



**City of Belmont**  
**ORDINARY COUNCIL MEETING**  
**MINUTES**  
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28 May 2019

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**CONFIDENTIAL ATTACHMENTS INDEX**

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**CONFIDENTIAL TABLED ATTACHMENT INDEX**

Confidential Tabled Attachment 1 – Item 14.3 refers

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

### **PRESENT**

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr M Bass	East Ward
Cr B Ryan	East Ward
Cr J Davis	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward
Cr L Cayoun	West Ward
Cr G Sekulla, JP	West Ward

### **IN ATTENDANCE**

Mr J Christie	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Mrs J Hammah	Director Community and Statutory Services
Mr A Sheridan	Director Infrastructure Services
Ms A M Forte	Executive Manager People and Organisational Development
Mr J Olynyk, JP	Manager Governance
Mr J Hardison	Manager Property and Economic Development
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms D Morton	Media and Communications Officer
Ms S D'Agnone	Governance Officer

### **MEMBERS OF THE GALLERY**

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

## MINUTES

### 1. OFFICIAL OPENING

7.03pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read the Acknowledgement of Country.

*Before I begin I would like to acknowledge the traditional owners of the land on which we are meeting today, the Noongar Whadjuk people, and pay respect to Elders past, present and future leaders.*

The Presiding Member invited Cr Davis to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Davis read aloud the affirmation.

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

### 2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

### 3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

#### 3.1 FINANCIAL INTERESTS

Nil.

#### 3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

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

**4.1 ANNOUNCEMENTS**

Nil.

**4.2 DISCLAIMER**

**7.04pm** The Presiding Member drew the public gallery's attention to the Disclaimer.

The Presiding Member advised the following:

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

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

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

Nil.

## **5. PUBLIC QUESTION TIME**

### **5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

#### **5.1.1 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE ON BEHALF OF BELMONT RESIDENTS AND RATEPAYER ACTION GROUP**

The following questions were taken on notice at the 16 April 2019 Ordinary Council Meeting. Ms Hollands was provided with a response on 1 May 2019. The response from the City is recorded accordingly:

1. At the last Council meeting there were questions asked about the cost of our street trees. The figures quoted for this year were 1005 to be planted or proposed to be planted by end of winter at a cost of \$195,219. What nursery or nurseries supply these trees and are they a preferred supplier of WALGA?

#### **Response**

**Currently, trees are supplied by Benara Nursery who is a WALGA preferred supplier. Should Benara Nursery not be able to supply a particular tree species during the contract period, the City will source trees from either Ellenby Tree Farm or Arborwest Tree Farm.**

2. The City has an arborist who decides the type of trees needed. Apart from the different trees such as gums etc. for the different streetscapes, what particular things are required in the purchase of suitable trees? I have been previously told there are requirements and they are specially grown for us.

#### **Response**

**Trees are grown in accordance with the City's contract specification. The nursery stock is regularly inspected and assessed for structural form, height to trunk calliper ratio and root development in proportion to the bag size.**

3. Has the City ever shopped around with Perth nurseries to see if we are getting a good deal on the cost of these trees given it is a larger order than the average householder would buy?

#### **Response**

**The cost for the supply and delivery of trees is fixed for the duration of the contract. The City has investigated other tree suppliers and it was identified that whilst tree prices can be cheaper, tree quality is below our specification and therefore not suitable.**

**5.1.2 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE**

The following question was taken on notice at the 16 April 2019 Ordinary Council Meeting. Ms Hollands was provided with a response on 7 May 2019. The response from the City is recorded accordingly:

1. Can I have a list of the duties of the CEO please?

**Response**

The Chief Executive Officer advised at the meeting that the list of duties of Local Government Chief Executive Officers is extensive and he could not quote them all verbatim from the *Local Government Act 1995* or the position description.

Section 5.41 of the *Local Government Act 1995 (Act)* outlines the functions of the CEO and states as follows:

The CEO's functions are to –

- (a) advise the Council in relation to the functions of a Local Government under this *Act* and other written laws
- (b) ensure that advice and information is available to the Council so that informed decisions can be made
- (c) cause Council decisions to be implemented
- (d) manage the day to day operations of the local government
- (e) liaise with the Mayor or President on the Local Government's affairs and the performance of the Local Government's functions
- (f) speak on behalf of the Local Government if the Mayor or President agrees
- (g) be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees)
- (h) ensure that records and documents of the Local Government are properly kept for the purposes of this *Act* and any other written law
- (i) perform any other function specified or delegated by the Local Government or imposed under this *Act* or any other written law as a function to be performed by the CEO.

The job description aligns with the above *Act* requirements.



### **5.1.3 MR P REDFERN, 31 WHITCHURCH ROAD, REDCLIFFE**

The following questions were taken on notice at the 16 April 2019 Ordinary Council Meeting. Mr Redfern was provided with a response on 6 May 2019. The response from the City is recorded accordingly:

- 1/2. Responses to questions one and two were provided at the meeting and a subsequent inspection was undertaken of the street tree at 31 Whitchurch Road, Redcliffe.

#### **Response**

**A street tree inspection was undertaken on 18 April 2019 which identified that the Ornamental Pear (*Pyrus calleryana*) was in good condition and providing amenity value to the streetscape. The City's tree pruning contractors will be under pruning trees in Whitchurch Road before the end of May 2019.**

4. There has been a fair bit of trouble in the area over the last few weeks. What are the chances of getting rid of the sand in the sandpits as people are finding needles from people shooting up on the sand? Also trees have grown up into the lights and are blocking the lights.

#### **Response**

**As reported at the 16 April 2019 Ordinary Council Meeting, the Chief Executive Officer advised that needles in the sand at childrens' play areas are not ideal and the question was taken on notice. He further advised that the area would be visited and inspected, and any necessary action would be undertaken. Sand is the best soft fall in playgrounds, however it requires regular maintenance.**

**A search of the City's records confirms that there have been no reports of syringes located near or in the playgrounds at Monier Park or Epsom Park over recent years. These playgrounds are inspected monthly and the sand is sifted twice per annum with no hazardous items reported at either park.**

5. Are you people aware that there have also been fireworks happening in these areas in the last few nights and people are posting it on social media. Possible locations are the corner of Keymer and Ashworth Streets, Cloverdale and Jordan Street, Cloverdale.

#### **Response**

**As reported at the 16 April 2019 Ordinary Council Meeting, the Chief Executive Officer advised this is the first complaint he has received relating to fireworks. As Mr Redfern has provided locations, the City's Health Department can carry out an inspection and investigate the regulations around fireworks.**

**In Western Australia it is illegal for anyone to own or use fireworks without an appropriate licence. The Department of Mines, Industry Regulation and Safety (DMIRS) are the responsible agency in regards to firework display applications.**

**Where fireworks are being used in an unauthorised manner, the City would encourage the complainant to report the matter directly to DMIRS' Dangerous Goods Officer. Contact details are [dgsb@dmirs.wa.gov.au](mailto:dgsb@dmirs.wa.gov.au) or 6251-2300.**

## **5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC**

The Presiding Member advised that Public Question Time during Council meetings is audio recorded for minute verification purposes and requested that the Governance Officer commence recording.

**7.05pm** The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Presiding Member advised that he had registered two members of the public who had given prior notice to ask questions.

The Presiding Member invited members of the public who had yet to register their interest to ask a question to do so. Four further registrations were forthcoming.

### **5.2.1 MS A RICHARDSON, 309 BELMONT AVENUE, CLOVERDALE**

1. We would like to know when DA8 and our land will be reverted back to its original zoning of R20?

#### **Response**

The Director Community and Statutory Services advised that if Item 12.3 is endorsed by Council later in the meeting, the Scheme amendment will remove the requirement for Development Area 8. The amendment would then be assessed and considered by the Department of Planning, Lands and Heritage and the Western Australian Planning Commission (WAPC) with a recommendation going to the Minister. An exact date cannot be given, however it is expected that there will be an outcome within a matter of months.

2. How do you think it is fair locking somebody else's land so they can't do anything with it and expect them to pay rates in that time? It's been six years.

#### **Response**

The Director Community and Statutory Services advised that in approximately 2003 a number of Development Areas were identified by Council as requiring coordinated redevelopment proposals and the majority of those areas were facilitated by the Council. DA8 was held up due to the fact that a major landowner in the area needed to take a lead role. This landowner ultimately decided to give the land back to Garvey Park, which has resolved the issue.

**5.2.2 MR A REILLY, 13 WILSON PLACE, BELMONT**

1. What is the Council doing to help combat the plague of window washers that are harassing people in their cars?

**Response**

**The Director Community and Statutory Services advised this is an ongoing issue for the City and residents are encouraged to continue to report these activities to police for their statistics as this is important. The City is constantly following up with police on this issue, however as the activity generally occurs on major roads, Main Roads WA involvement is required. There is often limited space for signage to be erected, however where the City is able, it uses visual display boards to advise people not to pay window cleaners. It is illegal for motorists to pay window cleaners at intersections, and the City will continue its education campaign to inform the public and encourage them to continue reporting these illegal activities to police.**

**5.2.3 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE, ON BEHALF OF BELMONT RESIDENT AND RATEPAYERS GROUP (BRRAG)**

1. Does the City have an enforcement and prosecution policy to ensure there is a consistent and transparent approach in the undertaking of compliance enforcement and prosecution action which some other Councils already have. If not, why not, and do you intend to get one?

**Response**

**The Director Corporate and Governance advised the question may have been asked previously, however it would be taken on notice.**

2. At the Agenda Briefing Forum last week a resident stated she got a letter from the Planning Department which advised if she did not respond to the letter it would mean that she accepted the proposal the City was planning. In view of the amount of mail removed from letterboxes and the significance of some mail from the City, is there going to be a review of how mail is delivered and how to address the potential problems that can occur in an instance like that?

**Response**

**The Director Community and Statutory Services advised a review of the mail system is not being considered. The fact that the referral letter was received is an indication that the current system is working and the City will continue to rely on its mail being delivered to residents. When other forms of consultation are carried out, the City not only writes to landowners but also uses a number of different forums to engage with residents.**

3. In recent times BRRAG has asked the Councillors to consider motions on insurance and the reform of the *Local Government Act 1995* going to a parliamentary committee. We have also asked for copies of the contract for the CEO and a Director which should be provided under the *Act*. Is there any update on any of these items?

*Item 5.2.3 Continued*

**Response**

**The Chief Executive Officer advised the City has previously responded to BRRAG's enquiries on insurances and the *Local Government Act 1995* reform. In relation to the request for the CEO and the Director's contracts, a reply in writing was provided on 21 May 2019.**

4. Why have the trees near the shops on Epsom Avenue been removed and will they be replaced with trees of a similar type?

**Response**

**The Director Infrastructure Services advised these trees have been removed as part of a project to update the landscaping and streetscape amenity of Epsom Avenue. The removed trees were planted without any substantial growing media and so would not have grown properly to their full potential. The car park area in that vicinity is being paved with permeable paving and tree planting cells are being installed for each tree to be planted. The roundabouts and medium strip will be landscaped. The whole area is receiving a major facelift and the amenity of the area will be significantly enhanced when the project is completed, which is anticipated to be within the next six weeks.**

**5.2.4 MR P HITT, 14 MCLACHLAN WAY, BELMONT**

1. I wish to confirm that I am presently being electronically recorded.

**Response**

**The Presiding Member advised Mr Hitt that he was correct.**

2. At the Information Forum on 21 May 2019 the Councillors, staff and residents in the gallery heard a City of Belmont staff member give assurances to two residents in relation to their land and a person giving a deputation. Those assurances were relating to a proposed easement. A City of Belmont representative stated that there should be no difficulties in altering the placement of this easement in the future, if the need arose. I therefore ask the CEO, Mayor and Councillors, why weren't these assurances being electronically recorded to safeguard the residents concerned and the City of Belmont?

**Response**

**The Presiding Member advised the City does not audio record Agenda Briefing Forums.**

3. I ask the Councillors if they are all in full agreement with the recording of Public Question Time with the exclusion of staff comments, Councillor's questions and debates not being electronically recorded. If individual Councillors choose not to answer my question and the Mayor answers on your behalf I will have to presume that you all concur with the statement presented by the Mayor. I hope Councillors will speak out individually if they choose to do so. I believe that this is a serious matter and the residents and ratepayers of the City of Belmont and State Government should be fully informed on this highly discriminatory state of affairs within our local government and our community.

*Item 5.2.4 Continued*

**Response**

**The Presiding Member advised that a response would not be provided as it is not an appropriate question to ask individual Councillors. Note: In accordance with Rule (b) of Public Question Time the Presiding Member has the discretion of accepting or rejecting a question.**

**5.2.5 Ms J GEE, 97 GABRIEL STREET, COVERDALE**

1. Can Council please look at other means of letting people know when they are doing a letterbox drop, eg: make sure it is advertised elsewhere so if they don't get it they know they should have and they can ring up?

**Response**

**The Chief Executive Officer reiterated the Director Community and Statutory Service's previous comment, being that the City currently does not intend to review its mail process.**

2. When is Council going to look at the tree in front of 18 Oakland Avenue? There is a branch hanging in the tree and it may fall. I know you don't want to chop the top of the tree. Can we look at trimming it underneath because there are lots of dead branches with no leaves or anything and it looks like an eyesore?

**Response**

**The Director Infrastructure Services advised it was his understanding that the trees along Oakland Avenue had been inspected, however in relation to the particular tree in question, it will be inspected as soon as possible.**

**5.2.6 Ms N KALE, 5 VIGILANT TERRACE, OCEAN REEF (OWNER OF 122 GLADSTONE ROAD, RIVERVALE)**

1. Has the Council asked for legal advice on putting an easement on properties for this plan?

**Response**

**The Director Community and Statutory Services advised that the City has imposed numerous easements that have gone through Council's Solicitors and referred to a recent legal case which highlighted that the taking of easements was valid in point of law, particularly since 1996. Imposing an easement is not taking land, it is an agreement that a landowner would be required to enter into willingly. Effectively it is a density bonus for the landowner if they develop anything other than a single house.**

2. If this Access Plan goes ahead does that mean we have to abide by the strata policy? Because not only will there be a shared driveway but also a matter of privacy and land sharing once all the units are built. Who is going to pay for the driveway, how is that going to work? Is it going to be a strata matter if something goes wrong?

*Item 5.2.6 Continued*

### **Response**

**The Director Community and Statutory Services advised that the Vehicle Access Plan will not be taking anyone's land, the City is not doing a development on behalf of landowners, and the plan will not create a strata. If an owner develops other than a single dwelling, only then will the Vehicle Access Plan become relevant. There are other ways development can be carried out, but with the proviso that access is guaranteed. That would be determined on a case by case basis.**

3. Is this going to just affect these property owners or is this a model for the community?

### **Response**

**The Director Community and Statutory Services advised this is imposed upon most of the length of Orrong Road. The Orrong Road Local Planning Policy (LPP) was originally developed in the early 2000s with extensive consultation taking place over many years, and a number of different versions of the Policy. It involved a lot of workshops with members of the community to establish criteria for the option of a density bonus to ensure access and the like was limited from Orrong Road. The LPP has been in place for approximately 17 years and has not changed, and so landowners should be familiar with its criteria.**

4. Has there been any new community forums for the Vehicle Access Plan that is proposed?

### **Response**

**The Presiding Member advised there have not been any new community forums held in relation to the proposed Vehicle Access Plan. The LPP is in place and it is a good policy.**

5. Have Planning been in contact with the other neighbours affected by this Vehicle Access Plan and do they have any objections?

