



Ordinary Council Meeting

Agenda

10 December 2024



City of
Belmont

Notice of Meeting

An **Ordinary Council Meeting** will be held in the Council Chamber of the **City of Belmont Civic Centre**, 215 Wright Street, Cloverdale, on **Tuesday 10 December 2024**, commencing at 6:30pm.

John Christie
Chief Executive Officer

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CITY OF BELMONT

Ordinary Council Meeting

Agenda

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Alternative Formats

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Councillors are reminded to retain any confidential papers for discussion with the minutes.

1 Official Opening

The Presiding Member will read aloud the Acknowledgement of Country.

Acknowledgement of Country

Before I begin, I would like to acknowledge the Whadjuk Noongar people as the Traditional Owners of this land and pay my respects to Elders past, present and emerging.

I further acknowledge their cultural heritage, beliefs, connection and relationship with this land which continues today.

The Presiding Member will cause the Affirmation of Civic Duty and Responsibility to be read aloud by a Councillor.

Affirmation of Civic Duty and Responsibility

I make this affirmation in good faith and declare that I will duly, faithfully, honestly, and with integrity fulfil the duties of my office for all the people in the City of Belmont according to the best of my judgement and ability.

I will observe the City's Code of Conduct and Standing Orders to ensure efficient, effective and orderly decision making within this forum.

2 Apologies and leave of absence

Cr J Powell (leave of absence) South Ward

3 Declarations of interest that might cause a conflict

Councillors/Staff are reminded of the requirements of *s5.65* of the *Local Government Act 1995 (WA)*, to disclose any interest during the meeting when the matter is discussed, and also of the requirement to disclose an interest affecting impartiality under the City's Code of Conduct for Council Members, Committee Members and Candidates and the Code of Conduct for Employees.

3.1 Financial Interests

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

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

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

3.2 Disclosure of interest that may affect impartiality

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

Name	Item No and Title	Nature of Interest (and extent, where appropriate)

4 Announcements by the Presiding Member (without discussion) and declarations by Members

4.1 Announcements

4.2 Disclaimer

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4.3 Declarations by Members who have not given due consideration to all matters contained in the business papers presently before the meeting

5 Public question time

5.1 Responses to questions taken on notice

Note: The responses to questions taken on notice at the 26 November 2024 Ordinary Council Meeting will be included in the 25 February 2025 Ordinary Council Meeting Agenda.

5.2 Questions from members of the public

6 Confirmation of Minutes/receipt of Matrix

6.1 Matrix for the Agenda Briefing Forum held 3 December 2024

Officer Recommendation

That the Matrix of the Agenda Briefing Forum held on 3 December 2024, as printed and circulated to all Elected Members, be received and noted.

6.2 Ordinary Council Meeting held 26 November 2024

Officer Recommendation

That the Minutes of the Ordinary Council Meeting held on 26 November 2024, as printed and circulated to all Elected Members, be confirmed as a true and accurate record.

7 Questions by Members on which due notice has been given (without discussion)

8 Questions by members without notice

8.1 Responses to questions taken on notice

8.2 Questions by members without notice

9 New business of an urgent nature approved by the person presiding or by decision

10 Business adjourned from a previous meeting

11 Reports of committees

Nil.

11.1 Standing Committee (Audit and Risk) held 25 November 2024 (circulated under separate cover)

Officer Recommendation

That the Minutes of the Standing Committee (Audit and Risk) held on 25 November 2024 as previously circulated to all Councillors, be received and noted.

12 Reports of administration

12.1 Final Adoption - Modified Amendment No. 21 to Local Planning Scheme No. 15 - Modifying the use class permissibility of land uses within the 'Town Centre' zone

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/021 - Modifying the Use Class Permissibility of land uses within the 'Town Centre' zone
Location/Property Index	:	Various
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	25 July 2023 Ordinary Council Meeting Item 12.1. 12 December 2023 Ordinary Council Meeting Item 12.1
Applicant	:	Element Pty Ltd
Owner	:	Various
Responsible Division	:	Development and Communities

Council role

Legislative Includes adopting local laws, local planning schemes and policies.

Purpose of report

For Council to consider modified Scheme Amendment No. 21 to the City of Belmont Local Planning Scheme No 15 (LPS 15) following public advertising.

Summary and key issues

- Element Pty Ltd (the applicant) lodged Scheme Amendment No. 21 on behalf of the owners of Belmont Forum (Perron Group) (Attachment 12.1.1). The Amendment sought to increase the number of uses capable of approval within the 'Town Centre' zone and exempt certain uses from requiring planning approval.

- Several of the applicant's requested changes to land use permissibility were not supported due to their inconsistency with the 'Town Centre' zone objectives or because they should not be exempt from requiring development approval.
- At the 25 July 2023 Ordinary Council Meeting (OCM) (Item 12.1) (Attachment 12.1.2), Council adopted a modified version of the applicant's Amendment for advertising.
- The Amendment was advertised from 14 September 2023 to 26 October 2023. During this period no submissions were received.
- At the 12 December 2023 OCM (Item 12.1), Council supported the advertised Amendment without modification and recommended it be approved by the Minister for Planning.
- The Amendment (Attachment 12.1.3) was subsequently submitted to the Western Australian Planning Commission (WAPC).
- The WAPC considered the Amendment and submitted its recommendation to the Minister for Planning. The Minister for Planning reviewed the Amendment and directed the City to modify and re-advertise the document.
- The modified Amendment (Attachment 12.1.4) was advertised from 12 September 2024 to 25 October 2024. During this period, one submission was received (refer to the Schedule of Submissions included as Attachment 12.1.5).
- It is recommended that Council do not support the modified Amendment, as it proposes land uses that do not align with the objectives of the 'Town Centre' zone and are premature without prior site-specific strategic planning.

Officer Recommendation

That Council:

- a) Pursuant to Regulation 50(3)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, do not support modified Amendment No. 21 to Local Planning Scheme No. 15 (Attachment 12.1.4), with a recommendation that the Amendment is refused by the Minister for Planning.
- b) Request the Chief Executive Officer advise the Western Australian Planning Commission that Council supports the original version of the Amendment which was endorsed at the 12 December 2023 Ordinary Council Meeting.

Location

The Amendment relates to the Belmont Town Centre as shown in Figure 1 below. The zoning of the subject lots and surrounding land is shown in Figure 2.

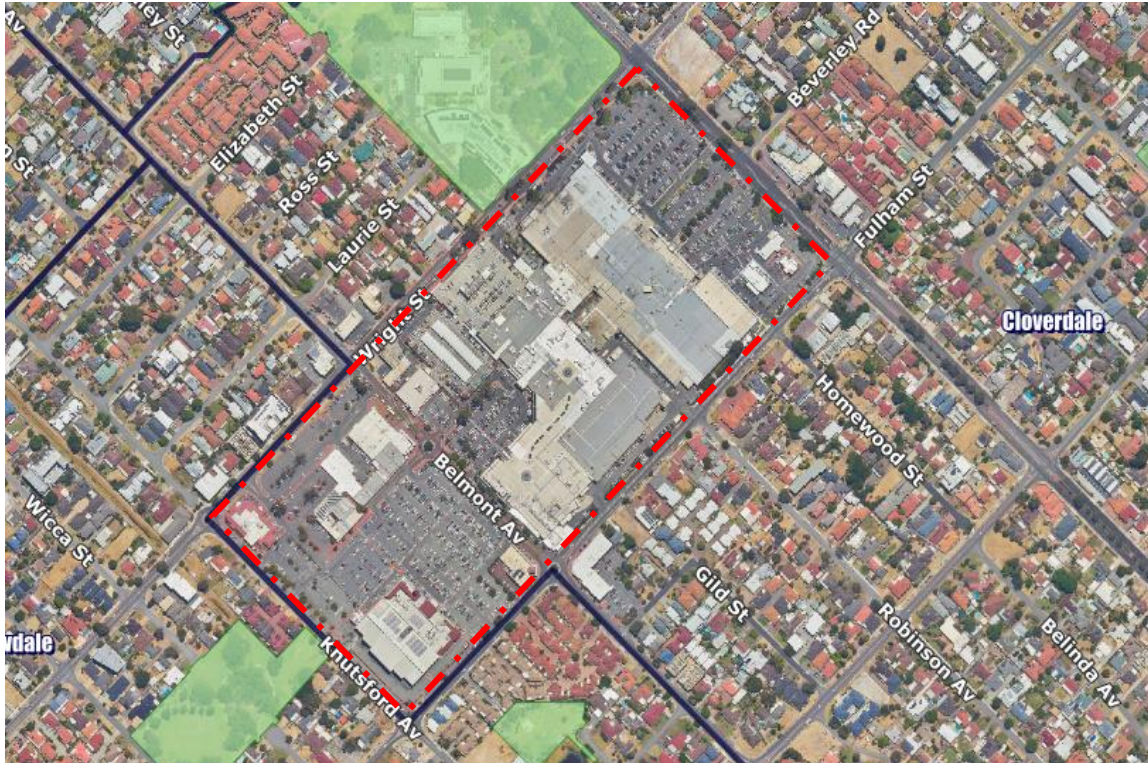


Figure 1: Location Plan - Town Centre outlined in red (Source: IntraMaps)

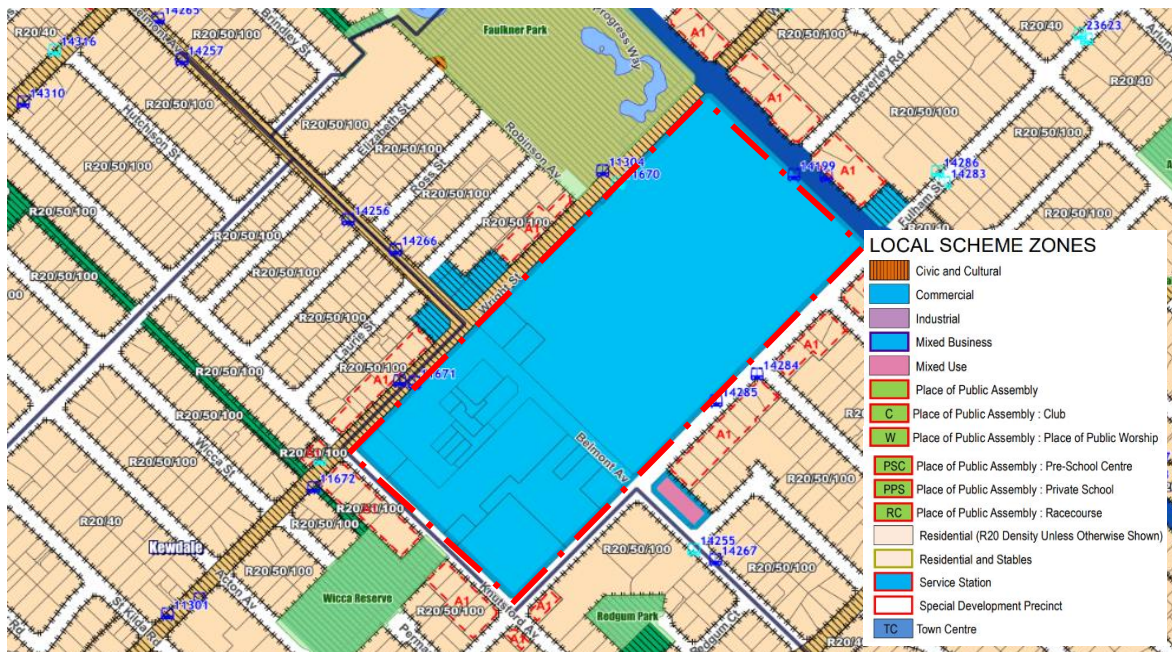


Figure 2: Existing zoning and reservation of land – Town Centre outlined in Red (Source: IntraMaps)

Consultation

The Minister's requested modifications to the Amendment were advertised for a period of 42 days from 12 September 2024 to 25 October 2024, in the following ways:

- The modified Amendment and public notice were displayed on the City's website.
- A notice was published in the 12 September 2024 edition of the PerthNow newspaper.
- A public notice was displayed at the Civic Centre for the duration of advertising.

One submission on behalf of the owner of Belmont Forum was received during the advertising period. Comments from the submitter are included in the Schedule of Submissions (Attachment 12.1). A response to these matters is included in the Report section.

Strategic Community Plan implications

In accordance with the 2024–2034 Strategic Community Plan:

Key Performance Area: Place

Outcome: 6. Sustainable population growth with responsible urban planning.

Key Performance Area: Prosperity

Outcome: 9. A progressive, vibrant and thriving economy with active participation in long-life learning.

Policy implications

State Planning Policy 4.2 – Activity Centres for Perth and Peel

State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP 4.2) guides the planning and development requirements of activity centres in the Perth and Peel region. Belmont Town Centre is the City's highest ranking activity centre and designated as a 'Secondary Centre' within the Policy. State Planning Policy 4.2 outlines the need for the preparation of precinct structure plans for secondary centres, which is further reinforced and supported by State Planning Policy 7.2 – Precinct Design (SPP 7.2).

The Amendment has been reviewed against SPP 4.2 to determine the appropriateness of the proposed modifications to land use permissibility.

State Planning Policy 7.2 – Precinct Design

State Planning Policy 7.2 identifies land use planning and design outcomes as important components in the design of precincts across the State. For activity centres, SPP 7.2 states that strategic planning should identify the Centre’s role, distribution, function and land uses in accordance with SPP 4.2. A precinct structure plan is identified as an appropriate method of guiding land use, density and development (including built form), access arrangements, infrastructure, environmental assets and community facilities.

City of Belmont Local Planning Strategy

The City’s Local Planning Strategy recognises the importance of sustaining the long-term viability of its commercial centres. The Strategy aims to enhance the Town Centre’s functionality by allowing the expansion of retail spaces and promoting redevelopment in a main street format. The amendment has been reviewed against the City’s Local Planning Strategy to determine the appropriateness of the proposed modifications to land use permissibility.

City of Belmont Activity Centre Planning Strategy

The City’s Activity Centre Planning Strategy (ACPS) guides the future planning and coordination of the City’s activity centres. The ACPS identifies Belmont Town Centre as a secondary centre and advocates for the preparation of a precinct structure plan to guide land use, built form, residential density, housing types, transport needs, and infrastructure, including public realm improvements. The ACPS includes an action to engage with landowners within Belmont Town Centre on the preparation of a precinct structure plan.

Statutory environment

Local Planning Scheme No. 15

The subject site is zoned ‘Town Centre’ under LPS 15. The ‘Town Centre’ zone has the following objective:

“The Town Centre and Commercial Zones are intended to provide for the retail commercial function and entertainment.”

Table 1 (Zoning Table) of LPS 15 sets out the permissibility of uses using the symbols of ‘P’, ‘D’, ‘A’, and ‘X’. The meaning of the symbols is listed below:

‘P’ Means the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.

- 'D' Means that the use is not permitted unless the local government has exercised its discretion by granting Development Approval.
- 'A' Means that the use is not permitted unless the local government has exercised its discretion by granting Development Approval after giving special notice in accordance with the provisions contained in Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) Schedule 2.
- 'X' Means a use that is not permitted by the Scheme.

Schedule 1 of LPS 15 includes land use definitions for each use listed in the Zoning Table. The relevant definitions relating to this Amendment are contained within Attachment 12.1.6.

Clause 3.5 of LPS 15 addresses Additional Uses and outlines that, regardless of the use class designation in the zoning table, land uses for areas specified in Schedule 2 are capable of approval, subject to the specific conditions being met. Currently, there are no Additional Uses applicable to the 'Town Centre' zone.

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme Amendments

Section 75 of the *Planning and Development Act 2005* provides for an amendment to be made to a local planning scheme. The procedures for such amendments, including public consultation requirements, are set out within Part 5 of the Regulations.

In accordance with Regulation 56 of the Regulations, the Minister for Planning has the authority to direct the City to modify a proposed local planning scheme amendment and require further advertising in line with Regulation 51.

Following advertising, the City must consider any submissions received as per Regulation 51(7). Following that, Council must pass a resolution in accordance with Regulation 50(3) to either:

- a) Support the amendment without modification; or
- b) Support the amendment with proposed modifications to address issues raised in the submissions; or
- c) Not support the amendment.

After passing a resolution, the modified amendment is required to be submitted to the WAPC for consideration before a final determination is made by the Minister for Planning.

Exemption from the Requirement to Obtain Development Approval

The Regulations exempt certain land uses from requiring development approval, provided the use has a 'D' permissibility in the zone and any relevant conditions are met.

Background

After reviewing the applicant's originally lodged Amendment, officers considered the following:

- Several proposed changes to land use permissibility could be supported as they were consistent with the objective of the 'Town Centre' zone.
- Some of the requested 'P' uses were not considered appropriate, however were considered suitable as a 'D' use. Under the Regulations, 'D' uses that meet the exemption criteria do not require approval, however, a development application is required if they do not.
- Two land uses could be supported as Additional Uses.
- Several land use permissibility changes were not supported, as they were not consistent with the objective of the 'Town Centre' zone or were already subject to the Regulations exemptions.

Having regard to the above, Council resolved to initiate a modified version of the applicant's amendment for public advertising at the 25 July 2023 OCM.

The modified amendment included the following:

1. Modify the Zoning Table in the Scheme Text to change the following use class permissibility's within the 'Town Centre' zone:
 - 'Cinema/Theatre' from an 'A' to a 'D'
 - 'Convenience Store' from an 'A' to a 'P'
 - 'Health Studio' from a 'D' to a 'P'
 - 'Private Recreation' from an 'X' to a 'D'
 - 'Restaurant/Café' from a 'D' to a 'P'
 - 'Shop' from a 'D' to a 'P'.
2. Introduce the following Additional Use within Schedule 2 of the Scheme Text:

No.	Location and Additional Uses
21	<p>Within the 'Town Centre' zone, the local government may approve the following additional uses:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash • Studio. <p>When considering development applications for the abovementioned land uses, the following requirements shall be met:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash uses shall be located within a multi-storey parking structure, screened from view and be limited to a maximum gross floor area of 200m². • Studio uses are to be integrated within the main shopping centre building and comprise a maximum work-room gross floor area of 30m².

3. Amend the Scheme Map to designate the 'Town Centre' zone as being subject to 'Additional Use 21' (A21).

No submissions were received on the Amendment during the advertising period.

At the 12 December 2023 OCM, Council supported the proposed Amendment without modification and recommended that the Amendment be approved by the Minister for Planning. The Amendment was submitted to the WAPC who made a recommendation to the Minister for Planning. The Minister for Planning then directed the City to amend the permissibility of the land uses outlined in the below table.

Land Use	Town Centre Zone Land Use Permissibility
Art Gallery	P
Cinema/Theatre	D
Consulting Rooms	P
Convenience Store	P
Education Establishment	A
Health Centre	P
Health Studio	P
Liquor Store – Small	P

Motel	A
Motor Vehicle Wash	A
Nursing Home	D
Private Recreation	D
Reception Centre	A
Restaurant/Café	P
Serviced Apartment	D
Shop	P
Studio	D

A comparison of the modified Amendment against the original Amendment is included as Attachment 12.1.7.

The Minister for Planning also directed the City to readvertise the modifications for 42 days, consider any submissions, pass a resolution, and submit the Amendment to the WAPC for final consideration.

The Amendment was modified and advertised from 12 September 2024 to 25 October 2024.

Report

The modified amendment introduces several significant land uses that are considered inconsistent with the objectives of the 'Town Centre' zone and require strategic planning to assess their suitability. While some aspects remain acceptable, when considered in its entirety, it is recommended that Council does not support the modified amendment.

Further details on these matters and the submitter's comments are discussed below.

Need for Strategic Planning

The Minister directed that the following land uses, which are currently designated as 'X' within the 'Town Centre' zone, be included in the modified Amendment:

- Education Establishment – 'A'
- Health Centre – 'P'
- Motel – 'A'

- Nursing Home – ‘D’
- Reception Centre – ‘A’
- Serviced Apartment – ‘D’.

The introduction of the above land uses is not supported for the following reasons:

- To assess their future suitability within the Town Centre zone, it is considered that formal strategic planning in the form of a precinct structure plan need to be undertaken first. Orderly and proper planning necessitates a coordinated approach to land use planning through the preparation of a precinct structure plan. It is considered that this is why SPP 4.2 outlines the need for the preparation of precinct structure plans for secondary centres, which is further reinforced and supported by SPP 7.2.
- Consistent with SPP 4.2, the City’s recently adopted Activity Centres Planning Strategy identifies the need for a precinct structure plan to be prepared to guide the future use and development of the Belmont Town Centre.
- The need for the preparation of a structure plan was first raised with the owners of Belmont Forum during the assessment of a development application for retail expansion, associated car parking, urban design treatments, landscaping, and façade works in 2015 and 2016.
- State Planning Policy 7.2 identifies land use planning and design outcomes as important components in the design of precincts across the State. For activity centres, SPP 7.2 states that strategic planning should identify the Centre’s role, distribution, function and land uses in accordance with SPP 4.2. The precinct structure planning process is identified as an appropriate method of guiding land use, density and development (including built form), access arrangements, infrastructure, environmental assets and community facilities.
- Regarding instances where a structure plan is not required, SPP 4.2 stipulates this is appropriate only when a precinct structure plan is unnecessary or when the local planning scheme includes sufficient built form controls in accordance with SPP 4.2, State Planning Policy 7.0 (SPP 7.0), and SPP 7.2. Neither LPS 15 nor the proposed amendment includes built form controls for building height, setbacks, or site coverage. Therefore, adequate built form controls are not in place to remove the need for a structure plan to establish these provisions for the proposed land uses.
- It is also considered necessary for a needs assessment to be prepared before the permissibility of ‘Education Establishment’, ‘Health Centre’, ‘Nursing Home’, ‘Serviced Apartment’ and ‘Motel’ is changed. This is particularly relevant given these uses do not align with the ‘Town Centre’

zone objectives as they do not provide a retail commercial or entertainment function.

- State Planning Policy 4.2 supports this approach and notes that a needs assessment should be prepared to inform precinct structure plans and scheme amendment proposals.
- In conjunction with the above, there are land use specific issues that require consideration, these are outlined below:
 - 'Educational Establishments' significantly vary in scale and operation. Previous experience with the use in other activity centres in the City of Belmont shows they can lead to significant impacts on parking supply, and functionality of other activity centre land uses.
 - 'Health Centres' significantly vary in scale and operation and require consideration on a case-by-case basis.
 - The car focused nature of 'Motels' is inconsistent with contemporary planning principles advocated for by SPP 4.2 which seek to reduce car dependency within activity centres. In addition, the introduction of a short stay land use is a significant change to the planning framework.
 - The introduction of 'Serviced Apartment' is a significant change to the planning framework that is not addressed by the City's Local Housing Strategy.
 - The WAPC's Position Statement – Residential Accommodation for Ageing Persons, clearly outlines the need for aged care facilities and independent living complexes to be delivered in the locations identified in the local strategic planning framework. The need for 'Nursing Homes' within the 'Town Centre' zone is not addressed or contemplated by the City's strategic planning framework.
 - While the 'Reception Centre' use could be consistent with the zone objective, the scale of this use and its integration with other town centre uses should be considered through the precinct structure planning process.

Given the above and in the absence of a precinct structure plan and built form controls for the Town Centre, it is not considered appropriate for the permissibility of several large scale and significant uses currently designated 'X' to be amended.

Additional Uses

Motor Vehicle Wash

The modified Amendment proposes changing the permissibility of 'Motor Vehicle Wash' from 'X' to 'A'.

The original Amendment proposed 'Motor Vehicle Wash' as an Additional Use, subject to the following controls being met:

- Located within a multi-storey parking structure and screened from view; and
- Limited to a maximum gross floor area (GFA) of 200m².

In consideration of the original Amendment, officers examined similar uses within activity centres and found them inappropriate for open-air parking areas or at a scale where they would become a dominant use. It was determined that the 'Motor Vehicle Wash' use should only be incidental to the function and operation of the Town Centre, allowing visitors to use the service as part of a broader trip.

Without these development controls, the City would have limited ability to manage the scale, location, and visual impact of such uses through the development application process.

Consequently, changing this use to 'A' without controls on size and location is not supported.

