City of Belmont

ORDINARY COUNCIL MEETING

MINUTES

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5 June 2007

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

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

****BB Attachment 3 – Item 12.1.4 refers**

****BB Attachment 4 – Item 12.1.4 refers**

****BB Attachment 5 – Item 12.1.4 refers**

****BB Attachment 6 – Item 12.1.4 refers**

****SB Attachment 7 – Item 12.2.1 refers**

****NB Attachment 8 – Item 12.4.1 refers**

****NB Attachment 9 – Item 12.4.1 refers**

****BEXB Attachment 10 – Item 12.5.1 refers**

****BEXB Attachment 11 – Item 12.5.2 refers**

****BEXB Attachment 12 – Item 12.5.3 refers**

****BEXB Attachment 13 – Item 12.5.5 refers**

CONFIDENTIAL ATTACHMENTS INDEX

****Confidential Attachment 1 – Item 12.5.4 refers**

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

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MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS OF THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 5 JUNE 2007, COMMENCING AT 7.04PM.

PRESENT

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

IN ATTENDANCE

Dr S Silcox	Chief Executive Officer
Mr N Deague	Director Community & Statutory Services
Mr R Lutey	Director Technical Services
Mr S Cole	Director Corporate & Governance
Mr J Olynyk JP	Manager Governance
Ms S Johnson	Agenda Minute Officer

MEMBERS OF THE GALLERY

There were 38 attendees in the gallery, one press representative and representatives from the Belmont Moonlight Guides.

1. OFFICIAL OPENING

The Mayor opened the meeting at 7.04pm and welcomed those in attendance, including members of the Belmont Moonlight Guides. The Mayor made special mention of one of its members – Monica Wheatley who will be attending a camp in the United States where she will be completing her Duke of Edinburgh Badge.

The Mayor invited Cr Rossi to read aloud the Affirmation of Civic Duty and Responsibility on behalf of Councillors and Officers. Cr Rossi read aloud the affirmation.

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2. APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Nil.

2.2 LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST

The Manager Governance read aloud the following Declarations of Interest:

3.1 FINANCIAL INTERESTS

Name	Item No. & Title	Nature of Interest (and extent, where appropriate)
Cr Brennan	12.1.3 - Lot 1 (33-35) Great Eastern Highway, Rivervale – Proposed Signage Strategy	Financial Interest
Cr Dornford	12.2.1 - City of Belmont Local Planning Policy No. 30 – Family Day Care	Financial Interest

3.2 DISCLOSURE OF INTEREST THAT MIGHT CAUSE A CONFLICT

Name	Item No. & Title
Cr Rossi	12.1.4 - Lot 30 (86) Great Eastern Highway, Rivervale - Proposed Tavern

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

4.1 ANNOUNCEMENTS

4.1.1 Official Opening of Leach Highway/Orrong Road Bridge

On Monday, 4 June 2007, the Mayor attended the official opening of the Leach Highway/Orrong Road Bridge. Amongst others, in attendance were Hon Alannah MacTiernan MLA; Minister for Planning & Infrastructure Hon Eric Ripper MLA; Member for Belmont and Mayor Mick Lee, Town of Victoria Park.

The Mayor stated that this intersection was the State's worst black spot for accidents prior to the upgrade and the bridge will be a great benefit to our Kewdale businesses by reducing delays.

4.2 DISCLAIMER

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

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

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

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

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

Nil.

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

Nil.

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5. PUBLIC QUESTION TIME

****7.10pm The Mayor drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (l), the Mayor advised that she had registered 13 members of the public who had given prior notice to ask questions, these being Mr A Koh, Mr S Wolff, Mr F Iemma, Mr R Daniel, Mr I Oldfield, Mr P Anderson, Mr K Adam, Mr R Harris, Mr/Mrs D & I Holmes, Mr P Sadler, Mr B Yavuz, and Mr K Killick.**

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

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Mr S Wolff, 191 Kew Street, Kewdale (on behalf of Belmont Residents/Ratepayers Action Group)

The following questions were taken on notice at the Ordinary Council Meeting of 15 May 2007. Mr Wolff was provided with a response dated 25 May 2007. The response from the City is recorded accordingly –

1. Is this Advisory Trustee a trustee with the same representation as all other trustees on the Trust?

No. The Advisory Trustee does not have the same representation rights as the Council Trustee. He is to provide advice and attend Trust meetings but does not have a voting right. To be on the Trust you must be a Councillor.

2. What type of decisions about Grove Farm is this trustee required to advise on and which not?

The Advisory Trustee is to provide advice on critical issues affecting the trust property as and when required so that Council may exercise its duties as Trustee of the Trust land. These may include advice on the status of the trust, consultation with the Attorney-General, and advice on any proposed scheme of arrangement if this is necessary in order for the Trustees to fulfill their obligation to their beneficiaries.

3. Who decides when a Council decision about Grove Farm requires advice from the Advisory Trustee?

The Trustees, Council, would decide when it requires advice from the Advisory Trustee.

4. With regard to Council's up coming decision on CityScape's proposal to excise land from Hardey Park, is Council concerned that basing their decision on a survey commissioned and paid for by the developer may be seen by the community as improper?

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Item 5.1.1 continued

At the Ordinary Council Meeting dated 5 September 2006, the Officer's Report advised Council that the City did not have the resources to devote the time and attention necessary to embark on a project involving the taking of additional land from an 'A' Class reserve and the associated public consultation. Council therefore resolved that Cityscape Holdings Pty Ltd engage a Public Relations Consultant at its cost to prepare and implement a Strategy Plan that addresses all the relevant issues to the satisfaction of the Council. Further, Council resolved to assess its future action having regard to the merits of the arguments and comments made by those lodging a submission.

Subsequent to this meeting, Council has had input into the questions proposed and the details in the brochure. Council at its meeting dated 20 February 2007, approved the questions contained in the brochure. In this respect, Council has the final say as to the merits or otherwise of the findings and what future action it may take in the matter.

5. How much is the estimated land value at Hardey Park per square metre?

If both Houses of Parliament were to agree to the further excision of land from Hardey Park, Landgate would seek a valuation of the portion of Hardey Park to be sold to Cityscape at current market value as assessed by the Valuer General's Office. It is considered to be inappropriate for the Council to suggest a possible valuation of the subject land.

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

5.2.1 Mr A Koh, Andrew Koh Nominees, PO Box 5012, Dalkeith

1. Does the City acknowledge that the 42 car-bays that the applicant was required to provide was in respect of the commercial development only, and not commercial and residential, as Woodhead International clearly indicated that the parking facilities for the commercial development were to be accommodated within the commercial site in accordance with the City Town Planning Scheme (TPS) No.14, providing 42 car bays within the site? At the Ordinary Council Meeting ("OCM") on 14 August 2000, the City in fact approved the commercial development on the basis of 42 car-bays being provided.

The Director Community & Statutory Services replied that the Council in its decision of the 14 August 2000 did not approve the proposed development, but was a recommendation of approval to the Western Australian Planning Commission. No reference was made to a particular number of car parking bays. The submitted application as suggested in the Officer report at the time included 42 bays to be allocated for the commercial development. The City at this time cannot locate a record of a plan which shows the 42 bays as stated in the application.

This matter will be pursued by the City.

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Item 5.2.1 continued

2. Is it not correct for us to state that the matter of car parking requirements is a decision to be made by the Local Government and not the WAPC?

The Director Community & Statutory Services replied that a decision made by the Western Australian Planning Commission could include a requirement for car parking. It was acknowledged that approvals issued by a Local Government would normally include provision for a particular number of car parking bays where relevant.

5.2.2 Mr S Wolff, (Representing Belmont Residents/Ratepayers Action Group), 191 Kew Street, Kewdale

1. Does Council know when the results will be available of the SMR – CityScape public consultation over CityScapes proposed excision of land from the Hardey Park?

The Director Community & Statutory Services replied that it was anticipated that the report will be presented at the next Ordinary Council Meeting on 26 June 2007.

2. If Council and Parliament agree to allow CityScape to excise land from Hardey Park, will the City of Belmont be receiving money for the land CityScape excise?

The Director Community & Statutory Services replied that the City of Belmont would not be receiving money.

5.2.3 Mr F Iemma, 53 Newcomen Road, Stirling

1. In view of the fact that parking for the Balneum Apartments is secured and unaffected, how can Council accept any objection made (on car parking grounds) by a third party who does not carry out any business operation on the subject site?

The Director Community & Statutory Services replied that it was the right of a third party to raise questions and it was considered appropriate that Council answer these questions satisfactorily.

2. Is it not logical for Council to only consider objectors from those directly affected by the subject application, ie the lessees/tenants, as they have business dealing with the subject site?

The Director Community & Statutory Services replied that Council invites submissions from interested members of the public and makes decisions based on the merits and validity of arguments.

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5.2.4 Mr R Daniel, 18/88 Great Eastern Highway, Rivervale

1. Did the Council solicitors provide advice to GVC or a related entity?

The Chief Executive Officer responded that the City's solicitors McLeods had had previous dealings with a company called Magic View whose name was consequently changed to Great Victoria Corporation.

2. If the answer is yes, does this represent a conflict of interest?

The Chief Executive Officer responded that there was no conflict of interest in this matter.

5.2.5 Mr I Oldfield, 9 Cliff Road, Claremont

1. Is Council aware that:

   (i) this application complies with Council's Town Planning Scheme requirements;
   (ii) it is to allow for a tavern use of 52 persons (up from 32 previously approved), plus a bottle drive thru and browsing area. The browsing area has been dramatically reduced in size and the existing office use has been deleted to permit the increase of 20 persons to utilise the tavern;
   (iii) is Council aware the existing tavern licence allows for up to 120 persons at any one time. This will obviously disappear if this proposal is approved?

The Mayor replied in answer to all questions that this item was raised at the Agenda Briefing Forum on 29 May 2007 and all Councillors were aware.

5.2.6 Mr K Adam, 183 Broome Street, Cottesloe

1. In light of –

   - the fact that the WAPC in December 2000 approved an application on the recommendation of the Council for a development that included 42 car parking bays on site;
   - the fact that the Council was itself required by law to determine the application separately under its town planning scheme, but apparently did not do so;
   - that fact that the development as constructed, with 18 car parking bays, is apparently in breach of the Metropolitan Regional Scheme and the district town planning scheme, because the conditions of the planning approval have not been met;
   - and the issue of a building licence does not override a planning approval;

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Item 5.2.6 continued

does the Council accept that it may be open to legal challenge if it approves the current application?

The Mayor replied that the item was being dealt with on the agenda this evening.

2. Given the uncertainty surrounding this development will the Council defer consideration of this application to enable the legal status of the current development and the proposed development to be determined and the appropriate assessment made of the current application?

The Mayor replied that the item was being dealt with on the agenda this evening.

5.2.7 Mr K Killick, 56 Wicca Street, Kewdale

1. Why does Council wish to close this garden centre over five parking bays when we as ratepayers have never seen a plan for any redevelopment of this area. Also personal service is something not given at Bunnings but always at our local Mitre 10. Also in the past 30 years we have never seen the carpark full?

The Chief Executive Officer recommended Mr Killick read the report item which would give greater detail and understanding of the item. He added that Council was not trying close Mitre 10, and that the subject site was required for further development of the shopping area. Advice received from the WA Planning Commission meant that Council was unable to grant a further lease to Mr Anderson. Future meetings were proposed to resolve the matter in the longer term.

5.2.8 Mrs I Holmes, 21 Henrietta Street, Kewdale

1. Does Council want to close down the Mitre 10 garden centre because of the new Bunnings Centre?

The Mayor replied definitely not.

2. Is Council planning to build a Pizza Hut in close proximity to Mitre 10, if not, its is not likely that people will park their vehicles so far away and walk the distance?

The Mayor replied that the building of a Pizza Hut was just a rumour and Council had no knowledge of this development. She added that Mr Anderson was offered an option to relocate the garden centre to the rear of his premises but had refused.

****7.30pm Members of Belmont Moonlight Guides departed the meeting and did not return.**

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5.2.9 Mr B Yavuz, 128 Fulham Street, Kewdale

1. It appears an extreme measure to close a vital part of one business to provide parking for another business 500mtrs away, when other alternative bays are available. As parking has been nominated as such a critical problem, why did the Council authorise the parking bays outside Supre on Belmont Avenue to be removed only a month or two ago and why isn't that area used for angle parking as has been done outside Mr Eric Rippers' Office on Belmont Avenue near Fulham Street, to accommodate the required nine bays?

The Director Community & Statutory Services replied that continuation of the lease for the land could not continue. Discussions will be held in the future and correspondence will be sent to landowners regarding options for redevelopment.

2. Given as one of the other reasons to close the garden centre is to make the Belmont District Shopping Centre conform to the Taylor Burrell Report, can you inform us as to the progress of negotiations with other land owners like Lot 3 (Supre), lots 7 & 9 Bankwest and Commonwealth Bank regarding shifting those businesses on the Wright St road frontage? If no discussions have taken place why is Mitre10 being targeted? Why not leave the Garden area in place until all owners are in agreement with Council development plans?

The Chief Executive Officer replied that the City is proceeding as the area of car parking in question is not able to be leased any longer. An option was given to Mr Anderson to relocate the garden centre but he has chosen not to take that option. The City must seek the best outcome for all residents and for long term planning.

5.2.10 Mr D Holmes, 21 Henrietta Street, Kewdale

1. Why close down a section of a long standing family business for the sake of five car parking bays and is another fast food (pizza) business really necessary?

The Mayor replied that there was no fast food outlet proposed by Council. The Chief Executive Officer asked where the rumour originated from but Mr Holmes was unable to answer the question.

5.2.11 Mr P Sadler, 72 Wright Street, Cloverdale

1. Is it a fact the Council have sold a portion the same Crown land (Belmont Avenue Road reserve) as used by the garden centre and given approval for a development on what is now lot 902 (Effies Pty Ltd) without the correct number of parking bays being available on the property. Can we assume the Councillors who voted to close the garden area have preferred that garden area to be nominated as surrogate parking for Pizza Hutt and is that in the best interests of the community?

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Item 5.2.11 continued

The Director Community & Statutory Services replied that there was a proposed café type facility opposite Red Dot which would have its car parking bays provided by the redevelopment of the car parking area. The City would instigate the closure of the road reserve and the Department for Planning and Infrastructure would complete the process and obtain a valuation. The funds would be directed to the State Government. In regard to the Pizza Hut on the corner of Belmont Avenue and Fulham Street, a cash in lieu payment was made in view of the shortfall in a single car parking bay.

5.2.12 Mr R Harris, 481 Abernethy Road, Cloverdale

1. As I understand the area adjacent to the Belmont District Shopping Centre is Road Reserve, therefore Crown Land vested in the total control of the Council, is it a fact the Council have sold a section of that road reserve to Effies Pty Ltd and Snap Print and have sold large parts of the parking area to the Perron Group and also had given approval for the garden area which used only five car bays and now have had that Mitre10 garden area lease revoked?

The Mayor replied that this was correct.

****7.40pm** **The Presiding Member announced that the time allotted for Question time had elapsed.**

POWELL MOVED, BRENNAN SECONDED, that Public Question Time be extended for a period of 15 minutes.

CARRIED 11 VOTES TO 0

2. Parking is a not problem in this area. It is very apparent to all ratepayers and even to your own planning officers back when they reported on then to be built Belmont Tavern, stating that extra parking was not required to be supplied by the Belmont Tavern nor was payment in Lieu required because of the ample parking available in the area near Mitre 10. Did the Council conduct a recent survey of parking requirements and conclude the five bays used by the garden are required to be restored because of lack of parking in this area?

The Mayor replied that a survey had been completed in the past.

5.2.13 Mr P Anderson, 62 Strickland Street, South Perth

1. Given the size of the petition, many local residents have objected to the closure of the garden area and as it is the responsibility of Councillors to best represent the view of ratepayers; did the Councillors do any public consultation or take any advice besides that from the Council planning officer? If not, Why not?

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Item 5.2.13 continued

The Chief Executive Officer replied that the closure was due to a lease agreement and therefore there was no requirement for public consultation.

2. Madam Mayor, it would appear that the Council and its planning officer has given favoured treatment to the parking requirements of yet another fast food and café business over the needs of the community with the Mitre10 Garden Area. The statement in your letter to the editor Community News 8 May stated and I quote "the Council must respond to the needs and interests of the community as a whole". Don't the sheer numbers of ratepayers who have signed this petition together with those who have previously contacted the Council, Chief Executive Officer and yourself, now make it incumbent on Council to revoke the closure motion, as the petition better represents the community view?

The Mayor replied that she had received the petition and would accept a motion from the floor at the appropriate time for the receivable and processing of the petition.

5.2.14 Mr R Daniel, 18/88 Great Eastern Highway, Rivervale

1. Is the loading bay shown on the plans a "hypothetical construct" or is it meant to be reality? If it is a reality, how will Condition 6 be met?

The Mayor took this question on notice.

5.2.15 Mr A Koh, Andrew Koh Nominees, PO Box 5012, Dalkeith

1. Can the City provide any documentary evidence to show that it was the West Australian Planning Commission ("WAPC") that reduced the number of car parking bays from 42 to 24? This was a very substantial reduction in car-bays and a huge concession to the applicant. Records of WAPC's approval of the development did not stipulate car parking requirements. What was the basis of this huge reduction in the car-bays requirement that was given to the applicant?

The Director Community & Statutory Services advised that the City will be endeavouring to clarify this matter.

2. In mid 2002, the City issued a building licence for the commercial development with the requirement to provide this grossly reduced number of 24 car-bays. Councillors at the OCM on 14 August 2000 approved the commercial development of Drive thru Bottle shop of 400 m2, a 24 Hour Deli of 300 m2 and a Take-away Café of 60 m2 on the basis of 42 car bays (6/100 m2 in accordance with TPS No 14. What was the basis for not adhering to the decision of the Councillors?

The Director Community & Statutory Services replied that it is possible that the original mixed use development for the original five lots anticipated that car parking would be provided over the entire site. It was later on the 15 October 2001 that the five lots were amalgamated and Lot 30 created to contain the commercial part of the development.

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Item 5.2.15 continued

3. On 24 February 2003 when the Director – Development, under Council delegated authority, approved the change of Deli, Take-away Café to that of an Office and Restaurant, it was a requirement of the Planning Department to reassess the car parking being provided in order to ensure a compliance with the City's TPS No.14. Was a re-assessment carried out by the Planning Department? We believe a restaurant would very much worsen the problem. Was the Planning Department not aware that a minimum of 20 car,-bays was required for the 80 seat restaurant (one car for every four patrons) to comply with TPS No 14?

The Director Community & Statutory Services replied that *Council at its meeting of the 24 February 2003 approved the restaurant with a parking concession of six bays. The Council authorised the Director – Development and/or the Manager Planning Services to determine the application on receipt of favourable comments from Main Roads Western Australia.*

4. Is the City aware that when the applicant provided only 18 car-bays instead of the 24 required, credit for parking bays was given by the Planning Department for the six queuing bays located within the bottle shop drive through area? Is the City aware that the Planning Department cannot now make further use of this credit again as it was already given to the applicant?

The Mayor replied that the City will re-examine the matter of concessions that have been granted to ensure that credits have not been granted more than once.

5. Should the application be rejected and the applicant appeals against the decision to the State Administrative Tribunal ("SAT"), what would be the approximate legal cost and does this have any influence on the decision making process of the Councillors?

The Mayor replied that it was considered to be inappropriate to guess a cost to Council for an appeal to the SAT. The cost is not a relevant consideration for the Council in determining the application. It is important that the Council makes a decision that is reasonable and defensible.

6. Can the City confirm that the objectors have no right of appeal to SAT against the City's decision and the only revenue of redress is through the Supreme Court of WA?

The Mayor replied that there is no right of appeal by the objectors to the current application. The SAT may be prepared to allow a directly affected landowner to make a submission to the Tribunal.

****7.55pm** **As there were no further questions, the Presiding Member declared Public Question Time closed.**

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6. CONFIRMATION OF MINUTES / RECEIPT OF INFORMATION MATRIX

6.1 ORDINARY COUNCIL MEETING HELD 15 MAY 2007

BRENNAN MOVED, ROSSI SECONDED, that the minutes of the Ordinary Council Meeting held on 15 May 2007 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 29 MAY 2007**

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

WHITELEY MOVED, POWELL SECONDED, that the Information Matrix for the Agenda Briefing Forum held on 29 May 2007 as circulated in the attachment, be received and noted.

CARRIED 11 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

9.1 PETITION - CLOSURE OF ANDERSON'S HARDWARE

The Mayor stated that she had received a petition from Anderson's Hardware for Council to rescind its recommendation adopted on 24 April 2007 to remove the portion of road reserve that Anderson's Hardware is currently leasing for a garden centre.

POWELL MOVED, ROSSI SECONDED, that the Petition from Anderson's Hardware be received and noted.

CARRIED 11 VOTES TO 0

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

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12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1.3 was withdrawn at the request of Cr Teasdale.
Item 12.1.4 was withdrawn at the request of Cr Marks.
Item 12.1.5 was withdrawn at the request of Cr Dornford.
Item 12.1.6 was withdrawn at the request of Cr Dornford.

BASS MOVED, BRENNAN SECONDED, that with the exception of Items 12.1.3, 12.1.4, 12.1.5 and 12.1.6, which are to be considered separately, the Officer Recommendations in the Built Belmont Key Result Area Reports, specifically Items 12.1.1, 12.1.2 and 12.1.7 be adopted en bloc.