### **Response**

**The Director Community and Statutory Services advised that the Officer Presentation at the Agenda Briefing Forum the previous week detailed how the Planning Department had been contacted by all other landowners in response to letters being sent out. All the other owners came into the City and met with Planning Officers.**

Question 6 was not accepted by the Presiding Member. Note: The question is inappropriate and out of order in accordance with Rules for Council Meeting Public Question Time, Rule (e) being: *'Questions which are considered inappropriate, offensive or otherwise not in good faith, duplicates or variations of earlier questions, relating to the personal affairs or actions of Council members or Officers, legal advice, legal proceedings or other legal processes, or would otherwise impose an unreasonable resource impost on the City, will be refused by the Presiding Member as out of order and will not be recorded in the minutes.'*

**5.2.7 MR P HITT, 14 MCLACHLAN WAY, BELMONT**

4. Will the City of Belmont receive my Freedom of Information application for tonight's Public Question Time, fully documented and paid for?

**Response**

The Presiding Member advised he was certain Mr Hitt's application would be accepted if it is presented to Officers at the correct time.

- 7.31pm As there were no further questions, the Presiding Member declared Public Question Time closed and requested that the Governance Officer cease audio recording.

**6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX**

- 6.1 ORDINARY COUNCIL MEETING HELD 16 APRIL 2019  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**SEKULLA MOVED, POWELL SECONDED,**

*That the Minutes of the Ordinary Council Meeting held on 16 April 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.*

**CARRIED 9 VOTES TO 0**

- 6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 21 MAY 2019  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**WOLFF MOVED, BASS SECONDED,**

*That the Matrix for the Agenda Briefing Forum held on 21 May 2019 as printed and circulated to all Councillors, be received and noted.*

**CARRIED 9 VOTES TO 0**

- 7.32pm The Manager Property and Economic Development departed the meeting.

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

Nil.

**8. QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE**

Nil.

**8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE**

**8.2.1 CR CAYOUN**

1. Aside from using social media and the Belmont Bulletin to inform residents on how to deal with illegal window washers at intersections, could the City's 'Eyes on the Street' assist by monitoring the problem areas? As a member of the gallery has asked a question on this matter, could any additional information be provided at the meeting for his benefit?

**Response**

**The Chief Executive Officer advised that window washers at major intersections are a major concern and it is difficult for the police to be able to take action in most circumstances. The City will continue to assist the police in all ways possible. Staff and public will continue to be encouraged to report any activities they witness to the police.**

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

Nil.

**10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING**

Nil.

**7.34pm The Manager Property and Economic Development returned to the meeting.**



**11. REPORTS OF COMMITTEES**

**11.1 EXECUTIVE COMMITTEE MEETING HELD 29 APRIL 2019  
(Circulated under separate cover)**

**OFFICER RECOMMENDATION**

**ROSSI MOVED, RYAN SECONDED,**

*That the Minutes for the Executive Committee meeting held on 29 April 2019 as previously circulated to all Councillors, be received and noted.*

**CARRIED 9 VOTES TO 0**

**12. REPORTS OF ADMINISTRATION**

**WITHDRAWN ITEMS**

Item 12.1 was withdrawn at the request of Cr Cayoun  
Item 12.2 was withdrawn at the request of Cr Davis

**DAVIS MOVED, POWELL SECONDED,**

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

**CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0**

**12.1 VEHICLE ACCESS PLAN – LOTS 144 AND 145 (133 AND 135) ORRONG ROAD,  
RIVERVALE AND LOTS 151 AND 150 (120 AND 122) GLADSTONE ROAD, RIVERVALE**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 1 – Item 12.1 refers</b>	<a href="#"><b>Proposed Vehicle Access Plan</b></a>
<b>Attachment 2 – Item 12.1 refers</b>	<a href="#"><b>Schedule of Submissions</b></a>

Voting Requirement	:	Simple Majority
Subject Index	:	115/001 – Development/Subdivision/Strata-Applications and Application Correspondence
Location / Property Index	:	Lots 144 and 145 (133 and 135) Orrong Road, Rivervale and Lots 151 and 150 (120 and 122) Gladstone Road, Rivervale
Application Index	:	168/2018/SAT
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	M Alsaady, Nicmar Property Pty Ltd, G D Woodhead and I Kale
Responsible Division	:	Community and Statutory Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To consider the adoption of a Vehicle Access Plan (VAP) for Lots 144 and 145 Orrong Road and Lots 150 and 151 Gladstone Road, Rivervale.

*Item 12.1 Continued*

**SUMMARY AND KEY ISSUES**

- A VAP has been prepared by City officers for 133 and 135 Orrong Road and 120 and 122 Gladstone Road, Rivervale.
- The VAP was advertised for public comment for a period of 24 days.
- Three submissions were received, two in support and one objecting to the proposal.
- Having regard for the submissions, it is considered appropriate to adopt the VAP as the design of the VAP provides equitable development opportunities for each of the subject lots.
- It is recommended that the proposed VAP be adopted by Council.

**LOCATION**

The proposed VAP straddles four properties located between Orrong Road and Gladstone Road in Rivervale (see Figure 1 below).



*Figure 1: Location of proposed VAP, lots bordered yellow*

*Item 12.1 Continued*

## **CONSULTATION**

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

The proposed VAP was advertised to affected landowners, Main Roads Western Australia (MRWA) and the Department of Planning, Lands and Heritage (DPLH) from 15 April 2019 to 9 May 2019 for a total of 24 days.

At the conclusion of advertising, MRWA and DPLH supported the proposal. One objection was received by a landowner within the VAP. The nature of the objection includes:

- The VAP precluding the ability of landowners to develop up to the maximum R60 density.
- No formal agreement being established between landowners for the proposed VAP.
- The proposed VAP providing a benefit only to the Orrong Road properties.
- A lack of flexibility for development options in the future.
- The timeframes and operation of the VAP.

These matters will be addressed in the 'Officer Comment' section of this report.

A schedule of submissions and associated officer comments is attached ([Attachment 2](#)).

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

**Corporate Key Action:** Implement Local Planning Scheme No. 15 (LPS 15).

*Item 12.1 Continued*

## **POLICY IMPLICATIONS**

### **Western Australian Planning Commission Development Control Policy No. 5.1– Regional Roads (Vehicular Access)**

Development Control Policy No. 5.1 (DC 5.1) outlines the planning principles to be considered when determining proposals for access to regional roads. Policy Measure No. 3.3 'Development Requirement' 3.3.3 of DC 5.1 states:

*“An arrangement whereby adjoining owners enter into a cross-easement agreement to provide reciprocal rights of access across adjacent lots may be required as means of rationalising access to the regional road”.*

The proposed VAP aligns with Clause 3.3.3 of DC 5.1 as it will allow for reciprocal rights of access for lots and ensures long-term access is taken from Gladstone Road and not Orrong Road.

### **Local Planning Policy No. 2 – Orrong Road**

These properties are located within the Local Planning Policy No. 2 (LPP 2) policy area and are coded R20/60. The LPP 2 policy provisions specify that to develop above the R20 base code within a split coded area, there must be an adopted VAP in place. This enables the redevelopment of what the Policy refers to as 'streetblocks'. Subdivision up to a maximum of R30 can be supported subject to an adopted VAP that addresses access for vehicular and pedestrian traffic.

The 'streetblock' in this instance are the four properties included in the VAP. These four properties have been selected as none have redeveloped above the R20 base code.

The provisions of LPP 2 coupled with an adopted VAP will also allow these four properties to redevelop at R40 on the proviso applicants submit a development application that complies with the requirements of Clause 5.7.3 of LPS 15.

Item 12.1 Continued

**STATUTORY ENVIRONMENT**

**Local Planning Scheme No. 15**

The subject properties affected by the proposed VAP are zoned ‘Residential R20/60’ under the City of Belmont LPS 15 (see Figure 2 below).

Orrong Road is classed as an ‘Other Regional Road’ reserve under the Metropolitan Region Scheme (MRS).

Clause 5.7.1 of LPS 15 states:

*“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”.*

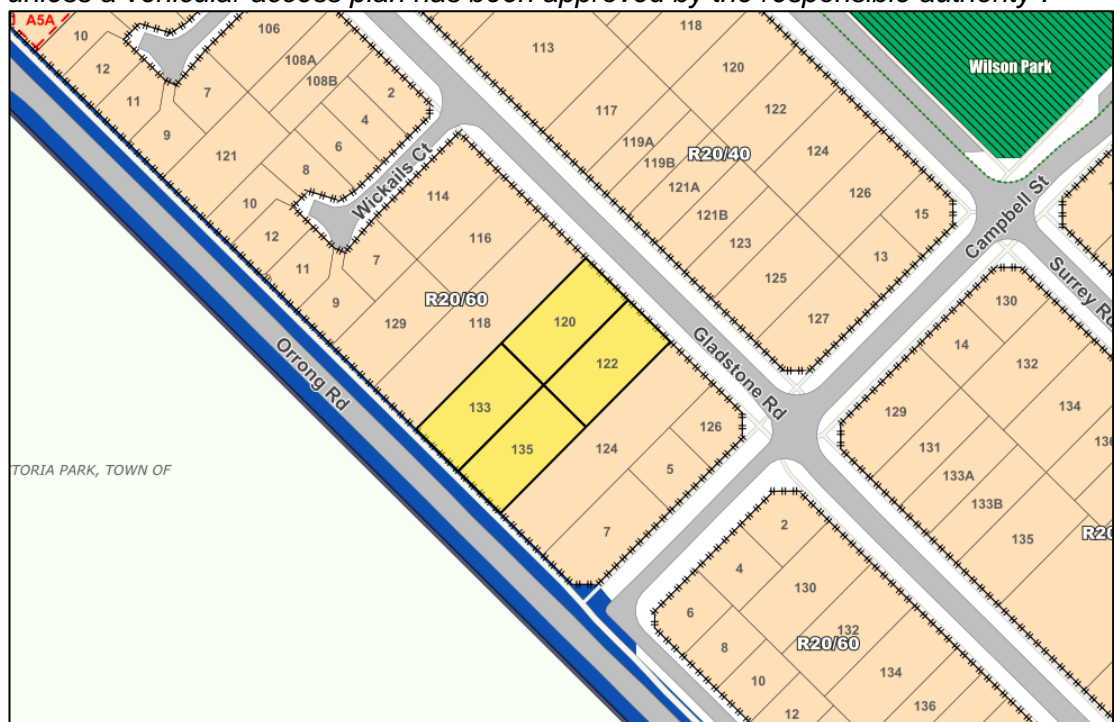


Figure 2: LPS 15 zoning – Residential R20/60, properties shaded yellow

Both LPS 15 and LPP 2 require that if development is to occur above the base code of R20, an adopted VAP must be in place.

**Deemed Refusal**

Applicants do not have deemed refusal rights as a VAP only sets out future strategic access. The adoption of the proposed VAP is not an application for development approval requiring a quasi-judicial decision of Council.

**Right of Review**

Is there a right of review?  Yes  No

Item 12.1 Continued

## **BACKGROUND**

<b>Lodgement Date:</b>	Not applicable	<b>Use Class:</b>	Not applicable
<b>Lot Area:</b>	133 Orrong: 822m <sup>2</sup> 135 Orrong: 822m <sup>2</sup> 120 Gladstone: 814m <sup>2</sup> 122 Gladstone: 814m <sup>2</sup> Total Lot Area: 3272m <sup>2</sup>	<b>LPS Zoning:</b>	Residential R20/60
<b>Estimated Value:</b>	Not applicable	<b>MRS:</b>	Urban

## **Purpose of a Vehicle Access Plan**

A VAP provides alternative access to properties that abut a regional road reserve. A VAP allows strategic and coordinated planning of 'streetblocks' to occur and reduces the impact of vehicular access onto regional roads.

## **Existing Development**

The proposed VAP affects the following properties:

- Lot 144 (133) Orrong Road, Rivervale
- Lot 145 (135) Orrong Road, Rivervale
- Lot 151 (120) Gladstone Road, Rivervale
- Lot 150 (122) Gladstone Road, Rivervale.

All four properties are developed with a single house, with the exception of 135 Orrong Road which has a single house and an ancillary dwelling. No property has been developed above the R20 base code. All properties take vehicular access via a single crossover to their respective frontage.

## **Proposal**

The proposed VAP designates that access for all four properties is only to be taken from Gladstone Road. The access scenario proposed by the VAP will only occur once all properties redevelop above the R20 base code. Key features of the VAP include:

- A 6 metre wide easement in gross for the shared vehicle access among the properties.
- A two metre by two metre truncation at the entry point of the VAP accessway from Gladstone Road.
- A 10 metre setback from the Orrong Road boundary to the termination point of the accessway. No direct vehicle access is proposed from Orrong Road to the subject lots.
- The length and layout of the easement in gross being subject to final subdivision design (once all properties have redeveloped).

The VAP has been designed having regard for existing development, existing services and infrastructure within the road reserve and street trees. See Figure 3 below for the proposed VAP.

Item 12.1 Continued

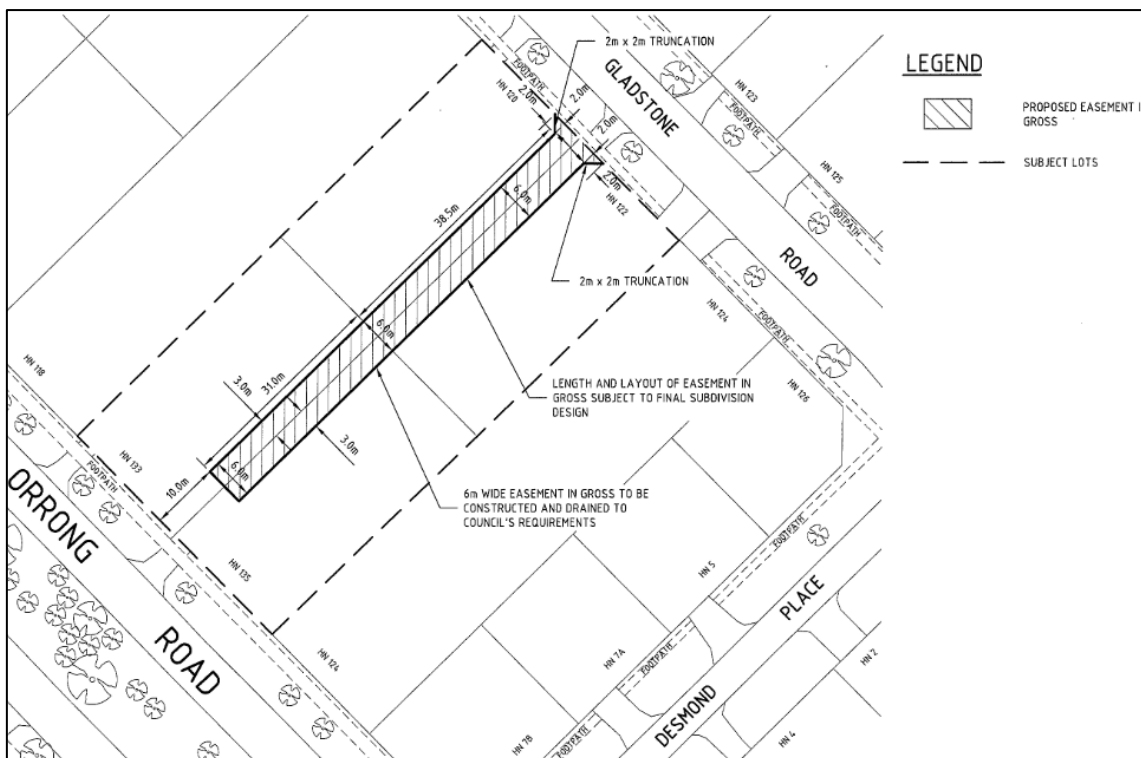


Figure 3: Proposed Vehicle Access Plan

**State Administrative Tribunal**

A subdivision application for 133 Orrong Road was refused by the WAPC on recommendation by the City as it did not comply with Clause 5.7.1 or the provisions of LPP 2. Subsequent to the refusal, the applicant sought a review of the decision by the State Administrative Tribunal (SAT).