Studio

The modified Amendment proposes changing the permissibility of 'Studio' from 'X' to 'D'. The original amendment proposed keeping the use as 'X,' with additional use provisions requiring the use to:

- Be integrated within the main shopping centre building; and
- Comprise a maximum work-room GFA of 30m².

The 'Studio' use includes both an artist's work-room and gallery/sales area. While the gallery aspect aligns with the zone's objectives, there are concerns that unregulated workroom spaces could operate at a scale inconsistent with those objectives.

The additional use measures would limit the workroom size, ensuring the gallery/retail component remains the primary focus. Without such controls, officers would have limited ability to manage the scale and nature of the use within the 'Town Centre' zone. Therefore, designating this use as 'D' without built form controls is not supported.

Other Land Uses

Art Gallery

The modified Amendment proposes changing the permissibility of 'Art Gallery' from 'D' to 'P'. While 'P' uses are exempt from requiring approval if they comply with the local planning scheme, there are no specific parking requirements for this use under LPS 15. As a result, it is appropriate for a parking supply assessment to occur through the development application process. Given this, the proposed change to 'P' is not supported.

Consulting Rooms

The modified Amendment seeks to change the permissibility of 'Consulting Rooms' from 'D' to 'P'.

This use is already exempt under the Regulations, provided that no more than 60% of the ground floor window's glass surface is obscured. The Amendment does not propose to replicate this provision in the Scheme.

Therefore, if 'Consulting Rooms' were to become a 'P' use, the ability to require a maximum of 60% obscure glazing would be lost. This would lead to less desirable outcomes for engagement and activation at street level. Therefore, retaining the current 'D' designation is preferred.

Liquor Store – Small

The modified Amendment proposes changing the permissibility of 'Liquor Store-Small' from 'A' to 'P'. However, this use could have broader impacts on the surrounding community based on the City's evidence of alcohol-related harm, such as domestic violence and assaults in the locality.

Retaining the 'A' designation allows a proposal to be assessed having regard for social impacts of the development as specified under Clause 67(n)(iii) of the Regulations. This will ensure that matters raised by stakeholder input and social impacts are fully considered. Therefore, the proposed change to 'P' is not supported.

Submission on Behalf of the Owner of Belmont Forum Shopping Centre

A submission on behalf of the Belmont Forum Shopping Centre owner was received during the advertising period. The submission expressed support for the modified Amendment and suggested that the following uses should also be capable of approval in the 'Town Centre' zone:

- 'Hospital'

- 'Motor Vehicle, Boat, or Caravan Sales'
- 'Motor Vehicle Hire'
- 'Motor Vehicle Repair'
- 'Veterinary Centre'.

It is considered that 'Motor Vehicle, Boat or Caravan Sales', 'Motor Vehicle Hire', 'Motor Vehicle Repair', and 'Veterinary Centre' are unsuitable for the 'Town Centre' zone, as detailed in the report presented at the 25 July 2023 OCM (see Attachment 12.1.2).

As the proposed permissibility change to these uses were not included in advertising, this will be explored as part of the Local Planning Scheme review.

Officers will continue to liaise with the Belmont Forum Shopping Centre owners to facilitate their preparation of a precinct structure plan to guide the appropriateness of various uses.

Acceptable Aspects of the Amendment

While the modified Amendment, when considered in its entirety, is not supported, it is beneficial to outline acceptable aspects to guide the WAPC's consideration.

The following changes to land use permissibility are considered to align with the objectives of the 'Town Centre' zone and SPP 4.2:

- Cinema/Theatre from an 'A' to a 'D'
- Convenience Store from an 'A' to a 'P'
- Health Studio from a 'D' to a 'P'
- Recreation Private from an 'X' to a 'D'
- Restaurant/Café from a 'D' to a 'P'
- Shop from a 'D' to a 'P'.

Justification for each of these changes is included in Attachment 12.1.3.

Conclusion

When considered in its entirety, the modified Amendment is not supported.

While several elements align with the previously endorsed version and are acceptable, many proposed changes do not align with the objectives of the 'Town Centre' zone and SPP 4.2 or require prior strategic planning. The need for a lead strategic approach aligns with SPP 4.2, SPP 7.2, the City's Activity Centre

Planning Strategy, and the State’s planning reform agenda. Accordingly, it is recommended that Council does not support the modified Amendment.

Financial implications

There are no financial implications currently evident.

Environmental implications

There are no environmental implications associated with this report.

Social implications

There are no social implications associated with this report.

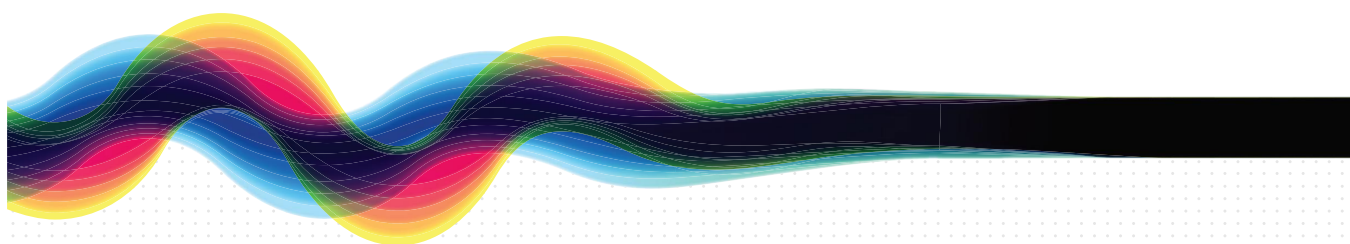
Attachment details

Attachment No and title	
1.	Applicant's request [12.1.1 - 48 pages]
2.	Ordinary Council Meeting 25 July 2023 Minutes [12.1.2 - 24 pages]
3.	Amendment Report [12.1.3 - 15 pages]
4.	Modified Amendment Report [12.1.4 - 17 pages]
5.	Schedule of Submissions [12.1.5 - 1 page]
6.	Land Use Definitions [12.1.6 - 2 pages]
7.	Amendment Comparison Table [12.1.7 - 1 page]

Belmont Town Centre – Modifications to Use Permissibility

Request to Amend the City of Belmont Local Planning
Scheme No. 15

January 2023 | 22-256



element.
the art and science of place

Attachment 12.1.1 Applicant's request

Belmont Town Centre – Modifications to Use Permissibility
Request to Amend the City of Belmont Local Planning Scheme No. 15

We acknowledge the Whadjuk people of the Noongar nation as traditional owners of the land on which we live and work.

We acknowledge and respect their enduring culture, their contribution to the life of this city, and Elders, past and present.

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Belmont Town Centre - Modifications to Use Permissibility
Request to Amend the City of Belmont Local Planning Scheme No. 15

Introduction

This report has been prepared by **element**, on behalf of Perron Group ('Perron'), to request the initiation of an amendment to the City of Belmont (the 'City') Local Planning Scheme No. 15 ('LPS 15') to facilitate and accommodate a mix of desirable and appropriate land uses within the existing Belmont Town Centre in Cloverdale. Perron are the owners of Belmont Forum Shopping Centre ('Belmont Forum') and are a significant stakeholder in the ongoing development and evolution of the Town Centre.

Specifically, this report requests that the City initiates an amendment to LPS 15 in respect of the following:

- Table 1 of LPS 15 to be amended in accordance with Table 1 of this report, to facilitate and accommodate a mix of desirable and appropriate land uses within the Belmont Town Centre.
- A restricted use table be added to LPS 15 in accordance with Table 2 of this report, to introduce additional development criteria in support of some of the proposed use permissibility changes.
- The LPS 15 scheme map to be amended in accordance with Appendix A of this report to create the restricted use area.

The proposed amendment to LPS 15 is considered to be consistent with orderly and proper planning as it is consistent with the aims of the relevant local planning scheme and relevant aspects of the State Planning Framework. The amendment will allow for the appropriate enhancement of land use diversity within Belmont Forum and the remainder of the Town Centre zone and provide improved resident access to services and amenities, consistent with the objectives of LPS 15.

This report outlines relevant planning and site considerations for the proposed amendment, which has been prepared with consideration to the applicable State and Local Planning Framework.

Pre-Lodgement Consultation

In formulating this local planning scheme amendment request, **element** has undertaken preliminary consultation with the City's Planning Services and refined the scope of the requested amendment accordingly.

Attachment 12.1.1 Applicant's request

Belmont Town Centre - Modifications to Use Permissibility
Request to Amend the City of Belmont Local Planning Scheme No. 15

Subject Site

Subject Site Description

The subject site for this scheme amendment request relates to an 18 hectare portion of land zoned 'Town Centre' around Lot 9 (No. 227) Belmont Avenue, Cloverdale which accommodates Belmont Forum. Belmont Forum is situated adjacent to the City's Civic and Cultural Centre and abuts a regional distributor road and local distributor road in Abernethy Road and Wright Street respectively.

Refer to Figure 1 – Location Plan

The subject site comprises of predominantly single storey commercial developments currently utilised for a range of retail, commercial and community uses. It is bound by Abernethy Road, Fulham Street, Knutsford Avenue and Wright Street with Belmont Avenue dividing the south west third of the subject site from the remainder. The subject site also incorporates multiple car parks with vehicle access being available via existing crossovers to all surrounding roads and internal driveways.

The subject site is currently serviced by a high frequency bus network utilising Wright Street, with other existing bus services along Fullham Street and Abernethy Road. These services provide direct public transport connectivity to the Perth CBD, Perth-Armadale Train Line and immediately surrounding suburbs.

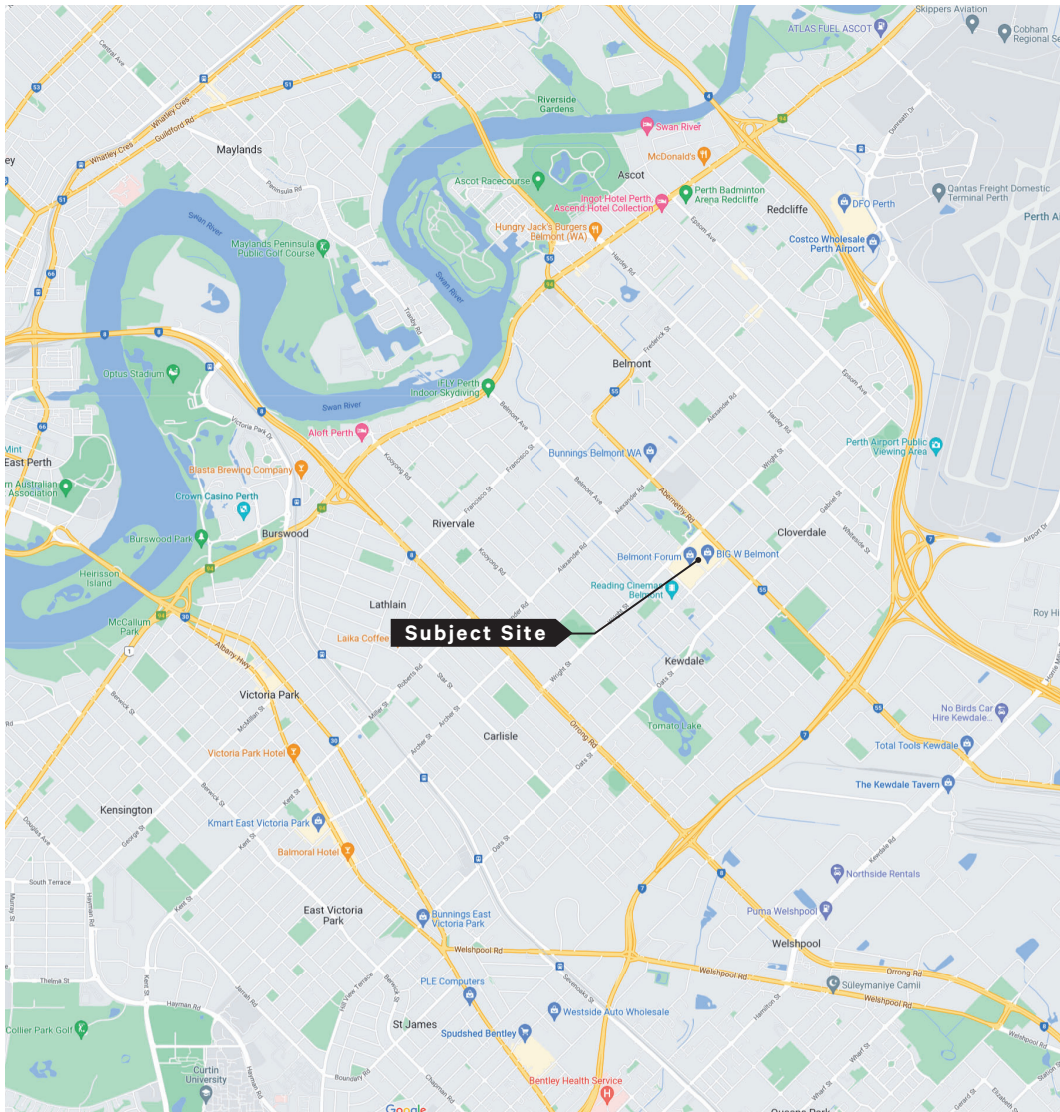
The suburban area surrounding the town centre is dominated by low and medium density residential typologies, with the exception of a number of residential properties with additional uses directly adjacent to the town centre zoned area. The residential area is zoned for medium density housing, contingent on the consolidation of fragmented land holdings, up to an R100 density. Individual lots or small pockets of lots surrounding the subject site are also intermittently zoned 'Mixed Use' or 'Commercial', likely reflecting legacy developments in the area. The relevance of the zoning of the subject site and surrounding area is further detailed in the LPS 15 section of this report.

Refer to Figure 2 – Aerial Plan

Refer to Figure 3 – Site Plan

Attachment 12.1.1 Applicant's request

Belmont Town Centre - Modifications to Use Permissibility Request to Amend the City of Belmont Local Planning Scheme No. 15



source: googlemaps

Figure 1. Location Plan



 Subject Site



source: apokfish

Figure 2. Aerial Plan

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Belmont Town Centre – Modifications to Use Permissibility
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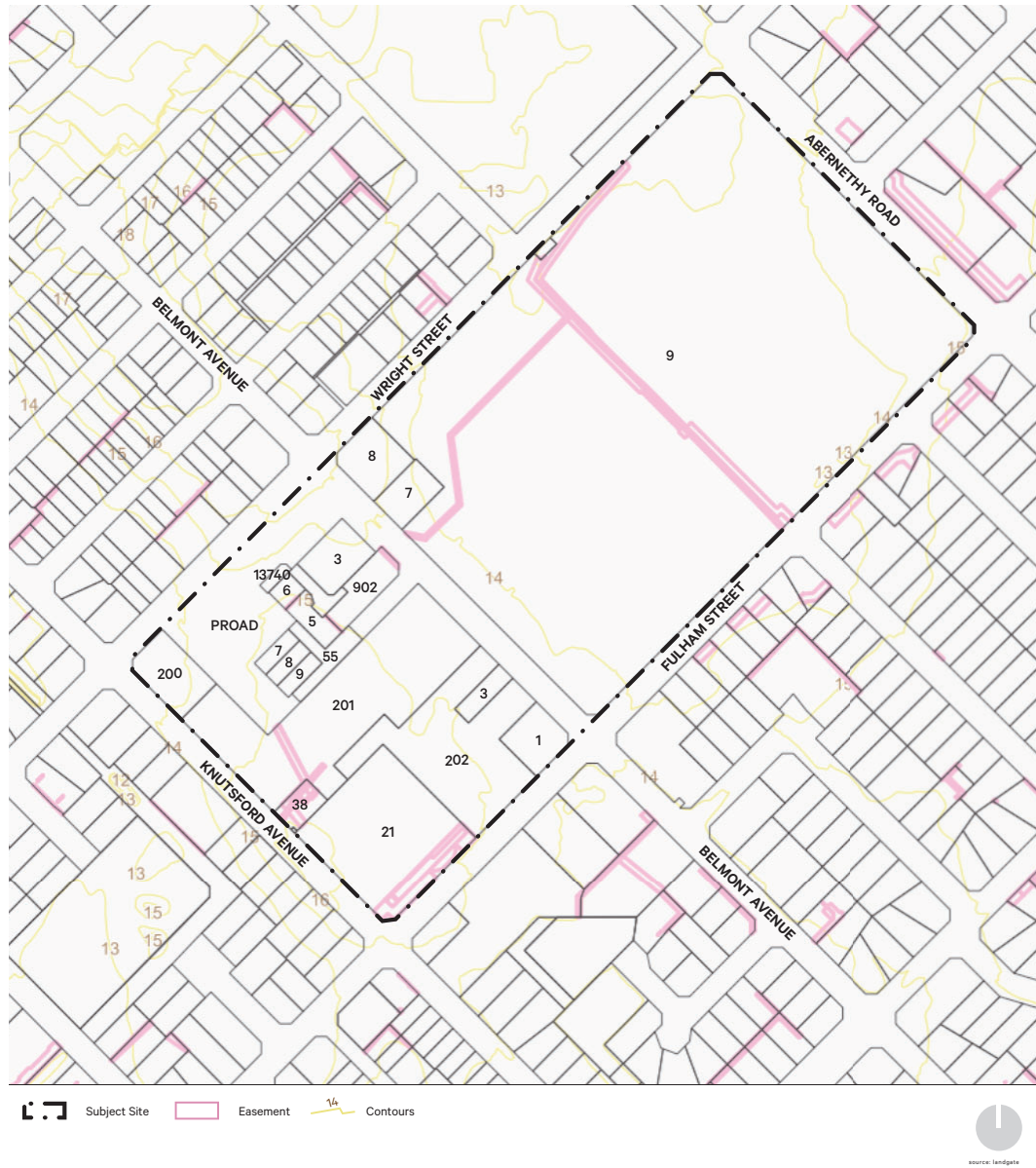


Figure 3. Site Plan

Environmental and Heritage Considerations

Bushfire Risk

A desktop search of the Department of Fire and Emergency Services ('DFES') 'Map of Bushfire Prone Areas' indicates that the subject site is not within a bushfire prone area.

Acid Sulphate Soils

The Department of Water and Environmental Regulation's ('DWER') online mapping database identifies a high to moderate risk of encountering acid sulphate soils within the subject site. No physical development is directly proposed as a consequence of this amendment request. The risk of acid sulphate soils is appropriately considered at the development application and construction stages of development.

Contaminated Sites

A desktop search of the DWER's Contaminated Sites Database indicates that the subject site contains one registered contaminated site which has been remediated for restricted use. The site, situated at Lot 8 (No. 223) Belmont Avenue, Cloverdale is registered as contaminated due to its long term use as a service station and the associated hydrocarbons (such as from petrol or diesel) being present in groundwater beneath the south-western portion of the site.

Heritage

A desktop search of the Australian Heritage Database, the Department of Planning, Lands and Heritage's ('DPLH') Aboriginal Heritage Inquiry System, the Heritage Council's State Heritage Register and the City's records indicates that there are no listings of local, State, national or Aboriginal heritage significance at the subject site.

Attachment 12.1.1 Applicant's request

Belmont Town Centre - Modifications to Use Permissibility
Request to Amend the City of Belmont Local Planning Scheme No. 15

Proposed Scheme Amendment

Overview of Amendment

This local planning scheme amendment request seeks to modify Table 1 of LPS 15 to facilitate and accommodate a mix of desirable and appropriate land uses within the Belmont Town Centre by amending the permissibility of a number of land uses within the Town Centre zone, as detailed below.

Table 1 – LPS 15 Table 1 Proposed Amendments

Use Classes	Zones									
	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Aged or Dependent Persons Dwelling	D	X	D	D	A	X	X	X	D	D
Amusement Facility	X	P	D	D	D	X	X	X	X	X
Amusement Parlour	X	P	X	D	D	X	X	X	X	X
Ancillary Dwelling	P	X	X	D	D	X	X	X	D	D
Art Gallery	X	DP	D	D	D	X	X	X	X	D
Auction Mart	X	X	X	A	D	D	X	X	X	X
Bed and Breakfast	D	X	X	A	X	X	X	X	A	A
Betting Agency	X	P	D	D	D	X	X	X	X	D
Car Park	D	D	D	D	D	D	D	D	D	D
Caravan Park	X	X	X	X	X	X	X	X	X	X
Caretaker's Dwelling	X	X	D	D	D	D	X	P	D	D
Child Care Premises	A	D	D	D	D	D	X	D	A	A
Child Family Day Care	D	X	X	D	D	X	X	D	D	D
Cinema/Theatre	X	AP	X	X	X	X	X	X	X	X
Civic Use	D	D	D	D	D	D	X	X	D	D
Club Premises	X	D	D	D	D	D	X	D	X	X
Community Home	D	X	X	D	D	X	X	A	X	D
Consulting Rooms	X	DP	D	D	D	D	X	A	X	A
Convenience Store	X	AP	X	A	X	X	A	X	X	A
Corrective Institution	X	X	X	X	X	X	X	X	X	X
Dog Kennels	X	X	X	X	X	X	X	X	X	X
Dry-Cleaning Premises	X	DP	D	D	D	D	X	X	X	X
Educational Establishment	A	XD	D	D	D	X	X	D	D	X
Exhibition Centre	X	D	D	A	A	X	X	A	X	A

Attachment 12.1.1 Applicant's request

Belmont Town Centre – Modifications to Use Permissibility
Request to Amend the City of Belmont Local Planning Scheme No. 15

Use Classes	Zones									
	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Fast Food Outlet/Lunch Bar	X	D	D	A	A	X	A	X	X	A
Fuel Depot	X	X	X	X	X	D	X	X	X	X
Funeral Parlour	X	X	X	D	D	D	X	X	X	X
Garden Centre	X	D	D	D	D	D	X	X	X	X
Grouped Dwelling	D	D	D	D	A	X	X	X	D	D
Health Centre	X	X P	X	D	D	D	X	X	X	X
Health Studio	X	D P	D	D	D	X	X	X	X	D
Holiday Accommodation	X	X	X	X	X	X	X	X	X	X
Home Business	D	D	P	P	D	X	X	X	D	D
Home Occupation	P	D	P	P	D	X	X	X	P	P
Home Store	A	X	X	D	D	X	X	X	A	D
Hospital	A	X A	X	A	A	X	X	X	X	X
Hotel	X	D	Z	D	A	X	X	X	X	A
Industry – General	X	X	X	X	X	D	X	X	X	X
Industry – Hazardous	X	X	X	X	X	X	X	X	X	X
Industry – Light	X	X	X	D	D	D	X	X	X	X
Industry – Noxious	X	X	X	X	X	A	X	X	X	X
Industry – Service	X	X	X	D	D	D	X	X	X	X
Laundromat	X	P	D	D	D	D	X	X	X	X
Liquor Store - Small	X	A P	D	A	X	X	X	A	X	A
Liquor Store – Large	X	A	A	X	A	X	X	X	X	X
Logistics Centre	X	X	X	X	A	D	X	X	X	X
Lunch Bar	X	P	D	D	D	D	X	X	X	D
Massage Parlour	X	D P	D	A	D	D	X	X	X	X
Medical Centre	X	D	D	D	D	D	X	X	X	A
Mining Operations	X	X	X	X	X	X	X	X	X	X
Mobile Phone Tower & Associated Facilities	X	D	D	D	D	D	X	D	X	A
Motel	X	X D	X	D	A	X	X	X	X	A
Motor Vehicle, Boat or Caravan Sales	X	X D	X	X	X	D	X	X	X	X
Motor Vehicle Hire	X	X D	X	X	X	D	X	X	X	X
Motor Vehicle Repair	X	X A	X	A	D	D	D	X	X	X
Motor Vehicle Wash	X	X D	X	X	X	D	D	X	X	X
Motor Vehicle Wrecking	X	X	X	X	X	X	X	X	X	X
Multiple Dwelling	D	D	D	D	A	X	X	X	X	D
Night Club	X	A	X	A	A	D	X	X	X	X
Nursing Home	D	X D	X	D	X	X	X	X	X	D
Office	X	D P	D	D	D	D	X	X	X	D

Use Classes	Zones									
	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Open Air Display	X	X	X	X	X	D	X	X	X	X
Pet Day Care	X	A	X	A	A	D	X	X	A	X
Private Recreation	X	X P	X	D	D	D	X	D	X	A
Place of Worship	X	A	X	A	D	X	X	D	X	X
Public Amusement	X	D	A	D	D	X	X	D	X	X
Radio or TV Installation	D	D	D	D	D	D	X	D	D	X
Reception Centre	X	X D	X	A	D	X	X	D	X	X
Residential Building	D	X	X	D	A	X	X	X	D	D
Restaurant/Café	X	D P	D	D	D	X	X	X	X	D
Restricted Premises	X	D	D	D	D	X	X	X	X	X
Salvage Yard	X	X	X	X	X	X	X	X	X	X
Service Station	X	A	X	A	X	X	D	X	X	X
Serviced Apartments	D	X P	X	D	A	X	X	X	X	D
Shop	X	D P	D	X	X	X	X	X	X	D
Showroom	X	D P	D	D	D	D	X	X	X	D
Single House	P	X	D	D	A	X	X	X	D	D
Small Bar	X	A	A	A	X	X	X	X	X	A
Stables	X	X	X	X	X	X	X	X	D	X
Studio	X	X P	X	D	D	D	X	X	D	D
Trade Display	X	X	X	X	X	X	X	X	X	X
Tavern	X	D	A	A	D	A	X	X	X	A
Telecommunications Infrastructure	P	P	P	P	P	P	P	P	P	P
Trade Supplies	X	X	X	X	D	D	X	X	X	X
Transport Depot	X	X	X	X	D	D	X	X	X	X
Truck Stop	X	X	X	X	D	D	X	X	X	X
Veterinary Centre	X	X A	A	A	D	D	X	X	A	X
Vet Consulting Rooms	X	D	D	D	D	D	X	X	D	X
Vet Hospital	X	X	X	A	D	D	X	X	A	X
Video Store	X	P	P	D	P	X	D	X	X	D
Warehouse	X	X	X	D	D	D	X	X	X	X
Waste Storage Facility	X	X	X	X	X	A	X	X	X	X

Attachment 12.1.1 Applicant's request

Belmont Town Centre – Modifications to Use Permissibility Request to Amend the City of Belmont Local Planning Scheme No. 15

As a result of some of the proposed use permissibility changes, additional development criteria are considered to be desirable and appropriate. The uses that require additional development criteria have been selected in consultation with the City and are proposed via a restricted use allocation (R.U.1) over the Town Centre Zone as displayed in Appendix A. A restricted use table, consistent with Cl.20 of the Model Provisions of the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations) is proposed to be added to LPS 15 and is provided as Table 2 below.