CARRIED 11 VOTES TO 0

12.1 BUILT BELMONT

12.1.1 Road Closure – Portion of Old Hardey Road Reserve Adjoining Lot 447 (17-19) Casella Place, Kewdale **

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

Report by Technical Services Division

DATE

15 May 2007

PURPOSE OF REPORT

To seek Council's approval for the closure of a portion of old Hardey Road reserve adjoining Lot 447 (17-19) Casella Place in Kewdale.

COUNCIL ROLE

Executive

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

SUMMARY AND KEY ISSUES

- The closure of the old Hardey Road reserve was previously considered and recommended by Council at its meeting on 22 July 1996 (item 6.1).

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Item 12.1.1 Continued

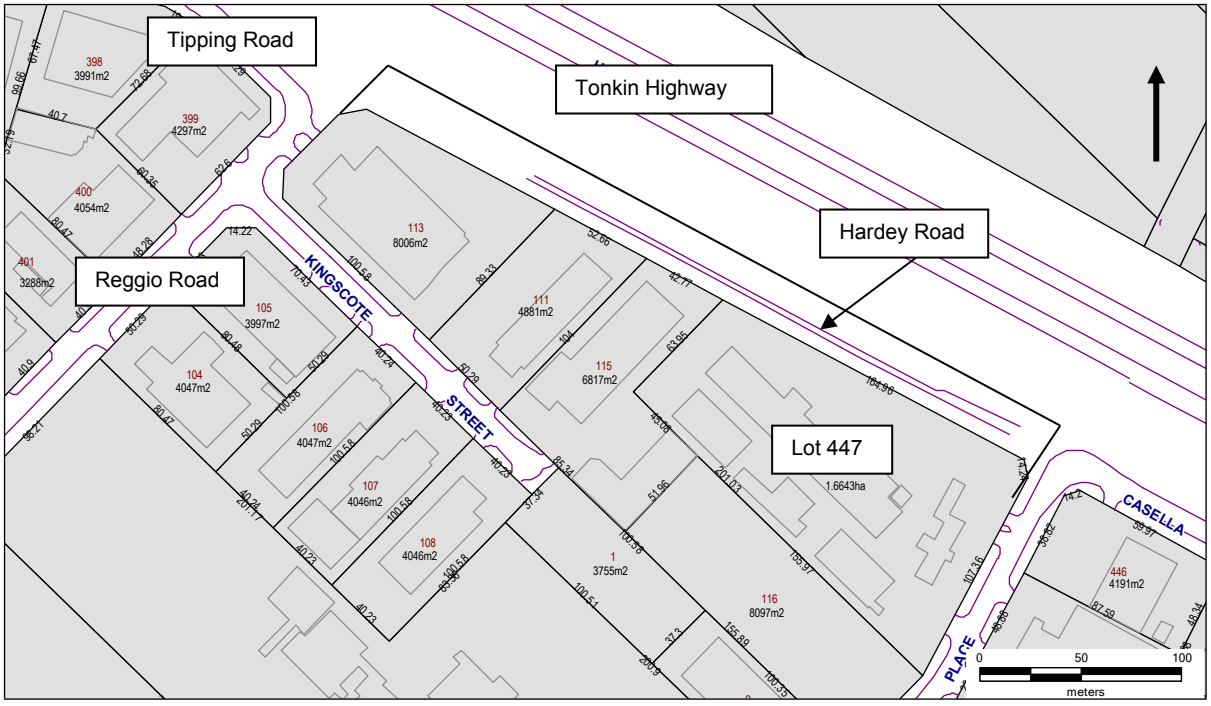
- To facilitate closure, it is suggested that the closure be proposed as per the attached plan.
- The road closure will require referrals to Department for Planning and Infrastructure and service authorities including advertising for a period of 35 days prior to the closure taking effect.

Officer Recommendation Summation

That Council approves the closure of the portion of old Hardey Road reserve adjoining Lot 447 (17-19) Casella Place as set out in the attached City of Belmont's Drawing Number 50-07 and subject to no objections being received from Department for Planning and Infrastructure, service authorities and the advertising.

LOCATION

Portion of old Hardey Road reserve adjoining Lot 447 (17-19) Casella Place, Kewdale



APPLICANT

Hero Pty Ltd

FILE REFERENCE

102/007 – Permanent Road Closure

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Item 12.1.1 Continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
Nil			

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

Based on the consultation assessment checklist, the most appropriate level of consultant required is the "Inform" style of consultation. The consultation proposed will include advertising in the local newspapers, referrals to service authorities and the Department for Planning and Infrastructure.

The proposed closure will require advertising (in the paper circulating within this district) for a period of 35 days prior to instituting formal closure proceedings with the Land Asset Management Services of the Department for Planning and Infrastructure.

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

This matter is governed by Section 58 of the Land Administration Act 1997 – Closure of Roads.

BACKGROUND

The road reserve between Tipping Road and Casella Place represents a section of old Hardey Road which was made redundant by the construction of Tonkin Highway.

Upon a request from Hero Pty Ltd, the owner of Lot 447 (17-19) Casella Place, the closure of this section of the old Hardey Road between Tipping Road and Casella Place (previously Newburn Road) was previously considered and recommended by Council at its meeting on 22 July, 1996. Based on outcomes of the services investigation and comments received from service authorities at that time, the extent of the proposed road closure was revised to only a partial closure of the portion of Hardey Road in order to allow for the location of utility services. Although a written request together with a valuation of the land was forwarded by the City on 24 June 1997 to the four (4) adjoining property owners seeking acceptance of the proposal to proceed with the partial closure of the Hardey Road reserve, the proposed closure of Hardey Road did not proceed.

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Item 12.1.1 Continued

The reasons for not proceeding with the closure were not clearly identified however it could be due to some of the adjoining property owners not wishing to proceed due to unfavourable site conditions especially the large height difference between the road reserve and the adjoining Lots 113, 111 and 115. The land on Lot 447 is relatively level with the adjoining section of Hardey Road reserve.

The property owner of Lot 447, Hero Pty Ltd has now written to the City requesting that the City initiates the closure of only the section of Hardey Road just adjoining its property. The property owner of Lot 447 intends to amalgamate the available land with Lot 447.

Considering the unsuccessful outcome of the previous application for closure of the full section of Hardey Road between Tipping Road and Casella Place, it is appropriate that the closure of only the portion of Hardey Road reserve adjoining Lot 447 be considered for this application. The location and extent of the road closure is shown on the attached City of Belmont's Drawing No. 50-07.

The proposed road closure will have to be considered under the current circumstances based on a new investigation to be undertaken.

OFFICER COMMENT

The portion of Hardey Road between Tipping Road and Casella Place is located beside Tonkin Highway reserve and consists of deteriorated bitumen pavement and dirt track. Currently, the Hardey Road reserve is not fenced off from Tonkin Highway reserve and can be accessed via Tipping Road or Casella Road using 4 wheel drive vehicles.

The portion of Hardey Road reserve adjoining Lot 447 is partly covered with overgrown bushes and vegetation. There are stay wire supports located within the Hardey Road reserve for the purpose of supporting the power poles on Casella Place.

A title search undertaken has indicated that the road reserve is part of the old Hardey Road and is located on Crown land. A preliminary check of utility services has revealed existing gas and water pipes located within the section of road reserve. Subject to referral of the proposal to service authorities, the proposed road closure may require services relocation for which the applicant will be responsible.

If closure takes effect, the proposed road closure of the section of Hardey Road will close off access from Casella Place however service vehicles can still access from Tipping Road if necessary. The closure of the Hardey Road reserve will remove any requirement for maintenance by the City. The property owner of Lot 447 will be responsible for the clearing and removal of the bitumen pavement including the erection of a new fence.

The proposed road closure will require public advertising for a period of 35 days, including seeking comments from service authorities and the Department for Planning and Infrastructure.

Based on the above information, it is recommended that, subject to a favourable response from the advertising, the service authorities and the Department for Planning and Infrastructure, the proposal be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for further action, in accordance with the provisions of Section 58 of the Land Administration Act 1997.

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Item 12.1.1 Continued

FINANCIAL IMPLICATIONS

The costs associated with the closure process include the advertising and administration costs incurred by the City. Under the City's Schedule of Fees and Charges, the applicant will be requested to reimburse the City for the advertising cost and pay a minimum charge of $165.00 inclusive of GST to cover administration cost.

The applicant will be responsible for the removal of the redundant fence and remaining bitumen pavement in addition to the ultimate purchase cost of the land, relocation costs of services including all associated costs for registration, provision of easements, stamp duty and survey. The applicant will also be required to install a new fence along Tonkin Highway.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BB Attach 2	City of Belmont Drawing No. 50-07

OFFICER RECOMMENDATION

That Council:

1. ***In accordance with the provisions of Section 58 of the Land Administration Act 1997, the proposal to close a portion of Hardey Road reserve as shown on the City of Belmont's Drawing No. 50-07 (BB Attach 2) be advertised, and comments be sought from service authorities and the Department for Planning & Infrastructure; and***

2. ***Subject to a favourable response from the advertising, the service authorities and the Department for Planning and Infrastructure, the road closure be forwarded to the Land Asset Management Services of the Department for Planning and Infrastructure for action.***

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

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12.1.2 Lot 9000 (100) Cohn Street Kewdale - Proposal for Street Names to be Included in the City's 'Schedule of Names Reserved for Streets and Parks'

Report by Community & Statutory Services Division

DATE

11 May 2007

PURPOSE OF REPORT

For Council to consider the suitability of the following suggested street names for inclusion in the City's 'Schedule of Names Reserved for Streets and Parks':

- Harmony
- Peace
- Unity
- Goodwill

COUNCIL ROLE

Quasi-Judicial

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

SUMMARY AND KEY ISSUES

The land owners of Lot 9000 (100) Cohn Street, Kewdale submitted a letter dated 18 April 2007 which proposes four street names; Harmony; Peace; Unity and Goodwill.

The proposed names relate to the new road reserves created as a result of the conditional subdivision approval issued by the Western Australian Planning Commission on 8 November 2007 (WAPC Ref: 128419).

A clearance request for the abovementioned subdivision approval is currently being processed by the City.

Survey documents (Deposited Plans) require approved road names before the survey can be approved and new Certificates of Title obtained.

The proposed names must be approved by Council for inclusion in the City's 'Schedule of Names Reserved for Streets and Parks' and also approved by Landgate's Geographic Names Committee.

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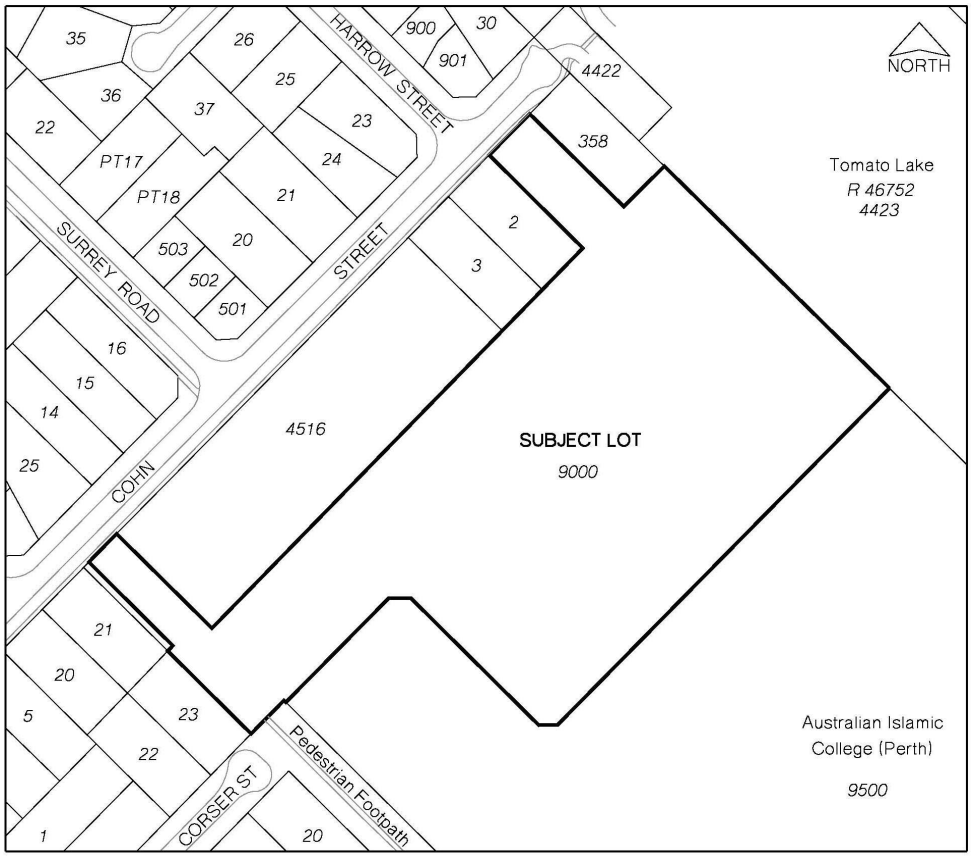
Item 12.1.2 continued

Officer Recommendation Summation

That Council approve the inclusion of names on the City's Schedule of Names Reserved for Streets and Parks and forward the proposed street names to the Geographic Names Committee for its consideration.

LOCATION

Lot 9000 on Deposited Plan 52689; 100 Cohn Street, Kewdale



APPLICANT

The Australian Islamic College (Perth)

FILE REFERENCE

DW117/008 Naming Roads/Streets/Localities/Wards/Suburbs
P/COH.100 Property File

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

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Item 12.1.2 Continued

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

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

Following Council's consideration the proposal will require referral to Landgate's Geographic Names Committee for further confirmation on compliance with the Committee's 'Road Naming Guidelines' and details on the type and number of road names required.

STRATEGIC PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

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

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

Policy Statement:

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

2. *The Planning Department will be responsible for recommendations to the Council that relate to the naming or renaming of all streets, parks and reserves within the City. Such recommendations are to comply with the Guidelines of the Geographic Names Committee of the DLI or justification be provided for any exception to the Guidelines that is likely to be acceptable to the Geographic Names Committee.*

3. *Unless otherwise determined by resolution of the Council, names shall be drawn from the following sources:*

   Criteria for Recognition
   - *(a) The surnames of pioneering families.*
   - *(b) Prominent district identities.*
   - *(c) Persons who have made a significant contribution to the community.*
   - *(d) Councillors who have retired and completed a service to the community of approximately six years or more. (Corresponding to the original two terms of three years).*
   - *(e) Encouragement of ethnic and gender diversity.*

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Item 12.1.2 Continued

(f) Horses that have been winners of two or more major racing events.

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

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

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

STATUTORY ENVIRONMENT

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

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

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

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

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

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Procedure for Naming Roads
New Roads - Survey documents require approved road names before the survey can be approved. The developer or their agent should be prompt in lodging a concept plan and a proposal for road names conforming to the above guidelines with the relevant local government. It may also be helpful to supply a copy to the Secretary, Geographic Names Committee. Local governments then propose the names to Landgate for approval. Following agreement between the Department and the local government, the names will be approved and all interested parties advised.

The selection of names is at local government discretion, and many local governments maintain lists of preferred names. There must be sound justification to propose alternative names, but some local governments allow developers discretion, particularly with larger developments. Short names are encouraged for short roads."

BACKGROUND

Owner:	The Australian Islamic College (Perth)	**Ward:**	South
Lodgement Date:	18 April 2007	**Use Class:**	Not Applicable
Lot Area:	2.7859 hectares	**TPS Zoning:**	Residential R20/40
Estimated Value:	Not Applicable	**MRS:**	Urban

Requirement for Street Names

This proposal relates to the subdivision application which was approved by the Western Australian Planning Commission on 8 November 2006[1] (WAPC Ref: 128419). The City is currently processing a request for clearance of a second stage of the subdivision approval which will result in the creation of 45 residential lots and new road reserves.

The requirement to seek approval for street names is not a condition of the subdivision approval. However, the Registrar of Titles will not approve the Deposited Plan without names for the newly created roads. Subsequently, the landowner will not be able to apply for Certificates of Title for the new 45 residential lots.

Previous Street Name Proposal

The applicant has previously suggested a number of street names (Harmony, Hope, Faith and Razi) which were considered by the City's Planning Department with regard to:

- The City's 'Criteria for Recognition' specified under the City's Policy Manual C5.4.1 'Naming of Streets, Parks and Reserves'; and,
- Landgate's Geographic Names Committee 'Road Naming Guidelines'.

No justification was received for the proposed names and it was considered that they did not comply with any of the City's criteria for recognition, and subsequently did not comply with the Geographic Names Committee suitable names requirements. Additionally, the name Faith did not comply with the Geographic Names Committee's duplication requirements.

[1] Year Changed from 2007 to 2006 as identified at the ABF Forum held 29 May 2007.

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Item 12.1.2 Continued

Current Street Name Proposal

In a letter dated 18 April 2007 the applicant has requested Council's consideration of a new list of proposed street names including: Harmony; Peace; Unity and, Goodwill.

Justification provided with the proposed names stated that the applicant has suggested names that they *"feel come under the umbrella of Encouragement of ethnic and gender diversity"* which is one of the City's possible 'Criteria for Recognition'. Key points of the justification provided for Harmony are as follows:

- Imperative part of ethnic and gender diversity.
- Essential component of our multicultural community.
- The foundation of the Australian Governments 'Living in Harmony' initiative.
- Is an important part of the Australian Islamic College's calendar which is also promoted as an initiative within its wider community.
- Encourages an understanding of different cultures, values and beliefs which make up the fabric of Australian society and the college.

A full copy of the letters of justification may be provided at the request of Councillors.

OFFICER COMMENT

It is suggested that the applicant's justification provided for the proposed street name Harmony also applies to all four of the suggested names. As such, it is considered that the names meet the requirements under the City's Criteria for Recognition – Encouragement of Ethnic and Gender Diversity.

The proposed names also comply with the relevant road naming guidelines for suitable names and duplication requirements as specified by Landgate's Geographic Names Committee.

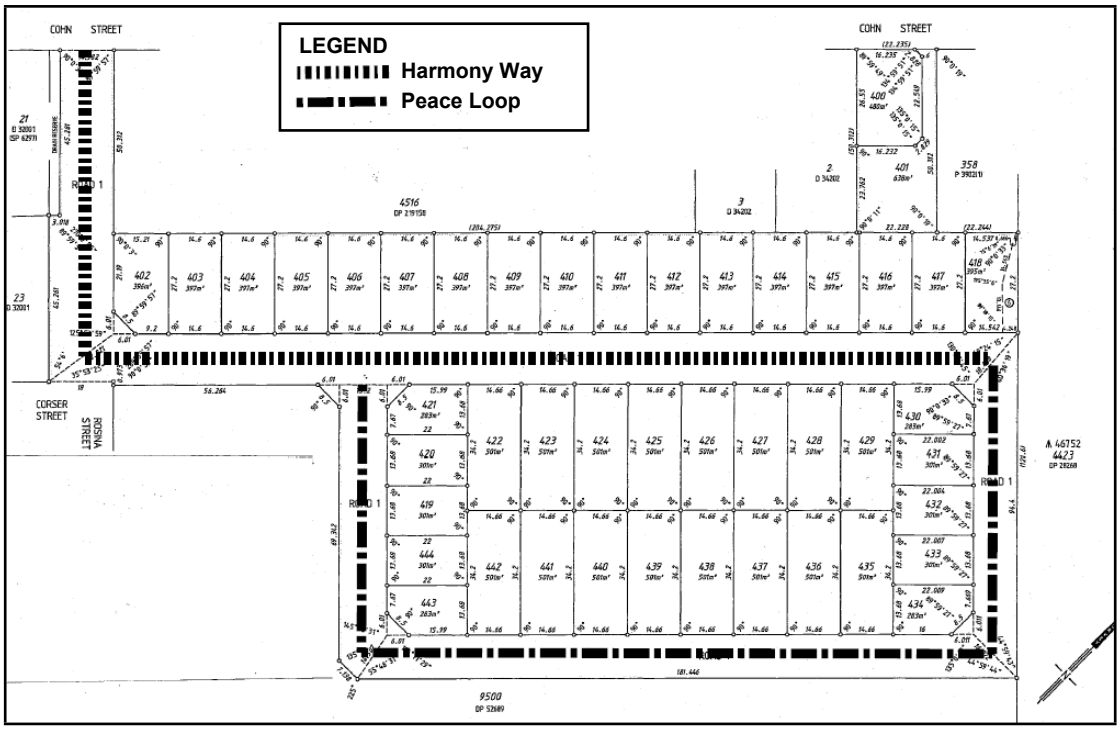
Therefore, the Council may exercise its discretion and resolve to either: refuse the proposed names; approve all the proposed names; or, approve some of the proposed names.

It is recommended that Council approve all four proposed street names for Inclusion on the City's Schedule of Names Reserved for Streets and Parks.

For the new roads created through the subdivision approval preference is given for the names Harmony and Peace. The City's Planning Department proposes that these names would be applied as shown on the following extract from the unlodged version of Deposited Plan 55491.

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Item 12.1.2 Continued



Council should note that Landgate's Geographic Names Committee have yet to confirm the number and type of roads created. This confirmation will be sought if Council resolves to approve the proposed names. It is for this reason that Council is requested to consider approval of all four names.

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

Nil.

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Item 12.1.2 Continued

OFFICER RECOMMENDATION

That Council:

1. Approve the inclusion of the following names on the City's Schedule of Names Reserved for Streets and Parks:

- ***Harmony***
- ***Peace***
- ***Unity***
- ***Goodwill***

2. Forward the proposed street names to the Geographic Names Committee for its consideration to apply the names as appropriate to the newly created road(s) on Lot 9000 (100) Cohn Street, Kewdale.

