OFFICER COMMENT

Given the information provided in the Background section of this report it is considered that the proposed name 'Dod' meets the City's Criteria for Recognition "(a) *The surnames of pioneering families*".

In the selection of a suitable road name Landgate's Road Naming Guidelines were also referred to. As specified in the Statutory Environment section when selecting a road name duplication is to be avoided. In this instance, the name Dod is similar in sound and spelling to the road name 'Dodd' which has already been used six times within the metropolitan region.

However, an email from Landgate dated 6 August 2007 confirmed that the name Dod, with a cul-de-sac suffix, would be accepted as an exception to these guidelines as it is:

- *"Convenient to have a road name in a park or reserve named after the park or reserve; and,*
- *The other Dodd and Dodds roads are a good distance from this road."*

The Planning Department has determined that the type of cul-de-sac suffix will be 'Green' which is described in the Perth Street Smart Directory to be a roadway often leading to a grassed public recreation area. Confirmation of the correct type of cul-de-sac suffix will be sought from Landgate's Geographic Names Committee following Council's resolution to approve the proposed road name.

Therefore, it is recommended that the name Dod be approved by Council for the new road reserve to be excised from Crown Reserve 31820.

FINANCIAL IMPLICATIONS

The cost of the survey for the new road reserve will be met by the City of Belmont.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

Item 12.1.4 Continued

OFFICER RECOMMENDATION

That Council:

- 1. Approve the name 'Dod' for inclusion in the City's Schedule of Names Reserved for Streets and Parks.***
- 2. Seek approval from Landgate's Geographic Names Committee to use the name 'Dod' on a Deposition Plan to enable the designation of a new road reserve which is to be excised from Crown Reserve 31820, and confirm the appropriate type of cul-de-sac suffix.***
- 3. Advise the consultant, Statewest Surveying and Planning, of its decision.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

7.47pm Having earlier declared a direct financial interest, Cr Brennan departed the Meeting.

12.1.5 Amendment of the Swan Canning Riverpark Boundary – Lot 8 (71) Grandstand Road Ascot ‘Ascot Racecourse’**

**BB Attachment 5 – Item 12.1.5 refers

Report by Community & Statutory Services Division

DATE

13 August 2007

PURPOSE OF REPORT

Council to consider a proposed amendment to the Swan Canning Riverpark boundary.

COUNCIL ROLE

Advocacy

Council undertakes an advocacy role when it advocates on its own behalf or on behalf of its community to another level of government or another body or agency.

SUMMARY AND KEY ISSUES

The Swan River Trust has requested that Council endorse an amendment to the Swan Canning Riverpark boundary to exclude an area of the privately owned Lot 8 (No. 71) Grandstand Road Ascot ‘Ascot Racecourse’ which is currently included within the management boundary.

In accordance with the *Swan and Canning Rivers Management Act 2006* the City of Belmont Council has been requested to support the proposed amendment.

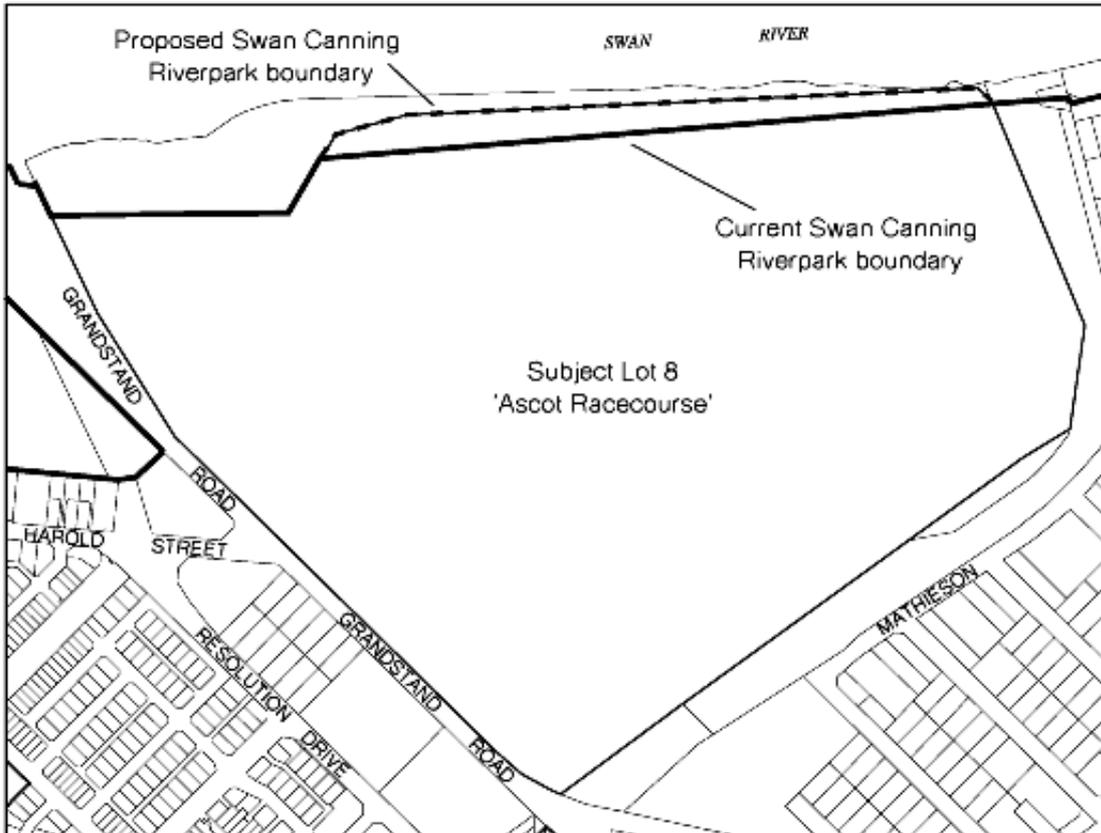
Officer Recommendation Summation

For Council to support the proposed amendment to exclude Lot 8 (No. 71) Grandstand Road Ascot ‘Ascot Racecourse’ from the Swan Canning Riverpark boundary.

Item 12.1.5 Continued

LOCATION

Lot 8 (No. 71) Grandstand Road Ascot - 'Ascot Racecourse'



APPLICANT

Swan River Trust

FILE REFERENCE

P/GRA.71 Property File
 113/001 Policy & Directive

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

Item 12.1.5 Continued

CONSULTATION

As the proposed amendment is to correct a mapping error, no public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The Swan River Trust has advised of the following statutory requirements for the proposed boundary amendment:

- Under Section 13 of the *Swan and Canning River Management Act 2006* the Swan Canning Riverpark boundary can be amended by regulation to exclude land that is privately owned.
- Under Section 13(2)(c) of the *Swan and Canning River Management Act 2006* the Swan River Trust is required to consult with the local government of the district in which the amendment occurs.

BACKGROUND

Owner:	Western Australian Turf Club	Ward:	East
Lodgement Date:	10 August 2007	Use Class:	Race Course
Lot Area:	55.5937 hectares	TPS Zoning:	Place of Public Assembly
Estimated Value:	n/a	MRS:	Place of Public Assembly & Parks & Recreation

Boundary Amendment Requirements

On 10 August 2007 the Swan River Trust (SRT) forwarded a request seeking the City of Belmont's approval to amend the Swan Canning Riverpark boundary by excluding a portion of Lot 8 (No. 71) Grandstand Road Ascot 'Ascot Racecourse' from the boundary management area. The City's approval has been sought in accordance with requirements of the Swan and Canning River Management Act 2006.

The SRT has advised that the request is due to a revision of the current boundaries which found that some areas of private land had inadvertently been included in the management area.

Within the City of Belmont local government area, the SRT has identified that a portion the privately owned Lot 8 should be excluded from the Swan Canning Riverpark boundary.

Item 12.1.5 Continued

The City's Planning Department has calculated that the subject portion of Lot 8 is approximate 2.0352 hectares in size.

A plan depicting the subject portion of Lot 8 and the existing and proposed Swan River Trust Act Riverpark boundary is provided under BB Attach 5 of this report.

Implications for Development Control

There will be no change in the process by which the land owner must obtain approval for development on the subject lot.

OFFICER COMMENT

It is considered that the proposed amendment to the Swan Canning Riverpark boundary will not affect development control requirements for the property.

As such, it is recommended that Council support the proposed boundary amendment to exclude Lot 8 (No. 71) Grandstand Road Ascot 'Ascot Racecourse' from the Swan Canning Riverpark.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS**Attach. No. Details**

BB Attach 5 Extract Plan - Swan River Trust Act Riverpark Boundary

POWELL MOVED, WHITELEY SECONDED.

That Council support the Swan River Trust's proposal to amend the Swan Canning Riverpark boundary to exclude Lot 8 (71) Grandstand Road Ascot from the Swan Canning Riverpark boundary (as provided under BB Attachment 5 to the 28 August 2007 Council Agenda) as detailed in plans dated 18 June 2007 produced by the Department of Environment and Conservation.

CARRIED 8 VOTES TO 1

*For: Godfrey, Marks, Rossi, Martin, Hitt, Powell, Teasdale, Whiteley,
Against: Dornford*

7.48pm Cr Brennan returned to the Meeting.

12.1.6 Consideration of Use Not Listed 'Daycare for Dogs' and Change of Use to Daycare for Dogs Strata Lot 6, 102 Robinson Avenue, Belmont.******BB Attachment 6 – Item 12.1.6 refers******BB Attachment 7 – Item 12.1.6 refers******BB Attachment 8 – Item 12.1.6 refers**

Report by Community & Statutory Services Division

DATE

16 August 2007

PURPOSE OF REPORT

To consider:

- 1) A proposed 'Use Not Listed' in Town Planning Scheme No. 14; and
- 2) An application for Change of Use to the use not listed, being 'Daycare for Dogs'.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

SUMMARY AND KEY ISSUES

- Council to consider a 'Use Not Listed' and whether 'Daycare for Dogs' is an appropriate use within the Mixed Use zone or any other zone under Town Planning Scheme No. 14.
- Council to consider a development application proposing a Change of Use from 'Warehouse' to 'Daycare for Dogs' at Strata Lot 6 (6/102) Robinson Avenue, Belmont.
- The proposal for a 'Daycare for Dogs' was referred surrounding owners/occupiers for comment. The advertising period closed on 30 July 2007. A total of 8 submissions were received.
- The submissions have been assessed and are summarised for Council's consideration.

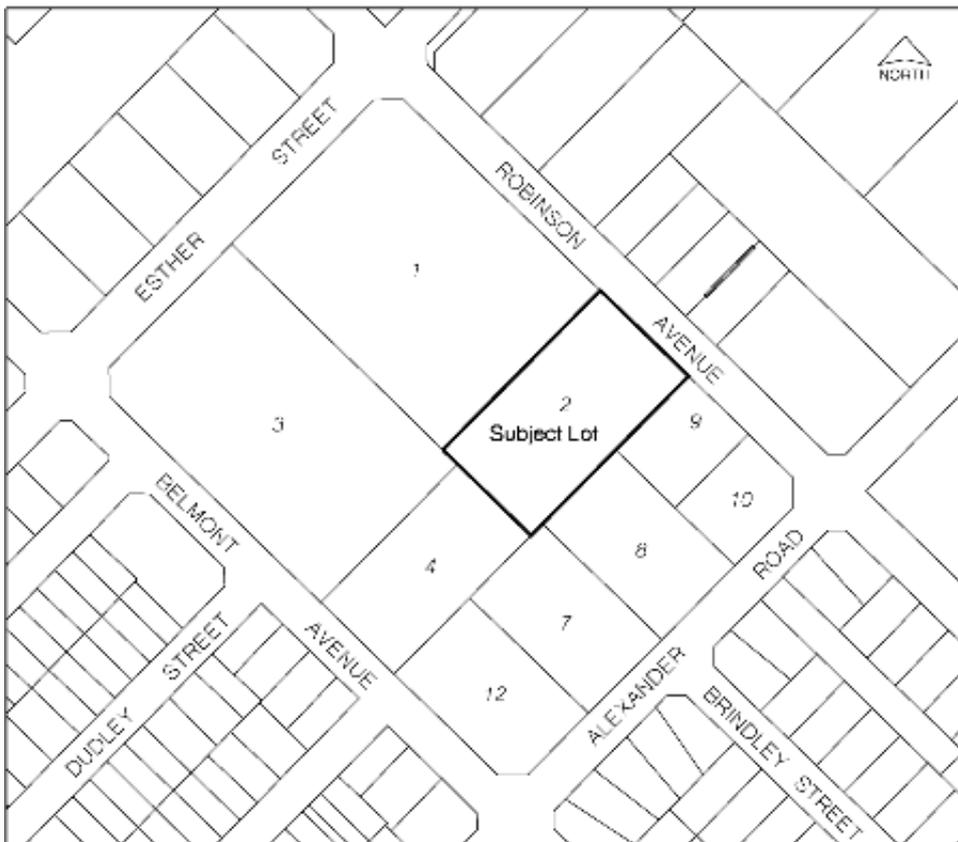
Item 12.1.6 Continued

Officer Recommendation Summation

It is recommended that the Use Not Listed 'Dog Day Care' be determined as inconsistent with any zone in the City of Belmont and that the development application be refused.

LOCATION

Strata Lot 6 (102) Robinson Avenue, Belmont.



APPLICANT

R Vary of Vary Enterprises Pty Ltd.

FILE REFERENCE

115/001
197/2007/DA
Strata Lot 6 (102) Robinson Avenue, Belmont.

Item 12.1.6 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

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.

Public Comment

In accordance with Clause 5.7 of the Scheme, the City advertised the proposal to thirty nine surrounding owners/occupiers, for a period of 21 days. The advertising period closed on 30 July 2007 with 7 objections and 1 conditional support received relating to 10 properties. The areas of concern relate to traffic, safety, smell, waste management, and noise.

The submission table is provided under BB Attach 6 of this report. **Copies of the full submissions are available to Councillors on request.**

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – “Achieve a planned City that is safe and meets the needs of the community.”

BUILT BELMONT - “Encourage the upgrading and compatible redevelopment of the City of Belmont.”

BUSINESS BELMONT – “Maximise business development opportunities within the City.”

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

Where a use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use classes in the Zoning Table, the use is dealt with as a ‘Use Not Listed’ under clause 4.2.3 of the Scheme.

Item 12.1.6 Continued

Clause 4.2.3 of TPS14 provides a number of options in dealing with 'Uses Not Listed', as follows:

- (a) Determine that the use is consistent with the objectives and purposes and process the application as a permitted use; or
- (b) Determine that the proposed use may be consistent with the objectives of the zone and proceed with advertising the proposal as per Clause 5.7 of TPS14; or
- (c) Determine use is not consistent with the objectives of the zone and is therefore not permitted.

An application has been received for a use of 'Daycare for Dogs'. As the use does not propose the 'overnight' boarding or breeding of dogs the 'Dog Kennel' definition under the Scheme was not applied and the use was considered as a 'Use Not Listed'.

The property subject of the application is zoned 'Mixed Use' under the City's Town Planning Scheme No. 14. Clause 10.5 of the Scheme states the intention of the Mixed Use zone is *"to allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads."*

Deemed Refusal

Clause 5.5.2 of the City of Belmont Town Planning Scheme No. 14 applies where a landuse is classified as a 'D' or 'S' use under the City of Belmont Town Planning Scheme No. 14 Zoning Table and is subject to advertising requirements detailed in Clause 5.7 of the Scheme. As such the application is 'deemed to be refused' if it is not determined within a 90 day period.

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

The deemed refusal date for this application passed on 20 August 2007 and the applicant already has deemed refusal rights.

Right of Appeal

Is there a right of appeal? Yes No

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

*Item 12.1.6 Continued***BACKGROUND**

Owner:	Vary Enterprises Pty Ltd	Ward:	West
Lodgement Date:	22 May 2007	Use Class:	Use Not Listed.
Lot Area:	Parent Lot = 6368m2	TPS Zoning:	Mixed Use
Estimated Value:		MRS:	Industrial

Proposed Land Use

An application has been received for a use of 'Daycare for Dogs'. As the use does not propose the 'overnight' boarding or breeding of dogs the 'Dog Kennel' definition under the Scheme was not applied and the use was considered as a 'Use Not Listed'.

As a use not listed, it was considered that the use may be consistent with the objectives of the zone and in accordance with Clause 4.2.3(b) referred to surrounding landowners for comment.

Subject Site

The subject site is located within a group of 6 warehouse units with a total of 54 car bays provided on site. A right of carriageway provides access to the subject site and the adjacent property. Units 1-5 are used for warehousing. The majority of units within the surrounding area are also used for warehousing with showrooms and offices fronting Robinson Avenue and along Alexander Road.

Application

The proposed 'Daycare for Dogs' is to be located on Strata Lot 6 (102) Robinson Avenue in Belmont, which is one of six strata lots within a multi-tenant building. The existing approved use in the strata unit is 'Warehouse'.

The applicant proposes the business will operate as follows:

- The building is to be divided into 3 main dog activity areas through the construction of solid walled pens which allow for viewing windows and internal gates. These internal walls are to be fitted with an overhang to ensure that the dogs cannot jump over. Time-out pens are located within each area to allow for the dogs to rest when required.
- Gates are located between Reception, office toilets and staff amenity areas.
- Ultimate hours of operation 7am – 9pm, seven days per week.
- Opening hours of operation 7am – 7pm, four days per week.
- The peak drop-off and collection times are anticipated to be between 7am to 9am and 4pm to 9pm.
- Staff numbers are expected to be between one and four at any one time.
- Visitors will require only short term parking to drop off and collect pets.
- Client numbers: 150 spaces available per week with a maximum of 30 dogs per day if operating at full capacity.
- A dog taxi would operate and on an average day bring in 8-10 dogs.
- All dogs that gain a place in daycare must be de-sexed and fully vaccinated, flea and heartworm treated. Aggressive dogs will be not accepted. Dogs will be collared to identify the dog in the unlikely event of escape.

Item 12.1.6 Continued

- Animal droppings will be disposed of by collection in sealed plastic bags that are then frozen and will be collected on a daily basis.
- Food kept on the premises is 'dry' pet food therefore refrigeration is not required. It is to be stored in locked metal cabinets.
- Internal noise control measures include:
 - construction of solid walled open pens for dogs,
 - rubberised flooring,
 - sound absorbing panels on inside of external walls and hanging from the ceiling,
 - pens to be sited away from roller doors; and
 - minimise time external doors are open.
- No changes are proposed to be made to the building or property aside from signage on the external walls.

The applicant contends that the proposed business will provide a much needed service to the pet owners of Belmont and surrounding suburbs. The dogs will be kept active and occupied in an indoor environment with constant companionship, and will be supervised at all times.

A site plan indicating the location of the subject strata lot in relation to the other strata lots is provided in BB Attach 7 of this report. A plan illustrating the internal layout of the proposed 'Daycare for Dogs' is provided under BB Attach 8 of this report.

Power Supply

This site has above ground power with power poles along the frontage of the site.

