



City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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29 November 2005

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- **Council Attachment 1 – Item 6.2 refers**
- **Council Attachment 2 – Item 10.1 refers**
- **Council Attachment 3 – Item 10.2 refers**
- **BB Attachment 4 – Item 11.1.2 refers**
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- **BEXB Attachment 9 – Item 11.5.1 refers**
- **BEXB Attachment 10 – Item 11.5.2 refers**
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CONFIDENTIAL ATTACHMENTS INDEX – (Issued under separate cover)

- **Confidential Attachment 1 – Item 13.1 refers**
- **Confidential Attachment 2 – Item 13.2 refers**
- **Confidential Attachment 2.1 – Item 13.2 refers**
- **Confidential Attachment 2.2 – Item 13.2 refers**
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- **Confidential Attachment 5 – Item 13.5 refers**
- **Confidential Attachment 5.1 – Item 13.5 refers**

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

MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 29 NOVEMBER 2005, COMMENCING AT 7.01PM

PRESENT

Cr G Godfrey, Mayor	East Ward
Cr P Marks	East Ward
Cr M Bass	East Ward
Cr R Rossi	West Ward
Cr B Martin	West Ward
Cr P Hitt	West Ward
Cr E Teasdale	South Ward
Cr B Whiteley	South Ward
Cr J Powell	South Ward
Cr G Dornford	Central Ward
Cr M Blair	Central Ward

IN ATTENDANCE

Mr Shayne Silcox	Chief Executive Officer
Mr N Deague	Director – Community and Statutory Services
Mr R Lutey	Director – Technical Services
Mr S Cole	Director – Corporate & Governance
Mr P Varris	Manager – Governance
Mr J Blanchard	Principal Legal & Compliance Adviser
Ms S Johnson	A/Agenda & Minutes Officer

MEMBERS OF THE GALLERY

There were 26 attendees in the gallery (includes 8 members of the Adachi Student Delegation).

1. OFFICIAL OPENING

The Mayor opened the meeting at 7.01pm, welcomed those in attendance and invited Cr Bass to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Bass read aloud the affirmation.

2. APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Nil.

2.2 LEAVE OF ABSENCE

Nil.

3. FINANCIAL INTERESTS

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

Other members may allow participation of the declarant if the member further discloses the extent of the interest and the other members decide that the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

Name	Item No.	Nature of Interest (and extent, where appropriate)
Cr Teasdale	11.5.1 (ABF 22/11/05)	Wife honorary secretary of Sister City Association
Cr Dornford	11.5.1, 11.5.4, 13.2 & 13.5 (ABF 22/11/05)	Owner of Belmont Child Care Centre

3.1 DISCLOSURE OF INTEREST THAT MIGHT CAUSE A CONFLICT

Councillors and staff are required (Code of Conduct), in addition to declaring any financial interest, to declare any interest that might cause a conflict. The member / employee is also encouraged to disclose the nature of the interest. The employee / member must consider the nature and extent of the interest and whether it will affect their impartiality. If the member / employee declares that their impartiality will not be affected then they may participate in the decision making process.

Name	Item No.	Details of Interest
Cr Whiteley	13.2 (ABF 22/11/05)	Nominated a person for community service award
Cr Hitt	13.2 (ABF 22/11/05)	Nominated a person for community service award

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

4.1 ANNOUNCEMENTS

4.1.1 Condolences to Former Mayor Peg Parkin, JP, AM

The Mayor advised Council of the sad news of the passing of former Mayor Peg Parkin's son. Condolences and flowers have been sent on behalf of the City of Belmont.

4.1.2 Introduction of the 2006 Sister City Delegation

The Mayor welcomed the delegation and invited the Tour Leader to address the meeting. Cr Martin introduced herself as the Tour Leader for the 2006 Adachi Student Delegation and acknowledged Mr Gil Grant as Chairman of the Sister City Association. Cr Martin congratulated the student delegation members and invited them to give a presentation. The Mayor thanked Cr Martin and the students for their presentation.

4.2 DISCLAIMER**7.08pm The Mayor drew the public gallery's attention to the Disclaimer and the Manager Governance read the Disclaimer aloud.**

No responsibility whatsoever is implied or accepted by the City of Belmont for any act, omission or statement or intimation occurring during Council or Committee meetings.

The City of Belmont disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation or approval made by any member or Officer of the City of Belmont during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Belmont.

The City of Belmont warns that anyone who has any application lodged with the City of Belmont must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the City of Belmont in respect of that application.

The City of Belmont wishes to advise that any plans or documents contained within this agenda may be subject to copy right law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

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

Nil.

4.4 DECLARATIONS BY MEMBERS WHO HAVE RECEIVED AND NOT READ THE 'COUNCILLORS INFORMATION BULLETINS' AS DETAILED IN ITEM 12.1

Nil.

5. PUBLIC QUESTION TIME

7.11pm The Mayor drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that she had registered eight members of the public who had given prior notice to ask questions, these being Mr G Fletcher, Mrs K Fletcher, Mr A Coffin, Ms R Edwards, Ms K Hayes, Ms M Ransome, Mr M Ryan and Mr R Greenwood.

The Mayor invited the public gallery members, who had yet to register their interest to ask a question, to do so. No further registration was forthcoming.

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Mr Michael Ryan, 60 Riversdale Road, Rivervale

At the Council meeting of the 18 October 2005 Mr Ryan asked a series of questions and a summary of responses was sent on 22 November 2005 by the Chief Executive Officer.

1. Who has prepared the briefs for each of the legal opinions obtained by the City regarding the validity of the trust?

The Chief Executive Officer advised that the first Brief went back a period of time ago and that Councils' solicitors had advised Council. The second Brief was prepared by an independent party and the third Brief is prepared by officers of the City of Belmont.

2. Are the trustees aware of these Briefs?

The Mayor advised that the briefs will be presented to Council in due course. Councillors who wish to view the brief(s) and their responses can do so and a number of Councillors have availed themselves of this information.

3. When will Councillors get access to the legal opinions?

The Chief Executive Officer advised that the legal privilege had been requested and that he was unsure at this stage how that information will be forwarded to Councillors. Notwithstanding this, Councillors will have access to all information necessary to make an informed decision on this matter.

4. At the 11 October 2005 Agenda Briefing Forum, Cr Bass had asked whether the land was being used by the Ascot Water Consortium? The answer given was that it was for all of the community. Mr Ryan referred to the access road from Memorial Drive into the Ascot Waters Estate and asked the following:

- (i) Whether this section as I believe is the Boardwalk has been dedicated as a road reserve?

The section of "The Boardwalk" within the Trust land has not been dedicated as a road reserve.

- (ii) If not - why not?

The land is the subject of the Trust.

- (iii) When will this section of road be dedicated?

It is unknown when the road will be dedicated.

5. Mr Ryan referred to page 8 of the Agenda Briefing Forum Notes of the 11 October 2005 at item 11.1.4 and asked what context the word 'courteous' was used in the response to Cr Mark's question and could that be explained?

The word 'courteous' was included erroneously in the Information Matrix from the transcript of the note taker.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5.2.1 Mr Michael Ryan, 60 Riversdale Road, Rivervale

1. Mr Ryan referred to Item 11.1.5, Public Open Space Provision in The Springs Redevelopment and asked:
- a) Given the manner in which this item is being pushed through Council against the wishes of most of the remaining private landowners and there still being a number of issues that have not been fully addressed or resolved, could Council please defer a decision on this item until after the meeting to be held between Landcorp and Landowners on the 14 December 2005? This would allow for the question of Public Open Space contributions to be more comprehensively discussed between the parties most affected by this item.

The Mayor advised that the matter would be considered by Council later this evening.

- b) Given that future meetings of the Trustees of the Grove Farm Trust Land (Belmont Trust) will be open to the public, I would ask – when will the next meeting of the Trust be held and how will this meeting be advertised?

The Chief Executive Officer responded that the Trust Meeting will be open in respect to items that do not proceed otherwise behind closed doors due to confidentiality. Although a date has not been decided for the next meeting, Councillors will be informed as soon as is practical. This meeting will deal with legal advice and would most likely be closed to the public unless some other non-confidential matters are included on the agenda. The meetings will be advertised in the Southern Gazette Newspaper, and by way of the City's normal processes.

5.2.2 Mr Greenwood, questions supplied

1. Mr Greenwood referred to the removal of trees in Garvey Park and asked if the City of Belmont would be establishing a tree register?

The Chief Executive Officer replied that it would be up to Council to determine if a tree register would be established. Additionally, history shows that Council have failed where they attempt to regulate a tree on private property. The Chief Executive Officer also noted that the construction of the Ascot Kayak Club facility was well publicised including the need to remove trees. The Mayor responded that she would provide Mr Greenwood with a copy of Clause 10.13 of Town Planning Scheme No. 14 which gives information regarding tree preservation orders.

2. Mr Greenwood asked whether Councillors had received a DVD titled "A Brickworks In a Wrong Place"?

The Mayor advised that to her knowledge Councillors have received it and encouraged them to view it.

5.2.3 Mrs M Ransome, 369 Acton Avenue, Kewdale

Mrs Ransome referred to Item 11.1.6 and asked:

1. If the wall to the garage were to be moved by 60cms, does Council think that it would be noticed that it had been moved as you drive or even walk by?
2. Does Council believe that 60cm will change the streetscape?

The Mayor advised that this matter will be determined later this evening when the item is debated by Council.

5.2.4 Mrs Kerry Hayes, 57 Riversdale Road, Rivervale

- 1 Why aren't landowners neighbouring the Springs precinct (specifically unit owners) being asked to contribute to the improvement costs of the area?

The Director Community and Statutory Services responded that redevelopment sites of six or more new lots or dwellings are subject to public open space provisions. There is no time limit on this provision, it is only when the landowners decide to demolish and redevelop that they will be required to contribute public open space or a cash contribution.

5.2.5 Mr A Coffin, 9/12 King George Street, Victoria Park

1. Mr Coffin said that at the Agenda Briefing Forum, it was suggested that the structure plan would be finalised or agreed within approximately 3-5 months (April 06). He asked whether this agreement was on the 'overall concept' of the structure plan or would this be a position where all road construction, and reticulation of services would be planned, costed and ready for construction?

The Director Community and Statutory Services responded that the time frame refers to the Amendment itself and that the five months that he had previously made reference to was the estimation of time that it would take for the Amendment to be passed by the Department of Planning and Infrastructure. He added further that he would suggest that it may be another eight months for the Minister for Planning and Infrastructure to process the Amendment. However, the Director stated that in the meantime, the groundworks of the project could be continued and liaison with the landowners would continue in this time. He hoped to finalise the process as soon as possible.

5.2.6 Mrs K Fletcher, 377 Fisher Street, Cloverdale

1. Mrs Fletcher asked why there had been so many delays in finalising the redevelopment?

The Mayor responded that the process of proceeding with the Amendment was out of the City's control. The Director Community and Statutory Services replied that in this particular case the Amendment is actually independent from the actual redevelopment process. Although the Amendment process was out of the City's control, it was possible that time could be saved by setting out the costings and framework etc of the development whilst the Amendment process was proceeding.

2. Mrs Fletcher stated that she had had conflicting advice over a long period of time as to who would be initially paying for the redevelopment?

The Director Community and Statutory Services replied that that decision was for Council to decide, however, he did not see a problem in principle with Council pre-funding the development and then seeking reimbursement from landowners once they had subdivided their properties.

5.2.7 Mr Gavin Fletcher, 377 Fisher Street, Cloverdale

1. Mr Fletcher asked whether initial funding for the redevelopment could come from Council.?

The Mayor replied that the Director Community and Statutory Services had already replied yes to this question.

2. Mr Fletcher stated that the Director Community and Statutory Services had outlined a five month period for the Amendment to be passed by the Department of Planning and Infrastructure and asked if the landowners were looking at a 13 month period before the future of Dodd Reserve could finally be settled.

The Director Community and Statutory Services replied that he estimated it would be a 12-13 month period before the Minister for Planning and Infrastructure would be granting final approval for the Amendment.

5.2.8 Mr Michael Ryan, 60 Riversdale Road, Rivervale

1. Mr Ryan noted that the security camera in Cracknell Park has been damaged and then asked if Council could liaise with Landcorp to change the meeting date with landowners prior to the 14 December 2005 so that landowners can attend the Annual Electors Meeting?

The Mayor advised that this could be discussed during debate on the matter this evening.

2. Given the Boardwalk in Ascot Waters and its dedication formed part of my previously asked questions, I would ask why this road and Memorial Drive do not appear in the latest addition of the Belmont Districts local information guide?.

The Mayor stated that the local information guide was published by the Rotary Club not the City of Belmont.

5.2.9 Mr Gavin Fletcher, 377 Fisher Street, Cloverdale

1. Mr Fletcher asked for confirmation that the subdivision could proceed without the final approval from the Department of Planning and Infrastructure and construction of roads and installation of services could proceed accordingly?

The Director Community and Statutory Services replied that the subdivision would still require an application to be lodged with the Planning Commission and that it would be an application for subdivision of the entire area. Prior to this the landowners would need to come to an agreement about costs.

5.2.10 Mr Greenwood, 151 Coolgardie Avenue, Redcliffe

1. Mr Greenwood asked how many Councillors had received and read the WAC major development plan proposal for the brickworks?

The Mayor replied that Council had received the report and Officers have prepared reports summarising the issues to enable Council to make appropriate decisions on the matter.

****7.41 pm** There being no further time remaining, the Mayor declared Public Question Time closed.

6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX**6.1 ORDINARY COUNCIL MEETING
HELD 8 NOVEMBER 2005**

BLAIR MOVED, WHITELEY SECONDED, that the minutes of the Ordinary Council Meeting held on 8 November 2005 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 11 VOTES TO 0

**6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM
HELD 22 NOVEMBER 2005****

****Council Attachment 1 – Item 6.2 refers**

HITT MOVED, MARTIN SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 22 November 2005 as circulated in the attachment, be received and noted.

CARRIED 11 VOTES TO 0

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

DISCLAIMER: Where the City's Administration has provided any assistance to a Councillor, with the framing and / or wording of any motion / amendment / question to the Council, who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion / amendment is solely that of the intended mover and not that of the officer / officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by the City's administration to the Council meeting considering the motion.

Nil.

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

Nil.

9. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

10. REPORTS OF COMMITTEES

NOTE: Council in receiving and noting the Minutes of Standing Committee are not adopting or in anyway endorsing the recommendations or comments contained therein. Committee Recommendations will be the subject of separate reports to Council at this or a future Council Meeting, at which time Council will consider the matter.

**10.1 STANDING COMMITTEE (ENVIRONMENTAL) MEETING
HELD 14 NOVEMBER 2005******Council Attachment 2 – Item 10.1 refers**

TEASDALE MOVED, BLAIR SECONDED, that the minutes of the Standing Committee (Environmental) Meeting held on 14 November 2005 as circulated in the attachment, be received and noted.

CARRIED 11 VOTES TO 0**10.2 STANDING COMMITTEE (AUDIT AND RISK) MEETING
HELD 15 NOVEMBER 2005******Council Attachment 3 – Item 10.2 refers**

WHITELEY MOVED, BLAIR SECONDED, that the minutes of the Standing Committee (Audit and Risk) Meeting held on 15 November 2005 as circulated in the attachment, be received and noted.

CARRIED 11 VOTES TO 0

11. REPORTS OF ADMINISTRATION

NOTE: Regulation 11(da) of the Local Government (Administration) Regulations 1996 requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration).

11.1 BUILT BELMONT**WITHDRAWN ITEMS**

Item 11.1.5 was withdrawn at the request of Cr Bass
 Item 11.1.6 was withdrawn at the request of Cr Blair
 Item 11.1.7 was withdrawn at the request of Cr Marks
 Item 11.1.8 was withdrawn at the request of Cr Dornford
 Item 11.1.9 was withdrawn at the request of Cr Rossi

POWELL MOVED, BASS SECONDED, that with the exception of Items 11.1.5 to 11.1.9, which are to be considered separately, the Officer Recommendation in the Built Belmont Key Result Area Report, specifically Items 11.1.1 to 11.1.4, be adopted en bloc.

CARRIED BY ABSOLUTE MAJORITY 11 VOTES TO 0

11.1.1 City of Belmont Town Planning Scheme No. 14 – Amendment No. 43 (To introduce draft model scheme text provisions for structure plans and detailing four areas within the City requiring structure plans)

Report by Community & Statutory Services Division
 - Planning Services

DATE

7 November 2005

PURPOSE OF REPORT

To consider final adoption of Amendment No. 43 to the City of Belmont Town Planning Scheme No. 14, following formal advertising of the proposal.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

To consider final adoption of Amendment No. 43 to the City of Belmont Town Planning Scheme No. 14 with modifications, following formal advertising of the proposal.

*Item 11.1.1 Continued***Officer Recommendation Summation**

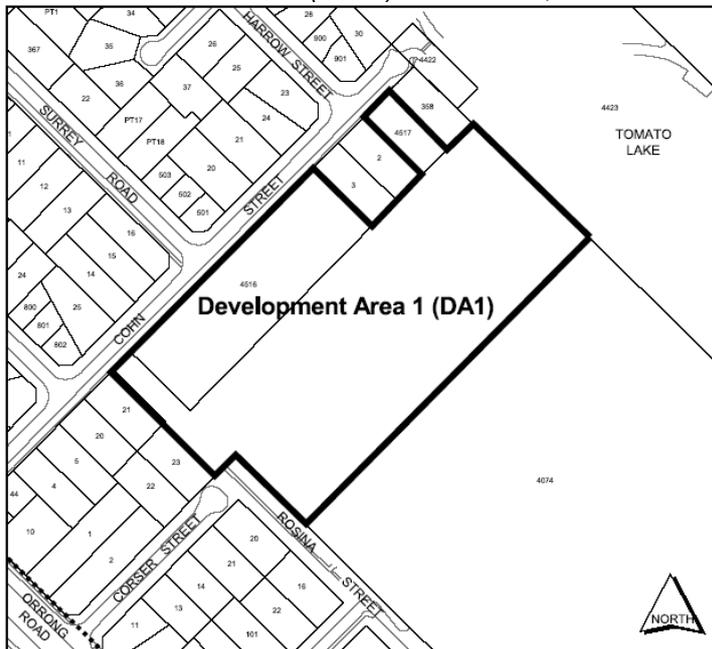
That Council:

1. Dismiss the submissions lodged by Main Roads Western Australia, Alinta Gas, Water Corporation, Western Power, M & A Davis, A Coffin, J Crofts and G Fletcher.
2. Adopt Amendment No. 43 to the City of Belmont, Town Planning Scheme No. 14 with the following modification:
 - (a) Inclusion of Lot 3 (96) Cohn Street, Lot 2 (98) Cohn Street and Lot 358 (102) Cohn Street, Kewdale in Development Area 1.

and seek the Minister for Planning and Infrastructure approval of the amendment.
3. Advise those who made a submission of the Council's decision.

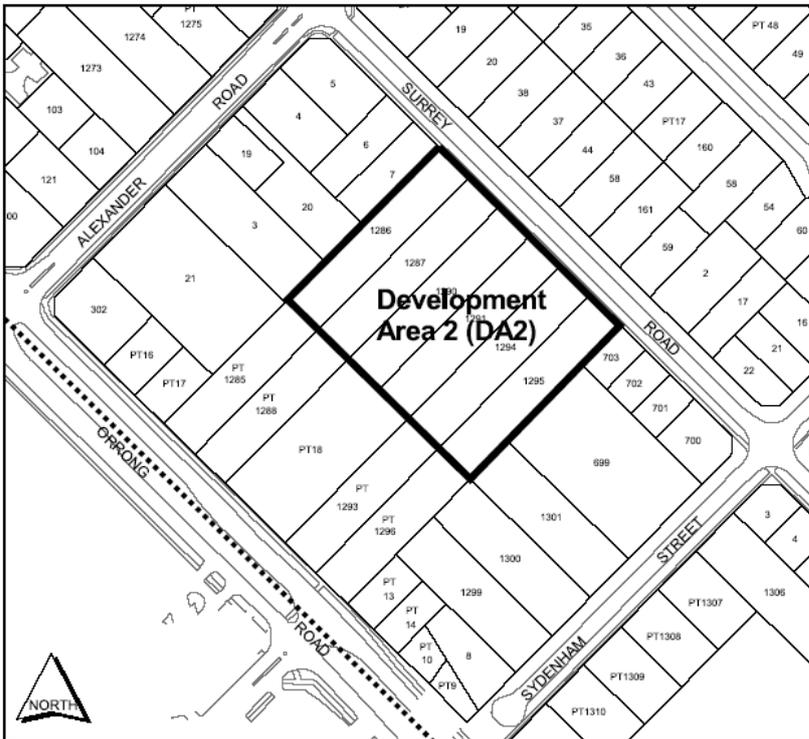
LOCATION

Development Area 1 - Location 4074 (147-159) President Street Location 4517 (100) Cohn Street and Location 4516 (84-94) Cohn Street, Kewdale.

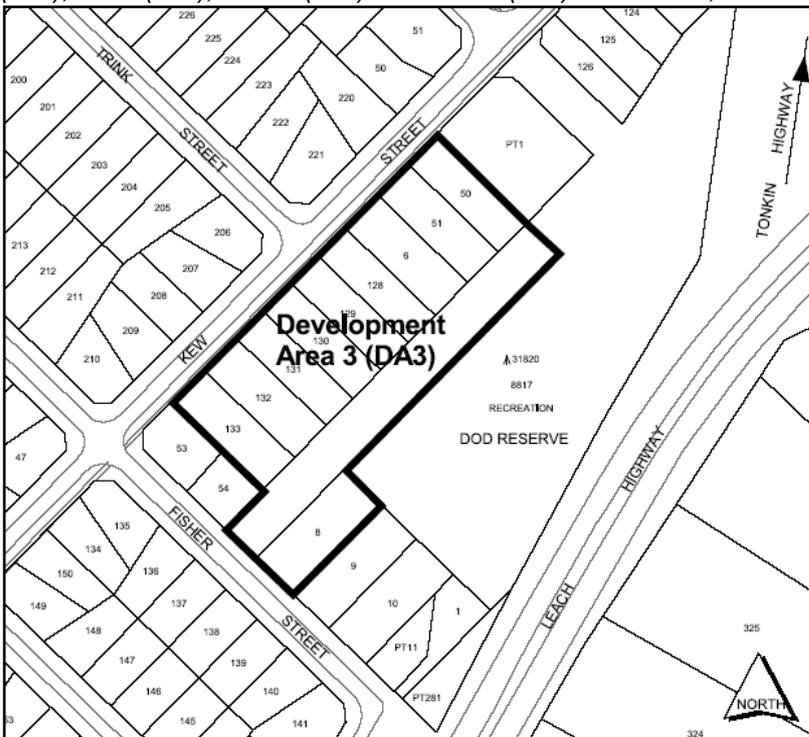


Development Area 2 - Portion of Orrong Road Superblock bounded by Orrong Road, Alexander Road, Surrey Road and Sydenham Street – Lot 1286 (194), Lot 1287 (196), Lot 1290 (198), Lot 1291 (200), Lot 1294 (202) and Lot 1295 (204) Surrey Road, Rivervale.

Item 11.1.1 Continued

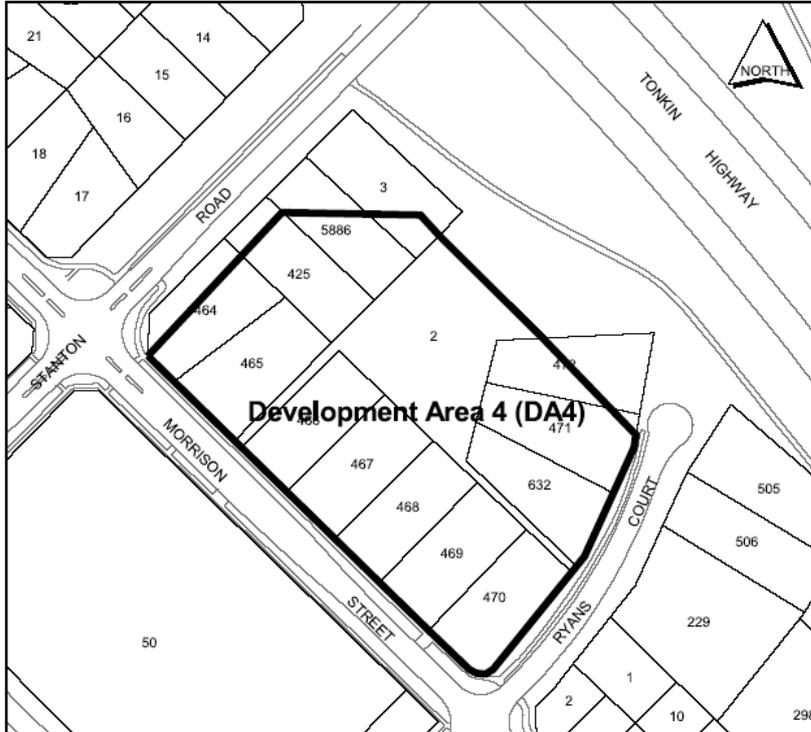


Development Area 3 - Land fronting Kew Street and abutting Dod Reserve - Lot 8 (377) Fisher Street; and Lot 133 (356), Lot 132 (364), Lot 131 (366), Lot 130 (368), Lot 129 (370), Lot 128 (372), Lot 6 (374), Lot 51 (376) and Lot 50 (378) Kew Street, Cloverdale.



Item 11.1.1 Continued

Development Area 4 - Land bounded by Ryans Court, Morrison Street, Stanton Road and Tonkin Highway Redcliffe - Lot 425 (68), Lot 5886 (70) and Lot 3 (72) Stanton Road; and Lot 464 (59), Lot 465 (61), Lot 466 (63), Lot 467 (65), Lot 468 (67), Lot 469 (69) and Lot 470 (71) Morrison Street; and Lot 2 (3), Lot 632 (5), Lot 471 (7) and Lot 472 (9) Ryans Court, Redcliffe.