3. Advise the applicant, the Australian Islamic College, of its decision.

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

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****7.59pm** **Having earlier declared a financial interest Cr Brennan departed the meeting.**

12.1.3 Lot 1 (33-35) Great Eastern Highway, Rivervale – Proposed Signage Strategy

Report by Community & Statutory Services Division

DATE

15 May 2007

PURPOSE OF REPORT

To consider a Signage Strategy application comprising of three flag poles on Lot 1 (33-35) Great Eastern Highway, Rivervale.

COUNCIL ROLE

Quasi-Judicial

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

SUMMARY AND KEY ISSUES

Proposed signage strategy comprises of three flag poles.

The proposed flag poles are in addition to the original signage strategy for the site where approval was granted under delegation for three wall signs and an oversize monolith sign. Approval for the previous signage was on the basis that the signage formed an overall signage strategy for the site and the oversized monolith sign was consistent with previous monolith signs granted approval by Council.

The three flag poles were not supported under delegation as they exceed the provisions of the City of Belmont Local Planning Policy No. 12 – Sign Applications as it relates to flag poles.

The applicant has subsequently submitted a separate application for the three flag poles requesting that Council vary the policy for the flag poles.

Officer Recommendation Summation

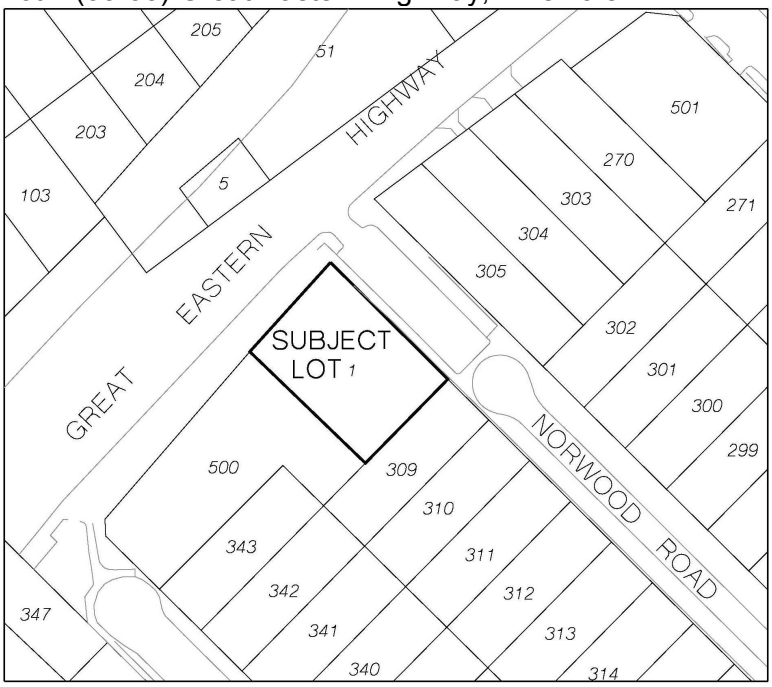
That the three flag poles not be supported.

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Item 12.1.3 continued

LOCATION

Lot 1 (33-35) Great Eastern Highway, Rivervale



APPLICANT

Bruce McLean Architects & Interior Designers, on behalf of Motor Trade Association of Western Australia (Inc)

FILE REFERENCE

186/2007/DA
115/001
33-35 Great Eastern Highway, Rivervale

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

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

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Item 12.1.3 Continued

Main Roads Western Australia

The site abuts Great Eastern Highway which is classed as a 'Primary Regional Road' under the Metropolitan Region Scheme and must be referred to Main Roads Western Australia (MRWA) for comment.

The original sign application for the wall signs and three flag poles 9 metres high was referred to Main Roads WA who advised that they had no objection to the installation of signage subject to standard conditions including the flags and flag poles to be placed on private property and shall not overhang or encroach upon the road reserve.

STRATEGIC PLAN IMPLICATIONS

BUILT BELMONT – *"Attract and support high quality, high employment businesses to the City of Belmont."*

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

BUSINESS BELMONT – "Maximise business development opportunities within the City."

POLICY IMPLICATIONS

Local Planning Policy No. 12 – Sign Applications

The application was assessed in accordance with the Policy which states:

"3.14 Flags

3.14.1 Council can consider a maximum of two flag poles per lot, only where the applicant provides a complete sign strategy and the flags are not considered superfluous or unnecessary.

3.14.2 The maximum height of the flag pole shall not exceed 6.0 metres.

3.14.3 Each flag shall not exceed 4.0sqm and shall be affixed to a pole of sufficient size and strength to support the flag under all conditions.

3.14.4 No flag shall be permitted within 5 metres of any sign located on the same lot.

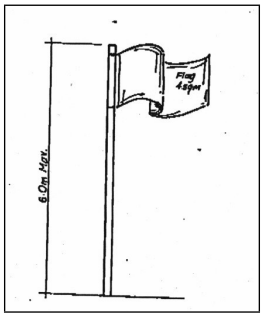


Figure 13"

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Item 12.1.3 Continued

The proposal does not comply with the policy as the strategy proposes three flag poles 9 metres in height as opposed to two flag poles with a maximum height of 6 metres.

STATUTORY ENVIRONMENT

Town Planning Scheme No. 14

Clause 10.4 Town Centre and Commercial Zone provides for retail and commercial function with good urban design.

Clause 5.8.1(g) provides that Council when considering an application have due regard for any planning policy adopted by Council.

Clause 10.15.1 'Variations to Site and Development Standards and Requirements' provides for Council to vary standards and requirement prescribed under the Scheme.

Deemed Refusal

Under Clause 5.5.1 of the City of Belmont Town Planning Scheme No. 14 an application is 'deemed to be refused' if it is not determined within a 60 day period.

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

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

The deemed refusal date for this application is 16 July 2007. Should Council defer this item then deemed refusal rights will not arise if the matter is dealt with at the Council meeting to be held 26 June 2007.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

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

BACKGROUND

Owner:	Motor Trade Association of Western Australia (INC)	**Ward:**	West
Lodgement Date:	16 March 2007	**Use Class:**	Office - 'P' permitted
Lot Area:	1289m2	**TPS Zoning:**	Commercial
Estimated Value:	$20,000	**MRS:**	Urban

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Item 12.1.3 Continued

Power Supply

This site has under ground power.

Site History

The subject site is heritage listed as it was the site of the former Riversdale Hall now demolished. The site has a management category of 'significant but not essential to an understanding of the history of the City of Belmont'. A photographic record was submitted prior to demolition.

History of Application

On 16 March 2007, a signage strategy comprising 3 wall signs (one on each frontage) and 3 flag poles (for the Australian, Western Australian and Motor Trade Association flags) was received. The number of flag poles and their height (9 metres) did not comply with Local Planning Policy No. 12 – Sign Applications.

The Development Control Group (DCG) meeting held on 18 April 2007 determined the following:

Option 1	approve 3 wall signs only;
Option 2	amend plans to show 2 flag poles maximum 6metres high in accordance with Local Planning Policy No. 12 (LPP12); or
Option 3	Refer application to Ordinary Council Meeting (OCM) for determination of variation to LPP12 for 3 flag poles at 9metres in height.

On 23 April 2007 a letter was received letter confirming Option 1 together with a new request for an amended signage strategy including an oversize monolith sign. Under LPP 12 monolith signs should not be more than 6.0 metres above ground level and not be greater than 4.0m2 in area (6.3m2 was proposed).

On 30 April 2007 approval for the 3 wall signs was granted.

The Development Control Group (DCG) meeting held on 9 May 2007 considered the modification to the signage strategy received on 23 April 2007, incorporating a monolith sign and 3 flag poles in addition to the three approved wall signs. A number of options were proposed to the applicant:

Option 1	On submission of comments from Main Roads WA; amended plans for monolith sign to be a maximum of $6m^2$; and two flag poles with maximum height of 6metres, conditional approval would be granted to the amended proposal;
Option 2	On submission of comments from Main Roads WA; amended plans for monolith sign to be maximum of $6m^2$, modified conditional approval would be granted for the monolith sign and wall signs; and
Option 3	On submission of written confirmation from the applicant/owner together with additional justification to vary LPP12, refer a separate development application for 3 flag poles at 9 metres high to Council for consideration with a staff recommendation for refusal.

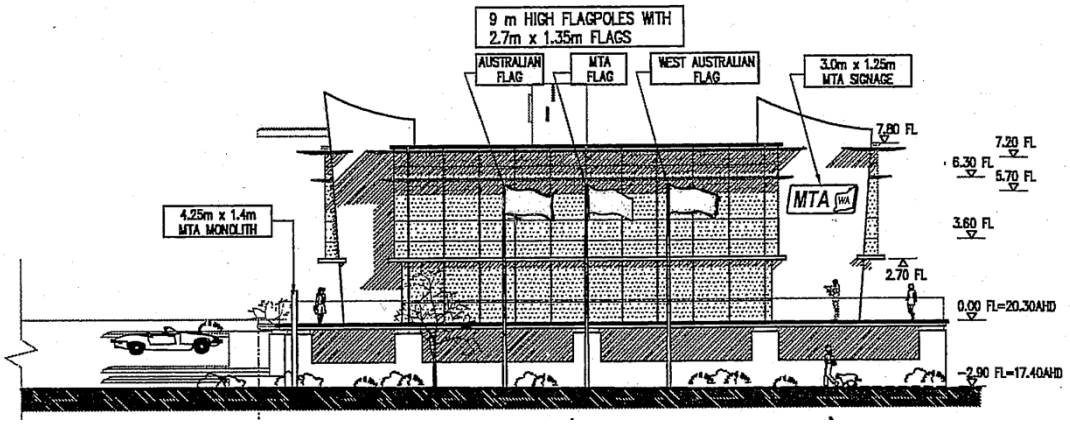
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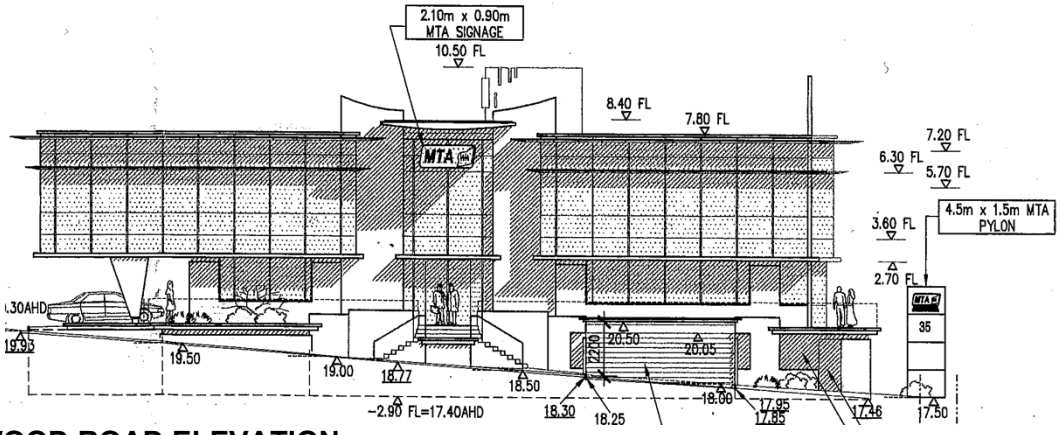
On 14 May 2007 confirmation was received from the applicant confirming their intent to pursue Options 2 and 3.

The Proposal

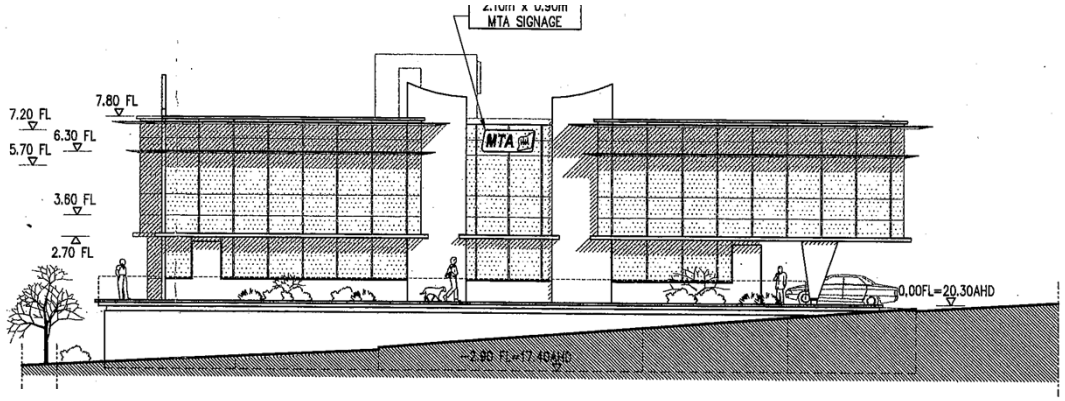
For Council to consider a development application for variation to Local Planning Policy No. 12 – Sign Applications for three flag poles. The three flags are 2.7m x 1.35m in size and the poles 9 metres in height. The three flags will be the Australian, the Western Australian and the Motor Trade Association flag. They are proposed to be located in front of the office building in the landscape strip adjacent to Great Eastern Highway.



GREAT EASTERN HIGHWAY ELEVATION



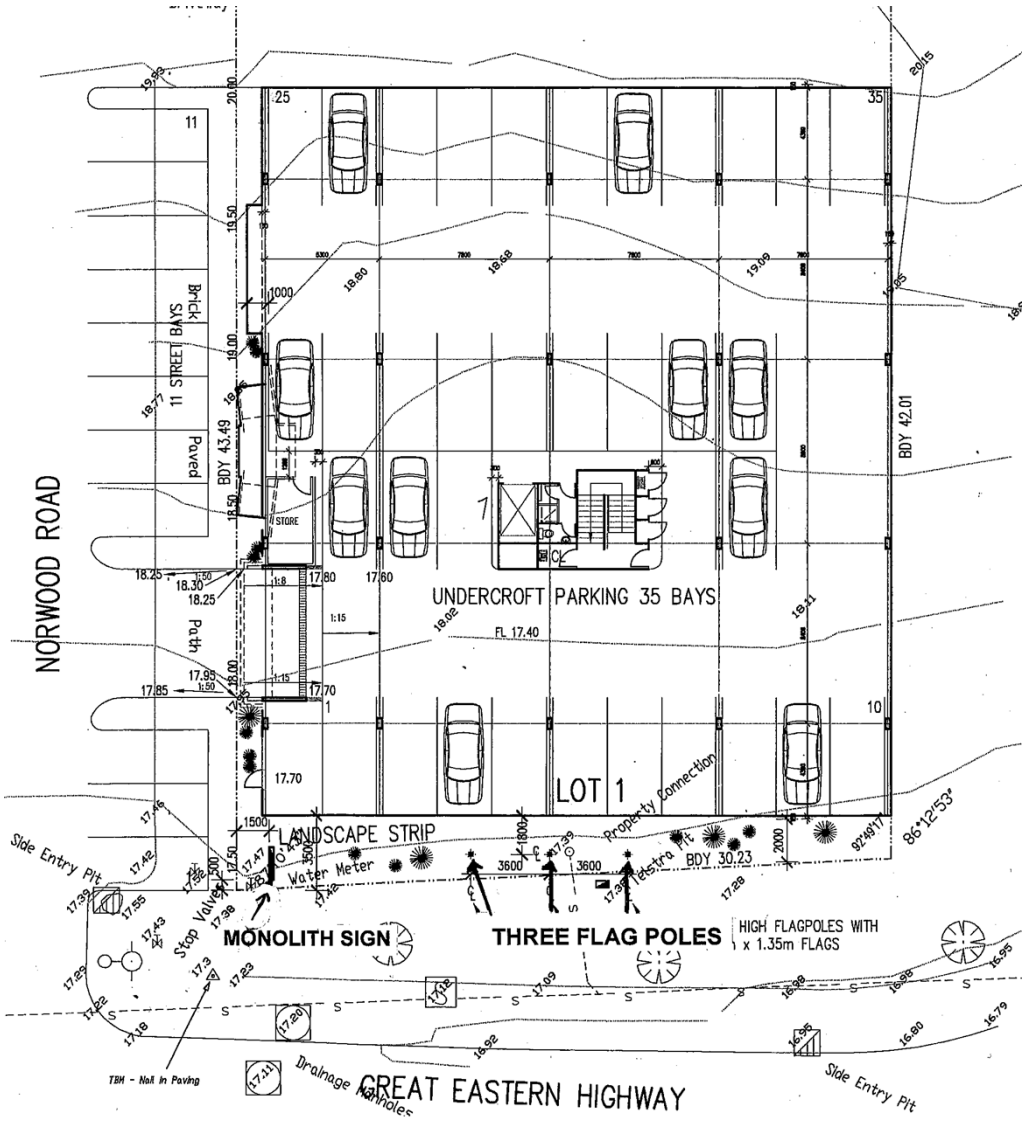
NORWOOD ROAD ELEVATION



SOUTHWEST ELEVATION (SIDE)

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SITE PLAN LOT 1 (33-35) GREAT EASTERN HIGHWAY

Justification submitted by Applicant and Owner

The applicant and owner have stated that the flags:

- are representative of the Motor Trade Association of WA within Australia and in particular Western Australia.
- along with the monolith sign and wall signs will clearly identify the building. This will enable clients travelling in a southerly direction to clearly identify the building well ahead of Norwood Street and prevent them passing the building as there are limited opportunities to turn around and come back with the tunnel entry and median strips in near proximity. The visibility of the flags is a safety issue and will assist in preventing possible accidents due to the MTA having over 2000 members who are continuously driving past then braking once they have noticed the building.
- 9 metre height is relevant to the size of the building which has basement parking and two floors of offices. The flags will complement the overall visual appearance of the building.

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The applicant also advised that no other tenancy signage is proposed on the building.

OFFICER COMMENT

The purpose of Local Planning Policy No. 12 (LPP12) is to ensure that the display of advertisements within the City of Belmont do not adversely impact on the amenity of surrounding land while providing appropriate exposure for businesses, activities or services. LPP12 also states that Council can consider a maximum of two flag poles 6 metres high with flags no greater than 4m2 in area as part of a sign strategy where the flags are not located within 5 metres of any other sign and are not considered superfluous or unnecessary.

It is noted that the wall signs and monolith sign will clearly expose the Motor Trade Association office building and confirm its street number on Great Eastern Highway, Rivervale.

The proposed flags were assessed in conjunction with the approved wall signs and monolith sign. Although the size of the flags and their location complies with the policy, in considering the height and number of poles in excess of that allowed under the policy, it is considered that they will not add value to the site in regard to providing additional appropriate exposure for the business - the flying of the Australian flag and the Western Australian flag will not specifically promote the business. It is considered that flags can be provided on site in accordance with the policy by providing one MTA logo flag plus one other National or State flag and this will be sufficient.

It is noted that the location of the subject building on Great Eastern Highway with its close proximity to Orrong Road and the Graham Farmer Freeway is a landmark business development. As such, approval of all signage should be in accordance with the objectives and provisions of the policy to ensure that there is no adverse impact on the amenity of the surrounding properties or traffic along Great Eastern Highway.

Both the applicant and owner have raised concerns regarding visibility of the entry and traffic safety issues. It is acknowledged that a median strip in Great Eastern Highway limits access to left in and left out only to the site via a small portion of Norwood Road. However, all traffic movement issues were assessed prior to planning approval being granted approval on 2 November 2005 for the office development. As such it is considered that the approved wall signs and monolith sign displaying the street number and logo, together with a maximum of two flag poles in accordance with the policy represents good visibility and exposure of the subject office building.

In regard to the additional height, the applicant argues that the flag poles are relevant to the overall height of the building. The overall height of the building is 10.7metres (basement parking 2.9 metres and two office floors 7.8 metres high). Site inspection also confirmed that two mature eucalypt trees are located in the landscape strip adjacent to Great Eastern Highway. Notwithstanding that, when considered in context with the approved wall signs and monolith sign, the flying of three flags (Australian flag, Western Australian flag and the Motor Trade Association logo) is not considered essential to the exposure and promotion of the subject business.

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Item 12.1.3 Continued

The following options can be considered by Council:

Option 1

Refuse the Signage Strategy for three flag poles at 9 metres in height for the following reasons:

1. Approval does not comply with the provisions of Local Planning Policy No 12 – Sign Applications with respect to number and height of flag poles.

2. The flags will not add sufficient value to the site in regard to providing additional appropriate exposure for the business to outweigh the adverse visual impact that will result from the proliferation of excessive signage along Great Eastern Highway.

3. Variations to LPP No. 12 to allow for an oversize monolith sign has been supported previously on site (as part of an overall signage strategy) in order to address concerns relating to adequate exposure to passing traffic.

Option 2

Approve amended Signage Strategy for two flag poles at 6 metres in height in accordance with Local Planning Policy No 12 – Sign Applications provisions subject to standard conditions plus Main Roads WA conditions.

It is considered that two flags can be provided on site in accordance with the policy by providing one MTA logo flag plus one other National or State flag and this will be sufficient.

Option 3

Approve amended Signage Strategy for two flag poles at 9 metres in height subject to standard conditions plus Main Roads WA conditions.

The criteria for the maximum height of 6 metres for flag poles as stipulated in LPP12 is based on the average height of a two storey building (each floor being an average 3metres each). A maximum of 6 metres high pole is considered adequate to provide ample visual exposure to any development without detrimental impact on the streetscape.