Refer to Appendix A – Local Planning Scheme No.15 Map Amendment

Table 2 – Proposed Restricted Use Table

No.	Description of Land	Restricted use	Conditions
R.U.1	All land bound by Wright Street, Abernethy Road, Belmont Avenue and Fulham Street, Cloverdale	<ul style="list-style-type: none"> • Hospital • Motel • Motor Vehicle, Boat or Caravan Sales • Motor Vehicle Hire • Motor Vehicle Repair • Office • Nursing Home • Reception Centre 	<p>a) Where development external from and separate to the shopping centre is proposed, the following development requirements will apply:</p> <p style="margin-left: 20px;">i. Separate buildings shall have a minimum of one (1) activated frontage which has:</p> <p style="margin-left: 40px;">1. Minimum one pedestrian opening; and</p> <p style="margin-left: 40px;">2. Minimum 50% glazing on the ground floor.</p> <p>b) Motor vehicle hire and motor vehicle, boat or caravan sales uses shall be located within the shopping centre building or other mixed use building, otherwise are restricted to a maximum floorspace of 2,500m².</p> <p>c) Nursing home and motel use developments must be a minimum of three (3) storeys in height.</p> <p>d) A development application for a veterinary centre or motor vehicle repair use must be accompanied by an acoustic assessment demonstrating the ability to achieve compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> (Noise Regulations) which may require restrictions on the permitted activities.</p> <p>e) Motor vehicle repair uses shall not be located directly abutting Belmont Avenue.</p> <p>f) Any reception centre use must be integrated with other multi-use development and cannot comprise a standalone building for a single use.</p>

Amendment Classification

The Regulations specify three different types of scheme amendments, being 'basic', 'standard' and 'complex'. Clause 35(2) of the Regulations requires a resolution of the local government specifying the type of amendment and the reasons for this classification.

A standard amendment is identified by the Regulations as meaning:

- a. an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b. an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c. an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- d. an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- e. an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- f. an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- g. any other amendment that is not a complex or basic amendment.

The proposed amendment is considered to be a 'standard' amendment for the following reasons:

- The proposed amendment relates to the Town Centre zone and is consistent with the objectives of this zone under LPS 15;
- The proposed amendment applies to the Town Centre zone and will have no impact on land in the scheme area not the subject of this amendment;
- The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- The proposed amendment will facilitate a greater mix of land uses within the City of Belmont's activity centres, in accordance with the Western Australian Planning Commission ('WAPC') State Planning Policy 4.2 – Activity Centres for Perth and Peel ('SPP4.2').

In light of the above, it is considered that the proposed amendment should be defined as a 'standard' amendment.

Supporting Justification and Information

The amendment seeks to align permissibility of relevant land uses within the commercially focussed Town Centre zone to be more consistent with comparable secondary centres within other local government areas and the strategic direction for such centres as provided within the State Planning Framework generally. In seeking to amend the permissibility of the land uses, the proposed scheme amendment will still provide the City with a high level of control over the establishment of such uses, requiring the City to exercise discretion in approving such developments within the Town Centre zone in the context of a range of relevant planning considerations.

The following section of this report provides additional information and justification for the uses proposed to be changed from an 'X' (not permitted) use to uses that are capable of approval in the Town Centre zone.

In addition to the below, a comparison has been provided at Appendix B which details the use permissibility of the uses proposed to be modified with comparable activity centres within the Perth Metropolitan Area. These comparisons have focused on contemporary planning frameworks where possible and demonstrate that the proposed use permissibility changes are consistent with the contemporary planning of activity centres of this nature.

Refer to Appendix B – Comparison of Use Permissibility in Comparable Activity Centres

Educational Establishment

The educational establishment use covers a range of potential tenants from simple training rooms which are fully internalised within a building to more active training centres which provide accessible services to the local community. The operation and built form associated with an education establishment use is largely indistinguishable from existing uses within the town centre such as a bank, consulting rooms, office or recruitment centre. Locating these training services in a central, accessible location such as the town centre is positive for the community.

Educational establishments are complementary to the Belmont Town Centre, bringing customers to the area for economic stimulus and generally in off peak times. On this basis the addition of the educational establishment use is not considered to have any notable adverse impact on vehicle movements or car parking requirements for the site.

Insight Training Morley

Insight Training offers nationally accredited diploma and certificate courses within the Morley Activity Centre. The courses cover a wide range of subject matter and industries and provide training for people at all stages of their career. The training centre is located on the first floor of a mixed use building, demonstrating the versatility to locate within or outside of the Belmont Forum Shopping Centre.



Figure 4. Insight Training Morley

Attachment 12.1.1 Applicant's request

Belmont Town Centre – Modifications to Use Permissibility
Request to Amend the City of Belmont Local Planning Scheme No. 15

Health Centre

A health centre use is not a listed use pursuant to the Model Provisions of the Regulations and is therefore considered unlikely to be included in the next local planning scheme prepared by the City. Notwithstanding, the timeframe for the preparation of a new local planning scheme for the City is not certain and may be subject to unexpected delays. In order to facilitate the consideration of uses which may be most appropriately classified as a health centre prior to the preparation and gazettal of a new local planning scheme, modification of the use permissibility of a health centre within the Town Centre zone is considered to be appropriate.

Prohibiting health centre uses in this location is likely a legacy issue associated with previous X-ray technology. It is unclear why else it would not be permitted in the Town Centre zone. This use is now safe and the community will benefit from improved access to medical services.

Notable examples of similar uses in comparable activity centres are summarised as follows:

- Clinipath Pathology, Success
- Clinipath Pathology, Armadale
- DAB Radiology, Armadale
- Capital Radiology, Booragoon

Hospital

Contemporary hospitals now take different forms and can be designed vertically within a small building footprint or be consistent with the typical size of a medical centre despite being defined as a hospital. Pursuant to LPS 15, a hospital is defined as:

means premises used as a hospital as defined in the Hospitals and Health Services Act 1927 section 2(1);

Pursuant to the *Hospitals and Health Services Act 1927*, the definition of hospital is referred to the *Health Services Act 2016* which defines hospital, day hospital facility and nursing post as follows:

Hospital

Each of the following premises is a hospital for the purposes of this Act —

- a) premises where medical, surgical or dental treatment, or nursing care, is provided for ill or injured persons and at which overnight accommodation may be provided; and*
- b) a day hospital facility; and*
- c) a nursing post.*

Day Hospital Facility

means premises that are not attached to, or are set apart from, premises mentioned in subsection (4)(a), being premises at which —

- a) persons are provided with a health service determined by the Minister under subsection (2); and*
- b) overnight accommodation is not provided;*

Nursing Post

means a place at which a nurse is stationed and at which facilities exist for medical attention but which is not normally used for overnight accommodation of patients.

Based on the above, a range of small or large medical facilities which don't necessarily need to cater for overnight patients may be considered as a hospital pursuant to LPS 15.

A contemporary hospital, particularly where highly specialised services are offered, may have a very different built form to the typical regional scale development associated with the term. These types of facilities may be appropriate in activity centre locations and should not be prohibited. A medical facility of this nature would provide additional services and amenities to the local community as well as employment opportunities for the wider area.

The hospital use also has the potential to be combined with other desirable uses such as a hotel within the Belmont Town Centre. Medi-hotels are becoming more common around the world and often include a vertical built form which is appropriate to commercial centres.

This use is considered to be appropriate in a contemporary secondary centre six kilometres from the Perth CBD.

The Belmont Town Centre is the most appropriate location within the City's municipality for uses of this nature. This amendment has the potential to increase the Belmont community's access to highly valuable specialised medical services such as an overnight mental health clinic or treatment centre.

The nature of the development of any future use and the associated built form can be reviewed and assessed by the City and Council prior to any development being approved or progressed.

Cockburn Mental Health Hospital – Cockburn Central West

Stage 1 of the Bethesda Health Care Mental Health Hospital features 40 overnight beds, a mental health and wellbeing centre and consulting suites. Located in the comparable secondary centre of Cockburn Central, this mental health hospital demonstrates the potential to locate comparable developments in the Belmont Town Centre.



Figure 5. Cockburn Mental Health Hospital, Cockburn Central West

Montserrat Short Stay Hospital – Murdoch

The Montserrat Short Stay Hospital currently under construction opposite Murdoch Train Station is an exemplary example of a hospital being combined with an accommodation use. Although located adjacent to a larger medical precinct, Montserrat runs a number of facilities that are not co-located in the same manner such as the Westside Private Hospital in Queensland.



Figure 6. Murdoch Square

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Westminster Day Surgery

The Westminster Day Surgery is a same day hospital service located within an existing retail and service activity centre. A range of medical services are offer, aimed at the surrounding local community and providing an alternative to large hospitals. The built form in this example is appropriate to an activity centre and demonstrates that the use could be integrated into a multi-use building.



Figure 7. Westminster Day Surgery

Motel

A well-designed motel has the potential to be an asset to the town centre, bringing tourists to an appealing, active location within close proximity of the Perth CBD and Perth Airport. Providing the option of vehicle parking for guests within an appropriate built form will not compromise the amenity and utility of the Belmont Town Centre and provides market flexibility in a location which isn't directly connected via rail to Perth Airport or the Perth CBD.

Motor Vehicle, Boat or Caravan Sales

Consumer habits related to purchasing vehicles are changing, with a focus on technology, customisation and online sales. Facilities in accessible, inner city locations are becoming more viable as companies convert their sales models to smaller facilities. These sales centres are focused on the consumer experience, allowing for customers to view a range of vehicles and test drive them at the same time in a showcase type environment. These facilities are an asset to a town centre or shopping centre and are emerging as the norm around Australia and the world.

A motor vehicle sale tenancy would be a unique anchor or draw card to the Belmont Town Centre, supporting a greater mix of land uses which reflect the future contemporary nature of the centre.

The typology and built form of a motor vehicle sales tenancy in the Belmont Town Centre would not be consistent with what currently exists in Perth. As detailed in the restricted use provisions, the tenancy is intended to locate within a shopping centre or other mixed use building and displays a minimal number of cars in a showcase environment and which are not sold directly from that tenancy. Any external or standalone motor vehicle sale tenancy is proposed to be limited in size to encourage the above outcomes.

Examples of these facilities have been provided to demonstrate what can be achieved with this land use in a centre context. The below typologies demonstrate the positive impact a use such as this could have on the Belmont Town Centre without any detrimental built form causing adverse amenity impacts. The City will also maintain control of the built form associated with any proposal, ensuring quality and design are at the forefront of any development.

Auto Mall West, Indooroopilly Shopping Centre, Queensland

The Auto Mall West which recently opened at Indooroopilly Shopping Centre provides a range of automotive services to meet customer automotive needs, including servicing, maintenance and car shopping for brands such as Porsche, Jaguar and Land Rover. The tenancy is split over three levels and features a service centre, children's play area and café. This is a destination tenancy for the area and is the quality and innovation which Belmont Town Centre should be aiming for when planning for future development.



Figure 8. Auto Mall West, Indooroopilly Shopping Centre

Mercedes Me – Melbourne, Victoria

The Mercedes Me store is located on Collins Street in Melbourne, a well-known retail and entertainment precinct. The store brings together luxury cars and designer furniture as well as being a café destination and co-working space. The Mercedes Me store in Melbourne is one of eleven around the world and demonstrates the future of vehicle sales and marketing.

In addition to the above, the following examples of motor vehicle sale tenancies around Australia and internationally have been identified for reference:

- Tesla Chadstone – Chadstone Shopping Centre, Melbourne, Victoria
- Car Expert Centre: Westfield Warringah Mall, New South Wales
- Motome by Macquarie – Westfield Hornsby Shopping Centre, New South Wales
- Polestar London – Westfield London, United Kingdom
- Nissan City Hub – Westfield Vélizy 2 Shopping Centre, Paris, France
- Ancaster Hyundai – Bluewater Shopping Centre, Kent, United Kingdom
- MG Motor – Westfield Mall of the Netherlands
- Toyota – West Edmonton Mall, Canada (proposed new facility)
- China – JLL reported in February 2021 that there were over 40 electric vehicle showrooms in Beijing shopping malls and another 30 in Shanghai shopping malls. They also stated “Geely’s Polestar announced in June last year that it plans to open another 20 mall showrooms in 17 cities across China. Meanwhile, Nio last September opened a stunning two-storey showroom called Nio House in Raffles City mall in Chongqing. The 1,490 square-meter space boasts a library, café, and view of the surrounding river and the city”.

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Figure 9. Mercedes Me – Melbourne

Motor Vehicle Hire

Related to the above, contemporary motor sales centres typically offer short or long term rentals of their high end vehicles. Providing these services in a central and accessible location will benefit the existing community and visitors to the Belmont Town Centre. The majority of examples provided above also provide the option to hire vehicles following a viewing and discussion in store.

A motor vehicle hire use is not a listed use pursuant to the Model Provisions of the Regulations and is therefore considered unlikely to be included in the next local planning scheme prepared by the City. Notwithstanding, the timeframe for the preparation of a new local planning scheme for the City is not certain and may be subject to unexpected delays. In order to facilitate uses which may be most appropriately classified as motor vehicle hire prior to the preparation and gazettal of a new local planning scheme, modification of the use permissibility of the motor vehicle hire use within the Town Centre zone is considered to be appropriate.

Motor Vehicle Repair

Motor vehicle repair or service centres are commonly located within shopping centre car parks and town centres within the Perth Metropolitan Area. These service uses are largely incidental to the shopping centre use with customers of the shopping centre organising for their vehicle to be serviced while they use the shopping centre.

The use can be controlled to provide vehicle servicing arrangements which do not impact on the amenity of nearby sensitive land uses and therefore it should be capable of approval. In order to facilitate appropriate arrangements, it is recommended that proposals for motor vehicle repair uses be required to undertake an acoustic assessment as a part of the development application process. The acoustic assessment can determine the services permitted to be undertaken within the future development.

The following businesses are examples of motor vehicle repair uses in activity centres in the Perth Metropolitan Area.

- mycar Tyre and Auto – Westfield Booragoon Shopping Centre
- mycar Tyre and Auto – Lakeside Joondalup Shopping Centre
- Auto Masters – The Square Mirrabooka Shopping Centre
- mycar Tyre and Auto – Belmont Town Centre
- mycar Tyre and Auto – Banksia Grove Shopping Centre
- mycar Tyre and Auto – Wanneroo Central Shopping Centre
- mycar Tyre and Auto – Kardinya Park Shopping Centre
- mycar Tyre and Auto – Armadale Shopping City
- mycar Tyre and Auto – Rockingham Central Shopping Centre

element.

- mycar Tyre and Auto – Stockland Baldivis Shopping Centre
- mycar Tyre and Auto – Ocean Keys Shopping Centre
- mycar Tyre and Auto – Westfield Innaloo Shopping Centre
- mycar Tyre and Auto – Westfield Carousel Shopping Centre
- Auto Masters – Armadale Central Shopping Centre
- Auto Masters – Perth CBD



Figure 10. mycar Tyre and Auto, Wanneroo Central Shopping Centre

Motor Vehicle Wash

A motor vehicle wash is a common service provided to customers in town centre and shopping centre locations. The use is considered to be intrinsically linked to the shopping centre by providing the existing customer base with an additional convenient service. The built form component of a car wash is minor and often integrated in nature and the traffic generation negligible due to the reciprocal use of the facility by customers visiting the shopping centre.

The following businesses are examples of motor vehicle wash uses in activity centres in the Perth Metropolitan Area.

- Star Car Wash – Cockburn Gateway Shopping City
- Silver Sponge Hand Car Wash - Westfield Booragoon Shopping Centre
- A-Star Hand Car Wash and Detailing – Melville Plaza Shopping Centre
- Star Car Wash – Southlands Boulevard Shopping Centre
- Mega Hand Car Wash – Livingston Marketplace Shopping Centre
- Silver Sponge Car Wash – Warwick Grove Shopping Centre
- Star Car Wash – Westfield Whitford City Shopping Centre
- Star Car Wash – Midland Gate Shopping Centre
- Silver Sponge Car Wash – Hawaiian's Park Centre
- Sparklers Hand Car Wash – Rockingham Shopping Centre

Refer to Figure 11 – Star Car Wash, Cockburn Gateway Shopping City

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Figure 11. Star Car Wash, Cockburn Gateway Shopping City

Nursing Home

Nursing homes should be located in close proximity to services and amenities including health services and shops. The Belmont Town Centre is an ideal location for aged care facilities and could provide a desirable diversity of accommodation as the centre moves to the desired mixed use typology. A nursing home will help to activate and stimulate the town centre, increasing both residents and visitors in close proximity to the dining and entertainment area.

The below example is of a contemporary aged care facility which demonstrates what could be achieved in Belmont.

The Queenslea, Claremont

The Queenslea in Claremont was developed by Oryx and provides a mixture of aged care offerings. The facility provides intergenerational services including child care, aged care and independent elderly living. It is centrally located to the Claremont Town Centre and train station and aligns with surrounding residential developments. The high-quality built form is consistent with what the Belmont Town Centre should be aspiring to and facilitating this use within the town centre will provide opportunities for development that caters to the needs of an ageing population into the future.



Figure 12. The Queenslea, Claremont

Private Recreation

Private recreation uses are likely and necessary in the Belmont Town Centre location in order to create a destination where the community want to spend time and recreate as opposed to simply visit for shopping purposes. The exemption provided under the Regulations does not apply to this use in the Belmont Town Centre as it is an X (prohibited) use. This situation does not reflect the State-wide understanding that these uses are appropriate in centre-based locations. On this basis the listing of this use as an 'X' (prohibited) use in the City's highest order activity centre is inconsistent with State level planning principles and is considered to be an anomaly.

In addition, the floorspace cap provided under the Regulations is insufficient to support the likely tenancies required for the Belmont Town Centre which have the potential to be in the order of 1,000 – 3,000m² in area. The built form of a larger facility would be considered via a development application but should not impact the permissibility of the use. Similarly, if a 3,000m² private recreation use can be contained within an existing tenancy within Belmont Forum or the surrounding buildings with no external works, planning approval should not be required.

Private recreation and entertainment uses are becoming more prevalent in activity centres and are the future of these experiential centres as they move away from solely providing retail services. The following examples demonstrate what can be achieved in the Belmont Town Centre by changing the permissibility of this use.

Strike Bowling and Holey Moley – Westfield Carousel, Cannington

Westfield Carousel in Cannington hosts an active food and beverage precinct which is anchored by key entertainment uses in the form of cinemas, Strike Bowling and Holey Moley. These recreational uses cater to customers of all ages and compliment the food and beverage precinct during the day and at night. The uses are located on above ground levels and far exceed the floorspace exemption provided by the Regulations.

These entertainment uses provide insight into the future of the food, beverage and entertainment potential for the Belmont Town Centre and demonstrate the opportunities to provide after-hours activation and to shift the activity centre to an experiential destination beyond just a retail offering.

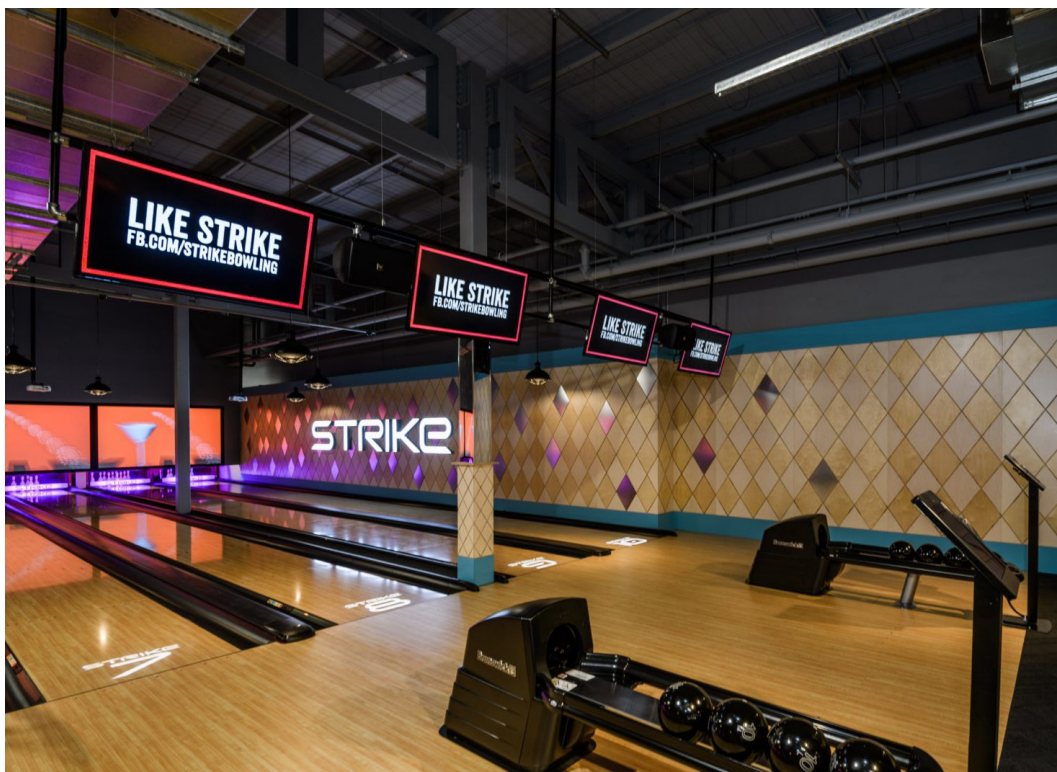


Figure 13. Strike Bowling, Westfield Carousel, Cannington

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Figure 14. Holey Moley, Westfield Carousel, Cannington

Strike Bowling, Escape Rooms, Laser Tag and Karaoke – Karrinyup Shopping Centre

The recent redevelopment of Karrinyup Shopping Centre is another example of the increased inclusion of private recreation uses in an activity centre. Again, these uses provide after-hours activation, support the food and beverage precinct and contribute to the creation of a differentiated destination for the community. These uses should be encouraged wherever possible within the Belmont Town Centre.