APPLICANT

Not applicable.

FILE REFERENCE

116/084 Town Planning Scheme No. 14 - Amendment No. 43

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

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

Item 11.1.1 Continued

Amendment No. 43 was advertised from the 8 August 2005 to the 23 September 2005. At the conclusion of the advertising period, eight submissions were received.

The submission table is included below. **Copies of the full submissions are available to Councillors on request.**

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

No	Name and Address	Description of Affected Property, Lot No., Street, etc.	Resume of Submission	Council Recommendation
1.	T Hazebroek Traffic Manager Main Roads Western Australia PO Box 6202 EAST PERTH WA 6892		The proposal does not affect roads under Main Roads control and as such no comment is made.	Dismissed.
2.	M & A Davis 4 Ryans Court REDCLIFFE WA 6104	4 Ryans Court, Redcliffe	As residents of Ryans Court, we are interested in any development in the area. We would not like to see a road cut through in to the area from Ryans Court, as this would make what is now a quiet street into a thoroughfare.	Dismissed. All structure plans would undergo advertising so residents would have the opportunity to comment on road design / layouts.

No	Name and Address	Description of Affected Property, Lot No., Street, etc.	Resume of Submission	Council Recommendation
3.	L Searle Alinta GPO Box W2030 PERTH WA 6846		If the Gas Network is affected by the proposal and Alinta works are required then the following conditions must be met: <ul style="list-style-type: none"> All work carried out on Alinta's existing network to accommodate the proposed subdivision/amalgamation or any development will be at the proponent's expense. Alinta requires one month's notice prior to the commencement of the work on site. Notice should be given to the Project Coordinator at Alinta Network Services. 	Dismissed. All structure plans would be referred to relevant servicing authorities for specific comment.
4.	A Coffin 9/12 King George Street VICTORIA PARK WA 6100	375 Kew Street, Cloverdale	At this point in time, still in full support of the Council's original proposal to redevelop and construct a road access off Fisher Street (behind the rear of the existing properties) resulting in a new street block frontage to exist. As listed by Council, this proposal would greatly improve the added value to DOD reserve precinct and its surround. -Take place without affecting existing streetscape. - The proposed new lots will have a pleasant aspect to the recreation reserve. -The security of the property is better. - Revegetation of the bushland areas will improve the value of the precinct. It has been indicated that the project has received favourable support from the owners, however with an	Dismissed. Comments regarding financial contributions noted. This matter will be resolved as part of the Structure Plan process.

Item 11.1.1 Continued

			<p>expectation that Council fund the project.</p> <p>I believe that there has to be a medium of compromise between both Council and owners to ensure the viability of the project. Whilst I am not adverse to some form of contribution to the Council to assist financing the project, I firmly believe that although the owners will result in the immediate financial gains as a result of selling / developing the new land acquisition, the Council will stand to gain notably more so in the long term.</p> <p>Possible options to consider:</p> <ul style="list-style-type: none"> • Possible funding from Council, with covenants to be drawn on the saleable land which are to be settled on the sale of the land OR prior to Council building approval on these new lots. • If all owners approve the possible division, asking the Council to tender out to any interested property development business to purchase the vacant land at the rear of the properties in question at an agreed \$per sq metre basis. 	
5.	J Crofts 370 Kew Street CLOVERDALE WA 6105	370 Kew Street, Cloverdale	Support the amendment and request to be kept informed of the amendment.	Dismissed.
6.	<p>Petition G Fletcher 377 Fisher Street CLOVERDALE WA 6105</p> <p>S & D Illich 356 Kew Street CLOVERDALE WA 6105</p> <p>P Kane 364 Kew Street CLOVERDALE WA 6105</p> <p>J Crofts 370 Kew Street CLOVERDALE WA 6105</p> <p>W Anderson & N Hogarth 372 Kew Street CLOVERDALE WA 6105</p> <p>J Tally 374 Kew Street CLOVERDALE WA 6105</p> <p>A Coffin 376 Kew Street CLOVERDALE WA 6105</p> <p>A & K Lind 378 Kew Street CLOVERDALE WA 6105</p>	<p>377 Fisher Street, Cloverdale 356 Kew Street, Cloverdale 364 Kew Street, Cloverdale 370 Kew Street, Cloverdale 372 Kew Street, Cloverdale 374 Kew Street, Cloverdale 376 Kew Street, Cloverdale 378 Kew Street, Cloverdale</p>	<p>Owners are supportive of the future subdivision potential of their properties in accordance with the proposed road being constructed off Fisher Street.</p> <p>Agree that the development will be beneficial for the preservation of the Dod Reserve, improved security for the area and better use of the land for development compared with battleaxe subdivision.</p> <p>The owners in general accept that a financial commitment will be required on their behalf, however, feel that the Council should also bear some of the financial commitment based on future returned through Council rates, building applications etc.</p>	<p>Dismissed.</p> <p>Comments regarding financial contributions noted. This matter will be resolved as part of the Structure Plan process</p>

Item 11.1.1 Continued

No	Name and Address	Description of Affected Property, Lot No., Street, etc.	Resume of Submission	Council Recommendation
7.	Ms Barbara McIntyre Project Officer Land Development Branch Water Corporation PO Box 100 LEEDERVILLE WA 6902		<p>The principle followed by the Water Corporation for the funding of subdivision, development or redevelopment is one of user pays. The developer is expected to provide all water and sewerage reticulation, fund the full cost of protecting, relocating or modifying any existing Water Corporation facilities or infrastructure which may be affected by the development and to make a headworks contribution. In addition the developer may be required to fund new works or the upgrading of existing works to provide for the increased demand resulting from the development.</p> <p>While the area is currently serviced by water, sewer and drainage infrastructure the proposed changes to the landuse may require upgrades to be made to accommodate intensified development. These will need to be considered when development proposal are lodged.</p> <p>Comments on DA1: The nearby pump station servicing the area may require upgrading depending on development plans. Additionally, there are existing services on the site protected by an easement.</p> <p>Comments on DA2: There are services at the rear of the site protected by an easement.</p> <p>Comments on DA3: Existing services at the rear are not protected by an easement. The relocation or modification of these services might be required if the area is to be developed.</p> <p>Comments on DA4: There is presently an unprotected sewer running into the proposed area which will require relocation or protection by an easement or road reserve.</p>	Dismissed.
8.	Gene Matthews Customer Services Officer Network Customer Services Branch Western Power 85 Prinsep Road JANDAKOT WA 6164		Western power wish to advise that there are no objections to the works you propose to carry out for the above mentioned project.	Dismissed.

STRATEGIC PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

The proposed Scheme Amendment will strengthen existing policy recommendations in regard to the Local Planning Policy (LPP) No 1 'Performance Criteria for Medium Density Residential Development' and LPP No 11 'Orrong Road'.

*Item 11.1.1 Continued***STATUTORY ENVIRONMENT**

The WAPC produced draft Model Scheme Text provisions for Structure Plans. The key characteristics of the provisions are:

- A Structure Plan may relate to a Development Area or part of a Development Area. The Development Area is to be identified on the Scheme Map. Development Areas may correspond with Development Zones or other zones. Development Areas, however, need not necessarily follow zone and reserve boundaries and it is possible for them to overlap different zones and reserves. The provisions of the special control area apply in addition to the provisions applying to any underlying zone or reserve, and the general provisions of the Scheme.
- The scope and content of Structure Plans is flexible and depends upon the planning requirements of the Development Area to which the Proposed Structure Plan relates. A Proposed Structure Plan is to include such detail as, in the opinion of the local government, is necessary to satisfy the planning requirements of the Development Area.
- Subdivision and development in a Development Area is to generally be in accordance with the Structure Plan that applies to that Development Area.
- A Proposed Structure Plan may be prepared and submitted by a landowner, landowners or prepared by the local government. A Proposed Structure Plan must be advertised, adopted by the local government and approved by the Western Australian Planning Commission (WAPC).
- The Commission is not required to endorse the local government's determination that a Proposed Structure Plan is satisfactory for advertising. However, a decision of the local government not to advertise a Proposed Structure Plan, to seek modifications before advertising or a deemed refusal to advertise may be considered by the Commission at the proponent's request. An appeal to the State Administrative Tribunal lies from the decision of the Commission on the issue of advertising.
- A Structure Plan is operative once it has been both adopted by the local government and approved by the Commission. Minor changes or departures from a Structure Plan may be adopted by the local government and notified to the Commission. Other changes or departures must go through the same process as the making of a Structure Plan itself.
- A detailed area plan may also be prepared and submitted to enhance, elaborate and expand on the details or provisions contained in a Proposed Structure Plan or Structure Plan, as an alternative to development approval under clause 2.5 of the Residential Planning Codes or for any other planning purpose. A detailed area plan may include information considered relevant by the local government. A right of appeal exists from the local government's decision regarding approval of a detailed area plan, or variation or modification to a detailed area plan.
- The provisions enable Structure Plans to refer to Scheme zones and reserves. Where they do so, these in effect incorporate the provisions of the Scheme as they apply to those particular zones and reserves. This enables the development standards and requirements of the Scheme for different forms of development to be incorporated into and apply to the Structure Plan.

Item 11.1.1 Continued

- Except in relation to the local government's decision on detailed area plans and minor changes or departures from a Structure Plan, all appeal rights are in relation to determinations of the Commission. The introduction of an appeal right from the Commission's decision following a local government decision was considered appropriate given that Structure Plans are required to be approved by the Commission.

The report recommends that the draft Structure Plan provisions be incorporated into Town Planning Scheme No. 14.

The Town Planning and Development Act has statutory requirements and processes for all Town Planning Scheme Amendments including referral to the Environmental Protection Authority, public advertising, and seeking final approval from the WAPC and Hon Minister for Planning and Infrastructure.

BACKGROUND

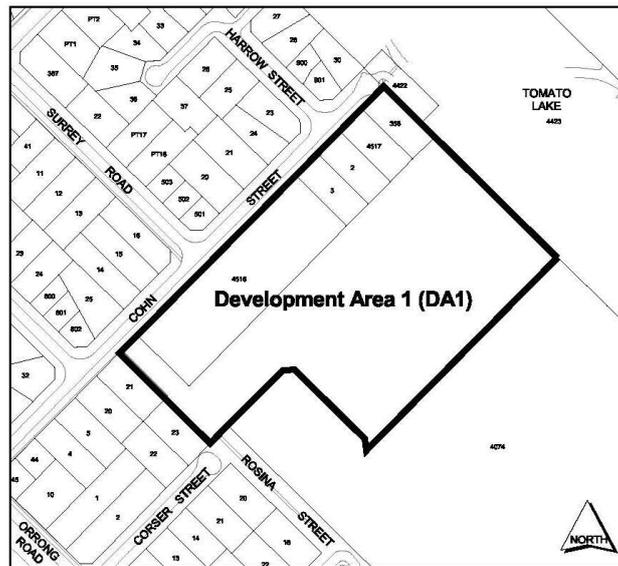
At the Council Meeting of 28 September 2004, Amendment No. 43 was initiated for the purposes of public advertising. The Amendment proposed to introduce draft model scheme text provisions for structure plans and detailing four areas within the City requiring structure plans for:

Development Area 1	<i>Location 4074 (147-159) President Street Location 4517 (100) Cohn Street and Location 4516 (84-94) Cohn Street, Kewdale.</i>
Development Area 2	<i>Portion of Orrong Road Superblock bounded by Orrong Road, Alexander Road, Surrey Road and Sydenham Street – Lot 1286 (194), Lot 1287 (196), Lot 1290 (198), Lot 1291 (200), Lot 1294 (202) and Lot 1295 (204) Surrey Road, Rivervale.</i>
Development Area 3	<i>Land fronting Kew Street and abutting Dod Reserve - Lot 8 (377) Fisher Street; and Lot 133 (356), Lot 132 (364), Lot 131 (366), Lot 130 (368), Lot 129 (370), Lot 128 (372), Lot 6 (374), Lot 51 (376) and Lot 50 (378) Kew Street, Cloverdale.</i>
Development Area 4	<i>Land bounded by Ryans Court, Morrison Street, Stanton Road and Tonkin Highway Redcliffe - Lot 425 (68), Lot 5886 (70) and Lot 3 (72) Stanton Road; and Lot 464 (59), Lot 465 (61), Lot 466 (63), Lot 467 (65), Lot 468 (67), Lot 469 (69) and Lot 470 (71) Morrison Street; and Lot 2 (3), Lot 632 (5), Lot 471 (7) and Lot 472 (9) Ryans Court, Redcliffe.</i>

OFFICER COMMENT

The submissions received during the advertising period have revealed general support from the affected landowners. Comments in regard to final design layout and financial contributions will be resolved during the Structure Plan process.

In relation to proposed DA1 area it is proposed to expand the area to incorporate three lots which essentially form part of the super block which incorporates the Australian Islamic College residential subdivision. The proposed modification to the Amendment will permit the orderly and proper planning of this area and will allow integration of the identified three additional land holdings.

Item 11.1.1 Continued

It is recommended that the Amendment be adopted in a modified form and forwarded to the Hon. Minister for Planning for final approval.

FINANCIAL IMPLICATIONS

A Scheme Amendment incurs costs for advertising and consultation.

ENVIRONMENTAL IMPLICATIONS

Coordinated planning through the preparation of structure plans ensures a good built outcome and can allow for better coordination of servicing and access having regard for environmental impacts of development.

ATTACHMENT DETAILS

Nil

OFFICER RECOMMENDATION

That Council:

1. ***Dismiss the submissions lodged by Main Roads Western Australia, Alinta Gas, Water Corporation, Western Power, M & A Davis, A Coffin, J Crofts and G Fletcher.***
2. ***Adopt Amendment No. 43 to the City of Belmont, Town Planning Scheme No. 14 with the following modification:***
 - (a) ***Inclusion of Lot 3 (96) Cohn Street, Lot 2 (98) Cohn Street and Lot 358 (102) Cohn Street, Kewdale in DA1 and seek the Minister for Planning and Infrastructure approval of the amendment.***
3. ***Advise those who made a submission of the Council's decision.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.1***

11.1.2 Rescission of Local Planning Policy No. 24 – Outbuilding Setbacks**

*****Absolute Majority Required*****

****BB Attachment 4 – Item 11.1.2 refers**

Report by Community & Statutory Services Division
- Planning Services

DATE

4 November 2005

PURPOSE OF REPORT

Council to revoke Local Planning Policy No. 24 – Outbuilding Setbacks.

SUMMARY AND KEY ISSUES

Summary and Key Issues

Local Planning Policy No. 24 contains provisions to clarify outbuilding setbacks. The final gazettal of Amendment No. 12 has made Local Planning Policy No. 24 redundant. As a result, the Policy is proposed to be rescinded.

Officer Recommendation Summation

That Council rescind Local Planning Policy No. 24 – Outbuilding Setbacks in accordance with Town Planning Scheme No. 14 Clause No. 2.6(b).

LOCATION

All land within the City of Belmont to which the Residential Design Codes may be applied excluding the ‘Residential and Stables’ and ‘Special Development Precinct’ zones.

APPLICANT

Not Applicable

FILE REFERENCE

116/071 – Local Planning Policy No. 24

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

Item 11.1.2 Continued

VOTING REQUIREMENT

Absolute Majority required at the time Council deals with the matter.

CONSULTATION

Formal notice of the rescission of a Local Planning Policy must be published twice in the Southern gazette.

STRATEGIC PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

The final gazettal of Amendment No. 12 has made Local Planning Policy No. 24 redundant. As a result, the Policy is proposed to be rescinded.

STATUTORY ENVIRONMENT

Clause 10.3.1.7 of Scheme 14 states:

“The development of outbuildings within the Residential Zone shall be subject to the following controls:

- (a) The maximum area of outbuilding(s) that shall be permitted to be erected on a Residential lot shall be no more than 90m² for single residential purposes.*
- (b) Council may, in extenuating circumstances, approve the erection of no more than two (2) outbuildings with a maximum aggregate of 120m².*
- (c) No outbuilding shall be constructed with a wall higher than 3.6 metres, including the height of the parapet above the natural ground level at the centre of point of the site.*
- (d) All applications for outbuildings shall be assessed in accordance with the setback and site coverage requirements under the Residential Planning Codes.*
- (e) Council’s prior Planning Approval is required for the erection of one outbuilding exceeding 90m², or any outbuilding which causes the aggregate area of outbuildings to exceed 90m² for the same property.*
- (f) No outbuildings shall be permitted on land developed with grouped dwellings with the exception of a 4m² storeroom required for each grouped dwelling unit in accordance with the Residential Planning Codes, or where otherwise provided for under the Scheme.*
- (g) Council may consider outbuildings for grouped dwelling lots, where the aggregate lot area exceeds 900m², and the development potential cannot exceed two strata lots, or two dwelling units on the property.*
- (h) Planning Approval is required for any outbuilding on land developed with grouped dwellings.*

Item 11.1.2 Continued

- (i) *No outbuilding shall be erected forward of the front setback determined for any lot unless:*
- (i) *the outbuilding is constructed of materials which complement the residential component of a development in terms of style, materials, colours and roof pitch;*
 - (ii) *the outbuilding can be adequately screened from public view if considered necessary by the Council; and*
 - (iii) *the outbuilding is constructed of materials to match the existing residence and such upgrading of an existing residence as may be required is carried out to the satisfaction of the Council.*
- (j) *Any outbuilding that, in the opinion of Council, does not comply with Clause 10.3.1.7 (i.) shall require the lodgement of a planning application.*
- (k) *In considering any variation to Clause 10.3.1.7 (i.), Council shall take into consideration the impact of the proposal on the existing streetscape, the existing setbacks in the street, and impact on amenity."*

Clause 2.5 of Scheme 14 specifies procedures for rescinding a Local Planning Policy.

BACKGROUND

Policy No. 24

Local Planning Policy No. 24 was adopted by Council in March 2004 (Item 10.4.5, 15/03/2004 PDC minutes refers), as an interim measure until the finalisation of Amendment 12. The Policy requires:

"Outbuildings to be in matching materials and roof pitch, but where they are behind the front setback line for a lot specified under the residential design codes, impose no requirements for upgrading of the existing residence or screening on such a proposal."

The final gazettal of Amendment No. 12 has made Local Planning Policy No. 24 redundant, as this requirement is now contained within the Scheme text.

Amendment 12

Town Planning Scheme No. 14 Amendment 12 was initiated by Council in March 2001 (Item 8.4.2, 19/03/2001 PDC minutes refers), to correct anomalies and clarify certain provisions in the Scheme Text and the Scheme Map.

The amendment included modifications to the Scheme provisions relating to outbuildings within the Residential zone. The amendment has been granted final approval by the Hon. Minister for Planning and Infrastructure, and was gazetted on 21 October 2005. The resultant Clause 10.3.1.7 is included under 'Statutory Environment'.

*Item 11.1.2 Continued***Amendment 47**

Draft Amendment No. 47 was adopted by Council for advertising at the May 2005 (Item 13.1, 03/05/05 OCM minutes refers). Amendment 47 contains provisions to clarify Council's interpretation of 'Front Setback' by introducing the following definition:

"Front setback means the lesser of the area between the street alignment and:

- (a) the prolongation of the front alignment of a building on the abutting lot; and*
- (b) the standard set by the Scheme or by Table 1 of Residential Design Codes as the case may be, for the primary street setback for a building constructed on the lot."*

Advertising of Amendment 47 will conclude on Friday, 2 December 2005. The definition of front setback will be read in conjunction with Clause 10.3.1.7(h) on finalisation of the amendment.

OFFICER COMMENT

The provisions of Town Planning Scheme No 14 now provide comprehensive controls for outbuildings within the Residential zone. The Outbuilding Setbacks Policy is therefore no longer required.

It is recommended that Local Planning Policy No. 24 be rescinded. A fact sheet explaining the new Scheme requirements for outbuildings is being prepared by the Planning Department to be published on the Internet and displayed at the front counter.

FINANCIAL IMPLICATIONS

There are no financial implications to Council relating to this Item.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
4	Draft Local Planning Policy No. 24 – Outbuilding Setbacks

OFFICER RECOMMENDATION

******That pursuant to Town Planning Scheme No. 14 Clause No. 2.6(b), Council rescind Local Planning Policy No. 24 – Outbuilding Setbacks, by publishing formal notice in two subsequent weeks of the Southern Gazette.***

*****ABSOLUTE MAJORITY REQUIRED**

**OFFICER RECOMMENDATION ADOPTED BY ABSOLUTE MAJORITY EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.1**

11.1.3 Short Track Program – Agreement Between the City of Belmont and Western Australian Planning Commission

Report by Community & Statutory Services Division
- Planning Service

DATE

2 November 2005

PURPOSE OF REPORT

To advise Council of an agreement between the City of Belmont and Western Australian Planning Commission to expedite processing of small subdivision and survey strata applications.

SUMMARY AND KEY ISSUES

Summary and Key Issues

- Subdivision and survey strata applications are lodged with the Western Australian Planning Commission (WAPC) and all fees are paid to the WAPC.
- The WAPC refers applications to other authorities for a 42 day comment period, including the relevant local government.
- The WAPC determines applications within 90 days, unless extra time is agreed to by the applicant.
- Short Track is a program aimed at reducing application processing times.
- There is an agreement between the City of Belmont and the WAPC to trial short track for a 12 month period.

Officer Recommendation Summation

It is recommended that Council thank the Western Australian Planning Commission for the opportunity to participate in the innovative short track program and advise that the Council considers that the program will have substantial customer service benefits.

LOCATION

City of Belmont

APPLICANT

Not applicable.

Item 11.1.3 Continued

FILE REFERENCE

82/002 General Correspondence & Information

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

No consultation is required.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

No Policy implications are evident.

STATUTORY ENVIRONMENT

The Administrative Agreement between the City of Belmont and Western Australian Planning Commission sets out the parameters and procedures to administer referrals made under Section 24(1) of the Town Planning and Development Act, 1928.

BACKGROUND

In late 2004, the Western Australian Planning Commission approached the City of Belmont seeking its involvement in a trial program to try and reduce processing times for the smaller subdivision and survey strata applications.

OFFICER COMMENT

Description of Short Track

Short Track is aimed at significantly reducing processing times for those smaller 2-3 lot, straight forward subdivision and strata applications.

In summary, Short Track involves the following;

- The WAPC inputs all application data into the short track program.
- There are criteria for applications that will be eligible to be short tracked (eg smaller, 2-3 lot subdivisions in the R20 areas).

Item 11.1.3 Continued

- Applications are electronically referred to the City of Belmont via a secured website.
- The City has agreed to provide recommendations on short track applications within 15 days. The Commission will determine short track applications within 30 days.
- The City has the ability to reject an application from short track however must notify the WAPC within 48 hours of the rejection.
- The City completes its recommendations on the application on the website. The response is sent back to the Commission electronically.
- All information, including plans, can be downloaded from the website.
- The website can only be accessed by authorised officers and is not available to the public.

The short track program is not being advertised to the general public during the trial period.

City of Belmont Involvement

Council Officers have dedicated time and resources to assist the WAPC with this project and have been involved in the following;

- Initial informal discussions with Officers from the Department for Planning and Infrastructure;
- Attending regular Reference Group meetings to discuss the parameters of short track, and how it will operate. Reference group meetings have involved four other participating local governments (Stirling, Bayswater, Canning & Melville).
- Providing feedback on specific documents, standard conditions, and operation parameters.
- Assisting in the testing of software and processing a series of 'test' applications on line.

Benefits of Short Track

Whilst it has taken some resources to participate in the short track program, Council's Planning Department has found the experience beneficial. Some of the benefits of participating in these types of programs are;

- The City has input into the program, which is likely to be extended to other local governments in the longer term.
- The reduced processing times will benefit the City's customers.
- There are reduced postage costs as applications are responded to 'on line'.
- Streamlining of the City's processes for short track subdivisions/ survey stratas.
- Council Officers have established new relationships and contacts with Officers within the WAPC.

Item 11.1.3 Continued

- Any future promotion of the success of short track will also provide good publicity for the City, as one out of five participants.

Conclusion

Recent testing of the short track electronic referral program proved successful. The program went live on the 1 November 2005. It is estimated that at least 64 applications in the City of Belmont will go through the short track program. All of these applications will be assessed by the Senior Planning Officer.

The Commission has successfully implemented an innovative user friendly program, and Council's Planning Department is pleased to have the opportunity to participate.

FINANCIAL IMPLICATIONS

There will be some minor cost savings relating to postage. The City's advice will be sent to the WAPC electronically.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council thank the Western Australian Planning Commission for the opportunity to participate in the innovative short track program and advise that the Council considers that the program will have substantial customer service benefits.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.1***

11.1.4 SLIP (Shared Land Information Platform) / ELDP (Electronic Land Development Process) Program – Participation of the City of Belmont

Report by Community & Statutory Services Division
- Planning Services

DATE

2 November 2005

PURPOSE OF REPORT

To consider participation in a new program being coordinated by the Department for Planning and Infrastructure.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

- The City of Belmont is already participating in the Short Track program coordinated by the Western Australian Planning Commission (WAPC).
- WAPC has held two half day workshops on the SLIP/ELDP program with officers from the City of Belmont, City of Stirling, City of Cockburn, City of Mandurah, DPI and Western Australian Local Government Association.
- WAPC is seeking a commitment from the City of Belmont to participate in the SLIP/ELDP program.

****Note:** *SLIP – Shared Land Information Platform*
 ELDP – Electronic Land Development Process

Officer Recommendation Summation

That Council advise the Department for Planning and Infrastructure that the City of Belmont will participate in the SLIP/ELDP program.

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

Name	Position	Type of Interest	Nature / Extent of Interest

Item 11.1.4 Continued

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

No consultation is required.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

No Policy implications are evident.