It is acknowledged that the style of the subject building is of a high standard and that the design incorporates basement parking plus two floors of offices at the Great Eastern Highway level with the entry to the building via Norwood Road. As the flag poles are to be located in the landscaped setback area of the Great Eastern Highway elevation at the same level as Great Eastern Highway carriageway, it is considered that the maximum height of 6 metres will provide sufficient exposure for passing traffic. On that basis, this option is not supported.

Option 4

Approve amended Signage Strategy for three flag poles at 9 metres in height subject to standard conditions plus Main Roads WA conditions.

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LPP12 limits the number of flag poles to a maximum of two per property as part of a complete strategy only where they are not considered superfluous or unnecessary. Approval for the additional height and number of flag poles however is seen as surplus to the advertising of the development. The proposed flag poles 9 metres in height are seen as having a detrimental impact on the visual amenity of Great Eastern Highway streetscape, resulting in a proliferation of excessive signage along Great Eastern Highway. Approval would also set an undesirable precedent for further similar signage and therefore this option is not supported.

Given the above, Option 1 is therefore supported.

Notwithstanding the above, Senior Management Group has considered the application and believes that in this instance, there is sufficient justification to merit varying the policy provisions as follows:

- The subject site is a prominent landmark site located at the entry to the City of Belmont as it is the first major commercial building on the right hand side of Great Eastern Highway after passing under the Graham Farmer Freeway bridge.
- Given the scale of the building and height and location of mature trees within the landscaped verge area, 9 metre high flag poles are not considered to be out of place; and
- Request that Local Planning Policy No. 12 be reviewed with respect to number and height of flag poles to take into account the issue of landmark sites and scale of buildings.

As such, Senior Management Group supports Option 4 subject to the flags being maintained in a satisfactory condition. The applicant also be advised that the *Flags Act 1953* requires certain protocols to be observed when flying flags.

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

Nil.

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OFFICER RECOMMENDATION

That Council either:

(A). Refuse the Signage Strategy for three flag poles at 9 metres in height as submitted by Bruce McLean Architects Interior Designers on behalf of the owner Motor Trade Association of Western Australia at Lot 1 (No. 33-35) for the following reasons:

1. Approval does not comply with the provisions of Local Planning Policy No 12 – Sign Applications with respect to number and height of flag poles;

2. The flags will not add sufficient value to the site in regard to providing additional appropriate exposure for the business to outweigh the adverse visual impact that will result from the proliferation of excessive signage along Great Eastern Highway.

3. Variations to Local Planning Policy No 12 to allow for an oversize monolith sign has been supported previously on site (as part of an overall signage strategy) in order to address concerns relating to adequate exposure to passing traffic.

Further, advise the applicant to submit amended plans for two flag poles with a maximum height of 6 metres and that the *Flags Act 1953* requires certain protocols to be observed when flying flags.

OR

(B). Approve the Signage Strategy for three flag poles at 9 metres in height as submitted by Bruce McLean Architects Interior Designers on behalf of the owner Motor Trade Association of Western Australia at Lot 1 (No. 33-35) subject to the following conditions:

1. 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.

2. Flag poles to be a maximum of 9 metres in height.

3. The flags and flag poles are to be placed on private property and shall not overhang or encroach upon the road reserve.

4. Main Roads agreement is to be obtained prior to any modifications.

5. The device shall not contain fluorescent, reflective or retro reflective colours or materials.

6. The type of sign and location must comply with all relevant by-laws and planning schemes made by Council.

7. No other unauthorised signing is to be displayed.

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8. The flags are to be maintained in a satisfactory condition to the satisfaction of the Director Community & Statutory Services.

Further, advise the applicant that the *Flags Act 1953* requires certain protocols to be observed when flying flags.

TEASDALE MOVED, ROSSI SECONDED, that Council

Approve the Signage Strategy for three flag poles at 9 metres in height as submitted by Bruce McLean Architects Interior Designers on behalf of the owner Motor Trade Association of Western Australia at Lot 1 (No. 33-35) subject to the following conditions:

1. 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.

2. Flag poles to be a maximum of 9 metres in height.

3. The flags and flag poles are to be placed on private property and shall not overhang or encroach upon the road reserve.

4. Main Roads agreement is to be obtained prior to any modifications.

5. The device shall not contain fluorescent, reflective or retro reflective colours or materials.

6. The type of sign and location must comply with all relevant by-laws and planning schemes made by Council.

7. No other unauthorised signing is to be displayed.

8. The flags are to be maintained in a satisfactory condition to the satisfaction of the Director Community & Statutory Services.

Further, advise the applicant that the Flags Act 1953 requires certain protocols to be observed when flying flags.

CARRIED 10 VOTES TO 0

****8.03pm Cr Brennan returned to the meeting.**

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12.1.4 Lot 30 (86) Great Eastern Highway, Rivervale - Proposed Tavern**

****BB Attachment 3 – Item 12.1.4 refers**
****BB Attachment 4 – Item 12.1.4 refers**
****BB Attachment 5 – Item 12.1.4 refers**
****BB Attachment 6 – Item 12.1.4 refers**

Report by Community & Statutory Services Division

DATE

11 May 2007

PURPOSE OF REPORT

To consider an application for a tavern on Lot 30 (86) Great Eastern Highway, Belmont.

NOTE: Councillors are advised that members of the public can only be notified that the City has received legal advice. The content of legal advice is confidential and should not be disclosed publicly. Legal advice is kept confidential to protect the City's legal privileges.

If Councillors wish to discuss the legal advice, then they need to do so behind closed doors.

COUNCIL ROLE

Quasi-Judicial

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

SUMMARY AND KEY ISSUES

- There is an existing building on Lot 30 which includes a drive-through bottle shop, an office, and a restaurant (The Red Cray);
- The applicant has a valid conditional approval from Council dated 2 May 2006 for a 25 seat tavern on site;
- The applicant submitted a new application for a revised tavern proposal, which will require additional car parking;
- The new tavern proposes a maximum of 52 seats and patrons;

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Item 12.1.4 continued

- The application has been advertised and a number of submissions have been lodged;
- Legal advice has been obtained from the City's solicitors.

Officer Recommendation Summation

That Council:

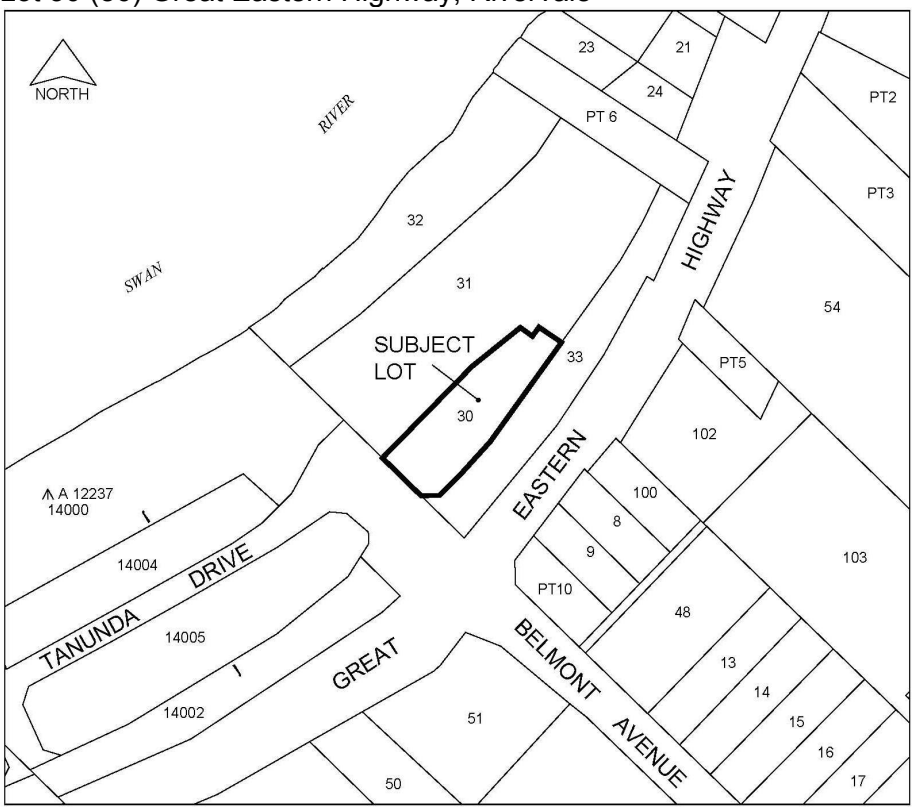
(i) Accept 'Option 3 – Proportional Allocation of Parking Bay Credits' as the preferred method of calculating car parking requirements on site;

(ii) Approve the application submitted by Oldfield Knott Architects Pty Ltd for a tavern on Lot 30 (86) Great Eastern Highway, Rivervale, as per plans dated 24 April 2007; and

(iii) Advise all members of the public who lodged submissions of Council's decision.

LOCATION

Lot 30 (86) Great Eastern Highway, Rivervale



APPLICANT

Oldfield Knott Architects Pty Ltd

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FILE REFERENCE

115/001	Development / Subdivision / Strata – Applications / Application Correspondence
377/2006/DA	Development Application Folder
Property	86 Great Eastern Highway

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Category of Application

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

Main Roads Western Australia (MRWA)

The application has been referred to Main Roads Western Australia (MRWA) for comment as Lot 30 abuts a 'Primary Regional Road'. MRWA has advised that the proposed development is acceptable subject to a number of standard conditions.

Referral to Nearby Landowners

The application has been referred to nearby landowners for comment. A total of 23[2] letters of objection were received during that advertising period. There were no submissions received in support of the application. **A summary of the submissions is provided in the first Attachment to this report. (BB Attach 3).**

A referral of amended plans received by the City on 24 April 2007 was deemed unnecessary as the changes are primarily internal, the land uses and the number of seats within the proposed tavern remain unchanged.

[2] 41 changed to 23 as identified at the ABF Forum held 29 May 2007

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The main issues raised in submissions are included in the table below.

Issue raised in submissions	Applicant Comment	Officer Comment
Inadequate car parking for current complex.	Additional car bays provided.	The existing development has planning approval. Additional parking for the existing approved development cannot be applied retrospectively. An independent Traffic Impact and Parking Assessment Report commissioned by the City of Belmont advises that there are parking issues on site, which are exacerbated at peak periods, and will be affected further by the proposed development. It also cites concerns with 4 of the new parking bays proposed.
Increase in noise.	As there will be no "live entertainment" on the premises it is unlikely there will be any noise impact from the proposal. The small number of patrons is unlikely to create a noise problem for local residents.	Due to the small scale of the tavern and separation between lots 30 and 31, it is not anticipated that there will be excessive noise. In any event, the applicants will have to comply with the Environmental Protection (Noise) Regulations 1997.
Sufficient number of taverns within the area already.		The location of similar such facilities are not a planning consideration, as the property is zoned appropriately for the proposed use.
Tavern not conducive to environment and desired image of area.	The facility will not detract from adjacent waterfront residential development. There is more than adequate separation between vehicular and pedestrian accesses to and from the residential component. They are not in conflict whatsoever.	A number of existing liquor stores are located in close proximity to residential land uses. There is already a bottle shop on this site and the new tavern is relatively small in scale.
Inadequate and unsecured waste disposal facilities attract rodents and pose health risk.		Council's Environmental Health Officers, in responding to a complaint in December 2006, required the Red Cray to remove their fat storage drums from besides the building to their original location at the rear of the restaurant. The owner has complied with this order.

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Issue raised in submissions	Applicant Comment	Officer Comment
- Increased potential for anti-social behaviour in vicinity. - Security at "Balneum Apartments" will be compromised. - Security and serenity of the public parkland will be affected.	The proposed bar will only accommodate 52 persons and the standard of patron will be more sophisticated, thereby reducing the level of undesirables. Notwithstanding the number of patrons, the proposed tavern's Management Plan and Code of Conduct deals with such issues before they arise. The tavern's management must comply with the Liquor Act and follow the "Responsible Service of Alcohol" code of conduct or face prosecution. There will be no more security issues than what currently exists and the residential development behind is completely secured with electronic gate access only.	The issue of anti-social behaviour is one that has to be effectively managed by the owner/occupier and is not a planning consideration. The Liquor Licence Directorate determines liquor licence applications in accordance with the Liquor Licence Act 1988. Section 117 of the Act provides for complaints to be made to the Director of Liquor Licensing about noise or behaviour relating to licensed premises. The Liquor Licence Director monitors standards of licensed premises and ensures compliance with the requirements of the Act.
- Deterioration of road safety at entrance to the Tavern and adjoining intersection. - Potential road traffic problems when Tanunda Drive is joined near "Hardey Park".	Traffic Impact report submitted.	The Traffic Impact and Parking Assessment Report finds that the existing road network and proposed upgrades/crossovers have sufficient capacity to accommodate the proposed redevelopment and the additional 120 Stage 2 and 3 residential apartments.

STRATEGIC PLAN IMPLICATIONS

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

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

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STATUTORY ENVIRONMENT

Scheme Requirements
The main Scheme requirements relating to this application are summarised below:

- Part 5 of the City's Town Planning Scheme relates to the 'Mixed Use' zone provisions;
- Clause 10.5.1 outlines the intention of the 'Mixed Use' zone;
- Clause 10.15.3 (b) of the Scheme outlines matters to be taken into consideration by Council;
- Clause 10.2 lists criteria to be considered;
- Section 10.9 outlines requirements of parking and loading;
- Table 2 includes car parking requirements according to land use.

Joint Venture / Strata Dispute
The owner of the adjoining strata property is currently in dispute with the applicant over the proposed liquor licence for this site. Council's Principal Legal and Compliance Advisor advises that this matter should not be considered when dealing with the current application.

Deemed Refusal
Under Clause 5.5.1 of the City of Belmont Town Planning Scheme No. 14 an application is 'deemed to be refused' if it is not determined within a 60 day period.

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

The deemed refusal date for this application was **21 November 2006**.

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

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

BACKGROUND

Owner:	Great Victoria Corporation Pty Ltd	**Ward:**	West
Lodgement Date:	23 August 2006	**Use Class:**	Tavern
Lot Area:	2,528m^2	**TPS Zoning:**	Mixed Use
Estimated Value:	$120,000	**MRS:**	Urban

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History of Development Approvals
On 20 December 2000 the WAPC issued development approval for 112 residential apartments, 700m2 bottle shop, and a 24 hour deli and café on Lots 30 and 31, collectively known as 'The Sandringham' development.

In March 2001, the applicant lodged a new application for 112 residential apartments, a 400m2 bottle shop, and 24 hour deli/takeaway café. The WAPC approved the application on 25 May 2001. The approved plans simply showed a commercial building outline, and did not show detailed floor plans or elevations.

On 24 February 2003 (Item 8.6.12), the Council delegated authority to the Director-Development and/or the Manager Planning Services to determine an application for a change of use from 'Delicatessen/Takeaway Café' to 'Office' in Tenancy 2 and 'Restaurant' in Tenancies 3 and 4. It was also resolved that any approval include a specific condition that limits the restaurant to 80 seats.

A car parking shortfall of 6 car parking spaces was supported based on reciprocity between land uses, including the residential component, the bottle shop and the office. The shortfall was also supported on the basis that a number of customers would use the 'drive through' service.

Existing Sandringham Hotel
The original Sandringham development approval included three residential towers and was proposed to be staged. At the time, it was not envisaged that timing for construction of the remaining Stages 2 and 3 would be extensive. The existing Sandringham Hotel can continue to operate until such time as Stage 2 proceeds.

There is a legal agreement and caveat on adjacent Lot 31 which requires the existing Sandringham Hotel building to be demolished within six (6) months of a building licence being issued for Stage 2 of the residential development on Lot 31.

Previous Tavern Application – Existing Approval
An application for a smaller tavern adjacent to the existing bottle shop was lodged in November 2005. This application proposed a maximum of 25 seats and was conditionally approved in May 2006 (refer Item 11.1.10 OCM 2 May 2006). However, the Department of Racing, Gaming & Liquor considered the bar facility shown in the proposal to be out of character with their view of a 'tavern'. The Department's policy requires the 'Bar Facilities Area' to be a minimum of 51% of the gross area.

The plans were revised to comply with the policy, as shown in the current application.

Description of Current Application
A new tavern application was received by Council on 21 August 2006. It includes an amended parking layout and proposes a maximum seating capacity of fifty two (52) people. A summary of the application is as follows:

- A portion of the existing bottle shop will be converted into a tavern area. The tavern will be approximately 72 m^2 (excluding the bar area and outdoor smoking area).
- The tavern includes a bar/lounge seating area to accommodate a maximum of 52 seats and 52 patrons at any one time.

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- A small modification to the existing built form is proposed by way of an extension at the front of the proposed tavern for a courtyard/smoking area.
- The tavern does not have cooking facilities and will provide only bar snacks in the form of potato chips, nuts, prepacked sandwiches etc.
- Substantial meals will be provided by the Red Cray restaurant which is located on the same property.
- The substantial meals will be on an order only basis and will be served direct to the ordering patron.
- 10 new permanent car bays are proposed.

In response to concerns raised by Planning staff and in public submissions regarding the amount and location of parking available on site, the applicant submitted revised plans on 20 March 2007 and 24 April 2007. **Provided in the second, third and fourth attachments.** Changes include:

- Conversion of the entire office tenancy to tavern use (150 m^2);
- Increasing the portion of the 375 m^2 bottle shop converted to tavern use from 87.68 m^2 to 157 m^2;
- Reducing the tavern area from 72 m^2 to 70 m^2;
- Adjusting the internal proportions of the 70 m^2 tavern area to provide 17.4 m^2 of bar and lounge floor area and 52.6 m^2 of seating only area;
- Reconfiguration of the proposed parking layout to relocate the existing loading bay and provide 14 new parking bays, which are acceptable to Council Officers. This includes parking credit for the four existing queuing bays located within the bottle shop drive through area.

While the capacity of the proposed tavern will remain at 52 patrons or 52 seats, the effect of the above noted changes will yield a zero parking shortfall for the proposed development, as demonstrated under Option 3 later in the report.

Supporting Information Lodged by the Applicant

The applicant has advised that:

- They are willing to accept a condition on any development approval that states they can only accommodate a maximum of 52 people and seats at any one time;
- They are willing to accept a condition on any future liquor licence stating that they can only accommodate a maximum of 52 people and seats at any one time; and
- They are willing to enter into a legal agreement with the City of Belmont stating that the office tenancy converted to tavern use is to be used in conjunction with, and secondary to, the tavern use and cannot be sublet.

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OFFICER COMMENT

Land use

The intention of the 'Mixed Use' zone is "*to allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads*."

The tavern is proposed to be located within an existing building which already accommodates a drive through bottle shop. The property to the north, Lot 31, has planning approval for the existing residential multiple dwelling units and for two further stages of residential units yet to be constructed.

Ultimately Council needs to decide:

1. Whether the proposed land use will impact on the amenity of the area; and

2. Whether it meets the objectives of the Mixed Use zone.

There are a number of liquor outlets and taverns on Great Eastern Highway which are located in close proximity to residential areas, including Tibby's Tavern and the liquor store on the corner of Bulong/Great Eastern Highway. Silks Tavern in Belmont is also located near an existing residential area.

It is considered that the land use is appropriate within the Mixed Use zone. The applicant has amended the plans to demonstrate that car parking can be provided in accordance with Town Planning Scheme requirements, (provided parking credit is given for the four drive-through queuing bays, as recommended by Council Officers). The availability of car parking is the primary issue in assessing the appropriateness of a tavern in this location.

Traffic & Parking

While the previous smaller tavern proposal was supported by the Planning Department, the current application is of a greater scale and therefore the potential impact on car parking has been re-evaluated. Council's Planning Department engaged an independent traffic consultant to monitor traffic and parking for the existing development and proposed tavern. The consultant was requested to examine two scenarios:

1. identify traffic and parking impacts associated with the proposed redevelopment and the existing Stage 1 Balneum Apartment complex;

2. identify traffic and parking impacts associated with the proposed redevelopment including Stages 1 – 3 (full construction) of the Balneum Apartment complex.

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The Traffic Impact and Parking Assessment Report confirms that the existing and future site crossovers, the existing Great Eastern Highway/Belmont Avenue/ Tanunda Drive signalized intersection, and the future Tanunda Drive roundabout will have sufficient capacity to accommodate the proposed redevelopment and the remaining 120 residential apartments to be constructed in Stages 2 and 3 of the Balneum Apartment complex.

The report's findings with respect to parking are incorporated into the following section.

Existing Car Parking Provision and Layout

As the original Sandringham development was approved by the Western Australian Planning Commission, it is not known how car parking was calculated for the three residential apartment towers and the commercial component (approved in 2001). The City has tried to obtain a copy of the original WAPC report, but was advised that the document cannot be located.

The existing development is currently served by 34 parking bays, which does not meet current Town Planning Scheme No 14 requirements. Of these 34 bays, 18 are on site and 16 are located within the Great Eastern Highway road reserve. The bays within the road reserve have not been included in any car parking calculations, as they will ultimately be removed when the Highway is widened.

Council officers and Council's independent traffic consultant identified several safety and operational concerns with the proposed car parking layout originally submitted with this application. The applicant's revised layout submitted 24 April 2007 addresses all previous viability concerns.

Council officers advised the applicant that they were prepared to accept the four queuing bays located within the bottle shop drive through area for parking credit. It is noted that a similar credit is granted to 'take away food outlets' under Town Planning Scheme No. 14 which states, "car queuing areas may be permitted to be calculated as parking spaces".