OFFICER COMMENT**Use Not Listed**

A 'Dog Kennel' is defined under Scheme 14 as meaning "*any land or buildings used for the boarding or breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use*".

As the proposal did not involve the overnight boarding of dogs, the Development Control Group determined that the use of 'Daycare for Dogs' could be dealt with as a Use Not Listed under the Scheme. The proposal was thereby advertised for comment as the use may be consistent with the zoning of the land.

A number of objections were received in regard to the proposed use and aspects of the specific application lodged.

Item 12.1.6 Continued

In assessing the proposed use and the development proposal, consideration must be given to the intent of the zoning and scheme provisions. Given the issues raised following advertising and concerns over potential detrimental impacts on amenity due to noise, odours and management of animals, it is considered that the use of 'Daycare for Dogs' should be determined as inconsistent with the objectives and purposes of all zones under Scheme No. 14 and not just the Mixed Use zone. This is on the basis that although there may be some merit in the argument that a 'Daycare for Dogs' could be accommodated in a custom designed building in the Industrial zone, the use is most similar to that of a 'Dog Kennel' which is prohibited in all zones within the City of Belmont. Moreover, it is noted that the two existing 'Daycare for Dogs' currently listed in the yellow pages (Crufts Way, Canning Vale and Adams Road, Wanneroo) are specifically associated with Dog Kennels.

If the use is determined as inconsistent with the objectives and purposes of all zones under Scheme No. 14, the application for a 'Daycare for Dogs' for Strata Lot 6, 102 Robinson Avenue must be refused.

Should Council however determine that the use is consistent with the Mixed Use zone, Council must consider the application on its merits.

Proposed 'Daycare for Dogs' Strata Lot 6, 102 Robinson Avenue, Belmont

Clause 5.8 of the Scheme contains provisions relating to matters to be considered by Council when assessing applications including compatibility, amenity, traffic, landscaping and any relevant submissions received. The dot points following discuss the major issues raised in regard to the proposal for 102 Robinson Avenue.

- Noise

A number of the submissions received cited noise associated with the proposed use as a major concern.

The applicant has submitted a Noise Assessment report which includes noise measures to be undertaken in the building. The Manager Health & Ranger Services confirmed that the proposed noise control measures for Unit 6 (rubberised flooring and ceiling and wall panels) would comply with the provisions of the Environment Protection (Noise) Regulations 1997.

In order to contain noise emanating from the facility, the applicant has confirmed that the roller doors will be kept closed.

Whilst the measures detailed by the applicant may well address noise levels under the Noise Regulations, the issue does raise the question of whether barking dogs (whether inside the premises or on delivery) would have a detrimental impact on the amenity of the locality and whether indeed the proposal is compatible with the businesses operating around it. Whilst the current warehousing activity of adjacent units has associated noise levels with respect to unloading and loading of trucks using forklifts, these noises are traditionally associated with business operations associated with the Mixed Use zone. Given that the accommodation of dogs is not traditionally associated with the zone and the concerns raised by other business operators (both on-site and nearby), it is considered that the use would have an adverse impact on the amenity of other businesses.

Item 12.1.6 Continued

- Traffic & Parking

With respect to traffic and parking, the overall development is required to provide 44 parking bays based on the requirements for a warehouse development of 4292 m² under Town Planning Scheme No. 14. As noted previously, a total of 54 parking bays have been provided, four of which are allocated to the subject unit, Strata Lot 6. The applicant has advised that these bays would be used by staff. An additional 4 marked bays located at the end of the right of way adjacent to Strata Lot 6 are not allocated for the exclusive use of any particular unit, but have previously been utilised by Strata Lot 6 on a consistent basis.

To address the concerns regarding traffic and safety of the surrounding properties and clients, the applicant proposes to utilise the four marked bays at the end of the right of way adjacent to Strata Lot 6 and the roller door as a drop off and pick up area. As the subject unit is located at the rear of the lot, the use of this area is considered appropriate as it would not interfere with the other premises. Given the above noted rationale and the fact that the amount of parking required for the overall site is exceeded by 10 parking bays, there is no objection to the proposed parking arrangement.

While there is considered to be sufficient parking on-site for the use, there is some concern over the management of animals entering and leaving the premises. The applicant has tried her utmost to address this matter by:

Requiring all dogs attending the centre be booked in.

- All dogs would be on leads held by their owners when walked from vehicles into the centre and not let off the lead until inside their allotted walled activity area.
- Minimising the peak morning drop off times and evening collection times (7am to 9am and 4pm to 9pm) by staggering booking times.
- A dog taxi shuttle service would also be provided. The vehicle would be fitted with pet seatbelt harnesses for safe travel and would also reduce the number of clients attending the site. The dog taxi shuttle is proposed to be parked in the unit accessed via the roller door. The roller door would then be closed before the dogs would be led to the activity area.

Notwithstanding the measures outlined by the applicant to address the issue of managing dogs on site, special care needs to be taken on the basis of 'risk management' due to the proximity of adjoining tenancies. Whilst all care can be taken by the operator to ensure dogs are restrained until within the day care centre, as the unit is not stand alone on its' own site, there is still the likelihood that other business operators and their clients could be placed at risk.

- Odour

Several of the submissions raised concerns regarding the potential for odour to emanate from the proposed premises.

Item 12.1.6 Continued

The applicant confirms that all dog waste is to be disposed of via the freezer / daily collection method. All floors are to be mopped daily with vet strength cleansers and all incidents will be cleaned up as they happen. All bedding and toys are to be steamed cleaned and washed regularly. Health Services has advised the above cleaning and storage techniques are suitable although the vet strength cleaners themselves have an overpowering odour this may be compounded by the fact that the roller door must remain closed (to limit noise).

Summary

If the use is determined as inconsistent with the objectives and purposes of all zones under Scheme No. 14, the application for a 'Daycare for Dogs' for Strata Lot 6, 102 Robinson Avenue must be refused.

Should Council however determine that the use is consistent with the Mixed Use zone, Council must consider the application on its merits. In that instance, consideration must be given to the overall impact the proposed use could have on the operation and amenity of existing businesses. Despite the efforts and commitments of the applicant to address the concerns raised, given the ongoing concern in regard to noise, odour and the risk to other businesses and their clients, the application should be refused.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 6	Submissions Table
BB Attach 7	Site Plan
BB Attach 8	Internal Site Layout

Item 12.1.6 Continued

OFFICER RECOMMENDATION

That Council:

1. Determine that the use of 'Daycare for Dogs' is inconsistent with the objectives and purposes of all zones under Town Planning Scheme No. 14.
2. Refuse development application for a 'Change of Use' submitted by Rebecca Vary on behalf of the owner Vary Enterprises Pty Ltd from 'Warehouse' to 'Daycare for Dogs' at Strata Lot 6 (6/102) Robinson Avenue, Belmont on the basis that the use has been determined as being inconsistent with the objectives of the zone.
3. Notify all those who made submissions on the proposal of the decision.

Notation:

In a memorandum dated 28 August 2007 the following amended officer recommendation was circulated to all Councillors. The reason for the amendment was that on legal advice obtained the application for a Day Care for Dogs Centre at the subject site was considered to be a use more appropriately defined as 'Dog Kennels' and therefore was not permitted in all zones under the City of Belmont Town Planning Scheme No. 14.

During discussion Cr Powell indicated if the Officer recommendation was lost, she would foreshadow a motion to defer the item. The reason for the deferral was to investigate the options open to Council as to how the proposed use could be legally approved under the City of Belmont Town Planning Scheme No. 14.

The Director Community & Statutory Services advised Councillors that in his opinion the amended officer recommendation based on the legal advice received should be supported and that the Council risked legal ramifications if it were to disregard that advice. He advised that if the Council were supportive of such a use then the proper statutory process should be followed by amending the Scheme and to ensure it addressed the Dog Local law and the Dog Act.

The amended officer recommendation was subsequently put and voted on as follows:

POWELL MOVED, MARTIN SECONDED, that Council:

1. *Determine that the application 197/2007/DA for a Day Care for Dogs at Strata Lot 6 (6/102) Robinson Avenue Belmont can reasonably be determined as falling within the interpretation of 'Dog Kennels' under the City of Belmont Town Planning Scheme No. 14, which is a use that is not permitted in all zones in the Scheme and therefore is refused.*
2. *Notify all those who made submissions on the proposal of the decision.*

LOST 0 VOTES TO 10

Notation

The Mayor invited Cr Powell to put her foreshadowed motion which was subsequently voted on as follows:

Item 12.1.6 Continued

POWELL MOVED, TEASDALE SECONDED, that Item 12.1.6 of the OCM Agenda dated 28 August 2007 be deferred until the next available Ordinary Council Meeting to allow the Planning Department to investigate as to how application 197/2007/DA for a Day Care for Dogs at Strata Lot 6 (6/102) Robinson Avenue Belmont could be legally approved.

CARRIED 10 VOTES TO 0

12.1.7 Draft Structure Plan for 'The Springs'**

- **BB Attachment 9 – Item 12.1.7 refers
- **BB Attachment 10 – Item 12.1.7 refers
- **BB Attachment 11 – Item 12.1.7 refers
- **BB Attachment 12 – Item 12.1.7 refers
- **BB Attachment 13 – Item 12.1.7 refers
- **BB Attachment 14 – Item 12.1.7 refers
- **BB Attachment 15 – Item 12.1.7 refers
- **BB Attachment 16 – Item 12.1.7 refers
- **BB Attachment 17 – Item 12.1.7 refers
- **BB Attachment 18 – Item 12.1.7 refers

Report by Community & Statutory Services Division

DATE

3 August 2007

PURPOSE OF REPORT

To consider adoption of:

1. A Draft Structure Plan for 'The Springs' Special Development Precinct; and
2. Draft Local Planning Policy No. 31 – The Springs Design Guidelines.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

SUMMARY AND KEY ISSUES

- 'The Springs' project has an extensive and complex history dating back to 1993.
- The subject land is zoned 'Special Development Precinct' under the City of Belmont Town Planning Scheme No. 14.
- A draft Structure Plan and accompanying draft Design Guidelines have been developed by LandCorp to guide development in the area collectively known as 'The Springs'.
- The Structure Plan proposes:
 - a mix of land uses, comprising mainly of medium to high density residential and commercial mixed use that will offer high development potential along the riverfront and freeway, while protecting amenity for existing residents;

Item 12.1.7 Continued

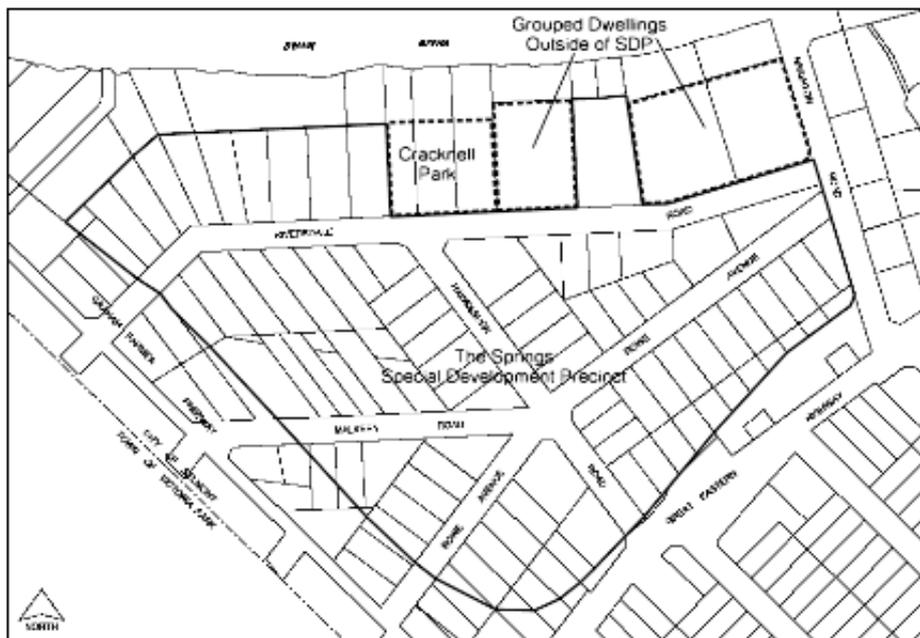
- reconfiguration and upgrading of the existing road network to accommodate an increase in vehicular, cyclist and pedestrian traffic;
 - provision of a 'landmark' building at the corner of the Graham Farmer Freeway and Great Eastern Highway; and
 - development of new areas of public open space.
- The area has been divided into a number of precincts with specific design guidelines developed for each one. The design guidelines are contained within a separate document (draft Local Planning Policy No. 31).
 - The implementation strategy for the Plan is still in the process of being reviewed by LandCorp, City staff and legal counsel. It will be submitted separately for Council's consideration.
 - The draft Structure Plan and draft Local Planning Policy No. 31 were advertised for public comment from 11 April 2007 to 25 May 2007. A total of 13 submissions were received.
 - The submissions have been assessed and are summarised for Council's consideration.

Officer Recommendation Summation

It is recommended that Council adopt the draft Structure Plan and draft Local Planning Policy No. 31 – 'The Springs' Design Guidelines, subject to modifications.

LOCATION

The Structure Plan Area is located in Rivervale, approximately 5 km by road from the Perth Central Business District, and is bound by the Graham Farmer Freeway, Great Eastern Highway, Brighton Road and the Swan River Foreshore, as shown on the plan below. The Plan Area is approximately 12.5 hectares.



Item 12.1.7 Continued

APPLICANT

LandCorp

FILE REFERENCE

116/077 The Springs
116/108 Local Planning Policy No. 31

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

LandCorp and their consultants undertook extensive preliminary public consultation prior to submission of the proposed Structure Plan.

The draft Structure Plan and draft Local Planning Policy No. 31 – The Springs Design Guidelines were advertised for public comment in accordance with the provisions of Section 10.17.9 (Advertising of a Structure Plan) and Section 2.5 (Advertising of a Local Planning Policy) of the City of Belmont Town Planning Scheme No. 14 (TPS 14). The Council endorsed a longer advertising period (42 days) than the minimum required in order that all affected parties would have ample time to fully consider the proposed documents and lodge a submission. The draft documents were advertised from Wednesday, 11 April 2007 to Friday, 25 May 2007.

Thirteen submissions were lodged in respect of the application during the advertising period. A summary of the submissions is provided under BB Attach 9 of this report. **Copies of the full submissions are available to Councillors on request.**

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – *“Encourage the upgrading and compatible redevelopment of the City.”*

BUSINESS BELMONT – *“Maximise business development opportunities within the City.”*

Item 12.1.7 Continued

POLICY IMPLICATIONS

- WAPC – Liveable Neighbourhoods Policy
- WAPC – Network City Policy
- WAPC – Development Control Policy 1.6 – Planning to Support Transit Use and Transit Oriented Development
- WAPC – Development Control Policy 2.3 – Public Open Space in Residential Areas
- City of Belmont Local Planning Policy No. 9 – Building Height and Bulk along Great Eastern Highway

STATUTORY ENVIRONMENT

‘The Springs’ area is zoned ‘Special Development Precinct’ under the City of Belmont Town Planning Scheme 14. Amendment No. 49 proposes to designate certain additional areas within the City, including ‘The Springs’, as Development Areas. As such, a Structure Plan will be required prior to consideration of subdivision or development within these areas in order to guide development. This includes the location of roads, utilities, density of development and lot layout. It will ensure that when development occurs it will happen in a certain way, but it does not force landowners to develop all at once.

At the time of writing this report, Amendment No. 49 is awaiting Ministerial approval. Given that its approval is pending and in the absence of statutory controls, the Council resolved that the draft Structure Plan be advertised in accordance with the provisions of Section 10.17.9 of TPS 14 and that the draft Local Planning Policy No. 31 – The Springs Design Guidelines be advertised in accordance with the provisions of Section 2.5 of TPS 14.

Right of Appeal

Is there a right of appeal? Yes No

Presently, the applicant would have no right of appeal as ‘The Springs’ has not yet been designated a Development Area requiring a Structure Plan. However, once Amendment No. 49 receives Ministerial approval, the applicant may appeal a planning approval/planning refusal to the State Administrative Tribunal (SAT) subject to Part 14 of the Planning and Development Act 2005. Appeals must be lodged with SAT within 28 days. Further information can be obtained from the SAT website – www.sat.justice.wa.gov.au.

BACKGROUND

Historical Context

A comprehensive summary of the history of ‘The Springs’ development was included in the report to Council for consideration of advertising (Item 12.1.11 OCM 20/02/2007 refers).

Item 12.1.7 Continued

When the previous Guided Development Scheme was rejected, it was the Minister's recommendation that a working group be formed to investigate options for a comprehensive redevelopment. The working group would include representation from all stakeholders, including LandCorp as a primary landowner, and initially be lead by the Department for Planning and Infrastructure.

Existing Land Use and Land Ownership

The Structure Plan area currently has a range of existing land uses including single residences, offices, a place of public worship, residences converted for business use, warehouses, and abutting high density residential developments. The subject land includes 90 separate titled lots and, at the time of writing this report, LandCorp holds title to 67 lots (74%) and 23 lots (26%) remain in private ownership. Much of the existing housing stock is in poor condition.

The Proposed Structure Plan

As 'The Springs' is ideally situated to serve as a landmark 'entrance/gateway' to the Perth city centre, a vibrant mixture of land uses and housing types are considered appropriate and desirable for the area and are generally portrayed on the Plan. (Provided under BB Attach 10 of this report.) The draft Design Guidelines are intended to ensure the proper building form and character is achieved.

The Indicative Masterplan (provided under BB Attach 11 of this report) shows medium to high density apartment living development in the area adjacent to the Swan River in order to take advantage of topography and views to the Perth CBD. A maximum height of 15 metres at Riversdale Road and 20 metres at the lower levels of the site is proposed. New development is intended to provide view corridors to the foreshore and relate to both existing Cracknell Park and the foreshore.

Land adjacent to the Graham Farmer Freeway is intended to accommodate high density residential buildings to a maximum height of 30 metres, with lower 'podium' residential buildings located at their base to a maximum height of 15 metres, oriented toward the new internal street. (Provided under BB Attach 12 of this report.)

The highest density is proposed for the landmark precinct located in the southeast corner of the 'The Springs'. A mixed use tower with a maximum height of 55 metres (min. 28 metres) can be accommodated, with lower 'podium' buildings (maximum height of 15 metres) located at their base.

The remainder of the Great Eastern Highway frontage predominantly proposes commercial uses with the potential for upper level residential apartments in mixed use developments. There is also potential for an architecturally significant corner element adjacent to Brighton Road, to a maximum height of 27 metres.

The remaining internal areas of the Structure Plan is intended to accommodate a variety of medium to high density residential development with a central linear park developed adjacent to Hawksburn Road as a focal point.

Item 12.1.7 Continued

Other public open space within the Structure Plan area includes the existing Cracknell Park, which connects to 2.2 ha of Swan River foreshore reserve (located outside the structure plan area). A local recreation reserve for multi-purpose passive recreation (including a landscaped minor amphitheatre and pedestrian pathways located on a stormwater retention structure), is indicated on Rowe Avenue. (Provided under BB Attach 13 of this report.)