STATUTORY ENVIRONMENT

There are no current Statutory implications.

BACKGROUND

The program is in its early stages and to date the following has occurred:

- DPI is seeking participation with four local governments.
- DPI has been collating information for a Business Case Analysis of the program. The City has already provided information on resources and time dedicated to processing subdivision/ strata applications and IT capabilities.
- Two workshops have been held at the City of Belmont with the participating Councils and DPI is looking at potential costs and impacts on local governments.

OFFICER COMMENT

Proposed SLIP/ELDP Models

DPI is examining a range of models as follows:

- Fully integrated – allow direct communication between local government systems and the new ELDP system.
- Semi-integrated – allows local government to interact with the new ELDP system via a web browser. Local governments would be able to:
 1. View and edit sub-division applications on line and download relevant attachments such as electronic copies of the plan.
 2. Down load application details in a structured file format, which can then be imported into the local governments own systems for processing.
 3. Upload multiple responses to the ELDP system.
- Non Integrated – Same as semi-integrated except it would not have the ability to upload and download data.

Item 11.1.4 Continued

They also propose a shared land information system which will have the most updated Geographic Information System (GIS) information. Local governments will be able to access information by subscription.

City of Belmont Participation

DPI is seeking a commitment from the City of Belmont to participate in the SLIP/ELDP program prior to December 2005. Council's Planning Department consider that there will be the following benefits;

- The City would have input into the new system similar to the short track program.
- The program is likely to achieve reduced application processing times and provides an opportunity for the City to review its processes.
- There are reduced postage costs as applications will be accessed 'on line'.
- Council Officers will continue to establish new relationships and contacts with Officers within DPI.

Accordingly, it is recommended that Council support the participation of the City's Planning Department in the SLIP/ELDP program.

FINANCIAL IMPLICATIONS

There are no known financial implications at this juncture. As the program progresses, the City may need to look at the capabilities of its existing planning computer system, being Pathway.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council advise the Department for Planning and Infrastructure that the City of Belmont will participate in the Shared Land Information Platform (SLIP) / Electronic Land Development Process (ELDP) program.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.1***

11.1.5 The Springs – Public Open Space Provision

Report by Community & Statutory Services Division

DATE

1 November 2005

PURPOSE OF REPORT

To consider the provision of public open space within 'The Springs' locality on redevelopment.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The Western Australian Planning Commission Policy DC 2.3 'Public Open Space in Residential Areas' has a requirement that 10% of the gross subdivisible area of a subdivision shall be given up free of cost by the subdivider for public open space.

Council attempted to facilitate redevelopment of The Springs precinct through Town Planning Scheme No. 13 which was not approved by the Minister for Planning and Infrastructure. The Department for Planning and Infrastructure and LandCorp are now liaising with landowners within the precinct to try and facilitate coordinated redevelopment.

In order to complete the work on estimated costs LandCorp has approached officers at the Department for Planning and Infrastructure for an indication as to what extent any open space requirements will be imposed by the Western Australian Planning Commission and whether up front contributions would be acceptable.

LandCorp has requested that Council consider the matter of public open space provision within The Springs precinct to enable the WAPC to decide a position.

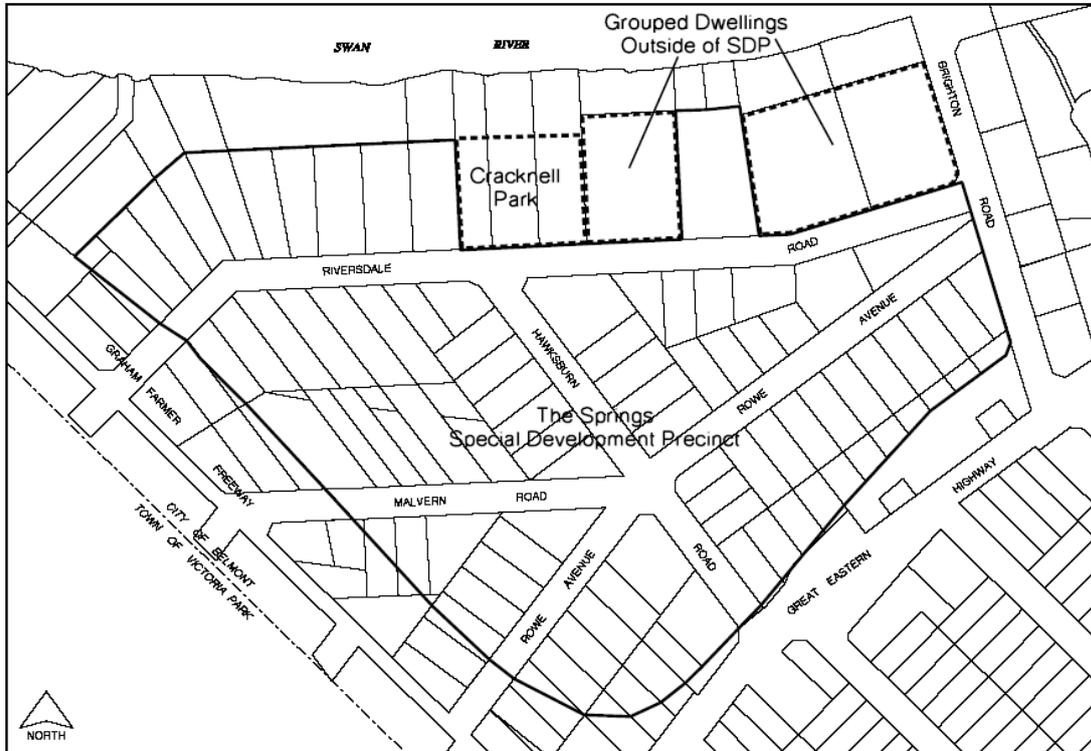
Officer Recommendation Summation

Council would be prepared to include Cracknell Park in the "gross subdivisible area" provided there is an equitable land exchange and that the balance of the standard 10% requirement be met from a combination of land and cash in lieu of public open space.

Item 11.1.5 Continued

LOCATION

Land bounded by Brighton Road, Great Eastern Highway, Graham Farmer Freeway and the Swan River.



APPLICANT

LandCorp

FILE REFERENCE

116/077 The Springs

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Several landowners' meetings have been facilitated by the Department for Planning and Infrastructure and LandCorp. LandCorp is in the process of completing the work on estimated costs in order to allow landowners to make an informed decision.

Item 11.1.5 Continued

STRATEGIC PLAN IMPLICATIONS

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

NATURAL BELMONT – *“Maintain public open space in accordance with the needs and expectations of the community.”*

POLICY IMPLICATIONS

- Western Australian Planning Commission Policy DC 2.3 ‘Public Open Space in Residential Areas’
- WAPC – Liveable Neighbourhoods Policy
- City of Belmont Local Planning Policy No. 17 ‘Public Open Space (Section 20A)’

STATUTORY ENVIRONMENT

Section 20A of the Town Planning and Development Act 1928 (as amended) refers to the vesting of pedestrian accessways, rights-of-way and certain reserves in the Crown.

BACKGROUND

Council at its meeting of the 27 September 2005 (Item 11.1.7 refers) considered the matter of public open space in ‘The Springs’ and resolved as follows.

“THAT THE ITEM BE DEFERRED SO THAT:

- 1) *REPRESENTATIVES OF THE OWNERS AND LANDCORP CAN PRESENT SEPARATELY AT THE NEXT INFORMATION STRATEGY FORUM TO CLARIFY THEIR POSITION AND QUESTIONS FROM COUNCILLORS.*
- 2) *THE MAYOR CALL A SPECIAL MEETING AT A DATE AFTER THE PRESENTATION TO RESOLVE THE MATTER.”*

At the Council’s Information and Strategy Concept Forum held on the 4 October 2005, Councillors heard submissions from representatives of LandCorp and the landowners. There was concern by the landowners on a range of issues concerning public open space.

Since that time, the Planning Consultants acting for LandCorp, Taylor Burrell Barnett have proposed a revised provision of public open space based on the following criteria.

1. Acceptance of the Western Australian Planning Commission (WAPC) requirement of 10% Public Open Space in ‘The Springs’ redevelopment.
2. The area of redevelopment to include:
 - The original ‘Scheme 13’ area **excluding** road reserves;

Item 11.1.5 Continued

- The inclusion of Cracknell Park **excluding**:
 - (i) the area reserved for 'Parks and Recreation' under the Metropolitan Region Scheme (MRS) and;
 - (ii) a 10% area to be credited to the three strata sites fronting Riversdale Road. (These three lots comprise 10% of the land area in this precinct).
3. The 10% Public Open Space will then comprise portion of Cracknell Park, an area of additional local open space(s) and the balance cash – in – lieu to spend on the improvement of the public open space areas.

Cracknell Park comprises the following lots.

• Reserve 45534	2,206m ²
• Lot 28 (owned by Council in fee simple)	3,326m ²
• Lot 27 (owned by Council in fee simple)	<u>3,344m²</u>
TOTAL	8,876m²

Note: The total area of Lots 27 and 28 is 6670m²

Policy No. DC 2.3 applies to Public Open Space in Residential Areas. Clause 3.2.6 of the Policy states as follows:

“It should be noted that where the Commission considers that a foreshore reserve is to be given up as a condition of subdivision, the area of foreshore so required will not be included in the gross subdivisible area on which the public open space requirement is assessed and will be in addition to the land required for public open space.”

This confirms the approach whereby the foreshore reserve of Cracknell Park should not be included in the gross subdivisible area. As a result, it is convenient to calculate the remaining area which is zoned 'Urban' under the Metropolitan Region Scheme.

Taylor Burrell Barnett has confirmed that the calculated area is 5,712m². By way of a check and referring to Plan 1, the eastern boundary of Pt Lot 29 is 70.82m and by applying this depth to the combined frontage of Cracknell Park an area of 5700m² results.

$$(20.12\text{m} + 30.18\text{m} + 30.18\text{m}) \times 70.82\text{m} = 5700\text{m}^2$$

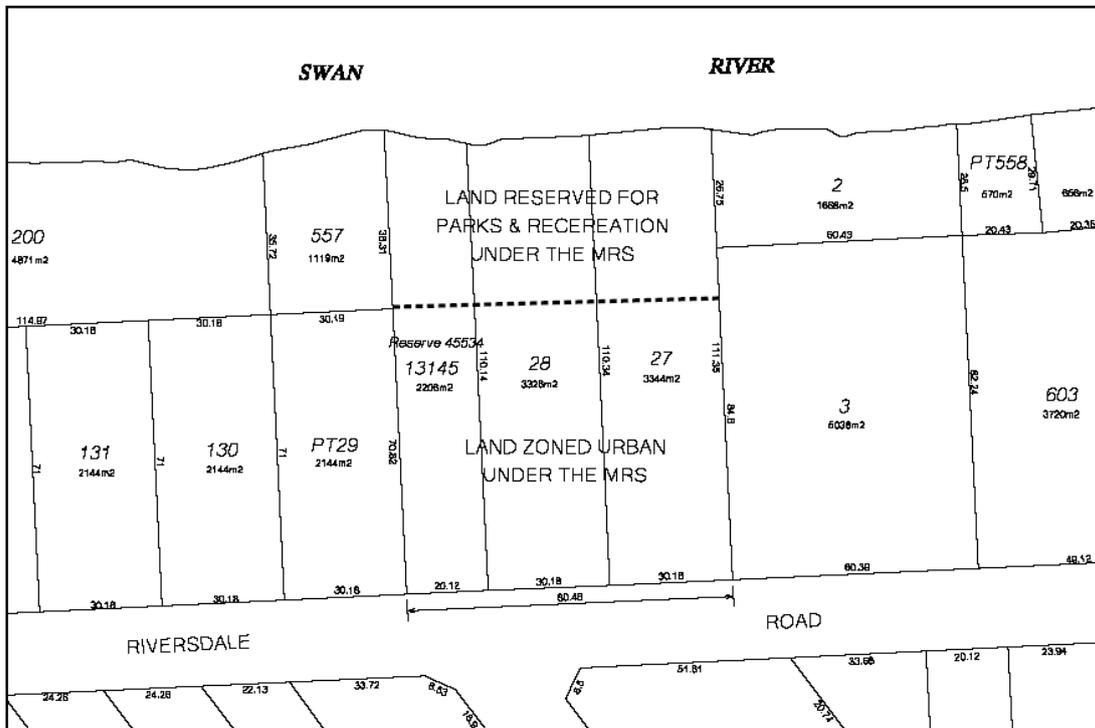
In order to credit public open space for the three strata sites that are not included in 'The Springs' redevelopment area, 90% of the portion of Cracknell Park is included in the 10% Public Open Space requirement.

By using the Taylor Burrell Barnett figure, this equates to 5712m² x 90% = **5,140m²**.

Item 11.1.5 Continued

Taylor Burrell Barnett has confirmed that the gross subdivisible area, which excludes road reserves and includes 90% of the 5,712m² portion of Cracknell Park, is **10.34ha**.

Therefore, the 10% Public Open Space requirement is 1.034ha.



Plan 1

In summary, the following figures result.

- 90% of the 5,712m² portion of Cracknell Park 5,140m² (4.97%)
- Balance to be a combination of land and cash in lieu of public open space 5,200m²

TOTAL 1.034ha

OFFICER COMMENT

Despite WAPC Policy No. DC 2.3, the experience of the City is that depending upon the philosophical position of officers of the Department for Planning and Infrastructure, there are differing outcomes in the implementation of the Policy.

Item 11.1.5 Continued

Unless the Policy is formally changed and adopted by the Commission, the current Policy as it is worded should form the basis of assessment. Consideration should also be given to the complementary provisions of the Liveable Neighbourhoods Policy in relation to public open space. Liveable Neighbourhoods is a performance – based code. It is proposed that current WAPC Policies will be modified over time to achieve better consistency with the Liveable Neighbourhoods Policy. This Policy is on trial pending the outcome of a review. Element 4 entitled ‘Public Parkland’ applies.

In the Liveable Neighbourhoods Policy there are 40 requirements which are referenced from R1 to R40. There is an overlap between this Policy and Policy No. DC 2.3.

The requirement for 10% Public Open Space is one that the WAPC will be likely to apply, given the scale and type of redevelopment proposed for ‘The Springs’. It will be difficult to argue against the actual requirement, but there is scope for assessment of the actual ‘gross subdivisible area’ and allowance for ‘public utility uses’. These matters underscore the importance of the redevelopment plan.

The Redevelopment Plan

It is acknowledged that a Redevelopment Plan has been produced and this has formed the basis for determining development costs. This Plan has been informally received by the Council and it was noted there was a high level of consistency with the Development Plan previously proposed under the defunct Town Planning Scheme No. 13.

LandCorp has not been able to produce a ‘final’ Plan because of changing market conditions, multiple land ownerships and the need for consensus on the total costs involved, as well as cost sharing. These were difficulties that beset Scheme No. 13. LandCorp continues to acquire land and with land consolidation, opportunities arise to achieve a superior redevelopment design.

This raises the question as to the appropriateness of now trying to reach a position on the land area and composition of the “standard 10% Public Open Space”.

The dilemma is that it is not possible to reach a definitive position on public open space until the majority of landowners, Council and the WAPC have agreed to a Redevelopment Plan. This would provide greater certainty for the determination of public open space.

In order to achieve an outstanding quality redevelopment, there should be adequate open space and this is addressed through the Liveable Neighbourhoods Policy together with other necessary design criteria.

1. If land uses could be accurately shown on the Redevelopment Plan, then properties with non residential uses do not have to be included in the gross subdivisible area.

Refer to Clause 3.1.1 of Policy No. DC 2.3 which states in part:

Item 11.1.5 Continued

“In determining the gross subdivisible area the Commission deducts any land which is surveyed for schools, major regional roads, public utility sites, municipal use sites, or, at its discretion any other non-residential use site.”

Refer to R40 of the Liveable Neighbourhoods Policy, which reaffirms that deductions from the site area to determine the gross subdivisible area “...will include those non-residential land uses that do not generate the need for a contribution to public open space....”

The area adjoining Great Eastern Highway will be most likely to have mainly commercial type uses.

2. The designation of ‘Public Utility Uses’ can reduce the standard 10% requirement for Public Open Space. Clause 3.4.2 of Policy No. DC2.3 states as follows:

“The Commission’s general practice is that up to 100 per cent of compensating basins may be credited towards the public open space requirement where the land is ...”

The Liveable Neighbourhoods Policy also supports this approach through requirements explained under R4 and R28.

“The WAPC will accept a minimum of 8% public open space where the remaining 2% is allocated for any/all of the following.

- *Natural and cultural features*
- *Urban Water management measures such as swales/detention areas*
- *Artificial lakes/permanent drainage ponds and*
- *Natural wetlands.”*

R28 expands on the above.

3. It is considered that depending on the circumstances, recognition should be given to the existence of the foreshore reserve and part of its role as serving a local public open space function. This role is **not** accepted under Policy No. DC 2.3. Clause 3.3.2 allows for land reserved as regional ‘Parks and Recreation’ to be included in the 10% requirement, but **specifically excludes foreshore reserves.**

The exclusion of foreshore reserves as comprising part of the 10% requirement is also reiterated in the Liveable Neighbourhoods Policy, refer to R8 and R9.

4. Depending on the type and density of residential redevelopment, under the Western Australian Planning Commission Residential Design Codes there is a requirement for communal and private open space.

Item 11.1.5 Continued

The WAPC has agreed to grant in the recent past for residential developments which provide communal and private open space a concession on the standard 10% requirement.

Cracknell Park

A view being taken by the officers of the Department of Planning and Infrastructure is that if Cracknell Park were to be included in the gross subdivisible area, then in accordance with current practice, Lots 27 and 28 which are owned in fee simple by Council, should be ceded to the Crown free of cost for the purpose of recreation.

From a practical perspective this could be construed as not presenting a difficulty, as the subject land is reserved for 'Parks and Recreation' under the City of Belmont Town Planning Scheme No. 14 and the Council has no intention of changing the situation. It is extremely unlikely that a future Council would seek to remove Cracknell Park, as an important social objective is to allow the public to access areas adjoining the River.

In any event, if a future Council were to seek a change and zone Cracknell Park, an amendment to the Town Planning Scheme would be required and the support of the Western Australian Planning Commission (WAPC) and approval by the Minister would be necessary.

The issue is that if the Council were to purchase land from the Crown for public open space but in the ownership of the Council, then it would be required to pay a market value as determined by the Valuer General.

Council has from its own funds purchased land for roads, road widening and truncations and then transferred that land to the Crown free of cost.

In terms of equity, it is fair and reasonable to question why it should surrender to the Crown free of cost Lots 27 and 28 Riversdale Road, being portion of Cracknell Park.

Clause 4.2.2 of the WAPC Policy No. DC 2.3 states as follows.

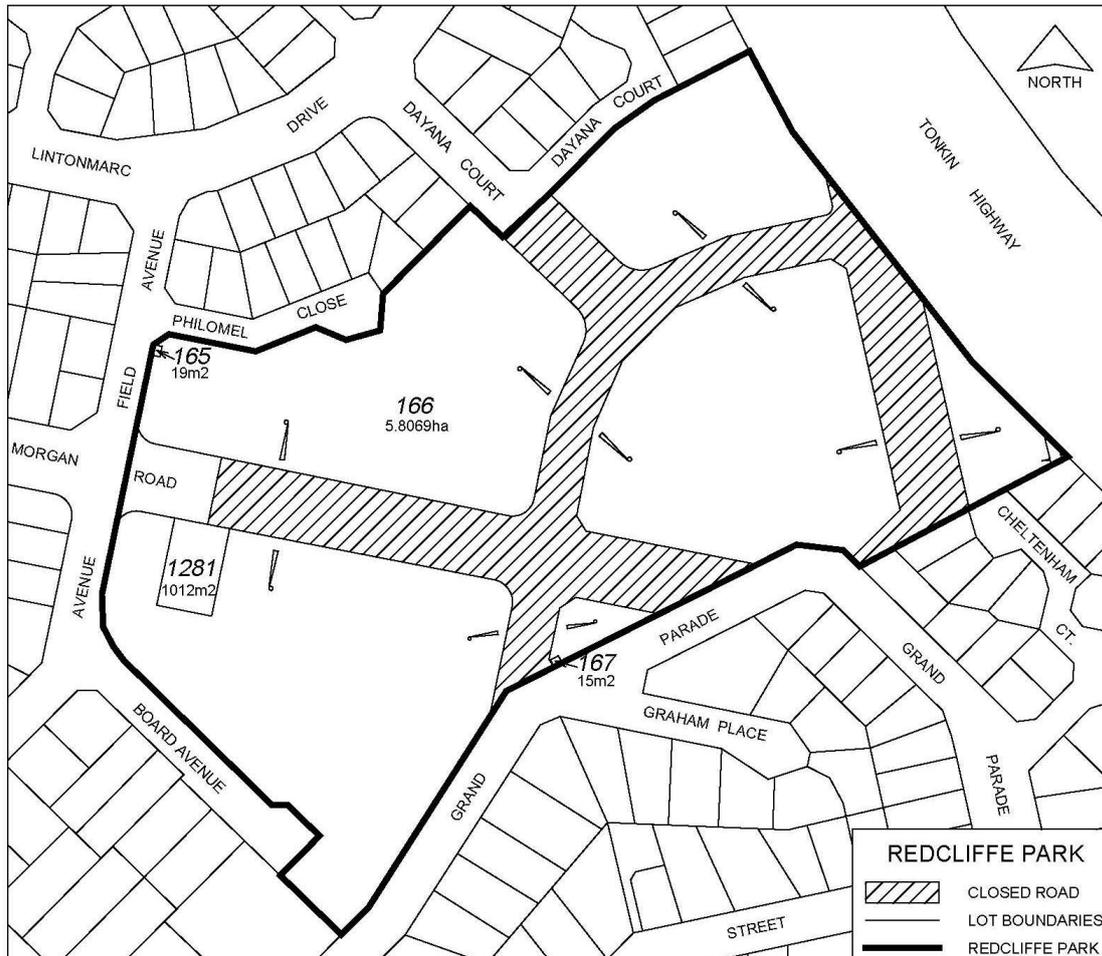
"A condition requiring that land be transferred in fee simple free of cost to the local government for public recreation purposes will be imposed only under all the following circumstances:

- (a) The local government requested the transfer; and*
- (b) The land is shown in the local town planning scheme as reserved for public recreation; or the land is to be held in trust pending sale, the monies from which are to be expended, with the approval of the Commission, upon the purchase of other land in the vicinity which is considered to be more appropriately located for use as public open space and which is shown in the local government's town planning scheme as reserved for public recreation, such land to be transferred free of cost to the Crown to be created as a reserve for public recreation."*

The existing situation fully complies with the Policy.

Item 11.1.5 Continued

The Council, notwithstanding, could agree to ceding Lots 27 and 28 Riversdale Road to the Crown free of cost provided the subject lots could be exchanged **on the basis of current market value** for unmade road reserve(s), which traverse Redcliffe Park, owned by Council in fee simple and reserved for 'Parks and Recreation' under the City of Belmont Town Planning Scheme No. 14. Refer to Plan 2 which shows the subject road reserves.

**Plan 2****Conclusion**

In order to progress this matter, it is possible for the Council to determine a position in principle which is as follows.

1. Acceptance of the standard 10% public open space requirement of the WAPC.
2. The gross subdivisible area to comprise 90% of the 5,712m² portion of Cracknell Park and exclude road reserves.
3. 90% of the 5,712m² portion of Cracknell Park to be included in the public open space contribution.

Item 11.1.5 Continued

4. The balance of the 10% requirement to comprise a combination of land and cash in lieu of public open space to be spent on upgrading existing and proposed public open space areas in 'The Springs' precinct.

This will allow LandCorp to progress to the next step of calculating landowner costs. The consultants are fully aware of the opportunities to argue for further discounts on the requirements for public open space as highlighted in this report.

FINANCIAL IMPLICATIONS

Lots 27 and 28 Riversdale Road which comprise Cracknell Park have a value which needs to be assessed by a licensed valuer. The road reserves that are within Redcliffe Park also need to be valued.

ENVIRONMENTAL IMPLICATIONS

Increased physical areas of open space will place greater demands on existing bore water sources.

ATTACHMENT DETAIL

Nil.

OFFICER RECOMMENDATION

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

1. Council accepts the standard WAPC requirement of 10% public open space in 'The Springs' redevelopment.
2. The 'gross subdivisible area' for the purpose of determining the 10% Public Open Space requirement will be ultimately dependent on a final redevelopment plan and having regard to the WAPC Policy No. DC 2.3 and the Liveable Neighbourhoods Policy. The policies provide for 'public utility uses' to be credited towards the public open space requirement.
3. The 'gross subdivisible area' to include the original City of Belmont Town Planning Scheme No. 13 area excluding road reserves and to include 90% of the 5,712m² portion of Cracknell Park. Further:
 - (a) 90% of the 5,712m² portion of Cracknell Park to be included in the public open space contribution.
 - (b) The balance of the 10% requirement to comprise a combination of land and cash in lieu of public open space to be spent on upgrading existing and proposed public open space areas in 'The Springs' precinct.

Item 11.1.5 Continued

6. The proposal to calculate the POS requirement for the precinct as a whole as an “up front” contribution is supported once agreement to a final redevelopment plan is achieved. The mechanism of achieving this will be considered by Council at a later date when the statutory proposal is put to Council by LandCorp.
7. To ensure ‘The Springs’ precinct does become an iconic development at the gateway to the City of Belmont, Cracknell Park is accepted by Council as part of ‘The Springs’ precinct for the purpose of calculating open space. This acceptance is subject to:
 - (a) coordinated redevelopment occurring; and
 - (b) occurring at a high standard; and
 - (c) any additional POS to be provided within the precinct to be developed in such a way as to limit ongoing maintenance costs.