With regard to the existing parking situation on site, parking surveys were undertaken by the traffic consultant during peak hours on Friday, 20 October 2006 and Saturday, 21 October 2006. It was observed that during peak demand under existing conditions, the parking supply is not sufficient to accommodate the existing parking demand. Records indicate that 44 vehicles were parked outside the existing businesses. As 16 of the 34 bays are already located within the Great Eastern Highway road reserve, an additional 10 vehicles parking within the existing verge or road reserve means 26 vehicles were parked off-site. As mentioned previously, the bays within the Great Eastern Highway road reserve will be eliminated once the highway is widened.

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Proposed Car Parking Requirements
The City has received legal advice that there are a number of different methods that can be used to determine the number of car parking bays required for a development, as follows:

1) calculate based on area (m^2) of each land use;
2) calculate based on maximum seating capacity; or
3) calculate based on existing approved land uses and proportional allocation of existing car parking credits.

Each of the options available for calculating car parking has been reviewed, and is explained in order. Two further options have also been included for consideration.

- ***Option 1 – Calculate based on separate land uses***

In this option, car parking requirements are calculated based on the area occupied by separate land uses, as shown in the table below:

Use	Scheme Requirement	Total Required
Proposed tavern, excl. courtyard = 17.4 m^2 of bar and lounge floor area & = 52.6 m^2 of seating only areas	1 space for every 2m^2 of bar and lounge floor area 1 space for every 4m^2 of seating only areas	8.7 car bays + 13.15 car bays = 21.85 car bays
Bottle Shop = 218 m^2 (excludes storage areas & toilet)	6 car bays per 100m^2 of NLA	= 13.08 car bays
Restaurant = 212m^2 (maximum of 80 seats)	1 car bay for every 4 persons whom the building is designed to accommodate	= 20 car bays
	Car bays required *minus* 6 car bay credit (from original WAPC approval)	= 54.93 (55) car bays - 6 = 49 car bays
	minus on-site car bays proposed (18 existing + 14* new)	- 32 car bays
Parking Shortfall		**= 17 car bay shortfall**

- ***Assumes Council's acceptance of the four queuing bays located in the bottle shop drive through for parking credit.***

This would be a fair and reasonable method to calculate car parking requirements if this was an "as new" development proposed on vacant land. However, given that there are existing land uses, it must be assumed for technical purposes that they have adequate parking as they are already approved. Therefore, Option 1 is not recommended as it re-calculates parking for existing approved land uses including the bottle shop and restaurant.

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- ***Option 2 – Calculate tavern requirements based on maximum seating capacity***

In this option, car parking requirements for the tavern portion only are calculated based only on maximum seating capacity proposed under the business licence. Given the fact that there have been previous parking concessions granted on site, **it must assumed as part of this methodology that the existing land uses or portions of uses** (i.e. bottle shop, restaurant) **which are not being modified in any way, fully comply with parking standards under the Scheme.** As such, **recalculation is not required** in the table below.

Use	Scheme Requirement	Total Required
Proposed tavern, excl. courtyard - Maximum of 52 seats	The Scheme does not have a requirement for tavern parking based on seating capacity. Consequently, the requirement for 'restaurant' is used: 1 car bay for every 4 persons whom the building is designed to accommodate.	= -13 car bays
Portion of Bottle Shop converted to tavern use = 157 m^2	6 car bays per 100m^2 of NLA*****	= +9.42 car bays
Portion of Office converted to tavern use = 150 m^2	1 car bay for every 20m^2 of NLA***^**	= +7.5 car bays
	New additional parking required for tavern use	= +3.92 (4) car bays
	New on-site parking proposed **	+ 14 car bays
Parking Availability		**= 17.92 (18) car bay over supply**

**** The Scheme does not have a requirement for shop or office parking based on seating capacity.***
^Draft Amendment 52 proposes a change in the parking standard for office use to 1 car bay per every 30m^2 of NLA; if the proposed standard is applied, the car bay over supply decreases to 16.
***** Assumes Council's acceptance of the four queuing bays located in the bottle shop drive through for parking credit.***

The abovementioned approach was adopted when the previous tavern application was assessed in May 2006. However, calculating the parking requirement for a tavern based on the same requirement as for a restaurant (the closest capacity-based example) yields a much lower requirement than is actually required for a tavern of this size under the Scheme (i.e. 13 bays vs 22 bays).

In TPS 14 the parking requirement for a tavern is based on floor area due to the potential difficulty in policing maximum capacity in a tavern environment where people are sitting and standing. Further, by assuming that the existing uses (which are not being modified) comply with Scheme requirements, the actual amount of parking on site is not taken into account and a generous six car bay credit is provided.

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For these reasons, and legal advice received in support of the more equitable Option 3 to follow, Planning staff no longer recommend calculation based on Option 2.

- ***Option 3 – Calculate based on existing approved land uses & proportional allocation of parking bay credits***

This option involves a number of steps. First, car parking requirements are calculated based on the number of parking bays required for each existing use under the Scheme's current requirements; this number is further expressed as a percentage of the total.

a) Parking for existing development (based on current Scheme requirements)

Land Use and Area	Parking Ratio under TPS 14	Requirement	Percentage of bays
375 m^2 bottle shop	Shop – 6 bays per every 100 m^2 NLA	22.5 bays	45%
150 m^2 office (Tenancy 1)	Office – 1 space per every 20 m^2 NLA	7.5 bays	15%
80 seat restaurant (Tenancies 2 and 3)	Restaurant – 1 space per every 4 seats	20 bays	40%
Total		= 50 bays	= 100%

However, the number of car parking bays on the approved building licence for the existing development is 24. Using the same percentages noted above, the following table shows the number of parking bays that should be allocated to each use when the total number of parking bays is only 24.

b) Allocation of existing car parking bays – according to use

Tenancy	Allocated number of bays
375 m^2 bottle shop	45% of 24 bays = 10.8 bays
150 m^2 office (Tenancy 1)	15% of 24 bays = 3.6 bays
80 seat restaurant (Tenancies 2 and 3)	40% of 24 bays = 9.6 bays
TOTAL	100% = 24 bays

c) New Car Parking Calculations

Finally, based on the approved car parking layout, the existing bottle shop is allocated a total of 10.8 bays for 375 m^2, (which works out to 2.88 bays per 100 m^2). In Option 3, car parking credits are only given for the portion of the bottle shop converted to tavern use (157 m^2), stated as 'Y' below, and the portion of the office converted to tavern use (150 m^2), stated as 'Z' below. Again, calculations are performed only for the portions of existing land uses converted to tavern use; given previous approvals, the remaining uses, or portions thereof, are deemed to fully comply with parking standards under the Scheme.

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$$Y = \frac{157\ m^2 \times 10.8\ bays}{375\ m^2} = \text{Credit of } 4.52 \text{ bays}$$

$$Z = \frac{150\ m^2 \times 3.6\ bays}{150\ m^2} = \text{Credit of } 3.6 \text{ bays}$$

Use	Scheme Requirement	Total Required (Proportional)
Proposed tavern, excl. courtyard = 17.4m² of bar and lounge floor area & = 52.6m² of seating only areas	1 space for every 2m² of bar and lounge floor area & 1 space for every 4m² of seating only areas	-8.7 car bays + -13.15 car bays = -21.85 car bays
Portion of Bottle Shop converted to tavern use = 157 m²	6 car bays per 100m² of NLA*	= +4.52 car bays
Portion of Office converted to tavern use = 150 m²	1 car bay for every 20m² of NLA*	= +3.6 car bays
	New additional parking required for tavern use	= -13.73 (14) car bays
	New on-site parking proposed**	+ 14 car bays
Parking Overage		**= + 0.27 (0) car bays**

**** See above parking calculation where the number of bays are distributed proportionally.***
***** Assumes Council's acceptance of the four queuing bays located in the bottle shop drive through for parking credit.***

It is recommended that Option 3, proportional calculation, be adopted for the purpose of calculation car parking for the following reasons:

- It is the most fair and equitable option as it accepts that all existing car parking and development has been granted approval;
- It allocates credits for the portion of the existing bottle shop and office being converted to tavern use;
- Car parking credits are based on the existing approved land uses and approved number of car parking bays;
- It is practical as the car bay credits are based on actual car parking numbers on site.

Conclusion
The proposed 52-seat tavern is a use compatible with the Mixed Use zone and, according to the Traffic Impact and Parking Assessment Report completed for the site, will have a negligible impact on traffic patterns in the area.

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However, the Traffic Impact and Parking Assessment Report clearly indicates that there are already parking issues on site, which are exacerbated at peak periods, and will be affected further by the proposed development. Given that a significant portion of the parking currently available is located within the Great Eastern Highway road reserve and will be lost when the highway is widened, the shortfall problem is likely to be compounded. On this basis, no further parking concessions are supported.

It has been demonstrated that the methods used in Options 1 and 2 to calculate the required number of parking bays to service the proposed tavern are based on unrealistic assumptions. Therefore, it is recommended that Council accept Option 3 as the preferred methodology for calculating parking requirements for the proposed development. Based on the amended plans received by the City on 24 April 2007, this option will meet the parking requirements of TPS No 14, therefore, it is recommended that Council approve the application subject to conditions.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BB Attach 3	Schedule of Submissions
BB Attach 4	Site Plan
BB Attach 5	Floor Plan & Elevation Drawings
BB Attach 6	Parking Layout - Existing and Proposed On-site Parking

OFFICER RECOMMENDATION

That Council:

(A) Approve the application submitted by Oldfield Knott Architects Pty Ltd for a Tavern on Lot 30 (86) Great Eastern Highway, Rivervale as per the amended plans received 24 April 2007, subject to the following conditions:

1. That the development proceed only upon completion of construction of the permanent access, so as to ensure provision of the proposed parking in the current temporary access.

2. That the maximum number of patrons that can be accommodated in the tavern is 52 people and seats at any one time;

3. That the owner enter into a deed of agreement with the City of Belmont, prepared by the City's solicitors at the owner's cost, and executed prior to the issuance of a building license, under which the owner agrees that the office tenancy converted to tavern use is to be used in conjunction with, and secondary to, the tavern use and cannot be sublet. The owner also agrees to permit the City to lodge an absolute caveat against the Certificate of Title for the land to secure the performance of that obligation.

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4. Vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, line marked and kerbed in accordance with:

   (a) The approved plan (32 spaces measuring 2.5 metres x 5.5 metres each);

   (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.

   The areas must be paved in bitumen or concrete, unless otherwise approved by the Director-Technical Services and clearly line marked to the satisfaction of the Director-Technical Services.

   The requirements of this condition must be completed within two years from the date of this approval unless otherwise agreed to in writing by the City.

5. All access ways, parking areas and hard stand areas shall be maintained to the satisfaction of the Director-Technical Services. If not so maintained, the Director-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.

6. No loading or unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.

7. All stormwater from roofed and paved areas shall be collected and disposed of via connection to the existing system in accordance with Council's engineering requirements and design guidelines.

8. All external walls (including boundary walls) that are visible from a street or public place must be constructed and finished to the satisfaction of the City's Director-Community and Statutory Services or Manager-Planning Services.

9. All storage to occur within the building. Clause 10.5.2(a) of the City of Belmont Town Planning Scheme No. 14 prohibits external storage in the "Mixed Use" zone.

10. If external lighting is installed, all illumination shall be confined within the property boundaries and shall not impact on the amenity of adjoining properties.

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11. 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.

12. No earthworks shall encroach onto the Great Eastern Highway road reserve to the satisfaction of Main Roads Western Australia.

13. No stormwater drainage shall be discharged into the Great Eastern Highway road reserve to the satisfaction of Main Roads Western Australia.

14. Vehicle access from Great Eastern Highway shall be restricted to existing driveways to the satisfaction of Main Roads Western Australia.

15. The applicant shall make good any damage to the existing verge vegetation within the Great Eastern Highway Road reserve to the satisfaction of Main Roads Western Australia.

(B) Advise all members of the public who lodged submissions that the City is satisfied that the additional car parking provided is adequate to cater for the tavern use on the basis that the maximum number of patrons be restricted to 52 patrons at any one time.

Notation

Cr Marks suggested to defer Item 12.1.4 in order to consider the legal advice received and new information relevant to the application.

MARKS MOVED, ROSSI SECONDED, that Item 12.1.4 of the Ordinary Council Meeting held on 5 June 2007 be deferred to consider the legal advice received and new information relevant to the application.

CARRIED 11 VOTES TO 0

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12.1.5 Pt Lot 1 (314) Kew Street, Cloverdale

Report by Community & Statutory Services Division

DATE

10 May 2007

PURPOSE OF REPORT

To request the Western Australian Planning Commission to purchase Pt Lot 1 (314) Kew Street, Cloverdale and to allow Council to lease a portion of the subject land to Mrs Hay subject to conditions as decided by the Council. Further the Commission's support be obtained to the development of the State Emergency Service building being built on portion of the rear (or south-east section) of her property.

COUNCIL ROLE

Executive

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

SUMMARY AND KEY ISSUES

Pt Lot 1 (314) Kew Street, Cloverdale is owned by Mrs Stella Hay and the property is reserved for 'Parks and Recreation' under the Metropolitan Region Scheme (MRS) and the City of Belmont Town Planning Scheme No. 14.

It is the responsibility of the Western Australian Planning Commission (WAPC) to purchase property reserved for Parks and Recreation under the MRS. An approach has been made informally to the Department for Planning and Infrastructure (DPI) on whether they would allow the Council to negotiate an agreement with Mrs Hay to remain at her home until her circumstances change. There appeared to be no immediate objection to such a proposal.

The WAPC now acquire land for 'Parks and Recreation' and then transfer the land to the State of Western Australia (previously referred to as 'the Crown'). A reserve number and management order in favour of a local government is arranged and where appropriate there is a provision included with a power to lease by the local government.

The WAPC's support is required to the development of the State Emergency Service (SES) headquarters being built on portion of the rear (or south-east section) of her property.

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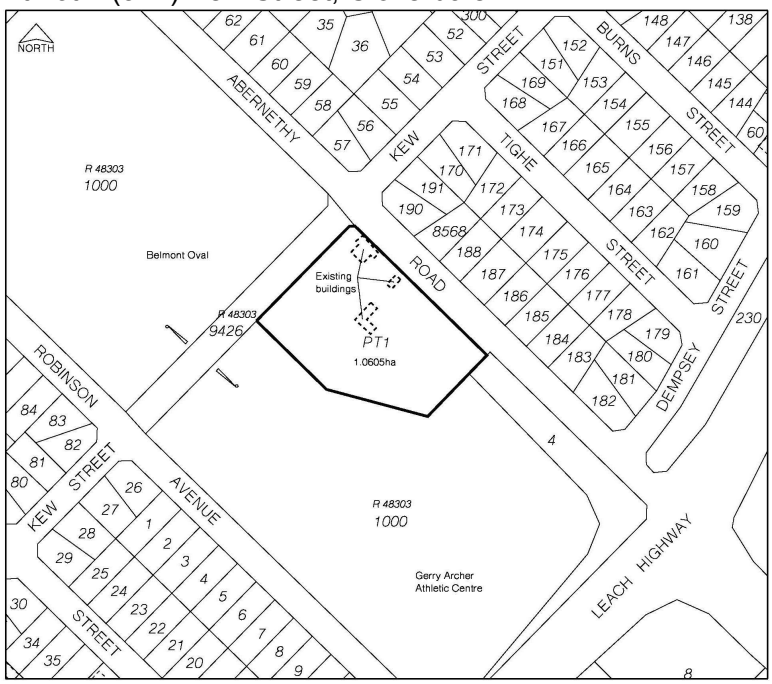
Item 12.1.5 continued

Officer Recommendation Summation

That Council request the Western Australian Planning Commission to purchase Pt Lot 1 (314) Kew Street and that on transfer of the land to the State of Western Australia as a reserve that a management in favour of the Council be arranged with a power to lease. Council allow Mrs Hay to continue residing at the property subject to a commercial lease until her circumstances change. The Commission's support be sought to establishing the State Emergency Service headquarters being built on portion of the rear (or south-east section) of her property.

LOCATION

Pt Lot 1 (314) Kew Street, Cloverdale



APPLICANT

Not applicable.

FILE REFERENCE

68/005

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

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Item 12.1.5 Continued

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

Pt Lot 1 (314) Kew Street, Kewdale is listed on the City's Revised Municipal Heritage Inventory 2002. The management category for this property is as follows:

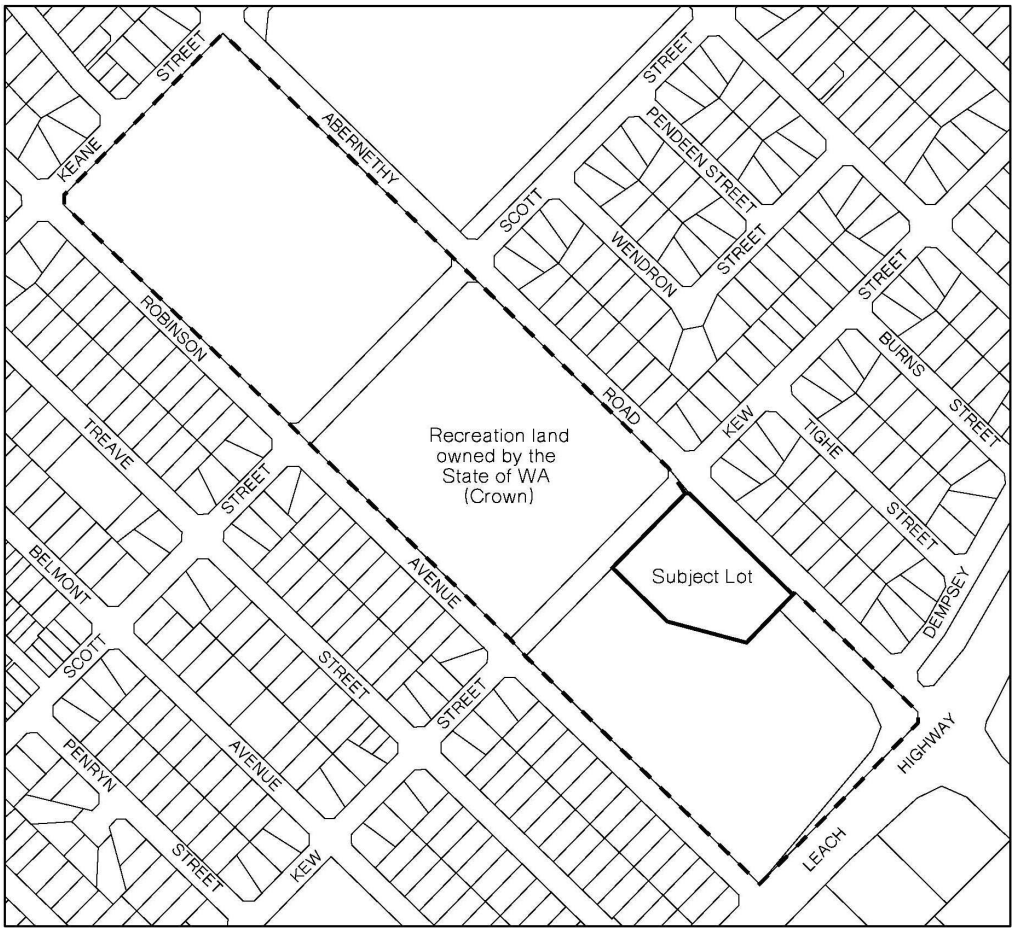
> *"Retain and conserve if possible; endeavour to conserve the significant features of the place: the original fabric remaining especially zinc light windows. Ensure that any future extensions and / or modifications reflect the character and style of the house. Photographically record the place prior to any redevelopment."*

BACKGROUND

Reserve 48303 Abernethy Road, Cloverdale is owned by the State of WA and is shown in the plan below. This Reserve includes Gerry Archer Athletics Track, the Belmont Sports and Recreation Club and the Belmont Tennis Club. This land was formerly owned by the WAPC.

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In 2005, the WAPC believed that it had reached agreement with Mrs Hay to a purchase price for her property and the Commission had offered a 12 month residential tenancy from the settlement date at a reduced rent of $150 per week. Subsequently, Mrs Hay advised the Commission that she would prefer a two year tenancy or perhaps a life tenancy.

The negotiations lapsed because the WAPC does not support tenancies for periods longer than 12 months.

Discussion has recently taken place with Mrs Hay and it would appear she still maintains the position that she would be prepared to sell her property to the WAPC provided she was permitted to continue living at her home until her personal circumstances change. Mrs Hay also advised that she would have no objection to the SES headquarters being built on portion of the rear (or south-east section) of her property.

OFFICER COMMENT

The subject land is reserved for Parks and Recreation under the Metropolitan Region Scheme (MRS) and it is the responsibility of the WAPC to purchase the property. If the Council seek to establish the SES at the rear of the property, the determining authority is the WAPC.

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Item 12.1.5 Continued

It is the current practice of the Commission to acquire land reserved for 'Parks and Recreation' and then transfer it to the State of Western Australia, formerly referred to as 'the Crown'. A reserve number would be allocated with a management order in favour of the relevant local government. A power to lease is granted where considered appropriate by the Commission. This is because the WAPC do not wish to be involved with land management.

The Council would need to specifically request the Commission to grant it a management order and the power to lease. This would then enable the Council to deal with Mrs Hay as it sees fit.

It is considered that an area of land to encompass the dwelling can be prescribed in the lease and commercial rate negotiated. It would also be necessary to have an audit carried out on the dwelling and property to identify the items that require repair and/or maintenance and the responsibilities of the parties.

The lease payments can be placed in a special account which can be accessed by the Council for future expenditure on the property.

It would be worthwhile to put to the WAPC whether it would allocate funds to give to Council for the preparation of a heritage report and future demolition of the dwelling and other improvements. The land needs to be properly cleared for future development, but taking into account existing trees.