Lot Yield and Population Projections

It is estimated that 'The Springs' will potentially provide for the development of up to 700 residential lots/units with a population in excess of 1600 following redevelopment of the Structure Plan area. An additional 400 m² of commercial retail floorspace will also be available to service the precinct and nearby residences.

Public Utilities and Services

Water, sewer, gas, underground power and street lighting are currently available within the Structure Plan area, but will require considerable upgrades and extensions to facilitate the proposed development.

Existing roads will require upgrading with provision of embayed parking bays and concrete footpaths on each side of the road.

Heritage Listed Sites

There are a number of sites of local heritage significance within the Structure Plan area, as identified in the City of Belmont 'Revised Municipal Heritage Inventory 2002', including buildings and trees.

The Department of Aboriginal Affairs Register of Aboriginal Sites identifies four sites in the general vicinity of 'The Springs', the most significant being the Swan River, which is identified as having mythological value. The exact location of the other registered sites is unknown and may require a 'Section 18' clearance under the *Aboriginal Heritage Act 1972* prior to any development.

Issues Raised in Submissions Received

The thirteen submissions received on the draft documents provide comment on a variety of issues, with the exception of 'no objection' responses from two utility providers. There is considerable overlap in comments relating to the draft Structure Plan and those relating to the draft Design Guidelines. These issues are discussed in the following section.

OFFICER COMMENT**Residential Densities & Height Limits**

The recurring issues of concern identified, and recommendations posed in the submissions, relate primarily to the proposed residential densities and height limits, particularly with respect to the Riversdale Road-North Precinct. The main issues/recommendations from the submissions are indicated in italics below, followed by the Officer's response.

- *Increase the residential density code from R100 to R160, or remove it altogether and allow the design to be dictated by comprehensive design guidelines and amenity-related provisions of the R-Codes.*

Item 12.1.7 Continued

While removal of the dwelling density code is feasible from a planning perspective, it is recognised that it may not give Council the assurance it requires with regard to building form outcome. The R100 density code is considered appropriate in the Riversdale Road-North Precinct but it is recognised that this is an area that will be undergoing extensive redevelopment. It therefore recommended that the R100 density code remain, but provision be made to accept R160 if certain set performance criteria were met.

There is precedent for 'flexible' dual coding (i.e. R20/R40; R20/R30; R20/R60; R20/R100B) within key areas of the City of Belmont. In these key locations, developments may be approved with a density above the R20 base coding where it can be demonstrated that development meet the performance criteria identified in Local Planning Policy No. 1 or No. 6, and are therefore of a superior design standard.

Performance Criteria

It is proposed that within the area coded R100/R160, development above the density and standards of the R100 base density coding shall be permitted only if the development, in the opinion of Council:

- a) is sited such that it will provide appropriate view corridors and informal surveillance of the street and/or other public spaces; and
- b) is of an exceptional urban design standard and built form that will enhance the desired streetscape. The design will incorporate high quality building materials, architectural detailing and complementary colour schemes; and
- c) is oriented to provide maximum direct winter sunlight and ventilation to the development and to adjoining properties while maintaining privacy; and
- d) will not overshadow Riversdale Road and adjacent properties by more than 50% during mid-winter; and
- e) provides a demonstrable amenity of direct benefit to the proposed residents and the wider community. (This may include but is not limited to: provision of affordable housing, street art, courtyards, arbors, fountains, street furniture, rooftop gardens, landscaped pedestrian/cyclist corridors or pathways, localised exterior lighting of pathways, and textured pedestrian surface treatments); and
- f) provides well designed frontages oriented towards Riversdale Road and the Swan River foreshore that use landscaping or fencing treatments to establish boundaries between private and public space in an understated manner so as to maintain security without discouraging pedestrian activity; and
- g) provides a demonstrable commitment to sustainability principles; and
- h) where a site is included on the Municipal Heritage Inventory, has regard for the history associated with the site and incorporates elements which reflect this history. (This may include but is not limited to public art, photographic displays, creative re-use of existing heritage structures or features, etc).

Item 12.1.7 Continued

In addition, it is recommended that where the R160 code is applied to Rowe Avenue West Residential Towers similar performance criteria to those proposed for the Riversdale Road-North Precinct are applied. The reason for this is that the visually prominent location of this Precinct adjacent to the Graham Farmer Freeway will provide a statement about 'The Springs' and therefore warrants a high standard of design. Landcorp have verbally advised that they accept the additional design criteria proposed.

- *Viability of the proposed residential density when coupled with the proposed height limits.*

The Buchan Report (March 2000) demonstrated viability of the R100 coding at that time, however, it is recognised that there are other factors affecting the Riversdale Road-North Precinct that may warrant taller buildings and higher densities, such as high amenity unrestricted views to the north, which can be used to take advantage of solar orientation, and the proximity to public transit and central Perth. The above noted proposed R100/R160 dual coding will provide flexibility in the design of development proposals to ensure they are viable in the current housing market.

- *Reallocation of density to allow R160 in the Riversdale Road-North Precinct and achieve an R100 density overall for the developable portion of 'The Springs'.*

Density on the site cannot be averaged as it was for the nearby Hill 60 due to the multiplicity of owners and uncertainty as to the form of individual development proposals. The Hill 60 development was considered in its entirety under one application and Council had assurance as to the form of development that would result. It is unknown at this stage if the existing lots along Riversdale Road, both north and south, will be amalgamated, or in what configuration, or the orientation of proposed buildings. This makes it difficult to assess the impact buildings along Riversdale Road-North will have on the width and placement of view corridors and overshadowing onto lots along Riversdale Road-South.

It should also be noted that the intensity and mix of land use as proposed is supported by the Department for Planning and Infrastructure's Transit Oriented Development, Urban Growth Management Section and meets its requirements.

- *The prescribed building envelope for this precinct will result in lower but significantly wider buildings that severely restrict views to and from the Swan River, is inconsistent with other building envelopes proposed for the locality, and will not promote contemporary architectural outcomes. (Provided under BB Attach 14 of this report.)*

While it is acknowledged that the proposed building envelope for the Riversdale Road-North Precinct has the potential to produce a building form of short, wide buildings that may impact the ability to achieve view corridors, this is not the only form of development that can result, as demonstrated in the Buchan Report (2000).

Item 12.1.7 Continued

Notwithstanding, and in keeping with Council's direction, the recommendations and proposals for alternate development criteria and modified building envelope for the Riversdale Road-North Precinct put forth in the submissions received have been carefully considered (OCM 20/02/2007 Item 12.1.11 refers). Particular attention was given to the detailed submission received on behalf of the owner of Lot 80 (48) Riversdale Road (provided under BB Attach 15 of this report).

There is merit to many of the arguments put forth, however, it is also recognised that the City of Belmont should have assurances as to the 'product' that will be delivered prior to any consideration of approval. The suggested flexible dual coding approach will provide Council this assurance. The requested increased height and density limits are not supported outright for reasons mentioned previously, but flexibility is provided through the proposed dual coding to achieve variations if compliance with set performance criteria is demonstrated.

The following illustrations provide an example of the conceptual building form that could result from the application of the proposed dual coding and performance criteria. They show a residential development on Lot 80 (48) Riversdale Road when viewed:

- 1) from Cracknell Park;



Item 12.1.7 Continued

- 2) from the Swan River; and



- 3) entering from Hawksburn Road.



Item 12.1.7 Continued

As illustrated below, the building footprint is irregular and jogged to maximise view corridors for pedestrians at the street level, residents of the building and residents of adjacent properties. The building is oriented to maximise the amount of sunlight received and has a high standard of urban design.



Computer generated shadow analysis is included with the Lot 80 submission. Bearing in mind that it is not to scale, there does not appear to be a significant difference in the shadows cast for a building which complies with the building envelope proposed in the draft Design Guidelines versus the alternate building envelope proposed in this submission.

As noted previously, increased height and density limits in the Riversdale Road-North Precinct are generally supported provided proposals are of a superior design, maintain view corridors, and do not create an overshadowing problem for development in the surrounding area. It is therefore recommended that any proposal for increased limits be addressed through scaled computer modelling of the site to illustrate the impact the built form and building placement will have on overshadowing and the Riversdale Road street frontage. Detailed elevations and perspectives of the proposal are also required to complete a more thorough assessment of any proposed changes.

Non-Conforming Uses / Modification of Proposed Road Network & Lot Layout

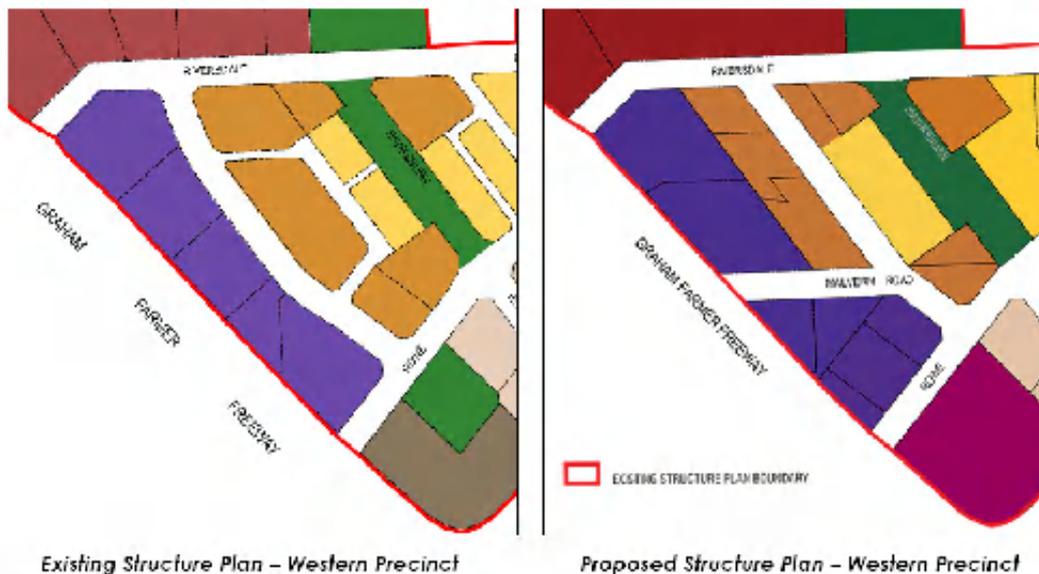
Landcorp’s submission on the draft Structure Plan proposes four modifications, as indicated on the draft Land Use plan (provided under BB Attach 16 of this report) and as detailed in the Submissions Table (provided under BB Attach 9 of this report). The fourth modification proposed includes substantial changes.

Item 12.1.7 Continued

- *Modify the road network and lot layout west of Hawksburn Road between Riversdale Road and Rowe Avenue.*

The proposed changes affect both the Rowe Avenue West and East Residential Precincts and seek to retain the existing road reserves for primary access and adjust the superlot (subdivision) design accordingly. This is intended to overcome issues surrounding land ownership, (i.e. retention of the existing road pattern, determination of superlot boundaries, retention of existing road reserves), and enable the logical staging of development. It is Landcorp's contention that the changes shown on the plan below represents a minor modification in accordance with the intent of the Structure Plan.

Minor Modification No. 4 – West of Hawksburn Road between Riversdale Road and Rowe Avenue



This is considered to be a major modification to the Structure Plan. It involves the retention of Malvern Road, which dead ends at the Graham Farmer Freeway, the elimination of a proposed access and laneway access to Hawksburn Road linear park, and reconfiguration of proposed development within two precincts.

The only justification provided for the modification relates to possible delays in the project and staging of development. No justification has been provided relating to the design outcome and it does not address the existing non-conforming use issues, such as the mosque (Lot 4 Malvern Road) or the workshop (Lot 3 Malvern Road). Given the extensive history of these two properties, there should be strong design rationale as to why Council should support such a modification at this stage.

As the proposed modification will not produce a better design outcome and will leave two very incompatible land uses in the midst of a carefully planned community, the modification is not supported. In the event that Council wishes to consider the proposed changes, it would be recommended that Council re-advertise the modified layout for public comment.

Item 12.1.7 Continued

It is recognised that both Council and Landcorp have made several attempts over the years to negotiate an acceptable solution with the owners of the land with the non-conforming uses. Recent discussions with Landcorp indicated that they may be making some headway with respect to relocating the mosque, and that the workshop use is likely to relocate within the next five years, which Landcorp should be encouraged to pursue.

Public Open Space (POS)

The Council passed a detailed resolution at its meeting of 29 November 2005 (Item 11.1.4 refers) clearly stating its position with respect to the provision of POS within 'The Springs' area. It was resolved:

"That Council advise LandCorp and the Western Australian Planning Commission (WAPC) the following:

- 1. Council accepts the standard WAPC requirement of 10% public open space in 'The Springs' redevelopment.*
- 2. The 'gross subdivisible area' for the purpose of determining the 10% Public Open Space requirement will be ultimately dependent on a final redevelopment plan and having regard to the WAPC Policy No. DC 2.3 and the Liveable Neighbourhoods Policy. The policies provide for 'public utility uses' to be credited towards the public open space requirement.*
- 3. The 'gross subdivisible area' to include the original City of Belmont Town Planning Scheme No. 13 area excluding road reserves and to include 90% of the 5,712m² portion of Cracknell Park. Further:*
 - (a) 90% of the 5,712m² portion of Cracknell Park to be included in the public open space contribution.*
 - (b) The balance of the 10% requirement to comprise a combination of land and cash in lieu of public open space to be spent on upgrading existing and proposed public open space areas in 'The Springs' precinct.*
- 6. The proposal to calculate the POS requirement for the precinct as a whole as an "up front" contribution is supported once agreement to a final redevelopment plan is achieved. The mechanism of achieving this will be considered by Council at a later date when the statutory proposal is put to Council by LandCorp.*
- 7. To ensure 'The Springs' precinct does become an iconic development at the gateway to the City of Belmont, Cracknell Park is accepted by Council as part of 'The Springs' precinct for the purpose of calculating open space. This acceptance is subject to:*
 - (a) coordinated redevelopment occurring; and*
 - (b) occurring at a high standard; and*
 - (c) any additional POS to be provided within the precinct to be developed in such a way as to limit ongoing maintenance costs.*

In the event that a high standard of coordinated redevelopment is unable to be achieved, Council's position will be re-examined.

Item 12.1.7 Continued

8. *There is no proposal to dispose of Cracknell Park and WAPC Policy No. DC 2.3 does not require that Lots 27 and 28 currently owned by Council in fee simple be ceded to the Crown free of cost, as Cracknell Park is reserved for Parks and Recreation under the City of Belmont Town Planning Scheme No. 14 for 'Parks and Recreation'. If the WAPC requires the subject land to be transferred to the Crown, the Council has no objection, subject to the Commission and the Department of Land Information agreeing to transfer to the Council in fee simple an area of road reserve as shown in Plan 2 (included within the report item) based on current market value as a land exchange, for the purpose of parks and recreation."*

Since the Council's resolution, the WAPC has not confirmed its position with regard to the amount and location of POS that ultimately will be required for 'The Springs' redevelopment.

Based on area figures from the City's property records, the following table indicates the amount of POS required and provided.

Location	Area	Amount of POS
'The Springs' Gross Subdividable Area (excluding road reserves & Cracknell Park)	= 9.82 ha (98,199 m ²)	100%
10% POS Requirement	= 0.98 ha (9819.9 m ²)	10%
Cracknell Park Contribution Towards POS 90% of 5712 m ² = 0.51 ha (5140.8 m ²)	= 0.51 ha (5140.8 m ²)	5.2%
New POS Provided		
- Hawksburn Road Linear Park*	= 0.17 ha (1735 m ²)	1.8%
- Rowe Avenue POS/Amphitheatre	= 0.26 ha (2619 m ²)	2.7%
TOTAL POS PROVIDED	= 0.94 ha (9494.8 m²)	9.7%

**excludes road reserve area (m²)*

The amount and location of POS shown above is based on the draft Structure Plan as proposed. However, in its submission, Landcorp is proposing two modifications that affect POS. The first is to modify the Hawksburn Road/Public Open Space to identify all of Hawksburn Road between Riversdale Road and Rowe Avenue as POS. The intent is to reflect the primary purpose of the space as neighbourhood parkland, and to emphasize the low level function of the access road.

This modification is not supported on the basis that Hawksburn Road is a public thoroughfare, vehicle speeds will already be reduced in response to surroundings, and it should not count as a full credit towards any required dedication of public open space.

The second change proposed by Landcorp is to reclassify the southern end of the Hawksburn Road reserve located adjacent to Great Eastern Highway as functional POS. The intent is to create a highly pedestrianised, urbanised plaza with good passive surveillance and linkages to other urban spaces within the Structure Plan area. This would be in addition to the new Hawksburn Road and Rowe Avenue POS indicated in the draft Structure Plan and comprises an additional 1161m² of POS, which will exceed the 10% requirement.

Item 12.1.7 Continued

This modification is supported as the area is currently used as an entry/exit point to the pedestrian underpass and experiences surveillance problems. Upgrading the area and incorporation of Crime Prevention Through Environmental Design (CPTED) principles will provide a more inviting POS and complement the rest of the linear pedestrian pathway to the Swan River.

In keeping with the theme of providing strong pedestrian linkages to the river and throughout 'The Springs', Council's Travelsmart Officer has recommended that a 2.5 metre wide shared use path be provided along the eastern verge of Hawksburn Road in order to give cycle connectivity to the Perth Bicycle Network SE21 Path and the river foreshore shared path network. It is considered that the Structure Plan should be appropriately annotated to ensure that the matter of bicycle safety and connectivity is appropriately addressed at the design stage.

Development / Foreshore Interface

A submission was received from the Swan River Trust advising of several concerns, most of which can be addressed at the detailed design stage through the established referral process. A recommendation for the provision of 1.2 m high open fencing along the boundary of private property where it abuts the foreshore reserve is supported.

Transit Oriented Development (TOD) Principles

The submission received from Department for Planning and Infrastructure Transit Oriented Development, Urban Growth Management (DPI TOD) put forth several recommendations for improvement, which are detailed in the Submissions Table (provided under BB Attach 9 of this report).

Of particular note is the comment regarding a lack of provision for affordable housing in the Structure Plan, as per the requirements of WAPC's Network City draft policy and Statement of Planning Policy No. 3 Urban Growth & Settlement. It was suggested that consideration be given to modifying the Plan to indicate targets for the number of dwellings that are 'affordable housing' and the proposed means of achieving this target.

However, it is noted that the City of Belmont already has a disproportionate share of public housing within its boundaries. The various densities proposed within 'The Springs' will provide a mix of housing types that support a range of household sizes, ages and incomes, therefore, it is believed this issue has been addressed. Additionally, one of the proposed set performance criteria, (namely, "provides a demonstrable amenity of direct benefit to proposed residents and the wider community"), lists 'provision of affordable housing' as an option for meeting this criterion. Should a developer choose to pursue this option, it is recommended that they be required to enter into a legal agreement with the City to ensure that the units remain as affordable housing in perpetuity.