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

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

BASS MOVED, DORNFORD SECONDED, that Council defer this matter until after the meeting between the landowners of the Springs Development and LandCorp have been completed.

LOST 7 VOTES TO 4

For: Bass, Dornford, Hitt, Marks

Against: Powell, Whiteley, Rossi, Blair, Godfrey, Martin, Teasdale

***** 7.57 pm** Due to a verbal outburst by a member of the public gallery, Mr Ryan, the Mayor warned that if the inappropriate behaviour continued she would request Mr Ryan to leave the Chamber. Mr Ryan left the Chamber.

BLAIR MOVED, WHITELEY SECONDED, that Council advise LandCorp and the Western Australian Planning Commission (WAPC) the following:

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

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

Item 11.1.5 Continued

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

CARRIED 8 VOTES TO 3

For: Hitt, Blair, Godfrey, Marks, Martin, Powell, Teasdale, Whiteley

Against: Rossi, Bass, Dornford

11.1.6 Lot 55 (369) Acton Avenue, Kewdale – Garage with Variation to R-Codes

Report by Community & Statutory Services Division
-Building & Customer Services

DATE

8 November 2005

PURPOSE OF REPORT

To consider a planning application seeking retrospective approval for a garage with a variation to the R-Codes which will create a front setback of 1.76 metres.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

An approval for a garage with a 2.36 metre front setback was issued on the 15 February 2005.

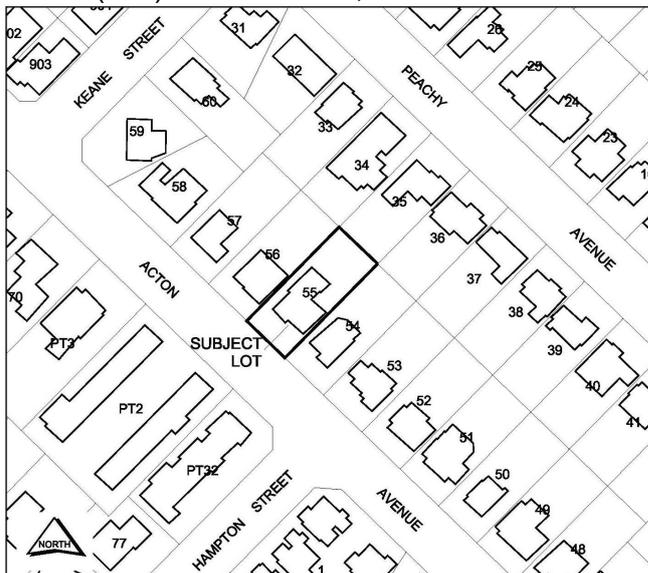
A revised application for a garage with a further front setback variation was requested to be lodged, as the applicant partially constructed the garage with a front setback of 1.76 metres rather than 2.36 metres ie., the garage would be located 60cm closer to the front boundary.

Officer Recommendation Summation

Conditional support is recommended.

LOCATION

Lot 55 (369) Acton Avenue, Kewdale



Item 11.1.6 Continued**APPLICANT**

Rodney Ransome

FILE REFERENCE

43/2005/DA Development Application / Application correspondence
 81/2005/BUILDR Building Application
 425/2005DA Development Application

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

Consultation with adjoining owners is currently discretionary under the Residential Design Codes for residential variations. The applicant has spoken to the adjoining owners and has submitted signed letters of non-objection for the setback as constructed with the application. ¹There was an additional matter of an increased height to the boundary wall which has been resolved by the applicant removing the additional courses.

STRATEGIC PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

The subject land is zoned ‘Residential R20’ under the City’s Town Planning Scheme No 14. Section 10.1 of the Scheme states that the Scheme incorporates the Residential Planning Codes as set out in Schedule 2 to the Statement of Planning Policy No. 1.

Under 5.11.1 Council may grant Planning Approval to a development already commenced.

¹ Amendment to this sentence should read...There was an additional matter of an increased height to the boundary wall. The owner has agreed to remove the additional courses but this has not occurred as yet because of the stop work order.

Item 11.1.6 Continued

The Residential Design Codes contain 'deemed to comply' provisions. The standard front setback for a garage is 4.5 metres.

Applicants may apply for variations to the 'deemed to comply' requirements if they can satisfy performance criteria under the Codes.

BACKGROUND

Owner:	Rodney Peter Ransome	Ward:	South
Lodgement Date:	19 October 2005	Use Class:	Residential
Lot Area:	845 m ²	TPS Zoning:	R20
Estimated Value:	\$30,000.00	MRS:	Urban

On 2 February 2005, the applicant submitted a development application that dealt with a variation to the Residential Design Codes for a reduced front setback to the front garage of 2.36 metres in lieu of 24.5 metres and a boundary wall of 39 courses forward of the building line. The application was considered at a Development Control Group meeting and was supported as the front fence wall reduced the impact of the garage to the front boundary and letters of non-objection were received from the adjoining owners. Approval was given on the 15 February 2005 with the standard letter indicating that approval related specifically to the approved plans and failure to comply would constitute an offence under the Town Planning and Development Act 1928 (as amended).

Following commencement of the construction by the applicant, it was noticed that the building appeared closer to the front boundary than was approved and subsequent measurements confirmed this. A notice to stop work was issued and the applicant then submitted the revised development application to reflect the new variation to the front setback line. The construction came to the attention of Council through a Councillor request.

OFFICER COMMENT

The performance criteria of the Residential Design Codes allows for variation to the front setback line provided that it does not detract from the streetscape or appearance of dwellings, or obstruct views of the dwelling from the street and vice versa.

The portion of the street in which the house is located, consists of predominately older style housing stock, and as the application is for new additions and an improvement in the existing house then the streetscape would be improved with the modernisation of the house and property. The view of the house/boundary wall, heading towards Keane St, is obscured by large vegetation in the front yard of the adjoining property (No 371 Acton Avenue). The view of the house coming the other way presents the open space in front of the garage and the open area alongside the house both of which would dramatically reduce the height/bulk and scale of the building to the front setback line.

² Amendment -this figure should read 3.0 metres (as the sides of the garage are parallel to the street).

Item 11.1.6 Continued

The application also details the construction of a front fence in accordance with our front fence policy and ameliorates the effect of the garage to the front boundary by providing a stepping point to the bulk of the garage. The garage being attached to the house, which in turn will be upgraded to reflect continuity in material, diminishes the size and bulk of the construction and gives the finished project a look similar to new developments reflecting current Residential Design Codes and values.

Options

There are two options available to Council.

1. Council refuse to accept the variation as not being in accordance with the performance criteria and the original approval stands.
2. Council approve the amended front setback to the garage given that the additional expansion of 60cm will not have a significant adverse effect on the amenity and streetscape.

It is recommended that Council accept Option 2.

FINANCIAL IMPLICATIONS

There are no financial implications to Council relating to this Item.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this application.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council approve the application for a garage with a variation to the Residential Design Codes at Lot 55 (369) Acton Avenue, Kewdale with a 1.76 metre front setback subject to the following conditions:

1. The roof colour of the carport / garage is to match the colour of the roof of the existing residence to the satisfaction of the Manager-Planning Services or Manager-Building Services.
2. The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect to the application referred to in this approval.

BLAIR MOVED, BASS SECONDED that the matter be deferred pending an invitation to the property owners to the next Information Strategy Concept Forum to enable Councillors to get a better understanding of the matter.

CARRIED 11 VOTES TO 0

11.1.7 Lot 9 (155) Great Eastern Highway, Belmont (corner Belmont Avenue) - Proposed Sign****BB Attachment 5 – Item 11.1.7 refers**Report by Community & Statutory Services Division
- Planning Services**DATE**

7 November 2005

PURPOSE OF REPORT

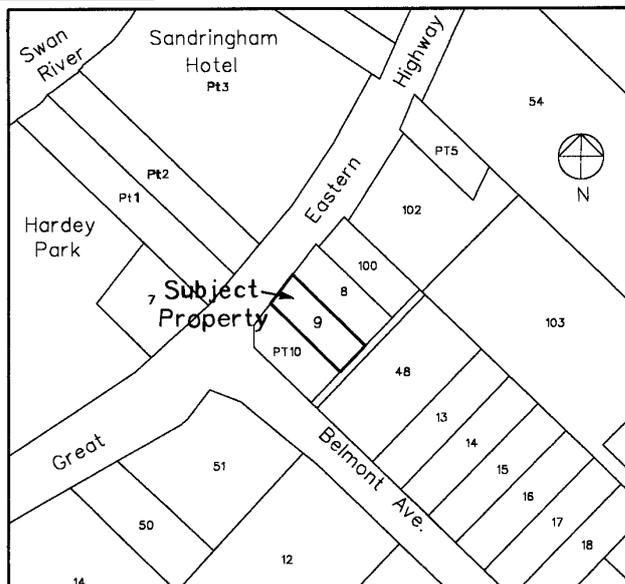
To advise Councillors of an unauthorised roof sign structure located on the abovementioned property and obtain a Council direction on this matter.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

- The existing sign structure located on the roof of 155 Great Eastern Highway is illegal and does not have a valid sign licence or planning approval.
- The sign face has been removed but the structure remains.
- The owner has been granted several opportunities to resolve this matter since 2000.
- There are several options available to Council which are outlined in this report.

Officer Recommendation Summation

That Council issue a Written Direction to the owner under Section 10 (3) of the Town Planning and Development Act to pull down and remove the roof sign structure.

LOCATION

Item 11.1.7 Continued

APPLICANT

Not applicable.

FILE REFERENCE

Property File 155 Great Eastern Highway

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

No consultation has been undertaken in regard to this report.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications associated with this report.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

- There are specific objectives under the Scheme for advertisements aimed at *'ensuring that the visual quality and character of particular localities and transport corridors are not eroded, and to promote a high standard of design and presentation in outdoor advertising'*.
- The Scheme also aims *'to prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content'*.
- Under Clause 8.6 of the City's Town Planning Scheme, roof mounted signs are prohibited and shall not be approved by the Council.

BACKGROUND

History of sign On-Site

- In May 1987, an illegal structure and large sign were erected on the roof of the existing building.

Item 11.1.7 Continued

- Council initiated legal action against Claude Neon (sign company) and AF & L Barrington for the illegal works and the sign was removed in 1987/1988.
- In 1988, an application was lodged for a large sign on the roof of the existing building. It was referred to Council on the 12 September 1988 (Item 8.1) and was approved for *'the life of the contract or five years, whichever expires first'*.
- In accordance with the Council decision, a sign licence was issued on the 13 September 1988 for a large sign on the roof of the existing building. The sign licence was issued for a maximum of five (5) years and expired on 13 September 1993.
- The sign face has been removed however the large supporting roof sign structure remains. The existing sign structure located on the roof of 155 Great Eastern Highway is illegal and does not have a valid planning approval.
- The existing (unauthorised) structure measures approximately 6.3 metres by 3.4 metres.

Previous Council Resolutions

- In May 2000, Council considered an application for a new sign on the roof of the existing building. The application was refused as the scale, height, size and location were inappropriate for such a prominent entry into the City and would have a negative visual impact inconsistent with the objectives of the Scheme.
- In March 2001, Council considered a new application for a sign on the side of an existing building located on the site. The application was approved subject to conditions inclusive of a two year time limitation and the removal of the existing roof sign prior to the issue of a sign licence for the new sign.

Proposed Redevelopment Strategy

Following Council's decision in March 2001, the applicant (Outdoor Plus) and their consultant (Hocking Planning and Architecture) met with Council's Planning Department to outline a proposed redevelopment strategy for the total site.

The strategy for redevelopment of the site (including timeframes) was referred to Council on the 24 September 2001 and was supported. A copy of the report is provided in the attachment to this report.

Some schematic designs were submitted to the Planning Department in July 2002, however redevelopment has not progressed. Further discussions have been held in 2005 regarding replacement signage. The City's Planning Department has advised Outdoor Plus that roof signs are prohibited under Scheme 14.

OFFICER COMMENT**Existing unauthorised sign**

The owner of this property, Mr Barrington, has been granted a number of time extensions in which to remove the existing sign and structure however the matter has still not been resolved. As explained in the history of this report, several proposals have been considered for this site.

*Item 11.1.7 Continued***Current Situation**

The current situation is as follows:

1. Council's Planning Department wrote to Mr Barrington on the 14 June 2005 requesting removal of the sign within 28 days.
2. The matter has been dealt with by Outdoor Plus (sign company) on behalf of Mr Barrington. Outdoor Plus requested an extension in time to seek legal advice.
3. The Planning Department granted an extension in time until the 26 July 2005.
4. The poster on the sign face has been removed, however all supporting structures remain.
5. Outdoor Plus requested that the City delay any proceedings to allow Mr Barrington the opportunity to discuss the situation with Ward Councillors.

The purpose of this report item is to inform Councillors of the situation and obtain direction from Council on this matter.

Options Available to Council

- ***Option 1: Grant a further extension of time***

The City could decide not to take action at this time, and allow the owner additional time to try and resolve the situation. It is likely that the matter could only be resolved if the owner agrees to remove the sign structure, or lodges plans for substantial redevelopment.

Option 1 is not favoured for the following reasons:

- The existing structure has been illegal since September 1993 and the matter has remained unresolved for a lengthy time period.
- The existing sign structure negatively impacts on the amenity and streetscape.
- The Mixed Use Zone is gradually undergoing change and attracting high quality developments. This site is near one of the main entry points into Belmont, and the roof sign is unattractive.
- The Scheme prohibits roof signs and one of the main Scheme objectives is to encourage high quality signage.
- The owner has already been granted a number of extensions and has previously indicated a reluctance to remove the roof sign structure unless another large sign is approved for the site.
- If the City continues to delay then a representation may be made to the Minister for Planning and Infrastructure that the City has failed to effectively enforce its Town Planning Scheme. These representations, under section 18(2) of the Town Planning and Development Act, can be referred to the State Administrative Tribunal for determination.

Item 11.1.7 Continued

- **Option 2 – Issue a Notice under Section 10(3) of the Town Planning and Development Act**

Under the new Section 10(3) of the Town Planning and Development Act, the City can give a written direction to the owner to remove, pull down, take up or alter a development undertaken in contravention of a Town Planning Scheme, or to restore the land as nearly as practicable to the condition that it was in prior to the development occurring.

A written direction under Section 10(3) has to specify a time (not less than 60 days) within which the direction in the notice must be complied with. A person who fails to comply with a direction given under Section 10(3) commits an offence.

The owner would have a right of appeal against the notice to the Statutory Appeals Tribunal, however SAT simply has to decide whether the sign structure breaches the planning approval and Scheme. Council's Planning Department is confident that any appeal could be defended.

Option 2 is favoured for the following reasons:

- It is a formal legal notice and sends a strong message to the owner;
- It gives the owner one final chance to remove the sign within 60 days;
- If the owner does not comply with the notice, then it is a relatively straight forward prosecution. The City only needs to prove in court that the owner has not removed the sign structure as required in the Notice.
- It provides the owner with an opportunity to appeal to SAT. Council's Planning Department is confident that any appeal could be successfully defended. The City only needs to prove that the sign structure is illegal.

- **Option 3 – Initiate Legal Action for non compliance with the Scheme**

The existing sign structure is illegal and does not have a current planning approval. Council can initiate legal action and the matter would proceed to court.

This option is not favoured as prosecuting the owner would not necessarily resolve the situation. If prosecution is successful the court can only fine the owner, and cannot order the owner to remove the sign structure.

FINANCIAL IMPLICATIONS

If Council resolves to initiate prosecution, then there will be legal costs associated with this action. If successful, then the Court may require the owner to pay the City's costs or a portion of the costs.

If Council resolves to issue a Direction Notice, then there will be legal costs associated with that action. All legal costs associated with the Notice and defending any appeal would be borne fully by the City.

ENVIRONMENTAL IMPLICATIONS

The existing unauthorised roof sign structure impacts on amenity and streetscape.

Item 11.1.7 Continued

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
5	Copy of 24/09/2001 Council report (Item 8.6.2 – 17/09/2001 PDC Minutes)

MARKS MOVED, HITT SECONDED, that

- 1. Council resolve to give a Written Direction to the owner under Section 10 (3) of the Town Planning and Development Act to pull down and remove the roof sign structure located at Lot 9 (155) Great Eastern Highway, Belmont and to restore the land as nearly as practicable to the condition that it was in prior to the unauthorised development occurring.**
- 2. Council resolve to advise the owner as follows as part of the Written Direction that if the owners are aggrieved by the City's written direction, they have the right to lodge an appeal to the State Administrative Tribunal.**
- 3. Council authorise the Director-Community and Statutory Services, to take any further action necessary to deal with this matter, including without limitation, to take all steps necessary to enforce the written direction issued under Section 10(3) including pursuing prosecution, and if necessary to defend any appeal against the direction.**

CARRIED 9 VOTES TO 2

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

Against: Bass, Dornford

11.1.8 Lot 502-504 (238-246) Great Eastern Highway, Ascot - Proposed Change of Non-Conforming Use (Boat and Marine Equipment Sales/Display and Servicing - Bayliner)

Report by Community & Statutory Services Division
- Planning Services

DATE

7 November 2005

PURPOSE OF REPORT

To consider a revised development application which reflects the correct required number of car bays, front fencing/security fencing details and boat display platform designs. A building licence has been issued for the proposed development and the owner wishes to finalise the parking and fencing/display platform details of the proposal prior to full business operations.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

Council has approved of the change in non-conforming use. The revisions to the proposal incorporate the correct number of parking bays, security/front fencing and boat display platforms. There is no objection to the amended plans subject to the provision of corner truncations (4x4metre) and the continuation of the proposed 1200mm high powder coated aluminium 'wire' fencing along the Keymer and Aurum Street frontages.

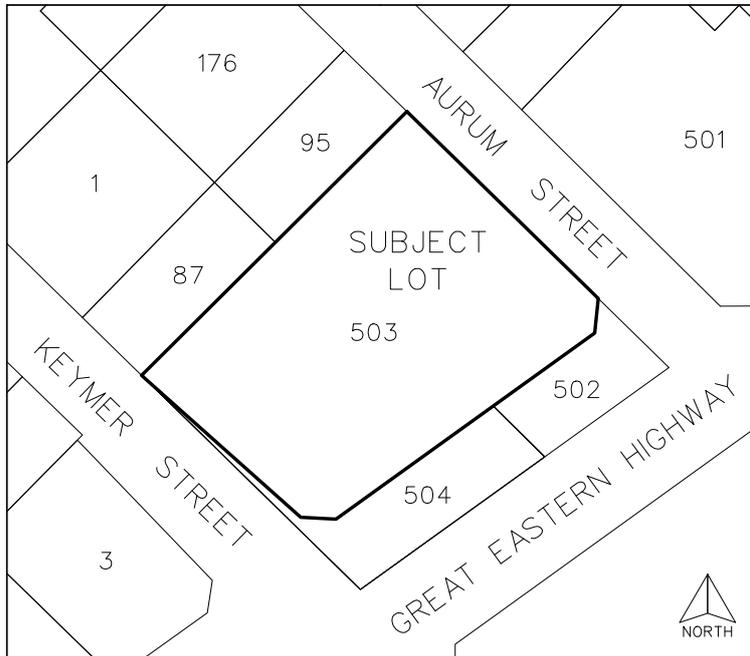
Officer Recommendation Summation

That Council approve the revised application for a change of non conforming use to allow for the 'Display and sales of boat/marine equipment and Four (4) wheel motor bikes including a marine/ 4 wheel motorbike servicing and temporary display areas on Lots 502, 503 and 504 (238-246) Great Eastern Highway, Ascot subject to relevant conditions.

Item 11.1.8 Continued

LOCATION

Lot 502-504 (238-246) Great Eastern Highway, Ascot



Note: The majority of the development is contained on Lot 503. Lots 502 and 504 are reserved 'Primary Regional Road' under the Metropolitan Region Scheme and are earmarked for widening of Great Eastern Highway.

APPLICANT

Greg Rowe and Associates

FILE REFERENCE

115/001 Development / Subdivision / Strata – Applications / Application Correspondence
 399/2005/DA Development Application Folder
 Property 238-246 Great Eastern Highway

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

Item 11.1.8 Continued

CONSULTATION

Main Roads Western Australia (MRWA)

The application has been referred to Main Roads Western Property for comment as the lots abuts 'Primary Regional Road'. MRWA consider the proposed development to be acceptable subject to a number of standard conditions.

Referral to Nearby Landowners

The original proposal was referred to nearby landowners for comment. One submission was received during the initial advertising period. The main concern raised in the submission related to noise. The matter of noise is controlled through a planning condition on the planning approval and this matter has been resolved as part of the building licence processing.

STRATEGIC PLAN IMPLICATIONS

BUILT ENVIRONMENT – Encourage the upgrading and compatible redevelopment of the City.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Part 6 of the City's Town Planning Scheme contains provisions relating to non-conforming uses.

BACKGROUND

Owner:	Cameron Brae Pty Ltd	Ward:	East
Lodgement Date:	30 th September 2005	Use Class:	Office – Discretionary Motor vehicle and Marine Sales – not permitted unless approved as a change of non conforming use.
Lot Area:	5,680m ²	TPS Zoning:	Mixed Use
Estimated Value:	\$50,000	MRS:	Urban

Previous Approvals

The subject property was previously occupied by 'Hino' for the sale, display and servicing of trucks. The land use operated under 'non-conforming use rights'.

On the 22 June 2004 (PDC Item 10.6.3 – 14/6/2004), the Council approved a change of non-conforming use which included the following:

- An existing workshop to the rear to be used for servicing and repairing marine equipment, jet skis and boats.
- A new 900m² building fronting Great Eastern Highway for the display of boats.

Item 11.1.8 Continued

- An existing wash bay to be used to wash boats.
- Temporary external display areas to allow the business to occupy the site prior and during construction of the new building.
- The majority of boat display was to be accommodated in the new building once completed, with the exception of four nominated display areas on Lots 502 and 504.

Note: Lots 502 and 504 are earmarked for road widening and therefore once road widening occurs, these boat display areas will be removed.

On the 26 October 2004 (PDC Item 10.6.4 – 18/10/2004), the Council approved a change of non-conforming use which included the following:

- An existing workshop to the rear to be used for servicing and repairing marine equipment, jet skis and boats.
- A new 1000m² building fronting Great Eastern Highway for the display of boats.
- An existing wash bay to be used to wash boats.
- An internal boat display courtyard area.
- The display and servicing of Four (4) wheel motorbikes.
- The majority of boat display was to be accommodated in the new building once completed, with the exception of four nominated display areas on Lots 502 and 504.

Note: Lots 502 and 504 are earmarked for road widening and therefore once road widening occurs, these boat display areas will be removed.

The City has issued a building licence for the proposed works however the applicant wishes to obtain a new planning approval to reflect the final construction design detail.

OFFICER COMMENT

The new application includes:

- Car parking in compliance with the Scheme;
- Amended boat display platforms; and
- Security/Front Fencing.

*Item 11.1.8 Continued***Parking**

The following is a summary of the parking calculations for the proposed development:

Landuse / Area	Car Parking Ratio	Required parking
New building for display of boats and 4 wheel motor bikes (1000m ²)	1 bay per every 100m ² * For display areas	10 bays
Office (78m ²)	1 bay per every 20 car parking bays	4 bays
Workshop (915.6m ²)	1 space per every 50m ² Gross floor Area or 1 space per employee, whichever is the greater.	19 bays
	TOTAL REQUIRED	33 bays

The applicant complies with the car parking requirements of the Scheme as 33 bays have been provided on site (excluding an oversupply of 13 bays on Lots 502 and 504 which will eventually be removed for road widening). The boat pick up bays (total number of 8 bays) have not been included for the purpose of car parking calculations. The original application proposed an over supply of car parking with fifty (50) car bays to be constructed.

Fencing

The proposed security fencing comprises a 1.5 metre high black plastic coated link mesh portion with an overall height of 2.2 metres to the top of posts. The electric fence component at a height of 2.4 metres is proposed to be located behind the security fence. The fencing is proposed to run down the rear of the site and both Keymer and Aurum Street frontages. The electric fencing is setback a minimum 1 metre from the adjoining residential properties.

The proposed security/electric fencing is considered to be excessive and not in keeping with the intention of the Mixed Use Zone. The proposed security fencing incorporating the link mesh fencing is to be deleted and the electric fence component can be either erected on top of the feature metal fence or located behind it.

Along Great Eastern Highway it is proposed to erect a 1.2 metre high powder coated aluminium wire fence. This fencing is more in keeping with Council's intention for high quality fencing in the Mixed Use Zone. This fencing should be extended along both Keymer and Aurum Street frontages.

Boat Display Platforms

The original planning application exhibited the four (4) boat display platforms, however the final design detail was not included. The applicant has now provided the final design which displays an elevated display platform. There is no objection to the final design detail of the display platforms as they are located in road widening and have been cleared by MRWA.

There is no objection from a planning point of view to the amended plans for parking, fencing and boat display platforms subject to the continuation of the proposed 1200mm high powder coated aluminium 'wire' fencing along the Keymer and Aurum Street frontages.

Item 11.1.8 Continued

FINANCIAL IMPLICATIONS

There are no significant financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There is an existing wash down bay on site which will be used for boat washing. All water will be required to be dispersed through the sewer.

ATTACHMENT DETAILS

Nil.