FINANCIAL IMPLICATIONS

In accordance with section 6.11 of the Local Government Act, a Reserve Account needs to be established for the purpose of land restoration following the demolition of the Hay building and other improvements. Sources of income for the Reserve will be from rental income from the Hay property prior to its demolition and any contributions from the WAPC.

- The cost of preparing a photographic record would be approximately $6,000.
- The cost of demolition would be approximately $15,000 - $20,000.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

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Item 12.1.5 Continued

OFFICER RECOMMENDATION

DORNFORD MOVED, BASS SECONDED, that Council:

1. ***Request the Western Australian Planning Commission to purchase Pt Lot 1 (314) Kew Street and that when transferring the land to the State of Western Australia that Council be granted a management order with the power to lease for the following reasons.***

    - ***It would allow the Council to negotiate with the current owner Mrs Hay a suitable arrangement for her to continue residing at the property until her circumstances change.***
    - ***It would allow the Council to deal with the State Emergency Service on building on the south-east section of the subject property.***
    - ***Mrs Hay would only agree to the sale of her property if she can continue to reside in her home and the management of this is best dealt with by the Council. Council can demonstrate that it has successfully reached agreement with other owners whose land was reserved for Parks and Recreation.***

2. ***Request the Western Australian Planning Commission to consider an allocation of funds to Council to cover the cost of a heritage report on the dwelling/ improvements and the future demolition and clearing of the property.***

3. ***Request the support of the Western Australian Planning Commission to establishing the State Emergency Service headquarters being built on portion of the rear (or south-east section) of her property at Pt Lot 1 (314) Kew Street.***

4. ***Authorise the Chief Executive Officer to reach a suitable lease agreement with Mrs Hay, based on a commercial rental and that payments be placed in a separate reserve account for future expenditure on the subject land.***

5. ***Establish a Reserve Account called "Pt Lot 1 (314) Kew Street - Hay Property" for the restoration and development of land following the demolition of the Hay building.***

CARRIED 10 VOTES TO 1

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

Against: Dornford

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12.1.6 Consideration of Deletion of Condition of Planning Approval – Telstra Telephone Booth and Pedestals

Report by Community & Statutory Services Division

DATE

16 May 2007

PURPOSE OF REPORT

To consider the deletion of a condition of planning approvals for development applications 409/2006/DA, 409/2006/DA/1 and 409/2006/DA/2 which requires that in a radius of 10 metres of the structures an area be kept clean of litter to the satisfaction of Council.

COUNCIL ROLE

Quasi-Judicial

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

SUMMARY AND KEY ISSUES

Council at its 13 March 2007 resolved to approve three applications for third party advertising signage on one Telstra telephone booth and three telephone pedestals subject to conditions. The locations of the booth and pedestals are as follows:

- advertising signage on two telstra telephone pedestals on public thoroughfare abutting Lot 3, 9 & 202 (227-267) Belmont Avenue, Cloverdale;
- advertising signage on one telstra telephone pedestal on public thoroughfare abutting Lot 94 (371) Belgravia Street, Cloverdale;
- advertising signage on one telstra telephone booth on public thoroughfare abutting Lot 56 (6) Wright Street, Kewdale.

One of the conditions of planning approval was as follows:

> *"5. The area within a radius of 10m of the structures is kept clean of litter to the satisfaction of the Council."*

The applicant has lodged a request when the City requesting that this condition be deleted.

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Item 12.1.6 continued

Officer Recommendation Summation

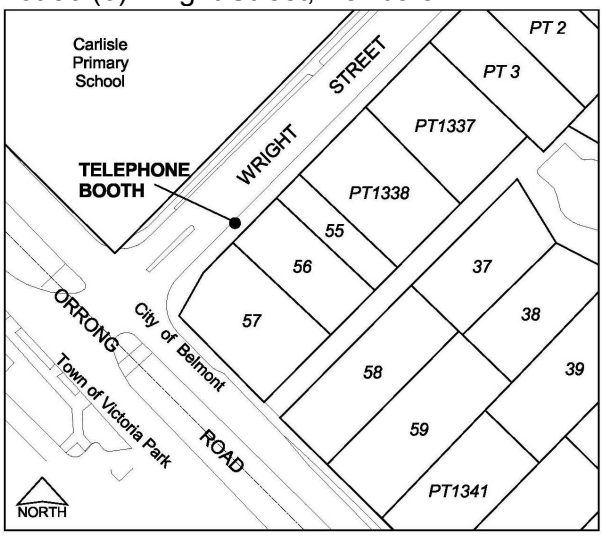
That Council delete condition 5 of planning approvals dated 19 March 2007 for the following applications:

- 409/2006/DA for – advertising signage on two telstra telephone pedestals on public thoroughfare abutting Lot 3, 9 & 202 (227-267) Belmont Avenue, Cloverdale;
- 409/2006/DA/1 for advertising signage on one telstra telephone pedestal on public thoroughfare abutting Lot 94 (371) Belgravia Street, Cloverdale;
- 409/2006/DA/2 for advertising signage on one telstra telephone booth on public thoroughfare abutting Lot 56 (6) Wright Street, Kewdale.

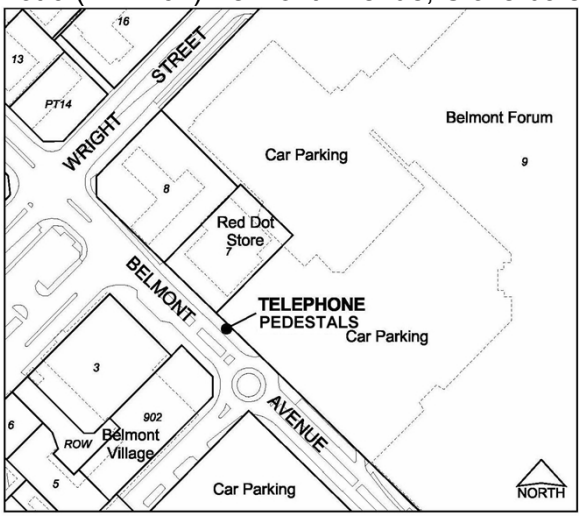
LOCATION

Telephone booth and pedestals located within the road reserve in front of:

- Lot 56 (6) Wright Street, Kewdale.



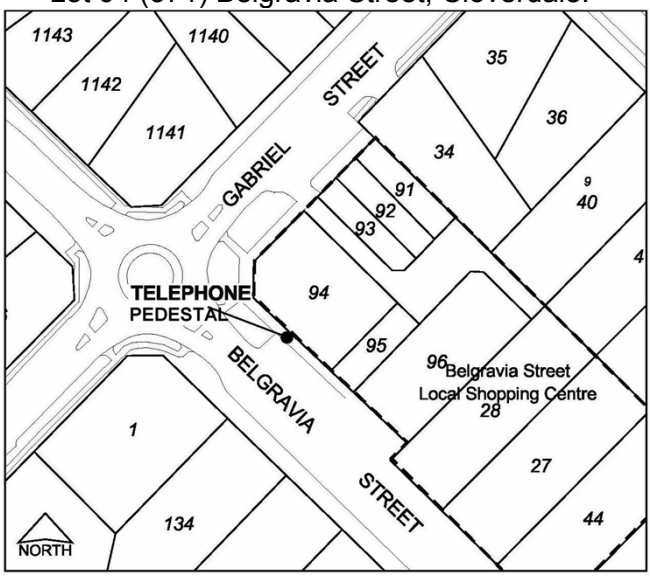
- Lot 9 (227-267) Belmont Avenue, Cloverdale



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Item 12.1.6 Continued

- Lot 94 (371) Belgravia Street, Cloverdale.



APPLICANT

The Planning Group

FILE REFERENCE

409/2006/DA	Application File
409/2006/DA/1	Application File
409/2006/DA/2	Application File
115/001	Subject File
P/BEL.1/371	Property Files
P/WRI.6	
P/BMT.227-267	

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.

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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

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

Right of Appeal

Is there a right of appeal? ☒ Yes ☐ No

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

BACKGROUND

Owner:	City of Belmont	**Ward:**	West Central South
Lodgement Date:	4 September 2006	**Use Class:**	Advertising
Lot Area:	N/A	**TPS Zoning:**	No zone (road reserve)
Estimated Value:	$5,000	**MRS:**	Urban

The Council at its 13 March 2007 meeting considered the development applications for the placement of advertising signage on Telstra telephone booth and pedestals and resolved as follows:

> *"That Council approve the applications lodged by The Planning Group for third party advertising at the sites listed below:*
>
> *(A) Telstra booth in the location of Lot 56 (6) Wright Street, Kewdale which includes illumination;*
>
> *(B) Two of the three Telstra pedestals in the location of Lot 9 (227-267) Belmont Avenue Cloverdale;*
>
> *(C) Telstra pedestal in the location of Lot 94 (371) Belgravia Street Cloverdale;*
>
> *subject to the following conditions:*
>
> *1. All advertising shall comply with the Australian Advertising Code of Ethics.*

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> 2. *The advertising signage and structures being maintained to the satisfaction of the Council.*
>
> 3. *Damage to the advertising and structure being repaired within 24 hours of notice to the contractor nominated by Telstra.*
>
> 4. *The 1800 number for repairs and maintenance be placed in a prominent position on the telephone structures and also provided to the Council.*
>
> 5. *The area within a radius of 10m of the structures is kept clean of litter to the satisfaction of the Council.*
>
> 6. *Opportunities being given to advertise local business and community messages to the satisfaction of the Manager Marketing and Communications of the City of Belmont."*

Prior to the Council determining the applications, the applicant was requested to comment on issues raised at the 6 March 2007 Agenda Briefing Forum. Below is the applicant's response:

> *"I have spoken to the Client regarding the issues raised last night. Please find below our responses:*
>
> 1. *The colour of the light is a standard specification and it cannot be changed.*
>
> 2. *We have no objection to a 10 metre radius to be kept cleaned, and would be done so in the maintenance schedule.*
>
> 3. *The maintenance would have to remain at fortnightly, however there is a 1800 number on each of the structures, where reports to this line are acted on within 24 hours."*

Following the issue of planning approvals, Telstra raised concerns on the implications of Condition 5 and has formally requested Council to delete this condition for the following reasons:

1. It is considered that this condition imposed by the Council is not appropriate considering that the development applications propose a change of advertising signage from Telstra signage to third party signage, the applications do not propose any change in use of the telecommunication facility. The telephone booth and pedestals with Telstra signage do not currently generate waste and the change in signage to third party is not expected to generate litter either. The use itself does not generate any waste.

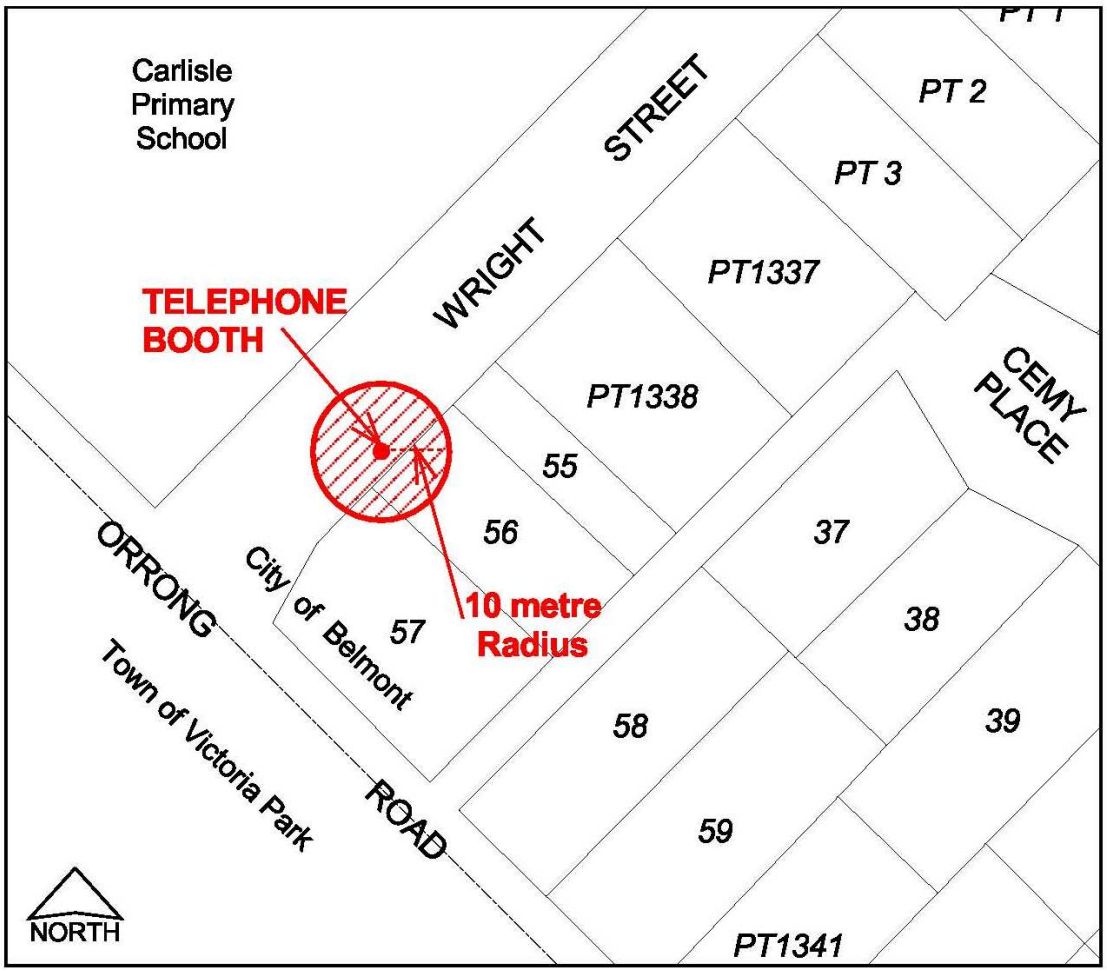
2. It is considered that the condition cannot be practically achieved and it is unrealistic to expect each of the sites to be monitored 24 hours a day, seven days a week for rubbish.

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OFFICER COMMENT

The effect of condition 5 on the site of the telephone booth is shown below:



It is possibly true that the Telstra facilities would not give rise to anymore litter than would be the normal case with pedestrians simply walking past the sites. As can be seen from the plan above, the 10 metre radius is significant and would be difficult to support on appeal. The applicants have assumed that Council would require Telstra to be responsible for cleaning this area seven days a week, 24 hours a day, but this was not the Council's intention.

It should be appreciated that Telstra will employ contractors to ensure the periodic cleaning of the Telstra structures. It is considered that Council could impose a replacement condition requiring cleaning to be carried out at periods no less than on a fortnightly basis and that litter adjacent to the structures be removed on the days they carry out cleaning.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

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ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

DORNFORD MOVED, TEASDALE SECONDED, that:

(A). Council delete condition 5 of the planning approvals dated 19 March 2007 for the following applications:

- ***409/2006/DA for – advertising signage on two telstra telephone pedestals on public thoroughfare abutting Lot 3, 9 & 202 (227-267) Belmont Avenue, Cloverdale;***
- ***409/2006/DA/1 for advertising signage on one telstra telephone pedestal on public thoroughfare abutting Lot 94 (371) Belgravia Street, Cloverdale;***
- ***409/2006/DA/2 for advertising signage on one telstra telephone booth on public thoroughfare abutting Lot 56 (6) Wright Street, Kewdale.***

Condition 5 reads as follows:

> ***"5. The area within a radius of 10m of the structures is kept clean of litter to the satisfaction of the Council."***

(B). Further to Part (A) above, the Council replace condition 5 of the planning approvals dated 19 March 2007 as follows:

> ***"5. The maintenance and cleaning of the structures be at periods of no greater than on a fortnightly basis and that litter be removed adjacent to the Telstra structures at the times the cleaning is carried out."***

(C). Council request Telstra to include in their cleaning contract a requirement to remove litter adjacent to the Telstra structures at the times the cleaning is carried out.

CARRIED 8 VOTES TO 3

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

Against: Brennan, Hitt, Rossi

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12.1.7 Position Paper on the History of Belmont

Report by Community & Statutory Services Division

DATE

18 April 2007

PURPOSE OF REPORT

To allow Curtin University student(s) to research the history of Belmont.

COUNCIL ROLE

Executive

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

SUMMARY AND KEY ISSUES

Issues relating to the history of Belmont were discussed at the 12 September 2006 Councillors Information / Strategy Concept Forum.

This report is for Council to consider the recruitment of a Curtin University post graduate student(s) from the Department of Cultural Heritage to conduct a work experience placement in the Semester 2 of 2007 on various issues relating to the history of Belmont.

Officer Recommendation Summation

That Council approve the placement of Curtin University student(s) to undertake a work experience placement during the second semester 2007 on various issues relating to the history of Belmont.

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

11/006 – Historical Information

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DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

Officers have consulted with Dr Jennifer Harris Acting Head of Cultural Heritage Curtin University of Technology.

STRATEGIC PLAN IMPLICATIONS

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

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

One of the Annual Goals and Targets for the Chief Executive Officer was identified as the requirement *"to explore options and report on developing a history of Belmont".* At the Information / Strategy Concept Forum held 12 September 2006, Councillors were invited to present their thoughts on this issue.

It was noted that the book *Ever Flowing Forward* was not a complete history and that a compilation of a base history relating to pioneers, horse racing, industry, agriculture, streets/street names, cultural and indigenous history was required. It was noted that the City did not have the resources to undertake the necessary research at the Battye Library and it was indicated that professional assistance would be required. The Historical Society was suggested as a possible source of information.

Councillors made the following comments:

- The history of street names requires review as research from a resident on Locock Street had shown.
- Review of '*Ever Flowing Forward'* as this is more of a 'story' style and there are some minor errors of fact.
- Base history of Belmont.
- The farming background of Belmont Pioneers.

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Item 12.1.7 continued

- Research on the pioneers, business and commercial operators, horse racing and culture.
- Old photographs – ask the community.
- Discussion with the Historical Society.
- Indigenous sites.

It was noted that some members of the community may be able to assist in compiling a history, such as Mr Paul Quinn and Mr Stan Todd.

The Chief Executive Officer advised that he would carry out an assessment of this project and prepare a strategy document for the consideration of Council which will include a phased implementation schedule and relevant costing.

OFFICER COMMENT

Considerable work has already been carried out in accumulating Belmont's history in the following areas:

- The City of Belmont Historical Society has collected a great deal of information regarding the area's history. Photographs and artefacts have also been gathered and stored over the years and are presently stored at the museum. There is extensive material available to be accessed by the public, however the museum's opening hours restrict access.
- A book *Ever Flowing Forward: the story of Belmont* by Maxine Laurie has been compiled, written and published. Some factual errors are evident, however this is largely due to the dependence on anecdotal material as a primary source. It is however a valuable and well utilised resource. It is deemed that further research could be undertaken in the future.
- Several thousand photographs have been collected catalogued and digitised for preservation. Of these digitised photographs over 900 are accessible online through the library's public access catalogues or via the website www.belmont.wa.gov.au
- The Council has a Municipal Heritage Inventory of significant buildings and sites, which is updated as required by statute.

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In order to address Councillors' concerns in a cost effective and efficient manner the Manager–Community and Library Services approached the Acting Head of Cultural Heritage at Curtin University, Dr Jennifer Harris, with the view of engaging post graduate students to carry out short term research as part of their second semester Work Experience placement. The students will research the following:

1. Street names
2. Review of "*Ever Flowing Forward"* by Maxine Laurie a social History of Belmont
3. The farming background of Belmont pioneers
4. Research pioneers, business, commercial operators, horse racing
5. Industry, culture and indigenous sites
6. Review the City of Belmont's Municipal Heritage Inventory.

The Managers of Planning Services and Community and Library Services will meet with Dr Harris to discuss placement dates and elaborate on details.

The students will undertake the project for time equal to 20 days of work. The students are to be supervised by the Manager-Community & Library Services.

Future Considerations
Long term actions which Council may wish to give consideration are listed bellow:

1. Create a 'History Centre' by redeveloping the Library, integrating it with the museum and create a new local history facility. This would maximise the usage of the area's local history collection.

   The redevelopment could include a dedicated area for an interactive display which features Belmont's history in an interesting and educational manner which includes online and graphic material. This will proactively promote local history to all residents and Library customers and increase usage of both the collection and the Library.

2. Heritage trail(s) with sign post plaques could be devised which would encourage
   residents and visitors to take historical tours of the City and raise awareness of the City's historic roots.

3. Involvement from the community could be further encouraged by marketing the local history facility. This can be achieved by the following:

   - Workshops for the community.
   - Regular articles in the Belmont Bulletin regarding historic building sites and significant historic occasions.

4. Income could be generated from the reproduction of historic photographs, these could be for sale in the form of postcards and stationary items.

5. The establishment of a 'History Centre' in the Library would require sufficient staff, initially to set up the collection. After the establishment of the Centre staff would be required to conduct tours and respond to enquiries.

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It is considered that a visit by Councillors to the Melville Discovery Centre and the John Curtin Ministerial Library at Curtin University would be beneficial as both these facilities are considered to be very successful, well utilised collections.

FINANCIAL IMPLICATIONS

Curtin University post graduate students undertake various research issues as part of their studies. The abovementioned research would be carried out free of charge.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Nil.