The Tribunal has invited the WAPC to reconsider the subdivision in light of a VAP being adopted by the City.

If the proposed VAP is not adopted, it is open for the WAPC or the Tribunal to approve the subdivision without the benefit of a VAP. This will compromise the strategic objectives of LPP 2 and result in uncoordinated vehicular access within the streetblock. Additionally, if the subdivision for 133 Orrong Road is approved without a VAP, it may also set an undesirable precedent for the approval of future subdivisions along regional roads.



Item 12.1 Continued

**OFFICER COMMENT**

The properties adjoining the four subject lots have already been developed, with all access occurring via Gladstone Road. The adjoining properties do not rely on Orrong Road for vehicle access. It is therefore not necessary for these neighbouring lots to form part of this VAP, and the VAP can be developed specifically for the four subject lots. Figure 4 below reflects the nature of the existing development surrounding the four lots within the VAP and their access from Gladstone Road.

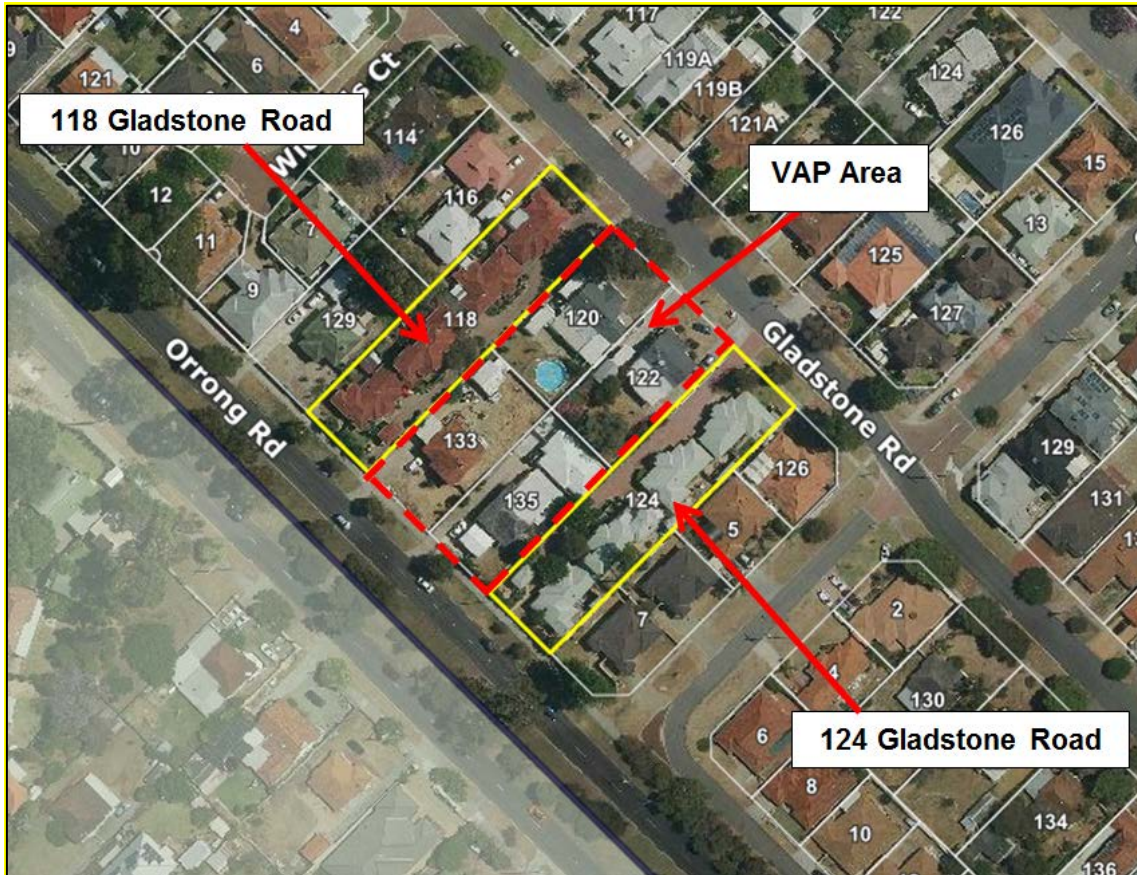


Figure 4: Neighbouring property development

As each of the four subject lots is owned by a different landowner, the central location of the proposed access leg within the VAP distributes the access in the most equitable manner. This means the access leg is proportionally shared among the landowners. Typically, if a single lot were to redevelop, a 4 metre wide access leg would be required. In this scenario, the VAP only requires that each property provide a 3 metre wide area to contribute to the access leg.

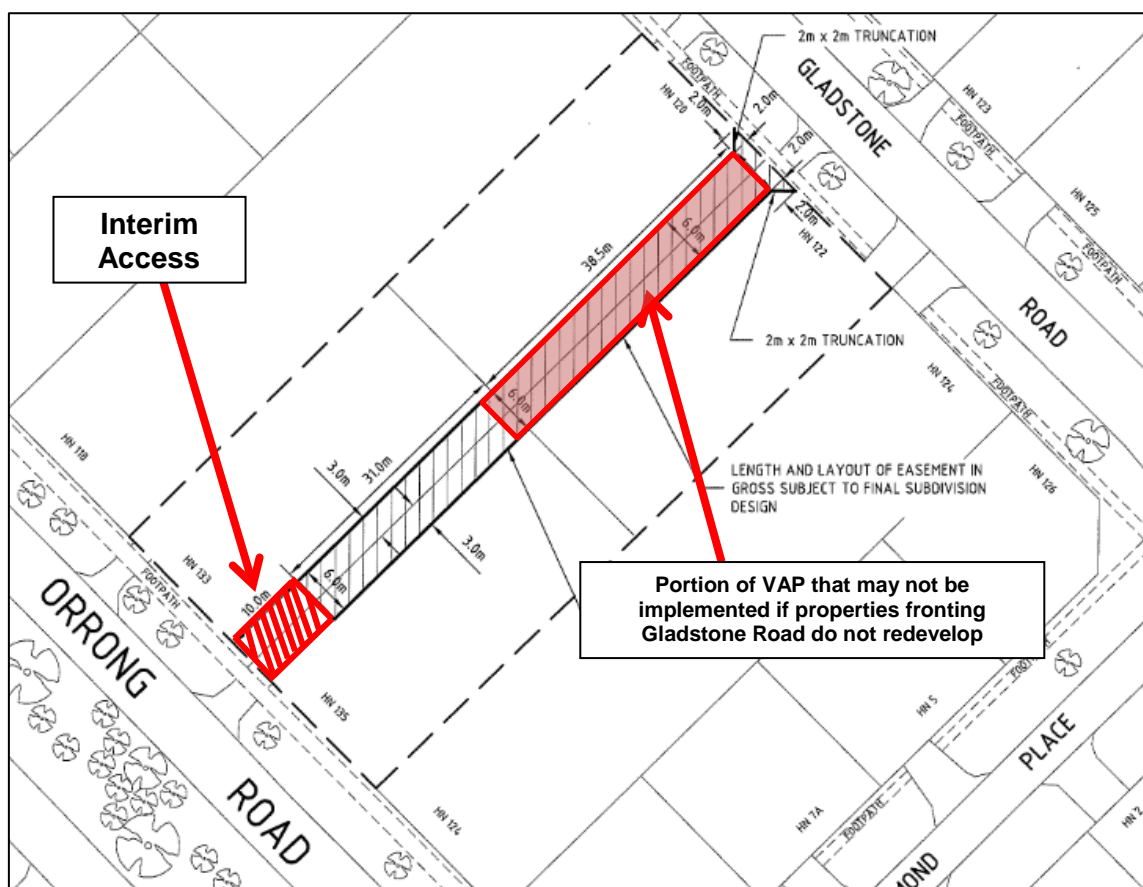
The adoption of a VAP does not prescribe a timeframe in which redevelopment must occur. It also does not compel any of the landowners to redevelop their property once it is adopted. If any of the landowners wish to develop a single house (R20 base code), they may do so without the need to implement the VAP. However, if they wish to develop above the R20 base code, the adopted VAP will enable them to do so in a manner that coordinates vehicle access from Gladstone Road among the four properties.

Item 12.1 Continued

**Operation of the Vehicle Access Plan**

As the owner of 133 Orrong Road, Rivervale seeks to immediately subdivide the property at the R30 density, the adopted VAP would allow this to occur. As the other properties within the VAP have not redeveloped, temporary access from Orrong Road would be granted as an interim measure for this property until such a time when the properties on Gladstone Road are redeveloped.

Should both properties on Gladstone Road not develop (i.e. only 133 and 135 Orrong Road develop), the objective to coordinate strategic access and reduce the impact onto the regional road will still be achieved. This is because instead of each property on Orrong Road having a crossover to service each lot (i.e. two crossovers onto Orrong Road) one crossover will be shared between the two properties through the temporary access arrangement. Figure 5 below depicts how the interim access will occur.



*Item 12.1 Continued*

### **Matters Raised in Submissions**

#### **R60 Development Potential**

A concern was raised in the submission that the proposed VAP would place a limitation on landowners being able to develop at the maximum density of R60. Local Planning Policy No. 2 requires that in order to achieve the maximum density, a minimum lot area of 2,000 square metres is required.

This would mean that at least three properties within the VAP would need to be amalgamated to achieve the 2,000 square metres. The VAP does not stop any of the properties from being amalgamated to facilitate development at the R60 density.

It is considered appropriate to adopt the VAP on the basis that alternative development scenarios can still occur.

### **FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

#### **CAYOUN MOVED, SEKULLA SECONDED,**

**That Council:**

- A. Adopt the Vehicle Access Plan for Lots 144 and 145 Orrong Road and Lots 150 and 151 Gladstone Road, Rivervale.**
- B. Forward a copy of the adopted Vehicle Access Plan to the Department of Planning, Lands and Heritage and Main Roads Western Australia.**
- C. Directs the Chief Executive Officer to write to all landowners/occupiers of properties associated with the adopted Vehicle Access Plan to inform them of Council's decision.**

**LOST 3 VOTES TO 6**

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

**12.2 USE NOT LISTED – THIRD PARTY ADVERTISING SIGNAGE – LOT 405 (515) GREAT EASTERN HIGHWAY, REDCLIFFE**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 3 – Item 12.2 refers</b>	<a href="#"><u>Development Plan and Application Letter</u></a>
<b>Attachment 4 – Item 12.2 refers</b>	<a href="#"><u>Schedule of Submissions</u></a>
<b>Attachment 5 – Item 12.2 refers</b>	<a href="#"><u>Notice and Correspondence 1991</u></a>
<b>Attachment 6 – Item 12.2 refers</b>	<a href="#"><u>25 August 2003 Ordinary Council Meeting Report Item 10.6.5</u></a>

Voting Requirement : Simple Majority  
Subject Index : 115/001 - Development/Subdivision/Strata Applications and Application Correspondence  
Location / Property Index : Lot 403 (515) Great Eastern Highway, Redcliffe  
Application Index : 540/2018/SIGN  
Disclosure of any Interest : Nil.  
Previous Items : 25 August 2003 Ordinary Council Meeting - Item 10.6.5  
Applicant : Caratti Holding Company Pty Ltd  
Owner : Caratti Holding Company Pty Ltd  
Responsible Division : Community and Statutory Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

For Council to determine a development application for two existing wall signs displaying third party advertising, located at Lot 403 (515) Great Eastern Highway, Redcliffe.

*Item 12.2 Continued*

**SUMMARY AND KEY ISSUES**

- The applicant seeks approval for two existing wall signs on the north-western and north-eastern façades of an existing workshop building. The signs are 41 square metres and 42 square metres in area, and display third party advertising ([Attachment 3](#)).
- The signs do not advertise products or services associated with the premises, and are designated as a 'Use Not Listed' under the City's Local Planning Scheme No. 15 (LPS 15).
- The wall signs have been assessed against Local Planning Policy No. 12 (LPP 12)– Sign Applications. The signs do not comply with criteria relating to the maximum size of wall signs.
- The subject site is located on the corner of Fauntleroy Avenue and Great Eastern Highway. This intersection has been recently upgraded and provides a prominent gateway entry to Terminals 3 and 4 of the Perth Airport. It is considered that the bulk and scale of the signs is excessive as it far exceeds the 8 square metres permitted under LPP 12 and will detract from the visual amenity of the area.
- Approval of signage containing third party advertising content would set an undesirable precedent and is contrary to the requirements of orderly and proper planning.
- It is recommended that Council refuse the application.

Item 12.2 Continued

**LOCATION**

The subject site is 8,503 square metres in area and is located on the corner of Great Eastern Highway and Fauntleroy Avenue, Redcliffe. The site is zoned 'Industrial' under LPS 15 and contains a workshop as illustrated in Figures 1 and 2 below. Surrounding industrial development comprises a mix of workshop and warehouse premises, showrooms, offices and a service station.

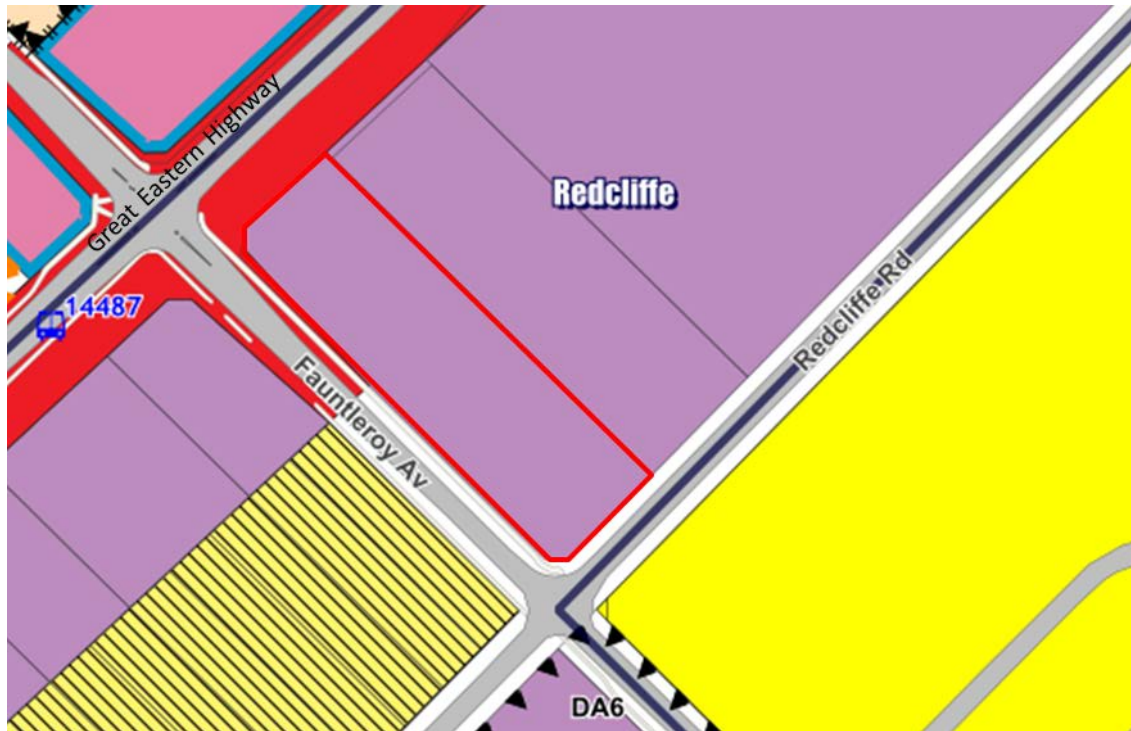


Figure 1 – Extract Local Planning Scheme No. 15 Zoning Map



Figure 2 – Location Plan (Aerial Mapping)

Item 12.2 Continued

## **CONSULTATION**

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

The proposal was referred to Main Roads Western Australia (MRWA) for comment as the site abuts Great Eastern Highway which is reserved as a 'Primary Regional Road' under the Metropolitan Region Scheme (MRS). In response, MRWA did not support the proposed signs due to the signs being located within the 'Device Restriction Area', which in this instance is within 65 metres of an intersection. This is further discussed in the Officers Comment section below.