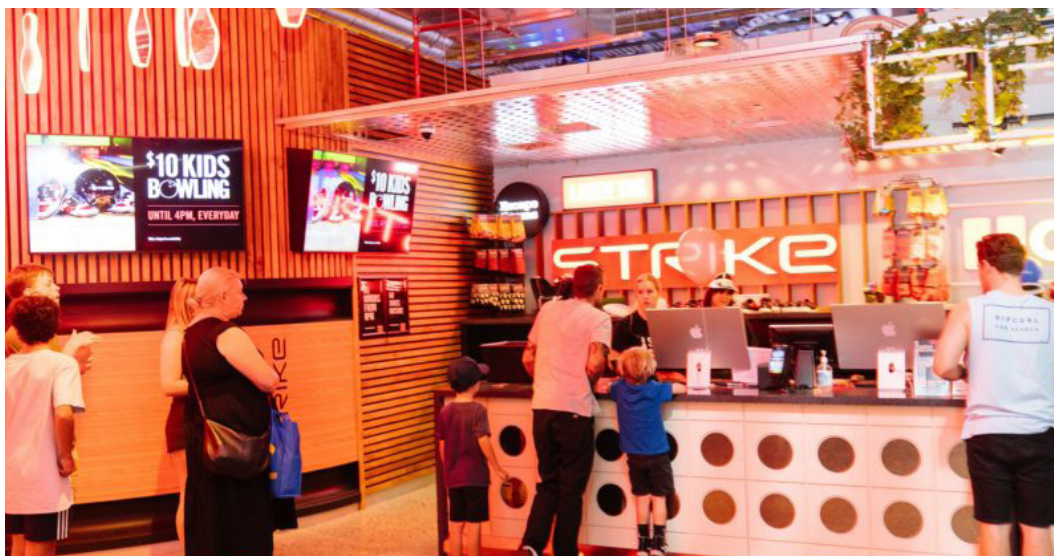


Figure 15. Strike Bowling, Karrinyup Shopping Centre

Reception Centre

The reception centre use provides for a facility which hosts formal occasions. As the Belmont Town Centre evolves and grows to include a mix of land uses and accommodation types, the option for a reception centre will be important. Within the City's municipality, the town centre is a primary meeting place and therefore an appropriate location for a reception centre. A facility such as this would not ideally be developed in a standalone setting but may contribute to a mixed use development in the town centre. This use represents an opportunity for the City to provide a different offering to typical activity centres in the Perth Metropolitan Area and create a destination that caters to a wide range of community needs.

Serviced Apartments

Serviced apartments should be located in close proximity to services and amenities and in close proximity to attractions such as the Perth CBD, Swan River, Perth Airport and major recreation facilities. The Belmont Town Centre is an ideal location for serviced apartments which would provide a diversity of accommodation as the centre moves to the desired mixed use typology. Serviced apartments could also bring both business visitation and tourism investment to the area, supporting local businesses.

Providing more flexibility for uses such as serviced apartments will make the desired built form of mixed use buildings with multistorey elements more achievable in the Belmont Town Centre. This will become more necessary and viable in the town centre as the area transitions to a higher density, mixed use typology.

Contemporary examples of serviced apartments with a vertical built form within or adjacent to key activity centres include:

- Quest Apartments – Joondalup
- Quest Apartments – Midland



Figure 16. Quest Apartments, Joondalup

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Studio

A studio provides options to landowners in the Belmont Town Centre to support a range of emerging or established creatives in a manner that would not have any adverse amenity impacts from a planning perspective. The town centre is a high pedestrian traffic, accessible location which would readily and desirably support studio uses.

A studio would likely locate as a small filler tenancy within an existing building and would be unlikely to have any external visual or other impact on the town centre.

A studio use is not a listed use pursuant to the Model Provisions of the Regulations and is therefore considered unlikely to be included in the next local planning scheme prepared by the City. Notwithstanding, the timeframe for the preparation of a new local planning scheme for the City is not certain and may be subject to unexpected delays. In order to facilitate uses which may be most appropriately classified as a studio prior to the preparation and gazettal of a new local planning scheme, modification of the use permissibility for studio uses within the Town Centre zone is considered to be appropriate.

Examples of tenancies that may be classified as a studio pursuant to LPS 15 within existing activity centres include:

- Studio 124 – Cottesloe
- Faire and Co – Kalamunda City Shopping Mall



Figure 17. Studio 124, Cottesloe

element.

Veterinary Centre

A veterinary centre provides a service to the immediate community and should therefore be located in a central and readily accessible area. The Belmont Town Centre is appropriate for a veterinary centre as the residential population within the town centre and surrounds grows into the future. A contemporary veterinary centre can be a relatively small tenancy and remain compatible with other activity centre uses without conflict. It is recommended an acoustic assessment be required to accompany any development application for a veterinary centre to confirm that compliance with the applicable Noise Regulations can be achieved.

Contemporary examples of veterinary centres within activity centres include:

- Vetwest Animal Hospital – Cockburn Gateway Shopping City
- Little Pet Vet – Bentley Plaza Shopping Centre
- Family Vet Centre – Bentley Plaza Shopping Centre
- Kingsway Veterinary Centre – Kingsway City Shopping Centre
- Warwick Veterinary Hospital – Warwick Grove Shopping Mall



Figure 18. Warwick Veterinary Hospital, Warwick Grove Shopping Mall

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Permissibility Changes to Uses Capable of Approval

Permissibility changes are proposed for the following use classes which are already capable of approval within the Town Centre zone. Table 3 provides justification for the changes which generally seek to remove unnecessary red tape where no built form development component is proposed. This is considered to be consistent with the State level planning initiative to remove red tape and simplify the planning system. The majority of these permissibility changes are consistent with contemporary local planning schemes for inner-city local governments in the Perth Metropolitan Area.

Table 3 – Use Permissibility Change Justification

Use Class	Comment
Art Gallery	The art gallery land use provides options to landowners in the Belmont Town Centre to support a range of emerging or established artists in a manner that does not have any adverse amenity impacts from a planning perspective. The town centre is a high pedestrian traffic, accessible location which should support art galleries. This use should not require the discretion of the City / Council to operate in the Town Centre zone.
Cinema / Theatre	The cinema / theatre land use is appropriate within the Town Centre zone and will service the everyday entertainment needs of the local and visiting population. There is no debate from a planning perspective as to whether this use is appropriate in the Town Centre zone and it is unclear what assessment the City would undertake if presented with a change of use development application with no built form component. As this use has a highly specific built form requirement, it is likely that any proposal will require a development application and the City can assess the built form of any such proposal as required.
Consulting Rooms	This use is exempt from the requirement for planning approval under Schedule 2, Clause 61 of the Regulations. As such, it is proposed that the consulting rooms use be changed to a 'P' use class with no additional requirements.
Convenience Store	This use is exempt from the requirement for planning approval under Schedule 2, Clause 61 of the Regulations. As such, it is proposed that the convenience store use be changed to a 'P' use class with no additional requirements.
Dry Cleaning Premises	A dry cleaning premises is an appropriate use within the Town Centre zone and will service the everyday needs of the local population. The restriction on this use permissibility is considered to be a legacy issue from when a dry cleaning premises required harmful chemicals and was more akin to an industrial use. As such, it is proposed that the dry cleaning premises use be changed to a 'P' use class with no additional requirements. This use should not require the discretion of the City / Council to operate in the Belmont Town Centre.
Health Studio	Health studio uses can provide desirable health and recreation service to the Belmont Town Centre and are consistent with the land uses contemplated for centres under SPP 4.2. A health studio does not have any adverse amenity impacts on the surrounding public realm or adjoining land uses and therefore it is not necessary to require planning approval for the use.
Liquor Store - Small	This use is exempt from the requirement for planning approval under Schedule 2, Clause 61 of the Regulations. In order to make LPS 15 consistent with the State planning framework, this use should be modified to a 'P' use in the Town Centre zone with no additional requirements.
Massage Parlour	The massage parlour use is consistent with a shop or consulting room tenancy and does not pose any adverse amenity impact concerns on the surrounding public realm or adjoining properties. On this basis it is not necessary to require planning approval for the commencement of this use in the Belmont Town Centre. Such uses should not require the exercise of discretion to operate in the town centre. It is noted that the permissibility of this use was recently amended, previously being an 'X' (prohibited) use in the Town Centre zone. During that process the Department of Planning, Lands and Heritage ('DPLH') noted it would likely be appropriate to change the permissibility to 'P' as opposed to the proposed designation as a 'D' use. This was not modified at the time due to a desire to expedite the amendment process but is being proposed now as it is still considered to be appropriate.
Medical Centre	The medical centre land use is appropriate for the Town Centre zone and can provide an essential service in an accessible location. The operation of the medical centre use is consistent with other uses in the Town Centre zone, does not generate a significantly different amount of traffic and is largely compatible with and reciprocal to other uses in the shopping centre. This use should not require the exercise of discretion to operate in the town centre. It is noted that the permissibility of this use was recently amended, previously being an 'X' (prohibited) use in the Town Centre zone. During that process the DPLH noted it would likely be appropriate to change the permissibility to 'P' as opposed to the proposed designation as a 'D' use. This was not modified at the time due to a desire to expedite the amendment process but is being proposed now as it is still considered to be appropriate.

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element.

Use Class	Comment
Office	This use is exempt from the requirement for planning approval under Schedule 2, Clause 61 of the Regulations. In order to make LPS 15 consistent with the State planning framework, this use should be modified to a 'P' use in the Town Centre zone with no additional requirements.
Restaurant / Café	This use is exempt from the requirement for planning approval under Schedule 2, Clause 61 of the Regulations. In order to make LPS 15 consistent with the State planning framework, this use should be modified to a 'P' use in the Town Centre zone with no additional requirements.
Shop	This use is exempt from the requirement for planning approval under Schedule 2, Clause 61 of the Regulations. In order to make LPS 15 consistent with the State planning framework, this use should be modified to a 'P' use in the Town Centre zone with no additional requirements.
Showroom	Showroom uses are considered to be appropriate within activity centres such as Belmont Forum as contemplated under SPP 4.2. In contemporary activity centres showrooms are common in shopping centres and can still provide an active frontage to an internalised environment or externally to the street. As such, it is proposed that the showroom use class be changed to a 'P' use class with no additional requirements.

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Belmont Town Centre - Modifications to Use Permissibility
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Strategic Planning Framework and Assessment

Perth and Peel @ 3.5 Million

Perth and Peel @ 3.5 Million is the guiding document for the WAPC's high level strategic planning for the Perth and Peel Regions. It builds on Directions 2031 as well as the State Planning Strategy 2050, responding to challenges with a long term growth strategy for land use and infrastructure.

The Perth and Peel @ 3.5 Million suite of documents have been developed in order to set out a coordinated strategy to spatially accommodate a substantially increased population over several sub-regions. It aims to achieve a more consolidated urban form to meet long-term housing needs and to strengthen key activity centres and employment nodes as the Perth and Peel population grows to 3.5 million. The subject site is located in the 'Central Sub-Region' within which the strategy acknowledges the importance of minimising the impact of urban consolidation on existing suburbs and improving access to amenities and employment whilst retaining the existing character of these areas.

The proposed amendment is consistent with the objectives of Perth and Peel @ 3.5 Million as it aims to consolidate appropriate land uses within an established activity centre to provide increased employment opportunities and improved access to services. Additionally, the amendment responds to the projected increase in population in this part of the Perth Metropolitan Area, providing flexibility for the growth of this key activity centre. By establishing a destination activity centre with a range of service and amenities in this location it will support the desirable growth in this community identified by Perth and Peel @ 3.5 Million.

Providing certainty to landowners in the Belmont Town Centre by reviewing and updating the planning framework to contemporary best practice will assist in providing investment certainty to support further growth and residential infill in the area. On this basis, this amendment to an outdated planning framework will support the realisation of the objectives of Perth and Peel @ 3.5 Million.

Central Sub-Regional Planning Framework

The Central Sub-Regional Planning Framework ('CSRF') includes the following objectives that are considered to be relevant to the proposed amendment:

- *achieve more consolidated urban form and development within the sub-region;*
- *strengthen key employment centres, including activity centres and industrial centres to meet the future needs of industry, commerce and the community.*
- *facilitate and support a future regional infrastructure network including transport, service, community, social, health, tertiary education, regional sport and recreation infrastructure.*

The Central Sub-Region is expected to have an additional 285,000 jobs by the year 2050, with a 49% share of total jobs making it the primary employment centre for the Perth and Peel Regions. The proposed amendment will facilitate further employment opportunities within a well-established centre context to cater for the anticipated population growth in the region.

The CSRF states:

A network of activity centres will be a key focal point for commercial and social activity and the delivery of services to residents living nearby and will be a major driver of new jobs located within communities. These aim to allow more people to live closer to where they work with the aim of reducing the overall distance travelled for work. Some will build on existing infrastructure such as universities and hospitals to leverage community assets into innovative job creating activity centres.

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Belmont Town Centre – Modifications to Use Permissibility Request to Amend the City of Belmont Local Planning Scheme No. 15

In an area zoned for urban infill, the Belmont Town Centre will play a prominent role in providing the services and amenities required to support an increased local population. The proposed use classes generally service a local area, making their accessibility within an established activity centre vital to the provision of necessary services to the community. The proposed uses will provide additional employment and recreation options for the community in close proximity to their homes, limiting the need for unnecessary travel to access services.

The Belmont Town Centre is identified as an activity centre pursuant to the CRSF.

City of Belmont Local Planning Strategy

It is understood that the WAPC has agreed to repeal the City's current Local Planning Strategy ('LPS') on the basis that a new LPS is prepared. It is understood that the City is currently in the process of preparing a new LPS.

Notwithstanding, the existing LPS is contained within the City of Belmont Local Planning Scheme No.15 Scheme Report. The existing LPS identifies the 'value of ensuring the continued sustainability of its commercial centres'. The objective for the Belmont Town Centre under the LPS is to 'create a vibrant, robust and attractive town centre'. The strategies to achieve this objective are detailed as follows:

- *Re-examine vehicular and pedestrian access in the town centre.*
- *Consider public transport opportunities, such as a transit interchange.*
- *Consider incorporation of a "Village Square" and investigate potential for a produce market.*

The proposed scheme amendment is considered to be an essential enabling step to creating a vibrant, robust and attractive town centre by providing for a diverse mix of appropriate land uses, including essential health, luxury and entertainment services.

The LPS also provides guidance on the design of the town centre via the 'Town Centre Vision Plan'. The design of the town centre will not be adversely impacted by the proposed amendment.

Statutory Planning Framework and Assessment

Planning and Development (Local Planning Schemes) Regulations 2015

The Regulations provide a standard process for dealing with scheme amendments throughout the State. The Regulations divide scheme amendments into 'simple', 'standard' and 'complex' amendments. Standard amendments are defined as follows:

Standard amendment means any of the following amendments to a local planning scheme:

- a. *an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;*
- b. *an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
- c. *an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;*
- d. *an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;*
- e. *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- f. *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;*
- g. *any other amendment that is not a complex or basic amendment.*

The proposed amendment is considered to be a 'standard' amendment for the following reasons:

- It aligns with the objective of the Town Centre zone to provide a retail commercial function.
- The proposed amendment is consistent with the vision for Belmont town centre under the City's LPS.
- The proposed amendment is consistent with the Metropolitan Region Scheme ('MRS') zoning that applies to the area.
- The proposed amendment will not negatively impact on any land in the LPS 15 area.
- The proposed amendment will facilitate a greater mix of land uses within the City of Belmont's activity centres, in accordance with the WAPC's SPP4.2.

It is noted that the recent 2021 amendment to the Regulations made changes to reduce the red tape associated with changing uses within centre and commercial zones. The proposed amendment is generally consistent with the State Government objective to make it easier for a range of commercial uses to be developed within existing activity centres, noting the similarity of uses and absence of any material impact on the community when changing between those uses.

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Belmont Town Centre - Modifications to Use Permissibility
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Metropolitan Region Scheme

Pursuant to the MRS, the subject site is zoned 'Urban'. The proposed land uses are consistent with the purpose and intent of the 'Urban' zone under the MRS.

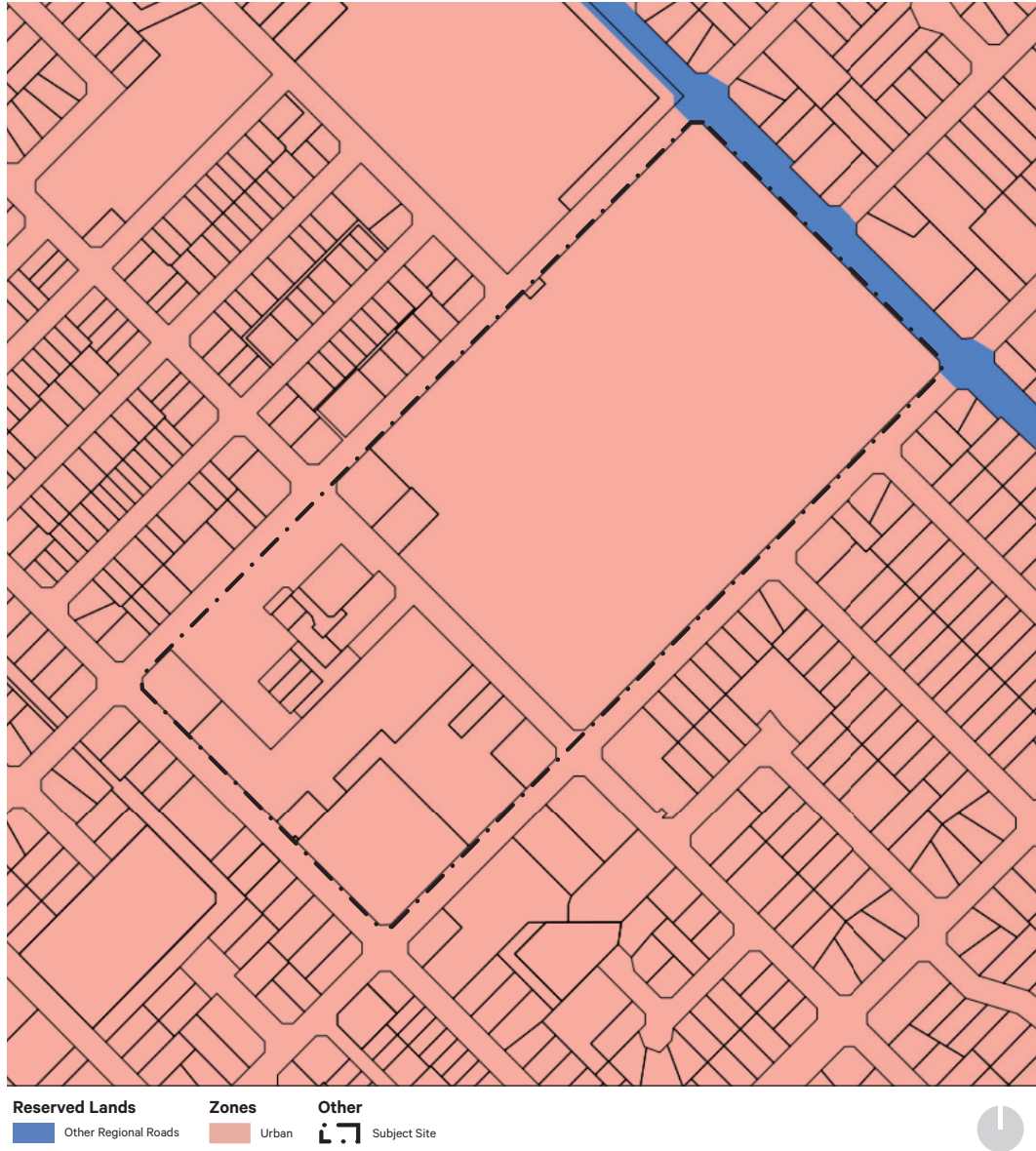


Figure 19. Metropolitan Region Scheme Extract

State Planning Policy 4.2 – Activity Centres for Perth and Peel

State Planning Policy 4.2 – Activity Centres for Perth and Peel ('SPP 4.2') provides guidance in relation to the desired future structure and hierarchy of activity centres within the Perth Metropolitan and Peel Regions. It specifies the broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres.

The Belmont Town Centre is identified as a 'Secondary Centre' pursuant to SPP 4.2. In terms of land use, the primary function of secondary centres is outlined as follows:

Secondary centres share similar characteristics with strategic metropolitan centres but serve smaller catchments and offer a more limited range of services, facilities and employment opportunities. They perform an important role in the city's economy, and provide essential services to their catchments.

SPP 4.2 considers a diversity of uses within higher order centres (such as the Belmont Town Centre) to be important and desirable. Pursuant to SPP4.2, the proposed land uses are considered to contribute to a mix of land uses as per the following extract:

Mix of land uses

Floorspace within the boundaries of an activity centre that is used or proposed for activities within the following land categories:

- *Office/business, administrative, clerical, professional and medical offices;*
- *Health/welfare/community services, government and non-government activities that provide services such as hospitals, schools, community services and religious activities;*
- *Entertainment/recreation/culture (excludes outdoor areas), sports centres, gyms, museums, amusements, gambling services and hotels; and*
- *Bulky goods retail/showroom.*

Based on the above, the addition of the proposed land uses into the Belmont Secondary Centre is considered to align with the objectives and provisions of SPP 4.2. The proposed amendment will facilitate the provision of more services within a centralised and easily accessible commercial and community activity centre.

Draft State Planning Policy 4.2 – Activity Centres

The WAPC has advertised a revised version of SPP 4.2. Draft SPP 4.2 proposes to increase the importance of providing a diversity of land uses within activity centres, and away from a reliance on retail. Draft SPP 4.2 and the associated Guidelines set a target ratio of 1:1 for shop/retail floorspace to other non-residential land uses within secondary centres. The proposed amendment aligns with the land use diversity intent of draft SPP 4.2.

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Belmont Town Centre – Modifications to Use Permissibility
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City of Belmont Local Planning Scheme No. 15

The City's LPS 15 is the primary statutory control governing land use and development outcomes throughout the City. The subject site is the only area within the City's municipality zoned town centre and therefore the focus on the subject site and immediate surrounds for greater land use flexibility in this request is considered to be relevant and appropriate.