Item 12.1.7 Continued

There is agreement with DPI TOD's finding that there are eight proposed laneways within 'The Springs' that have corners or vistas terminating at buildings, which is not conducive to high surveillance. It is recommended that the draft Structure Plan be amended to better address surveillance of laneways by removing or minimising corners and ensuring visible exit points and adequate sightlines will result.

Other CPTED principles should also be incorporated into the draft Design Guidelines, such as requiring buildings to be designed such that they overlook laneways, requiring installation of adequate lighting that is aligned with the laneway, and ensuring laneways are designed with graffiti and vandal resistant materials.

Issues Raised Previously

The report to the Council for consideration of advertising (Item 12.1.11 OCM 20/02/2007 refers) also identified a number of issues that may have needed further consideration following advertising and public comment. While none of these issues were raised as concerns in the submissions received, the following comments are provided.

- *The proposed removal of the current connection of Riversdale Road to Brighton Road.*

The connection is proposed for removal to eliminate the possibility of Riversdale Road becoming a 'rat run' through the development. Concern was raised verbally by two residents of the area as to whether they would still be able to access their residences. Assurances were provided that the proposed closure could not 'landlock' their properties and access would be maintained.

With regard to the technical feasibility and implications of the proposed road closure, Council's Director-Technical Services and Project/Development Engineer advise that they have no concerns, although it is recommended that a roundabout be installed at the eastern end of Rowe Avenue. There are implications for truck traffic to and from the industrial area on the southwest side of the Graham Farmer Freeway, but traffic of this nature is not encouraged within 'The Springs', especially along pedestrian oriented Riversdale Road. It is therefore recommended that Riversdale Road be closed at Brighton Road as proposed, and that a roundabout be required at the east end of Rowe Avenue.

- *Whether public open space has been provided to the WAPC's satisfaction.*

This is discussed in the previous section on Public Open Space.

- *Possible reduced parking standards for commercial use.*

The availability of adequate parking is currently an issue for all developments abutting Great Eastern Highway along 'The Golden Mile'. Any variation to required parking standards will be considered on a site specific basis and any planning rationale provided.

- *The possibility of Council establishing a Design Advisory Panel to ensure the proposed Design Guidelines are properly implemented.*

If this is an option Council wishes to pursue, the logistics of setting up such a panel needs to be considered in further detail and Council advised at a future date of the implications. A decision does not need to occur at this time.

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- *Need for further detail as to how sustainability issues, such as the treatment of graywater, methods to achieve significant reductions in water and energy consumption, etc. will be addressed.*

Although the draft Design Guidelines state that development will be required to demonstrate achievement of a 'five-star' rating against "a recognised sustainability performance rating system", it is recommended that reference to these terms be removed until such a time as an acceptable standard is introduced at the State level. In the interim, the specific recommended sustainable building principles stated in Section 2 of the draft Design Guidelines should be followed. Demonstrated application of these principles will be required at the time of development application, particularly if a higher density or variations within a dual coded precinct is being sought.

Summary

The proposed Structure Plan is supported in principle and fulfils the requirements of a Structure Plan, as detailed in Section 10.17.7 of TPS 14. If minor modifications are effected as recommended, the proposed Plan and Design Guidelines should facilitate a high quality form and standard of development in terms of urban design, social and environmental objectives and provide an aesthetically attractive and appealing environment in which people would want to live, work and visit.

It is recommended that the Plan and draft Design Guidelines be adopted subject to the recommended modifications.

Provided under BB Attach 17 and 18 to this report is a copy of the draft Structure Plan and draft Local Planning Policy No. 31 Design Guidelines respectively. These documents have been marked in red text to show the text modifications as detailed under the Officer Recommendation.

FINANCIAL IMPLICATIONS

A draft development cost contribution plan is currently being assessed by legal counsel, Council Officers and Landcorp. The proposed plan will address financial issues and responsibilities for all landholders within the Structure Plan area at the time of development. Once the draft plan has been finalised, it will be presented to Council at a future meeting for consideration.

ENVIRONMENTAL IMPLICATIONS

It is the intent that 'The Springs' development be a manifestation of sustainability principles. The draft Design Guidelines prescribe specific measures applicable to all areas to ensure environmentally sustainable outcomes through energy management, water management, indoor air quality management, landscape management and construction management.

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ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 9	Summary of Submissions Table
BB Attach 10	Proposed Land Use
BB Attach 11	Indicative Masterplan
BB Attach 12	Proposed Building Heights
BB Attach 13	Proposed Areas of Public Open Space
BB Attach 14	Proposed Building Envelope – Riversdale Rd-North
BB Attach 15	Proposed Alternate Site Specific Requirements – Riversdale Rd-North (as proposed by Greg Rowe & Associates on behalf of the owner of Lot 80, Riversdale Road)
BB Attach 16	Landcorp's Proposed Modifications to the Draft Structure Plan
BB Attach 17	Draft Structure Plan showing modifications listed under the Officer Recommendation
BB Attach 18	Draft Local Planning Policy No. 31 Design Guidelines showing modifications listed under the Officer Recommendation

OFFICER RECOMMENDATION

That Council:

1. Adopt the draft Structure Plan for 'The Springs' as detailed in plans dated January 2007 submitted by Taylor Burrell Barnett on behalf of Landcorp (as detailed in BB Attachment 17 to the 28 August 2007 Council Agenda), being the majority landowner within The Springs Special Development Precinct, subject to the following modifications, which are also marked in red text in BB Attachment 17:
 - (A) Amend the text of the draft Structure Plan as follows:
 - 1) On page 25, Section 5.3, paragraph 5, add the following sentence at the end of the paragraph: "It is noted that approval has been granted by Council to demolish the heritage listed building on Lot 80 Riversdale Road and clear the site, however, until such a time as the building is demolished the house cannot be delisted".
 - 2) Amend Section 6.3.1 **Design Principles**, by adding the following wording under the 12th bullet point on page 30: "– The proposed urbanised plaza at the southern end of the Hawksburn Road road reserve".
 - 3) Insert a new heading "**Hawksburn Road South – Public Open Space**" at the end of Section 6.3.6.1 – Proposed Areas of Public Open Space, and add the following paragraph: "The southern end of the Hawksburn Road road reserve located adjacent to Great Eastern Highway will be developed as a highly pedestrianised, urbanised plaza with good passive surveillance and linkages to other urban spaces within the Structure Plan area. The 1161 m² area currently includes an entry/exit point to the pedestrian underpass and can be subject to surveillance problems. Upgrading the area and incorporation of Crime Prevention Through Environmental Design (CPTED) principles will provide a

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more inviting POS and complement the rest of the linear pedestrian pathway to the Swan River”.

- 4) Amend Section 6.3.6.2 – Rationale for determination of Public Open Space provision within The Springs by:
 - (i) Deleting the first sentence in the first paragraph and replacing it with “Four areas of open space are proposed to service The Springs; the existing Cracknell Park, the proposed open space/amphitheatre area at Rowe Avenue, the proposed linear park located on Hawksburn Road, and the proposed urbanised plaza at the southern end of the Hawksburn Road road reserve.”; and
 - (ii) Replacing the table with the following table:

Location	Area	Amount of POS
‘The Springs’ Gross Subdividable Area (excluding road reserves & Cracknell Park)	= 9.82 ha (98,199 m ²)	100%
10% POS Requirement	= 0.98 ha (9819.9 m ²)	10%
Cracknell Park Contribution Towards POS 90% of 5712 m ² = 0.51 ha (5140.8 m ²)	= 0.51 ha (5140.8 m ²)	5.2%
New POS Provided		
- Hawksburn Road Linear Park	= 0.17 ha (1735 m ²)	1.8%
- Rowe Avenue POS/Amphitheatre	= 0.26 ha (2619 m ²)	2.7%
- Hawksburn Road South POS	= 0.12 ha (1161 m ²)	1.2%
TOTAL POS PROVIDED	= 1.06 ha (10,655 m²)	10.9%

- (B) Amend the figures in the draft Structure Plan as follows:
 - 1) Amend Figures 13, 14A, 14B, 15, 16, 20A, 20B, 21 and 22 to include provision of a roundabout at the eastern end of Rowe Avenue.
 - 2) Delete Note 16 on Figure 13 – Indicative Masterplan, and replace with: “The southern end of the Hawksburn Road road reserve to be developed as a highly pedestrianised, urbanised plaza with good passive surveillance of the entry/exit point to the pedestrian underpass and linkages to other urban spaces within the structure plan area.”
 - 3) Amend the legend in Figure 14A – Land Use to change both ‘R100’ and ‘R160’ to ‘R100/R160’.
 - 4) Amend Figure 14A – Land Use to add a connector to a laneway with the following wording: “All laneways identified on the plan are public and/or private access ways, the specification of which is to be determined at the detailed design phase.”
 - 5) Amend Figure 16 – Proposed Areas of Public Open Space to include the southern end of the Hawksburn Road road reserve located adjacent to Great Eastern Highway as public open space.

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- 6) Amend Figure 21 – Proposed Footpath Plan and Figure 23 (Typical Cross Section of Hawksburn Road) to include annotations that the matter of bicycle safety and connectivity on the east side of Hawksburn Road extending from Great Eastern Highway to Riversdale Road is appropriately addressed at the design stage.
 - 7) Amend Figure 21 – Proposed Footpath Plan to include an annotation that the matter of pedestrian and bicycle safety and connectivity on Riversdale Road between Hawksburn Road and the unnamed road to the east and is appropriately addressed at the design stage.
2. Adopt draft Local Planning Policy No. 31 – The Springs Design Guidelines (as detailed in BB Attachment 18 to the 28 August 2007 Council Agenda) for final approval in accordance with Clause 2.5 of Town Planning Scheme No. 14, subject to the following modifications which are also marked in red text in the BB Attachment 18:
- (A) Amend the draft Local Planning Policy No. 31 (Design Guidelines) as follows:
 - 1) In Section **3.2 Rowe Avenue – West Residential Towers** on page 11 under the heading '**Desired Street Character**', delete the first sentence and insert the following in its place: "The western perimeter of The Springs supports apartment buildings of up to nine storeys provided compliance with the set performance criteria can be demonstrated to Council's satisfaction. The buildings will be located in a landscaped setting which will create a distinct scale treatment to the western edge of The Springs".
 - 2) By adding a new heading "Additional Performance Criteria" after the Building Envelope diagram on page 14 of the Site Specific Requirements for the Rowe Avenue West Residential Towers Precinct and adding the following paragraphs under the new heading:

"The R160 density code is considered appropriate but it is recognised that this is an area that will be undergoing extensive redevelopment. The visually prominent location of this Precinct adjacent to the Graham Farmer Freeway will provide a statement about 'The Springs' and therefore warrants a high standard of design. As such all development within the precinct must meet additional performance criteria as detailed below.

Performance Criteria
It is proposed that within the Rowe Avenue West Residential Towers Precinct all development shall:

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- a) be sited such that it will provide appropriate view corridors and informal surveillance of the street and/or other public spaces; and
 - b) be of an exceptional urban design standard and built form that will enhance the desired streetscape. The design will incorporate high quality building materials, architectural detailing and complementary colour scheme; and
 - c) be oriented to provide maximum direct winter sunlight and ventilation to the development and to adjoining properties while maintaining privacy; and
 - d) provide a demonstrable amenity of direct benefit to the City of Belmont. (This may include but is not limited to: provision of affordable housing, street art, courtyards, arbors, fountains, street furniture, rooftop gardens, landscaped pedestrian/cyclist corridors or pathways, localised exterior lighting of pathways, and textured pedestrian surface treatments); and
 - e) provide for well designed frontages oriented towards the proposed unnamed road running the length of the east side of the Precinct that use landscaping or fencing treatments establish boundaries between private and public space in an understated manner so as maintain security without discouraging pedestrian activity; and
 - f) provide a demonstrable commitment to sustainability principles; and/or
 - g) have regard for the history associated with the site and incorporates elements which reflect this history. (This may include but is not limited to public art, photographic displays, creative re-use of existing heritage structures or features, etc).”
- 3) By adding a new heading “**Flexible Density Coding**” after the Building Envelope diagram on page 26 of the Site Specific Requirements for the Riversdale Road-North Precinct and adding the following paragraphs under the new heading:

“The R100 density code is considered appropriate but it is recognised that this is an area that will be undergoing extensive redevelopment. The R100/R160 dual coding provides flexibility for developments to considered with a density above the R100 base coding where it can be demonstrated that it meets the set performance criteria noted below, and are therefore of a superior design standard.

Performance Criteria

It is proposed that within the area coded R100/R160, development above the density and standards of the R100 base density coding shall be permitted only if the development, in the opinion of Council:

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- a) is sited such that it will provide appropriate view corridors and informal surveillance of the street and/or other public spaces; and
 - b) is of an exceptional urban design standard and built form that will enhance the desired streetscape. The design will incorporate high quality building materials, architectural detailing and complementary colour scheme; and
 - c) is oriented to provide maximum direct winter sunlight and ventilation to the development and to adjoining properties while maintaining privacy; and
 - d) will not overshadow Riversdale Road and adjacent properties by more than 50% during mid-winter; and
 - e) provides a demonstrable amenity of direct benefit to the City of Belmont. (This may include but is not limited to: provision of affordable housing, street art, courtyards, arbors, fountains, street furniture, rooftop gardens, landscaped pedestrian/cyclist corridors or pathways, localised exterior lighting of pathways, and textured pedestrian surface treatments); and
 - f) provides well designed frontages oriented towards Riversdale Road and the Swan River foreshore that use landscaping or fencing treatments establish boundaries between private and public space in an understated manner so as maintain security without discouraging pedestrian activity; and
 - g) provides a demonstrable commitment to sustainability principles; and/or
 - h) has regard for the history associated with the site and incorporates elements which reflect this history. (This may include but is not limited to public art, photographic displays, creative re-use of existing heritage structures or features, etc).”
- 4) By adding an additional paragraph at the end of the section on **Public/Private Interface** in the Riversdale Road-North Site Specific Requirements as follows: “In order to protect the foreshore reserve for conservation purposes, public access and maintenance of views, open fencing to a maximum height of 1.2 metres is required along the rear property boundary where it abuts the foreshore Parks & Recreation Reserve”.
 - 5) By amending the building envelope diagram on page 26 of the Riversdale Road-North Site Specific Requirements to clearly indicate that the Swan River Trust required setback from the Reserve boundary is minimum 10 metres.

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- 6) By adding the following bullet point under the heading **Building Height** on page 3 of the **General Design Requirements Applicable to all Areas**: “– The Riversdale Road-North Precinct is the only area with high amenity unrestricted views to the north, which can be used to take advantage of solar orientation, and should therefore apply a high residential density and building height to take advantage of this aspect.”
 - 7) By adding the following paragraph at the end of the section headed **Corner Treatments** on page 5 of the **General Design Requirements Applicable to all Areas**: “Where proposed laneways have corners or vistas terminating at buildings, they are to be minimised or designed in order to provide informal surveillance and to ensure visible exit points and adequate sightlines will result. In accordance with Crime Prevention Through Environmental Design (CPTED) principles, buildings are to be designed such that they overlook laneways. Installation of adequate lighting that is aligned with the laneway will be required and laneways are to be designed with graffiti and vandal resistant materials.”
3. Advise Landcorp that in regard to the proposed park at the end of Hawksburn Road, any detailed design for the area must have regard to Crime Prevention Through Environmental Design (CPTED) principles in making the existing underpass between The Springs and Great Eastern Highway safer.

Notation:

In a memorandum dated 24 August 2007, the following amended officer recommendation was circulated to all Councillors. The reason for the first amendment was to include clarification on the type of fencing required between the rear property boundary of lots on the north side Riversdale Road and the abutting foreshore Parks and Recreation Reserve, in particularly with respect to height and permeability (*Refer (A) (4) below*).

The reason for the second amendment was to included clarification that the overshadowing requirement does not relate to Riversdale Road or any road reserve, only to adjacent properties and properties on the south side of Riversdale Road. (*Refer 2 (A) (3) (d) below*).

The amended officer recommendation was subsequently put and voted on as follows:

MARKS MOVED, DORNFORD SECONDED, that Council:

1. ***Adopt the draft Structure Plan for ‘The Springs’ as detailed in plans dated January 2007 submitted by Taylor Burrell Barnett on behalf of Landcorp (as detailed in BB Attachment 17 to the 28 August 2007 Council Agenda), being the majority landowner within The Springs Special Development Precinct, subject to the following modifications, which are also marked in red text in BB Attachment 17:***

(A) Amend the text of the draft Structure Plan as follows:

- 1) ***On page 25, Section 5.3, paragraph 5, add the following sentence at the end of the paragraph: “It is noted that approval has been granted by Council to demolish the heritage listed building on Lot 80 Riversdale Road and clear***

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the site, however, until such a time as the building is demolished the house cannot be delisted”.