DORNFORD MOVED, MARKS SECONDED, that the Council approve the application for a change of non-conforming use to allow for the 'display and sales of boat/marine equipment and four wheel motor bikes including marine/four wheel motor bike servicing workshop and temporary display areas' on Lots 502, 503 and 504 (238-246) Great Eastern Highway, Ascot subject to the following conditions:

1. ***A landscaping and reticulation plan acceptable to the City shall be prepared by a professional horticulturist or a qualified landscape contractor and submitted to the City prior to the issue of a building licence. The plan shall show by numerical code, the species, quantity and anticipated mature dimensions of all plant types to be planted and shall include:***
 - a) ***minimum of 25% of the setback area to all roads;***
 - b) ***the street verge.***
 - c) ***species and plants capable of screening the existing workshop development from the neighbours on adjoining Lot 87 (19) Keymer street and Lot 95 (14) Aurum Street, Ascot.***
2. ***Landscaping, plants and reticulation shall be installed in accordance with a landscaping and reticulation plan to be submitted to the City and approved by the Manager-Planning Services, the Senior Planning Officer or the Planning Officer and the landscaping and reticulation shall be maintained and the plants shall be nurtured and maintained until they reach their mature dimensions and shall thereafter be maintained at those mature dimensions unless Council approves otherwise in writing.***
3. ***The owner to enter into a legal agreement with the City of Belmont stating that the proposed 1,000m² building for boat display will be part of the total development in accordance with the approved plan. A deed of agreement between the owner and the City is to be prepared by the City's solicitors at the owners cost, and executed prior to occupation of the site, under which the owner agrees to commence construction of the 1,000m² building (within a 14 month period unless otherwise agreed to in writing by the City) in accordance with the approved plans and to permit the City to lodge an absolute caveat against the Certificate of Title for the land to secure the performance of that obligation.***

Item 11.1.8 Continued

4. ***Before and during construction, prior to the new 1,000m² building being completed, the display of boats shall be limited to:***
- a) ***The building envelope of the proposed 1,000m² building prior to construction works occurring on site; and***
 - b) ***The permanent approved display areas in the courtyard and on Lots 502 and 504.***

Following completion of the 1,000m² building, display areas shall comply with Condition 5 below.

5. ***Upon completion of the 1,000m² building, all boats shall be contained within the building, the approved courtyard, and approved display areas on Lots 502 and 504 depicted on the approved plans to the satisfaction of the Director-Community and Statutory Services and/or Manager-Planning Services.***
6. ***Vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, line marked and kerbed in accordance with:***
- (a) ***The approved plan (44 car parking spaces measuring 2.5 metres x 5.5 metres and 8 boat pick up bays) on Lot 503;***
 - (b) ***Schedule 3 of the City of Belmont Town Planning Scheme No. 14; and***
 - (c) ***Council's engineering requirements and design guidelines, with respect to drainage requirements.***
 - (d) ***The areas must be paved in bitumen or concrete, unless otherwise approved by the Director-Technical Services or Manager-Technical Services and clearly line marked to the satisfaction of the Director-Technical Services or Manager-Technical Services.***

The requirements of this condition must be completed within two years from the date of this approval.

7. ***All boat pick up bays to be clearly marked or sign posted 'For Boat Pick Up/Drop Off' to the satisfaction of the Director-Community and Statutory Services and/or Manager-Planning Services.***
8. ***The boat pick up bays are not to be used for the display of boats for sale at any time.***
9. ***The owner to erect signs within the property boundaries adjacent to each crossover directing traffic to Great Eastern Highway.***
10. ***Vehicle parking, boat parking, manoeuvring and circulation areas shall be designed, constructed, sealed and kerbed in accordance with the approved plan and shall be designed, paved (brick) and clearly marked in accordance with Council's engineering requirements and design guidelines.***

Item 11.1.8 Continued

- 11. All access ways, parking areas and hard stand areas shall be maintained to the satisfaction of the Director-Technical Services or Manager-Technical Services. If not so maintained, the Director-Technical Services or Manager-Technical Services may require by notice, in writing that the area be brought up to a satisfactory standard within a specified period of time and the notice shall be complied with within that period. without limitation, the notice may require that car bays be reline marked, pot holes be repaired, damaged kerbs be replaced and degraded access or parking areas be resurfaced generally in accordance with Council's engineering requirements and design guidelines.**
- 12. Loading or unloading of boats associated with the servicing workshop is to be confined to the northern portion of the lot so that it does not interfere with the parking of vehicles in the car park by visitors and employees.**
- 13. The owner/applicant to submit an acoustical report completed by a suitably qualified acoustic engineer to satisfy Council that any noise emission from the servicing workshop will comply with the Environmental Protection (Noise) regulations 1997. The acoustical report to be submitted for approval of the Manager-Health and Ranger Services, prior to occupation of the premises and/ or the issue of building licence.**
- 14. The owner/applicant to undertake any modifications to the site or building as identified and recommended by a suitably qualified acoustic engineer to the satisfaction of the Manager-Health and Ranger Services in accordance with an acoustic report approved by the Manager-Health Services.**
- 15. All stormwater from roofed and paved areas shall be collected and disposed of off-site in accordance with Council's engineering requirements and design guidelines.**
- 16. All water discharge associated with the existing wash bay on site shall be disposed directly into the sewer to the satisfaction of the City's Co-ordinator of Environment.**
- 17. No fencing and walls forward of the building line up to and including a front lot boundary, are permitted unless the Council grants a separate planning approval.**
- 18. If lighting is installed in the car parking area, all illumination shall be confined within the property boundaries and shall not impact on the amenity of adjoining properties.**
- 19. No goods (including delivered goods or pallets) or boats to be stored external to the building other than in accordance with the conditions of approval and approved plan, to the satisfaction of the Council.**
- 20. Before and during construction, prior to the new 1000m² building being completed, the display of four wheel motorbikes shall be limited to the temporary marquee during construction. Following completion of the 1000m² building, display areas for the four wheel motorbikes shall comply with Condition 21 below.**

Item 11.1.8 Continued

21. ***All 4 wheel motor bikes on display to be fully contained within the 1000m2 building and not occupy more than 25% of the gross floor area as stated in the application.***
22. ***Four wheel motorbikes can be accommodated in the workshop for storage, assembly and servicing however should not be displayed external to any building, in order to comply with Condition 21 above.***
23. ***This approval is only for the assembly and servicing of unregistered four wheel motorbikes and does not include servicing of any registered motor vehicles.***
24. ***Any relocation or removal of street trees is to be undertaken by the owner, at the owner's cost, with the prior approval of the Manager-Parks, Leisure & Environment or Parks Technical Officer and in accordance with any direction contained in or given with that approval.***
25. ***The existing trees located in the road verge abutting or adjacent to the subject land ("street trees") are not to be damaged or removed in the course of the development.***
26. ***Prior to commencing the development the owner / applicant must demonstrate to the satisfaction of the Manager-Parks, Leisure and Environment that precautions adequate to protect the street trees during the development will be taken.***
27. ***The owner / applicant is to ensure that the precautions referred to in the preceding condition are taken.***
28. ***If during the course of the development a street tree is damaged or destroyed the owner / applicant shall:***
 - (a) ***replace the street tree with a tree of a similar type and maturity, in accordance with the written direction of the Manager-Parks, Leisure and Environment; and***
 - (b) ***maintain the replacement tree for a period of 12 months, to the satisfaction of the Manager-Parks, Leisure and Environment.***
29. ***The stamped and dated plan/plans, as amended by the City and together with any requirements detailed thereon by the City, shall form part of the planning approval issued in respect of the application referred to in this approval.***
30. ***The provision of 1200mm high powder coated aluminium 'wire' fencing or similar approved fencing along the Keymer and Aurum Street frontages to the satisfaction of the Manager-Planning Services and/or Senior Planning Officer. Amended plans are to be submitted prior to the issue of a building licence.***
31. ***No link mesh fencing is permitted and the proposed security/electric fence is to be deleted and the electric fence component erected on top of the proposed high quality metal fencing and/or located behind the feature metal fencing.***

Item 11.1.8 Continued

- 32. The provision of 4 x 4 metre corner truncations on Great Eastern Highway.**

CARRIED 11 VOTES TO 0

*** 8.22 pm Cr Hitt and Cr Whiteley departed the Chambers.

11.1.9 Cloverdale Redevelopment

Report by Community & Statutory Services Division

DATE

26 October 2005

PURPOSE OF REPORT

To support the Department of Housing and Works redevelopment of Cloverdale.

SUMMARY AND KEY ISSUES

Summary and Key Issues

At the 25 October 2005 Councillors Information Strategy Concept Forum, a presentation was given by Mr Bruce Fouracres, Regional Manager – Homeswest Cannington and Mr Richard Elliot, Manager Land Planning – Landstart, Department of Housing and Works on a redevelopment proposal for their land at Cloverdale.

The report reiterates what was discussed at the above mentioned meeting.

This report was deferred by Council at its 8 November 2005 meeting and is consequently resubmitted for consideration.

Officer Recommendation Summation

That Council support the redevelopment of Cloverdale.

LOCATION

Suburb of Cloverdale

APPLICANT

Department of Housing and Works

FILE REFERENCE

81/002 General Correspondence & Information

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

Item 11.1.9 Continued

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

No consultation was undertaken as part of the assessment of this application.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT

Strategy: Revise the Town Planning Scheme to reflect current and emerging needs.

Key Actions:

Re-development of Cloverdale.

Work with Homeswest to ensure that the proportion of public housing to private housing in any part of the City does not exceed 1:9

POLICY IMPLICATIONS

Local Planning Policy No. 1 – Residential Medium Density

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

BACKGROUND

At the 25 October 2005 Councillors Information Strategy Concept Forum, a presentation was given by Mr Bruce Fouracres, Regional Manager – Homeswest Cannington and Mr Richard Elliot, Manager Land Planning – Landstart, Department of Housing and Works on a redevelopment proposal for their land at Cloverdale.

Advice was given that the Department of Housing and Works currently have 260 properties within Cloverdale and it is proposed that the equivalent of 104 dwellings will be sold.

It was proposed that in terms of numbers of dwellings, the redevelopment would create 331 for Homeswest rental housing, which represented an increase of 71 dwellings. Of the 331 dwellings, 88 were built after 1980 and these will be retained. This means that 243 new dwellings will be constructed.

It is intended that 194 of the 243 new dwellings to be constructed will cater for small families and these will comprise two to three bedrooms. There are currently 33 seniors' dwellings and this same number will be retained in the redevelopment.

It was requested that Council relax its Local Planning Policy No. 1 requiring all development above R30 to include two storey or mezzanines such that one unit in the complex would be single storey to cater for those persons with physical disabilities.

Item 11.1.9 Continued

Advice was given that the Department had spent \$3.5 million to date and would like to achieve the complete redevelopment within a three to four year time frame.

At its meeting held 8 November 2005, Council resolved the following:

***BASS MOVED, HITT SECONDED**, that the item be deferred due to Elected Member concern that the presence of Homeswest housing will not be reduced and to provide additional time for Councillors to consider the matter and the Administration to report back to Council.*

CARRIED 9 VOTES TO 0

OFFICER COMMENT

The Department has requested that Council not adopt the Cloverdale redevelopment plan as it may arise in the future resulting from issues with tenant relocation, that some properties originally intended for sale may be retained and those properties indicated for development could be sold.

It is considered that a check should be conducted by Council's Planning Department on the ownership of properties in Cloverdale to confirm those properties owned by the Department of Housing and Works. This information can then be considered by Council and communicated to the Department.

Relaxation of Local Planning Policy No. 1

Recognising the large number of properties owned by the Department and their Charter, it is considered reasonable for the Council to relax the policy and permit a single storey dwelling for developments above R30 to cater for people with physical disabilities. It is possible in the design to site the single storey residence to minimise or eliminate its exposure to the street. Such applications will be referred to the Council for its consideration and decision.

Disposal of Department of Housing and Works Landholdings

It is considered that the Department should be requested to dispose as a single landholding two or more lots which are adjacent to each other. This will be likely to assist future developers to achieve a better site for redevelopment, without the need for the undesirable battleaxe redevelopment form.

Redevelopment Time Frame

It is suggested that Council approach the Member for Belmont, the Hon Eric Ripper MLA, seeking his support for the programme of redevelopment to occur in the shortest time frame possible, preferably less than three years.

Homeswest Presence

Given the existing situation where there is very little private redevelopment, the presence of Homeswest if all of its redevelopment were to be completed, would result in their presence of approximately 11% (1:9).

This presence will reduce once redevelopment of private holdings takes place.

*Item 11.1.9 Continued***Public Open Space**

There are particular lots which could be reserved for public open space purposes, as they appear by their shape and location to currently fulfil that function. It is suggested that discussion take place with the Department in relation to this matter.

FINANCIAL IMPLICATIONS

There are no significant financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That:

- 1) Council express its appreciation to the Department of Housing and Works for its commitment to the redevelopment of Cloverdale.
- 2) Council request its Planning Department to review the ownership of Homeswest landholdings according to Council records and for that information to be communicated as appropriate to Council and the Department of Housing and Works.
- 3) Council request that the sale of two or more adjacent lots be as a single parcel to facilitate their optimum redevelopment.
- 4) Council enter into discussion with the Department of Housing and Works on the possible transfer of lots currently vacant and having a public open space function to be reserved for that purpose.
- 5) Council approach the Member for Belmont, the Hon Eric Ripper MLA for his support for funding to ensure that the redevelopment of Cloverdale occurs in the shortest possible time frame.
- 6) Council support only in limited situations, the relaxation of Local Planning Policy Number 1 which requires two storey development over R30, so that a single storey unit can be allowed as part of such a development to specifically provide accommodation for person(s) with physical disabilities. The exercise of this discretion being based on the extensive redevelopment being carried out by the Department and in recognition of its Charter that includes the provision of accommodation for people with physical disabilities.
- 7) The Department of Housing and Works and Council's Marketing Section liaise together with the objective of producing a well publicised marketing campaign.

Item 11.1.9 Continued

*** 8.24 pm Cr Hitt and Cr Whiteley returned to the Chambers.

ROSSI MOVED, BLAIR SECONDED, that:

1. ***Council advise the Department of Housing and Works, the Premier and the Local Member for Belmont that in the Perth metropolitan area there are three local governments which have significantly more public housing than all the others, these being the:***

- ***City of Fremantle having a public housing presence of 12%***
- ***City of Belmont having a public housing presence of 10.35%***
- ***City of Perth having a public housing presence of 10.15%***

Accordingly, Council is of the strong opinion that this high presence is unacceptable and that in order to redress this imbalance every effort should be made to substantially reduce the presence of Department of Housing and Works in Cloverdale.

2. ***Council express its appreciation to the Department of Housing and Works for its commitment to the redevelopment of Cloverdale, but in view of point one above, request that the Department of Housing and Works submit a new plan which shows a significantly greater number of Department of Housing and Work properties to be sold.***

3. ***Council request its Planning Department to review the ownership of Homeswest landholdings according to Council records and for that information to be communicated as appropriate to Council and the Department of Housing and Works.***

4. ***Council request that the sale of two or more adjacent lots be as a single parcel to facilitate their optimum redevelopment.***

5. ***Council enter into discussion with the Department of Housing and Works on the possible transfer of lots currently vacant and having a public open space function to be reserved for that purpose.***

6. ***Council approach the Member for Belmont, the Hon Eric Ripper MLA for his support for funding to ensure that the redevelopment of Cloverdale occurs in the shortest possible time frame.***

7. ***Council support only in limited situations, the relaxation of Local Planning Policy Number 1 which requires two storey development over R30, so that a single storey unit can be allowed as part of such a development to specifically provide accommodation for person(s) with physical disabilities. The exercise of this discretion being based on the extensive redevelopment being carried out by the Department and in recognition of its Charter that includes the provision of accommodation for people with physical disabilities.***

8. ***The Department of Housing and Works and Council's Marketing Section liaise together with the objective of producing a well publicised marketing campaign."***

Item 11.1.9 Continued

- 9. That Council invite Mr Eric Ripper, Member for Belmont and Homeswest Minister to meet with Council for Councillors to bring to their attention the problems that an increase in Homeswest will affect the City of Belmont and people in Homeswest Housing.**

CARRIED 11 VOTES TO 0

*****8.31 pm Crs Dornford and Whiteley departed the Chamber.**

11.2 SOCIAL BELMONT

WITHDRAWN ITEMS

Item 11.2.1 was withdrawn at the request of Cr Hitt.

11.2.1 Bluearth Health & Wellbeing Proposal **

****SB Attachment 6 – Item 11.2.1 refers**

Report by Technical Services Division

DATE

9 November 2005

PURPOSE OF REPORT

To consider Council involvement in a proposed partnership to provide a physical activity program to primary school students in the City.

SUMMARY AND KEY ISSUES

Summary and Key Issues

The City has been approached by the Department of Education and Training – Canning District Education Office and The Bluearth Institute to make a financial contribution to a partnership that would establish the Bluearth Discovery Program and the associated Teacher Development Program in Schools within the City of Belmont.

Bluearth Discovery focuses on developing improved non-competitive physical environments for children with the multiple aims of improving participation, reducing obesity and improving the overall social and physical wellbeing of the participants

The 2005 /2006 Budget has at this stage \$10,000 of uncommitted funds for initiative in schools which could be used to fund the proposed partnership.

*Item 11.2.1 Continued***Officer Recommendation Summation**

1. That the City makes an in-principle commitment to the proposed partnership and commit up to \$10,000 funding this financial year.
2. That consideration is given to providing funds in future budgets to enable the roll-out of the Program in all interested Schools in the City.

LOCATION

Not Applicable

APPLICANT

Not Applicable

FILE REFERENCE

83/004 - Recreation Programs

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

Consultation has taken place with:

- Department of Education and Training – Canning District Education Office.
- Catholic Education Office of WA.
- The Bluearth Institute
- The Belmont Principals Cluster Group

As result of this consultation the organisations have selected the following schools for the initial roll-out of the Program:

- Saint Augustine's Catholic Primary School
- Redcliffe Primary School
- South East Metropolitan Language Centre

*Item 11.2.1 Continued***STRATEGIC PLAN**

Social Belmont Objective – Ensure that the community has access to the services and facilities it needs.

Strategy – Provide and facilitate leisure and recreation programs and facilities that meet the needs of the community.

Key Action – Guide Council involvement including consideration of the roles and responsibilities of stakeholders in community recreation, leisure and physical activity including partnership with schools programs.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

At the Information / Strategy Concept Forum held on 21 June 2005 a joint presentation was made to Council by Lynelle Hopkins – National Delivery Manager Bluearth Institute and Lindsay Usher – Superintendent Canning District Education Office. The purpose of the presentation was to explain the vision and objectives of the Bluearth organisation and detail the Integrated Health Promotion program offered by Bluearth that is applied in the primary school setting.

The City of Belmont has the opportunity to join with the WA Department of Education and the Catholic Education Office in ensuring that 3 primary schools receive the Bluearth Teacher Development Program in 2006.

The schools that have been selected are:

- St. Augustines Primary School
- Redcliffe Primary School
- South Eastern Metro Language Centre

The Teacher Development Program is conducted over 36, 1 hour sessions. It is usual for these sessions to be conducted once a week over a period of four terms.

The following no. of teachers and students have the opportunity to undertake the program in 2006:

- Teachers: 2 teachers per school.
- Students: 1 class per term, per school X 4 terms.

It is proposed that the City of Belmont contribute \$10,000 and the Department of Education and Training contribute \$5,000 which would cover –

Item 11.2.1 Continued

- Project Management including the establishment of a local working party consisting of representatives from the City of Belmont, Canning Education District and Bluearth.
- Professional training, instruction by the Bluearth Coach.
- Provision of all training equipment.
- Provision of training manuals.
- Certification to all teachers, students.

OFFICER COMMENT

It should be noted that whilst it is proposed that the Bluearth Programs will be delivered through the education / school system this is not an education program per se, but a whole of community orientated program that aims to increase the participant's whole person health and wellbeing through involvement in physical activity. It is expected that the teachers who have been involved in the Blue Earth program will pass on their knowledge and skills to other teachers at the school via a "train the trainer" approach that will be facilitated by Bluearth.

FINANCIAL IMPLICATIONS

The 2005 /2006 Budget has an allocation of \$10,000 for School Programs (222.00.0.069). At this stage these funds are uncommitted.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
6	City of Belmont / Bluearth Partnership

OFFICER RECOMMENDATION

That Council:-

1. Makes an in-principle commitment to the proposed partnership and commit up to \$10,000 funding this financial year to deliver Bluearth Discovery and the associated Teacher Development Program in Saint Augustine's Catholic Primary School, Redcliffe Primary School and, South East Metropolitan Language Centre.
2. Considers providing funds in future budgets to enable the roll-out of the Program in all interested Schools in the City.

Item 11.2.1 Continued

HITT MOVED, ROSSI SECONDED, that to ensure that the program is making an effective contribution to our community, the Officer Recommendation be amended to read and adopted as follows –

That Council:-

- 1. Makes an in-principle commitment to the proposed partnership and commit up to \$10,000 funding this financial year to deliver Bluearth Discovery and the associated Teacher Development Program in Saint Augustine's Catholic Primary School, Redcliffe Primary School and, South East Metropolitan Language Centre.***
- 2. Considers providing funds in future budgets to enable the roll-out of the Program in all interested Schools in the City.***
- 3. Any consideration for future funding will be dependent upon a report being presented to Council by The Bluearth Institute that demonstrates positive and measurable outcomes in the health and wellbeing of the program participants.***

****** 8.32 pm Cr Dornford rejoined the meeting.***

CARRIED 10 VOTES TO 0

***** 8.33 pm Cr Whiteley returned to the chambers.**

11.3 ECONOMIC BELMONT

WITHDRAWN ITEMS

Item 11.3.1 was withdrawn at the request of Cr Hitt

11.3.1 Lease of Premises – 254 Great Eastern Highway, Ascot

Report by Corporate and Governance Division

DATE

24 October 2005

PURPOSE OF REPORT

To consider the lease of 254 Great Eastern Highway, Ascot to Volunteer Taskforce Inc.

SUMMARY AND KEY ISSUES

Summary and Key Issues

Council previously approved the lease of 254 Great Eastern Highway to Guides WA on the basis of a \$40 per week rental with Council undertaking certain maintenance of the facility as a condition of the lease agreement.

Although a lease was offered, Guides WA were unable to accept this offer and therefore no lease was entered into. Volunteer Taskforce Inc, a community based organisation providing home based assistance to frail and aged members of the community, have expressed a keen interest in leasing the property.

Volunteer Taskforce has been able to secure storage for the vehicles that they use in their operation at the nearby State Emergency Service Centre on Hardey Road and will therefore have limited impact on nearby resident to 254 Great Eastern Highway, other than their use of a number of car parking bays in the shared car park with the adjacent bowling club.

Volunteer Taskforce provides an integral service to aged and frail residents of the Belmont community and it is considered that as 254 Great Eastern Highway is currently vacancy, Council approval for this occupancy arrangement should be approved.

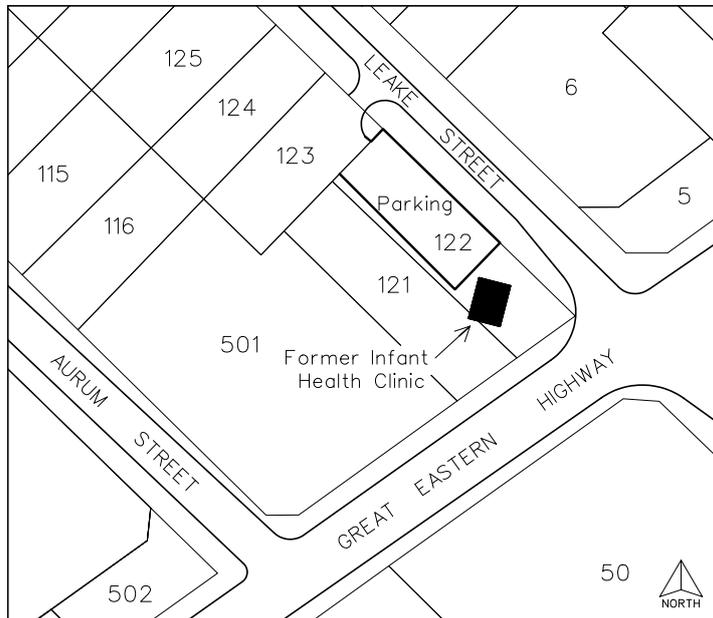
*Item 11.3.1 Continued***Officer Recommendation Summation**

That Council;

1. Agree to dispose by way of lease, Lot 121 (254) Great Eastern Highway, Ascot to Volunteer Taskforce of 61 Lowan Loop, Karawara.
2. Authorise the Mayor and Chief Executive Officer to place the common seal of the City of Belmont on any resultant lease agreement between the City of Belmont and Volunteer Taskforce Inc for this purpose.
3. Establish this agreement on the following basis;
 - a. Rental of \$40 per week, payable in arrears
 - b. Volunteer Taskforce Inc responsible for all maintenance associated with the property as a condition of lease.
 - c. Incorporation of a termination clause that enables either party to conclude the arrangement following the provision of one months notice in writing to the other party.

LOCATION

Lot 121 (254) Great Eastern Highway, Ascot

**APPLICANT**

Volunteer Taskforce Inc

Item 11.3.1 Continued

FILE REFERENCE

70/007 – Lease of Council Property

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required

CONSULTATION

Whilst Section 3.58 of the Local Government Act 1995 provides for public consultation in the event of a disposal of property by a local government by way of sale, lease or otherwise, Clause 30(2)(b) of the Local Government (Functions and General) Regulations 1996 provides that a disposition of land is an exempt disposition if “*the land is disposed of to a body, whether incorporated or not;*

(i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and

(ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions”

Volunteer Taskforce Inc clearly meet the of clause 30 of the Local Government (Functions and General) Regulations 1996 benevolent organisation

As such, it is deemed that if approved by Council by way of resolution, further public consultation will not be required to facilitate the lease of the premises to Volunteer Taskforce Inc.

Additionally it is recommended that Council inform the Belmont RSL, located adjacent to 254 Great Eastern Highway, of the impending occupancy of the property seeking their comments to the proposal.

STRATEGIC PLAN IMPLICATIONS

The provision of this lease agreement is supported by the following statements from the City of Belmont Strategic Plan 2006-2010:

“Provide, or facilitate access to, services and facilities required by seniors and other ‘in need’ community members.”