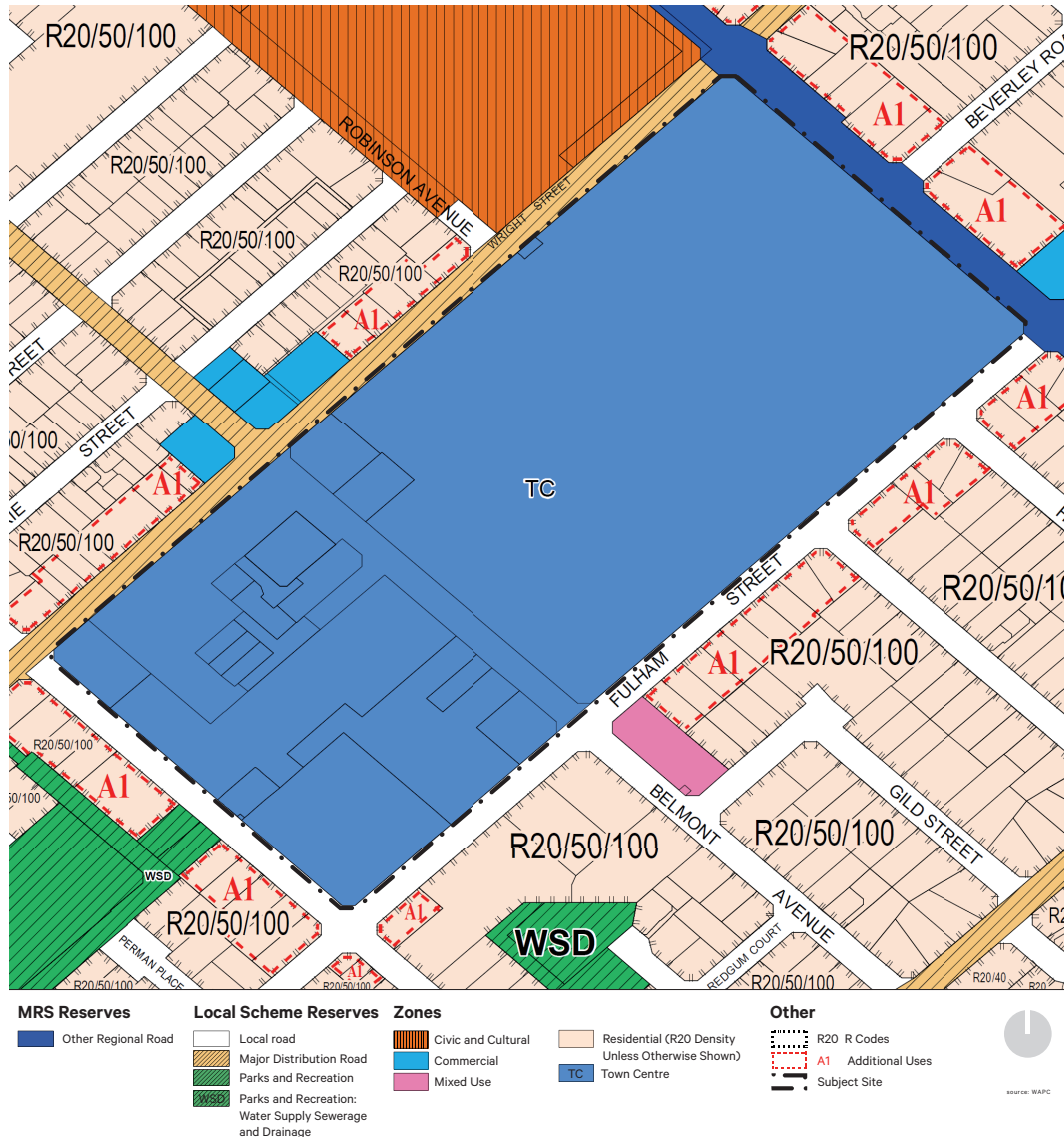


Figure 20. Local Planning Scheme No. 15 Extract

LPS 15 Context

As identified in the site context analysis contained in this report, the majority of the land parcels directly adjacent to the Town Centre zone are zoned residential with additional uses and some selected lots zoned commercial or mixed use. The residential zoned land parcels allocated additional uses by LPS 15 are divided into seven precincts, A – G. A series of different land uses are permitted in each precinct in addition to residential, subject to a range of different criteria such as minimum lot size, consistency with the Town Centre Frame Study and minimum building height, amongst others. It is likely that this frame area will be identified for predominantly higher density mixed use development in the future which is not impacted by the proposed amendment.

LPS 15 Assessment

The proposed scheme amendment is considered to be consistent with the aims and objectives of LPS 15. Specifically, the proposed amendment aligns with the aims of LPS 15 where relevant in Table 4 below.

Table 4 – LPS 15 Aims and Proposed Amendment Response

LPS 15 Aim	Proposed Amendment Response (where applicable)
<p>a. To assist the effective implementation of regional plans and policies including the State Planning Strategy.</p>	<p>As identified in this report, the proposed amendment is consistent with the relevant State Planning Framework in its support of activity centres providing for a range of services and amenities to the surrounding community. In an area zoned for increased residential density in line with State Planning Framework objectives, the provision of the proposed uses in convenient locations is important for the delivery of a diverse, vibrant and activated centre.</p> <p>The relevant State Planning Framework supports diversification of activity centres away from historic retail dominance. The proposed amendment will facilitate this change in the Belmont Town Centre over the coming decade.</p>
<p>b. To ensure there is a sufficient supply of serviced and suitable land for housing, employment, commercial activities, community facilities, recreation and open space.</p>	<p>The proposed amendment will increase employment opportunities for workers within proximity of their homes and within their community. The increased entertainment and service uses will facilitate opportunities for increased housing density within desirable and accessible locations.</p>
<p>c. To provide for housing choice and variety in neighbourhoods with a community identity and high levels of amenity.</p>	<p>The proposed amendment will facilitate increased services and amenities within an area zoned for additional housing choice and increased residential density. It is important that these service and destination creation uses be capable of development in the Belmont Town Centre in order to make higher density residential development more attractive in this area.</p>
<p>d. To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments, as well as providing opportunities for home-based employment.</p>	<p>The proposed amendment increases the opportunities for businesses to operate in appropriate areas such as the Belmont Town Centre. The retail, commercial, health, entertainment and tourist developments referred to in this report are appropriate in the City's highest order activity centre and are proposed to be facilitated through the proposed amendment.</p>
<p>e. To protect and enhance the environmental values and natural resources of the local government and to promote ecologically sustainable land use and development.</p>	<p>The amendment does not propose to increase the built form capable of development in the town centre and does not include any uses that have additional environmental impact beyond those already capable of approval on the site. Providing a broader range of accessible services for the local community is expected to have positive social and economic benefits and reduced environmental impacts through less reliance on private vehicles.</p>
<p>f. To safeguard and enhance the character and amenity of the built and natural environment of the local government.</p>	<p>The proposed amendment does not propose to increase the built form capable of development in the town centre. Use specific controls are proposed where relevant to ensure local amenity is maintained.</p>
<p>g. To incorporate public art to enhance the character and amenity of the built and natural environment of the local government.</p>	<p>The proposed amendment will facilitate the inclusion of additional uses in the Belmont Town Centre. This flexibility will unlock development options on the site such as a more active food, beverage and entertainment precinct. A precinct such as this, combined with more landowner flexibility to deliver contemporary development has the potential to facilitate more public art in the Belmont Town Centre.</p>

Attachment 12.1.1 Applicant's request

Belmont Town Centre – Modifications to Use Permissibility
Request to Amend the City of Belmont Local Planning Scheme No. 15

LPS 15 Aim	Proposed Amendment Response (where applicable)
<p>h. To maximise the built-in safety of the local government.</p>	<p>The proposed amendment will facilitate the development of uses which are active outside of typical shopping hours, increasing levels of activation and passive surveillance of the Belmont Town Centre after hours. Facilitating the option for additional uses provides landowners with additional options for tenants, reducing the likelihood that buildings will remain vacant for extended periods of time.</p>
<p>i. To protect and maximise efficacy of existing and future community infrastructure needs.</p>	<p>The proposed amendment will facilitate the development of additional services in an area which contains a significant amount of public infrastructure and that forms the central community meeting point for Belmont. This is considered to contribute to the maximisation of the benefits of existing and future community infrastructure.</p>

LPS 15 provides objectives for each of the identified zones. The Town Centre and Commercial zones have the same objective as outlined below:

The Town Centre and Commercial Zones are intended to provide for the retail commercial function and entertainment.

The proposed amendment is considered to contribute to the broad objective of the Town Centre zone by providing the opportunity for a range of viable and compatible commercial uses in a central and accessible location for the benefit of the surrounding community.

The Town Centre zone applies to the City's highest order activity centre, indicating that it should provide the widest range of retail, commercial and entertainment use.

It is anticipated that as the City develops a new local planning strategy and scheme, the objectives of the Town Centre zone will be expanded to identify the need for mixed use development and increased residential density in a manner consistent with the intent of the applicable State Planning Framework. The proposed amendment is a landowner driven approach to achieving this consistency and elevating the potential of the Belmont Town Centre to a level that is comparable with other secondary centres in the Perth Metropolitan Area.

By increasing the range of uses capable of approval and reducing the red tape for uses already capable of approval in the Belmont Town Centre, more contemporary development can be attracted and facilitated. This will assist in providing the Belmont Town Centre with a competitive advantage to attract investment, anchor tenants and residents looking to live in a vibrant and diverse higher density area.

Conclusion

This report has been prepared by **element**, on behalf of Perron, to request the initiation of an amendment to the City's LPS 15 to facilitate and accommodate a mix of desirable and appropriate land uses within the existing Belmont Town Centre in Cloverdale. Specifically, this report requests that the City initiates an amendment to LPS 15 as follows:

- Table 1 of LPS 15 to be amended in accordance with Table 1 of this report, to facilitate and accommodate a mix of desirable and appropriate land uses within the Belmont Town Centre.
- A restricted use table be added to LPS 15 in accordance with Table 2 of this report, to introduce additional development criteria in support of some of the proposed use permissibility changes.
- The LPS 15 scheme map to be amended in accordance with Appendix A of this report to create the restricted use area.

The proposed amendment to LPS 15 is considered to be consistent with orderly and proper planning as demonstrated in this report and will contribute to maximising the community's access to services and amenities within the Belmont Town Centre. The amendment seeks to enhance the functionality of Belmont Forum and the greater Town Centre zone and provide the opportunity for improved access to amenities, consistent with the objectives of the relevant State and Local Planning Framework.

The proposed amendment aims to reduce unnecessary red tape within the planning framework, increasing the ease of introducing new businesses and diversity into the activity centre. This is consistent with the State Government initiative to reduce red tape in the planning system.

For these reasons, it is respectfully requested that this scheme amendment request is initiated by the City at its earliest convenience and supported by Council.

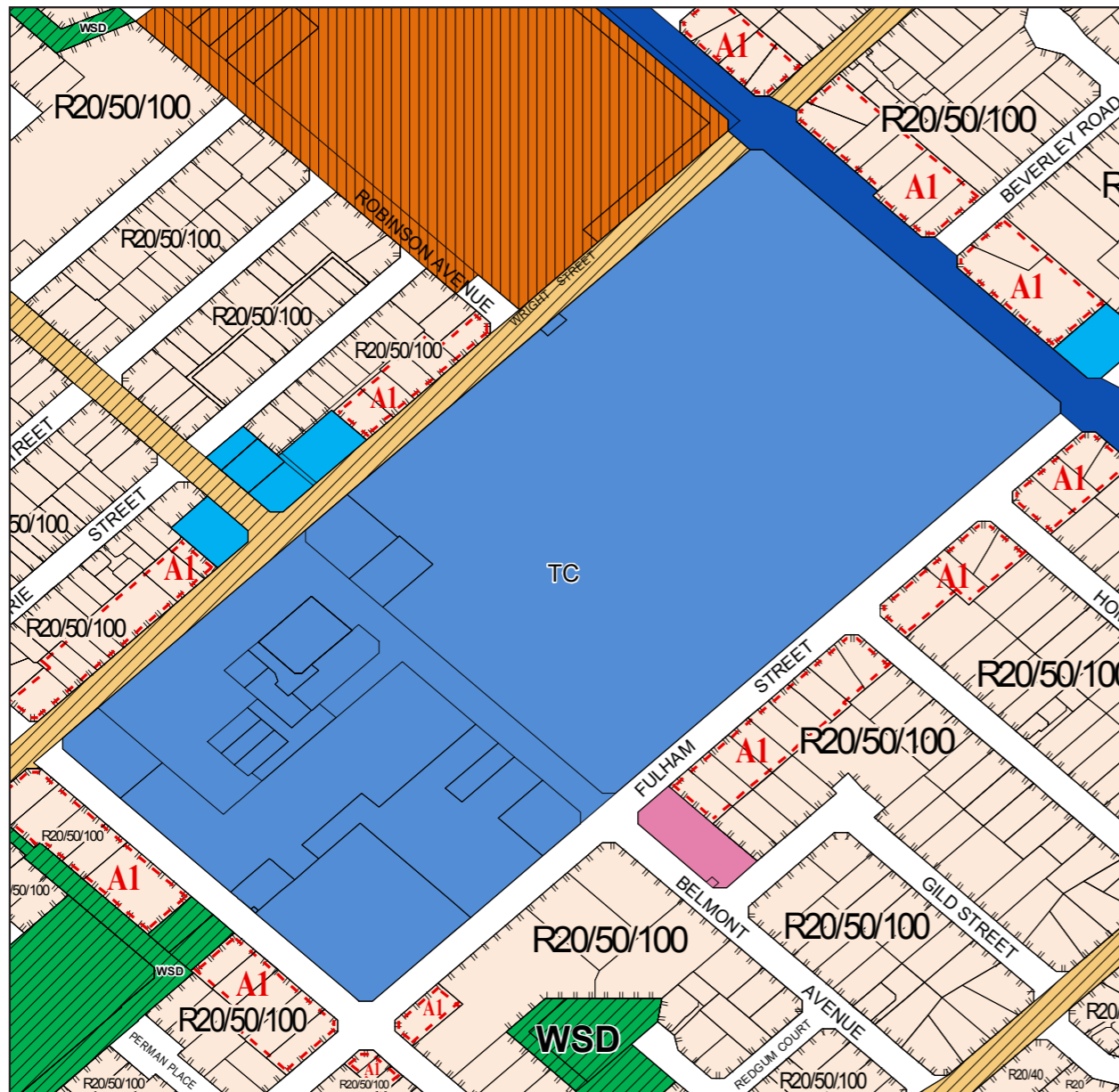
Attachment 12.1.1 Applicant's request

Belmont Town Centre - Modifications to Use Permissibility
Request to Amend the City of Belmont Local Planning Scheme No. 15

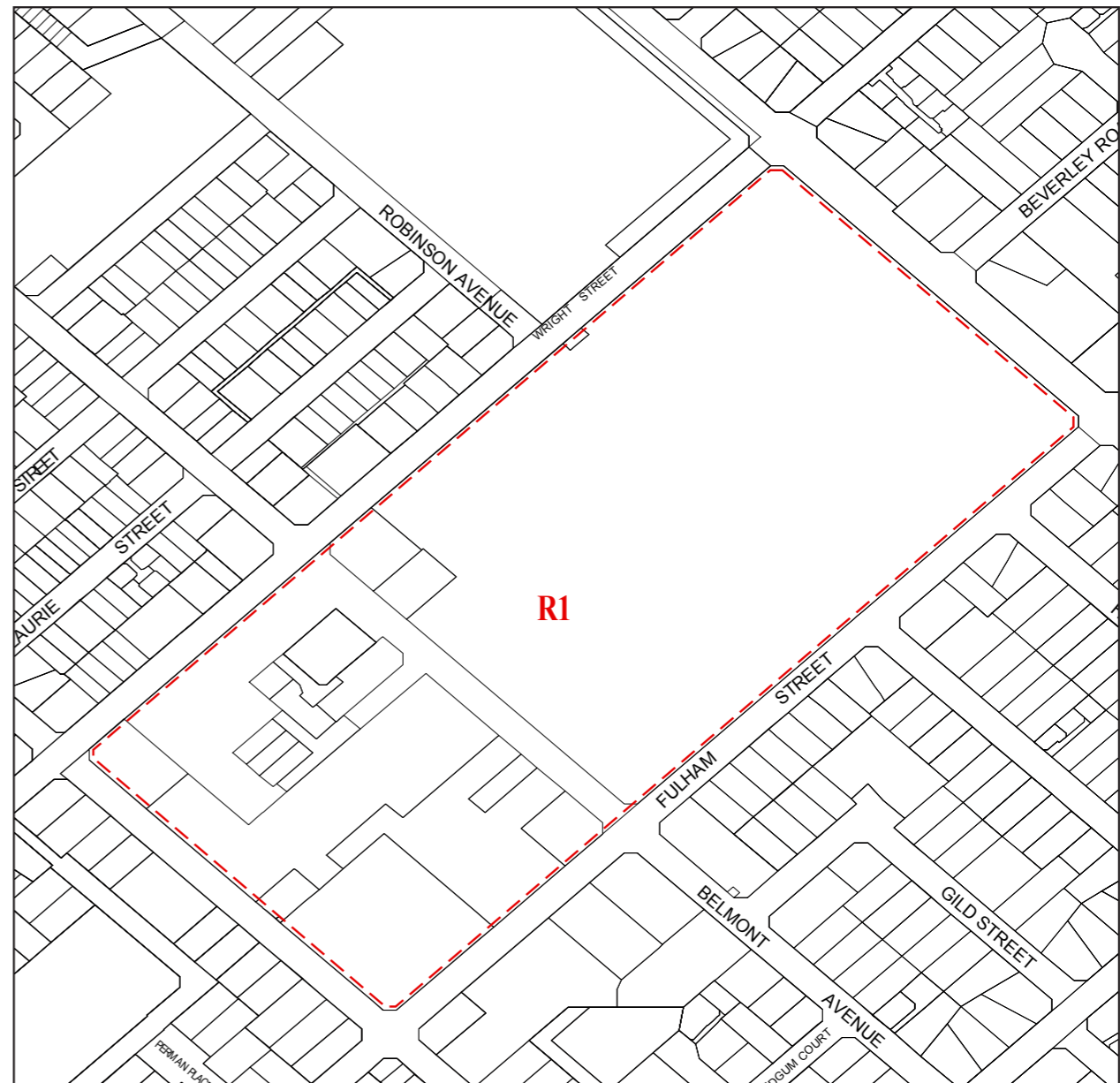
Appendix A – Local Planning Scheme No.15 Map Amendment

Attachment 12.1.1 Applicant's request

Belmont Town Centre - Modifications to Use Permissibility
Request to Amend the City of Belmont Local Planning Scheme No. 15



Existing Zoning



Proposed Zoning

Legend

Region Scheme Reserves	Local Scheme Zones	Other
Other Regional Roads	Civic and Cultural	R20 RCodes
Local Scheme Reserves	Commercial	A1 Additional Use
Local Roads	Mixed Use	R1 Restrictive Use
Major Distribution Road	Residential (R20 Density Unless Otherwise Shown)	
	Town Centre	

PLANNING AND DEVELOPMENT ACT 2005



LOCAL PLANNING SCHEME NO.15
AMENDMENT NO. ____

file: 22-256 RZ 19 Dec 2022

Attachment 12.1.1 Applicant's request

Belmont Town Centre - Modifications to Use Permissibility
Request to Amend the City of Belmont Local Planning Scheme No. 15

Appendix B – Comparison of Use Permissibility in Comparable Activity Centres

X Land Use	City of Joondalup Commercial Zone	City of Canning District Centre Zone	City of Vincent Regional Centre Zone	City of Cockburn Regional Centre Zone	City of Stirling Regional Centre Zone	City of Melville C1 Centre Zone - Melville City Centre Structure Plan – Centre Core (Garden City)
Educational Establishment	D	D	D	D	D	P
Funeral Parlour	D	X	A	D	D	X
Health Centre	N/A	N/A	N/A	N/A	N/A	P
Hospital	D	A	N/A	D	A	A
Motel	D	X	A	P	D	N/A
Motor Vehicle, Boat or Caravan Sales	D	D	A	P	X	X
Motor Vehicle Hire	N/A	N/A	N/A	D	N/A	N/A
Motor Vehicle Repair	D	D	A	D	A	A (where incidental to predominate use & separate from residential)
Motor Vehicle Wash	D	D	A	D	A	D
Nursing Home	N/A	N/A	N/A	N/A	X	N/A
Private Recreation	D	D	D	P	P	P
Reception Centre	D	D	D	P	D	D
Serviced Apartments	D	D	A	N/A	N/A	N/A
Studio	N/A	N/A	N/A	N/A	N/A	N/A
Trade Supplies	X	A	D	N/A	N/A	N/A
Veterinary Centre	D	D	D	P	D	A
Example Centres	<ul style="list-style-type: none"> Warwick Grove SC Westfield Whitfords City 	<ul style="list-style-type: none"> Bentley Plaza Stockland Riverton Livingston Marketplace 	<ul style="list-style-type: none"> Leederville Centre Area 	<ul style="list-style-type: none"> Cockburn Gateway 	<ul style="list-style-type: none"> The Square Mirrabooka Karrinyup SC 	<ul style="list-style-type: none"> Westfield Booragoon

element.
the art and science of place

Level 18, 191 St Georges Tce, Perth WA 6000

T: (08) 9289 8300 – E: hello@elementwa.com.au
elementwa.com.au

12.1 Amendment No. 21 to Local Planning Scheme No. 15

Voting Requirement	: Simple Majority
Subject Index	: LPS15/021 – Modifying the use class permissibility of land uses within the 'Town Centre' zone and introducing Additional Use 21.
Location/Property Index	: Various
Application Index	: N/A
Disclosure of any Interest	: Nil
Previous Items	: Nil
Applicant	: Element Pty Ltd
Owner	: Various
Responsible Division	: Development and Communities

Council role

Legislative Includes adopting local laws, local planning schemes and policies.

Purpose of report

For Council to consider adopting Scheme Amendment No. 21 to the City of Belmont Local Planning Scheme No. 15 (LPS 15) for the purpose of advertising.

Summary and key issues

- Element Pty Ltd (the applicant) has lodged a Scheme Amendment request (Attachment 12.1.1) on behalf of the owners of Belmont Forum (Perron Group). The amendment seeks to increase the number of uses capable of approval within the Town Centre Zone and exempt certain uses from requiring planning approval.
- Several of the requested changes to land use permissibility are considered appropriate. However, certain permissibility changes are not supported, either due to their inconsistency with the 'Town Centre' zone objectives or because they should not be exempted.
- Council has the discretion to either adopt Amendments as submitted, or subject to changes.
- It is recommended that Council adopt a modified version of the applicant's Amendment as a 'standard' amendment for advertising (Attachment 12.1.2).



Officer Recommendation

That Council:

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, adopts for the purpose of advertising the following amendment to Local Planning Scheme No. 15:
 - i. Modifying the Zoning Table in the Scheme Text to change the following use class permissibility's within the 'Town Centre' zone:
 - a. 'Cinema/Theatre' from an 'A' to a 'D'
 - b. 'Convenience Store' from an 'A' to a 'P'
 - c. 'Health Studio' from a 'D' to a 'P'
 - d. 'Private Recreation' from an 'X' to a 'D'
 - e. 'Restaurant/Café' from a 'D' to a 'P'
 - f. 'Shop' from a 'D' to a 'P'.
 - ii. Introducing the following Additional Use within Schedule 2 of the Scheme Text:

No.	Location and Additional Uses
21	<p>Within the 'Town Centre' zone, the local government may approve the following additional uses:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash • Studio. <p>When considering development applications for the abovementioned land uses, the following requirements shall be met:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash uses shall be located within a multi-storey parking structure, screened from view and be limited to a maximum ground floor area of 200m². • Studio uses are to be integrated within the main shopping centre building and comprise a maximum workshop ground floor area of 30m².
 - iii. Amending the Scheme Map to designate the 'Town Centre' zone as being subject to 'Additional Use 21' (A21).
2. Is of the view that the proposed amendment to Local Planning Scheme No. 15 is a 'Standard' amendment due to the following reasons:



- i. The proposed amendment relates to land zoned 'Town Centre' and is considered to be consistent with the objective of this zone.
 - ii. The proposed amendment is consistent with the City of Belmont Local Planning Strategy.
 - iii. The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
3. Forward Amendment No. 21 to Local Planning Scheme No. 15 to the Environmental Protection Authority for comment, pursuant to Section 81 of the *Planning and Development Act 2005*, and subject to no objection being received from the Environmental Protection Authority, advertise the amendment for public comment for a period of 42 days in accordance with Clause 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Amended Officer Recommendation

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, adopts for the purpose of advertising the following amendment to Local Planning Scheme No. 15:
- i. Modifying the Zoning Table in the Scheme Text to change the following use class permissibility's within the 'Town Centre' zone:
 - a. 'Cinema/Theatre' from an 'A' to a 'D'
 - b. 'Convenience Store' from an 'A' to a 'P'
 - c. 'Health Studio' from a 'D' to a 'P'
 - d. 'Private Recreation' from an 'X' to a 'D'
 - e. 'Restaurant/Café' from a 'D' to a 'P'
 - f. 'Shop' from a 'D' to a 'P'.
 - ii. Introducing the following Additional Use within Schedule 2 of the Scheme Text:

No.	Location and Additional Uses
21	Within the 'Town Centre' zone, the local government may approve the following additional uses: <ul style="list-style-type: none"> • Motor Vehicle Wash • Studio.