- 2) *Amend Section 6.3.1 Design Principles, by adding the following wording under the 12th bullet point on page 30: “– The proposed urbanised plaza at the southern end of the Hawksburn Road road reserve”.*
- 3) *Insert a new heading “Hawksburn Road South – Public Open Space” at the end of Section 6.3.6.1 – Proposed Areas of Public Open Space, and add the following paragraph: “The southern end of the Hawksburn Road road reserve located adjacent to Great Eastern Highway will be developed as a highly pedestrianised, urbanised plaza with good passive surveillance and linkages to other urban spaces within the Structure Plan area. The 1161 m² area currently includes an entry/exit point to the pedestrian underpass and can be subject to surveillance problems. Upgrading the area and incorporation of Crime Prevention Through Environmental Design (CPTED) principles will provide a more inviting POS and complement the rest of the linear pedestrian pathway to the Swan River”.*
- 4) *Amend Section 6.3.6.2 – Rationale for determination of Public Open Space provision within The Springs by:

 - (i) *Deleting the first sentence in the first paragraph and replacing it with “Four areas of open space are proposed to service The Springs; the existing Cracknell Park, the proposed open space/amphitheatre area at Rowe Avenue, the proposed linear park located on Hawksburn Road, and the proposed urbanised plaza at the southern end of the Hawksburn Road road reserve.”; and*
 - (ii) *Replacing the table with the following table:**

<i>Location</i>	<i>Area</i>	<i>Amount of POS</i>
<i>‘The Springs’ Gross Subdividable Area (excluding road reserves & Cracknell Park)</i>	<i>= 9.82 ha (98,199 m²)</i>	<i>100%</i>
<i>10% POS Requirement</i>	<i>= 0.98 ha (9819.9 m²)</i>	<i>10%</i>
<i>Cracknell Park Contribution Towards POS 90% of 5712 m² = 0.51 ha (5140.8 m²)</i>	<i>= 0.51 ha (5140.8 m²)</i>	<i>5.2%</i>
<i>New POS Provided</i>		
<i>- Hawksburn Road Linear Park</i>	<i>= 0.17 ha (1735 m²)</i>	<i>1.8%</i>
<i>- Rowe Avenue POS/Amphitheatre</i>	<i>= 0.26 ha (2619 m²)</i>	<i>2.7%</i>
<i>- Hawksburn Road South POS</i>	<i>= 0.12 ha (1161 m²)</i>	<i>1.2%</i>
TOTAL POS PROVIDED	= 1.06 ha (10,655 m²)	10.9%

- (B) *Amend the figures in the draft Structure Plan as follows:*

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- 1) ***Amend Figures 13, 14A, 14B, 15, 16, 20A, 20B, 21 and 22 to include provision of a roundabout at the eastern end of Rowe Avenue.***
 - 2) ***Delete Note 16 on Figure 13 – Indicative Masterplan, and replace with: “The southern end of the Hawksburn Road road reserve to be developed as a highly pedestrianised, urbanised plaza with good passive surveillance of the entry/exit point to the pedestrian underpass and linkages to other urban spaces within the structure plan area.”***
 - 3) ***Amend the legend in Figure 14A – Land Use to change both ‘R100’ and ‘R160’ to ‘R100/R160’.***
 - 4) ***Amend Figure 14A – Land Use to add a connector to a laneway with the following wording: “All laneways identified on the plan are public and/or private access ways, the specification of which is to be determined at the detailed design phase.”***
 - 5) ***Amend Figure 16 – Proposed Areas of Public Open Space to include the southern end of the Hawksburn Road road reserve located adjacent to Great Eastern Highway as public open space.***
 - 6) ***Amend Figure 21 – Proposed Footpath Plan and Figure 23 (Typical Cross Section of Hawksburn Road) to include annotations that the matter of bicycle safety and connectivity on the east side of Hawksburn Road extending from Great Eastern Highway to Riversdale Road is appropriately addressed at the design stage.***
 - 7) ***Amend Figure 21 – Proposed Footpath Plan to include an annotation that the matter of pedestrian and bicycle safety and connectivity on Riversdale Road between Hawksburn Road and the unnamed road to the east and is appropriately addressed at the design stage.***
2. ***Adopt draft Local Planning Policy No. 31 – The Springs Design Guidelines (as detailed in BB Attachment 18 to the 28 August 2007 Council Agenda) for final approval in accordance with Clause 2.5 of Town Planning Scheme No. 14, subject to the following modifications which are also marked in red text in the BB Attachment 18:***
- (A) ***Amend the draft Local Planning Policy No. 31 (Design Guidelines) as follows:***
 - 1) ***In Section 3.2 Rowe Avenue – West Residential Towers on page 11 under the heading ‘Desired Street Character’, delete the first sentence and insert the following in its place: “The western perimeter of The Springs supports apartment buildings of up to nine storeys provided compliance with the set performance criteria can be demonstrated to Council’s satisfaction. The buildings will be located in a landscaped***

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setting which will create a distinct scale treatment to the western edge of The Springs”.

- 2) *By adding a new heading “Additional Performance Criteria” after the Building Envelope diagram on page 14 of the Site Specific Requirements for the Rowe Avenue West Residential Towers Precinct and adding the following paragraphs under the new heading:*

“The R160 density code is considered appropriate but it is recognised that this is an area that will be undergoing extensive redevelopment. The visually prominent location of this Precinct adjacent to the Graham Farmer Freeway will provide a statement about ‘The Springs’ and therefore warrants a high standard of design. As such all development within the precinct must meet additional performance criteria as detailed below.

Performance Criteria

It is proposed that within the Rowe Avenue West Residential Towers Precinct all development shall:

- a) *be sited such that it will provide appropriate view corridors and informal surveillance of the street and/or other public spaces; and*
- b) *be of an exceptional urban design standard and built form that will enhance the desired streetscape. The design will incorporate high quality building materials, architectural detailing and complementary colour scheme; and*
- c) *be oriented to provide maximum direct winter sunlight and ventilation to the development and to adjoining properties while maintaining privacy; and*
- d) *provide a demonstrable amenity of direct benefit to the City of Belmont. (This may include but is not limited to: provision of affordable housing, street art, courtyards, arbors, fountains, street furniture, rooftop gardens, landscaped pedestrian/cyclist corridors or pathways, localised exterior lighting of pathways, and textured pedestrian surface treatments); and*
- e) *provide for well designed frontages oriented towards the proposed unnamed road running the length of the east side of the Precinct that use landscaping or fencing treatments establish boundaries between private and public space in an understated manner so as maintain security without discouraging pedestrian activity; and*
- f) *provide a demonstrable commitment to sustainability principles; and/or*
- g) *have regard for the history associated with the site and incorporates elements which reflect this history. (This may include but is not limited to public art, photographic*

Item 12.1.7 Continued

displays, creative re-use of existing heritage structures or features, etc)."

- 3) ***By adding a new heading "Flexible Density Coding" after the Building Envelope diagram on page 26 of the Site Specific Requirements for the Riversdale Road-North Precinct and adding the following paragraphs under the new heading:***

"The R100 density code is considered appropriate but it is recognised that this is an area that will be undergoing extensive redevelopment. The R100/R160 dual coding provides flexibility for developments to considered with a density above the R100 base coding where it can be demonstrated that it meets the set performance criteria noted below, and are therefore of a superior design standard.

Performance Criteria

It is proposed that within the area coded R100/R160, development above the density and standards of the R100 base density coding shall be permitted only if the development, in the opinion of Council:

- a) ***is sited such that it will provide appropriate view corridors and informal surveillance of the street and/or other public spaces; and***
- b) ***is of an exceptional urban design standard and built form that will enhance the desired streetscape. The design will incorporate high quality building materials, architectural detailing and complementary colour scheme; and***
- c) ***is oriented to provide maximum direct winter sunlight and ventilation to the development and to adjoining properties while maintaining privacy; and***
- d) ***will not overshadow adjacent properties and those on the south side of Riversdale Road by more than 50% during mid-winter; and***
- e) ***provides a demonstrable amenity of direct benefit to the City of Belmont. (This may include but is not limited to: provision of affordable housing, street art, courtyards, arbors, fountains, street furniture, rooftop gardens, landscaped pedestrian/cyclist corridors or pathways, localised exterior lighting of pathways, and textured pedestrian surface treatments); and***
- f) ***provides well designed frontages oriented towards Riversdale Road and the Swan River foreshore that use landscaping or fencing treatments establish boundaries between private and public space in an understated manner so as maintain security without discouraging pedestrian activity; and***
- g) ***provides a demonstrable commitment to sustainability principles; and/or***

12.1.8 Draft Vehicular Access Plan – Lots 11 (373), 12 (374), 103 (377) & 105 (379) Orrong Road, & Lot 104 (129) Briggs Street, Kewdale******BB Attachment 19 – Item 12.1.8 refers**

Report by Planning Services

DATE

30 July 2007

PURPOSE OF REPORT

To consider a proposed Vehicular Access Plan (VAP) and the submissions received during the advertising of the VAP. The VAP has been formulated in response to a development application lodged with the City for eleven grouped dwellings at Lots 103 (377) and 105 (379) Orrong Road, and Lot 104 (129) Briggs Street, Kewdale.

SUMMARY AND KEY ISSUES

Redevelopment of residential properties abutting Orrong Road requires the adoption of a vehicular access plan. In response to a development application lodged for eleven grouped dwellings at Lots 11, 12, 103 and 105 Orrong Road and Lot 104 Briggs Street, Kewdale the City has prepared and advertised a draft VAP for public comment.

A number of VAP options were prepared and considered by the City's Planning and Engineering Departments, however, in light of engineering restrictions only one viable option was advertised for public comment.

At the close of advertising, no submissions were received.

Officer Recommendation Summation

This report recommends that the Vehicular Access Plan (VAP) for Lots 11, 12, 103 and 105 Orrong Road and Lot 104 Briggs Street, Kewdale be adopted.

Item 12.1.8 Continued

LOCATION

Lots 11, 12, 103 and 105 Orrong Road and Lot 104 Briggs Street, Kewdale



APPLICANT

Trevor Goodsell

FILE REFERENCE

115/001 & 210/2007/DA

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Council's Community Information and Consultation Procedure requires that surrounding landowners be informed of the proposal. In this instance the proposal has been referred to all landowners within the VAP subject area for a 21 day comment period. The submission period closed on the 18 July 2007, and no submissions were received.

Item 12.1.8 Continued

The proposed VAP and development application was referred to the Department for Planning and Infrastructure (DPI) Transport Branch for their information, as the authority responsible for comment on development abutting Orrong Road following the adoption by Council.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – *“Accomplish urban renewal of designated areas to meet the changing needs of the community.”*

BUILT BELMONT - *“Achieve a planned City that is safe and meets the needs of the community”*

POLICY IMPLICATIONS

The lots affected are subject to Local Planning Policy No. 1 - Guidelines for Medium Density Residential Development and Local Planning Policy No. 11 – Orrong Road Local Planning Policy.

The proposed VAP has been prepared in accordance with Local Planning Policy No. 11 – Orrong Road Local Planning Policy whose main objectives are as follows :

- Encouraging high quality development compatible with existing residential land uses;
- Limiting the number of crossovers to Orrong Road; and
- Having regard to the level of traffic likely to be experienced on Orrong Road.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

“10.3.1.2 Where residential land abuts a regional road reserve, vehicular access to that road shall not be permitted for residential development other than for a single house, unless a vehicular access plan has been approved by the responsible authority.”

Local Planning Policy No. 11 – Orrong Road

<p><i>Provision of an alternate vehicular access or easement in gross in accordance with an approved vehicular access plan for land fronting Orrong Road.</i></p>	<p><i>This ensures that where a lot complies with all other development standards but access is not capable of being provided other than from Orrong Road, provision is made to allow for future access options in a manner that will permit orderly redevelopment of streetblocks.</i></p> <p><i>This is also consistent with existing clause 10.3.1.2 of Scheme No. 14.</i></p>
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*Item 12.1.8 Continued***BACKGROUND**

Owner:	Various	Ward:	South
Lodgement Date:	N/A	Use Class:	N/A
Lot Area:	N/A	TPS Zoning:	Residential R20/60
Estimated Value:	N/A	MRS:	Urban

Application for Approval to Commence Development

D & M (Australia) Limited, the owners of Lots 103 (377) and 105 (379) Orrong Road and Lot 104 (129) Briggs Street, Kewdale are pursuing the redevelopment of the lots and are seeking the adoption of a vehicular access plan. A development application was lodged for eleven (double storey) grouped dwellings at Lots 103 (377) and 105 (379) Orrong Road and Lot 104 (129) Briggs Street, Kewdale.

The development application for the eleven grouped dwellings proposes an internal central driveway. The applicant was advised that the City's Engineering and Planning Department would investigate and prepare a proposed VAP for community consultation in accordance with the Scheme.

The proposed vehicular access plan was prepared by the Council's Planning and Engineering Departments, and subsequently referred to impacted land owners for comment.

Should Council choose to adopt the VAP, the applicant will be required to revise the development application proposal to reflect the VAP design and meet the requirements of Local Planning Policy No. 1 and No. 11. The approval to commence development for the grouped dwellings can be considered under delegation.

The proposal was referred to all landowners within the VAP subject area for a 21 day comment period and no submissions were received.

Proposed Vehicular Access Plan (provided under the BB Attach 19 of this report)

The proposed VAP attached to this report shows:

- Right and left in and right and left out only at the Briggs Street intersection;
- The proposed VAP effectively resolves the vehicular access issue for these lots, and allows for their redevelopment.
- The VAP as proposed conforms with the intent of Council's resolution to require the coordinated redevelopment of properties located within the subject area.
- The adoption of a vehicular access plan for the subject properties will facilitate development in accordance with the requirements of the Orrong Road Policy.

*Item 12.1.8 Continued***COMMENT**

Given the strategic importance of Orrong Road, a high quality design of residential development is extremely desirable and must be encouraged. Due to the high traffic volume of the road, however, vehicular access to residential sites becomes a limiting factor, and must be strategically considered to ensure that development options are not compromised.

Residential Developments on roads carrying similar levels of traffic have occurred successfully elsewhere in the Metropolitan Region. Issues such as traffic noise and access can be addressed through design standards to ensure that the amenity of existing and future residents achieve a satisfactory standard.

It is intended that the access way will be constructed at the time of redevelopment of the properties. It is also the intention that this would involve demolition of all existing dwellings, to allow full redevelopment of the properties.

The proposed VAP will result in a more attractive Orrong Road streetscape, as the rear facades of the new dwellings would be visible, instead of rear fencing. Security is increased through a high level of casual surveillance. The access way also provides a buffer, which will reduce the impact of traffic noise from Orrong Road on some of the new dwellings.

At the time of any development approval, easements-in-gross will be required as a condition of approval over the properties in the location depicted in the vehicular access plan.

It is recommended that the proposed VAP be adopted. The vehicular access plan must then be submitted to the Department for Planning and Infrastructure's Transport Division for information.

FINANCIAL IMPLICATIONS

There are no financial implications to Council relating to this item. Contributions from the developers of the lots will be taken if construction of the access is to be undertaken by Council's contractors.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
BB Attach 19	Vehicle Access Plan (VAP)

Item 12.1.8 Continued

OFFICER RECOMMENDATION

That Council:

1. Adopt the Vehicular Access Plan for Lots 103 (377) and 105 (379) Orrong Road and Lot 104 (129) Briggs Street Kewdale (as provided under BB Attachment 19 to the 28 August 2007 Council Agenda).
2. Forward a copy of the adopted Vehicular Access Plan to the Department for Planning and Infrastructure's Transport Division for information.

Notation:

In a memorandum dated 21 August 2007 the following amended officer recommendation was circulated to all Councillors. The reason for the amendment was that the original Officer Recommendation only referred to the lots subject of a development application rather than all the lots impacted by the proposed Vehicular Access Plan.

The amended officer recommendation was subsequently put and voted on as follows:

TEASDALE MOVED, WHITELEY SECONDED, that Council:

1. ***Adopt the Vehicular Access Plan for Lots 11 (373), 12 (374), 103 (377) and 105 (379) Orrong Road and Lot 104 (129) Briggs Street Kewdale (as provided under BB Attachment 19 to the 28 August 2007 Council Agenda)***
2. ***Forward a copy of the adopted Vehicular Access Plan to the Department for Planning and Infrastructure's Transport Division for information.***

CARRIED 10 VOTES TO 0

12.1.9 Appointment of Sister City Voting Delegate

Report by Community & Statutory Services Division

DATE

7 August 2007

PURPOSE OF REPORT

For Council to consider the appointment of the Mayor Glenys Godfrey as the Voting Delegate for the City of Belmont at the Australian Sister Cities Association (ASCA) Annual General Meeting (AGM) to be held on Wednesday 3 October 2007.

COUNCIL ROLE

Advocacy

Council undertakes an advocacy role when it advocates on its own behalf or on behalf of its community to another level of government or another body or agency.

SUMMARY AND KEY ISSUES

Council's consideration of the appointment of Mayor Glenys Godfrey as the Voting Delegate for the City of Belmont at the ASCA Annual General Meeting to be held on Wednesday 3 October 2007. The AGM will be held at the ASCA National Conference Darwin Northern Territory.

Officer Recommendation Summation

That Council nominate Mayor Glenys Godfrey as the Voting Delegate for the City of Belmont at the ASCA Annual General Meeting to be held on Wednesday 3 October 2007.

LOCATION

Not applicable.

APPLICANT

Not applicable.

Item 12.1.9 Continued

FILE REFERENCE

106/004 Sister City Association

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
Nil.			

VOTING REQUIREMENT

Simple majority vote required.

CONSULTATION

Officers have liaised with the Belmont Sister City Association through the Secretary, Mrs Jan Teasdale.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan objectives in respect to this matter.

POLICY IMPLICATIONS

There are no policy implications evident.

STATUTORY ENVIRONMENT

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

BACKGROUND

Under Clause 3.1 of the ASCA Constitution, membership of the ASCA Inc is open to local authorities, community groups, life members, individual members and youth members. The City of Belmont is a current member.

Clause 3.2 states: *“Individual members, local authorities and community groups may nominate a delegate to represent that member or life member shall have one vote. Each member of the Association that is a local authority or community group shall have three (3) votes, which shall be cast by its delegate. Proxy voting shall not be permitted”*.

In order for the City to have voting rights at the AGM a Council delegate attending the National ASCA Conference must be nominated by Council prior to the AGM and attend the meeting.

The ASCA holds an AGM each year in conjunction with the National ASCA conference.

Item 12.1.9 Continued

OFFICER COMMENT

Mayor Glenys Godfrey will be attending the 2007 ASCA National Conference to be held in October 2007. It is suggested that the Mayor be nominated to be the City of Belmont Voting Delegate, representing Council at the AGM and vote on behalf of the City.

FINANCIAL IMPLICATIONS

There are no additional financial implications.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council nominate Mayor Glenys Godfrey as a Voting Delegate at the Australian Sister Cities Association Inc Annual General Meeting to be held Wednesday, 3 October 2007. Further, the Nomination Form to be sent to Australian Sister Cities Association prior to the 3 October 2007 meeting.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.1***

12.2 SOCIAL BELMONT**12.2.1 Belmont Alternative Education Project**
****ABSOLUTE MAJORITY REQUIRED****

Report by Community and Statutory Services Division

DATE

10 August 2007

PURPOSE OF REPORT

To consider supporting an innovative alternative education project to be instigated in the Belmont area. The proposal involves City of Belmont Youth and Family Services and Belmont City College partnering in the establishment of the project.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

City of Belmont Youth and Family Services has been approached by Belmont City College to partner in the establishment of a new alternative education project within the City of Belmont. The project would aim to bring a high quality education program to school age students who are currently, or at risk of being, alienated from school. The project is likely to bring about some major benefits for young people and families involved but also to the broader community.

The Communicare VIP alternative education program, of which the City funds \$20,000, has moved from the Town of Victoria Park to the City of Gosnells. This program is no longer accessible for most at risk young people in the City of Belmont.

Officer Recommendation Summation

It is recommended that Council:

- Support the participation of the Youth and Family Services in the establishment of a Belmont Alternative Education Project in partnership with Belmont City College, and
 - Reallocate \$20,000 in funds from the Communicare VIP program to the new Project.
-
-

Item 12.2.1 Continued

LOCATION

The proposal is that the Belmont Alternative Education Project be based at the City of Belmont Youth and Family Services building. This would involve use of the office and meeting room in the centre of building (which are currently vacant) on an ongoing basis throughout the school year. The training room would also be used regularly, as well as the other facilities available at the Youth Centre including the kitchen, lounge room, music facilities and equipment.

APPLICANT

Not applicable

FILE REFERENCE

123/001 – Administration and Coordination of Youth Programmes

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Absolute majority required.

CONSULTATION

- Belmont City College Principal (Lindsay Hale) and Teaching & Learning Support Team Leader (Tony Severin) regarding collaborative partnership, alternative education model and staffing.
- Canning District Education Office (Margaret Buckman) regarding development of project and funding.
- Canning Coalition Inc. (A Local Community Partnership organisation funded by the Commonwealth government) regarding funding for project.
- Department of Education and Training regarding funding for project.
- City of Belmont Property & Economic Development Manager regarding leasing office space.