Item 11.3.1 Continued

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 3.58 of the Local Government Act

BACKGROUND

For a number of years 254 Great Eastern Highway has been the subject of interest from a number of community based organisations wishing to lease the property, formally used a child health clinic.

Most recently, Council at its June 2005 Ordinary Council Meeting considered an request to lease the property from Guides WA who wished to utilise the facility for storage.

Unfortunately, following Council approval of this lease, Guides WA advised that due to financial limitations they would be unable to accept this offer.

Since the withdrawal of Guides WA from the potential use of this facility, Volunteer Taskforce Inc, a community based organisation providing home care services to frail aged and disabled clients has expressed an interest in leasing this facility as a base for their eastern metropolitan activities.

Volunteer Taskforce Volunteer Task Force provides much needed practical support services including gardening, in-home-maintenance, cleaning, shopping and outings for frail aged and disabled clients. The services are delivered by 15 full time, 2 part time and 10 casual staff, and these staff are assisted in the delivery of services by 181 volunteers. The organisation's model of service delivery is based on partnerships where the organisation works with individual partners, our volunteers, corporate and local government partners and our major funding partner, the Home and Community Care (HACC) program to deliver services.

The organisation was founded 35 years ago by a group of volunteers. The focus then, as now, is to provide practical support to disadvantaged groups in the community.

Volunteer Task Force works with other agencies to provide services and these services are delivered across the majority of the metropolitan area. To ensure that VTF meets local needs the organisation operates from local service outlets and currently has offices in North Perth and Wanneroo. The establishment of an outlet in the City of Belmont will enable VTF to deliver services in the South East region. It will also enable VTF to attract local volunteers.

In 2004/2005 VTF provided over 31,000 hours of services to 2,254 clients and with the ageing population it is anticipated that the demand for their services will only grow.

Item 11.3.1 Continued

The Volunteer Taskforce has viewed the premises twice in recent times and believes that it is suitable for their immediate needs. Vehicles used by Volunteer Taskforce will be housed at the State Emergency Services State Operation Centre on Hardey Road through a separate agreement between Volunteer Taskforce and the State Government.

The terms of the previously agreed lease between the City and Guides WA has been provided to Volunteer Taskforce Inc, \$40 per week plus outgoings, who have accepted such terms.

As Council are aware, this facility is likely to be affected by any widening program associated with Great Eastern Highway.

As a result of this, the property has only limited commercial opportunity due to the insecurity of its tenure. This insecurity additionally requires that any agreement reached between the City and a third party for the lease of the property be developed in such a manner to enable the City to quickly terminate the agreement in the event that any widening program is initiated.

OFFICER COMMENT

This property has been vacant for some time, and despite interest from a number of separate, predominantly community based organisations, to date no agreement has been able to be reached between the City and a third party to let the facility.

The impact of the Great Eastern Highway widening program no doubt materially affects the ability of the property to be seen as a viable location, hence the extent of interest shown by community based organisations, seeking accommodation on a significantly lower annual rental.

Despite it being vacant for an extended period of time, the property still presents quite well, largely due to the maintenance to the surrounding grounds by Council staff.

It is considered that the lease of this facility will not only improve the aesthetics of the building, it will also enable Council to attract a community based organisation who clearly provides both a worthwhile and valuable service to the Belmont community.

As Volunteer Taskforce Inc have been able to arrange for the storage of their service vehicles away from the property in question, no reason can be found as to why Council should refuse this occupancy and enter into a suitable agreement for the leaser of 254 Great Eastern Highway, Ascot.

FINANCIAL IMPLICATIONS

Lease agreement between the City of Belmont and Volunteer Taskforce Inc will provide an annual rental of \$2080. The resultant lease agreement will also preclude the City from having any maintenance responsibilities associated with the property following lease.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

Item 11.3.1 Continued

ATTACHMENT DETAILS

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

HITT MOVED, MARKS SECONDED, that Council;

In accordance with Section 3.58 of the Local Government Act 1995, agree to dispose by way of lease, Lot 121 (254) Great Eastern Highway, Ascot to Volunteer Taskforce of 61 Lowan Loop, Karawara.

- 1. In recognition of the implications of Clause 30(2)(b) of the Local Government (Functions and General) Regulations 1996, consider Volunteer Taskforce Inc to be an organisation within the limits of the exemption contained in regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996.***
- 2. Authorise the Mayor and Chief Executive Officer to place the common seal of the City of Belmont on any resultant lease agreement between the City of Belmont and Volunteer Taskforce Inc for this purpose.***
- 3. Establish this agreement on the following basis;***
 - a. Rental of \$40 per week, payable in arrears***
 - b. Volunteer Taskforce Inc responsible for all maintenance associated with the property as a condition of lease.***
 - c. Incorporation of a termination clause that enables either party to conclude the arrangement following the provision of one months notice in writing to the other party.***

CARRIED 11 VOTES TO 0

11.4 NATURAL BELMONT**WITHDRAWN ITEMS**

Item 11.4.1 was withdrawn at the request of Cr Hitt.

11.4.1 Item from Environmental Committee (14/11/05) - Proposed BGC Clay Brick Manufacturing Plant – Precinct 3A, Perth Airport **

****NB Attachment 7 – Item 11.4.1 refers**

****NB Attachment 8 – Item 11.4.1 refers**

Report by Technical Services Division

DATE

7 October 2005

PURPOSE OF REPORT

The purpose of this report is to:

- Provide the Environmental Committee and Council with a summary of the BGC Clay Brick Manufacturing Plant proposal.
- Summarise the potential impacts the proposal may have on the City of Belmont;
- Provide the Environmental Committee and Council with a copy of the proposed submission to WAC.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

The Westralia Airports Corporation (WAC) intends to facilitate the development of a Clay Brick Manufacturing Plant within Precinct 3A of the Perth Airport. The facility will be developed by BGC (Australia) Pty Ltd who intends to sublease the land from the WAC. As required by the *Airports Act 1996*, the proposal has been advertised for public comment for 90 days, with submissions closing on the 30th November 2005.

Staff have reviewed the proposal in consultation with the EMRC and have provided comment on the following key issues which are likely to be the most significant for the City of Belmont:

- Air Emissions
- Surface Water and Groundwater Quality
- Noise
- Traffic Management
- Community Perceptions

Item 11.4.1 Continued

These issues have been addressed in detail in the attached submission to WAC and will be summarised for this agenda item.

Officer Recommendation Summation

That Council;

1. Note the intention of BGC to construct a Clay Brick Manufacturing Plant at the Perth Airport;
2. Note the potential impacts the proposal may have on the City of Belmont;
3. Endorse the proposed submission prepared by the City's Coordinator – Environment for submission to WAC by 30 November 2005.

LOCATION

The subject site is located within the western portion of Precinct 3A of the Perth Airport, as identified within the Perth Airport's Master Plan 2004. The site is bounded by the Great Eastern Highway Bypass to the north, the Kewdale Freight Line and Precinct 3B to the east, and Kalamunda Road to the south and west. The proposal will cover an area of 31.9ha. A location plan is attached.

APPLICANT

Westralia Airports Corporation & BGC (Australia) Pty Ltd

FILE REFERENCE

Folder Number 15/001 (PAMG)

DISCLOSURE OF INTEREST

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

VOTING REQUIREMENT

Simple Majority

CONSULTATION

The Preliminary Draft Major Development Plan and Environmental Review documents for the proposed Clay Brick Manufacturing Plant are currently being advertised for public comment, with the submission period closing on the 30th November 2005.

Item 11.4.1 Continued

BGC and WAC have undertaken extensive public consultation by inviting key stakeholders, including the City of Belmont, to community information seminars on the proposed facility. These seminars identified how the proposal intended to reduce the social and environmental impacts of the facility.

STRATEGIC PLAN IMPLICATIONS

Provision of a submission on the proposed brickworks will ensure a number of the City's key actions from the Strategic Plan are achieved, namely:

BUSINESS BELMONT

- Promote and encourage sustainable business development within the Airport;
- Encourage the WAC to use the development control measures of the City and surrounding Local Governments as appropriate for assessment of development at Perth Airport;

NATURAL BELMONT

- Wherever justifiable, incorporate environmental conditions on development applications to minimise discharge of nutrients and other contaminants, waste generation and air pollution emissions (including dust and greenhouse gases).

POLICY IMPLICATIONS

Provision of a submission on this proposal will assist in developing the City's continuing open relationship with Westralia Airports Corporation and will ensure that potential social and environmental impacts associated with the development will be minimised. Both of these issues are consistent with the City's Environment Plan.

STATUTORY ENVIRONMENT

The *Airports Act 1996* governs the operation of Federal airports within Australia that are leased to private organisations, and provides the statutory controls for the ongoing regulation of activities on airport land.

The Act states that where specific types of development are proposed, a major development plan is required to be prepared and advertised for public comment for a period of 90 days. This provides key stakeholders with the ability to provide comment on the proposal. All public submissions are provided in their entirety to the Federal Minister for Transport & Regional Services at the time of reviewing the proposal.

The proposed development is also consistent with the Perth Airport's Master Plan 2004 and Environment Strategy 2004.

*Item 11.4.1 Continued***BACKGROUND**

The Westralia Airports Corporation Pty Ltd (WAC) and BGC have prepared a Draft Major Development Plan, in accordance with the *Airports Act 1996*, for the development of a Clay Brick Manufacturing Plant in the northern section of the Perth Airport. The site (which is in the City of Swan) will be developed by BGC (Australia) Pty Ltd who intends to sublease the land from the WAC. In conjunction with the Development Plan an Environmental Review has also been prepared providing details on the potential emissions and environmental impacts of the Brick Manufacturing Plant and outlining management strategies to either control or eliminate those impacts.

As required by the *Airports Act 1996*, the proposal is currently being advertised for 90 days public comment, with submissions closing on the 30th November 2005. As a major stakeholder for the Perth Airport, the City of Belmont has been invited to comment on the proposed development.

In summary, the proposed development will comprise of a clay storage building, a production building, a hardstand (or paved area) for product storage and an administration and sales building occupying an area of approximately 20ha. The remaining 11.9ha will be incorporated as a vegetation buffer. Access to the site will be obtained via Kalamunda Road.

OFFICER COMMENT

City of Belmont staff have reviewed the Draft Major Development Plan and Environmental Review and have summarised the potential impacts the proposed Brick Manufacturing Plant may have on the City of Belmont. The review was undertaken in consultation with the EMRC.

The main issues highlighted as being of interest to the City are as follows:

Air Emissions

The proposal has the potential to increase air emissions such as greenhouse gases (CO₂), acid gases [(hydrogen chloride (HCl), hydrogen fluoride (HF), sulphur dioxide (SO₂)], volatile organic compounds (VOC), nitrous oxide (NO₂) and particulates.

WAC has indicated in an information presentation to Council (given on 13 September 2005) that the proposed brickworks will meet all Federal, as well as State, air emissions standards. If this is achieved, the City of Belmont is unlikely to be impacted upon from air emissions. It should be noted however, that any auditing of the air emissions modelling included in the Environmental Review will need to be undertaken by an expert panel from the Department of Environment's air quality branch.

Traffic Management

The City's Project / Development Officer has assessed the likely impact of increased traffic on the City of Belmont. The MDP and the Environmental Review documents indicate that the incoming and outgoing traffic for the proposed brickworks will not be using Belmont roads and thus will not have a significant impact on the City.

Item 11.4.1 Continued

Surface Water and Groundwater Quality

The City of Belmont's municipal boundary is some 2 kilometres from the proposed BGC brickworks site. Therefore, it is considered that this distance, combined with the implementation of several proposed management measures (such as sealing of road surfaces, oil separators, interceptor basin and an Environmental Management System), make it unlikely that there will be adverse effects on surface waters or groundwater entering the City of Belmont or the Swan River.

Noise

A noise impact assessment of the proposed brickworks was carried out by Lloyd Acoustics Pty Ltd on behalf of BGC (Australia) Pty Ltd to determine the potential impact, if any, the brickworks would have on the surrounding residential areas. The report concludes that with appropriate noise control measures for fixed plant and mobile plant, compliance is predicted at all times with both the A(EP)R (1997) and *Environmental Protection (Noise) Regulations 1997*.

Measures to be implemented include engineering controls to be considered at the design stage, restrictions on operating hours, vehicle design such as noise insulation around engine compartments, the use of flashing reversing alarms instead of audible alarms and the placement of physical barriers and screens around the perimeter of the operations.

Further noise surveys are proposed to be carried out during commissioning.

Community Perceptions

The following information has been provided by EMRC:

“There are a number of active community groups in the area that are strongly opposed to the development and are expecting the City of Belmont to support them in their endeavours. The Council will need to seek agreement from the Westralia Airports Corporation (WAC) and BGC to respond to these issues, given that the City of Belmont is a referral agency and not a decision making authority for this proposal.

The issue regarding community perceptions reinforces the need for the City of Belmont to engage the WAC in active partnership arrangements that help to guide future planning, particularly in regards to non-aeronautical land use activities in development precincts and participation in WAC led consultative groups such as the Federal Government's Australian Mayoral Aviation Council (AMAC) and State based Perth Airports Municipalities Group (PAMG).

These issues, whilst not limited to the BGC proposal, are considered strategic in nature and are consistent with improving current arrangements and reinforcing Council's position put forward in previous submissions.”

Item 11.4.1 Continued

FINANCIAL IMPLICATIONS

There will be no financial implications to Council in adopting the officer's recommendation.

ENVIRONMENTAL IMPLICATIONS

It is stated in the Major Development Plan (MDP) that:

"It is Westralia Airport Corporation's intent to:

-
- *respect and balance the requirements of the airport with surrounding land uses;*
- *ensure appropriate controls are in place to prevent environmental impacts;*
-
- *put in place long term environmental monitoring and reporting programs; and*
- *create appropriate environmental, servicing and traffic solutions."*

Air Emissions

The proposal has the potential to increase air emissions such as greenhouse gases (CO₂), acid gases (hydrogen chloride (HCl), hydrogen fluoride (HF), sulphur dioxide (SO₂)), volatile organic compounds (VOC), nitrous oxide (NO₂) and particulates. BGC claims that the brickworks will utilise advanced technology and scrubbing equipment that will have significantly lower emissions, when compared to existing brickworks operations in the region.

The MDP states the required Federal regulatory air emission levels, those of the State (which WAC have made the commitment that BGC would remain within) and the anticipated levels that BGC will achieve:

	Regulations		BGC Proposed	
	A(EP)R (Federal)	DoE (State)	Never to Exceed (Max)	Operational Target
HF	50 mg/m ³	30-60 mg/m ³	20 mg/m ³	5 mg/m ³
HCl	400 mg/m ³	100 mg/m ³	100 mg/m ³	50 mg/m ³
SOx	200 mg/m ³	200 mg/m ³	200 mg/m ³	100 mg/m ³

Item 11.4.1 Continued

BGC also contends that the introduction of the new technologies will be a catalyst for pressuring existing brickworks to reduce their emissions as required by the EPA as part of the Brickworks Review undertaken in 2003.

Although BGC's claims are achievable, there is likely to be a minor increase in cumulative air shed emissions in the short term as the new plant becomes operational and the existing plants adjust to improved performance. Over the longer term, it is considered that there would be minimal cumulative impacts in the regional air shed as a result of the new BGC brickworks, providing the claims related to the performance of the BGC brickworks are validated through monitoring and the existing brickworks improve their emissions performance as required under the EPA Brickworks Review (McCarthy M., 2005).

In regards to the air emissions performance claimed by BGC, this is dependant upon the modelling and atmospheric data utilised by BGC's consultants. It is understood that the Department of Environment has commissioned an independent assessment of the air emission information put forward by BGC. Any auditing of the emissions produced will be under the Department of Environments jurisdiction.

Surface Water and Groundwater Quality

The City of Belmont's municipal boundary is some 2 kilometres from the proposed BGC brickworks site. The proposed management of stormwater on the site involves a number of mitigation strategies including sealing of road surfaces, oil separators, interceptor basin (to contain 5 year storm event) and cut off drains and ongoing water quality monitoring.

In addition, BGC proposes to implement a Containment Policy to divert surface water away from Munday Swamp (a Conservation category wetland to the east of the site) and an Environmental Management System (EMS), aimed at minimising off site impacts.

BGC have also "engaged Aquaterra Consulting Pty Ltd to review the hydrology of the site and prepare a stormwater and drainage management plan." (Draft MDP, 2005).

It is considered that, with the implementation of these measures, it is unlikely that there will be adverse effects on surface water or groundwater entering the City of Belmont or the Swan River.

Other Environmental Issues

Other environmental issues identified in the BGC report include noise, acid sulfate soils and retention of vegetation communities. These issues are site specific and unlikely to have implications for the City of Belmont, given the 2 kilometres distance and the commitments put forward by BGC (eg acid sulfate soils assessment and management plan, if required).

Item 11.4.1 Continued

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
7	Location Plan
8	Submission to WAC on proposed BGC Clay Brick Manufacturing Plant

OFFICER RECOMMENDATION

That Council :-

1. Note intention of BGC to construct a Clay Brick Manufacturing Plant at the Perth Airport;
2. Note the potential impacts the proposal may have on the City of Belmont;
3. Endorse the proposed submission prepared by the City's Coordinator – Environment for submission to WAC by 30 November 2005.

COMMITTEE COMMENT

The matter was presented to the Standing Committee (Environmental) Meeting held Monday, 14 November 2005. During the presentation at the Committee, Councillors asked various questions regarding the monitoring of emission levels, compliance with the guidelines and possible repercussions if these guidelines were breached. It was thought that independent quarterly assessments to monitor emissions would be appropriate. Councillors did not support the principle of the brickworks in the region. It was decided that the recommendation should be adjusted.

*** 8.35 pm Cr Whiteley departed the Chambers.

*** 8.36 pm Director Corporate & Governance departed the Chambers.

HITT MOVED, MARKS SECONDED, that

1. ***Council not support in principle another brick works in the region, however; if the brick works were to proceed then BGC be made to meet their operational targets as specified in their report;***
2. ***Significant penalties apply to breaches of operational targets;***
3. ***Independent quarterly assessments be undertaken to monitor the emissions of the brick works.***

*** 8.38pm Cr Whiteley rejoined the meeting.

*** 8.38pm Director Corporate & Governance rejoined the meeting.

CARRIED 11 VOTES TO 0

11.5 BUSINESS EXCELLENCE**WITHDRAWN ITEMS**

Item 11.5.1 was withdrawn at the request of Cr Teasdale and Cr Dornford.

Item 11.5.4 was withdrawn at the request of Cr Dornford.

Item 11.5.5 was withdrawn at the request of Cr Rossi.

WHITELEY MOVED, TEASDALE SECONDED, that with the exception of Items 11.5.1, 11.5.4 and 11.5.5, which are to be considered separately, the Officer Recommendation in the Business Belmont Key Result Area Report, specifically Items 11.5.2, 11.5.3, 11.5.6 and 11.5.7, be adopted en bloc.

CARRIED 11 VOTES TO 0

***** 8.39 pm** Cr Teasdale and Cr Dornford departed the Chambers.

11.5.1 Accounts for Payment

****BEXB Attachment 9 – Item 11.5.1 refers**

Report by Corporate Services Division

DATE

9 November 2005

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

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

Officer Recommendation Summation

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

LOCATION

Not applicable

Item 11.5.1 Continued

APPLICANT

Not applicable

FILE REFERENCE

54/007 – Creditors – Payment Authorisations

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan implications are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

Item 11.5.1 Continued

OFFICER COMMENT

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

Municipal Fund Cheques	760959-761474	\$4,396,739.69
Trust Fund Cheques	905171-905173	\$15,063.01
Property Development Fund Cheques		\$0
Total of Cheques for October 2005		\$4,411,802.70

A copy of the Authorised Cheque Listing is included as an Attachment to this item.

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
9	Accounts for payment listing

OFFICER RECOMMENDATION

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

BLAIR MOVED, ROSSI SECONDED, that the Authorised Cheque Listing as included in the Attachment to this item be confirmed and endorsed.

CARRIED 9 VOTES TO 0

***** 8.40 pm** Cr Teasdale rejoined the meeting.

11.5.2 Financial Reports as at 31 October 2005
****BEXB Attachment 10 – Item 11.5.2 refers**

Report by Corporate Services Division

DATE

9 November 2005

PURPOSE OF REPORT

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

SUMMARY AND KEY ISSUES

Summary and Key Issues

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

Officer Recommendation Summation

That the Monthly Financial Reports as at 31 October 2005 be received.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

32/009 – Financial Operating Statements

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

Item 11.5.2 Continued

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Key Result Area: Business Excellence.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

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

Item 11.5.2 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 eg tied grants.

As identified above, Council is required to adopt a percentage or value to determine material variances in accordance with the requirements of Australian Accounting Standards (AAS) 5.

AAS5 discusses the principles to be applied in determining if a variance is material. AAS5 states that:

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

- (a) decisions about the allocation of scarce resources made by users of the financial report; or*
(b) the discharge of accountability by the management or governing body of the entity”.

AAS5's guidance notes provide for a quantitative determination as to whether an amount is material, this being that if an amount is...

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

In the application of this method, consideration must be given to what appropriate base amount is to be used. The AAS5 guidance notes provide details discussion on this aspect, however one example would seem to be appropriate to the needs of Council in the consideration of its monthly Statement of Financial Activity. The example provided relates to the interpretation of a statement of financial performance. In this case, the appropriate base amount can be determined as operating result(profit or loss)for the reporting period.

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

It should also be noted that many of the variances listed in the monthly Statement of Financial Activity would not technically fall within the auspices of AAS5 as they are timing differences only, and would not generally have the potential to adversely affect either the decision making or the discharge of accountability for Council. Regardless of this, it is proposed that all variances in excess of the specified percentage will have details reported. All variances calculated are a comparison of year to date actual vs year to date budget.

In order to provide more details regarding significant variations in the attached report, the following summary is provided.

Item 11.5.2 Continued

Report Section	YTD Budget	YTD Actual	Comment
Applications of Funds - Capital			
Computing	601,020	8,097	Substantial portion of budget allocated to July due to uncertainty in the timing of a number of acquisitions
Rangers	52,840	2,400	Fleet acquisition timing issues (dates vary to comply with usage patterns)
Ascot Close Housing	60,540	0	Planned major refurbishment process has been revised to be undertaken as required.
Belmont Oasis	77,895	3,154	Anticipated equipment purchases in July had not occurred to budgeted extent.
Ruth Faulkner Library	89,938	0	Refurbishment underway not completed purchases expected to occur during November 2005
Grounds Operations	135,825	361,680	Ongoing expenditure finalising Faulkner Park Playground plus other projects commenced.
Road Works	1,439,392	1,020,771	Variation to anticipated expenditure patterns.
Drainage Works	231,032	149,432	Variation to anticipated expenditure patterns.
Operations Centre	323,970	269,328	Fleet/Plant change overs timing delays (dates vary to comply with usage patterns)
Building Operations	1,272,052	746,883	Variation to anticipated expenditure patterns.
Applications of Funds – Operating			
Finance Department	470,833	407,949	Salaries low due to timing of staff replacement. Audit fees accrual to 04/05 reversed, yet to be charged by auditors.
Computing	478,730	293,123	Licence payments for business applications yet to be finalised. Equipment maintenance cost varied to anticipated patterns.
Governance	914,308	839,506	Activity Based Costing allocation lower than budgeted for this period.
Youth Services General	156,367	95,623	Salaries and ABC allocations low compared to estimated expenditure patterns.
Sanitation Charges	907,423	851,808	Variation to anticipated expenditure patterns.
Public Facilities Operations	56,998	122,496	ABC allocations higher than anticipated at this point.
Building – Active Reserves	161,242	87,499	Variation to anticipated expenditure patterns.
Grounds Operations	616,560	458,115	Variation to anticipated expenditure patterns.
Grounds – Active Reserves	280,593	120,529	Limited activity for wages and turf maintenance October 2005. This will vary with maintenance requirements

Item 11.5.2 Continued

Report Section	YTD Budget	YTD Actual	Comment
Streetscapes	308,908	248,540	Variation to anticipated expenditure patterns.
Technical Services	517,624	419,777	Minor variation in timing of costing of services/contracts.
Sources of Funds – Capital			
General Purpose Income	-850,000	585,455	Not all land sale settlements taken place to date.
Sources of Funds – Operating			
Rates	-20,626,012	-19,033,447	Anticipated receipt of airport rates delayed due to revaluation process
Financing Activities	-273,067	-324,257	Significant capital growth and investment revenue early in the year.
Transfer to Reserve	-118,802	-1,217	Budget based on estimated revenue from Faulkner Park Retirement Village unit sales. Actuals are totally dependant on resident movements.
Road Works	-633,376	-219,500	Timing of grant funding varied to anticipated revenue patterns.
Streetscapes	-57,896	0	Timing of contributions varied to anticipated revenue patterns.
Plant Operating Costs	-385,658	-442,946	Plant recovery through usage higher 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.

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 30 Oct 2005	\$	Comment
Cash and investments	21,413,887	Includes municipal, reserves & deposits
- less non rate setting cash	-6,697,469	Reserves and deposits held
Receivables	6,865,733	Mostly rates levied yet to be received
- less non rate setting receivables	-1,051,679	ESL levied and GST payable
Stock on hand	187,182	
Total Current Assets	\$20,717,644	
Current Liabilities		
Creditors and provisions	-5,463,157	Includes deposits, GST and ESL payable
- less non rate setting creditors & provisions	3,418,695	ESL, GST and deposits held
- less cash backed provisions	376,459	Long service leave funded by reserve
Total Current Liabilities	\$ -1,668,003	
Nett Current Assets 30 Sept 2005	\$ 19,049,641	
Nett Current Assets as Per Financial Activity Report		
Less Restricted Assets	-1,442,107	Unspent grants held for specific purposes (Grandstand Road)
Less Committed Assets	-19,991,748	All other budgeted expenditure
Estimated Closing Balance	500,000	

Item 11.5.2 Continued

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

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
10	Monthly Financial Activity Statement as at 31 October 2005

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 October 2005 be received.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5***

Item 11.5.3 Continued

APPLICANT

Baptist Churches of Western Australia (the Baptist Union of Western Australia) trustees for The Minnie Bairstow Trust.