	<p>When considering development applications for the abovementioned land uses, the following requirements shall be met:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash uses shall be located within a multi-storey parking structure, screened from view and be limited to a maximum gross floor area of 200m². • Studio uses are to be integrated within the main shopping centre building and comprise a maximum work-room gross floor area of 30m².
<p>iii. Amending the Scheme Map to designate the 'Town Centre' zone as being subject to 'Additional Use 21' (A21).</p> <p>2. Is of the view that the proposed amendment to Local Planning Scheme No. 15 is a 'Standard' amendment due to the following reasons:</p> <p>i. The proposed amendment relates to land zoned 'Town Centre' and is considered to be consistent with the objective of this zone.</p> <p>ii. The proposed amendment is consistent with the City of Belmont Local Planning Strategy.</p> <p>iii. The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.</p> <p>3. Forward Amendment No. 21 to Local Planning Scheme No. 15 to the Environmental Protection Authority for comment, pursuant to Section 81 of the <i>Planning and Development Act 2005</i>, and subject to no objection being received from the Environmental Protection Authority, advertise the amendment for public comment for a period of 42 days in accordance with Clause 47 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>	<p>Officer Recommendation adopted en bloc by Absolute Majority - Refer to Resolution appearing at Item 12.</p>

Location

The Amendment relates to the Belmont Town Centre as shown in Figure 1 below. The zoning of the subject lots and surrounding land is shown in Figure 2.



Figure 1: Location Plan - Town Centre outlined in Red (Source: IntraMaps)

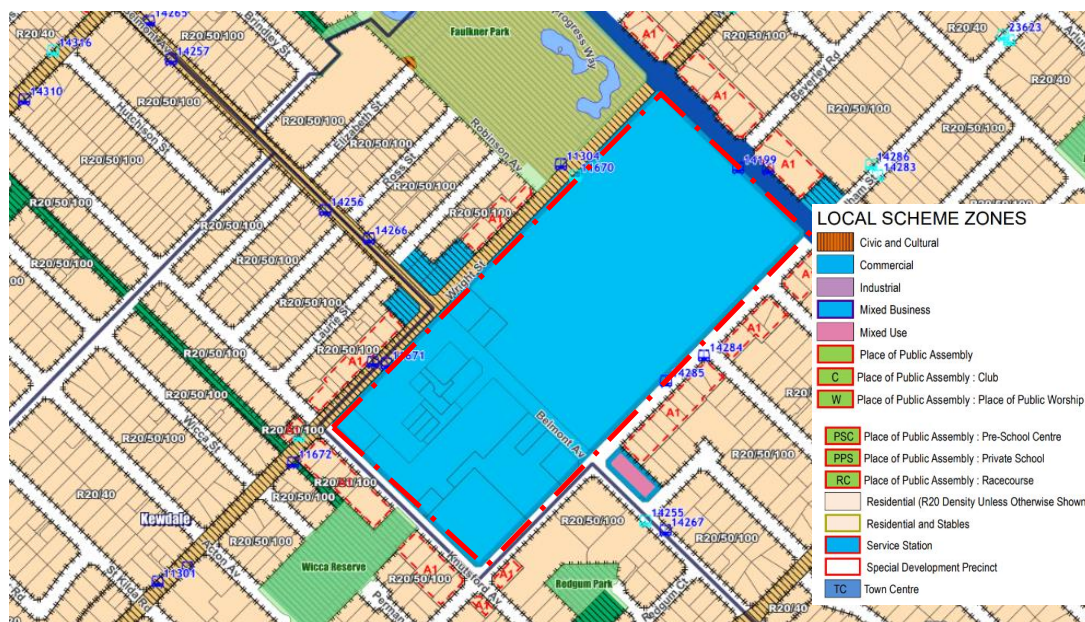


Figure 2: Existing zoning and reservation of land – Town Centre outlined in Red (Source: IntraMaps)

Consultation

No consultation has been undertaken on the proposed Amendment at this point in time.

The *Planning and Development Act 2005* requires scheme amendments to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations). The details of this statutory consultation process are outlined in the 'Statutory Environment' section of this report.

Strategic Community Plan implications

In accordance with the 2020 – 2040 Strategic Community Plan:

Goal 1: Liveable Belmont

Strategy: 1.2 Plan and deliver vibrant, attractive, safe and economically sustainable activity centres

Strategy: 1.4 Attract public and private investment and businesses to our City and support the retention, growth and prosperity of our local businesses

Goal 5: Responsible Belmont

Strategy: 5.5 Engage and consult the community in decision-making

Strategy: 5.6 Deliver effective, fair and transparent leadership and decision-making, reflective of community needs and aspirations

Strategy: 5.7 Engage in strategic planning and implement innovative solutions to manage growth in our City

Policy implications

State Planning Policy 4.2 – Activity Centres for Perth and Peel

State Planning Policy 4.2 (SPP 4.2) guides the planning and development requirements of activity centres in the Perth and Peel region. Its main goal is to encourage a mix of suitable land uses, with a focus on retail activities. Belmont Town Centre is the City's highest-ranking activity centre and designated as a 'Secondary Centre' within the Policy.

The amendment has been reviewed against SPP 4.2 to determine the appropriateness of the proposed modifications to land use permissibility.

City of Belmont Local Planning Strategy

The City's Local Planning Strategy recognises the importance of sustaining the long-term viability of its commercial centres. The Strategy aims to enhance the Town Centres functionality by allowing the expansion of retail spaces and promoting redevelopment in a main street format. The Strategy also specifically states that showrooms will only be

permitted within the Town Centre if their design is consistent with a main street environment and design. The amendment has been reviewed against the City's Local Planning Strategy to determine the appropriateness of the proposed modifications to land use permissibility.

Statutory environment

Local Planning Scheme No. 15

The subject site is currently zoned 'Town Centre' under LPS 15. The 'Town Centre' zone has the following objective:

"The Town Centre and Commercial Zones are intended to provide for the retail commercial function and entertainment."

Table 1 (Zoning Table) of LPS 15 sets out the permissibility of uses using the symbols of 'P', 'D', 'A', and 'X'. The meaning of the symbols is listed below:

- 'P' Means the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
- 'D' Means that the use is not permitted unless the local government has exercised its discretion by granting Development Approval.
- 'A' Means that the use is not permitted unless the local government has exercised its discretion by granting Development Approval after giving special notice in accordance with the provisions contained in Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2.
- 'X' Means a use that is not permitted by the Scheme.

Schedule 1 of LPS 15 includes land use definitions for each use listed in the Zoning Table. The relevant definitions relating to this Amendment are also contained within Attachment 12.1.3.

Clause 3.5 of LPS 15 addresses Additional Uses and outlines that, regardless of the use class designation in the zoning table, land uses for areas specified in Schedule 2 can receive approval, subject to the specific conditions being met. Currently, there are no Additional Uses applicable to the 'Town Centre' zone.

Clause 3.6 of LPS 15 relates to 'Restricted Uses' and outlines that only the uses contained within Schedule 3 (Restricted Use Table) can be considered. There are currently no 'Restricted Uses' which apply within the City of Belmont.

Local Planning Scheme Amendments

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

The Regulations specify three different types of scheme amendments, being 'basic', 'standard' and 'complex'. The main differences between the amendment classifications are the differing advertising requirements, with a 'basic' amendment not having any advertising requirement unless otherwise required by the Western Australian Planning Commission

(WAPC). A standard amendment needs to be advertised for 42 days, and a complex amendment has a 60-day advertising period. Prior to advertising a 'complex' amendment, the consent of the WAPC is also required.

Irrespective of the classification of the amendment, where a local government has resolved to amend a scheme, the proposed amendment shall be forwarded to the Environmental Protection Authority (EPA) to determine whether it requires an environmental assessment.

Where no environmental assessment is required and subject to WAPC consent in the case of a complex amendment, the responsible authority shall advertise the amendment in accordance with the Regulations by:

- Displaying the amendment and associated public notice on the City of Belmont website.
- Publishing the notice in the local newspaper and displaying this on the City of Belmont public notice boards.
- Giving a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment.

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

Exemptions from the need to obtain development approval

The Regulations exempts certain land uses from requiring development approval. This is subject to the use having a 'D' permissibility in the zone and where the relevant conditions outlined in the table below are met.

Land Use	Zone	Conditions
Consulting Rooms	Commercial, Centre or Mixed Use	No more than 60% of the glass surface of any window on the ground floor of the consulting rooms is obscured glass.
Office	Commercial, Centre or Mixed Use	Office is not located on the ground floor of a building.
Recreation – Private	Commercial, Centre, Mixed Use or Light Industry Zone	(a) Premises are in the metropolitan region. (b) Net lettable area of any indoor area of the premises is no more than 300 m ² . (c) No more than 60% of the glass surface of any window on the

Land Use	Zone	Conditions
		ground floor of a building on the premises is obscured glass.
Liquor Store – Small	Commercial, Centre or Mixed Use	Store is in the metropolitan region or Peel Region Scheme area.

Table 1: Exemptions from the need to obtain development approval provided within the Regulations

These exemptions have implications for the subject Amendment as making a use 'D' enables it to be exempt. This is discussed further in subsequent sections of this report.

Background

The specific permissibility changes requested by the applicant are outlined in Table 2 below.

<i>Use Class</i>	<i>Existing Permissibility</i>	<i>Applicant's Request</i>
<i>Art Gallery</i>	D	P
<i>Cinema/Theatre</i>	A	P
<i>Consulting Rooms</i>	D	P
<i>Convenience Store</i>	A	P
<i>Dry Cleaning Premises</i>	D	P
<i>Educational Establishment</i>	X	D
<i>Health Centre</i>	X	P
<i>Health Studio</i>	D	P
<i>Hospital</i>	X	A
<i>Liquor Store – Small</i>	A	P
<i>Massage Parlour</i>	D	P
<i>Motel</i>	X	D
<i>Motor Vehicle, Boat or Caravan Sales</i>	X	D
<i>Motor Vehicle Hire</i>	X	D
<i>Motor Vehicle Repair</i>	X	A

<i>Use Class</i>	<i>Existing Permissibility</i>	<i>Applicant's Request</i>
<i>Motor Vehicle Wash</i>	X	D
<i>Nursing Home</i>	X	D
<i>Office</i>	D	P
<i>Private Recreation</i>	X	P
<i>Reception Centre</i>	X	D
<i>Restaurant/Café</i>	D	P
<i>Serviced Apartments</i>	X	P
<i>Shop</i>	D	P
<i>Showroom</i>	D	P
<i>Studio</i>	X	P
<i>Veterinary Centre</i>	X	A

Table 2: Applicants Requested Amendments to Table 1 of LPS 15

The applicant also seeks to introduce a Restricted Use Table within Schedule 3 of LPS 15 as outlined in Attachment 12.1.1 for the following uses:

- 'Hospital'
- 'Motel'
- 'Motor Vehicle, Boat or Caravan Sales'
- 'Motor Vehicle Hire'
- 'Motor Vehicle Repair'
- 'Office'
- 'Nursing Home'
- 'Reception Centre'.

The suitability of the above changes is discussed in the following section of this report.

Report

Following a review and analysis of the applicant's amendment request, officers consider the following:

- Several of the applicant's proposed changes to land use permissibility can be supported as they are consistent with the objective of the 'Town Centre' zone.
- Some of the applicant's requested 'P' uses are not considered appropriate, however they may be suitable as a 'D' use. This means that uses that benefit from 'D' permissibility exemptions under the Regulations do not require approval. However, where the exemption criteria is not met, the suitability of the use can be assessed through a development application.
- Two land uses can be supported as Additional Uses.
- Several land use permissibility changes are not supported as they are not consistent with the objective of the 'Town Centre' zone or are already subject to the Regulations exemptions.

These matters are discussed in further detail below.

Supported Use Class Permissibility Changes

The following requested changes to a 'P' use class permissibility can be supported. These changes align with the objective of the 'Town Centre' zone and SPP 4.2 and relate to uses already permissible within this zone.

- 'Convenience Store' – 'A' to 'P'
- 'Restaurant/Café' – 'D' to 'P'
- 'Shop' – 'D' to 'P'
- 'Health Studio' – 'D' to 'P'.

The 'P' use class permissibility allows these uses to establish without the need for development approval, provided that they comply with LPS 15. Justification for each of these changes is included in Attachment 12.1.1.

Land Use Permissibility Changes Supported Subject to 'D' Designation

In addition to the above land uses, the applicant has requested amendments to designate the uses 'Cinema/Theatre' as 'P' instead of 'A' and 'Private Recreation' as 'P' instead of 'X'. Additional discussion on this matter is included below.

Cinema/Theatre

Contrary to the applicant's request to designate 'Cinema/Theatre' as a 'P' use, a 'D' designation is considered more appropriate. Whilst this land use would contribute to the entertainment function of the town centre, LPS 15 does not contain a parking standard for this use. To allow for an assessment of car parking to be undertaken, it is considered more appropriate for this use to be designated as 'D'. The existing 'A' designation, which requires advertising even for compliant proposals, is considered excessive. In cases where variations to LPS 15 are proposed, these could be suitably advertised to potentially affected parties. Accordingly, designation as a 'D' use is considered appropriate.

Recreation – Private

While the applicant has requested a 'P' permissibility for this use, officers consider that a 'D' designation is more appropriate. While it is acknowledged that 'Recreation-Private' aligns with the 'Town Centre' zone's objectives and SPP 4.2, it is not considered appropriate to exempt it as a 'P' use. The reason for this is that the definition of 'Recreation-Private' in LPS 15 is broad and covers varying scales of the use. If a 'P' designation is applied, there would be no size limit on 'Recreation-Private' uses that could occur without requiring approval. This could lead to unintended poor outcomes for the Town Centre. To avoid this and ensure oversight through the development application process, a 'D' use permissibility is recommended.

Under a 'D' designation, the land use would still be exempt from requiring development approval, provided it does not occupy an area greater than 300m². However, proposals that exceed this size would require assessment to ensure the operations are suitable for their location.

Additional Uses

The applicant is seeking to introduce the currently prohibited uses of 'Motor Vehicle Wash' and 'Studio'. In addition, the applicant requested several land uses be established as Restricted Uses. The intent of this is to allow for these uses to occur, but only when specific conditions are met.

Officers have conferred with the Department of Planning, Lands and Heritage (DPLH), who have advised that Restricted Uses are not the appropriate mechanism to achieve this outcome. The reason for this is that Restricted Uses become the only land use that can occur on the land, which is clearly not a desirable outcome. Accordingly, DPLH advised that Additional Uses are the appropriate mechanism in LPS 15. This allows all permissible land uses to be considered, and the additional uses. It is worth noting that these additional uses would still maintain their current 'X' classification but can be considered subject to satisfying the relevant criteria.

Motor Vehicle Wash

While the use can complement the function of the Town Centre zone, it is necessary to be regulated to ensure it remains complementary in nature and does not become a dominant use. The objective is for people to visit the Town Centre for a broader purpose and that car washing serves as an incidental part of their trip.

To ensure this occurs, it is proposed that the following criteria apply to the use:

- Located within a multi-storey parking structure and screened from view; and
- Limited to a maximum gross floor area (GFA) of 200m².

These measures ensure that the use is visually acceptable and complimentary to the primary function of the town centre.

Studio

The 'Studio' land use contains two elements, including artist work-room area and gallery/sale space. It is considered that the gallery aspect of the use is consistent with the objectives of the zone. However, there are concerns that if the work-room area aspect

is not regulated, it could occur at a scale that is not consistent with the objectives of the zone.

To ensure the use occurs in an acceptable manner, it is proposed that the following criteria apply:

- Be integrated within the main shopping centre building; and
- Comprise a maximum work-room GFA of 30m².

These conditions ensure the use occurs in a manner that aligns with the objectives of the zone.

Changes to Use Class Permissibility Not Supported

Some of the applicant's suggested changes to permissibility are not in line with the objective of the 'Town Centre' zone and are not supported.

Furthermore, some uses already benefit from conditional exemptions in the Regulations and it is not considered necessary for the permissibility of these uses to be amended. This is discussed further below.

Retention of Existing Permissibilities

Art Gallery/Massage Parlour

It is recommended that the 'D' designation associated with 'Art Gallery' and 'Massage Parlour' be retained instead of applying a 'P' permissibility. 'P' uses are typically exempt from the requirement to seek approval, provided they comply with the relevant local planning scheme requirements. However, since there are no specific parking requirements outlined in LPS 15 for these uses, it is necessary for an assessment to occur as part of the development application process.

Dry Cleaning Premises

Whilst the applicant requested a 'P' designation for 'Dry Cleaning Premises' it is considered more appropriate to retain the existing 'D' permissibility. This use is subject to separation distances under the *Environmental Protection Act 1986*, which requires consideration through the development application process.

Health Centre

The applicant has proposed designating 'Health Centre' as 'P' in the zoning table. However, this land use is planned to be removed in a future omnibus amendment as it is covered by the 'Medical Centre' or 'Consulting Rooms' definitions. Therefore, it is suitable to maintain its current designation as 'X' until it is removed as part of a future amendment to LPS 15.

Motel

The Motel land use is currently 'X' and prohibited within the Town Centre zone. The applicant seeks to make it a 'D' use. It is recommended that the 'X' designation of 'Motel' be retained for the following reasons.

- The use is car focused and inconsistent with contemporary planning principles advocated for by SPP 4.2 which seek to reduce car dependency within activity centres.
- Introducing a land use for short stay accommodation is a substantial change that requires strategic planning under SPP 4.2. However, such planning has not occurred.

Given the above, it is considered there are currently no cogent reasons to introduce the 'Motel' land use.

Motor Vehicle, Boat or Caravan Sales/Motor Vehicle Hire/Motor Vehicle Repair

The applicant requested that these uses be classified as 'Restricted Uses' which are subject to additional development requirements. Officers do not support this or designating 'Motor Vehicle, Boat or Caravan Sales' and 'Motor Vehicle Hire' as 'D' and Motor Vehicle Repair as 'A' for the following reasons:

- They do not align with the 'Town Centre' zone objectives as they do not provide a retail or entertainment function.
- There is an abundance of more suitable sites for these uses, and there is no strategic merit for them to occur in the Town Centre zone.
- The car-centric nature of these uses contradicts the planning principles of SPP 4.2, which aim to minimise reliance on cars within activity centres.

It is therefore recommended that the 'X' permissibility is retained for these uses.

Showroom

Officers do not support amending 'Showroom' from 'D' to 'P'. While this land use is currently capable of approval within the 'Town Centre' zone, SPP 4.2 states that showrooms should be located outside core activity centres. In addition, the City of Belmont Local Planning Strategy states that showrooms should be encouraged and facilitated within the 'Mixed Business' zone and that showrooms should not be permitted within the 'Town Centre' zone unless their size and design is consistent with the objective of creating a 'main street' environment. As such, it is considered appropriate for this land use to remain as 'D' so that the specific operational, built form, and amenity implications of development proposals can be assessed on a case-by-case basis.

Veterinary Centre

The 'Veterinary Centre' land use is currently 'X' and prohibited within the Town Centre zone. The applicant seeks to make this an 'A' use.

The definition of the use seeks to provide for the comprehensive treatment of all types of animals. This could facilitate the treatment of non-domestic animals requiring extensive treatment, and potential overnight stay. These factors mean officers consider the use is inappropriate for the Town Centre zone.

An acceptable form of the veterinary service can already occur under the 'Veterinary Consulting Room' land use. This use allows for the treatment of minor ailments of domestic animals, which is an appropriate scale for the Town Centre zone.

Liquor Store – Small

Liquor Store – Small is currently an 'A' use within the 'Town Centre' zone. The applicant seeks to make it a 'P' use. It is considered there are inherent matters associated with this use that require evaluation through the planning process. Furthermore, the previous consideration of this use in the Town Centre has benefitted from stakeholder input. A 'P' designation is therefore not supported for this use.

In terms of applying a 'D' designation to the use, this would have the same outcomes as applying a 'P' designation since it would be exempt under the Regulations.

Given the above, it is considered appropriate to retain the existing 'A' permissibility for Liquor Store – Small.

Uses already exempt under the *Planning and Development (Local Planning Schemes) Regulations 2015*

Consulting Rooms and Office

Officers do not support changing the permissibility of 'Consulting Rooms' or 'Office' from 'D' to 'P'. These uses already provide conditional exemptions under the Regulations. Given that these uses are already exempt, officers find no reason in duplicating the exemption by designating them as 'P' uses and introducing similar provisions within LPS 15.

Proposed changes that require strategic planning before consideration

The applicant requested changes to the permissibility of 'Reception Centre', 'Educational Establishment', 'Hospital', 'Nursing Home', and 'Serviced Apartments'. These uses are currently designated 'X'.

It is considered that the introduction of these uses would be a significant change. To determine the future suitability of these uses within the Town Centre, it is considered necessary for the landowners to undertake formal strategic planning for the land, in the form of a precinct structure plan. This plan would address:

- Strategic rationale;
- Development requirements i.e. floor spaces, height and parking;
- Design requirements;
- Interface;
- Traffic and movement;
- Public realm.

In the absence of this work being progressed, these uses cannot be supported at this time.

Scheme Amendment Classification

The Regulations specify three different types of scheme amendments, being 'basic', 'standard', and 'complex'. Clause 35(2) of the Regulations requires a resolution of the local government specifying the type of amendment and the reasons for the classification.

A standard amendment is identified by the Regulations as meaning:

- a) Amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area; other than an amendment that is a basic amendment;
- d) An amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all types that are outlined in the plan;
- e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- g) Any other amendment that is not a complex or basic amendment.

The proposed amendment is considered to be a 'standard' amendment for the following reasons:

- i. The proposed amendment relates to land zoned 'Town Centre' and is considered to be consistent with the objective of this zone.
- ii. The proposed amendment is consistent with the City of Belmont Local Planning Strategy.
- iii. The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Should Council resolve to proceed with the proposed amendment as submitted by the applicant, it would need to be treated as a complex amendment. This is due to several uses not being addressed by the City's Local Planning Strategy for the Town Centre zone and not being consistent with the LPS 15 zone objective. As per the Regulations, obtaining consent from the WAPC would be necessary before initiating the advertising process. Additionally, the duration of the advertising period would be extended to 60 days instead of the standard 42 days.



Conclusion

The applicant requested that the City modify the permissibility of various land uses to increase the number of uses capable of establishing within the 'Town Centre' zone. While various aspects of the applicant's request are supported, a number of use class permissibility changes are not, due to requiring further strategic planning or not being consistent with the objectives of the zone. It is recommended that the modified version of the amendment as reflected within Attachment 12.1.2 be supported by Council for the purpose of advertising.

Financial implications

There are no financial implications evident at this time.

Environmental implications

There are no environmental implications associated with this report.

Social implications

It is considered that the Amendment will assist in delivering a vibrant and attractive Town Centre that attracts public and private investment.