STRATEGIC PLAN IMPLICATIONS

SOCIAL BELMONT: *“Assist youth in their positive self-development in the community.”*

Item 12.2.1 Continued

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

There are no significant statutory environment requirements in respect to this matter.

BACKGROUND

The Youth and Family Service currently undertakes an essential role in addressing some of the many complex needs of vulnerable young people and their families in the Belmont area. The Service operates a range of initiatives and programs that play a vital role in building skills of young people, providing caring services to families, giving recreational opportunities and establishing supportive relationships with the young people and families of the local area who are most in need of that support.

Recent reporting has shown that the Service is seeing an increasing number of young people, many of whom are experiencing a number of difficult life issues. The Service continues to develop initiatives and build staff and programs to meet those needs. Particularly over the last year, the Service has expanded and refined its services to provide support to a greater number of young people, and in relation to a wider range of issues and experiences. The recent *Report on Services provided for Youth in the City of Belmont – June 2007*, gives greater detail on this matter.

In contrast to previous years, the school leaving age has been raised to 16 during 2007 and will be raised to 17 for 2008 onwards. This means that by law young people need to be engaged in education, training, or with the necessary permission, employment, up until they are 17 years of age. Many young people within the City of Belmont will continue to attend mainstream schooling and obtain accredited qualifications. Others will participate in training through TAFE or other service providers and some will be engaged in a combination of training and employment. However, some young people, for a variety of reasons, are unsuited or alienated from the education and training options that are currently available.

The aim of the current changes in school leaving age is to have all young people participating in meaningful combinations of schooling, training, higher education and work. As these changes take effect and a higher level of engagement of young people results, a positive influence on a range of issues in local communities is likely. From the view of local government, the changes have potential to:

- raise the general level of education in the local area (this is particularly important for 'at risk' youth);
- reduce opportunities and root causes of crime;
- give local human services and businesses a chance to support and foster positive relationships while building social capital with local families and young people.

A unique opportunity has now arisen to form a major partnership with Belmont City College to operate an alternative education project that will holistically address some key issues affecting very vulnerable young people.

*Item 12.2.1 Continued***Project Description**

This project outline has been developed through a process of current experience with students in Belmont City College; initial research about good practice in alternative education; and an estimation of the resources and funding which will be attracted to the project. Initial key components are detailed below. (Should firm agreement be reached about partnerships between the College, City and other relevant organisations, more detailed planning is required as to the nature of the program.)

Students

- The project will service a group of between 10 and 15 students;
- The students will be identified by the school, the District Education Office and community agencies including the Youth and Family Service;
- The students will be of Senior School age (15 to 17 years);
- Students admitted to the program will be those identified as being at risk of complete disengagement from the schooling system whom (i.e mainstream schooling is no longer a viable option. Many of them, if not engaged in some measure of alternative education, are likely to be unemployed, difficult to engage in future training, may be street-present, and contribute to negative relationships and behaviour in the community);
- Students will be offered places in the program through a clear and effective referral process which states specific criteria for involvement;

Curriculum

- The curriculum will include units in literacy, numeracy, life skills, health issues and character development;
- Learning activities will lead to various formal accreditations that lead on to further education or employment opportunities; and
- A major part of the program will incorporate structured work place learning. Partnerships will be formed with local employers to generate work place experiences that are suitable for the young people involved.

Staffing

- An Education Officer will be responsible for the literacy, numeracy and onsite management components of the program. The Education Officer will work together with the youth worker on life skills and character development components.
- A Youth Worker will be responsible for working collaboratively with other staff, as well as co-ordinating pastoral support for students and families.
- A Structured Work place Learning and Assistant Education Officer will be responsible for a work place learning program that builds employability skills and makes links with a range of local businesses and other employment organisations.
- A Pastoral care worker will focus on counselling and support for students and their families.

*Item 12.2.1 Continued***Ethos**

- The project will be characterised by a high level of respect between staff and students.
- Staff will aim to maintain high expectations of the students' ability to learn, and of their ability to change negative behaviour.
- Work with families will be an integral part of the program.

Research and Evaluation

- The project will engage a consultancy to assist with ongoing research and evaluation, with a major task being to ensure the integrity and sustainability of the project.

Project Management

- The Belmont Alternative Education Project will be a program of Belmont City College in partnership with the Council. The project will be overseen by the Team Leader for Teaching and Learning Support from the College.
- Staffing plans for the project will take into account the time needed for on-site management. It is proposed that the Education Officer acts as onsite co-ordinator for the project.
- Regular communication is proposed between the onsite co-ordinator, the Team Leader at Belmont City College, and the City of Belmont Youth and Family Services Co-ordinator.

OFFICER COMMENT

There is currently no alternative education project in the City's local area, as the VIP program has relocated from the Town of Victoria Park to the City of Gosnells. Due to the nature of the at risk young people likely to be involved, there is a significant need for a program that is off-site from the local high school.

Collaboration has been sought by Belmont City College for an alternative education program. Arguments in support of this partnership arrangement include:

- There is currently a high degree of collaboration between Youth and Family Services and Belmont City College, with some staff working in both places and others in regular contact. Key relationships are already in place.
- The existing infrastructure and resources of the youth centre make it a highly suitable location for the education project. There are many times during school hours on weekdays when the centre is not used to its full capacity. The location of an education project at the youth centre would make sensible use of existing resources. Other local government authorities, such as the City of Wanneroo (which accommodates the Joondalup Youth Support Service Community Outreach Training Project at their youth centre) have found this a highly effective use of resources.

Item 12.2.1 Continued

- The Memorandum of Understanding, established in 2006 between the College and the Council, outlines the commitment of both parties sharing of resources and knowledge in the pursuit of quality education for all students, academically and socially. Collaboration in a project of this nature gives an opportunity to further that commitment.
- The City's Youth and Family Services staff are key figures in giving support to local young people and their families. The addition of an education project will foster deeper community engagement and build community capacity.
- The school does not have the facilities or the staff to implement a holistic alternative education project that is likely to be successful on its own. Partnership with Youth and Family Services with funding assistance from other agencies is more likely to deliver better outcomes for both individuals and the community.
- The adjacent location of the school and the youth centre allow for close contact between the staff involved in the project and realistic collaboration between staff based at the youth centre and the school.

One of the key reasons for the new alternative education project concerns the raising of the school leaving age. However, as detailed earlier, some young people for a variety of reasons, are unsuited or alienated from the education and training options that are currently available. The phenomenon of young people being disengaged from education at an early age has many social and economic costs:

- In a 1999 report, the National Centre for Social and Economic Modeling estimated that the overall annual cost to Australia of young people leaving school early was \$2.6 billion.
- There are significant personal costs for many of these young people including the risk of alienation, lack of self esteem, homelessness, drug abuse, crime and, in too many cases, suicide.

There are consequently significant social and economic ramifications for local communities - one study alone has found that if individuals had achieved some degree of success in education/training to Year 12, the instances of breaking, entering and stealing among them would have been reduced by almost 15 per cent per year.

The most 'at risk' group of 15-19 year olds largely consists of young people from disadvantaged family backgrounds characterized by unemployment, welfare dependence, parental absence or instability, violence, and other endemic social and economic problems. Many of these young people are alienated from their families and from institution-based education or training. Anecdotal evidence from Belmont City College and the Youth and Family Service indicate that there are a large number of young people and families in the local area who experience disadvantage and vulnerability. In some cases links can be made between disengagement and negative community behaviour.

It is of interest to note that the Australian Bureau of Statistics has an 'Index Of Relative Socio-Economic Disadvantage' which is derived from attributes such as low income, low educational attainment, high unemployment, and other variables that reflect disadvantage.

Item 12.2.1 Continued

The City of Belmont currently ranks second on this list after Kwinana. Given the number of 'at risk' young people and the impact of education on socio-economic disadvantage indicators, it is clear that disengagement from education and training can cause on-going problems for not only the young people and families involved but the wider community as a whole.

The alternative education program currently under development is based to a large extent on the belief that there are many ways to be educated. 'Alternative' education recognizes that all people can be educated and that it is in society's interest to ensure that all are educated to an agreed level. To accomplish this requires that the community provide a variety of structures and environments so that each person can have access to education that fulfils their needs. Consequently, it is considered that the implementation of a high quality education project is a valuable opportunity to be pro-active in addressing some of the community's existing and future needs.

In undertaking the initial planning for the project, the Youth and Family Service and Belmont City College undertook a literature review of a number of alternative education projects as well as some models of alternative education that are currently operating. Because defining absolute 'right' ways in the fields of education and human services is not often possible, good practice is often dependent on the context in which projects operate. Bearing this in mind, the alternative education project has been planned and implemented based on the considerations of:

- Committed and competent staff
- Flexible learning program designed by on-site staff
- Supportive and positive environment
- Links with broader education and community contexts

Through this approach it is considered that the program will continue to adapt in finding the best practice for the Belmont context.

FINANCIAL IMPLICATIONS

The project would draw funding and resources from a range of sources including federal and state education and training authorities, and other organisations. At the present stage of planning this includes:

- Belmont City College
- Canning District Education Office
- Canning Coalition Inc. (A Local Community Partnership organisation funded by the Commonwealth government)
- Department of Education and Training

Supportive partnerships with other organisations are still being negotiated.

Key components of the partnership with the City of Belmont would be the use of some facilities in the Youth and Family Services building and a budgetary allocation for staffing of the project.

Item 12.2.1 Continued

An estimation of cost for the Belmont Alternative Education Project for the 2008 school year is \$283,500. At this stage \$160,000 will need to be sourced from external funding sources to meet the cost of the project. Estimated funding sources and costs are detailed in the following tables.

ESTIMATED FUNDING SOURCES

SOURCE	DESCRIPTION	APPROXIMATE \$ VALUE
City of Belmont (2007)	Funding of research into good practice, negotiation with prospective partners	\$3,500
Canning District Education Office (2007)	Funding of teacher relief for planning and development (2007)	\$5,000
Belmont City College (2008)	Funding for Education Officer (1.0 full-time equivalent) plus on-costs	\$80,000
Belmont City College (2008)	Contribution towards program costs	\$10,000
Belmont City College (2008)	Funding support for infrastructure	\$5,000
Canning Coalition Inc. (2008)	Grant for program costs	\$25,000
City of Belmont (2008)	Funding for Youth Worker (1.0 full-time equivalent) – from redirection of VIP+ funds and other funding sources	\$55,000
City of Belmont (2008)	Lease of Training Room & Office; Use of Youth Services Bus	\$10,000
Other funding sources	Needed for funding of: <ul style="list-style-type: none"> • Workplace Learning and Training Officer • Further funding for Youth Worker and pastoral support • Research and evaluation 	\$90,000
TOTAL		\$283,500

*Item 12.2.1 Continued***ESTIMATED COSTS**

ITEM	DESCRIPTION	APPROXIMATE COST
Research and planning (2007)		\$8,500
Staff: Education Officer	1.0 FTE plus on-costs	\$80,000
Staff: Youth Worker	1.0 FTE plus on-costs	\$55,000
Staff: Workplace Learning and Training Officer	1.0 FTE plus on-costs	\$80,000
Research & Evaluation	Engage consultant for ongoing research, evaluation and report submission	\$15,000
Lease of premises	City of Belmont Office & Training Room	\$10,000
Office infrastructure		\$5,000
Program costs	\$2,000 per student	\$30,000
Total		\$283,500

Reports received from Belmont City College indicate that in the last academic year very few students were enrolled in the VIP program which is run by Communicare. The decrease in numbers may be due to the relocation of a large portion of VIP program to the City of Gosnells. It is proposed that the \$20,000 previously allocated to the VIP program be allocated to the project.

As the funding sources and costs are estimates only at this time, any additional monies beyond the \$20,000 identified would need to be identified as part of the Budget Review process and would be the subject of a separate report to Council.

ENVIRONMENTAL IMPLICATIONS

There are no apparent environmental implications.

ATTACHMENT DETAILS

Nil.

Item 12.2.1 Continued

ROSSI MOVED, HITT SECONDED, that Council:

1. ***Support the participation of the Youth and Family Services in the Belmont Alternative Education Project.***
2. ***Reallocate \$20,000 from the Communicare VIP Program (922200.00.1060.000) to the Belmont Alternative Education Project in the October Budget Review.***
3. ***Require the Coordinator Youth Services to identify any additional funding that may be required to implement the Belmont Alternative Education Project as part of the budget review process and subject of separate report to Council.***

CARRIED BY ABSOLUTE MAJORITY 10 VOTES TO 0

8.19pm Chief Executive Officer returned to the Meeting.

12.3 ECONOMIC BELMONT

Nil.

12.4 NATURAL BELMONT

12.4.1 Greenhouse Purchasing Action Plan**

****NB Attachment 20 – Item 12.4.1 refers**

Report by Technical Services Division- Parks, Leisure & Environment Department

DATE

6 August 2007

PURPOSE OF REPORT

To present the Greenhouse Purchasing Action Plan to Council for endorsement.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

In October 2006, the City of Belmont was successful in an application to participate in the International Council for Local Environmental Initiatives (ICLEI) Greenhouse Purchasing Project. The project is part of ICLEI's Cities for Climate Protection Program (CCP) at CCP Plus level.

Greenhouse Purchasing refers to the purchase of products or services that will reduce Council's greenhouse gas emissions from waste or the burning of fossil fuels. Consideration is given primarily to the emissions created from the use of a product or service, rather than those associated with its creation. The Greenhouse Purchasing Project involves the following 5-milestone process;

- Milestone 1: Gap Analysis
- Milestone 2: Set Goals
- Milestone 3: Greenhouse Purchasing Action Plan development
- Milestone 4: Implementation
- Milestone 5: Review and Re-strategise.

Item 12.4.1 Continued

Milestone 1 has been completed, with the Gap Analysis undertaken providing direction for the development of the following Greenhouse Purchasing Goals and actions:

Goal 1: Increase consideration of greenhouse / environmental impacts by all staff involved in purchasing by July 2008

Goal 2: Increase City of Belmont community (residential/ business) awareness of greenhouse/ environmental products and suppliers by July 2008

Goal 3: Incorporate environmental/ greenhouse requirements in a wider range of tenders by July 2008

Goal 4: Improve ability to monitor and report on the extent, costs/savings and other benefits (eg emissions reductions) associated with Greenhouse Purchasing by July 2008

Council endorsement of the Greenhouse Purchasing Action Plan will satisfy requirements for Milestones 2 and 3. Actions will be implemented primarily by the Environmental Coordinator, Coordinator- Contracts & Tendering and Purchasing Officer during 2007/08, as specified in the Action Plan table. It is intended that the completion of Milestones 4 & 5 will commence in July 2008.

The Greenhouse Purchasing Action Plan was presented to the Environmental Committee on the 23rd July 2007, when they made the following recommendation:

GODFREY MOVED, ROSSI SECONDED, that the Environmental Committee

1. *Recommend that Council endorses the Greenhouse Purchasing Action Plan as attached as SC (ENV) Attachment 1.*
2. *Notes that on endorsement by Council of the Greenhouse Purchasing Action Plan, will satisfy the requirements for achieving Milestones 2 and 3 of the Greenhouse Purchasing Project.*

CARRIED 4 VOTES TO 0

Officer Recommendation Summation

That Council;

1. Endorses the attached Greenhouse Purchasing Action Plan.
2. Notes that Council endorsement of the Greenhouse Purchasing Action Plan will satisfy requirements for achieving Milestones 2 and 3 of the Greenhouse Purchasing Project.

LOCATION

Not Applicable

Item 12.4.1 Continued

APPLICANT

Not Applicable

FILE REFERENCE

30/014

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority

CONSULTATION

The Greenhouse Purchasing Action Plan has been developed by various staff including the Environmental Coordinator, Coordinator- Contracts & Tendering and Purchasing Officer.

It is not anticipated that external consultation is required.

STRATEGIC PLAN IMPLICATIONS

The Greenhouse Purchasing Action Plan is consistent with the following objective of the 'Energy Use and Greenhouse Gas Reduction' chapter of the City's Environment Plan: 'to promote the efficient use of energy and reduce reliance on fossil fuels'.

POLICY IMPLICATIONS

The Greenhouse Purchasing Action Plan builds upon the successes of the Environmental Purchasing Policy C3.5.3, established in 2002. The Policy states that 'purchasing decisions will be considered in the context of reduce, reuse and recycle hierarchy'. It also includes direction for the consideration of impacts related to energy efficiency and climate change, habitat destruction, pollution and soil degradation when purchasing.

STATUTORY ENVIRONMENT

Not Applicable

*Item 12.4.1 Continued***BACKGROUND**

In October 2006, the City of Belmont was successful in an application to participate in the CCP Plus Greenhouse Purchasing Project. The project is part of the International Council for Local Environmental Initiatives (ICLEIs) Cities for Climate Protection Programme at CCP Plus level.

The City of Belmont joined the Cities for Climate Protection Program in 2001 as part of its commitment to reduce greenhouse gas emissions. In achievement of Milestone 2 in 2002, the City adopted the following emission reduction goals;

- Stabilise community greenhouse gas emissions at 1998 levels by 2010
- Reduce Corporate greenhouse gas emissions to 20% below 1998 levels by 2010.

Between the base year of 1998 and the reinventory year of 2003, Council had surpassed the Corporate emission reduction goal, achieving a reduction in emissions of 34% or 1696 tonnes from 1998 levels.

Greenhouse Purchasing refers to the purchase of products or services that will reduce Council's greenhouse gas emissions from waste or the burning of fossil fuels. Consideration is given primarily to the emissions created from the use of a product or service, rather than those associated with its production. Council joined the Greenhouse Purchasing Project to assist in achieving the above reduction goals, to improve purchasing for sustainable outcomes and strengthen regional networks and collaboration on greenhouse purchasing.

The Greenhouse Purchasing Project builds upon the existing Environmental Purchasing Policy, endorsed in 2002. Recent greenhouse purchasing initiatives that have occurred through the Policy include:

- 75% Green Power purchased for the Civic Centre and Operations Centre
- LPG conversion/ downsizing of vehicle fleet to 4 cylinder vehicles
- Trial of a hybrid electric vehicle
- Recycling of roadbase from roadworks to sand for reuse
- Use of 100% recycled paper in majority of printers and photocopiers
- Biodegradable dog-poo bags
- Use of LCD flat screens to replace traditional computer screens
- Inclusion of environmental / emission criteria in plant tenders
- Consideration of whole-of-life cost in purchasing, particularly for vehicles and plant.

The Greenhouse Purchasing Project involves the following 5-milestone process;

- Milestone 1: Gap Analysis
- Milestone 2: Set Goals
- Milestone 3: Greenhouse Purchasing Action Plan development
- Milestone 4: Implementation
- Milestone 5: Review and Re-strategise.