FILE REFERENCE

98/008 - Exemptions

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Planning implications evident at this time.

POLICY IMPLICATIONS

There are no significant Policy implications evident at this time.

STATUTORY ENVIRONMENT

Section 6.26 of the Local Government Act states:

- (1) Except as provided in this section all land within a district is rateable land.*
- (2) The following land is not rateable land*
 - (g) land used exclusively for charitable purposes;*

BACKGROUND

The Baptist Churches of Western Australia is a non profit charitable organisation whose main objectives are to establish, acquire, take over, carry on, manage and maintain all kinds of public benevolent and public charitable institutions to provide homes, hospitals, hostels and daily care centres for the elderly and for the developmentally disabled persons – irrespective of the religion and religious beliefs of those persons.

Item 11.5.3 Continued

The Minnie Bairstow Trust was created to assist aboriginal students who are studying at tertiary levels. The property known as 42 Somers Street, Belmont is vested in the name of the Baptist Union of Western Australia as the trust is not separately incorporated and the Baptist Union is the legal trustee of the Trust.

OFFICER COMMENT

The Baptist Churches of Western Australia was previously granted rate exemption when the property was known as Lot 96 Somers Street. The property was then subdivided in December 2003 to create Lot 100 and Lot 151. The church was demolished on the now known new Lot 151 and the house on the now known Lot 100 is being used by the Minnie Bairstow Trust for aboriginal tertiary students.

Council has received copies of the Baptist Union's Constitution, together with copies of both the Minnie Baristow Trust and the Baptist Union's Endorsement as an Income Tax Exempt Charitable Entity certificates. The use of this property is charitable as it is for the advance of Education with court cases having determined that the provision of accommodation for students is a charitable purpose as it is for the advancement of Education.

FINANCIAL IMPLICATIONS

The 2005/2006 rates are levied at the Residential rate. This equates to a loss of rate revenue totalling \$561.71. The Fire Services levy is still applicable and is required to be paid in full and the payment forwarded to the Fire and Emergency Services Authority as per the current legislative requirements.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS**Attach. No. Details**

Nil.

OFFICER RECOMMENDATION

The property known as (Lot 100) 42 Somers Street, Belmont be granted rate exemption under Section 6.26 (2)(g) of the Local Government Act.

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5***

11.5.4 Adoption of the Annual Report 2004-2005****BEXB Attachment 11 – Item 11.5.4 refers**

Report by Corporate and Governance Division

DATE

10 November 2005

PURPOSE OF REPORT

To adopt Council's Annual Report for 2004-2005.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

The Annual Report is prepared to report to the Community on various issues relating to the Local Government and include the audited Annual Financial Statements. The Annual Report also contains information in relation to the Local Government's performance as detailed in the Principal Activities Plan. The Annual Report is presented to the Annual meeting of electors that must be conducted prior to the 31st December of the financial year being reported on, or within two months of receiving the Auditor's Report.

Officer Recommendation Summation

1. That Council adopt the 2004-2005 Annual Report as circulated.
2. That the availability of the Annual Report be advertised in accordance with Section 5.55 of the Local Government Act 1995.
3. That the Annual Report be available to members of the public at the Annual Meeting of Electors on Wednesday, 14 December 2005.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

32/001 – Operational / Strategic Planning - Originals

Item 11.5.4 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Absolute Majority required.

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan Implications.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

Section 5.54 of the Local Government Act prescribes that the annual report needs to be accepted by the Local Government by 31 December of that financial year or two months after the receipt of the Auditor's Report.

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

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

BACKGROUND

Council is required to prepare, adopt and advertise its Annual Report, prior to the Elector's Meeting. The Annual General Meeting of Electors is scheduled to take place at 7.00pm on Wednesday, 14 December 2005.

*Item 11.5.4 Continued***OFFICER COMMENT**

The Annual Report contains:

- Reports from the Mayor and Chief Executive Officer together with reports from individual Committee Presiding Members.
- A copy of the Financial Statements including the Auditor's Report.
- Council's obligations under clause 7 (1) Agreement of the National Competition Policy.
- An overview of the Principal Activities commenced or completed during 2004/2005.
- A report on the performance measures adopted in the 2004/2005 Principal Activities Plan.
- An overview of the Principal Activities to be commenced or continued during 2005/2006.
- Report on Council's Disability Services Plan achievements.
- A Freedom of Information Statement.

A copy of the Annual Report has been provided for the Agenda Briefing Meeting of 22 November 2005. A final "printed" version will be circulated to all Councillors when they become available.

The Annual Report will be available for members of the public at the Electors Meeting that will include a complete set of financial statements.

Council is also advised that arrangements have been made for the appropriate advertising to be carried out.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
11	Annual Report 2004-2005

Item 11.5.4 Continued

BASS MOVED, WHITELEY SECONDED,

1. ***That Council adopt the 2004-2005 Annual Report as circulated.***
2. ***That the availability of the Annual Report be advertised in accordance with Section 5.55 of the Local Government Act 1995.***
3. ***That the Annual Report be available to members of the public at the Annual Meeting of Electors on Wednesday, 14 December 2005.***

CARRIED BY ABSOLUTE MAJORITY 10 VOTES TO 0

ABSOLUTE MAJORITY REQUIRED

***** 8.41 pm** Cr Dornford rejoined the meeting.

11.5.5 Annual Civic Functions 2006

Report by Corporate and Governance Division

DATE

18 October 2005

PURPOSE OF REPORT

This report seeks Council's consideration of a program for its 2006 annual civic functions.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

This report proposes a programme for the major Civic functions hosted by Council for 2006 and seeks Council consideration accordingly.

Officer Recommendation Summation

The schedule of 2006 annual civic functions be adopted.

LOCATION

Not applicable

APPLICANT

Not Applicable

FILE REFERENCE

51/003 – Civic Functions

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Required.

Item 11.5.5 Continued

CONSULTATION

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

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

Economic Belmont – Provide effective management of, and communication with the community and other stakeholders.

Business Excellence – Manage and communicate with stakeholders effectively.

POLICY IMPLICATIONS

Policy C1.7.9 – “To recognise the contribution of members of the community and past Councillors in working for the good of the City of Belmont.”

Policy C1.6.3 – ‘Gifts to Departing Elected Members’ applies to the extent that gifts are generally presented at the Annual Civic Dinner.

STATUTORY ENVIRONMENT

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

BACKGROUND

The matter of the purpose, structure and timing of Annual Civic Functions has been presented to Council and reviewed in the past few years, most recently June 2005.

“At that meeting Council resolved –

- *That the Civic Dinner continue to be annual;*
- *The Essential Services function become an annual sundowner;*
- *The Chief Executive Officer be authorised to review the guest list of the Mayoral Dinner, in conjunction with the Mayor annually to ensure the invitation of the appropriate stakeholders;*
- *That the Retired Councillors Reunion Dinner be removed as a Council function and that current Councillors be empowered to request the Chief Executive Officer to consider inviting identified retired Councillors to attend the Civic Dinner (on a four (4) yearly basis) to recognise the service’s made for the working good of the City of Belmont and direct officers to make corresponding alterations to Policy C1.7.9;*
- *The Pioneer Afternoon Tea remain.”*

Item 11.5.5 Continued

FINANCIAL IMPLICATIONS

The City budgets annually for the conduct of each of these functions in account 215.00.0.385 for which the amount of \$37,000.00 is allocated

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That the following dates be set for Civic functions for the 2006 calendar year:

Annual Civic Functions 2006

- Pioneer Afternoon Tea Friday, 7 April 2006
- Volunteer/Essential Services Function Friday, 23 June 2006
- Mayor Dinner Saturday, 16 September 2006
- Annual Civic Dinner Friday, 15 December 2006

ROSSI MOVED, BASS SECONDED, that to accommodate the changing demographic of 'pioneers' and to better serve the aims of the Annual Civic Function, the Officer Recommendation not be adopted and –

- 1. That the Pioneers Afternoon Tea be renamed as 'Early Settlers Afternoon Tea' and the criteria determining eligibility to be attend be 'to have resided in the District of Belmont prior to 1950'.***
- 2. That a Register is established for those persons meeting the eligibility criteria of 'Early Settler' and that invitations for nominations to the Register be annually advertised in the local newspaper and Belmont Bulletin .***
- 3. That the Register of Pioneers be retained to specifically recognise the contribution of those registered and that those people listed are invited to the Early Settlers Afternoon Tea.***
- 4. That the following dates be set for civic functions for the 2006 calendar year:***

Item 11.5.5 Continued

▪ <i>Early Settlers Afternoon Tea</i>	<i>Friday 7 April 2006</i>
▪ <i>Volunteer/ Essential Services Function</i>	<i>Friday 23 June 2006</i>
▪ <i>Mayoral Dinner</i>	<i>Saturday 16 September 2006</i>
▪ <i>Annual Civic Dinner</i>	<i>Friday 10 November 2006</i>

LOST 4 VOTES TO 7*For: Bass, Dornford, Hitt, Rossi**Against: Godfrey, Martin, Teasdale, Whiteley, Powell, Blair, Marks***MARKS MOVED, POWELL SECONDED that Council defer the item until further information is obtained.****CARRIED 11 VOTES TO 0**

**11.5.6 Public Accounts Committee Inquiry into Local Government
Accountability******** BEXB Attachment 12 – Item 11.5.6 refers****** BEXB Attachment 13 – Item 11.5.6 refers****** BEXB Attachment 14 – Item 11.5.6 refers****** BEXB Attachment 15 – Item 11.5.6 refers**

Report by Community & Statutory Services and Corporate & Governance Divisions

DATE

28 October 2005

PURPOSE OF REPORT

Council to advise the Public Accounts Committee, Western Australian Local Government Association and Local Government Managers Australia of Council's position in regard to the Inquiry into Local Government Accountability.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

The Public Accounts Committee specifically seeks the Council response to the following questions:

- Should the Auditor-General of Western Australia be signing off on Local Government audits?
- Should those audits cover more than financial performance?

It is considered that positive responses to both questions can be given subject to a number of qualifications.

Officer Recommendation Summation

That the Public Accounts Committee, Western Australian Local Government Association and Local Government Managers Australia be advised of:

1. The responses to the two questions as detailed in the above report.
2. The responses to WALGA and LGMA as detailed in the above report.

Item 11.5.6 continued

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

61/001 General Correspondence

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan impacts are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

It is possible that the State Government may introduce legislation depending on the findings and recommendations of the Public Accounts Committee.

BACKGROUND

The Inquiry is being conducted by the Public Accounts Committee with the following Members of the Legislative Assembly.

- Mr John Quigley MLA (Chairman)
- Mr Norman Marlborough MLA
- Mr Anthony McRae MLA
- Mr Donald (Terry) Redman MLA
- Dr Steven Thomas MLA

Item 11.5.6 continued

Staff Members

- Ms Liz Kerr, Principal Research Officer
- Mr Simon Kennedy, Research Officer

The terms of reference for the Inquiry are as follows.

1. Current accountability mechanisms for local government in WA, including finance, probity and performance;
2. The capacity of the Department of Local Government and Regional Development to examine local government finance, probity and performance issues;
3. Whether the State Government Auditor-General should have a role in local government audit processes, and
4. Other matters deemed relevant by the Committee.

On Thursday, 27 October 2005, the Chairman of the Committee made the following comments at a meeting of members of the Local Government Managers Australia (LGMA)

1. The Inquiry has not been prompted by any presumption of wrong-doing by local government. The Committee wants to challenge local government on the issue of accountability, but not provoke it.
2. The Committee is not a branch of State Government and does not dictate policy. The task of the Committee is to research and examine the issues and then produce a public document that will detail the Committee's findings and recommendations. Any Local Government(s) is free to disagree with what is recommended and can lobby the relevant politicians accordingly.
3. The terms of reference of the Committee were originally drafted without there being any discussion with stakeholders and as a result in hindsight it is acknowledged they lack clarity and appear to be wide-ranging. **In fact the Committee will be examining two key questions.**
 - **Should the Auditor-General of Western Australia be signing off on Local Government audits? (*Local Government is the only area on which the Auditor-General does not report. In 2005, where local government expends taxpayers' money, there is an argument that this should be audited by Government*)**
 - **Should those audits cover more than financial performance?**
4. Local Government receives funds from Federal and State Government and recently the audit process of local government came to the attention of the State Government. Originally, the Department of Local Government did audits of Councils. This responsibility was passed to the Auditor-General. There were then amendments to the Local Government Act at the time to remove the audit responsibility by the Auditor-General.

Item 11.5.6 continued

5. The Committee has visited the States of Queensland, New South Wales, Victoria and South Australia. The situations with those States are as follows.
- In Queensland and Victoria the Auditor-General is required to audit local governments.
 - In New South Wales, the Auditor-General is not required to audit local government apart from an inner Sydney City Council. This Council has been dismissed four times for corruption.
 - South Australia is currently conducting a similar inquiry as in W.A.

The Committee has not come to a particular view and recognises that opinion is divided on whether the Auditor-General should be responsible for local government audits and 'that not one size fits all'.

6. In Queensland, the Auditor-General is personally involved in 12% of local government audits. The remainder is contracted out with certain conditions such as an auditor must change every five years. It is possible that another partner of the same accounting firm could be involved for a further period.

The advantage of the Queensland situation is that it allows a snapshot of the whole of local government. The Auditor-General also carries out a performance management audit, that is, performance against agreed targets with performance indicators, a probity audit and proprietary audit.

7. In WA, the McIntyre Report into the City of Joondalup highlighted issues that would invite an investigation as to whether there was a role for the Auditor-General. It raises the question that had there been an involvement of the Auditor-General, alarm bells may have sounded sooner and perhaps there may not have been the need to expend as much on the Inquiry as \$1.3 million.

The situation at the City of Bayswater where it was alleged that a Councillor's company benefited from Council contracts may have been discovered sooner had there been involvement by the Auditor-General.

8. In Victoria, the number of local governments was significantly reduced and legislation made more prescriptive and therefore tougher. The Auditor-General is responsible for all local government audits and includes an oversight of the internal audits of the management of local governments. Elected representatives are legally required to state in a document what the objectives are for the local government and they must be reviewed no later than four years.
9. There is a cost implication associated with having the Auditor-General being responsible for audits. Such costs could be significant for a small rural Council by having the Auditor-General visit them. It raises the question that if such a local government has an Accountant resident in the town why that resource cannot be used. An issue of course arises where the Council uses the same Accountant for preparation of its financial statements and also has the role of auditor. The Auditor-General would need to keep an eye on such situations.

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Consideration may need to be given to providing funding assistance for country local governments if there were to be a requirement for the Auditor-General to be responsible for audits.

10. It should be recognised that Ministers resent the legislative requirements relating to audits for their Departments and as a result there is a 'tension' with the Auditor-General. But this tension is healthy.
11. By having the Auditor-General being responsible for State-wide audits an 'upside' is a consistency on such issues as depreciating assets, a true reflection of costs where the national estate covers a number of local governments. It is likely that the Auditor-General would engage independent contractors. For smaller local governments, they would benefit by best practice.

It is recognised that in order to obtain the necessary expertise to carry out the requirements of the Auditor-General and particularly if the audits were to cover finance, performance and compliance, it would be likely to present a cost impost, exacerbated at times of skills shortage. The Auditor-General could provide detailed guidelines and would need to be better resourced to provide the necessary level of assistance to local governments.

12. Given the level of confusion as to the feedback required by the Committee, the Chairman would consult with the Committee seeking additional time for local governments to respond.

The Western Australian Local Government Association (WALGA) had previously asked local governments for comment on the following questions.

- “1. *What specific legislative or regulatory accountability/compliance do you find overly onerous or reasonably consider to be irrelevant?*”
2. *What specific changes should be made to the role, operations and resources of the Department of Local Government & Regional Development?*
3. *Do you support the re-establishment of the positions of “Local Government Inspector within the Department of Local Government & Regional Development?”*
4. *Is there any real threat in involving the Auditor-General’s Office in the Local Government audit process, and if so what specifically concerns you?”*

The LGMA had previously asked members for responses to the following questions.

- “1. *Please detail any concerns you have with the current legislated accountability framework for local governments in this State.*”
2. *In your opinion, what should be done to resolve the problems you believe exist in the current legislative framework?*

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3. *Do you consider the Department of Local Government and Regional Development currently has the capacity to effectively examine matters pertaining to the financial management, probity and performance of local government in the State?*
4. *One of the Terms of Reference enquires whether the State Auditor-General should have a role in the local government audit process. What is your view of this proposal?*
5. *If the responsibility for the local government audit process was transferred to the State Auditor-General, do you believe a standard set of performance indicators should be developed for use across all local governments in this State?*
6. *In addition to the Local Government Act 1995 and its associated regulations, other State legislation, such as the Crime and Corruption Commission Act 2003, Disability Services Act 1993, Freedom of Information Act 1992, Health Act 1911 and State Records Act 2000, impact on the compliance requirements of local governments across the State. In your view, does Local Government have the capacity to meet its compliance requirements as well as meeting the needs / expectations of its residents?*
7. *Detail any legislative change you consider necessary to ensure that local governments in this State are able to meet contemporary standards of governance.*
8. *Please provide information on any other issues that you believe should be raised within the LGMA's submission to the Inquiry."*

The City has been advised by the LGMA that the Public Accounts Committee has officially clarified the main questions of the Inquiry. These are as follows:

1. **Should the Auditor-General be involved in supervising local government audits?**
2. **If yes, should audits go further than financial attestation to include compliance and performance examinations, similar to the Auditor-General's powers regarding public sector agencies?**

The Committee is essentially seeking responses to those two issues, although the remaining terms of reference are broad enough to enable comment on any other issue considered relevant by local government.

The closing date for submissions has been extended to Friday, 16 December 2005.

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For the purpose of the inquiry:

- “Probity” refers to honesty and integrity in decision making.
- “Attestation” refers to straight financial reporting.
- “Control audits” assess whether appropriate procedures have been followed.
- “Legal compliance” refers to whether statutory provisions have been met.
- “Performance examinations” assess efficiency and effectiveness.

Inquiry Background

The Committee resolved to undertake this inquiry after learning that local government accountability measures are not as comprehensive as those applied to expenditure by State or Commonwealth Governments. Further, in recent years some local governments have experienced budgetary problems, highlighting the importance of sound administrative procedures relating to the expenditure of public money.

The Committee recognises the importance of a strong relationship between State and local governments, as well as local governments’ crucial role in our communities. It is the Committee’s intent to facilitate a rational discourse on ways to enhance local government accountability.

OFFICER COMMENT

As the main areas of interest of the Inquiry have been clarified, a more meaningful response has now been prepared.

It should be understood that the current ‘watchdogs’ of local government are:

- Department of Local Government
- Corruption and Crime Commission
- Police - Public Sector Investigation Unit
- Parliament - SC on Public Administration and Finance
- Public Accounts Committee
- Ombudsman
- Information Commissioner
- Auditor-General
- Public Sector Standards Commission
- Public Interest Disclosure Act 2003

Legislation for local government should provide a framework to enable it to serve the customer base more effectively and efficiently. There are some 173 Acts, regulations, guidelines and policy documents in this State that local government must be fully aware of in its daily operations.

If the amount of legislation were to increase there is a risk that the focus of local government will change from one of serving the community to that of legislative compliance and protection of employees.

In principle, there is some logic in requiring the Auditor-General to audit local governments, but there needs to be a clear understanding of the difficult environment in which local government currently operates.

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If there are to be audits on finance, performance and compliance it is an absolute necessity to have limits on reporting standards, as evidenced by the amount of legislation that local government has to apply. This leads into the specific questions the Chairman of the Committee has requested for consideration, and in light of this, the questions posed by WALGA and LGMA are no longer quite so relevant.

- **Should the Auditor-General be involved in supervising local government audits?**
- **If yes, should audits go further than financial attestation to include compliance and performance examinations, similar to the Auditor-General's powers regarding public sector agencies?**

Should the Auditor-General be involved in supervising local government audits?

The City of Belmont would have no objection to the Auditor – General supervising local government audits or carrying out an audit of Council's financial returns. This is because the City has nothing to hide. There are many points that must be considered.

1. The Local Government Act requires that the Annual General Meeting be held by 31 December of each year, unless the Minister by request allows additional time for a particular local government. This means that all the financial returns need to be completed and audited and documentation prepared within a six month time frame. If it were to be a requirement for the Auditor – General to carry out an audit, there would be a time problem that would be exacerbated for country local governments.
2. The resources of the Auditor – General's office would need to be substantially increased to take on the additional workload. Even with the current responsibilities the Auditor – General is required to contract out work. There needs to be an understanding of the extent and conditions under which the Auditor-General will be contracting out. This raises the question as to why there would be a requirement to centralise control through the Auditor – General and then contract the responsibilities out. The basis of the current system could still apply.

Perhaps a more practical solution would be for the Auditor – General to view audit reports that would include a 4 year financial controls audit. Comment can be made on these reports. An alternative would be for the Auditor – general to carry out random checks of local government reports.

Rather than the Auditor – general undertaking audits an oversight role is more realistic. The internal audit functions of local government needs further consideration in the industry.

In this regard, provided in the **first attachment** to this report is a copy of the terms of reference of the Audit and Risk Committee and provided in the **second attachment** to this report is a copy of the internal controls of the City of Belmont.

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3. There needs to be detailed discussion on the type and format of audits and the required information and the process involved. The Auditor – General would need to put out guidelines and nominate the particular areas to be audited.
4. The recommendations of the Business Council of Australia on corporate governance should be taken into consideration and assessed in terms of over compliance.
5. The Auditor – General would need to establish a standard set of industry performance indicators that should be reported in audit reports.
6. The cost burden to local government should be considered as ‘cost shifting’ by State Government as it continues to place unreasonable demands on local government. A separate source of funding should be decided as country local governments will be more significantly disadvantaged.
7. A period of ‘phasing in’ should be allowed to provide time for all local governments to be accustomed to the new requirements

If yes, should audits go further than financial attestation to include compliance and performance examinations, similar to the Auditor-General’s powers regarding public sector agencies?

It follows there should be audits in other areas, but these also need to be phased in over several years. It would allow audits to be brought into consistency with State Government Departments. A good Strategic Plan for example, will provide most of the information for a performance audit. In regard to other possible audits is it intended that Bureau of Statistics returns and Grants Commission returns would be audited? There is nothing explicit which indicates an appreciation of the size and scope of the tasks being required of the Auditor – General.

As part of the local government reform agenda, the Department of Local Government and Regional Development requires a review of its functions, in conjunction with a review of the Local Government Act itself. There needs to be a focus by the Department on assistance to local governments rather than a concentration on enforcement and inquiries, particularly in regard to legal advice.

It is timely to reflect on the principles adopted from the Business Regulation Action Plan for Future Prosperity Report written by the Business Council of Australia – May 2005. They are as follows.

1. Regulation should be the last, not first, response of Government.
2. Benefits of proposed legislation should always be shown to outweigh the cost of administration and compliance.
3. Regulation should be a framework, not try to cover the field.
4. Regulation has a use by date, after which it may no longer be necessary or appropriate.
5. The current law should always be tested and enforced before more law is added.

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6. Commonwealth and State Governments should not impose regulation on local government that they are themselves not prepared to adopt.
7. There must be full transparency and accountability around processes for making and administering regulation.
8. State Governments must take responsibility for tackling the plethora of poor, redundant and overlapping regulation.

The Auditor-General could 'audit' local government in their level of governance practice. Where a public body has a high level of governance the risk of failure, whether this is financial or otherwise, is reduced.

A recent publication produced by CPA Australia, with the support of Local Government Managers Australia titled 'Excellence in Governance for Local Government' is an excellent starting point in this respect. The publication notes that excellent governance is important because it:

- Underpins the **confidence** that people have in their governments and public services;
- It affects the **quality of outputs**;
- It is a **value-adding** activity;
- It ensures that local governments meet their **legislative responsibilities**; and
- It is a strong reminder to the government and public sector that they are ultimately **accountable** to the community they serve.

These points go to the heart of the issue under consideration by the Inquiry. The principles identified in the CPA Australia report are:

- Principle 1 – Culture and Vision
- Principle 2 – Roles and Relationships
- Principle 3 – Decision-making and Management (including Delegations and Financial and Risk Management)
- Principle 4 – Accountability (including Performance Management, Independent Review and Consultation)

The scope of this goes beyond that which is currently undertaken by the financial audits, but again it is unlikely that the Auditor – General has the capacity to undertake such an initiative.

Provided in the **third attachment** to this report is a copy of a paper prepared by Dr Shayne Silcox on 'Compliance and Community'.

Inquiry Terms of Reference

In the first two Terms of Reference mention is made of probity and performance of local government and the capacity of the Department of Local Government and Regional Development to examine these issues.

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This raises the very important issue of Inquiries into Local Government, the Inquiry process and the structure of the Findings and Recommendations. There are many issues which are relevant, but the following two issues have prominence from the point of view of the Belmont Inquiry:

- It is accepted that following meticulous scrutiny from an independent party, a local government may have contravened legislation and quite rightly these should be the subject of identification and resolution for the benefit of all local governments.

Of concern, however, is that practices of a local government which are not unlawful are also identified as transgressions. These may be of relevance to all local governments, but discussion and debate on an industry wide basis should form part of the process.

- The powers given to the person(s) conducting an Inquiry are implemented in such a way as to question whether natural justice principles are being observed. The qualifications and experience of the persons conducting an Inquiry needs to be taken into account in regard to the issues the subject of the investigation.