Attachment details

Attachment No and title	
1.	Amendment Sought by the Proponent [12.1.1 - 3 pages]
2.	Changes Proposed by Amendment No 21 [12.1.2 - 1 page]
3.	Land Use Definitions [12.1.3 - 3 pages]

Attachment 12.1.1 Amendment Sought by the Proponent

Attachment 1 – Amendment Sought by the Proponent

- Update Table 1 (Zoning Table) as follows:

Use Class	Existing Permissibility	Proponents Request	Officer Comment
<i>Art Gallery</i>	D	P	Refer to report
<i>Cinema/Theatre</i>	A	P	Refer to report
<i>Consulting Rooms</i>	D	P	Refer to report
<i>Convenience Store</i>	A	P	Historically, the definition of Convenience Store included the retail sale of petrol, which was the primary reason for it being an 'A' use. Reference to the sale of petrol was removed from the definition as part of a previous amendment to LPS 15. The use is consistent with the zone objective.
<i>Dry Cleaning Premises</i>	D	P	Refer to report
<i>Educational Establishment</i>	X	D	Refer to report
<i>Health Centre</i>	X	P	Refer to report
<i>Health Studio</i>	D	P	SPP 4.2 identifies gymnasiums (health studios) as an appropriate use to locate within activity centres that can generate activity outside of regular business/hours.
<i>Hospital</i>	X	A	Refer to report
<i>Liquor Store – Small</i>	A	P	Refer to report
<i>Massage Parlour</i>	D	P	Refer to report
<i>Motel</i>	X	D	Refer to report
<i>Motor Vehicle, Boat or Caravan Sales</i>	X	D	Refer to report

Attachment 12.1.2 Ordinary Council Meeting 25 July 2023 Minutes

Attachment 12.1.1 Amendment Sought by the Proponent

<i>Motor Vehicle Hire</i>	X	D	Refer to report
<i>Motor Vehicle Repair</i>	X	A	Refer to report
<i>Motor Vehicle Wash</i>	X	D	Refer to report
<i>Nursing Home</i>	X	D	Refer to report
<i>Office</i>	D	P	Refer to report
<i>Private Recreation</i>	X	P	Refer to report
<i>Reception Centre</i>	X	D	Refer to report
<i>Restaurant/Café</i>	D	P	This use contributes to the entertainment function of the centre and is consistent with the objective of the 'Town Centre' zone.
<i>Serviced Apartments</i>	X	P	Refer to report
<i>Shop</i>	D	P	This use is consistent with the objective of the 'Town Centre' zone and intent of the Local Planning Strategy to support the continued expansion of retail floor space within this zone.
<i>Showroom</i>	D	P	Refer to report
<i>Studio</i>	X	P	Refer to report
<i>Veterinary Centre</i>	X	A	Refer to report

- Introduce the following Restricted Use Table within Schedule 3 of LPS 15:

Attachment 12.1.1 Amendment Sought by the Proponent

Table 2 – Proposed Restricted Use Table

No.	Description of Land	Restricted use	Conditions
R.U.1	All land bound by Wright Street, Abernethy Road, Belmont Avenue and Fulham Street, Cloverdale	<ul style="list-style-type: none"> • Hospital • Motel • Motor Vehicle, Boat or Caravan Sales • Motor Vehicle Hire • Motor Vehicle Repair • Office • Nursing Home • Reception Centre 	<ul style="list-style-type: none"> a) Where development external from and separate to the shopping centre is proposed, the following development requirements will apply: <ul style="list-style-type: none"> i. Separate buildings shall have a minimum of one (1) activated frontage which has: <ol style="list-style-type: none"> 1. Minimum one pedestrian opening; and 2. Minimum 50% glazing on the ground floor. b) Motor vehicle hire and motor vehicle, boat or caravan sales uses shall be located within the shopping centre building or other mixed use building, otherwise are restricted to a maximum floorspace of 2,500m². c) Nursing home and motel use developments must be a minimum of three (3) storeys in height. d) A development application for a veterinary centre or motor vehicle repair use must be accompanied by an acoustic assessment demonstrating the ability to achieve compliance with the <i>Environmental Protection (Noise) Regulations 1997</i> (Noise Regulations) which may require restrictions on the permitted activities. e) Motor vehicle repair uses shall not be located directly abutting Belmont Avenue. f) Any reception centre use must be integrated with other multi-use development and cannot comprise a standalone building for a single use.

Attachment 12.1.2 Changes Proposed by Amendment No 21

Attachment 2 – Changes Proposed by Amendment No. 21

- Update Table 1 (Zoning Table) as follows:
 - Amend the use class permissibility of ‘Cinema/Theatre’ from ‘A’ to ‘D’ within the ‘Town Centre’ zone.
 - Amend the use class permissibility of ‘Convenience Store’ from ‘A’ to ‘P’ within the ‘Town Centre’ zone.
 - Amend the use class permissibility of ‘Health Studio’ from ‘D’ to ‘P’ within the ‘Town Centre’ zone.
 - Amend the use class permissibility of ‘Private Recreation’ from ‘X’ to ‘D’ within the ‘Town Centre’ zone.
 - Amend the use class permissibility of ‘Restaurant/Café’ from ‘D’ to ‘P’ within the ‘Town Centre’ zone.
 - Amend the use class permissibility of ‘Shop’ from ‘D’ to ‘P’ within the ‘Town Centre’ zone.

- Introducing the below Additional Use within Schedule 2 of LPS 15.

No.	Location and Additional Uses
21	<p>Within the ‘Town Centre’ zone, the local government may approve the following additional uses:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash • Studio <p>When considering development applications for the abovementioned land uses, the following requirements shall be met:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash uses shall be located within a multi-storey parking structure, screened from view and be limited to a maximum GFA of 200m². • Studio uses are to be integrated within the main shopping centre building and comprise a maximum work-room GFA of 30m².

- Amending the zoning map to designate the ‘Town Centre’ zone as being subject to ‘Additional Use 21’ (A21).

Attachment 12.1.3 Land Use Definitions

Attachment 3 – Use Class Permissibility Symbol Meanings and Land Use Definitions

Land use definitions are included in Schedule 1 of LPS 15. The land use definitions relevant to this application have been extracted from Schedule 1 and included below:

Land Definitions	Use	Meaning
Art Gallery		means premises — a) that are open to the public; and b) where artworks are displayed for viewing or sale;
Cinema/Theatre		means premises where the public may view a motion picture or theatrical production;
Consulting Rooms		means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
Convenience Store		means premises — a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and b) operated during hours which include, but may extend beyond, normal trading hours; and c) the floor area of which does not exceed 300 m2 net lettable area;
Dry Cleaning Premises		means any land and building used for the cleaning of garments and other fabrics by chemical processes;
Educational Establishment		means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
Health Centre		means any building used as a maternity centre, a district clinic, an x-ray or ultrasound centre, or pathology centre, or the like of any of those, but does not include the consulting rooms or a medical centre use classes;
Health Studio		means any land and building designed and equipped for physical exercise, recreation or sporting activities, but does not include the private recreation or public recreation use classes;
Hospital		means premises used as a hospital as defined in the Hospitals and Health Services Act 1927 section 2(1);
Liquor Store – Small		means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300 m2;
Massage Parlour		means a use of land involving the massaging manipulation or other treatment of body parts for therapeutic or remedial purposes, of a kind generally administered in association with medical treatment. The term does not include the provision of any sexual services;
Motel		means premises, which may be licenced under the Liquor Control Act 1988 —

Attachment 12.1.3 Land Use Definitions

	<ul style="list-style-type: none"> a) used to accommodate guests in a manner similar to a hotel; and b) with specific provision for the accommodation of guests with motor vehicles;
Motor Vehicle, Boat, or Caravan Sales	means premises used to sell motor vehicles, boats or caravans;
Motor Vehicle Hire	means any land or building used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles;
Motor Vehicle Repair	means premises used for or in connection with — <ul style="list-style-type: none"> a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or City of Belmont Local Planning Scheme No. 15 – Scheme Text 56 Schedule No. 1 Land Use Definitions Meaning b) repairs to tyres other than recapping or re-treading of tyres;
Motor Vehicle Wash	means premises where the primary use is the washing of motor vehicles;
Nursing Home	means any building used for the medical treatment and/or care of sick, aged or handicapped persons, whether resident or not, but does not include the hospital, consulting rooms, medical centre or health centre uses;
Office	means premises used for administration, clerical, technical, professional or other like business activities;
Recreation Private	means premises that are — <ul style="list-style-type: none"> a) used for indoor or outdoor leisure, recreation or sport; and b) not usually open to the public without charge;
Reception Centre	means premises used for hosted functions on formal or ceremonial occasions;
Restaurant/Café	restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;
Serviced Apartments	means a group of units or apartments providing — <ul style="list-style-type: none"> a) self-contained short stay accommodation for guests; and b) any associated reception or recreational facilities;
Shop	means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
Showroom	means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor

Attachment 12.1.3 Land Use Definitions

	coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature;
Studio	means a building or part of a building used as a work-room by a painter, photographer, sculptor or craftsperson in the conduct of his/her profession and includes incidental display and sale of things made, decorated or adapted therein;
Veterinary Centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

CITY OF BELMONT
Local Planning Scheme No. 15
Scheme Amendment No. 21

City of Belmont

215 Wright Street, Cloverdale Western Australia 6105
Locked Bag 379, Cloverdale Western Australia 6985
Open 8:30am - 4:45pm, Monday - Friday

9477 7222

9477 7224 (A/H)

belmont@belmont.wa.gov.au

belmont.wa.gov.au



Planning and Development Act 2005

**RESOLUTION TO PREPARE
AMENDMENT TO LOCAL PLANNING SCHEME**

**CITY OF BELMONT
LOCAL PLANNING SCHEME NO. 15**

SCHEME AMENDMENT NO. 21

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Modifying the Zoning Table in the Scheme Text to change the following use class permissibility's within the 'Town Centre' zone:
 - 'Cinema/Theatre' from an 'A' to a 'D'
 - 'Convenience Store' from an 'A' to a 'P'
 - 'Health Studio' from a 'D' to a 'P'
 - 'Private Recreation' from an 'X' to a 'D'
 - 'Restaurant/Café' from a 'D' to a 'P'
 - 'Shop' from a 'D' to a 'P'

2. Introducing the following Additional Use within Schedule 2 of the Scheme Text:

No.	Location and Additional Uses
21	Within the 'Town Centre' zone, the local government may approve the following additional uses: <ul style="list-style-type: none"> • Motor Vehicle Wash • Studio. When considering development applications for the abovementioned land uses, the following requirements shall be met: <ul style="list-style-type: none"> • Motor Vehicle Wash uses shall be located within a multi-storey parking structure, screened from view and be limited to a maximum gross floor area of 200m². • Studio uses are to be integrated within the main shopping centre building and comprise a maximum work-room gross floor area of 30m².

3. Amending the Scheme Map to designate the 'Town Centre' zone as being subject to 'Additional Use 21' (A21).

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- The proposed amendment relates to land zoned 'Town Centre' and is considered to be consistent with the objective of this zone.

- The proposed amendment is consistent with the City of Belmont Local Planning Strategy.
- The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 25th day of July 2023.



CHIEF EXECUTIVE OFFICER

Scheme Amendment Details

Item	Description	Details
1.	Local Authority	City of Belmont
2.	Description of Local Planning Scheme	Local Planning Scheme No. 15
3.	Type of Scheme	Local Zoning Scheme
4.	Scheme Amendment No.	Amendment No. 21
5.	Summary of Proposal	<ul style="list-style-type: none"> Modify the Zoning Table in the Scheme Text to change the permissibility of certain uses within the 'Town Centre' zone. Introduce new 'Additional Uses' within Schedule 2 of the Scheme Text. Amend the Scheme Map to designate the 'Town Centre' zone as being subject to the additional uses.
6.	Classification	Standard

Planning Report

1. Introduction

Amendment No. 21 to Local Planning Scheme No. 15 (LPS 15) proposes to:

- Modify the Zoning Table in the Scheme Text to change the following use class permissibility's within the 'Town Centre' zone:
 - 'Cinema/Theatre' from an 'A' to a 'D'
 - 'Convenience Store' from an 'A' to a 'P'
 - 'Health Studio' from a 'D' to a 'P'
 - 'Private Recreation' from an 'X' to a 'D'
 - 'Restaurant/Café' from a 'D' to a 'P'
 - 'Shop' from a 'D' to a 'P'
- Introduce the following Additional Use within Schedule 2 of the Scheme Text:

No.	Location and Additional Uses
21	Within the 'Town Centre' zone, the local government may approve the following additional uses: <ul style="list-style-type: none"> Motor Vehicle Wash Studio. When considering development applications for the abovementioned land uses, the following requirements shall be met:

- Motor Vehicle Wash uses shall be located within a multi-storey parking structure, screened from view and be limited to a maximum gross floor area of 200m².
- Studio uses are to be integrated within the main shopping centre building and comprise a maximum work-room gross floor area of 30m².

3. Amend the Scheme Map to designate the 'Town Centre' zone as being subject to 'Additional Use 21' (A21).

2. Background

2.1 Location

The Amendment relates to the Belmont Town Centre as shown in Figure 1. The zoning of the subject lots and surrounding land is shown in Figure 2.

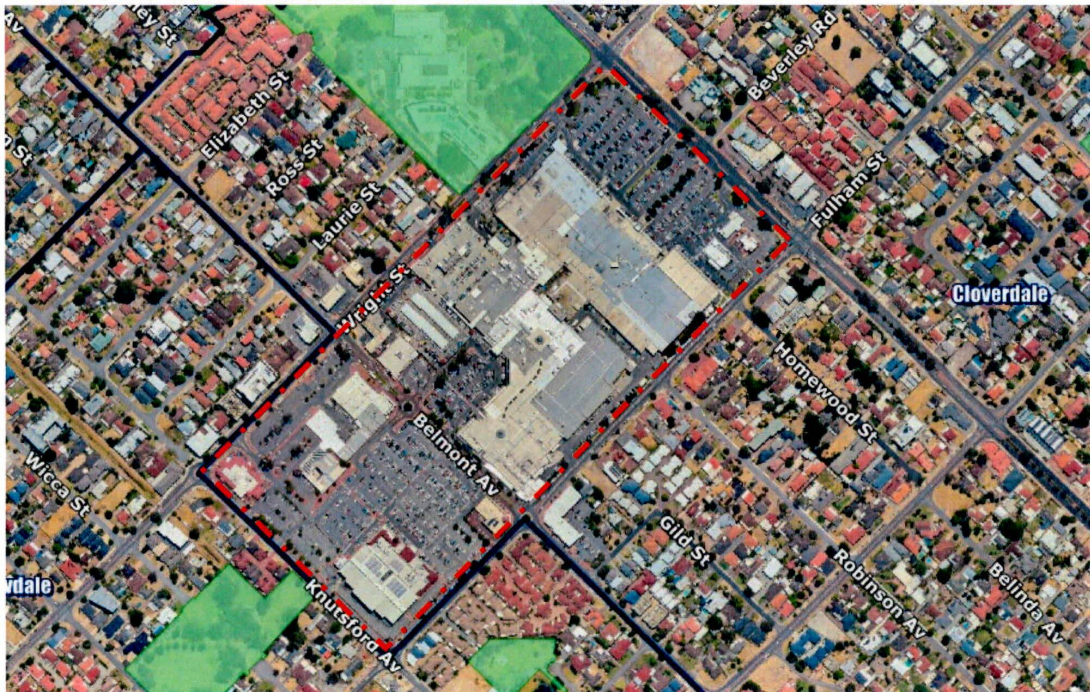


Figure 1: Location Plan - Town Centre outlined in Red (Source: IntraMaps)

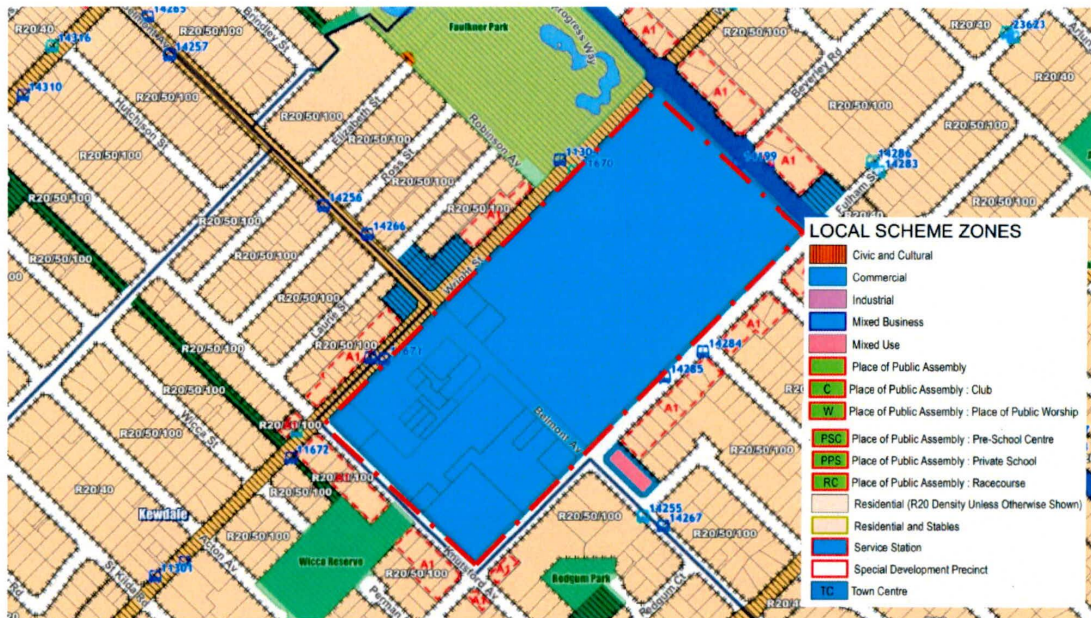


Figure 2: Existing zoning and reservation of land – Town Centre outlined in Red (Source: IntraMaps)

2.2 Proposed Amendment

The intent of the Amendment is to increase the number of uses capable of establishing within the 'Town Centre' zone and streamline approval processes for certain uses. The specific permissibility changes subject to this amendment are outlined in the below table:

Use Class	Existing Permissibility	Proposed Permissibility
Cinema/Theatre	A	D
Convenience Store	A	P
Health Studio	D	P
Private Recreation	X	D
Restaurant/Café	D	P
Shop	D	P

The amendment also seeks to introduce two additional uses within LPS 15 for 'Motor Vehicle Wash' and 'Studio' (Additional Use 21). These uses will remain as 'X' (not permitted) uses but will be capable approval subject to achieving compliance with the following conditions:

- Motor Vehicle Wash uses shall be located within a multi-storey parking structure, screened from view and be limited to a maximum gross floor area of 200m².
- Studio uses are to be integrated within the main shopping centre building and comprise a maximum work-room gross floor area of 30m².

The amendment also proposes to amend the Scheme Map to designate the 'Town Centre' zone as being subject to the above Additional Uses.

Justification for the proposed amendment is included in subsequent sections of this report.

2.3 Planning Context

Local Planning Scheme Amendments

Section 75 of the *Planning and Development Act 2005* provides for an amendment to be made to a local planning scheme. The procedures for amending a local planning scheme, including public consultation requirements, are set out within Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (The Regulations).

The Regulations specify three different types of scheme amendments, being 'basic', 'standard' and 'complex'. Clause 35(2) of the Regulations requires a resolution of the local government which specifies the amendment type and the reasons for the classification.

Each amendment has a different advertising requirement. A standard amendment needs to be advertised for 42 days, and a complex amendment has a 60-day advertising period.

Irrespective of the classification of the amendment, where a local government has resolved to amend a scheme, the proposed amendment shall be forwarded to the Environmental Protection Authority (EPA) to determine whether it requires an environmental assessment. Consent for advertising is also required from the Western Australian Planning Commission (WAPC).

Where no environmental assessment is required and subject to WAPC consent, the responsible authority shall advertise the amendment in accordance with the Regulations by:

- Displaying the amendment and associated public notice on the City of Belmont website.
- Publishing the notice in the local newspaper and displaying this on the City of Belmont public notice boards.
- Giving a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment.

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

Local Planning Scheme No. 15

The subject site is currently zoned 'Town Centre' under LPS 15. The 'Town Centre' zone has the following objective:

"The Town Centre and Commercial Zones are intended to provide for the retail commercial function and entertainment."

Table 1 (Zoning Table) of LPS 15 sets out the permissibility of uses using the symbols of 'P', 'D', 'A', and 'X'. The meaning of the symbols is listed below:

- 'P' Means the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
- 'D' Means that the use is not permitted unless the local government has exercised its discretion by granting Development Approval.
- 'A' Means that the use is not permitted unless the local government has exercised its discretion by granting Development Approval after giving special notice in accordance

with the provisions contained in Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2.

'X' Means a use that is not permitted by the Scheme.

Schedule 1 of LPS 15 includes land use definitions for each use listed in the Zoning Table. The relevant definitions relating to this Amendment are contained within the below table:

Land Use Definitions	Meaning
Cinema/Theatre	means premises where the public may view a motion picture or theatrical production;
Convenience Store	means premises — a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and b) operated during hours which include, but may extend beyond, normal trading hours; and c) the floor area of which does not exceed 300 m ² net lettable area;
Health Studio	means any land and building designed and equipped for physical exercise, recreation or sporting activities, but does not include the private recreation or public recreation use classes;
Motor Vehicle Wash	means premises where the primary use is the washing of motor vehicles;
Recreation Private	means premises that are — a) used for indoor or outdoor leisure, recreation or sport; and b) not usually open to the public without charge;
Restaurant/Café	restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;
Shop	means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
Studio	means a building or part of a building used as a work-room by a painter, photographer, sculptor or craftsperson in the conduct of his/her profession and includes incidental display and sale of things made, decorated or adapted therein;

Clause 3.5 of LPS 15 addresses Additional Uses and outlines that, regardless of the use class designation in the zoning table, land uses for areas specified in Schedule 2 can receive approval, subject to the specific conditions being met. Currently, there are no Additional Uses applicable to the 'Town Centre' zone.

Exemption from the Need to Obtain Development Approval

The Regulations exempt certain land uses from requiring development approval. This is subject to the use having a 'D' permissibility in the zone and where the relevant conditions are met. The exemption relevant to this amendment relates to 'Recreation – Private' as detailed in the below table:

Land Use	Zone	Conditions
Recreation – Private	Commercial, Centre, Mixed Use or Light Industry Zone	(a) Premises are in the metropolitan region.

Land Use	Zone	Conditions
		(b) Net lettable area of any indoor area of the premises is no more than 300 m ² . (c) No more than 60% of the glass surface of any window on the ground floor of a building on the premises is obscured glass.

State Planning Policy 4.2 – Activity Centres for Perth and Peel

State Planning Policy 4.2 (SPP 4.2) guides the planning and development requirements of activity centres in the Perth and Peel region. Its main goal is to encourage a mix of suitable land uses, with a focus on retail activities. Belmont Town Centre is the City’s highest-ranking activity centre and designated as a ‘Secondary Centre’ within the Policy.

The amendment has been reviewed against SPP 4.2 to determine the appropriateness of the proposed modifications to land use permissibility.

City of Belmont Local Planning Strategy

The City’s Local Planning Strategy recognises the importance of sustaining the long-term viability of its commercial centres. The Strategy aims to enhance the Town Centres functionality by allowing the expansion of retail spaces and promoting redevelopment in a main street format. The amendment has been reviewed against the City’s Local Planning Strategy to determine the appropriateness of the proposed modifications to land use permissibility.

Metropolitan Region Scheme

The subject site is zoned ‘Urban’ under the Metropolitan Region Scheme (MRS). The proposed Scheme Amendment is able to be accommodated under the current MRS zoning.

3. Report

3.1 Proposed Use Class Permissibility Changes

Proposed Changes to ‘P’

The following changes align with the objective of the ‘Town Centre’ zone, SPP 4.2, and the City’s Local Planning Strategy, and relate to uses already permissible within this zone:

- ‘Convenience Store’ – ‘A’ to ‘P’
- ‘Restaurant/Café’ – ‘D’ to ‘P’
- ‘Shop’ – ‘D’ to ‘P’
- ‘Health Studio’ – ‘D’ to ‘P’.

The ‘P’ use class permissibility will allow these uses to establish without the need for development approval, provided they comply with LPS 15. Justification for each of these changes is included below:

Convenience Store

Historically, the definition of ‘Convenience Store’ included the retail sale of petrol which is the primary reason for it currently being an ‘A’ use. However, reference to the retail sale of petrol

was removed from this definition through a previous amendment to LPS 15. As a result of this and the fact that the use is consistent with the zone objective, it is considered appropriate for it to be designated as 'P' instead of 'A'.

Restaurant/Café

This use contributes to the entertainment function of the centre and is consistent with the objective of the 'Town Centre' zone. This change is therefore considered appropriate.

Shop

This use is consistent with the objective of the 'Town Centre' zone and the intent of the City's Local Planning Strategy to support the continued expansion of retail floor space within this zone. Therefore, it is appropriate for 'Shop' to be designated as 'P' within the zoning table.

Health Studio

SPP 4.2 identifies health studios (gymnasiums) as an appropriate use that can generate activity outside of regular business hours. This change in use permissibility is therefore considered appropriate.

Proposed Changes to 'D'

Recreation Private

It is considered that 'Recreation-Private' aligns with the 'Town Centre' zone objective and SPP 4.2 and for this reason is an appropriate land use. However, it is not appropriate for this use to be designated as 'P'. The reason for this is that the definition of 'Recreation-Private' in LPS 15 is broad and covers varying scales of the use. If a 'P' designation is applied, there would be no size limit on 'Recreation-Private' uses that could occur without requiring approval. This could lead to unintended poor outcomes for the Town Centre. To avoid this and ensure oversight through the development application process, a 'D' use permissibility should be applied.

Under a 'D' designation, the land use would still be exempt from requiring development approval under the Regulations, provided it does not occupy an area greater than 300m². However, proposals that exceed this size would require assessment to ensure the operations are suitable for their location.

Cinema/Theatre

This use contributes to the entertainment function of the Town Centre and is therefore consistent with the objective of the zone. It is however not appropriate to designate this use as 'P' because a parking standard is not contained within LPS 15. To allow for an assessment of car parking to be undertaken, it is appropriate for this use to be designated as 'D'. The existing 'A' designation, which requires advertising even for compliant proposals, is considered excessive. In cases where variations to LPS 15 are proposed, these could be suitably advertised to potentially affected parties. Accordingly, a 'D' designation is considered most appropriate.