The proposal for third party signage was also referred to five surrounding properties (owners and occupiers) from 7 March 2019 until 25 March 2019. At the close of the submission period, the City received two submissions of support, both from Aaron Caratti, Director Caratti Holdings Company Pty Ltd (applicant) and Director Mammoth Investments Pty Ltd. Mammoth Investments are located at 517 Great Eastern Highway, Redcliffe which the City's records show as owned by the applicant (Caratti Holdings Company Pty Ltd). The submissions are summarised in the Schedule of Submissions ([refer Attachment 4](#)).

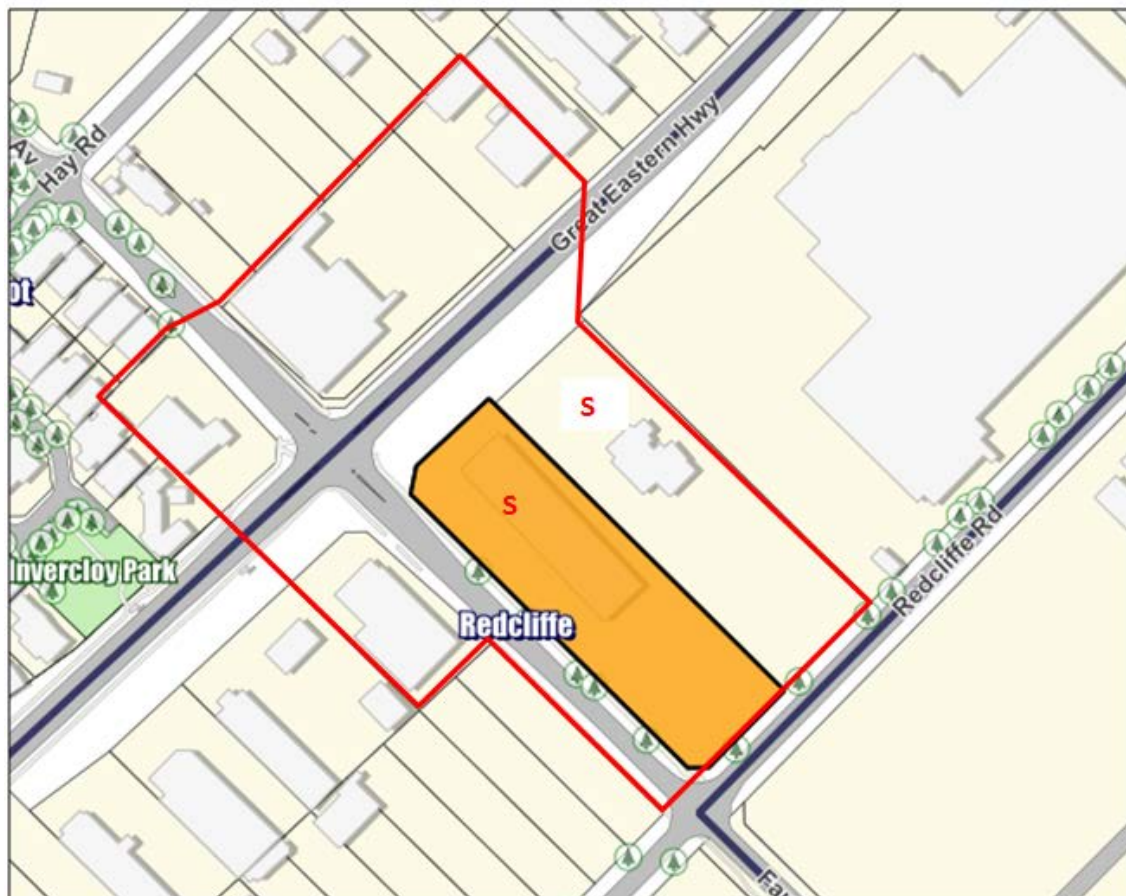


Figure 3 – Referral and Submission Plan

*Item 12.2 Continued*

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

**Corporate Key Action:** Implement LPS 15.

### **POLICY IMPLICATIONS**

#### **Main Roads Western Australia – Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves**

The purpose of this document is to provide guidance on the assessment and approval of applications to display roadside advertising within State road reserves and beyond the boundaries of, but visible from, State road reserves. The Policy outlines criteria for advertising devices within property boundaries visible from State controlled roads to ensure a high level of safety for road users is maintained. The Policy incorporates specific distance restrictions from intersections for signage, based on the speed limit to ensure traffic efficiency.

#### **Local Planning Policy No. 12–Sign Applications**

Local Planning Policy No. 12 was adopted by Council on 27 May 2002 and establishes parameters for the assessment of all signage development applications in the City of Belmont. These parameters seek to ensure that signage does not adversely impact on the amenity of the locality, whilst ensuring an appropriate level of exposure for businesses to advertise their activities, products or services.

A wall sign means an advertisement sign which is affixed to an external part of a wall of the building, a gable end, or a building façade, but does not project out more than 300 millimetres from the wall and no part of the sign is located above the roofline of the building.

Clause 3.2 of LPP 12 provides common standards for advertising signs including that all signs shall only advertise services or products associated with those available on the lot.

Clause 3.4 of LPP 12 provides standards for wall signs with Clause 3.4.1 (d) specifying that wall signs shall not exceed 8 square metres in area in aggregate on any one wall, unless a signage strategy acceptable to the Council for the whole site has been submitted.



*Item 12.2 Continued*

### **Draft Local Planning Policy No. 12–Sign Applications**

A revised draft LPP 12 was adopted by Council on 26 February 2019 for the purposes of advertising for public comment. The revised Policy seeks to provide clear policy objectives, include a range of advertisement sign types and to exempt certain signs from requiring development approval.

The relevant objectives of this draft Policy are as follows:

- Ensure that advertisement signs are appropriate for their location, relate to the land and/or buildings for which they are placed, and do not adversely impact on the amenity of the surrounding area.
- Ensure that advertisement signs only advertise services offered and/or products produced, sold, and/or manufactured on the land or building/s related to the approved use/s taking place.

Of further relevance is the definition of a wall sign and a billboard as follows –

#### **Wall Sign:**

*“An advertisement sign which is affixed to the external part of a wall of a building, a gable end, or a building façade and not part of which is above the roofline of the building”.*

#### **Billboard:**

*“An advertisement sign fixed to a free standing structure or building which may include LED components, however is not classified as a pylon or a wall sign”.*

Under Table 1 of draft LPP 12, due to the size and scale and the content of the signage, the subject signs would be classified as ‘billboards’ which are not permitted under the Policy.

It should also be noted that under the general requirements of Draft LPP 12 Clause 6.1.1 third party advertising is not permitted except where it complies with Clause 6.5.1 (which relates specifically to signage associated with a specific event displayed on a local reserve). In addition, draft LPP 12 Clause 6.1.3 states that advertising signs that are likely to cause interference with or be hazardous to vehicular traffic and pedestrians are prohibited.

Item 12.2 Continued

## **STATUTORY ENVIRONMENT**

### **Planning and Development (Local Planning Schemes) Regulations 2015**

Clause 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*) Schedule 2 Deemed Provisions outlines matters relating to local planning policies. The following clause is relevant to this application:

*“(5) In making a determination under this Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with this Scheme”.*

Clause 67 of the *Regulations* states the matters to be considered by local government in determining a planning application. In summary, the following matters are of particular relevance to this application:

- “(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (g) Any local planning policy for the Scheme area;*
- (m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) The amenity of the locality including environmental impacts, the character of the locality and any social impacts of the development; and*
- (y) Any submissions received on the application”.*

### **City of Belmont Local Planning Scheme No. 15**

The subject site is zoned ‘Industrial’ under the City of Belmont LPS 15.

Third party advertising signage is not defined under LPS 15 and is not listed under Table 1–Zoning Table. Under Clause 4.4.2 of LPS 15, if a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:

- “(a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.”*

*Item 12.2 Continued*

Local Planning Scheme No. 15 states that the objective of the 'Industrial' zone is to provide for the industrial development of the Kewdale Industrial Estate and the Redcliffe Industrial Estate. The City may approve a wide range of industrial activities within this zone subject to conditions designed to achieve a high standard of industrial environment.

Clause 5.2.1(b) of LPS 15 states that any sign, hoarding or advertising device which does not comply with any other local law of the City, is prohibited. In this instance, the existing signage does not comply with Clause 3.2 of LPP 12 as it constitutes third party signage.

**Deemed Refusal**

Under Clause 75 of the Deemed Provisions of the *Regulations*, an application is 'deemed to be refused' if it is not determined within a 90 day period.

The only exception is where there is a written agreement for a further time between the applicant and the City of Belmont. 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 January 2019 and the applicant already has deemed refusal rights. Processing of this application was delayed as it was only determined late in the assessment process that advertising of the process is mandatory under the *Regulations*. Advertising commenced on 7 March 2019 and concluded on 25 March 2019.

**Right of Review**

Is there a right of review?  Yes  No

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

Item 12.2 Continued

## **BACKGROUND**

<b>Lodgement Date:</b>	22 October 2018	<b>Use Class:</b>	Third Party Advertising Signage - Use Not Listed
<b>Lot Area:</b>	8,503m <sup>2</sup>	<b>LPS Zoning:</b>	Industrial
<b>Estimated Value:</b>	N/A	<b>MRS:</b>	Urban

## **Existing Development**

The existing workshop was constructed in 1961 with additions to the workshop undertaken in 1964 and 1966. The premises is owned and operated by Caratti Holding Company Pty Ltd.

On 6 September 1991, the City issued a Notice under the Sign Bylaws requiring the owner to remove the unauthorised billboards from the front and sides of the existing factory within 14 days.

In response, Caratti Holding Company Pty Ltd requested an extension of time as the lease of the 'Billboard Space' was to expire in approximately eight months and would not be renewed. Council at its meeting held on 14 October 1991 did not support this request and the applicant was advised that the order issued on 6 September 1991 remained in place ([refer Attachment 5](#)).

There are no photographs of the signs on record and therefore it is not known if the subject wall signs were removed in 1991 or the eight months thereafter.

Council records also show that a further application for wall signage measuring 2.5 metres x 12 metres and advertising 'Blokpave' was considered by Council at its meeting held on 30 June 2003. Council refused this application on the grounds that the content of the sign did not relate to the subject premises, the size of the sign was excessive and approval would cause visual clutter ([refer Attachment 6](#)).

There are no further records associated with signage for the subject site until 2018.

In August 2018, it again came to attention that two large billboards on the site were unapproved and the City subsequently wrote to the landowner requesting that they be removed. The subject application was then submitted on 22 October 2018.

## **Proposal**

The retrospective application seeks approval for two existing wall signs as follows:

- A wall sign located on the north-west elevation facing Great Eastern Highway measuring 12.5 metres long x 3.3 metres high with a total face area of 41.25 square metres.
- A wall sign located on the north-east elevation of the building measuring 12.9 metres long and 3.3 metres high with a total face area of 42.57 square metres.

A copy of the plan is provided as [Attachment 3](#).

*Item 12.2 Continued*

The applicant is aware that the signage does not comply with LPP 12 provisions. The applicant has subsequently requested approval for just one sign, and has provided the following information to support the application:

- The aim of the City's LPP 12 is to ensure advertising signs do not adversely impact on the amenity of the surrounding land while providing appropriate exposure for businesses, activities or services.
- Signage is prominent in the locality, particularly along Great Eastern Highway. This includes extensive bin and bus shelter advertising throughout the locality which provides the City with a reliable source of income and stimulates the local economy.
- Caratti Holding Company Pty Ltd is entitled to display signage on their property.
- Caratti Holding Company Pty Ltd is an earthmoving and property development business established in 1950 with the workshop constructed in 1961. No signage associated with the company is displayed on the building however this decision should not prevent the display of other signage.
- In relation to LPP 12 provisions, the following comments in support of the existing signage are provided:
  - Compatible with the existing workshop use.
  - Preserves the local amenity and improves the amenity of the 70 year old weather beaten workshop building.
  - The signs are entirely consistent with developments on adjoining land, being numerous advertised bins and bus shelters, Shell service station, Tyre Plus, Turbotech and A1 Diesel Fuel Injection, and Kais Contractors.
  - Is consistent with other developments nearby including billboards and large free standing signs located on the corner of Great Eastern Highway and Belmont Avenue, and the corner of Great Eastern Highway and Hargreaves Street.
- The sign was erected in the late 1980s and it has been in place ever since. The sign is leased by a third party advertiser with whom the company owes contractual obligations. Any decision by the City disturbing this arrangement would put the company in default of its obligations and liable to significant penalties as a result.

**OFFICER COMMENT**

The application proposes a variation to LPS 15 Clause 5.21 and LPP 12 with respect to the size of the wall signs and the nature of the advertising content. In determining the proposal, the following matters are to be considered:

Item 12.2 Continued

### Land Use

In a previous matter, the SAT had determined that Third Party Advertising Signs constitute a land use in itself. On this basis, third party advertising is a use not listed on Table 1–Zoning Table of LPS 15. Accordingly, the City is required to determine whether the use is consistent with the objectives of its zone. Regard should be given to the surrounding land uses and relevant strategies. The subject site is zoned Industrial, with the properties opposite zoned Mixed Use. The property is also within Precinct 4 of the draft Great Eastern Highway Urban Corridor Strategy which establishes a vision for the highway and addresses matters relating to land use, built form, public realm and access arrangements and provides a series of recommendations for implementing the vision. Great Eastern Highway is an urban transport corridor and the subject site is designated as a landmark site under the draft Corridor Strategy. Whilst the Strategy provides opportunities for redevelopment, permitting third party advertising creates an environment that is likely to demotivate redevelopment.