OFFICER RECOMMENDATION

That Council:

1. Approve the placement of Curtin University student(s) to undertake a work experience placement during the second Semester 2007 to conduct the following:

- ***Research of street names***
- ***Review of "Ever Flowing Forward" by Maxine Laurie a social History of Belmont***
- ***The farming background of Belmont pioneers***
- ***Research pioneers, business, commercial operators, horse racing, industry, culture and indigenous sites***
- ***Review the City of Belmont's Municipal Heritage Inventory***
- ***Project for time equal to 20 days of work.***

2. Note that the project time allocated will be equal to 20 days and the student(s) will be supervised by the Manager-Community and Library Services, who will prepare a Project Management Brief following the decision of the Council.

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

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****8.20pm** **Having earlier declared a financial interest Cr Dornford departed the meeting.**

12.2 SOCIAL BELMONT

12.2.1 City of Belmont Local Planning Policy No. 30 – Family Day Care**

****SB Attachment 7 – Item 12.2.1 refers**

Report by Community & Statutory Services Division

DATE

11 May 2007

PURPOSE OF REPORT

Council to final adoption of Draft Local Planning Policy No. 30 based on submissions made during the advertisement period and consider final adoption of the Draft Policy.

COUNCIL ROLE

Legislative

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

SUMMARY AND KEY ISSUES

The purpose of Draft Local Planning Policy No. 30 is to specify the requirement for obtaining planning approval for a Family Day Care. The Policy includes relevant development standards and neighbour notification requirements.

Draft Local Planning Policy No. 30 to the City of Belmont Town Planning Scheme No. 14, was advertised for public comment, as per Council resolution of the Ordinary Council meeting held 7 November 2006. The advertising started on 27 March 2007 and closed 20 April 2007. One submission was received.

This report recommends that the Policy be adopted with minor modifications as suggested in the submission received. A copy of the modified Draft Policy is provided as an attachment to this report.

Officer Recommendation Summation

That Council uphold the submission lodged by the Department for Community Development and adopt Draft Local Planning Policy No. 30 with minor modifications.

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Item 12.2.1 continued

LOCATION

All land within the City of Belmont on which a Family Day Care may be considered including 'Residential' zoned properties, the 'Residential & Stables' zone and the 'Mixed Use' zone.

APPLICANT

Not applicable.

FILE REFERENCE

116/101 Subject folder – Local Planning Policy No. 30.

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

Draft Local Planning Policy No. 30 was advertised from 27 March 2007 to the 20 April 2007. At the conclusion of the advertising period one submission was received from the Department of Community Development. A summary of the submission is provided below. **A copy of the full submission is available to Councillors on request.**

The Department of Community Development's comments included:

- Clarification of relevant acts of legislation, definitions and departments involved in obtaining a family day care licence; and,
- Early notification that the Department of Community Development will dissolve in July 2007 and two new Departments will be formed. The issuing of family day care licences will then come under the mandate of the Department of Communities.

STRATEGIC PLAN IMPLICATIONS

SOCIAL BELMONT - *"Ensure that the Community has access to the services and facilities that it needs."*

POLICY IMPLICATIONS

Council does not have a Policy relating to Family Day Care. This report proposes Council adopt Draft Local Planning Policy No. 30 – Family Day Care.

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Item 12.2.1 continued

STATUTORY ENVIRONMENT

City of Belmont Town Planning Scheme No. 14 contains no specific provisions for Family Day Care within the Residential Zone.

Discretionary Land Use

A Family Day Care is a 'D' discretionary land use within the Residential zone. Town Planning Scheme No. 14 – Clause 5.6.2 "D" Uses applies. In exercising its discretion as to the approval or refusal of an application for Planning Approval, Council shall have regard to the provisions of subclause 5.8 Matters to Be Considered When Council Exercises Discretion.

Family Day Care Licenses

Under the 'Children and Community Services Act 2004' a *"family day care service" means a child care service provided at a place where —*
(a) the person providing the service lives; and
(b) none of the children to whom the service is provided live."

The Department for Community Development issues licenses for Family Day Care. As at 1 July 2007 licenses will be issued by the Department of Communities.

BACKGROUND

At the Council Meeting of 7 November 2006, Draft Local Planning Policy No. 30 was initiated for the purposes of public advertising. Subsequently the draft policy was advertised from the 27 March 2007 to the 20 April 2007, and one submission was received as summarised in the 'Consultation' section of this report.

OFFICER COMMENT

The City's Planning Department has supported the minor modification suggested in the submission by the Department for Community Development, and made the necessary changes. These changes relate to specific references to relevant legislation, regulations and the changing names of State Government agencies. These changes are highlighted on the attached copy of the Policy.

The modifications requested do not materially alter the requirements of the draft policy and as such further advertising of the modifications are not considered necessary. It is therefore recommended that Council consider final adoption of Draft Local Planning Policy No. 30.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
SB Attach 7	Draft Local Planning Policy No. 30

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Item 12.2.1 continued

OFFICER RECOMMENDATION

TEASDALE MOVED, WHITELEY SECONDED, that Council adopt the modified Draft Local Planning Policy No. 30, (SB Attach 7) in accordance with Clause 2.5 of the City of Belmont Town Planning Scheme No. 14.

CARRIED 10 VOTES TO 0

****8.21pm Cr Dornford returned to the meeting.**

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12.3 ECONOMIC BELMONT

Nil.

12.4 NATURAL BELMONT

12.4.1 Canning Plain Management Action Plan **

****NB Attachment 8 – Item 12.4.1 refers**
****NB Attachment 9 – Item 12.4.1 refers**

Report by Technical Services Division

DATE

Tuesday, 15 May 2007

PURPOSE OF REPORT

To present the *Canning Plain Management Action Plan* to Council for endorsement.

COUNCIL ROLE

Executive

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

SUMMARY AND KEY ISSUES

The *Canning Plain Management Action Plan* details a partnership approach towards improving the health of the Swan and Canning Rivers through surface and groundwater management within the Canning Plain catchment. Project partners include the City of Canning, the City of Belmont, Department of Water, Swan River Trust, Water Corporation, Swan Catchment Council and the South East Regional Centre for Urban Landcare (SERCUL).

The Canning Plain catchment encompasses the surface water catchments of Mills St, Cockram Street, Wharf Street, Liege Street and Wilson Street Main Drains. While a significant proportion of the Mills St Main Drain is located within the City of Belmont, the remaining catchments are under the jurisdiction of the City of Canning. SERCUL has been allocated the overall coordination of the Action Plan and implementation of the majority of actions, under the assumption that a Project Manager will be employed for that function. The intention is to seek external funding for this position.

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Many actions allocated to the City of Belmont for implementation are already being undertaken as part of the water management section of the City's Environment Plan. Action 1.7 of the Environment Plan is to '*Work with the Swan Catchment Council, SERCUL, Two Rivers Catchment Group and other relevant authorities to implement the Canning Plain Catchment Management Plan'*. Funding of additional actions will need to be considered as part of Council's normal budgeting process.

Endorsement and subsequent implementation of the *Canning Plain Management Action Plan* will coordinate existing and new actions being undertaken by community, Local and State Government stakeholders within the Canning Plain area. This will assist in the achievement of a common goal of improved water quality for the Swan Canning River System.

Officer Recommendation Summation

That Council -

1. Endorse the *Canning Plain Management Action Plan*.
2. Acknowledges the funding requirement to implement the allocated key actions.
3. Considers the appropriate level of funding as part of the annual Environmental Budget process.

LOCATION

The Canning Plain encompasses five surface water catchments, with the majority of Mills St Main Drain located within the City of Belmont. The remaining catchments are located in the City of Canning.

APPLICANT

N/A

FILE REFERENCE

30/005

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
Nil			

VOTING REQUIREMENT

Simple Majority required.

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Item 12.4.1 Continued

CONSULTATION

The *Canning Plain Management Action Plan* was developed in partnership with the City of Canning, Department of Water, Swan River Trust, Water Corporation, Swan Catchment Council and the South East Regional Centre for Urban Landcare. Other key stakeholders involved in its development include the Department for Planning and Infrastructure, including Main Roads WA, and the Department of Environment and Conservation.

STRATEGIC PLAN IMPLICATIONS

The *Canning Plain Management Action Plan* will assist in achieving the following objectives from the 'Natural Belmont' section of the City's Strategic Plan;

- Protect and enhance the quality and amenity of our natural environment,
- Minimise pollution of the environment,
- Use and manage our water resources in a sustainable manner, and
- Increase community and staff capacity to better protect and manage the natural environment.

The *Canning Plain Management Action Plan* will also contribute towards achieving the following strategy from the Strategic Plan: *Reduce scheme water use by Council and the community, and improve the quality of water being discharged to the environment.*

The Action Plan is consistent with the water management section of the City's Environment Plan, with several actions common to both. Action 1.7 of the Environment Plan is to '*Work with the Swan Catchment Council, SERCUL, Two Rivers Catchment Group and other relevant authorities to implement the Canning Plain Catchment Management Plan*.'.

POLICY IMPLICATIONS

The *Canning Plain Management Action Plan* relates to Council policy *C4.8.1 Environmental Enhancement*, particularly sections ii, iii and v:

The City of Belmont:

I. is committed to the protection and enhancement of the natural environment and creation of a sustainable urban environment
II. will manage its development process in order to achieve sustainable environmental outcomes
III. where possible, the City of Belmont will promote environmental issues and activities within Council and to the wider Belmont community.

STATUTORY ENVIRONMENT

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

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BACKGROUND

In 1999, the Swan-Canning Cleanup Action Plan identified Mills Street Main Drain as one of the major contributors of nutrients to the Swan Canning River System. To strategically address these challenges, the Canning Plain Catchment Group was established in 2000, encompassing the Mills St, Cockram Street, Wharf Street, Liege Street and Wilson Street Main Drains. The catchment group has since amalgamated with others to form the *Two Rivers Catchment Group Inc*. Mills St Main Drain is located within the City of Belmont, with the remaining Canning Plain area under jurisdiction of the City of Canning.

To assist in preparing a strategic plan for the catchment, the City of Canning, the City of Belmont, Department of Water, Swan River Trust, Water Corporation, Swan Catchment Council and the South East Regional Centre for Urban Landcare formed a partnership agreement. In 2002 Parsons Brinckerhoff was engaged to prepare the Canning Plain Catchment Management Plan (*Implementation of Actions and Strategies to Manage Water Quality in the Canning Plain Catchment*, June 2004).

The Canning Plain Catchment Management Plan was prepared as a trial of a stormwater management plan framework developed for adoption by local government. The plan provides a catchment description, an adapted risk assessment framework and a ranked range of best management practice (BMP) strategies. It also includes an implementation program that summarises the risk and BMP assessments and lists the priority management actions.

Natural resource management structures and arrangements have changed somewhat since the Catchment Management Plan was developed by the consultants. The *Canning Plain Management Action Plan* has subsequently been developed to provide a framework for on-going implementation of the Catchment Management Plan, taking into account these changes.

OFFICER COMMENT

This report would normally have gone to the Environmental Committee prior to this being presented to Council however the time for endorsement of the plan prevented this.

The *Canning Plain Management Action Plan* details a partnership approach towards improving the health of the Swan and Canning Rivers through surface and groundwater management. As such, it involves a range of participatory groups including Local Government, community groups and State Government agencies. SERCUL has been allocated the overall coordination of the Action Plan and implementation of the majority of actions, under the assumption that a Project Manager will be employed for that function. The involvement of all stakeholders responsible for water quantity and quality management in the catchment will optimise the outcomes of the project.

As marked by an asterisk below, many actions allocated to the City of Belmont for completion are already being undertaken as part of the City's Environment Plan. The remaining actions relate to, and will support the objectives of the Environment Plan. As detailed in *Table 4: Schedule of Proposed Actions* the City has been identified as a 'lead organisation' for the implementation of the following actions:

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Item 12.4.1 Continued

- B1.1: Prepare brief notes and graphic representation of the 'flow pathways' for water and nutrients with the aim of providing data for surface water and groundwater modelling.
- * B4.3 Review and document use of Nutrient and Irrigation Management Plans and opportunities for stormwater re-use for parks and public open space in relation to the seven sub catchments with recommendations for further action.
- B4.4 Revise 'Emergency Management Arrangements' for spills and contamination with clarification of roles for respective partner organisations relevant to the seven sub catchments.
- * C1.2 Review all relevant state and local government planning process for each of the seven sub catchments to identify relevance for integrating surface water and groundwater management planning.
- * C 1.4: Undertake regular surveying and auditing of light industrial SME's using a risk management approach incorporating legislative compliance.

In addition, the City has been identified as a 'support organisation' for the following actions:

- A6.1 Set long-term targets for catchment management for the local area.
- B2.3 Present the risk assessment and modelling information to an expert panel in a workshop format to enable prioritisation of future work.
- B3.1 Support the development of the New WAter Ways website that lists all current capacity building and best management practice information.
- B3.2 Using the data collated for the New WAter Ways Program and Urban Water Capacity Building Program, identify gaps in supplying and engendering best management practice in the catchment.
- B3.3 Promote the New WAter Ways Program and DoW's Urban Water Capacity Building Program within the catchment.
- B4.1 Undertake a gap analysis of existing Management Strategies targeting;
    - Industrial and commercial waste management;
    - Drainage asset management;
    - Septic tank effluent management;
    - Fertiliser use;
    - Management of contaminants and nutrients from roads and car parks;
    - Management of historic contamination;
    - Fringing vegetation and weed management; and
    - Sedimentation management.
- * C1.3 Co-ordinate an industry engagement program using Incentive, Education, Regulation, and Enforcement drivers in a predominantly support and education approach.
- * C1.6 Identify and promote current best practice demonstration projects in surface water and groundwater management.
- * C3.3 Using the developed information and knowledge framework, document and share the 'lessons learnt' (successes and mistakes) to date and continue to document through the life of the project.
- C4.1 Arrange appointment of a suitable Project Manager and an appropriate Steering Committee to support the role.

The *Canning Plain Management Action Plan* is a significant document, as it will coordinate existing and new actions being undertaken by community, Local and State Government stakeholders within the Canning Plain area. This will assist in the achievement of a common goal of improved water quality for the Swan Canning River System.

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FINANCIAL IMPLICATIONS

The overall financial implications of the *Canning Plain Management Action Plan* to the City of Belmont and other stakeholders have not been quantified. It is intended that implementation of the Action Plan will be coordinated by a Project Manager based at SERCUL, funded through external sources.

Several actions allocated to the City of Belmont are already being implemented through the City's Environment Plan, or have received funding from external sources ie. the Swan Catchment Council's Light Industry Risk Assessment Project. Funding of additional actions will be considered by Council as part of the annual Environmental Budget.

External funding for some actions may also be available through Water Smart Australia, Community Water Grants or other programmes. Inclusion of these actions in a catchment-scale management plan is likely to assist in sourcing State or Federal Government funding.

ENVIRONMENTAL IMPLICATIONS

Implementation of the *Canning Plain Management Action Plan* will result in beneficial environmental outcomes, with the overall objective of the Action Plan to improve the health of the Swan Canning River System by improving water quantity and quality management in the catchment. The Action Plan specifically targets the following risk areas:

- Industrial and commercial waste management;
- Drainage asset management;
- Septic tank effluent management;
- Fertiliser use;
- Management of contaminants and nutrients from roads and car parks;
- Management of historic contamination;
- Fringing vegetation and weed management; and
- Sedimentation management.

ATTACHMENT DETAILS

Attach. No.	Details
NB Attach 8	*Canning Plain Management Action Plan*
NB Attach 9	*Canning Plain Management Action Plan*: Tables 4-8

OFFICER RECOMMENDATION

WHITELEY MOVED, TEASDALE SECONDED, that Council:

1. ***Endorse the Canning Plain Management Action Plan. (NB Attach 8).***
2. ***Acknowledges the funding requirement to implement the allocated key actions.***
3. ***Considers the appropriate level of funding as part of the annual Environmental Budget process.***

CARRIED 11 VOTES TO 0

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12.5 BUSINESS EXCELLENCE

WITHDRAWN ITEMS

Item 12.5.4 was withdrawn at the request of Cr Bass.
Item 12.5.5 was withdrawn at the request of Cr Hitt.

MARTIN MOVED, HITT SECONDED, that with the exception of Items 12.5.4 and 12.5.5 which are to be considered separately, the Officer Recommendations in the Business Excellence Belmont Key Result Area Reports, specifically Items 12.1.1, 12.5.2, 12.5.3 and 12.5.6 be adopted en bloc.

CARRIED 11 VOTES TO 0

12.5.1 Accounts for Payment**

****BEXB Attachment 10 – Item 12.5.1 refers**

Report by Corporate and Governance Division

DATE

18 May 2007

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

COUNCIL ROLE

Executive

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

SUMMARY AND KEY ISSUES

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.

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Item 12.5.1 continued

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

54/007 – Creditors – Payment Authorisations

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan implications are evident.

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

"If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared
(a) the payee's name;
(b) the amount of the payment;
(c) the date of the payment; and
(d) sufficient information to identify the transaction."

BACKGROUND

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

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Item 12.5.1 continued

OFFICER COMMENT

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

Municipal Fund Cheques	776515-776869	$1,318,843.87
Municipal Fund EFTs	EF000012-EF000109	$751,954.81
Trust Fund Cheques	905225-905228	$14,555.47
Total Payments for April 2007		$2,085,354.15

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

Attach. No.	Details
BEXB Attach 10	Accounts for payment listing

OFFICER RECOMMENDATION

That the Authorised Cheque Listing as included in the BEXB Attachment 10 to this item be confirmed and endorsed.

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

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12.5.2 Financial Reports as at 30 April 2007
****BEXB Attachment 11 – Item 12.5.2 refers**

Report by Corporate & Governance Division

DATE

18 May 2007

PURPOSE OF REPORT

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

COUNCIL ROLE

Executive

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

SUMMARY AND KEY ISSUES

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 30 April 2007 be received.

LOCATION

Not applicable

APPLICANT

Not applicable

FILE REFERENCE

32/009 – Financial Operating Statements

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Item 12.5.2 continued

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

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

STRATEGIC PLAN IMPLICATIONS

Key Result Area: Business Excellence.

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

POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

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

Regulation 34(5) determines the mechanism required to ascertain the definition of material variances which are require 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.

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Item 12.5.2 continued

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.

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.

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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.

Report Section	*YTD Budget*	*YTD Actual*	*Comment*
Applications of Funds – Capital			
Computing	536,000	235,010	Capital acquisitions not yet undertaken.
Financing Activities	410,216	206,272	Loan Repayment of $205,545.69 expended in Period 11.
Grounds Operations	1,459,868	1,078,985	Capital works not yet fully realised.
Road Works	3,898,060	3,345,583	Capital works not yet fully realised.
Footpaths Works	341,972	241,720	Capital works not yet fully realised.
Building Operations	2,305,441	1,784,918	Capital works not yet fully realised.
Applications of Funds – Operating			
Finance Department	1,069,889	905,055	Printing and Copying work expenditure lower than anticipated for this time of the year.
Computing	930,609	668,521	Payments for business applications maintenance yet to be finalised.
Human Resources	585,575	449,312	Services – Other Consultants work expenditure lower than anticipated for this time of year.
Property & Economic Development	373,664	207,442	Salaries/Wages & Consultants expenditure lower than anticipated. ABC allocations are also below budget due to the overlying Cost Centres being under expended.
Belmont HACC Services	1,115,683	995,089	General Expenditure lower than anticipated for this time of year.
Ruth Faulkner Library	1,150,336	927,022	Salaries/Wages & Consultants expenditure lower than anticipated. ABC allocations are also below

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Report Section	*YTD Budget*	*YTD Actual*	*Comment*
			budget due to the overlying Cost Centres being under expended.
Grounds Operations	1,574,430	1,420,102	Maintenance works expenditure lower than anticipated for this time of year.
Roadworks	490,726	369,376	Maintenance works expenditure lower than anticipated for this time of year.
Streetscapes	874,473	632,964	Other Services work expenditure lower than anticipated for this time of year.
Public Works Overheads	868,547	765,096	Public Works Overheads expenditure lower than anticipated for this time of year.
Sources of Funds – Capital			
General Purpose Income	0	(727,273)	Sale of Land income received and not budgeted.
Grounds Operations	0	(200,046)	Riverbank Funding Project income received and not budgeted.
Operations Centre	(148,269)	(310,658)	Large fleet changeover from previous year – funded from reserve.
Building Operations	(9,520)	(245,393)	Capital Grants received earlier than anticipated.
Sources of Funds – Operating			
Financing Activities	(1,266,818)	(1,377,246)	Managed Funds Growth & Land acquisition Reserves higher than anticipated for this time of year.
Belmont HACC Services	(1,099,560)	(1,338,584)	Third quarter grant funds received in advance.
Public Works Overheads	(683,420)	(910,040)	Public Works Overhead recovery 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 April 2007	**$**	**Comment**
Cash and investments	19,950,386	Includes municipal, reserves & deposits
- less non rate setting cash	-8,530,683	Reserves and deposits held
Receivables	1,692,072	Mostly rates levied yet to be received
- less non rate setting receivables	-201,790	ESL levied and GST payable
Stock on hand	205,582	
Total Current Assets	**$13,115,567**	
Current Liabilities		
Creditors and provisions	-4,811,733	Includes deposits
- less non rate setting creditors & provisions	3,436,597	ESL, GST and deposits held
Total Current Liabilities	**-$1,375,136**	
Nett Current Assets 30 April 2007	**$11,740,431**	

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Nett Current Assets as Per Financial Activity Report	11,740,431	
Less Committed Assets	-10,740,431	All other budgeted expenditure
Estimated Closing Balance	**1,000,000**	

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

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

Attach. No.	Details
BEXB 11	Monthly Financial Activity Statement as at 30 April 2007

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 30 April 2007 as included in BEXB Attachment 11 be received.