Item 12.4.1 Continued

The Greenhouse Purchasing Action Plan was presented to the Environmental Committee on the 23rd July 2007, when they made the following recommendation:

GODFREY MOVED, ROSSI SECONDED, that the Environmental Committee

1. *Recommend that Council endorses the Greenhouse Purchasing Action Plan as attached as SC (ENV) Attachment 1.*
2. *Notes that on endorsement by Council of the Greenhouse Purchasing Action Plan, will satisfy the requirements for achieving Milestones 2 and 3 of the Greenhouse Purchasing Project.*

CARRIED 4 VOTES TO 0

OFFICER COMMENT

Milestone 1 has been completed, with the Gap Analysis undertaken providing direction for the development of the following Greenhouse Purchasing Goals and actions:

Goal 1: Increase consideration of greenhouse / environmental impacts by all staff involved in purchasing by July 2008

- Provide information to staff on environmentally preferable products/ suppliers
- Provide training on environmental/ greenhouse considerations for all staff involved in purchasing
- Recognise significant Greenhouse Purchases made by staff
- Review Environmental Purchasing Policy to determine feasibility of including a set acceptable premium for Greenhouse Purchases.

Goal 2: Increase City of Belmont community (residential/ business) awareness of greenhouse/ environmental products and suppliers by July 2008

- Provide information to the community on environmentally preferable products/ suppliers
- Recognise local businesses demonstrating energy conservation/ greenhouse gas emission reduction.

Goal 3: Incorporate environmental/ greenhouse requirements in a wider range of tenders by July 2008

- Include requirement for 'Green Stamp' accreditation for relevant tenders scheduled for renewal in 2007/08
- Prioritise future tenders for inclusion of environmental/ greenhouse criteria.

Goal 4: Improve ability to monitor and report on the extent, costs/savings and other benefits (eg emissions reductions) associated with Greenhouse Purchasing by July 2008

- Provide ability to track Greenhouse Purchases in financial system
- Collate information on annual number of Greenhouse Purchases and their associated cost / savings and emission reductions.

Item 12.4.1 Continued

Council endorsement of the Greenhouse Purchasing Action Plan will satisfy requirements for Milestones 2 and 3. Actions will be implemented primarily by the Environmental Coordinator, Coordinator- Contracts & Tendering and Purchasing Officer during 2007/08, as specified in the Action Plan table. It is intended that the completion of Milestones 4 and 5 will be commence in July 2008.

FINANCIAL IMPLICATIONS

While there are no direct financial implications associated with the Greenhouse Action Plan, the activities are likely to require significant officer time. Officers most impacted include the Environmental Coordinator, Purchasing Officer and Coordinator- Contracts & Tendering.

ENVIRONMENTAL IMPLICATIONS

The Greenhouse Purchasing Action Plan will assist Council in reducing carbon dioxide emissions, use of fossil fuels and energy. It is consistent with the objectives and actions of the 'Energy Use and Greenhouse Gas Reduction' chapter of the City's Environment Plan.

ATTACHMENT DETAILS**Attach. No. Details**

NB Attach 20 Greenhouse Purchasing Action Plan

TEASDALE MOVED, BRENNAN SECONDED, that Council:

- 1. Endorses the attached Greenhouse Purchasing Action Plan (as provided under NB Attachment 20 of the 28 August 2007 Council Agenda).***
- 2. Notes that Council endorsement of the Greenhouse Purchasing Action Plan will satisfy requirements for achieving Milestones 2 and 3 of the Greenhouse Purchasing Project.***

CARRIED 10 VOTES TO 0

12.4.2 LATE ITEM: Water Quality Improvement – Ascot Racecourse Lakes
****ABSOLUTE MAJORITY REQUIRED****

Report by Technical Services Division

DATE

10 August 2007

PURPOSE OF REPORT

To obtain Council approval to implement actions for water quality improvement within the Ascot Racecourse lakes.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

In 1997 the City of Belmont constructed two nutrient stripping lakes within Ascot Racecourse, to collect diverted high nutrient stormwater from the Mathieson Rd branch drain prior to discharge into the Swan River. Responsibilities for management of the lakes by the WA Turf Club and City of Belmont are outlined in the Ascot Lakes Management Plan, 1997. An additional lake used by the Turf Club for irrigation from an artesian bore is also connected to the two nutrient stripping lakes.

Many of the management responsibilities outlined in the Management Plan have not been adequately implemented. In particular, sediment removal required approximately every 5 years has not occurred since the lakes were constructed due to potential issues associated with exposure of Acid Sulphate Soils.

In 2005, an upgrade of the WATC track resulted in changes to drainage from the track into the lake system. From 2005, the City also became aware of algae problems in the lakes. In an attempt to reduce nutrient levels below the Swan Canning Cleanup Programme targets and prevent algal blooms, an aerator was installed in the middle lagoon in 2005.

An assessment of water quality data shows a trend of increasing nutrient levels of both total nitrogen and total phosphorous in both lakes. In addition, samples taken from the larger lake from March- July 2007 have indicated very high levels of the cyanobacteria (blue green algae) *Microcystis* and *Coelosphaerium*. Blue-green microalgae are potentially harmful if ingested by humans and animals and can cause skin irritation. The algae is not present in the middle or irrigation lakes.

Item 12.4.2 Continued

In response to the above results, Soil Zyme was applied to the lake system in July 2007 to treat the algae in the larger lagoon. Additional action is required to improve water quality and prevent future algal blooms in a lagoon system that discharges directly to the Swan River. A review of the Ascot Lakes Management Plan 1997 will enable consideration for changes resulting from the 2005 track upgrade to be incorporated into the management plan.

Officer Recommendation Summation

That Council;

1. Approve the installation of an aerator into the larger Ascot Racecourse lake and post installation monitoring at a cost of \$59,500.
2. Note that \$20,000 available under the existing budget for 'P29820 Stormwater Quality Monitoring Programme' will be used for installation of the aerator/ water monitoring, and that the City will attempt to seek the remaining \$39,500 as a contribution from the WA Turf Club and Swan River Trust.
3. If funding is not available from the WA Turf Club, Swan River Trust or Council municipal funds, authorise the Manager Parks, Leisure and Environment to make the necessary adjustments to the 2007/08 Environment Capital Budget as part of the October Budget Review Process. Note that this will result in funds being removed from projects 'PE0814 Ascot Racecourse Footpath Foreshore Stabilisation' and 'PE0804 Garvey Park Foreshore Planting'.
4. Note that following installation of the aerator, the Ascot Lakes Management Plan will be reviewed and subsequent funding requirements will be included in the 2008/09 budget.

LOCATION

71 Grandstand Rd, Ascot WA 6104



Item 12.4.2 Continued

APPLICANT

Not applicable

FILE REFERENCE

30/013: Water Quality Projects

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Absolute Majority

CONSULTATION

In determination of the recommended option, the City has liaised with industry experts and the Phytoplankton Research Unit from the Aquatic Sciences branch of the Department of Water.

Once a decision is made by Council, the City will liaise with the Swan River Trust, Department of Environment and Conservation and the WA Turf Club regarding the long term options for water quality improvement. Approval from the Swan River Trust may be required prior to installation of the aerator.

STRATEGIC PLAN IMPLICATIONS

Water quality is a key area within the City's Environment Plan 2005- 2010, with an objective from the Water Management chapter 'to protect and improve the quality of ground and surface water resources and manage stormwater runoff'. Many activities being undertaken by the Environment Section aim to improve water quality discharging to the Swan River eg. the Drainage Nutrient Intervention Programme.

POLICY IMPLICATIONS

Improvement of water quality in Ascot Racecourse lakes is consistent with the objective of the City's Environmental Enhancement Policy 'to develop a strategy to protect and enhance the natural environment'.

STATUTORY ENVIRONMENT

As the Ascot Racecourse lakes discharge into the Swan River, any impact on the river is subject to the Swan and Canning Rivers Management Act 2006 (due to replace the Swan River Trust Act 1988 in 2007).

*Item 12.4.2 Continued***BACKGROUND**

In 1997 the City of Belmont constructed two nutrient stripping lakes within Ascot Racecourse, to collect diverted high nutrient stormwater from the Mathieson Rd branch drain prior to discharge into the Swan River. The WA Turf Club, Main Roads WA and the City of Belmont contributed towards the cost of wetland construction. Responsibilities for management of the lakes by the WATC and City of Belmont are outlined in the Ascot Lakes Management Plan, 1997. An additional lake used by the Turf Club for irrigation from the artesian bore is also connected to the two nutrient stripping lakes.

Many of the management responsibilities outlined in the Management Plan have not been adequately implemented. In particular, sediment removal required approximately every 5 years has not occurred since the lakes were constructed due to potential issues associated with exposure of Acid Sulphate Soils. A preliminary Acid Sulphate Soils report on the middle lagoon undertaken in 2004 indicated the presence of a black organic sediment layer with relatively high levels of aluminium and iron. These results indicate that the bottom sediment consists of Potential Acid Sulphate Soils (PASS), comprising of monosulphidic black oozes (MBO). Exposure of these soils to the air will result in mobilisation of heavy metals and acid.

A report on 'Nutrient and Contaminant Assessment for the Ascot drains and Associated Lagoon Systems' (Department of Environmental Protection, 2002) noted that the results of water quality monitoring from 1999- 2002 indicated that the lagoon systems were operating efficiently in stripping nutrients, particularly nitrogen and phosphorous. However, on some occasions the Swan Canning Clean Up Programme (SCCP) targets for water quality were being exceeded.

In 2005, an upgrade of the WATC track resulted in changes to the drainage from the track to the lake system. From 2005, the City also became aware of algae problems in the lakes. A condition placed upon the track upgrade by the Swan River Trust was the development of a Drainage Nutrient Management Plan. As yet, it is unclear whether this has been developed or implemented. Additional conditions that were imposed included the landscaping of the area between the foreshore path and the Swan River, and relocation of the fence further from the riverbank. Neither of these actions have been implemented.

In an attempt to reduce nutrient levels below the SCCC targets and prevent algal blooms, an aerator was installed in the middle lagoon in 2005. The WA Turf Club paid for the full cost of electrical work while the City paid for the aerator and pump. Due to concerns that aeration may result in disturbance to sediment and subsequently release acid and other toxicants into the lake water, sampling was undertaken over a 28 day period following installation of the aerator. Results of this sampling indicated no evidence of any release of acid/ heavy metals.

An assessment of more recent water quality data shows a trend of increasing nutrient levels of both total nitrogen and total phosphorous in both lakes, with SCCC targets consistently exceeded. In addition, samples taken from the larger lake from March- July 2007 have indicated very high levels of the cyanobacteria (blue green algae) *Microcystis* and *Coelosphaerium*. Blue-green microalgae are potentially harmful if ingested by humans and animals or if they come into contact with people's mucosa. Under favourable conditions, nerve or liver toxins can be produced, while direct exposure can result in skin irritation. The algae is not present in the middle or irrigation lakes.

*Item 12.4.2 Continued***Table 1: Cyanobacterial density in larger lagoon in 2007**

Sampling month (2007)	Cyanobacterial density
March	2,950,311 cells/ mL
Early July	620,000 cells/ mL
Late July	378, 376 cells/ mL

In response to the above results, Soil Zyme was applied to the lake system in July to treat the algae in the larger lagoon. While this has been effective in the short term, the high volumes of flow means that treatment will be required weekly in order to prevent future algal blooms.

Additional action is required to improve water quality and prevent future algal blooms in a lagoon system that discharges directly to the Swan River.

OFFICER COMMENT

In order to effectively improve the water quality the following actions are proposed:

1. Installation of an aerator and monitoring

The aerator will:

- de-stratify the lake
- increase oxygen levels
- reduce water temperature

All these actions will aid the reduction of algae in the lake. In order to be effective throughout the lake a submerged pump with a polypipe diffuser around the centre island would be required.

Following the installation of the aerator it is recommended to monitor the lake for possible issues associated with oxidation of Potential Acid Sulphate Soils (PASS). If acidification and/or mobilisation of metals and other toxicants is evident lime treatment would be required.

2. Removal of Nutrient Rich Sediment Build-up.

In order to improve the operating capacity of the lake to reduce nutrient rich sediment in stormwater from entering the Swan River, accumulated sediment removal throughout the lake is recommended. Sediment removal will restore the water holding capacity of the lake which is required for the settling of nutrient rich sediment. As this has not been completed since the construction of the lake, the collected sediment may be contributing to high nutrient levels in the lake, therefore supporting algal growth.

Initial studies should be undertaken to determine the current condition of the substrate layer as the lake is in an Acid Sulphate Soils high risk area and likely to contain a large quantity of monosulphidic black oozes (MBOs). Removal of this material will have to include a management plan for Potential Acid Sulphate Soils (PASS).

Item 12.4.2 Continued

A review of the Ascot Lakes Management Plan 1997 will enable consideration for changes resulting from the 2005 track upgrade to be incorporated into the management plan. This will present an opportunity to ensure each party is aware of their responsibility in the management of the lakes. The Swan River Trust, City of Belmont and WA Turf Club should all be consulted.

FINANCIAL IMPLICATIONS

The total cost of works required is \$59,500, consisting of the following components:

1. Installation of an aerator

Hydroquip have quoted \$34,000 + GST to install two 11kw pumps. Installation includes:

- 2 submerged pumps;
- supply and installation of shrouds and screens;
- stainless steel pump base;
- dredging 20 x 20m area for pumps;
- supply and install 2 manifolds set on lake bottom;
- supply of 12 airduck nozzles.

Fluid electrics have quoted \$18,000 + GST for supply and installation of two new starters, cabling and all labour.

2. Water quality monitoring post aerator installation

A quote obtained from Douglas Partners for water quality monitoring following installation of the aerator indicated a cost of \$7500 + GST. Monitoring is required to identify any oxidation of Potential Acid Sulphate Soils (PASS) caused by aeration. Previous testing of the middle lake following installation of the aerator showed no evidence of oxidation of the monosulphidic black oozes. However, if this occurs, an additional cost of lime dosing will be required to neutralise the acid.

There is \$20,000 available under the existing budget for 'P29820 Stormwater Quality Monitoring Programme' that will be used for installation of the aerator and water sampling. The City will seek the remaining \$39,500 from the WA Turf Club and Swan River Trust. However, if insufficient funds are available from the WA Turf Club or Swan River Trust, the funds still required will be addressed as part of the October Budget Review. These funds will be removed from projects 'PE0814 Ascot Racecourse Footpath Foreshore Stabilisation' and 'PE0804 Garvey Park Foreshore Planting' should funding from Council municipal funds not be available.

ENVIRONMENTAL IMPLICATIONS

The installation of an aerator and removal of sediment build-up will aim to reduce algae numbers and nutrient levels, therefore improving the quality of the water being discharged into the Swan River. Monitoring of the lake post aerator installation would be necessary to measure the potential disturbance of PASS and MBO's which could result in an increase in acidity and the release of metals and other toxicants. This action is consistent with the objectives and actions of the 'Water Management' chapter of the City's Environment Plan.

Item 12.4.2 Continued

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
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Nil.

OFFICER RECOMMENDATION

That Council;

1. Approve the installation of an aerator into the larger Ascot Racecourse lake and post installation monitoring at a cost of \$59,500.
2. Note that \$20,000 available under the existing budget for 'P29820 Stormwater Quality Monitoring Programme' will be used for installation of the aerator/ water monitoring, and that the City will attempt to seek the remaining \$39,500 as a contribution from the WA Turf Club and Swan River Trust.
3. If funding is not available from the WA Turf Club, Swan River Trust or Council municipal funds, authorise the Manager Parks, Leisure and Environment to make the necessary adjustments to the 2007/08 Environment Capital Budget as part of the October Budget Review Process. Note that this will result in funds being removed from projects 'PE0814 Ascot Racecourse Footpath Foreshore Stabilisation' and 'PE0804 Garvey Park Foreshore Planting'.
4. Note that following installation of the aerator, the Ascot Lakes Management Plan will be reviewed and subsequent funding requirements will be included in the 2008/09 budget.

Notation:

In a memorandum dated 24 August 2007 the following amended officer recommendation was circulated to all Councillors. The reason for the amendment was that the Contractor supplied a revised quote for the cost of installation of an aerator and associated electrical works.

The amended officer recommendation was subsequently put and voted on as follows:

Item 12.4.2 Continued

MARKS MOVED. HITT SECONDED, that Council;

1. **Approve the installation of an aerator into the larger Ascot Racecourse lake and post installation monitoring at a cost of \$40,019**
2. **Note that \$20,000 available under the existing budget for 'P29820 Stormwater Quality Monitoring Programme' will be used for installation of the aerator/ water monitoring, and that the City will attempt to seek the remaining \$20,019 as a contribution from the WA Turf Club and Swan River Trust.**
3. **If funding is not available from the WA Turf Club, Swan River Trust or Council municipal funds, authorise the Manager Parks, Leisure and Environment to make the necessary adjustments to the 2007/08 Environment Capital Budget as part of the October Budget Review Process. Note that this will result in funds being removed from projects 'PE0814 Ascot Racecourse Footpath Foreshore Stabilisation'.**
4. **Note that following installation of the aerator, the Ascot Lakes Management Plan will be reviewed and subsequent funding requirements will be included in the 2008/09 budget.**

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 1

For: Godfrey, Marks, Rossi, Martin, Hitt, Powell, Teasdale, Whiteley, Brennan,

Against: Dornford

12.5 BUSINESS EXCELLENCE**WITHDRAWN ITEMS**

Nil.

POWELL MOVED, WHITELEY SECONDED, that the Officer Recommendations in the Business Excellence Belmont Key Result Area Report, specifically Items 12.5.1, 12.5.2, 12.5.3 and 12.5.4 be adopted en bloc.

CARRIED 10 VOTES TO 0

12.5.1 Accounts for Payment**

****BEXB Attachment 21 – Item 12.5.1 refers**

Report by Corporate and Governance Division

DATE

10 August 2007

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

COUNCIL ROLE

Executive

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

A list of cheque payments is presented to Council each month for confirmation and endorsement in accordance with the Local Government Finance regulations.

Officer Recommendation Summation

That the Authorised Cheque Listing as included in BEXB Attach 21 to this item be confirmed and endorsed.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

54/007 – Creditors – Payment Authorisations

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

No public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan implications are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

Item 12.5.1 Continued

OFFICER COMMENT

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

<i>Municipal Fund Cheques</i>	777234-777439	\$1,126,726.97
<i>Municipal Fund EFTs</i>	EF000717-EF001032	\$1,833,381.53
<i>Trust Fund Cheques</i>	905235-905237	<u>\$16,068.95</u>
<i>Total Payments for July 2007</i>		\$2,976,177.45

A copy of the Authorised Cheque Listing is included as BEXB Attach 21 to this Item.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No. Details

BEXB Attach 21 Accounts for payment listing

OFFICER RECOMMENDATION

That the Authorised Cheque Listing (as provided under BEXB Attachment 21 of the 28 August 2007 Council Agenda) be confirmed and endorsed.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

12.5.2 Financial Reports as at 31 July 2007******BEXB Attachment 22 – Item 12.5.2 refers**

Report by Corporate and Governance Division

DATE

10 August 2007

PURPOSE OF REPORT

To provide Council with information relating to accounting reports and statements.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

The Local Government Act 1995 and Local (Financial Management) Regulations 1996 as amended requires a monthly financial activity statement to be presented to Council.