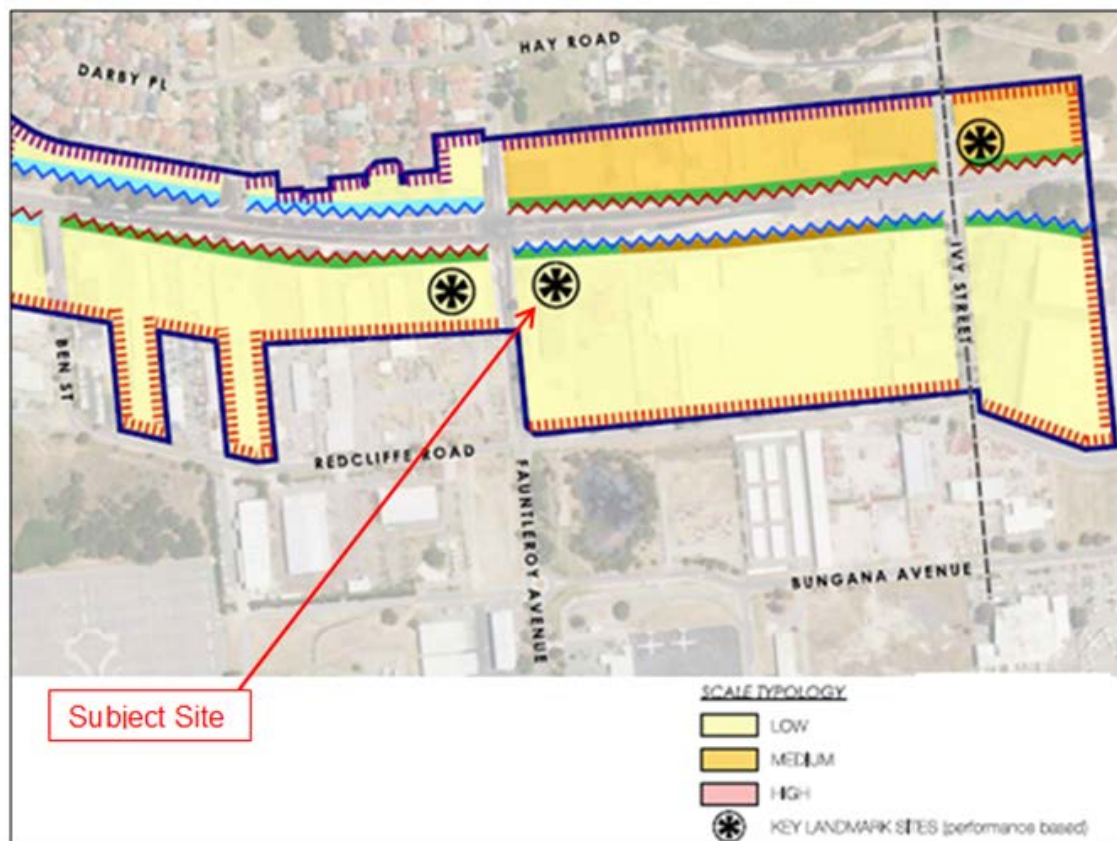


Figure 4 – Extract Great Eastern Highway Urban Corridor Strategy – Precinct 4

Due regard must also be given to both LPP 12 and draft LPP 12 which specifically state that signage should only advertise services and products associated with those available on the lot and that third party advertising signage is not permitted. Although the signs have been in place for a number of years, this does not warrant departure from this standard. In addition, the overall objective of the signage policies is to allow adequate exposure for businesses on corridors such as Great Eastern Highway, Abernethy Road, Belmont Avenue and Orrong Road, while preventing unnecessary signage. As such third party advertising on the subject premises is not supported.

Item 12.2 Continued

**Road Safety**

Notwithstanding the appropriateness of Third Party Advertising Signage, it is essential to consider the impact of signage on traffic safety. Main Roads Western Australia's 'Policy and Application Guidelines for Advertising Signs within and beyond State Road Reserves' provides standards for advertising devices on major roads, such as Great Eastern Highway. The purpose of the Policy is to ensure that advertising does not pose a safety hazard to road users or adversely impact on the visual amenity of the roadside environment and surrounding area.

Main Roads Western Australia's Policy outlines general safety criteria, which ensures a high level of safety for road users is maintained. It states that an advertising device may be considered a traffic hazard if it distracts a driver at a critical time such as at a signalised traffic intersection. More specifically, it limits signage within 65 metres of any major intersection (the 'Device Restriction Area') and therefore the location of the signs do not comply with MRWA's Policy as shown in Figures 5, 6 and 7 below.

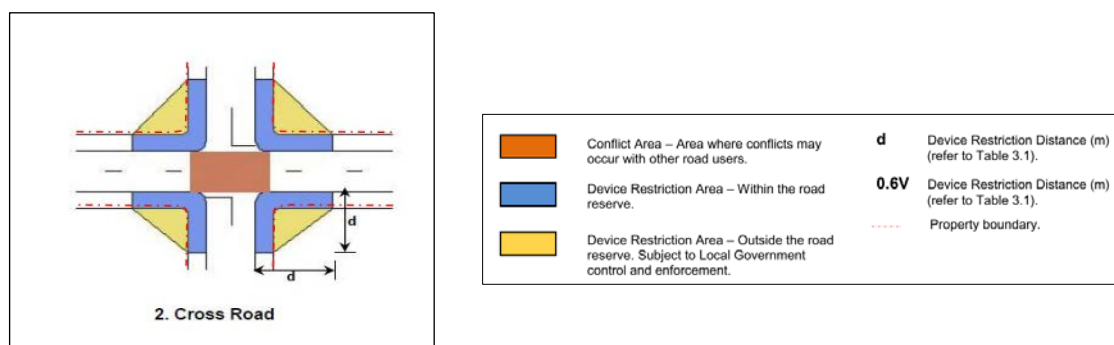


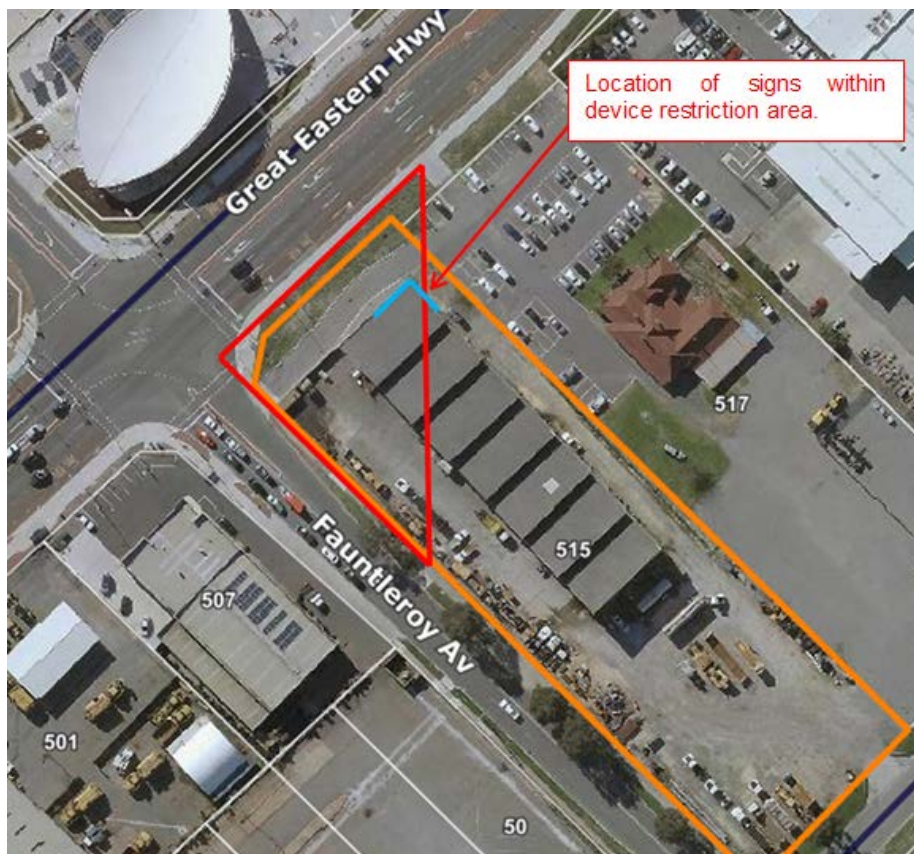
Figure 5 – Appendix A, Figure 1, Diagram 2 'Cross Road' of MRWA's Policy and Application Guidelines for Advertising Signs within and beyond State Road Reserves

Speed Limit (km/h)	Distance 'd' (m)	0.6V (m)
50 or less	45	30
60	65	36
70	85	42
80	110	48
90	140	54
100	170	60
110	210	66

Table 3.1<sup>1</sup> – Distance 'd' for use with Device Restriction Area drawings in Appendix A

Figure 6 – Extract from MRWA's Policy and Application Guidelines for Advertising Signs within and beyond State Road Reserves Table 3.1

*Item 12.2 Continued*



*Figure 7 – Approximate location of Signs within Device Restriction Area*

The sign located on the north-west elevation and a portion of the sign located on the north-east elevation are within the Device Restriction Area and therefore do not accord with MRWA's Policy provision. The signs are designed to gain the attention of passing traffic and therefore could distract drivers. As such, for safety reasons, the signs should not be supported.

### **Size and Scale**

The size and scale of signage must be considered when considering the impact on the surrounding locality. In that regard:

- Local Planning Policy No. 12 stipulates that signs located on the walls of buildings should not exceed 8 square metres. This limitation ensures that architectural elements of a building façade remain the dominant feature of the building.
- Draft LPP 12 (which has recently concluded advertising), modifies this provision by permitting wall signs to cover up to 10% of the façade of the building per street frontage. This can be increased to 25% where there is an approved signage strategy for multiple tenancies.
- The size of the sign located on the Great Eastern Highway frontage of the premises measures 41.25 square metres which equates to 22.5% of this façade. By way of comparison, a sign covering 10% of this façade equates to a sign measuring 18 square metres. This does not take into account the second wall sign located on the north-east side elevation of the premises which would comply as it equates to 5.16% of the façade area, however the building has one occupant and not multiple tenancies on site.



*Item 12.2 Continued*

- As advised by the applicant, there are several existing signs in the district that are large, but they are either compliant under previous legislation, exempt under current legislation or simply unapproved. This does not set a precedent to approve similar large signs or any other advertising device, in the immediate vicinity. All applications are assessed on their merits under relevant and current legislation.

Given the above, it is considered that the size and scale of the sign facing Great Eastern Highway presents as a dominant feature of the site, and is unnecessary signage. The oversized signage is excessive and therefore not supported.

**Amenity**

The subject workshop building was constructed in the 1960s and consists of brick and fibre-cement cladding with a saw-tooth style roofline. The applicant states that the signs are compatible with the workshop use, help preserve the local amenity as well as improve the visual impact of the 70 year workshop building.

In assessing any impact on amenity, it is acknowledged that existing signage located in the vicinity comprises a mix of pylon, monolith and wall signs, all of which advertise the services provided from these businesses. The applicant also states that the signs are in keeping and consistent with surrounding developments including billboards and roof top signs located further south on Great Eastern Highway. However, as noted above, these signs may have been approved under previous legislation or are unapproved and do not provide a basis for consideration to support the current application.

The application must be considered in accordance with current as well as any future legislation that is currently seriously entertained. On this basis, it is considered that the size, scale and content of the signs does not accord with the objectives of both LPP 12 or draft LPP 12, which seek to ensure that advertising signage is appropriate for their location, relates to the land on which they are located and do not adversely impact on the amenity of the surrounding area.

Given the signage relates to third party advertising, and given that under draft LPP 12, due to the size and scale as well as the content, the signs would be classified as 'billboards' which are not permitted, approval would be contrary to the Policy provisions and would set an undesirable precedent.

**Conclusion**

The proposal for two wall signs is not supported due to the size and scale of the signs which are considered to be excessive and would have a detrimental impact on the amenity of the locality. Approval would also be contrary to both LPP 12 and draft LPP 12 objectives which clearly state that signage should advertise services and products available on the lot. Furthermore, the proposal should not be approved due to safety concerns raised by MRWA, as the signs are located within a Device Restriction Area.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

*Item 12.2 Continued*

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

### **OFFICER RECOMMENDATION**

That Council refuse planning application 540/2018 as detailed in plans dated 19 October 2018 submitted by Caratti Holding Company Pty Ltd for Use Not Listed – Third Party Advertising Signage at Lot 403 (515) Great Eastern Highway, Redcliffe for the following reasons:

1. The signs do not comply with Clause 3.2(c) of Local Planning Policy No. 12, which provides that only services or products associated with those available on the lot can be advertised.
2. The size of the signs (41.25 square metres and 42.57 square metres) exceed the 8 square metres permitted by Clause 3.4.1(d) of Local Planning Policy No. 12.
3. The signs do not comply with Main Roads Western Australia's Policy and Application Guidelines for Advertising Signs within and beyond State Road Reserves as they are located within the Device Restriction Area and pose an unacceptable risk to traffic safety on Great Eastern Highway.
4. Approval would set an undesirable precedent as there are no unique circumstances associated with the subject application that warrant departure from the standards specified in Local Planning Policy No. 12 and Main Roads Western Australia's Policy and Application Guidelines.

Note:

Cr Davis put forward the following Alternative Councillor Motion.

### **ALTERNATIVE COUNCILLOR MOTION**

#### **DAVIS MOVED, SEKULLA SECONDED,**

That Council approve Planning Application 540/2018 as detailed in plans dated 19 October 2018 submitted by Caratti Holding Company Pty Ltd for Use Not Listed – Third Party Advertising Signage at Lot 403 (515) Great Eastern Highway, Redcliffe without conditions.

**LOST 3 VOTES TO 6**

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

*Item 12.2 Continued*

**Note:**

**Cr Wolff put forward the following Foreshadowed Councillor Motion.**

**FORESHADOWED COUNCILLOR MOTION**

**WOLFF MOVED, POWELL SECONDED,**

***That Council refuse planning application 540/2018 as detailed in plans dated 19 October 2018 submitted by Caratti Holding Company Pty Ltd for Use Not Listed – Third Party Advertising Signage at Lot 403 (515) Great Eastern Highway, Redcliffe for the following reasons:***

- 1. The signs do not comply with Clause 3.2(c) of Local Planning Policy No. 12, which provides that only services or products associated with those available on the lot can be advertised.***
- 2. The size of the signs (41.25 square metres and 42.57 square metres) exceed the 8 square metres permitted by Clause 3.4.1(d) of Local Planning Policy No. 12.***
- 3. The signs do not comply with Main Roads Western Australia's Policy and Application Guidelines for Advertising Signs within and beyond State Road Reserves as they are located within the Device Restriction Area and pose an unacceptable risk to traffic safety on Great Eastern Highway.***
- 4. Approval would set an undesirable precedent as there are no unique circumstances associated with the subject application that warrant departure from the standards specified in Local Planning Policy No. 12 and Main Roads Western Australia's Policy and Application Guidelines.***

**CARRIED 6 VOTES TO 3**

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

**12.3 AMENDMENT NO. 12 TO LOCAL PLANNING SCHEME NO. 15 – DELETION OF SPECIAL CONTROL AREA (DEVELOPMENT AREA 8)**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 7 – Item 12.3 refers</b>	<a href="#"><b>Plan of Amendment No. 12</b></a>
<b>Attachment 8 – Item 12.3 refers</b>	<a href="#"><b>Schedule of Submissions</b></a>
<b>Attachment 9 – Item 12.3 refers</b>	<a href="#"><b>Development Area 8 Concept Plans</b></a>

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/012 – Scheme Amendment 12 – Development Area 8
Location / Property Index	:	Various
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	20 November 2018 Ordinary Council Meeting – Item 12.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

For Council to consider final adoption of Scheme Amendment No. 12 to Local Planning Scheme No 15 (LPS 15) to delete the Special Control Area (Development Area 8 (DA8)) applicable to land generally bound by Fauntleroy Avenue, Hay Road and Garvey Park (Reserve No. 36441).