Of concern, is that the persons conducting Inquiries are making personal opinions and these are given undue status.

Suggested responses to the questions from WALGA and LGMA are as follows.

Response to WALGA Questions

What specific legislative or regulatory accountability / compliance requirements do you find overly onerous or reasonably consider to be irrelevant?

- **The “vibe” of the Local Government Act**
The Local Government Act seems to be overly prescriptive on a whole raft of administrative procedures from employment of senior employees to tender requirements. The purpose of the Local Government Act should be to establish a framework for local government and then let the electors decide whether or not performance is adequate. It should not be to adopt a whole raft of administrative requirements, which are in themselves onerous and expensive in the conduct of the business. This prescriptive environment means that where mistakes occur (as they do in all levels of business and government) the response should not be to further add to the procedural regulation.
- **The Deluge of Legislative Responsibilities**
Is the State Government really aware of the range of legislation, regulations, Codes etc that impact upon Local Government? Put simply – the plethora of legislation is unsustainable, and too often there are individual State government departments “jostling” to ensure that a Local Government places priority on their piece of legislation.

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For example, the FOI Commissioner considers it irrelevant that a local government has expansive legislative obligations when determining that it should process FOI claims covering hundreds of documents. The FOI Commissioner has recently stated, to a metropolitan local government, that the CEO has the ability to deliver ANY of a local government's employees to work on large FOI claims – presumably at the expense of the local government's other legislative obligations. This "jostling" for legislative compliance priority is unreasonable.

A list (non-exhaustive) of some of the legislative and regulatory requirements is provided in the **fourth attachment** to this report, but two examples of the more obscure references are as follows:

- Registration Enforcement and Discharge of Local Authority Charges on Land Regulations
- By-Law Providing For Enforcement of Any By-Law Made Under Section 30
- **Interplay between different legislation**

It appears that the State Government has given no thought to the interplay between legislation and the impacts that it can have in combination. Some examples are:

 - **Penalties for late annual returns.** Penalties for the submission of late annual returns under s5.77 of the Local Government Act are \$10,000 or 2 years imprisonment. As a result, the CEO is required to report to the Corruption and Crime Commission a breach of this section, including submitting a return one day late, as it amounts to misconduct. The severity of the penalty does not match the nature of the offence and as a result the Corruption and Crime Commission Act misconduct requirements require local government and Corruption and Crime Commission resources to be wasted on late returns.
 - **Requirements to submit Annual Returns.** Only officers with delegated authority under the Local Government Act are required to submit an annual return. Officers with delegated authority under Town Planning & Development Act / Town Planning Scheme are not required to submit annual returns. Thus officers with arguably the greatest potential to be involved in inappropriate decision making are not subject to the annual financial return requirements.
 - **Powers of entry.** The powers of entry clauses under the Local Government Act only apply to entry under the Local Government Act. There are different powers of entry under the Town Planning & Development Act / Town Planning Scheme and the Health Act. The reasons for these differences are not easily understood.
 - **Access to information.** Information that local governments can deem to be confidential under s5.23 of the Local Government Act may still be publicly available under the Freedom of Information Act.

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- **Powers of delegation.** The Local Government Act only allows for delegation of powers under the Local Government Act. Other State legislation provides that the local government (and hence the Council) can exercise certain powers, and these powers are mainly administrative functions. These powers are not delegable.
- **Structure of delegations.** The 1995 Local Government Act established a new governance structure whereby all officers are accountable to the CEO and the CEO is accountable to the Council. Delegations were set up so that the Council could only delegate powers to the CEO and then the CEO can on delegate those powers. However, other legislation has not been updated to reflect this governance structure. The Local Government (Miscellaneous Provisions) Act, the Strata Titles Act and the Town Planning & Development Act / Town Planning Scheme all provide for delegations from the Council to employees directly. This is not appropriate and essentially makes employees directly responsible to Council for exercise of their delegation. This anomaly needs to be corrected.

It is obvious that the State Government has not accounted for the inter-play of the Local Government Act with other relevant legislation, thereby creating a range of anomalies and administrative conflicts.

- **Accessibility of Information**

The accessibility of the public to a whole range of local government information at no charge (s5.94) means that local governments spend an inordinate amount of time preparing documentation in a publicly accessible format, ultimately for no-one to look at or critically review for their impact on the governance of the local government. These documents would include Disability Access Plans, Plans for the Future of the District, Information Statements, Rate Records, Electoral Rolls, Financial Return Registers, Tender Registers, reports of reviews of local laws etc. This seems to duplicate the procedures under the Freedom of Information Act. Local Government is the most accessible and accountable level of government and produces a whole raft of information about its activities. Section 5.94 seems to go a little over the top in prescribing the requirements.

This section further requires a local government to provide access to any written law having a provision in respect of which the local government has a power or duty to enforce [s5.94(1)]. Given the amount of legislation listed under the fourth attachment, this is completely unreasonable for most local governments to resource independently and whilst the State Law Publisher now provides a freely accessible legislation service on its website, this is not an authorised service and it is arguable whether providing access through the website complies with this clause.

Further, if the State government were to change the delivery of this service and place charges over access, how would local government facilitate and fund access in accordance with s5.94(1)? If authorised versions of the laws were required, this would mean that each local government would have to employ a separate staff member to maintain a library of over 170 different pieces of State legislation up to date. (This does not take into account the raft of Commonwealth legislation or local laws.)

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This requirement is a duplication of the services provided by the State Law Publisher and is onerous. It is interesting to note that the State Law Publisher the City of Belmont service was not available when the Local Government Act was adopted in 1995.

- **Levels of plans and alignments [s3.52(4)]**

A local government has an obligation to maintain plans of the levels and alignments of all thoroughfares in its district. Generally, local governments do not have a complete set and this has been pointed out to the State Government. Most local governments will prepare a set if and as they are required (either for a private or public development). To comply with this section most local governments would need to employ or contract someone to prepare levels and alignments of all thoroughfares – some of which may never be used. If this requirement is enforced, there is substantial cost to the community and what benefit will ultimately be achieved?

- **Increasing Common Law Obligations**

Recent common law decisions have imposed on local governments high levels of responsibility for undertaking statutory powers and duties. For EVERY legislative obligation a local government has a responsibility to (refer to attached list):

- Be aware of the risks associated with the exercise of powers and duties
- Assess the risks
- Put in place appropriate programs/structures for exercising these powers and duties relative to the risks involved
- Use a professional standard of care when exercising powers and duties
- Warn private property owners of risks that LG's become aware of when exercising their statutory powers and duties.

Every legislative requirement (and obviously every new legislative requirement) places such an obligation on local governments to effectively exercise their powers and duties.

- **Annual Financial Returns.** This administrative process is regulated to require submission within a specified time frame and as identified above non-conformance requires reporting to the Corruption and Crime Commission, with potential for severe penalty. However there is currently no requirement for review of the Return content to examine for accuracy of the declaration and compliance with the statutory declaration requirements. Nor are there requirements for follow up on the statutory application of the declarations content to the involvement of the relevant person in the business of the local government.

Where non-compliance is reported to the Department of Local Government and Regional Development only recently has accountability and remedial actions been of issue.

It is difficult to identify the purpose of the Annual Returns process other than to be a potential retrospective stream of evidence of misconduct should some other line of inquiry identify concern.

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The provision of the Annual Return within a prescribed timeframe, without further investigation or application provides no benefit to the monitoring of probity and therefore, what purpose in effect does the Annual Financial Returns process serve?

- **Information Provided to the Department of Local Government.** In addition to making information publicly available, local governments must also provide certain documents to the Department of Local Government. These include, annual reports, annual statutory compliance returns, reports on local laws etc. Local government is unsure whether these documents are read and considered or simply filed. There is a question as to whether the responsibility should be on local government to provide the information or on the Department should obtain it through publicly accessible avenues.
 - **Annual financial reporting** (Budget, Budget Review, and Financial Reports) are currently provided to the DLGRD within prescribed timeframes, however the content of which appear not be subject to any scrutiny, assessment or response. There is however potential for capturing valuable industry information that may be used to assist in identifying; benchmark, excellence or under performance. The Department of Local Government and Regional development has opportunity to identify best practice and innovations and share this with the industry, and proactively provide targeted resources to support performance improvement where necessary, rather than wait for fatal mistakes.
 - **Annual Compliance Return.** Whilst this is an effective listing of the currently auditable activities under the Local Government Act, Local Government Grants Act, Local Government (Miscellaneous Provisions) Act, Cemeteries Act, Caravan Parks & Camping Grounds Act, etc. This by no means comprehensively addresses the extensive listing of statutory requirements placed on a local government (refer attached list) and the methodology appears to be only to achieve return within the prescribed timeframe. As the Audit is conducted internally by local governments, providing no framework for rigor, consistency or benchmarking for the manner of conducting the audit. Therefore the responses therein across the industry can only be assumed to be varied in their integrity.

There is no further validation of the information provided in the Annual Compliance Return, it again appears to be a potential retrospective stream of evidence of misconduct / poor performance should some other line of inquiry identify concern.

- The **Code of Conduct** remains unworkable as, until the Official Conduct Amendment Bill is enacted, the provisions of the Code are unenforceable. Regulations currently prescribe some content requirements for Codes of Conduct; however there is wide inconsistency of content and therefore performance expectations across the industry.

The currently proposed Official Conduct Amendment Bill does not extend the Code of Conduct standards to employees and it is believed that similar probity guidelines should apply.

Item 11.5.6 continued

What specific changes should be made to the role, operations and resources of the Department of Local Government and Regional Development (DLGRD)?

- Substantial and focused development of the Department of Local Government and Regional Development's role in providing advice and support to the local government industry via:
 - Review Departmental officer selection criteria to ensure that the Department of Local Government and Regional Development engages a competent legally qualified person to advise on the interpretation and operation of the Local Government Act or to engage external legal advice from a competent legal practitioner.
 - Publishing ad hoc advice that is provided by the Department of Local Government and Regional Development to local governments, potentially using the same form of 'Practice Notes'. This could be developed and delivered as an on line service to build a catalogue of guidelines for the industry, assisting in recording and monitoring the various difficulties faced by the industry and ensuring that appropriate standards are established and maintained. This would also hopefully avoid the at times conflicting information provided by Departmental Officers.
 - Develop the Department of Local Government and Regional Development's role in actively promoting the cause of local government. The Department has for a number of years now, been in a somewhat adversarial role, appearing to aggressively pursue investigatory aspects whilst distancing itself from responsibility for providing clear and concise guidance and support for local government in pursuing development of best practice performance standards.
 - The Department of Local Government and Regional Development has established a range of 'guidelines' relevant to the performance of specific activities or functions (i.e. The Agenda and Minutes Guidelines) and has expectations that such 'guidelines' will be adopted and implemented by the industry.

Generally the 'guidelines' are provided to clarify application and operation of statutory requirements however there are instances where the 'guideline' seeks to address anomalies or inadequacies within the legislation. Such 'guidelines' should be aligned with the legislative requirements and where such anomalies or inadequacies are identified they should be appropriately addressed in legislative reviews and amendments.

- The 'guidelines' at times suggest administrative practice beyond that required by statute, which the Department of Local Government and Regional Development have indicated through a range of communications are, despite the 'guideline' format, performance expectations for the industry. This, therefore further increases local government responsibilities when played out with associated common law obligations.

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Do you support the re-establishment of the positions of 'Local Government Inspector' within the DLGRD?

- This proposal could be given qualified support on the basis that the role of the Department of Local Government and Regional Development and therefore the "Inspectors" will be that of a proactive professional supporting, guiding and best practice, improvement service, that is designed to encourage and develop the industry rather than a 'watchdog' approach.

Such a proactive supportive approach will provide the industry with review and advice that is based in actual relevant and timely knowledge of the industry, and its influencing factors, providing:

- Proactive and consistency in approach to auditing and review of individual local government practices and procedures;
- Centralised and consistent approach to address identified areas of concern across the industry;
- Opportunity for the Department to examine, review and deliver best practice guidelines that are based in the real business environment of the industry.

Is there any threat in involving the Auditor General's Office in the Local Government audit process, and if so, what specifically concerns you?

- Require appropriate benchmark performance measures to be established that are suitable to the range of small, medium and large local governments.
- Threat of aggressive approach to non-compliance matters that may potentially be referred for formal Section 8 Inquiry, with presumption of misconduct or negligence; rather than a continual improvement approach to assisting local government in implementing improved practices.
- If this should eventuate, the Auditor General's Department would need to engage staff/contractors with substantial local government industry knowledge to ensure appropriate understanding and application of statutory requirements to the audit process.
- What are financial implications for local government? How would the local government ensure that its internal risk management considerations were addressed through such an audit?

Response to LGMA Questions

In relation to the questions posed by the LGMA, they have been addressed in the responses to WALGA and the two specific questions posed by the Committee.

- Questions 1 and 2 of LGMA have been covered in the response to WALGA's Question 1.
- Question 3 of LGMA has been covered by the response to WALGA's Question 2.
- Questions 4 and 5 of LGMA have been covered by the responses to the two main questions posed by the Committee.

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FINANCIAL IMPLICATIONS

If the Auditor-General becomes responsible for local government audits, it is likely that local government will incur additional costs.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
12	Terms of Reference
13	City of Belmont Internal Controls Scope of Works
14	Compliance & Community Paper
15	Lists on Act & Regulations

OFFICER RECOMMENDATION

That the Public Accounts Committee, Western Australian Local Government Association and Local Government Managers Australia be advised of:

- 1. The responses to the two questions as detailed in the above report.***
- 2. The responses to WALGA and LGMA as detailed in the above report.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5***

11.5.7 East Metropolitan Zone WALGA – Compliance In Local Government****** BEXB Attachment 16 – Item 11.5.7 refers**

Report by Governance Department

DATE

21 November 2005

PURPOSE OF REPORT

To propose an agenda item for the East Metropolitan Zone of the WA Local Government Association regarding the compliance environment impacting on Local Government and seeking the Association to adopt a platform to redress this environment for the future of the industry.

SUMMARY AND KEY ISSUES**Summary and Key Issues**

Increasing regulation and compliance in Western Australian Local government can lead to an erosion of local government autonomy and its capacity to deliver services to its community. An address by the Chief Executive Officer at a recent conference highlighted a report by the Business Council of Australia regarding over regulation and notes eight principles suggested by the BCA as a platform for regulatory reform. These principles are relevant to the drive for reform in local government and it is recommended that these would serve the industry representative body, the Western Australian Local Government Association (WALGA) as a platform for addressing the reform agenda.

Officer Recommendation Summation

That the eight principles adapted from the Business Council Of Australia be recommended to WALGA (via the East Metropolitan Zone) as its platform for an industry response to regulation reform.

LOCATION

Not Applicable.

APPLICANT

Not Applicable.

FILE REFERENCE

119/002 WALGA – Minutes and Agendas.

Item 11.5.7 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority Only.

CONSULTATION

No public consultation is considered necessary at this time.

STRATEGIC PLAN IMPLICATIONS

BUSINESS EXCELLENCE – *“Ensure community requirements are understood and drive internal policies and processes”.*

POLICY IMPLICATIONS

There are no policy implications evident.

STATUTORY ENVIRONMENT

Tis report refers to the range of compliance requirements set down through the Local Government Act 1995 and associated legislation.

BACKGROUND

Local Government in Western Australia is at a pivotal time in respect to its autonomy and the impact of accountability requirements. Some recent failures in local government (including Kojonup, Cunderdin, Bayswater and Joondalup) have brought the performance of local government under scrutiny, particularly from the State Government, resulting in a number of Inquiries/Reports being conducted, including: -

- Standing Committee Public Administration and Finance – *Inquiry into Local Government Public Question Time.*
- Public Accounts Committee – *Inquiry into Local Government Accountability.*
- Local Government Advisory Board – *Structural and Electoral Reform in Local Government.*

Item 11.5.7 Continued

A concern of the Industry is what will be the outcome of this increased scrutiny? Will this result in further accountability and compliance requirements on local government and an erosion of autonomy, resulting in a loss in capacity for a local government to deliver services to its community?

The Chief Executive Officer, Dr Shayne Silcox recently addressed this matter in his presentation to the recent State Conference of Local Government Managers Australia, entitled 'Compliance and Community'.

In his address, Dr Silcox reflects that often the first reaction from governments in response to failures in governance and the like, regardless how isolated or widespread the failure, is to seek new legislation and give regulators more power. Dr Silcox questions the effectiveness of this trend and the resultant cost to the community. The presentation referred to a May 2005 report by The Business Council of Australia (BCA) entitled 'Business Regulation Action Plan for Future Prosperity', in which it is suggested that regulation should be the last, not the first, response of government and that the benefits of proposed legislation should be shown to outweigh the cost of administration and compliance, and regulation should be a framework, and not all encompassing. It was also noted that there is an excess of legislation that is either redundant, duplicative, or simply poorly put together which urgently needs review. A copy of Dr Silcox's address is included as an attachment.

OFFICER COMMENT

In his presentation, Dr Silcox presented eight principles adapted from the May 2005 BCA Report, these being –

1. Regulation should be the last, not first, response of Government.
2. Benefits of proposed legislation should always be shown to outweigh the cost of administration and compliance.
3. Regulation should be a framework, not try to cover the field.
4. Regulation has a use by date, after which it may no longer be necessary or appropriate.
5. The current law should always be tested and enforced before more law is added.
6. Commonwealth and State Governments should not impose regulation on Local Government that they are themselves not prepared to adopt.
7. There must be full transparency and accountability around processes for making and administering legislation.
8. State Governments must take responsibility for tackling the plethora of poor, redundant and overlapping regulation.

It is suggested that these principles are compelling matters that need to be addressed in the debate of 'over-compliance' in Western Australian Local Government. As a consequence it would be beneficial to have the above eight principles driven and lobbied from an industry perspective, and that an agenda item be put to the Western Australian Local Government Association East Metropolitan Zone meeting recommending that the Association adopt these principles as a platform for regulatory reform.

Item 11.5.7 Continued

FINANCIAL IMPLICATIONS

There are no specific financial implications in proposing the agenda item. Successful outcomes through the WA Local Government Association pursuing the recommendations of this report should lead to efficiency gains.

ENVIRONMENTAL IMPLICATIONS

There are no specific environmental implications in respect to this matter.

ATTACHMENT DETAILS

<u>Attach. No.</u>	<u>Details</u>
16	Compliance and Community - Slides

OFFICER RECOMMENDATION

That the following motion be put to the East Metropolitan Zone of the Western Australian Local Government Association -

That the Western Australian Local Government Association adopt the following principles adapted from the May 2005 report by The Business Council of Australia (BCA) entitled 'Business Regulation Action Plan for Future Prosperity' in relation to the Association's platform and response to regulation and compliance in local government –

- 1. Regulation should be the last, not first, response of Government.***
- 2. Benefits of proposed legislation should always be shown to outweigh the cost of administration and compliance.***
- 3. Regulation should be a framework, not try to cover the field.***
- 4. Regulation has a use by date, after which it may no longer be necessary or appropriate.***
- 5. The current law should always be tested and enforced before more law is added.***
- 6. Commonwealth and State Governments should not impose regulation on Local Government that they are themselves not prepared to adopt.***
- 7. There must be full transparency and accountability around processes for making and administering legislation.***
- 8. State Governments must take responsibility for tackling the plethora of poor, redundant and overlapping regulation.***

***OFFICER RECOMMENDATION ADOPTED EN BLOC –
REFER TO RESOLUTION APPEARING AT ITEM 11.5***

12. REPORTS BY THE CHIEF EXECUTIVE OFFICER**12.1 INFORMATION BULLETINS**

The following Elected Members Bulletin was distributed to Councillors:

Elected Members Bulletin 11 November 2005.

POWELL MOVED, BLAIR SECONDED, that the information provided to all Councillors and listed in the following Elected Members Bulletin be noted and received:

Elected Members Bulletin 11 November 2005.

CARRIED 11 VOTES TO 0

12.2 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

NOTE: Section 5.23(2) of the Local Government Act 1995, details a number of matters upon which Council may discuss and make decisions without members of the public being present. These matters include: - matters affecting employees; personal affairs of any person; contractual matters; legal advice; commercial-in-confidence matters, security matters, among others.

NOTE: Section 5.93 of the Local Government Act 1995, details that an elected member or employee may not make improper use of any information acquired in the performance of their function under this Act or any written law. Penalty \$10,000. The City of Belmont Standing Orders Local Law Clause 4.2(2) details that an elected member or employee in receipt of Confidential Information may not disclose such information to any person other than another City of Belmont elected member or employee. Penalty \$5,000.

The Mayor referred to the five Confidential Items for consideration and requested the meeting go behind closed doors.

*****8.52pm Cr Whiteley left the meeting.**

BASS MOVED, BLAIR SECONDED, that in accordance with Section 5.23(2) of the Local Government Act 1995, Council proceed behind closed doors (including the presence of Council Officers).

CARRIED 10 VOTES TO 0

*****8.54pm Cr Whiteley rejoined the meeting.**

*****8.54pm The meeting resumed in the absence of the public gallery.**

13.1 CONFIDENTIAL ITEM – NOMINATION FOR HONORARY FREEMAN OF THE CITY

**** Confidential Attachment 1 – Item 13.1 refers
(Circulated Under Separate Cover)**

BLAIR MOVED, MARKS SECONDED, that Council bestow the honorary title of 'Honorary Freeman of the City' upon Mr Peter Robert Passeri for services to the City of Belmont.

CARRIED 8 VOTES TO 3

For: Blair, Godfrey, Marks, Martin, Powell, Rossi, Teasdale, Whiteley

Against: Hitt, Bass, Dornford

13.2 CONFIDENTIAL ITEM CONSIDERATION OF NOMINATIONS FOR 2005 COMMUNITY SERVICE AWARDS

- ** Confidential Attachment 2 – Item 13.2 refers**
- ** Confidential Attachment 2.1 – Item 13.2 refers**
- ** Confidential Attachment 2.2 – Item 13.2 refers**
- ** Confidential Attachment 2.3 – Item 13.2 refers**

(Circulated Under Separate Cover)

POWELL MOVED, ROSSI SECONDED, that:

- 1. *The recipients of the 2005 Community Service Awards be invited to the Annual Civic Dinner to be held on 10 December 2005.***
- 2. *The recipients of the 2005 Community Service Awards remain confidential prior to presentation at the Civic Dinner.***

CARRIED 11 VOTES TO 0

13.3 CONFIDENTIAL ITEM – RATES ON 180 SURREY ROAD, RIVERVALE – REQUEST FOR GRANTING OF DISCOUNTS AND PENALTY WAIVER

- ** Confidential Attachment 3 – Item 13.3 refers**
- ** Confidential Attachment 3.1 – Item 13.3 refers**

(Circulated Under Separate Cover)

BASS MOVED, MARKS SECONDED, that the request to grant discounts for the 2001/2002, 2002/2003, 2003/2004 and 2005/2006 rating years and to waive associated penalty interest accrued on outstanding rates be refused.

That Mr Shafran be advised that legal action will commence to recover outstanding rates should payment not be forthcoming within 7 days from the date of notification of this determination.

CARRIED 10 VOTES TO 1

For: Bass, Blair, Dornford, Godfrey, Hitt, Marks Martin, Powell, Teasdale, Whiteley

Against: Rossi

13.4 CONFIDENTIAL ITEM - SAT APPEAL - LOT 153 (337) GREAT EASTERN HIGHWAY, REDCLIFFE – REFUSAL OF EXTENSION OF NON-CONFORMING USE – MOTOR VEHICLE HIRE

**** Confidential Attachment 4 – Item 13.4 refers**

**** Confidential Attachment 4.1 – Item 13.4 refers**

(Circulated Under Separate Cover)

MARKS MOVED, BASS SECONDED, that Council:

- *invite Mr Alvaro to lodge a fresh application in identical terms to the application lodged on 1 August 2005;*
- *waive any fee that would normally be payable by Mr Alvaro for resubmitting the application;*
- *indicate its willingness to support a proposal contained in a fresh application that is identical to that submitted to the Council by Mr Alvaro on 1 August 2005, subject to appropriate conditions including conditions that address:*
 - *the limitation on the type of vehicle allowed on site for the purpose of hire*
 - *the limitation of the use of car carriers for the purpose of delivering vehicles to the site;*
 - *the requirement that vehicles be turned on site;*
 - *the manner of entry and exit of vehicles to and from the site; and*
 - *the requirement that vehicles on site be used for display for hire rather than for storage.*
- *delegate authority to the Director – Community and Statutory Services to determine a fresh application, subject to these conditions, if one is submitted by Mr Alvaro identical to that lodged on 1 August 2005.*

CARRIED 11 VOTES TO 0

***** 9.13 pm** Having earlier declared an interest, Cr Dornford departed the forum.

13.5 CONFIDENTIAL ITEM RATES OBJECTION – THE GOWRIE – TOMATO LAKE CHILD CARE CENTRE – 23 PETERSON ROAD, KEWDALE

**** Confidential Attachment 5 – Item 13.5 refers**

**** Confidential Attachment 5.1 – Item 13.5 refers**

(To be circulated in the Council Chamber)

TEASDALE MOVED, ROSSI SECONDED, that, for the reasons outlined in the report, Council allow the objection by the Gowrie against the inclusion of the Tomato Lake Child Care Centre, 23 Paterson Road, Kewdale on the rate record.

CARRIED 10 VOTES TO 0

BASS MOVED, HITT SECONDED, that the public be invited to return to the meeting and that the resolutions passed behind closed doors be read.

CARRIED 10 VOTES TO 0

*****9.18pm Cr Dornford rejoined the meeting. No members of the public gallery rejoined the meeting.**

14. CLOSURE

There being no further business to discuss, the Mayor thanked all those in attendance and closed the meeting at 9.19pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 29 November 2005 were confirmed as a true and accurate record at the Ordinary Council Meeting held 20 December 2005:

Without amendment

With amendment

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____