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

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12.5.3 Perth Airport Municipalities Group (PAMG) – Appointment of Secretary**
****BEXB Attachment 12 – Item 12.5.3 refers**

Report by Technical Services Division

DATE

11 May 2007

PURPOSE OF REPORT

To confirm the appointment of the Administration Officer – Technical Services (currently Lesley Howell) to provide secretarial support to the PAMG.

COUNCIL ROLE

Executive

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

SUMMARY AND KEY ISSUES

Council appointed the City's Environmental Officer, Karen Godridge as Secretary to the PAMG at its Special Council Meeting of 9 May 2005. On 17 May 2006 Ms Godridge resigned as PAMG Secretary and from the City of Belmont. The role of Secretary to the PAMG has been undertaken by the Administration Officer Technical Services since 12 June 2006 and this appointment requires to be formalised by Council.

Officer Recommendation Summation

That Council confirm the appointment of the Administration Officer - Technical Services (position currently held by Miss Lesley Howell) to Secretary of the Perth Airports Municipalities Group (PAMG).

LOCATION

Not applicable

APPLICANT

Not applicable

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Item 12.5.3 continued

FILE REFERENCE

15/004 Perth Airports Municipalities Group - Correspondence and Informational Material (To/From COB)

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple Majority required.

CONSULTATION

The PAMG accepted the appointment of the Administration Officer – Technical Services at its Ordinary General Meeting of 10 August 2006. An extract from the minutes of that meeting is at Attachment 1.

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Policy C1.5.3 Council Delegates - Roles and Responsibilities

STATUTORY ENVIRONMENT

Local Government Act 1995 – Tenure of committee membership

BACKGROUND

The Environmental Officer, Ms Karen Godridge was appointed secretary of the PAMG at the Special Council Meeting of 9 May 2005. Ms Godridge resigned her position with the PAMG on 17 May 2006 and the City of Belmont. Support for the PAMG was subsequently transferred to the position of Administration Officer – Technical Services, now occupied by Miss Lesley Howell.

OFFICER COMMENT

The Administration Officer – Technical Services has been fulfilling the role of secretary to the PAMG since June 2006 and the Technical Services Division now seeks to confirm that appointment through Council.

FINANCIAL IMPLICATIONS

The City of Belmont has traditionally covered the cost of the PAMG's Secretary since the PAMG's inception.

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Item 12.5.3 continued

ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	Details
BEXB Attach 12	Extract from the Minutes of the PAMG's Ordinary General Meeting of 10 August 2006.

OFFICER RECOMMENDATION

That Council confirm the appointment of the Administration Officer - Technical Services (position currently held by Miss Lesley Howell) to the role of Secretary of the Perth Airports Municipalities Group (PAMG).

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

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12.5.4 Tender 06/2007 – Road Reserve Weed Control within the City of Belmont **

****Confidential Attachment 1 - Item 12.5.4 refers (Circulated under separate cover)**

Report by Technical Services Division

DATE

17 May 2007

PURPOSE OF REPORT

To seek Council's approval to award Tender 06/2007 for Road Reserve Weed Control within the City of Belmont.

Executive

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

SUMMARY AND KEY ISSUES

Road Reserve Weed Control within the City of Belmont was tendered, with eight tender submissions being received. Information on the submissions is provided, along with the evaluation assessments and a recommendation for awarding the tender.

Officer Recommendation Summation

That Council:

Accepts the Tender from Turfmaster Facility Management as specified in Tender 06/2007 – "Road Reserve Weed Control within the City of Belmont", effective from 1 July 2007 to 30 June 2010.

LOCATION

All road reserve areas (kerbs, median islands and verges) requiring weed control within the City of Belmont.

APPLICANT

Not applicable.

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Item 12.5.4 continued

FILE REFERENCE

114/172 Tender 06/2007 Road Reserve Weed Control within the City of Belmont.

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
Nil			

VOTING REQUIREMENT

Simple majority required.

CONSULTATION

There is no requirement for public consultation in respect of this matter, as this tender relates to the maintenance issue of road reserve weed control within the City of Belmont. A team of three Council officers assessed this tender.

STRATEGIC PLAN IMPLICATIONS

There are no Strategic Plan implications evident at this time.

POLICY IMPLICATIONS

Policy Manual, Section 3.5.2 – Tenders Calling and Acceptance.

STATUTORY ENVIRONMENT

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

BACKGROUND

Road reserve weed spraying within the City has been undertaken under tender by contractors for a number of years. Since 1 July 2003 these works have been carried out under Tender 23/2002 – Road Reserve Vegetation Maintenance. The contract period for Tender 23/2002 was from 1 January 2003 to 30 June 2007, with an option of 5 years being 1 July 2007 to 30 June 2012. It was determined that the contract period would not be extended in order to allow for a review of the tender specifications and improved functioning and management of the tender.

Tender 06/2007 Road Reserve Weed Control Within The City of Belmont was advertised in the West Australian on Saturday 31 March 2007 and available on the City's website, with the tender closing on Thursday 19 April 2007 at 2:00pm.

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Item 12.5.4 Continued

Seven complying tender submissions were received, those being from Maxwell Robinson & Phelps, Ausmic Environmental Industries, Gecko Contracting, Website Weed & Pest, Aaron Lee Pest Control, Supa Pest & Weed Control and Turfmaster Facility Management. An eighth tender was submitted by Tiger Pest & Weed Control which was determined to be non compliant as the submission did not address the compulsory criteria, this led to the rejection of the tender submitted by Tiger Pest & Weed Control.

OFFICER COMMENT

The areas to be sprayed were divided up into three distinct criteria, those being kerb lines, footpaths and hardstand areas. In the contract specifications the criteria areas were listed, these areas were provided by the City's Technical Services Division asset management system. The tenderers were to have the capacity to undertake the spraying of 488.72km of kerb line, 49,124 m^2 of median hardstand area and 303,505m^2 of footpaths. Any additions to these areas in the future will be included with the City's order of works and shall be charged at the Schedule of Rates.

A team of three Council Officers from the City's Parks and Corporate & Governance Sections assessed the tender submissions. The complying tenders were assessed, through demonstrated compliance, on the Weighted Criteria, as given below:

Experience…….……. 20%
Demonstrated relevant experience of the company in providing the same or similar products and services to the same or similar organisations.

Personnel ……..10%
Demonstrated relevant experience and qualifications of the personnel in providing the same or similar products and services to the same or similar organisations.

Quality……..……..10%
Demonstrated ability to consistently provide services and products of a high quality.

Company capacity ……..15%
Demonstrated capacity of the company to deliver and keep on delivering the requirements of the tender including capacity to:-

i) Deliver work on time.
ii) Supply and sustain necessary plant, equipment and materials to meet the requirements of this specification.
iii) Be flexible to align with minor deviations from original schedule of works.

Safety ……..……..15%
Demonstrated capacity of the company to ensure an ongoing safe environment for staff and customers.

Price ……30%
Price (schedule of rates) scored using a rate weighted system.

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Table 1 below details the results of the scored assessment for Tender 06/2007 –Road Reserve Weed Control within the City of Belmont

TABLE 1				
Tenderer	**Non-price Score**	**Price Score**	**Total Score**	**Ranking**
Turfmaster Facility Management	53	8.7	61.7	1
Supa Pest & Weed Control	43.5	13.5	57	2
Aaron Lee Pest Control	29.5	27	56.5	3
Gecko Contracting	33.5	14.1	47.6	4
Ausmic Environmental Industries	38.5	7.5	46	5
Website Weed & Pest	26.5	11.4	37.9	6
Maxwell Robinson & Phelps	25	8.4	33.4	7

All tenders were assessed through demonstrated evidence provided in the tender submission on the non-price selection criteria of Experience, Personnel, Quality, Company Capacity and Safety. The scoring of the submitted Schedule of Rates was then undertaken by applying the ‘’average shopping basket” technique to determine the Price Score. The tenderers were then ranked by combining the Non Price Score and the Price Score, with the highest scorer being considered the most advantageous tenderer.

As can be seen by the non – price score Turfmaster Facility Management scored substantially higher than the remaining tender submissions and received the maximum scores in the area of experience, quality and company capacity. Aaron Lee Pest Control was the lowest tenderer in terms of pricing. Reference checking was carried out as a result of Aaron Lee Pest Control schedule of rates submission. The referee contacts that were provided and subsequently contacted all stated that their organisation had never awarded a contract to Aaron Lee Pest Control.

However all referees had worked in the past with current operational staff members of Aaron Lee Pest Control. Although the price score submitted by Aaron Lee Pest Control was advantageous financially to the City, the Council assessment team considered this not to be the preferred option. The team was concerned with the fact that Aaron lee Pest Control did not have the relevant experience in similar work and with the company’s capacity to successfully fulfil the tender requirements.

As a result of the combined scores the tender bid submitted by Turfmaster Facility Management is considered to be the most advantageous to the City, considering pricing and their capability demonstrated to fulfil the requirements of the selection criteria.

FINANCIAL IMPLICATIONS

Tender 06/2007 is due to commence on 1 July 2007, and will continue for three years until 30 June 2010. The Parks 2007/2008 maintenance budget contains $88,950 under maintenance code P59996 for road reserve weed control and will have sufficient funds to cover the costs of the works to be completed in the coming financial year.

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Item 12.5.4 Continued

ENVIRONMENTAL IMPLICATIONS

The City is committed to industry best practice regarding herbicide application. The active ingredient to be used in all applications is glyphosate, which is a broad-spectrum, non-selective systemic herbicide used for control of annual and perennial plants including grasses, sedges, and broad-leaved weeds. Glyphosate is one of the world's most widely used herbicides because of its low acute toxicity rating. Parks Supervisors in conjunction with the Contractor will distinguish appropriate environmental conditions for spraying and not proceed if conditions are unsuitable.

ATTACHMENT DETAILS

Attach. No.	Details
Conf Attach 1	Summary: Tender Prices of the Complying Tender Submissions

OFFICER RECOMMENDATION

That Council:

Accepts the Tender from Turfmaster Facility Management as specified in Tender 06/2007 – "Road Reserve Weed Control within the City of Belmont", effective from 1 July 2007 to 30 June 2010.

Notation

Cr Bass put forward an alternative motion to defer the item as she believed further investigation into the use of certain pesticides was required Consequently the following alternative recommendation was put forward.

BASS MOVED, DORNFORD SECONDED, that Council defer the tender for road reserve weed control until further information is obtained in respect to recent reports by the media and confirm that the reports have no impact on the assessment process.

LOST 8 VOTES TO 3

For: Bass, Hitt, Dornford

Against: Godfrey, Powell, Teasdale, Brennan, Martin, Rossi, Marks, Whiteley

Notation

Cr Teasdale put forward the original Officer Recommendation and it was consequently voted on as follows.

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Item 12.5.4 Continued

TEASDALE MOVED, MARKS SECONDED, that Council:

Accepts the Tender from Turfmaster Facility Management as specified in Tender 06/2007 – "Road Reserve Weed Control within the City of Belmont", effective from 1 July 2007 to 30 June 2010.

CARRIED 8 VOTES TO 3

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

Against: Bass, Hitt, Dornford

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12.5.5 Liquor Licence Belmont Oasis Leisure Centre**
****BEXB Attachment 13 – Item 12.5.5 refers**

Report by Technical Services Division - Parks, Leisure & Environment

DATE

14 May 2007

PURPOSE OF REPORT

To seek approval from Council for Belgravia Leisure to apply for a Special Facility Licence from the Department of Racing, Gaming and Liquor for the purpose of serving alcohol at the Belmont Oasis Leisure Centre.

Executive

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

SUMMARY AND KEY ISSUES

At the time Belgravia Leisure was awarded the contract to manage the Oasis Leisure Centre and discussions were underway regarding the major refurbishment of the facility, informal discussions were held and in-principle support was given by the City of Belmont for a licensed area within the facility and in particular support for alcohol to be served from the new café.

In the course of the refurbishments, the matter was not pursued. The issue was once again raised by Belgravia Leisure Regional Manager Debra Graham at a recently held Belmont Oasis Focus Group Meeting. Ms Graham was advised to put her request in writing. (Copy of correspondence attached).

The application for a special licence for a sporting facility is a costly process and Debra is seeking Council support before approaching the Department of Racing, Gaming and Liquor.

Officer Recommendation Summation

1. That Council support Belgravia Leisure in approaching the Department of Racing, Gaming and Liquor for the purpose of gaining the appropriate licence for the sale of alcohol at the Oasis Leisure Centre.

2. That should the application be successful, the serving of alcohol will be restricted to the café area, and for spectators, to the designated seating areas in the sports halls and meeting rooms.

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Item 12.5.5 Continued

3. That should the application be successful, opening times for the serving of alcohol to be from 7pm to 1am.

LOCATION

Oasis Leisure Centre – Cnr Abernethy Road and Alexander Road

APPLICANT

Not applicable

FILE REFERENCE

34/005 – Liquor Permit Applications

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest

VOTING REQUIREMENT

Simple majority required

CONSULTATION

In September 2004 the Minister for Racing and Gaming appointed an independent review of the Liquor Licensing Act (1988[3]). The report was released for public comment which closed in August 2005. The report contains over one hundred (100) recommendations and with regard to the serving of alcohol a summary of the recommendations is as follows:

- All licensees and managers must complete an accredited training course approved by the licensing authority
- All servers of alcohol on premises must be trained in the responsible service of alcohol (to be phased in over a twelve (12) month period)
- During trading an approved manager must always be present on the licensed premises.
- The Act be amended so that the licensing authority may incorporate guidelines in the regulations on the responsible promotion of liquor and a condition be imposed on all licences requiring compliance.

STRATEGIC PLAN IMPLICATIONS

There are no strategic plan implications evident at this time.

[3] 1088 changed to 1988 identified as a typographical error.

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POLICY IMPLICATIONS

There are no significant policy implications evident at this time.

STATUTORY ENVIRONMENT

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

BACKGROUND

At the Belmont Oasis Focus Group meeting in December 2006 the issue of Belgravia Leisure applying for a liquor licence at the Belmont Oasis Leisure Centre and whether Council would this application. The management company Belgravia Leisure were requested to put the proposal in writing.

When the initial design work for the café at the Oasis was commissioned by Belgravia Leisure through HTS Hospitality Consultants in 2004 the brief was to make the dry area suitable for the service of alcohol. Although in principal support had been received from Council Officers at the time, nothing was ever formally agreed to in writing.

Belgravia Leisure believes that the introduction of a liquor licence at the Oasis will enhance the customer's leisure experience whilst providing an additional revenue stream for management. The main impetus for the liquor licence is to service the team sports in the evening after their games. This has proven to be very popular with other indoor sports centres such as Challenge Stadium, Arena Joondalup and private centres such as Bouncers and Lords. A liquor licence would also enable the hosting o functions in the new café area and alleviate the necessity for user groups to obtain an Occasional Liquor Licence for each of their events. It is worth noting that a group can only be granted an Occasional Licence on 4 occasions within a calendar year. This would also enable management to have greater control over the consumption of alcohol on the premises.

Belgravia Leisure would ensure that a high standard of risk management procedures are in place to ensure that the introduction of a licence was done in a responsible manner. All staff would be trained in the responsible service of alcohol by a reputable and recognized training provider. Belgravia Leisure would also join the applicable local liquor accord.

OFFICER COMMENT

Comparison with other leisure centres, encourage people to stay on and socialize and support the café

The café area is currently under-utilised and many users do not stay on after their sporting activities to socialize with friends. The opportunity to catch up over a drink and also the ability to organise corporate events with lunches and dinners would generate business and a more vibrant feel to this component of the business.

FINANCIAL IMPLICATIONS

Belgravia Leisure will be responsible for licence costs.

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ENVIRONMENTAL IMPLICATIONS

There are no significant environmental implications evident at this time.

ATTACHMENT DETAILS

Attach. No.	**Details**
BEXB Attach 13	Correspondence from Regional Manager Belgravia Leisure, seeking Council support for an application by Belgravia Leisure to the Department of Racing, Gaming and Liquor for a liquor licence for the Oasis Leisure Centre.

****8.50pm The Director Corporate & Governance departed the meeting.**
****8.52pm The Director Corporate & Governance returned to the meeting.**
****8.53pm The Director Corporate & Governance departed the meeting.**
****8.57pm The Director Corporate & Governance returned to the meeting.**

OFFICER RECOMMENDATION

1. That Council support Belgravia Leisure in approaching the Department of Racing, Gaming and Liquor for the purpose of gaining the appropriate licence for the sale of alcohol at the Oasis Leisure Centre.

2. That should the application be successful, the serving of alcohol will be restricted to the café area, and for spectators, to the designated seating areas in the sports halls and meeting rooms.

3. That should the application be successful, opening times for the serving of alcohol to be from 7pm to 1am.

****9.02pm The Manager Governance departed the meeting.**
****9.03pm The Manager Governance returned to the meeting.**

Notation

During discussion Cr Hitt suggested an alternative motion for the following reason. Cr Hitt believed that it was a contradiction for Council to fund keep fit/health programs (eg Blue Earth) and support the application for a licence to sell alcohol on premises owned by Council. The motion was subsequently put and voted on as follows.

HITT MOVED, ROSSI SECONDED, that Council not support Belgravia Leisure in approaching the Department of Racing, Gaming and Liquor for the purpose of gaining the appropriate licence for the sale of alcohol at the Oasis Leisure Centre.

CARRIED 6 VOTES TO 5

For: Bass, Hitt, Rossi, Powell, Whiteley, Dornford

Against: Marks, Brennan, Godfrey, Teasdale, Martin

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12.5.6 2007 Australian Business Excellence Awards

Report by Corporate & Governance Division

DATE

24 May 2007

PURPOSE OF REPORT

Confirmation of the Australian Business Excellence Award Application and Council approval for the Mayor and Chief Executive Officer to attend Award presentations, in the event the City of Belmont is a finalist.

COUNCIL ROLE

Executive

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

SUMMARY AND KEY ISSUES

The City of Belmont has made application for the 2007 Australian Business Excellence Awards which will be announced as part of the SAI Global – *"Better Business"* Conference to be held in Sydney on 21 – 22 June, 2007. The City's entry is in the category of Systems relevant to Customer Service, Quality Systems, Occupational Health & Safety and Governance.

Officer Recommendation Summation

That in the event the City of Belmont is informed that it is a finalist for any of the categories for which it has made an application that the Mayor and Chief Executive Officer be authorised to attend the SAI Global *"Better Business"* Conference and Gala presentation to be held in Sydney 20 – 22 June 2007.

LOCATION

N/A

APPLICANT

N/A

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Item 12.5.6 Continued

FILE REFERENCE

74/003 – Nominations for Local Government Awards

DISCLOSURE OF INTEREST

Name	Position	Type of Interest	Nature / Extent of Interest
N/A			

VOTING REQUIREMENT

Simple Majority.

CONSULTATION

No public consultation is required.

STRATEGIC PLAN IMPLICATIONS

No Strategic Plan Implications are evident.

POLICY IMPLICATIONS

There are no significant Policy Implications evident.

STATUTORY ENVIRONMENT

Not applicable.

BACKGROUND

As part of the City's strategic direction and improvement strategy it has employed the utilisation of the Australian Business Excellence Framework and a number of International Standards which have been successfully implemented in the areas of Quality Management, Occupational Health & Safety and Environmental Management.

Regular audits are undertaken and improvement opportunities facilitated through the City's Business Management System. In maintaining accreditation, opportunities arise for the City to participate in national and internationally recognised award processes.

OFFICER COMMENT

The City has made application in the 2007 Australian Business Excellence Awards. The City's application is in the area of Systems covering the following areas:

1. Customer Service
2. Quality Systems
3. Occupational Health & Safety
4. Governance

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Item 12.5.6 Continued

The City has been notified that there are a record number of entries in this years Award process and are of a very high standard. Voting for the Systems Awards commenced during the week of 21 May 2007 and for which winners will be announced on 21 June 2007 at a Gala presentation at the West End Hotel. The Awards presentation forms part of the SAI *"Better Business"* Conference being undertaken between 21 – 22 June 2007. This conference also features practical case studies on some of the Country's leading companies in the areas of:

- Quality Management
- Occupational Health & Safety
- Corporate Governance
- Corporate Social Responsibility
- Environmental Management
- Risk Management
- Compliance
- Customer Service
- Excellence

Should the City receive notification that it is a finalist in one of the areas for which it has made application, it would be appropriate that the Mayor and Chief Executive Officer to be present to receive an Award.

Council support on this basis is therefore requested.

FINANCIAL IMPLICATIONS

The cost of accommodation and airfares for both the Mayor and Chief Executive Officer would be serviced within current budget allocations.

ENVIRONMENTAL IMPLICATIONS

Nil.

ATTACHMENT DETAILS

Attach. No.	Details
Nil.	

OFFICER RECOMMENDATION

That:

Council approves the attendance of the Mayor and Chief Executive Officer at the SAI Global "Better Business" Conference and Gala presentation to be held in Sydney 20 to 22 June 2007 in the event the City of Belmont is informed that it is a finalist for any of the categories for which it has made an application.

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

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13 REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.5 INFORMATION BULLETINS

The following Elected Members Bulletin was distributed to Councillors:

Elected Members Bulletin 18 May 2007.

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

Elected Members Bulletin 18 May 2007.

CARRIED 11 VOTES TO 0

13.6 REQUESTS FOR LEAVE OF ABSENCE

Nil.

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

15 CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 9.08pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held 5 June 2007 were confirmed as a true and accurate record at the Ordinary Council Meeting held 26 June 2007:

❑ Without amendment ❑ With amendment

Signed by the Person Presiding: _____

PRINT name of the Person Presiding: _____

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