*Item 12.3 Continued*

### **SUMMARY AND KEY ISSUES**

- Amendment No. 12 to LPS 15 seeks to delete the Special Control Area (DA8) applicable to land generally bound by Fautleroy Avenue, Hay Road and Garvey Park (Reserve No. 36441) (refer to [Attachment 7](#)). The deletion of the Special Control Area will mean that a structure plan will no longer be required to guide subdivision and development for lots within the precinct.
- Council adopted Amendment No. 12 to LPS 15 for the purposes of advertising at its Ordinary Council Meeting (OCM) on 20 November 2018 (Item 12.2). Advertising was subsequently carried out from 12 March 2019 to 26 April 2019. A total of eight submissions were received, none of which objected to the amendment or raised any planning issues.
- It is recommended that Council adopts Amendment No. 12 to LPS 15 and recommend to the Minister for Planning that it be approved.

### **LOCATION**

The DA8 precinct comprises of 12 lots with a combined area of approximately 3.42 hectares. The precinct is generally bound by Fautleroy Avenue, Hay Road and Garvey Park (Figure 1). The area is characterised by irregular shaped lots of varying sizes, fragmented land ownership and sparse development patterns (i.e. most properties are either vacant or contain a single house).



Figure 1 – Development Area 8

*Item 12.3 Continued*

### **CONSULTATION**

In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment No. 12 was advertised for a period of 45 days (from 12 March 2019 to 26 April 2019), by:

- Letters being sent to landowners and occupiers within and surrounding the amendment area.
- Letters to relevant government agencies.
- An advertisement placed in the Southern Gazette newspaper.
- A notice on the City's website.
- A public display at the City's Civic Centre.

The City received eight submissions during the advertising period, with three being received from landowners and/or occupiers and five from government agencies. A summary of the submissions received are included in the Schedule of Submissions ([Attachment 8](#)). It should be noted that no objections or issues were raised by the submissions.

Pursuant to Regulation 18 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council is required to make a recommendation in respect of each submission.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

*Item 12.3 Continued*

## **STATUTORY ENVIRONMENT**

Section 75 of the *Planning and Development Act 2005* provides for an amendment to be made to a local planning scheme. The procedures for amending a local planning scheme are set out within Part 5 of the *Regulations*.

Where a responsible authority (being the local government) has resolved to amend a Scheme, it shall be forwarded to the Environmental Protection Authority (EPA) to determine whether the amendment requires an environmental assessment. Where no environmental assessment is required, the responsible authority shall advertise the amendment for a period of 42 days, by:

- Publishing a notice in a newspaper circulating in the Scheme area.
- Displaying a copy of the notice in the offices of the local government for the period of making submissions set out in the notice.
- Giving a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment.
- Publishing a copy of the notice and the amendment on the website of the local government.
- Advertising the amendment as directed by the Western Australian Planning Commission (WAPC) and in any other way the local government considers appropriate.

After the conclusion of the advertising period, Council is required to consider the submissions and pass a resolution to either support the amendment, with or without modification, or not support the amendment. After passing a resolution, the amendment is to be forwarded to the WAPC to review and provide a recommendation to the Minister for Planning.

## **BACKGROUND**

### **Proposed Amendment**

Amendment No. 12 to LPS 15 proposes to remove the structure plan requirement applicable to DA8 by:

1. Amending the Scheme Text to delete the DA8 precinct from Schedule 14–Development Areas.
2. Amending the Scheme Map to remove the ‘Development Area’ notation applicable to the DA8 precinct.

A copy of the draft Amendment No. 12 map is attached ([Attachment 7](#)).

*Item 12.3 Continued*

### **Local Planning Scheme No. 15**

Part 6 of LPS 15 sets out particular provisions that apply to land, referred to as a 'Special Control Area', that are in addition to any usual zoning and/or development requirements. Clause 6.1.1(a) and Schedule 14 of LPS 15 establishes a type of Special Control Area referred to as a 'Development Area', which require that a structure plan be prepared over an area before any future subdivision or development is undertaken.

Development Area 8 is one of 11 Development Area precincts identified in Schedule 14 of LPS 15 that require a structure plan. More specifically, Schedule 14 includes the following provisions that are applicable to DA8:

1. *"An approved structure plan together with all approved amendments shall apply to the land in order to guide subdivision and development.*
2. *To provide for residential development."*

Irrespective of the Special Control Area provisions, the DA8 precinct is currently zoned 'Residential R20' under LPS 15.

### **Development Area 8**

Local Planning Scheme No. 15 identifies DA8 as a precinct that requires a structure plan to be prepared to coordinate future subdivision, development and zoning of the precinct for residential purposes. The DA8 precinct comprises of 12 lots, of which Lot 603 forms approximately 50% (1.6922 hectares) of the 3.42 hectares precinct. The remaining 11 lots are owned by 10 separate private landowners.

In 2009, the City commenced the preparation of a structure plan over the entire DA8 precinct. Council at its OCM of 24 November 2009 (Item 12.6) resolved to advertise two structure plan 'concepts' for the precinct. The key difference between the structure plan concepts was that the second concept (Option 2) provided for the retention of a dampland within an area of Public Open Space (POS) located on Lot 603. A copy of the structure plan concepts are provided as [Attachment 9](#).

From the advertising, 68 submissions were received. A number of the submissions requested that Lot 603 be reserved as POS to provide for the retention of existing vegetation and the dampland area that exists on the site. Notwithstanding, the then Department of Planning advised that it would not support this proposition due to the substantial POS area abutting DA8 that is the Garvey Park reserve. Instead, the Department favoured proposed 'Option 1' which provided for the entire Lot 603 being developed for residential purposes. The progression of Option 1 required geotechnical investigations to determine the suitability of the site for development. The State Government's land development agency, LandCorp, undertook these investigations which indicated that the progression of any development on the site would not be feasible.

On 1 May 2018, the Minister for Transport, Planning and Lands announced that Lot 603 would be transferred to the State of Western Australia (WA) and amalgamated with the adjoining Garvey Park reserve. In light of this announcement, LandCorp confirmed that they would no longer progress the structure plan for the DA8 precinct. The Department of Planning, Lands and Heritage (DPLH) have since progressed the transfer of Lot 603 into the Garvey Park reserve, which established management responsibilities with the City of Belmont through a Management Order.



*Item 12.3 Continued*

**OFFICER COMMENT**

The merging of Lot 603 into Garvey Park means that a structure plan to facilitate the redevelopment of the remainder of the precinct is no longer needed. Generally, the purpose of a structure plan is to coordinate subdivision, development and zoning of a specific area by applying principles of orderly and proper planning. This includes considering matters such as the need for a road network, the provision of POS, servicing requirements, built form, environmental protection and bushfire management.

In the context of DA8, the following points are relevant:

- All existing lots within the precinct are adequately served by the existing road network (i.e. Fautleroy Avenue).
- The draft structure plan concepts were reliant upon Lot 603 to facilitate an appropriate road and pedestrian network. The proposed road network would have facilitated the creation of lots with direct road frontage (as opposed to lots configured in a 'battleaxe' arrangement) as well as provide connectivity between Fautleroy Avenue and Garvey Park. It would not be reasonable or necessary to insist on the creation of a road or pedestrian network through the remaining 11 properties of DA8 as it would pose a significant land and infrastructure delivery requirement over an area that is characterised by small, fragmented lots.
- The removal of the structure plan requirement would not eliminate the possibility of providing a road network over Lot 603 should it be considered appropriate and/or necessary in the future. Such a project would need to be facilitated by the State of WA, as the owner of the land, and the City of Belmont, as the custodian of the local road network.
- The existing Garvey Park reserve represents a significant area of POS in the context of Ascot and the wider locality. It is therefore considered unnecessary to require additional POS from the development of the remaining properties in DA8.
- The current 'Residential R20' zoning applicable to DA8 is consistent with the zoning of the surrounding area.
- In accordance with the Residential Design Codes (R-Codes), subdivision and development at the R20 density is required to achieve a minimum and average lot size of 350 square metres and 450 square metres respectively. This would allow for up to 38 dwellings/lots to be created over the remaining 1.72 hectares precinct. In comparison, the structure plan concepts would have yielded approximately 52 dwellings/lots (excluding Lot 603) based on proposed densities ranging between R20 and R40.
- In terms of built form, it is noted that both structure plan concepts provided for the retention of existing dwellings fronting Fautleroy Avenue, with the purpose of maintaining the existing character of the streetscape. This built form outcome will be achieved by the existing R20 coding, irrespective of the structure plan requirement.
- Whilst a portion of DA8 is designated 'bushfire prone', it is considered that bushfire management can be adequately addressed through the proper implementation of State Planning Policy 3.7–Planning in Bushfire Prone Areas through the subdivision and development processes. It should also be noted that in accordance with the City's management order responsibilities, Lot 603 is required to have fire breaks, and be maintained to reduce fire loads.

*Item 12.3 Continued*

- In the absence of any density increase, there will be no additional demand placed on existing services to warrant coordination of servicing upgrades. Should service upgrades be required, they can be undertaken without requiring a structure plan.
- Whilst there is no formally classified environmentally significant feature on Lot 603, the dampland and vegetation present on the site will be retained in line with community sentiment.

Should the structure plan requirement for DA8 be abolished, subdivision and development within the precinct will simply need to accord with the applicable 'Residential R20' zoning and any relevant Scheme and/or policy requirements. This approach is consistent with that of the surrounding residential area. Whilst a structure plan for DA8 was intended to coordinate redevelopment to achieve a high quality residential precinct with strong connections to the surrounding areas, for the reasons mentioned above, there are now limited opportunities for achieving an optimal development pattern in the absence of Lot 603.

The eight submissions received during the advertising period did not raise any objections or issues associated with the amendment. Two submitters did however identify future aspirations for the upgrade of Lot 603 which is a matter to be considered through a review of the Garvey Park Masterplan.

It is recommended that Council adopts Amendment No. 12 to LPS 15 to remove the requirement to prepare a structure plan over DA8, and recommend to the Minister for Planning that it be approved.

**FINANCIAL IMPLICATIONS**

There are no financial implications evident at this time.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 12.3 Continued*

**OFFICER RECOMMENDATION**

***That Council:***

- 1. Pursuant to Regulation 50(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 note the submissions received in respect of Amendment No. 12 to Local Planning Scheme No. 15 and endorses the responses to those submissions ([Attachment 8](#)).***
- 2. Pursuant to Regulation 50(3)(a) of the Planning and Development (Local Planning Schemes) Regulations 2015 support Amendment No. 12 to Local Planning Scheme No. 15 with a recommendation that the amendment be approved by the Minister for Planning.***
- 3. Directs the Chief Executive Officer to advise those who made a submission on Amendment No. 12 to Local Planning Scheme No. 15 of Council's decision and the Minister for Planning's final decision.***

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

## 12.4 AUTHORITY TO ACCEPT GRANT FUNDING – SAFE SCHOOL PROJECT

### BUSINESS BELMONT

#### ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	57/001 Local Government Grants Applications
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Property and Economic Development

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

To seek Council endorsement for the acceptance of grant funding for 'The Safe School Project'.

#### SUMMARY AND KEY ISSUES

During March 2019 City Officers became aware of a grant funding opportunity through the Federal Government's Safer Communities Fund Round 4. This funding round has been designed to provide schools and pre-schools, community organisations and local councils with grants of up to \$1.5 million for security infrastructure and engagement activities to protect children in the community who are at risk of attack, harassment or violence stemming from racial or religious intolerance.

*Item 12.4 Continued*

In response, City Officers worked with staff of Belmont City College (BCC) and prepared a funding application seeking \$310,432 for the “Safe School Project”. This is a two tiered approach to addressing risk factors for attack, harassment or violence stemming from racial or religious intolerance for students of the BCC. Its aim is for an increased awareness for students of the effect that violence and racial vilification can have on minority groups within the City.

This initiative was not identified in the 2019-2020 Budget. As such, in accordance with Policy SB1, Council endorsement is required for the City to accept the grant funding if the application were to be successful.

**LOCATION**

The Safe School Project will be implemented at Belmont City College and, occasionally, at the Ruth Faulkner Library.

**CONSULTATION**

Consultation has taken place with the City’s Community Safety Taskforce and relevant senior staff at BCC.

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Create a City that leads to feelings of wellbeing, security and safety

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

**Corporate Key Action:** 136 - Implement Community Safety and Crime Prevention Plan 2018-2021.

**POLICY IMPLICATIONS**

**SB1 Council Authority to Apply For Grants**

**Policy Objective**

Ensure that a responsible process is in place to accommodate the application and acceptance of grants and subsidies.

**Policy Statement**

Council encourages the application for funds that will have benefit to the community. The Chief Executive Officer has authority to make submissions for grants/subsidies subject to their purpose falling within the Council’s overall Strategic Community Plan.

*Item 12.4 Continued*

**Policy Detail**

The Chief Executive Officer can accept grants/subsidies, except in the following cases, which require specific Council authorisation:

- Grants/subsidies that require an unbudgeted co-payment of funds.
- **Grants/subsidies that result in expenditure not identified and authorised as part of the budget process.**
- Grants/subsidies where the amount varies significantly from that which has been identified and authorised as part of the budget process.

**STATUTORY ENVIRONMENT**

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

**BACKGROUND**

The proposed year-long 'Safe School Project' will target a group of young people, as identified by BCC staff, whose behaviour causes a significant negative impact on the Belmont City College and the wider community. These students often exhibit extreme anti-social behaviour.

It is aimed to provide an increased awareness for students of the effect that violence and racial vilification can have on minority groups within the City. Students will be presented with new programmes and opportunities and it is expected that literacy, numeracy and life skills will be developed thereby promoting positive mental health and pro-social behaviour.

The project will be run by teachers, a youth worker and supported by the YMCA, and it has the support of local WA Police. This project is an enhanced and modified version of a successful pilot program currently being run by the BCC and is considered, by the multi-agency Community Safety Taskforce, to be the best way to approach the problem.

**OFFICER COMMENT**

This project would enable the Belmont City College, with the support of the City of Belmont, to provide disengaged youth with meaningful intervention that meets their socialisation needs. If the grant application is successful it is expected to:

- Increase educational opportunities for targeted students
- Increase educational engagement and school attendance
- Reduce incidents of anti-social behaviour within the community
- Reduce the levels of offending behaviour in the City
- Help address issues raised in the Catalyse Community and Wellbeing survey in relation to community safety.

*Item 12.4 Continued*

**FINANCIAL IMPLICATIONS**

This grant application requires no additional funding from the City's 2019-2020 and 2020-2021 Budget and fully funds the program. If successful, the grant funding represents additional funds for the City to assist the community.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with the "Safe School Project".

**SOCIAL IMPLICATIONS**

If the funding application is successful, it is considered that the "Safe School Project" will have positive social implications through supporting the development of an environment where residents are safe and feel safe.

**OFFICER RECOMMENDATION**

*That Council:*

- 1. Support the Safe School Project grant application for an amount of \$310,432 for submission to the Safer Communities Fund Round 4.**
- 2. Authorise the CEO to accept the funding if the grant application is successful.**

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

**12.5 TENDER 01/2019 – VEGETATION WATERING WITHIN THE CITY OF BELMONT**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Confidential Attachment 1 – Item 12.5 refers</b>	<a href="#"><u>Tender 01/2019 Evaluation Matrix</u></a>
<b>Confidential Attachment 2 – Item 12.5 refers</b>	<a href="#"><u>Tender 01/2019 Price Schedule</u></a>
<b>Confidential Attachment 3 – Item 12.5 refers</b>	<a href="#"><u>Tender 01/2019 Cost Comparison</u></a>

Voting Requirement : Simple Majority  
Subject Index : 114/2019  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil.  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Infrastructure Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To seek Council approval to award Tender 01/2019 – Vegetation Watering within the City of Belmont.