Officer Recommendation Summation

That Council adopt ten percent 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.

That the Monthly Financial Activity Statement and accompanying information as at 31 July 2007 be received.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

32/009 – Financial Operating Statements

Item 12.5.2 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

No public consultation was considered to be required in respect to this matter.

STRATEGIC PLAN IMPLICATIONS

Key Result Area: Business Excellence.

“Improve knowledge management and ensure organisational compliance to statutory record keeping obligations”

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 Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires monthly financial reports to be presented to Council.

Regulation 34 was amended as at 1 July 2005 to require a Statement of Financial Activity reporting on the sources and applications of funds for that month. A quarterly or tri-annual statement is no longer required under the amended Regulation.

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

Item 12.5.2 Continued

BACKGROUND

The Local Government (Financial Management) Regulations 1996 require that financial statements are presented on a monthly basis to Council.

OFFICER COMMENT

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

- 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.

The amendment to the Regulations has fundamentally changed the reporting structure which has been used to 30 June 2005, as it now requires reporting of information consistent with the “cash” component of Council’s budget rather than being “accrual” based. The monthly Statement of Financial Activity will now tie in more closely with the Management Report provided to Council quarterly.

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.*

As identified above, Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards AASB 1031.

AASB 1031 discusses the principles to be applied in determining if a variance is material. AASB 1031 states that:

“Information is material if its omission, misstatement or non-disclosure has the potential, individually or collectively, to:

- (a) influence the economic decisions of users taken on the basis of the financial report; or*
- (b) affect the discharge of accountability by the management or governing body of the entity”.*

Item 12.5.2 Continued

AASB 1031's guidance notes provide for a quantitative determination as to whether an amount is material, this being that if an amount is:

- less than or equal to 5 percent of the appropriate base amount then it is not material
- greater than or equal to 10 percent of the appropriate base amount then it is material.

In the application of this method, consideration must be given to what appropriate base amount is to be used. The AASB 1031 guidance notes provide details discussion on this aspect, however one example would seem to be appropriate to the needs of Council in the consideration of its monthly Statement of Financial Activity. The example provided relates to the interpretation of a statement of financial performance. In this case, the appropriate base amount can be determined as operating result (profit or loss) for the reporting period.

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 that reason, it is proposed that the basic 10 percent test be applied to any noted variances, with the budgeted closing balance being the base amount. The currently budgeted closing balance is \$500,000, therefore, on the above assumption, variances in excess of 10 percent (\$50,000) should have their details reported in accordance with Regulation 34.

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 AASB 1031 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 vs year to date budget. For the first time this year, a periodic budgeting process has been adopted in which an estimated budget for each month of the year has been set. The allocation of these amounts is often based on historical income/expenditure patterns and is not necessarily one twelfth of the annual budget.

In order to provide more details regarding significant variations in the attached report BEXB Attach 22), the following summary is provided. Material variances listed below can be identified on the financial report by the appearance of a capital "M" in the most right hand column of the report.

Report Section	YTD Budget	YTD Actual	Comment
Applications of Funds – Capital			
Computing	333,658	0	Capital acquisitions not undertaken.
Roadworks	554,591	157,685	Capital works not commenced as anticipated.
Building Operations	77,583	0	Capital works not commences as anticipated.
Applications of Funds – Operating			
Computing	694,894	144,551	Payments for business applications maintenance and software not yet finalised.
Insurance	373,599	70,185	Annual premiums yet to be processed.

Item 12.5.2 Continued

Report Section	YTD Budget	YTD Actual	Comment
Governance	201,017	139,573	Expenditure on consultants lower than anticipated. ABC allocations are also below budget.
Rates	112,473	33,864	Operational costs for postage & other consultants yet to be processed.
Sanitation Charges	269,758	187,033	Services – Rubbish expenditure lower than anticipated.
Grounds Operations	246,629	143,605	Maintenance works expenditure lower than anticipated.
Sources of Funds – Capital			
Ground Operations	0	(51,405)	Victoria Park contribution to Goodwood Parade.
Sources of Funds – Operating			
Computing	(87,625)	(144,551)	Expenses fully recovered. Budgeted ABC Allocation assumes even spread of expenditure
Belmont HACC Services	(115,835)	(365,934)	Public Works Overhead recovery higher than anticipated.
Sanitation Charges	(3,144,941)	(3,213,586)	Additional rates charged in initial levy rather than interims.

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 (BEXB Attach 22).

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 July 2007	\$	Comment
Cash and investments	14,513,996	Includes municipal, reserves & deposits
- less non rate setting cash	-10,083,482	Reserves and deposits held
Receivables	28,537,782	Mostly rates levied yet to be received
- less non rate setting receivables	-3,691,238	ESL levied and GST payable
Stock on hand	189,127	
Total Current Assets	\$29,466,185	
Current Liabilities		
Creditors and provisions	-9,987,367	Includes deposits
- less non rate setting creditors & provisions	6,833,314	ESL, GST and deposits held
Total Current Liabilities	-\$3,154,053	
Nett Current Assets 31 July 2007	\$26,312,132	
Nett Current Assets as Per Financial Activity Report		
Less Committed Assets	25,659,176	All other budgeted expenditure
Estimated Closing Balance	500,000	

In addition to the statutorily required reports, Council is provided quarterly with a complete copy of the Monthly Management Report utilised by officers for daily budget control over the Municipal Fund. This report is accumulated into cost Centres and reports at a detailed level within each of these cost centres.

Item 12.5.2 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
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BEXB Attach 22	Monthly Financial Activity Statement as at 31 July 2007
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OFFICER RECOMMENDATION

That Council adopt ten percent 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.

That the Monthly Financial Activity Statement as at 31 July 2007 (as provided under BEXB Attachment 22 of the 28 August 2007 Council Agenda) be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

12.5.3 Request For Rate Exemption – Jacaranda Community Centre

Report by Corporate & Governance Division

DATE

1 August 2007

PURPOSE OF REPORT

To consider an application from Jacaranda Community Centre for a rate exemption.

COUNCIL ROLE**Quasi-Judicial**

The quasi judicial role includes the determination of all matters where Council must decide applications or matters directly affecting a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples include town planning applications, building licences, applications for other permits and licences (eg. under the Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

SUMMARY AND KEY ISSUES

Request for rate exemption for Jacaranda Community Centre under section 6.26(2)(g) and section 53 of the Local Government Act 1995.

Officer Recommendation Summation

That the property known as 146 Epsom Avenue, Belmont owned by Jacaranda Community Centre be granted rate exemption under 6.26 (2)(g) and Section 53 of the Local Government Act 1995 effective from 26 July 2007.

LOCATION

Lot 85 on Plan 2412 known as 146 Epsom Avenue, Belmont

APPLICANT

Jacaranda Community Centre

FILE REFERENCE

98/008 - Exemptions

Item 12.5.3 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

No public consultation was considered to be required in respect to this matter

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Planning implications evident at this time.

POLICY IMPLICATIONS

There are significant Policy implications evident at this time.

STATUTORY ENVIRONMENT

In this instance, these are the sections of the Local Government Act that apply:

Section 6.26(2)(g) of the Local Government Act States:

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

g) land used exclusively for charitable purposes;”

Section 6.53 of the Local Government Act states:

Land becoming or ceasing to be rateable land:

Where during a financial year –

- (a) land that was not rateable 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 if the year during which the land is rateable land: or*
- (d) is entitled to a refund of an amount proportionate to the portion of the year during which the land is not rateable land, as the case requires.”*

Item 12.5.3 Continued

BACKGROUND

The organisation commenced in March 2000. Jacaranda Community Centre currently has rate exemption on 132B Epsom Avenue, Belmont which was approved by Council on 15 December 2003. As this property is no longer suitable for their requirements due to the client base expanding, they have recently received a grant from the Lotteries Commission for the sole purpose of purchasing 146 Epsom Avenue to continue their charitable work within the community. Settlement on 146 Epsom Avenue, Belmont occurred on 26 July 2007.

Jacaranda Community Centre was set up because of the support within the Belmont and surrounding areas for an agency that offered more than financial support. The organisation is owned by the community as is made up of clients, workers, indigenous community members and other welfare/community service workers and interested members of the public.

OFFICER COMMENT

Council has already received as part of the previous exemption, copies of relevant documentation confirming charitable status with the Taxation Department together with a copy of the Certificate of Incorporation from the Ministry of Fair Trading.

FINANCIAL IMPLICATIONS

The previous owner being Lamp Lighter Ministries Inc also received rate exemption which was granted for charitable use by Council on 25 February 2002. As the property is currently rates exempt there will be no loss of revenue.

Under the Fire Emergency Services Act, the Emergency Services levy is still applicable and is required to be paid with the payment being forwarded to the Fire Emergency Services Authority as per their current legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
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Nil

OFFICER RECOMMENDATION

Under 6.26(2)(g) and Section 6.53 of the Local Government Act 1995, the property being Lot 85 on Plan 2412 known as 146 Epsom Avenue, Belmont be granted rate exemption effective from date of purchase being 26 July 2007.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

12.5.4 2006 Compliance Audit Return – Progress on Remedial Actions

Report by Corporate & Governance Division

DATE

27 July 2007

PURPOSE OF REPORT

To provide Council with an update on progress on implementation of actions to address areas of non-conformance arising from the 2006 Department of Local Government Compliance Audit Return.

COUNCIL ROLE**Executive**

The executive role is the substantial direction setting and oversight role of the Council. This is where the Council oversees the day to day operations of the City including accepting tenders, directing operations, setting and amending budgets, adopting plans and reports and all other activities of the Council.

SUMMARY AND KEY ISSUES

Council considered the outcomes of the 2006 Compliance Audit Return at its meeting held 13 March 2007 (refer 12.5.8) and resolved to review progress of implementation of remedial actions.

Implementation of remedial actions has been closed out in six areas and three remain in progress and will continue to be monitored.

Officer Recommendation Summation

That progress be noted.

LOCATION

Not applicable.

APPLICANT

Not applicable.

Item 12.5.4 Continued

FILE REFERENCE

39/005 Statutory Compliance Returns

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

Consultation has occurred internally with relevant professional officers.

STRATEGIC PLAN IMPLICATIONS

The City of Belmont's Strategic Plan 2006-2010 outlines the following objective and strategy which broadly relate to the function of the Compliance Audit Return.

Objective: Maximise Organisational Effectiveness

Strategy: Ensure that the capacity and capability of the organisation meets strategic, customer and operational needs.

POLICY IMPLICATIONS

There are no policy implications evident.

STATUTORY ENVIRONMENT

Local Government Act (Audit) Regulations 1996, r14 & r15 outline the requirements for the City to complete the annual statutory Compliance Audit Return. These statutory obligations were fulfilled via Council's consideration of the Compliance Audit Return at the Ordinary Council Meeting held 13 March 2007 refer item 12.5.8.

Item 12.5.4 continued

BACKGROUND

Council considered the outcomes of the 2006 Compliance Audit Return at its meeting held 13 March 2007, and included a resolution that:

“The Chief Executive Officer provides a further report in July 2007 outlining progress toward implementation of remedial actions in regard to the 2006 Compliance Audit Return results”

Councillors were advised via the Elected Member’s Bulletin dated 8 June 2007 that:

“due to staff resource limitations arising from recent resignations and the changes to election statutes, the City has had to redirect staff to focus on reviewing and updating our electoral processes. Therefore the report on progress of 2006 Compliance Audit Return outcomes will be delayed for reporting until August 2007.”

The following table shows the remedial actions resolved by Council and the progress to date in implementing: -

Item 12.5.4 Continued

Table 1

2006 Compliance Audit Return Outcomes			
	Declaration of Interest	Remedial Action:	Progress
5	Local Government Act 1995 s5.75(1) Local Government (Administration) Regulations 1996 r22 Primary Returns lodged by newly designated employees within three months of their 'start day'.	The City review and monitor the process for notification of higher duties to ensure that supervising officers provide timely advice when officers relieve in positions with delegated authority.	Since the completion of the report to Council officers have reviewed the DLGRD Operational Guideline Number 17 – Delegations, which indicates that: <i>"Where an officer acts temporarily in a position with delegated power, that person will need to complete a financial interest return unless they have only acted in that position for less than 3 months."</i> This position prompted review of the City's compliance assessment and in each of the five instances identified, the officers were appointed on a temporary basis for less than 3 months. Compliance assessment should therefore be corrected as FULLY COMPLIANT. COMPLETED
	Finance	Remedial Action:	Progress
8	Local Government Act 1995 s5.98 Local Government (Administration) Regulations 1996 r31 Was reimbursement to elected members within prescribed ranges or as prescribed?	The City's Policy C1.6.1(1) Elected Members Expenses to be reviewed in consultation with the Department of Local Government, with a further report to be provided to Council to revise the policy to align with the Act requirements.	A revised and redrafted policy was adopted by Council at OCM 24/04/07-12.5.7. The policy has been drafted to align with relevant statutory references and resolves the anomaly. COMPLETED
56	Local Government Act s6.36 Public Notice for imposition of differential rates – submission period of 21 days.	Implement organisational process to ensure that statutory timeframes are calculated in accordance with the Interpretation Act 1984.	Detailed information has been provided to all City officers via the Team Brief, and reminders are now scheduled to occur biannually. The City's Work Instruction for placement of advertising has also been enhanced, with specific instruction to officers on the calculation of statutory timeframes. COMPLETED

Item 12.5.4 continued

Finance		Remedial Action:	Progress
85	<i>Local Government Act s7.9(1)</i> Statutory distribution of the Audit Report	Review the contract for Audit Services and incorporate this requirement into the next contract. Write to the auditor to remind them of their obligations to submit the audit by 31 December each year.	A letter has been forwarded to the City's contracted Auditor, advising of the City's expectation that this requirement will be achieved in the 2006/2007 Audit. The Director Corporate & Governance has also initiated amendment of the draft contract documentation to this effect, in preparation for the next tender process for Audit Services. COMPLETED
Local Government Employees		Remedial Action:	Progress
10	<i>Local Government Act 1995 s5.38</i> Performance for each employee reviewed within each 12 months of their employment.	Monitor the new Performance Review process to ensure that compliance is achieved in 2007.	The Staff Development Review (SDR) processes were initiated by the City's Human Resources Section in February, including mechanisms for monitoring SDR Completion rates. The completion of SDRs is being monitored by the Senior Management Group. As at 6 August 2007, 42.8% of SDRs have been completed. IN PROGRESS
Local Government Grants Commission		Remedial Action:	Progress
1	<i>Local Government Grants Act 1978 s12(4)</i> Provide Grants Commission with information as specified and required.	Develop and implement process to monitor and guide grants administration and management as a matter of priority.	The City's Corporate Compliance Calendar has been modified to include requirements for timely submission of the Road Grant Returns. The Compliance Calendar process has been enhanced and now requires officers to sign off on their completion of compliance activities. COMPLETED

Item 12.5.4 continued

Meeting Processes		Remedial Action:	Progress
1	Local Government Act 1995 s2.25(1), (3) Resolutions to grant leave to elected members.	Complete a review of meeting management processes, to consolidate and record in the City's Quality Management System.	The City's processes have been substantially reviewed and as a consequence two new checklists have been implemented: <ul style="list-style-type: none"> • Agenda Compliance Checklist; and, • Minutes Compliance Checklist. These have been implemented to ensure that all statutory and operational requirements are accounted for in each meeting cycle. The sign off of the Checklists is retained in the City's corporate record. <p style="text-align: right;">COMPLETED</p>
5	Local Government Act 1995 s5.4 Requirement for notice from Mayor to CEO requesting the calling of Special Council Meetings.		
20	Local Government Act 1995 s5.22(2), (3)] Minutes of meetings to be signed and certified.		
22	Local Government Act 1995 s5.23(1) Advertising of committee (with delegated authority) meetings to the public.		
24	Local Government Act 1995 s5.23(2), (3) Record reasons for closing a meeting in the minutes.		
35	Local Government (Administration) Regulations 1996 r11 Record in the minutes where a member leaves and enters a meeting.		
38	Local Government (Administration) Regulations 1996 r11 Record in the minutes reasons, where a decision is significantly different from officer recommendation		
41	Local Government (Administration) Regulations 1996 412(1) Local Public Notice of meeting schedules – annually.		

Miscellaneous Provisions		Remedial Action:	Progress
2	Local Government Act 1995 s9.29(2)(b) Authorisation of Employees to represent the City in Court.	Undertake a comprehensive review of the City's Authorisations to ensure they occur in accordance with the requirements of the Act.	Some work has commenced on the review of Authorisations, however a number of staff resignations have impacted on the progress of this work. It is now scheduled for completion by December 2007. <p style="text-align: right;">IN PROGRESS</p>

Item 12.5.4 continued

Tenders for provision of Goods and Services		Remedial Action:	Progress
9	Local Government (Functions & General) Regulations 1996 r14(3) (4) Provide information to tenders – whether or not the local government has decided to submit a tender.	Review tender documentation to ensure that a statement outlining the City's status in regard to in-house tenders is included in every tender.	The City has undertaken a comprehensive review of the processes, practice and documentation that support tender activities. These have now been re-drafted, with a new suite of templates currently in development. These new benchmark processes, will be published in through the City's Quality Management system and will be monitored and audited for compliance accordingly. Staff training has been scheduled. <p style="text-align: right;">IN PROGRESS</p>

*Item 12.5.4 Continued***OFFICER COMMENT**

The work in and on the City's processes and practices to enhance compliance capability is ongoing and guided by the City's Quality Management approach. Progress of the opportunities for improvement that have been identified through the annual statutory Compliance Audit are being monitored by the Senior Management Group through performance management.

FINANCIAL IMPLICATIONS

There are no financial implications evident from this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident from this report.

ATTACHMENT DETAILS**Attach. No. Details**

Nil.

OFFICER RECOMMENDATION

That progress of implementation of remedial actions arising from the 2006 Compliance Audit Return be noted as outlined in Table 1 included in Item 12.5.4 of the 28 August, 2007 Council Agenda.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 12.5***

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 INFORMATION BULLETINS

HITT MOVED, BRENNAN SECONDED, that the information circulated to all Councillors in the Elected Members Bulletin dated 10 August 2007 be noted and received.

CARRIED 10 VOTES TO 0

13.2 REQUESTS FOR LEAVE OF ABSENCE

ROSSI MOVED, WHITELEY SECONDED, that Cr Godfrey be granted leave of absence for the period 11 to 15 September 2007 inclusive.

CARRIED 10 VOTES TO 0

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15. CLOSURE

There being no further business the Mayor declared the meeting closed at 8.35pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 28 August 2007 were confirmed as a true and accurate record at the Ordinary Council Meeting held 18 September 2007:

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____