*Item 12.5 Continued*

### **SUMMARY AND KEY ISSUES**

This report outlines the process undertaken to invite and evaluate tenders and includes a recommendation to award Tender 01/2019 in accordance with the requirements of the *Local Government Act 1995*.

The contract is for the watering of trees, garden beds and environmental vegetation within parks and streetscapes. The contract term is three years commencing 1 July 2019 with the option of two, one year extensions at the sole discretion of the City.

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Protect and enhance our natural environment.

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

**Corporate Key Action:** Operational activities which support predominantly this environmental safeguarding strategy.

### **POLICY IMPLICATIONS**

BEXB28–Purchasing

#### **POLICY OBJECTIVE**

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

### **STATUTORY ENVIRONMENT**

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

*Item 12.5 Continued*

## **BACKGROUND**

An invitation to tender for Vegetation Watering within the City of Belmont was advertised in the West Australian newspaper on Saturday, 23 February 2019, closing on Tuesday, 12 March 2019 at 2pm.

17 sets of tender documents were downloaded from the City's eTendering portal by prospective tenderers and five responses were received from:

- Environmental Industries
- Natural Area Consulting Management Services
- Psyco Sands
- Tree Planting and Watering
- Trees need Tree Surgeons.

Of the five tenders submitted one did not meet the contract requirements, the response was non-compliant, and therefore not evaluated.

Due to the value of the contract Council approval is required to accept the recommended supplier and award the contract for the services identified within Tender 01/2019 – Vegetation Watering within the City of Belmont.

## **OFFICER COMMENT**

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

The tenders were assessed on the same selection criteria included with the tenders, being:

	<b>CRITERIA</b>	<b>WEIGHTING</b>
1	Company Profile	10%
2	Experience	15%
3	Company Capacity	15%
4	Methodology	10%
5	Safety	10%
6	Price	40%
	<b>TOTAL</b>	<b>100%</b>

The Evaluation Matrix (refer [Confidential Attachment 1](#)) identifies Tree Planting and Watering as the recommended supplier.

Tree Planting and Watering has been operating for nearly 30 years, though the current company structure has only been in place for the past three years. The company is in the process of transitioning their fleet of 17 water trucks to dual control. They have installed pneumatic watering booms to some of their trucks to deliver the water accurately and efficiently, minimising damage to the plant, bowl or top soil. The submission from Tree Planting and Watering demonstrates that they have the experience and capacity to service the contract and systems in place to collect and share accurate data and meet reporting requirements.

*Item 12.5 Continued*

### **FINANCIAL IMPLICATIONS**

[Confidential Attachment 2](#) – Price Schedule details the rates submitted by the respondents and [Confidential Attachment 3](#) – Cost Comparison shows the projected annual cost for the 2019-2020 financial year. It should be noted that a major component of the contract cost (approx. 70%) is associated with the watering of trees.

The City is currently planting around 1,000 trees per annum. As a minimum, these trees require watering for the first two years of establishment. The Cost Comparison at [Confidential Attachment 3](#) is based on watering those trees once per week in the lead up to summer, twice per week for 15 weeks over the peak of summer and once per week after summer (leading into autumn). The actual watering schedule and cost is weather and season dependent and the figures included in the Cost Comparison are a best estimate based on recent weather patterns.

The 2018-2019 tree watering budget was \$191,176 and the projected expenditure at 30 June 2019 for tree watering is \$191,884. This amount excludes the additional cost of increased tree watering (as outlined above) and watering of streetscape sites. The Parks Department has not had the capacity to meet the requirements for watering of streetscape sites and they will now form part of this contract.

As a result of the above, an amount of \$417,300 has been included for consideration in the 2019–2020 budget for the watering programme. This increase in cost is due to increases in:

- The quantity of trees being planted
- The inclusion of streetscapes sites
- The frequency of watering which has been increased to twice a week during the peak summer period due to the drier conditions Perth is experiencing.

### **ENVIRONMENTAL IMPLICATIONS**

Within the Urban Forest Strategy, the City has set an initial canopy target to “replace lost canopy to a coverage which meets and exceeds that of the baseline year of 2001”.

The City plants approximately 1,000 trees each year with watering provided for an initial two to three year establishment period depending on the species of the tree.

### **SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 12.5 Continued*

**OFFICER RECOMMENDATION**

***That Council:***

- 1. Accept the response submitted by Tree Planting and Watering for Tender 01/2019 – Vegetation Watering within the City of Belmont as specified in accordance with the schedule of rates (refer [Confidential Attachment 2](#) – Price Schedule); and***
- 2. Award the contract to Tree Planting and Watering for a period of three years commencing 1 July 2019 with two, one year extension options at the sole discretion of the City.***

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

**12.6 ACCOUNTS FOR PAYMENT – APRIL 2019**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
<b>Attachment 10 – Item 12.6 refers</b>	<a href="#"><b>Accounts for Payment – April 2019</b></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

Confirmation of accounts paid and authority to pay unpaid accounts.

**SUMMARY AND KEY ISSUES**

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

*Item 12.6 Continued*

**LOCATION**

Not applicable.

**CONSULTATION**

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

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

**STATUTORY ENVIRONMENT**

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

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

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

**BACKGROUND**

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

**OFFICER COMMENT**

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

Municipal Fund Cheques	788084 to 788115	\$154,222.43
Municipal Fund EFTs	EF061172 to EF061627	\$5,234,498.56
Municipal Fund Payroll	April 2019	\$1,545,057.14
Trust Fund EFT	EF061236 to EF061237	\$26,041.44
Total Payments for April 2019		<b>\$6,959,819.57</b>

A copy of the Authorised Payment Listing is included as [Attachment 10](#) to this report.

*Item 12.6 Continued*

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

*That the Authorised Payment Listing for April 2019 as provided under [Attachment 10](#) be received.*

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

**12.7 MONTHLY ACTIVITY STATEMENT AS AT 30 APRIL 2019**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 11 – Item 12.7 refers	<a href="#"><u>Monthly Activity Statement as at 30 April 2019</u></a>

Voting Requirement : Simple Majority  
Subject Index : 32/009-Financial Operating Statements  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil.  
Previous Items : N/A  
Applicant : N/A  
Owner : N/A  
Responsible Division : Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To provide Council with relevant monthly financial information.

**SUMMARY AND KEY ISSUES**

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

**LOCATION**

Not applicable.



*Item 12.7 Continued*

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

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

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

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

### **BACKGROUND**

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

### **OFFICER COMMENT**

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

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

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

*Item 12.7 Continued*

The monthly financial report is to be accompanied by:

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

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

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

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

In order to provide more details regarding significant variations as included in [Attachment 11](#) the following summary is provided.

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure - Capital</b>			
Computing	176,500	94,144	Business applications and fleet are currently on order.
Marketing and Communications	159,750	71,678	Variance largely relates to the purchase of banner poles.
Financing Activities	602,063	675,561	Loan principal repaid slightly ahead of schedule.
Community Services	122,497	52,582	Purchase of fleet has been delayed due to usage/mileage.
Town Planning	42,801	312,576	Receipt and payment of development contribution (Springs) budgeted in June.
Grounds Operations	1,872,185	1,311,128	Variance relates to budget spread on Forster Park, Wicca Park playground, Volcano Playground and Peachey Park playground. Some elements of Forster Park and Peachey Park playground are likely to be carried forward.
Road Works	8,102,686	7,584,772	Variance largely relates to construction works along Alexander Road.
Streetscapes	336,993	49,586	Variance relates to Belmont Business Park Signage Design project.
Footpath Works	460,811	261,301	Variance relates both to contractor costs yet to be invoiced and some projects have been delayed as they require third party approval.
Drainage Works	765,457	670,220	Budget spread issue with a number of projects recently commencing.
Operations Centre	592,058	355,197	Purchase of Plant has been delayed and is currently under review.
Building Operations	13,371,596	12,942,084	Slightly behind the revised budget regarding the New Community Centre.

Item 12.7 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure – Operating</b>			
Computing	1,930,569	1,762,393	IT have a number of minor variances with the most significant relating to the purchase of Business Applications.
Marketing and Communications	955,872	883,927	Marketing have a number of minor variances with the most significant relating to sponsorship.
Governance	3,134,387	2,815,905	Activity Based Cost (ABC's) allocations are the primary reason for the variance.
Belmont Community Watch	984,591	877,154	Timing issue regarding the receipt and payment of invoices.
Crime Prevention and Community Safety	504,555	429,735	Primary reason for the variance relates to project management costs.
Belmont HACC Services	1,988,099	1,875,957	Variance predominantly relates to employee costs.
Town Planning	2,284,273	2,134,684	ABC's, Consulting and employee costs are below budget
Sanitation Charges	4,907,815	4,597,554	The volumes of bin services are less than expected.
Marketing and Communications	787,023	849,225	Variance mainly relates to the Lets Celebrate Belmont event with the variance expected to reduce over the remainder of the year.
Ruth Faulkner Library	1,955,443	1,787,282	Library has a number of minor variance with the most significant relating to consulting costs.
Building - Active Reserves	762,047	649,957	Mainly relates to contractor costs that are paid one month in arrears.
Grounds Operations	4,580,420	4,361,652	Consulting, agency and contractor costs are currently below budget.
Grounds - Active Reserves	967,068	1,025,623	Turf renovation programme is ahead of schedule.
Grounds Overheads	1,260,592	1,122,862	Variance predominantly relates to employee costs.
Building Control	1,067,466	1,014,734	Variance relates to employee and consulting costs.
Building Operations	848,548	790,407	Variance relates to employee costs and ABC allocations.
Building Overheads	76,272	145,545	Employee related costs are above budget.
Plant Operating Costs	907,296	813,515	Employee and agency costs are below budget.
Technical Services	2,014,673	1,904,805	Variance relates to employee costs and ABC allocations.
<b>Revenue - Capital</b>			
Road Works	(3,450,637)	(3,190,516)	Relates to outstanding Metropolitan Regional Roads Group funding.
Operations Centre	(267,835)	(121,500)	Replacement of Plant has been delayed and is under review.
Building Operations	(4,015,367)	(4,415,367)	Grant income is in regards to the New Community Centre is currently under budget.

Item 12.7 Continued

<b>Revenue - Operating</b>			
Finance Department	(1,700,011)	(1,611,321)	ABC recoveries currently below budget.
Computing	(2,018,834)	(1,762,394)	ABC recoveries currently below budget.
Records Management	(664,613)	(605,707)	ABC recoveries currently below budget.
Human Resources	(1,138,197)	(1,047,466)	ABC recoveries currently below budget.
Accommodation Costs	(499,653)	(434,528)	ABC recoveries currently below budget.
Rates	(49,873,692)	(48,972,770)	Interim rates are below budget particularly interim rates for the new DFO.
Financing Activities	(1,790,179)	(1,527,402)	Monthly variances are expected due to the timing of term deposits maturing.
Town Planning	(1,115,190)	(1,000,274)	ABC recoveries currently below budget.
Sanitation Charges	(6,465,323)	(6,338,556)	Additional bin services were slightly less than anticipated.
Public Works Overheads	(1,219,247)	(839,462)	Overhead recoveries currently below budget.
Plant Operating Costs	(1,398,279)	(1,184,379)	Plant recoveries currently below budget.
Technical Services	(405,595)	(308,475)	ABC recoveries currently below budget.
Other Public Works	(44,833)	(117,221)	More Private Works jobs than anticipated.

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

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 30 April 2019</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	78,152,717	Includes municipal and reserves
- less non rate setting cash	(54,016,811)	Reserves
Receivables	4,848,758	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(258,961)	ESL Receivable
Stock on hand	214,998	
<b>Total Current Assets</b>	<b>28,940,700</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(7,141,987)	Includes ESL and deposits
- less non rate setting creditors and provisions	2,349,988	Cash Backed LSL, current loans and ESL
<b>Total Current Liabilities</b>	<b>(4,791,999)</b>	
<b>Nett Current Assets 30 April 2019</b>	<b>24,148,702</b>	
Nett Current Assets as Per Financial Activity Report	24,148,702	
Less Restricted Assets	(473,005)	Unspent grants held for specific purposes
Less Committed Assets	<b>(23,175,697)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

*Item 12.7 Continued*

**FINANCIAL IMPLICATIONS**

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

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

**OFFICER RECOMMENDATION**

*That the Monthly Financial Reports as at 30 April 2019 as included in [Attachment 11](#) be received.*

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

### 13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

#### 13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

#### 13.2 NOTICE OF MOTION TO REVOKE OR CHANGE A PREVIOUS DECISION OF COUNCIL – ITEM 13.2 – ORDINARY COUNCIL MEETING HELD ON 26 FEBRUARY 2019

### BUSINESS EXCELLENCE BELMONT

#### ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Absolute Majority
Subject Index	:	35/002 – Notices of Motion
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	26 February 2019 Ordinary Council Meeting – Item 13.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

#### COUNCIL ROLE

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

#### PURPOSE OF REPORT

For Council to consider revocation or change of a decision made at Item 13.2 of the Ordinary Council Meeting held on 26 February 2019.

*Item 13.2 Continued*

### **SUMMARY AND KEY ISSUES**

A Notice to Revoke a Decision Form has been received from Cr Davis containing three signatures from Elected Members and is in accordance with Regulation 10 of the *Local Government (Administration) Regulations 1996*. Members who signed the notice are Cr Davis, Cr Sekulla and Cr Rossi.

This report is for Council to:

- i. Support the motion to revoke or change the resolution; and
- ii. If supported, consider the proposed changed resolution.

### **LOCATION**

Not applicable.

### **CONSULTATION**

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

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

*Item 13.2 Continued*

### **STATUTORY ENVIRONMENT**

Section 5.25(1)(e) of the *Local Government Act 1995* states:

- (1) *Without limiting the generality of section 9.59, regulations may make provision in relation to —*
- (e) *the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made)*'

Regulation 10 of the *Local Government (Administration) Regulations 1996* states:

'10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) *If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (a) *in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
- (b) *in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) *Notice of a motion to revoke or change a decision referred to in sub regulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) *If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —*
- (a) *in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or*
- (b) *in any other case, by an absolute majority.*
- (3) *This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.'*

Section 15 of the *City of Belmont Standing Orders Local Law 2017* requires the following in regard to revocation:

'15.1 *Limitations on powers to revoke or change decisions*

- (1) *Subject to subsection (2), the Council or a committee is not to consider a motion to revoke or change a decision —*
- (a) *where, at the time the motion is moved or notice is given, any action has been taken under section 15.2 to implement the decision; or*
- (b) *where the decision is procedural in its form or effect.*
- (2) *The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if it has considered a statement of impact prepared by or at the direction of the CEO of legal and financial consequences of the proposed revocation or change.'*



*Item 13.2 Continued*

**BACKGROUND**

At its Ordinary Council Meeting held on 26 February 2019 Council resolved the following:

**'AMENDED COUNCILLOR MOTION**

**DAVIS MOVED, SEKULLA SECONDED,**

*That Council agrees to implement a public awareness campaign, introduce a dog free zone on Ron Courtney Island only and fine the owners of unleashed dogs in the Garvey Park area in the environmentally sensitive area.*

*And further, the Council take the following action:*

- 1. The City of Belmont Rangers to have a stronger presence in the Garvey Park area specifically looking for unleashed dogs in the environmentally sensitive areas and fining the owner(s).*
- 2. New signage be placed in the environmentally sensitive areas in and around Garvey Park reminding residents of the rules.*
- 3. Prepare and launch a media campaign reminding the community of the problems associated with unleashed dogs in the Garvey Park area and the penalties.*

**CARRIED 6 VOTES TO 3**

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

*Reason:*

*To be more specific in relation to a dog free zone and by no means deter dog walkers visiting Garvey Park. I was advised the consistent problem area is Ron Courtney Island whereby it has been witnessed dogs swimming to the island from the Garvey Park river side and attacking the wildlife whilst unleashed.'*

The result of that decision is the requirement for the City to take steps to prohibit dogs on Ron Courtney Island.

Subsequent investigations have confirmed that Ron Courtney Island is owned by the Crown with its management and maintenance vested in the Swan River Trust (Department of Biodiversity, Conservation and Attractions).

In terms of the *Dog Act 1976* Section 31 (2B) Control of Dogs in Certain Public Places states:

*"A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, specify a public place, or a class of public place, that is under the care, control or management of the local government to be a place where dogs are prohibited:*

*(a) at all times; or*

*(b) at specified times."*

Ron Courtney Island is not under the 'care, control or management of the local government', and therefore the component of Council's resolution stating "introduce a dog free zone on Ron Courtney Island.." is legally not enforceable and cannot be implemented.

*Item 13.2 Continued*

Cr Davis has submitted a 'Notice to Revoke a Decision' Form including the signatures of Cr Davis, Cr Sekulla and Cr Rossi. In accordance with legislation and the City's Standing Orders Local Law, the revocation is before Council for consideration.

**OFFICER COMMENT**

As stated in the *City of Belmont Standing Orders Local Law 2017* for Council to consider a motion to revoke or change a decision a statement of impact of legal and financial consequences of the proposed revocation or change is to be considered.

**Legal and Financial Impact Summary**

Due to the ultra vires nature of the decision it is considered appropriate for the decision to be revoked or changed. The impact from a legal perspective is positive as Ron Courtney Island is not under the care, control or management of the City of Belmont the decision is not legally enforceable and cannot be implemented.

The revocation or change of the decision will facilitate a legal and compliant outcome with the requirements of the *Local Government Act 1995* section 5.41 enabling the CEO to cause Council's decision to be implemented.

There are financial implications associated with the revocation or change. The adoption of a change to the earlier resolution has very similar financial implications to those associated with the original motion and are outlined below.

**FINANCIAL IMPLICATIONS**

The proposed change to the earlier resolution does have financial implications for the City due to the following reasons:

- Broader scope of impact due to the introduction of an additional location – "Tomato Lake area".
- Increased signage requirements.
- Increased staffing requirements to effectively monitor Garvey Park, Tomato Lake and other potentially nominated dog prohibited zones.
- Marketing and communications costs.

It is anticipated that the costs associated with providing these could amount to thousands of dollars, in addition to the ongoing costs of dedicating additional staff resources to manage and enforce the matter.

**ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

**SOCIAL IMPLICATIONS**

There are no social implications associated with this report.

*Item 13.2 Continued*

**OFFICER RECOMMENDATION**

**DAVIS MOVED, SEKULLA SECONDED,**

- A. ***That a motion to revoke or change the resolution at Item 13.2 of the Council Meeting held on 26 February 2019, as detailed below be supported by Council:***

***“That Council agrees to implement a public awareness campaign, introduce a dog free zone on Ron Courtney Island only and fine the owners of unleashed dogs in the Garvey Park area in the environmentally sensitive area.***

***And further, the Council take the following action:***

- 1. The City of Belmont Rangers to have a stronger presence in the Garvey Park area specifically looking for unleashed dogs in the environmentally sensitive areas and fining the owner(s).***
- 2. New signage be placed in the environmentally sensitive areas in and around Garvey Park reminding residents of the rules.***
- 3. Prepare and launch a media campaign reminding the community of the problems associated with unleashed dogs in the Garvey Park area and the penalties.”***

**CARRIED 9 VOTES TO 0**

**DAVIS MOVED, SEKULLA SECONDED,**

- B. ***That the Resolution at Item 13.2 of the Council Meeting held on 26 February 2019, as detailed below be changed as follows:***

***That Council agrees to implement a public awareness campaign and fine owners of unleashed dogs in the Garvey Park area and at Tomato Lake.***

***And further, the Council take the following action:***

- 1. The City of Belmont Rangers to have a stronger presence in the Garvey Park area and at Tomato Lake specifically looking for unleashed dogs in the environmentally sensitive areas and fine owners where it is deemed appropriate or warranted.***
- 2. Appropriate signage be placed in and around Garvey Park and Tomato Lake reminding residents of the rules.***
- 3. Prepare and launch a media campaign reminding the community of the problems associated with unleashed dogs in the Garvey Park and Tomato Lake areas and the penalties.***

*Item 13.2 Continued*

**Cr Wolff put forward the following Procedural Motion.**

**PROCEDURAL MOTION**

**WOLFF MOVED, POWELL SECONDED,**

***B. That the item be referred back to an Information Forum.***

**CARRIED 5 VOTES TO 4**

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

Reason:

Councillors need more information.

**13.3 NOTICE OF MOTION (COUNCILLOR ROSSI) – TREES FOR DEVELOPMENT**

**NATURAL BELMONT**

**ATTACHMENT DETAILS**

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	35/002–Notices of Motion
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil.
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To consider a Notice of Motion prepared by Councillor (Cr) Rossi proposing the City examines planning instruments to require the provision of trees for all new developments within the City of Belmont.

**SUMMARY AND KEY ISSUES**

Councillor Rossi has submitted a Notice of Motion to require the provision of trees for all new developments within the City.

**LOCATION**

Not applicable.

*Item 13.3 Continued*

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Protect and enhance our natural environment.

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

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

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

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

## **POLICY IMPLICATIONS**

### **City of Belmont Urban Forest Strategy 2014**

Through the retention and enhancement of green infrastructure, the City's Urban Forest Strategy aims to secure the urban forest as an asset for future generations.

The strategy identifies the environmental, aesthetic, economic, and social benefits of an urban forest. The strategy sets out targets towards achieving an urban forest for the City of Belmont.

### **State Planning Policy No. 7.3– Residential Design Codes, Volume 2 - Apartments**

Volume 2 of State Planning Policy No. 7.3 (SPP 7.3) outlines the standards for apartment design for Western Australia. The objectives of Part 3.3 of SPP 7.3 are to:

- Maximise retention of existing and appropriate trees and protect the viability of adjoining trees.
- Improve tree canopy in the long term or to offset the reduction of tree canopy caused by development.
- Incorporate deep soil areas or other infrastructure to support planting on structures, with sufficient area and volume to sustain healthy plant and tree growth.

## **STATUTORY ENVIRONMENT**

At this point, there are no specific statutory requirements in respect to this matter. In the course of establishing standards for tree retention and the promotion of canopy cover through development, statutory matters relating to formalising Local Planning Scheme provisions and other local planning instruments would be examined.

*Item 13.3 Continued*

## **BACKGROUND**

Over the years, the development of new housing, businesses and facilities has been increasing to meet the needs of the City's growing community. Trees on development sites have traditionally been removed to make way for these new developments. The loss of tree canopy over the years is an unintended consequence of this urban growth.

The City's Urban Forest Strategy identifies that the presence of tree canopy coverage provide benefits including mental wellbeing and physical health, while creating environments which are calming and enjoyable to occupy.

A Notice of Motion by Cr Rossi reads as follows:

*"That Belmont recognises that tree canopy is vital as trees can help to mitigate some of the negative impacts and social consequences of urbanisation and the City examines practical planning instruments to require new developments in the City to include an appropriate number of trees in proportion to the size of the development site, whether in the residential, mixed use, mixed business, commercial, or industrial zone. The trees provided as part of the development can be existing or new. This draft planning requirement for trees to be incorporated with new development is to go out for public consultation in readiness for the review of the Town Planning Scheme.*

### Reason:

*Increasing tree canopy in the City of Belmont will provide social, environmental and urban design benefits to the community."*

## **OFFICER COMMENT**

While the need to control urban sprawl through the consolidation of urban growth is recognised, it is also necessary to consider appropriate controls to ensure intensification of development occurs in a manner that has due regard for the environment – in particular, encouraging the retention of significant trees, and providing appropriate space on a development site to accommodate trees that meaningfully contribute to canopy cover.

Trees may traditionally have been considered an encumbrance to a development site. This has led to the routine removal of trees when a site is redeveloped. It is necessary to promote a shift in culture towards considering trees to be an asset to a development. In addition to providing health and social benefits to individuals, trees also play an important role in the management of stormwater run-off and heat absorption while enhancing the amenity of the built environment.

The recently released SPP 7.3 (Residential Design Codes (R-Codes), Volume 2–Apartment Design) specifies standards that require all new apartment developments to provide tree canopy and deep soil areas. At this point, the R-Codes do not contain a comparable requirement for single house or grouped dwelling developments. Single houses and grouped dwellings only need to provide 50 percent of the front setback area towards landscaping as a generic requirement. Similarly, Local Planning Schemes have traditionally contained generic requirements for landscaping without mandating the provision of trees that contribute to canopy cover or areas to accommodate such trees.

*Item 13.3 Continued*

Work on the review of the Local Planning Strategy and Local Planning Scheme No. 15 (LPS 15) has commenced. The task includes balancing the needs of development for housing and business, as well as social needs, sustainability and the environment. This involves exploring practical means and suitable standards for tree retention and planting associated with development. It is intended that appropriate standards will be developed for all types of development in the various zones across the City to maximise the potential for canopy growth.

**FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report.

**ENVIRONMENTAL IMPLICATIONS**

Retaining trees and promoting planting to increase tree canopy assists in minimising the urban heat island effect, this leads to financial savings in energy costs associated with cooling of buildings. Trees also increase permeable surface areas while absorbing stormwater; this plays a significant role in reducing flows to stormwater infrastructure.

**SOCIAL IMPLICATIONS**

The presence of trees and green infrastructure within the urban environment can provide cumulative benefits to healthy and sustainability of communities. Conversely, the continued loss of tree canopy exacerbates the urban heat island effect which is likely to lead to health and sociological issues.

**COUNCILLOR RECOMMENDATION**

That Council recognises that tree canopy is vital as trees can help to mitigate some of the negative impacts and social consequences of urbanisation, and the City examines practical planning instruments to require new developments in the City to include an appropriate number of trees in proportion to the size of the development site, whether in the residential, mixed use, mixed business, commercial, or industrial zone. The trees provided as part of the development can be existing or new. This draft planning requirement for trees to be incorporated with new development is to go out for public consultation in readiness for the review of the Town Planning Scheme.

Reason:

Increasing tree canopy in the City of Belmont will provide social, environmental and urban design benefits to the community.

**8.23pm The Manager Governance departed the meeting.**

**8.25pm The Manager Governance returned to the meeting.**



*Item 13.3 Continued*

**Note:**

**Cr Rossi put forward the following Amended Councillor Motion.**

**AMENDED COUNCILLOR RECOMMENDATION**

**ROSSI MOVED, WOLFF SECONDED,**

***Reinforce from the City's Canopy Plan that Council recognises that tree canopy is vital as trees can help to mitigate some of the negative impacts and social consequences of urbanisation, and the City examines practical planning instruments to require new developments in the City to include an appropriate number of trees in proportion to the size of the development site, whether in the residential, mixed use, mixed business, commercial, or industrial zone. The trees provided as part of the development can be existing or new. This draft planning requirement for trees to be incorporated with new development is to go out for public consultation in readiness for the review of the Town Planning Scheme.***

**CARRIED 9 VOTES TO 0**

Reason:

Increasing tree canopy in the City of Belmont will provide social, environmental and urban design benefits to the community.

**14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

- 14.1 STAFF MATTER - CHIEF EXECUTIVE OFFICER - INTERIM REVIEW 2018-2019  
(CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995  
SECTION 5.23(2)(A)(B)(C)(E))**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

Attachment No	Details
Confidential Attachment 4 – Item 14.1 refers	<a href="#">Report Item – Staff Matter – Chief Executive Officer – Interim Review 2018-2019</a>
Confidential Attachment 5 – Item 14.1 refers (Circulated under separate cover)	Chief Executive Officer – John Christie Performance Management Interim Review Submission 2018-2019

**COMMITTEE RECOMMENDATION**

**POWELL MOVED, SEKULLA SECONDED,**

*That Council note the information provided by the Chief Executive Officer on interim progress against the Goals and Targets set by Council for the Officer for the 2018-2019 review year, as indicated in Confidential Attachment 5.*

**CARRIED 9 VOTES TO 0**

- 14.2 STAFF MATTER - CHIEF EXECUTIVE OFFICER – ANNUAL PERFORMANCE APPRAISAL  
PROCESS REVIEW (CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL  
GOVERNMENT ACT 1995 SECTION 5.23(2)(A)(B)(C)(E))**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

Attachment No	Details
Confidential Attachment 6 – Item 14.2 refers	<a href="#">Report Item – Staff Matters – Chief Executive Officer – Annual Performance Appraisal Process Review</a>
Confidential Attachment 7 – Item 14.2 refers	<a href="#">Process Map – CEO Performance Appraisal Process - Current</a>

**COMMITTEE RECOMMENDATION**

**POWELL MOVED, SEKULLA SECONDED,**

*That Council approve arrangements for the Chief Executive Officer Performance Appraisal process as detailed in Option 1 as contained within the confidential report.*

**CARRIED 9 VOTES TO 0**

**Note:**

The Presiding Member advised that in accordance with Section 5.23(2) of the *Local Government Act 1995* that in order to discuss Confidential Item 14.3, then Council will need to go behind closed doors.

8.42pm **RYAN MOVED, CAYOUN SECONDED**, that in accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting proceed behind closed doors to discuss Confidential Item 14.3 - Potential Acquisition of Property.

**CARRIED 9 VOTES TO 0**

8.42pm The members of the public gallery and one member of the press departed the meeting.

**14.3 POTENTIAL ACQUISITION OF PROPERTY (CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(C))**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

Attachment No	Details
Confidential Attachment 8 – Item 14.3 refers	<a href="#">Report Item – Potential Acquisition of Property</a>
Confidential Attachment 9 – Item 14.3 refers	<a href="#">Valuation Report</a>

The Manager Property and Economic Development provided a presentation on this item.

(Refer [Confidential Tabled Attachment 1](#) for further information).

**OFFICER RECOMMENDATION**

**POWELL MOVED, BASS SECONDED**,

***That Council:***

- 1. Delegate authority to the Chief Executive Officer to enter into negotiations for the acquisition of the property for an amount no greater than the described maximum amount as contained in the confidential report.***
- 2. Authorise the use of the Common Seal, where required, on any documentation associated with the acquisition of the property described in this report.***
- 3. Authorise the expenditure of the amount offered plus related ancillary costs to be funded from the City's Land Acquisition Reserve.***

**CARRIED 9 VOTES TO 0**

9.02pm POWELL MOVED, ROSSI SECONDED, that the meeting again be open to the public.

CARRIED 9 VOTES TO 0

9.02pm The meeting came out from behind closed doors. No members of the public returned to the meeting.

**15. CLOSURE**

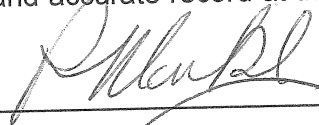
There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 9.02pm.

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**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 28 May 2019 were confirmed as a true and accurate record at the Ordinary Council Meeting held 25 June 2019:

Signed by the Person Presiding: \_\_\_\_\_



PRINT name of the Person Presiding: \_\_\_\_\_

**PHILIP MARKS**