3.2 Additional Uses

The Amendment proposes the introduction of 'Additional Use 21' within LPS 15 to provide for the approval of 'Motor Vehicle Wash' and 'Studio' where specific conditions are met as discussed below. It is worth noting that these additional uses would still maintain their current 'X' classification. In preparing the Amendment, the City of Belmont consulted with the

Department of Planning Lands and Heritage (DPLH) who advised that additional uses are the appropriate mechanism in LPS 15 to achieve the intended outcome.

Motor Vehicle Wash

While the use can complement the function of the Town Centre zone, it is necessary for it to be regulated to ensure it remains complementary in nature and does not become a dominant use. The objective is for people to visit the Town Centre for a broader purpose and that car washing serves as an incidental part of their trip.

To ensure this occurs, it is proposed that the following criteria apply to the use:

- Located within a multi-storey parking structure and screened from view; and
- Limited to a maximum gross floor area (GFA) of 200m².

These measures ensure that the use is visually acceptable and complimentary to the primary function of the town centre.

Studio

The 'Studio' land use contains two elements, including artist work-room area and gallery/sale space. It is considered that the gallery aspect of the use is consistent with the objectives of the zone. However, there are concerns that if the work-room area aspect is not regulated, it could occur at a scale that is not consistent with the objectives of the zone.

To ensure the use occurs in an acceptable manner, it is proposed that the following criteria apply:

- Be integrated within the main shopping centre building; and
- Comprise a maximum work-room GFA of 30m².

These conditions ensure the use occurs in a manner that aligns with the objectives of the zone.

3.3 Scheme Amendment Classification

The Regulations specify three different types of scheme amendments, being 'basic', 'standard', and 'complex'.

A standard amendment is identified by the Regulations as meaning:

- a) Amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area; other than an amendment that is a basic amendment;
- d) An amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all types that are outlined in the plan;
- e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

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- g) Any other amendment that is not a complex or basic amendment.

The proposed amendment is considered to be a 'standard' amendment for the following reasons:

- i. The proposed amendment relates to land zoned 'Town Centre' and is considered to be consistent with the objective of this zone.
- ii. The proposed amendment is consistent with the City of Belmont Local Planning Strategy.
- iii. The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

4. Conclusion

The amendment proposes to modify the permissibility of various land uses to increase the number of uses capable of establishing within the 'Town Centre' zone and streamline approval processes for certain uses. These changes align with the objective of the 'Town Centre' zone, SPP 4.2, and the City's Local Planning Strategy. For this reason, it is considered that the proposed amendment is appropriate.

Planning and Development Act 2005

**CITY OF BELMONT
LOCAL PLANNING SCHEME NO. 15**

SCHEME AMENDMENT NO. 21

The Council of the City of Belmont, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, hereby amends the above Local Planning Scheme by

1. Modifying the Zoning Table in the Scheme Text to change the following use class permissibility's within the 'Town Centre' zone:
 - 'Cinema/Theatre' from an 'A' to a 'D'
 - 'Convenience Store' from an 'A' to a 'P'
 - 'Health Studio' from a 'D' to a 'P'
 - 'Private Recreation' from an 'X' to a 'D'
 - 'Restaurant/Café' from a 'D' to a 'P'
 - 'Shop' from a 'D' to a 'P'

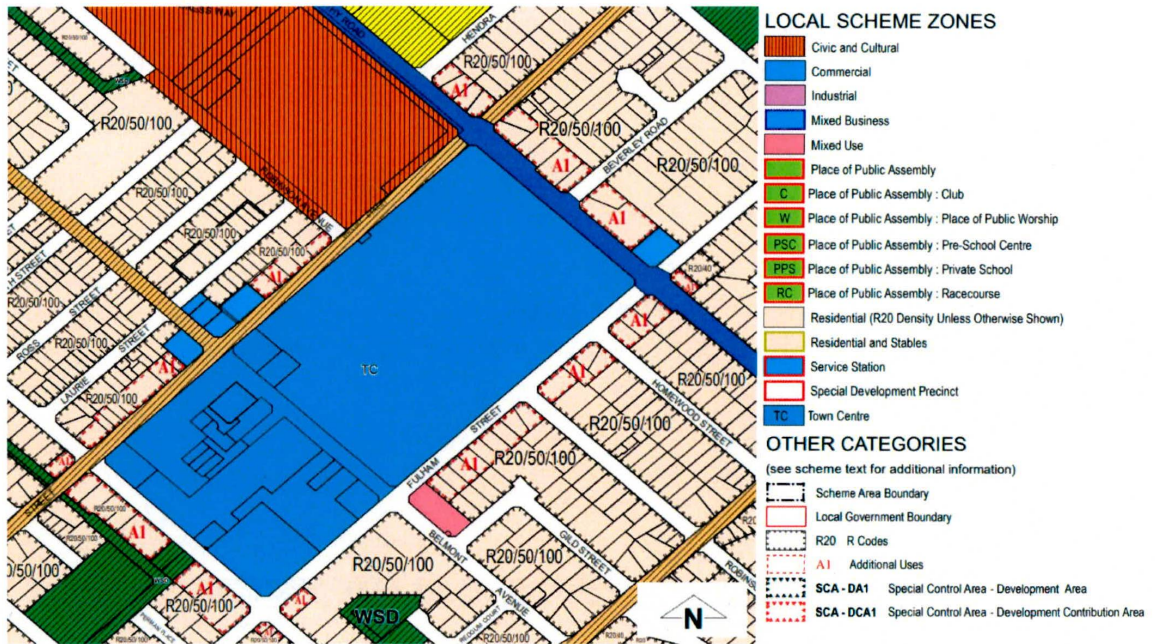
2. Introducing the following Additional Use within Schedule 2 of the Scheme Text:

No.	Location and Additional Uses
21	<p>Within the 'Town Centre' zone, the local government may approve the following additional uses:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash • Studio. <p>When considering development applications for the abovementioned land uses, the following requirements shall be met:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash uses shall be located within a multi-storey parking structure, screened from view and be limited to a maximum gross floor area of 200m². • Studio uses are to be integrated within the main shopping centre building and comprise a maximum work-room gross floor area of 30m².

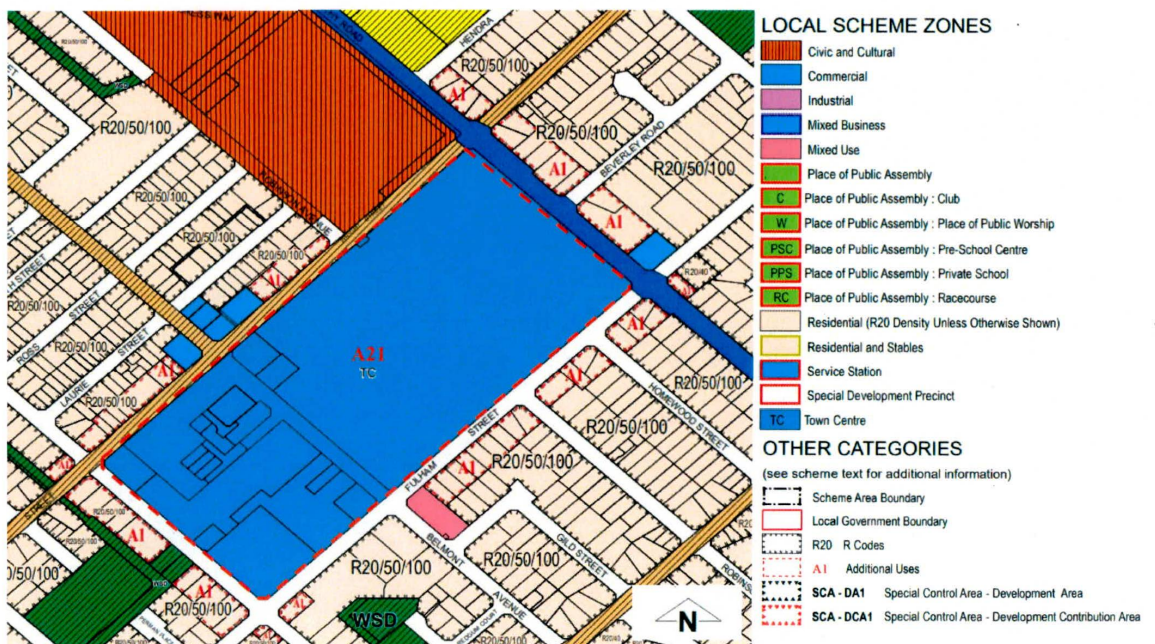
3. Amending the Scheme Map to designate the 'Town Centre' zone as being subject to 'Additional Use 21' (A21).

**CITY OF BELMONT
LOCAL PLANNING SCHEME NO. 15
SCHEME AMENDMENT NO. 21**

EXISTING SCHEME MAP



AMENDMENT MAP



Local Planning Scheme No. 15

COUNCIL ADOPTION FOR ADVERTISING

Adopted for advertising by resolution of the Council of the City of Belmont at the Ordinary Meeting of the Council held on this 25th day of July 2023.


MAYOR


CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

Supported for submission to the Minister for Planning for approval by resolution of the City of Belmont at the Ordinary Meeting of the Council held on this 12th day of ~~December 2023~~ and the Common Seal of the City of Belmont was hereunto affixed by the authority of a resolution of the Council in the presence of:




MAYOR


CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

DELEGATED UNDER S.16 OF
THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE

APPROVAL GRANTED

MINISTER FOR PLANNING
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE

CITY OF BELMONT
Local Planning Scheme No. 15
Scheme Amendment No. 21

City of Belmont

215 Wright Street, Cloverdale Western Australia 6105
Locked Bag 379, Cloverdale Western Australia 6985
Open 8:30am - 4:45pm, Monday - Friday

9477 7222
9477 7224 (A/H)

belmont@belmont.wa.gov.au
belmont.wa.gov.au



Planning and Development Act 2005

**RESOLUTION TO PREPARE
AMENDMENT TO LOCAL PLANNING SCHEME**

**CITY OF BELMONT
LOCAL PLANNING SCHEME NO. 15**

SCHEME AMENDMENT NO. 21

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Modifying the Zoning Table in the Scheme Text to change the following use class permissibility's within the 'Town Centre' zone:
 - 'Cinema/Theatre' from an 'A' to a 'D'
 - 'Convenience Store' from an 'A' to a 'P'
 - 'Health Studio' from a 'D' to a 'P'
 - 'Private Recreation' from an 'X' to a 'D'
 - 'Restaurant/Café' from a 'D' to a 'P'
 - 'Shop' from a 'D' to a 'P'

2. Introducing the following Additional Use within Schedule 2 of the Scheme Text:

No.	Location and Additional Uses
21	<p>Within the 'Town Centre' zone, the local government may approve the following additional uses:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash • Studio. <p>When considering development applications for the abovementioned land uses, the following requirements shall be met:</p> <ul style="list-style-type: none"> • Motor Vehicle Wash uses shall be located within a multi-storey parking structure, screened from view and be limited to a maximum gross floor area of 200m². • Studio uses are to be integrated within the main shopping centre building and comprise a maximum work-room gross floor area of 30m².

3. Amending the Scheme Map to designate the 'Town Centre' zone as being subject to 'Additional Use 21' (A21).

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- The proposed amendment relates to land zoned 'Town Centre' and is considered to be consistent with the objective of this zone.

- The proposed amendment is consistent with the City of Belmont Local Planning Strategy.
- The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 25th day of July 2023.



CHIEF EXECUTIVE OFFICER

Planning and Development Act 2005

**MODIFIED
AMENDMENT TO LOCAL PLANNING SCHEME**

**CITY OF BELMONT
LOCAL PLANNING SCHEME NO. 15**

SCHEME AMENDMENT NO. 21

The local government as directed by the Minister pursuant to regulation 56 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, amend the above Local Planning Scheme by:

1. Amend the land use permissibility for the following uses within the Town Centre zone under Table 1 – Zoning Table as follows:

Land Use	Town Centre Zone
Art Gallery	P
Cinema/Theatre	D
Consulting Rooms	P
Convenience Store	P
Education Establishment	A
Health Centre	P
Health Studio	P
Liquor Store – Small	P
Motel	A
Motor Vehicle Wash	A
Nursing Home	D
Private Recreation	D
Reception Centre	A
Restaurant/Café	P
Serviced Apartment	D
Shop	P
Studio	D

The Amendment adopted by Council on 25th July 2023 was considered to be standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- The proposed amendment relates to land zoned 'Town Centre' and is considered to be consistent with the objective of this zone.
- The proposed amendment is consistent with the City of Belmont Local Planning Strategy.
- The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Dated this 25th day of June 2024.

CHIEF EXECUTIVE OFFICER

2

Local Planning Scheme No. 15

Scheme Amendment Details

Item	Description	Details
1.	Local Authority	City of Belmont
2.	Description of Local Planning Scheme	Local Planning Scheme No. 15
3.	Type of Scheme	Local Zoning Scheme
4.	Scheme Amendment No.	Amendment No. 21
5.	Summary of Proposal	<ul style="list-style-type: none"> Amend the Zoning Table in the Scheme Text to change the permissibility of certain uses within the 'Town Centre' zone.
6.	Classification	Standard

Planning Report

I. Introduction

Amendment No. 21 to Local Planning Scheme No. 15 (LPS 15) proposes to:

- Modify the Zoning Table in the Scheme Text to change the following use class permissibilities within the 'Town Centre' zone:
 - 'Art Gallery' from a 'D' to a 'P'
 - 'Cinema/Theatre' from an 'A' to a 'D'
 - 'Consulting Rooms' from 'D' to a 'P'
 - 'Convenience Store' from an 'A' to a 'P'
 - 'Educational Establishment' from an 'X' to an 'A'
 - 'Health Centre' from an 'X' to a 'P'
 - 'Health Studio' from a 'D' to a 'P'
 - 'Liquor Store – Small' from an 'A' to a 'P'
 - 'Motel' from an 'X' to an 'A'
 - 'Motor Vehicle Wash' from an 'X' to an 'A'
 - 'Nursing Home' from an 'X' to a 'D'
 - 'Private Recreation' from an 'X' to a 'D'
 - 'Reception Centre' from an 'X' to an 'A'
 - 'Restaurant/Café' from a 'D' to a 'P'
 - 'Serviced Apartment' from a 'X' to a 'D'
 - 'Shop' from a 'D' to a 'P'
 - 'Studio' from an 'X' to a 'D'



2. Background

2.1 Location

The Amendment relates to the Belmont Town Centre as shown in Figure 1. The zoning of the subject lots and surrounding land is shown in Figure 2.



Figure 1: Location Plan - Town Centre outlined in Red (Source: IntraMaps)

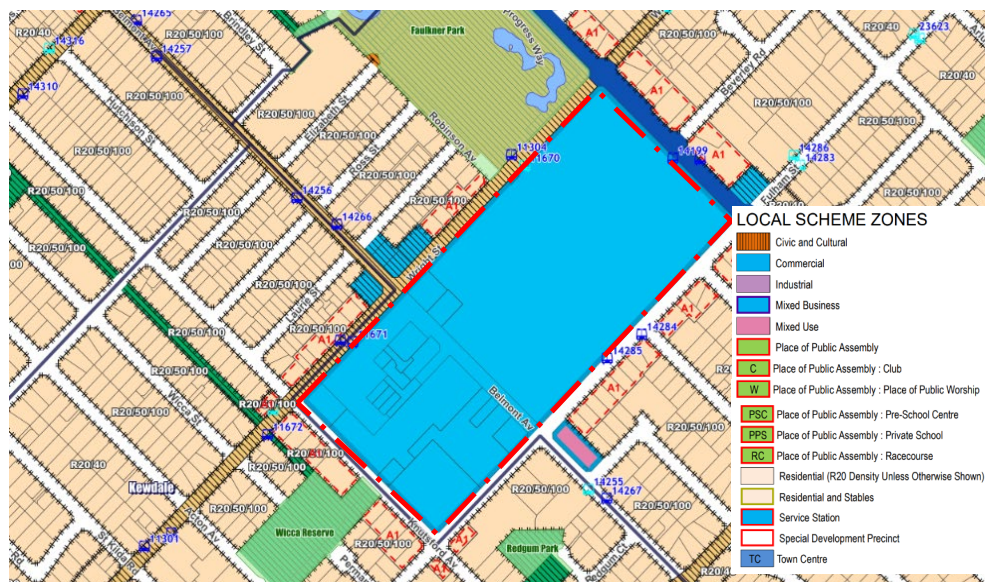


Figure 2: Existing zoning and reservation of land – Town Centre outlined in Red (Source: IntraMaps)

2.2 Proposed Amendment

The intent of the Amendment is to increase the number of uses capable of establishing within the 'Town Centre' zone and streamline approval processes for certain uses. The specific permissibility changes subject to this amendment are outlined in the below table:

Use Class	Existing Permissibility	Proposed Permissibility
<i>Art Gallery</i>	D	P
Cinema/Theatre	A	D
<i>Consulting Rooms</i>	D	P
Convenience Store	A	P
<i>Educational Establishment</i>	X	A
<i>Health Centre</i>	X	P
Health Studio	D	P
<i>Liquor Store – Small</i>	A	P
<i>Motel</i>	X	A
<i>Motor Vehicle Wash</i>	X	A
<i>Nursing Home</i>	X	D
Private Recreation	X	D
<i>Reception Centre</i>	X	A
Restaurant/Café	D	P
<i>Serviced Apartment</i>	X	D
Shop	D	P
<i>Studio</i>	X	D

2.3 Planning Context

Local Planning Scheme Amendments

Section 75 of the *Planning and Development Act 2005* provides for an amendment to be made to a local planning scheme. The procedures for amending a local planning scheme, including public consultation requirements, are set out within Part 5 of the *Planning and Development (Local Planning Schemes) 2015* (The Regulations).

The Regulations specify three different types of scheme amendments, being 'basic', 'standard' and 'complex'. Clause 35(2) of the Regulations requires a resolution of the local government which specifies the amendment type and the reasons for the classification.

Each amendment has a different advertising requirement. A standard amendment needs to be advertised for 42 days, and a complex amendment has a 60-day advertising period.

Irrespective of the classification of the amendment, where a local government has resolved to amend a scheme, the proposed amendment shall be forwarded to the Environmental Protection Authority (EPA) to determine whether it requires an environmental assessment. Consent for advertising is also required from the Western Australian Planning Commission (WAPC).

Where no environmental assessment is required and subject to WAPC consent, the responsible authority shall advertise the amendment in accordance with the Regulations by:

- Displaying the amendment and associated public notice on the City of Belmont website.
- Publishing the notice in the local newspaper and displaying this on the City of Belmont public notice boards.

- Giving a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment.

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

Local Planning Scheme No. 15

The subject site is currently zoned ‘Town Centre’ under LPS 15. The ‘Town Centre’ zone has the following objective:

“The Town Centre and Commercial Zones are intended to provide for the retail commercial function and entertainment.”

Table 1 (Zoning Table) of LPS 15 sets out the permissibility of uses using the symbols of ‘P’, ‘D’, ‘A’, and ‘X’. The meaning of the symbols is listed below:

- ‘P’ Means the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
- ‘D’ Means that the use is not permitted unless the local government has exercised its discretion by granting Development Approval.
- ‘A’ Means that the use is not permitted unless the local government has exercised its discretion by granting Development Approval after giving special notice in accordance with the provisions contained in Clause 64 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2.
- ‘X’ Means a use that is not permitted by the Scheme.

Schedule 1 of LPS 15 includes land use definitions for each use listed in the Zoning Table. The relevant definitions relating to this Amendment are contained within the below table:

Land Use Definitions	Meaning
Art Gallery	Means premises – (a) That are open to the public; and (b) Where artworks are displayed for viewing or sale
Cinema/Theatre	means premises where the public may view a motion picture or theatrical production;
Consulting Rooms	Means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care
Convenience Store	means premises — a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and b) operated during hours which include, but may extend beyond, normal trading hours; and c) the floor area of which does not exceed 300 m ² net lettable area;
Educational Establishment	Means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational center
Health Centre	Means any building used as a maternity centre, a district clinic, an x-ray or ultrasound centre, or pathology centre, or the like of any

	of those, but does not include the consulting rooms or a medical centre use classes;
Health Studio	means any land and building designed and equipped for physical exercise, recreation or sporting activities, but does not include the private recreation or public recreation use classes;
Liquor Store - Small	means premises the subject of a liquor store license granted under the <i>Liquor Control Act 1988</i> with a net lettable area of not more than 300m ² .
Motel	Means premises, which may be licensed under the <i>Liquor Control Act 1988</i> – (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles;
Motor Vehicle Wash	means premises where the primary use is the washing of motor vehicles;
Nursing Home	Means any building used for the medical treatment and/or care of sick, aged or handicapped persons, whether resident or not, but does not include the hospital, consulting rooms, medical centre or health centre uses;
Reception Centre	Means premises used for hosted functions on formal or ceremonial occasions;
Private Recreation	means premises that are – a) used for indoor or outdoor leisure, recreation or sport; and b) not usually open to the public without charge;
Restaurant/Café	restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;
Serviced Apartment	Means a group of units or apartments providing – (a) self contained short stay accommodation for guests; and (b) any associated reception or recreational facilities;
Shop	means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
Studio	means a building or part of a building used as a work-room by a painter, photographer, sculptor or craftsperson in the conduct of his/her profession and includes incidental display and sale of things made, decorated or adapted therein;

Exemption from the Need to Obtain Development Approval

The Regulations exempt certain land uses from requiring development approval. This is subject to the use having a 'D' permissibility in the zone and where the relevant conditions are met. The exemption relevant to this amendment relates to 'Recreation – Private' as detailed in the below table:

Land Use	Zone	Conditions
Recreation – Private	Commercial, Centre, Mixed Use or Light Industry Zone	(a) Premises are in the metropolitan region.

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Land Use	Zone	Conditions
		(b) Net lettable area of any indoor area of the premises is no more than 300 m ² . (c) No more than 60% of the glass surface of any window on the ground floor of a building on the premises is obscured glass.

State Planning Policy 4.2 – Activity Centres for Perth and Peel

State Planning Policy 4.2 (SPP 4.2) guides the planning and development requirements of activity centres in the Perth and Peel region. Its main goal is to encourage a mix of suitable land uses, with a focus on retail activities. Belmont Town Centre is the City’s highest-ranking activity centre and designated as a ‘Secondary Centre’ within the Policy.

The amendment has been reviewed against SPP 4.2 to determine the appropriateness of the proposed modifications to land use permissibility.

City of Belmont Local Planning Strategy

The City’s Local Planning Strategy recognises the importance of sustaining the long-term viability of its commercial centres. The Strategy aims to enhance the Town Centre’s functionality by allowing the expansion of retail spaces and promoting redevelopment in a main street format. The amendment has been reviewed against the City’s Local Planning Strategy to determine the appropriateness of the proposed modifications to land use permissibility.

Metropolitan Region Scheme

The subject site is zoned ‘Urban’ under the Metropolitan Region Scheme (MRS). The proposed Scheme Amendment is able to be accommodated under the current MRS zoning.

3. Report

The amendment introduces several significant land uses that are considered inconsistent with the objectives of the ‘Town Centre’ zone and require strategic planning to assess their suitability. Further details on these matters are discussed below.

Need for Strategic Planning

The Minister directed that the following land uses, which are currently designated as ‘X’ within the ‘Town Centre’ zone, be included in the Amendment:

- Education Establishment – ‘A’
- Health Centre – ‘P’
- Motel – ‘A’
- Nursing Home – ‘D’
- Reception Centre – ‘A’
- Serviced Apartment – ‘D’

The introduction of the above land uses is not supported for the following reasons:

- To assess their future suitability within the Town Centre zone, it is considered that formal strategic planning in the form of a precinct structure plan need to be undertaken first.

Orderly and proper planning necessitates a coordinated approach to land use planning through the preparation of a precinct structure plan. It is considered that this is why SPP 4.2 outlines the need for the preparation of precinct structure plans for secondary centres, which is further reinforced and supported by SPP 7.2.

- Consistent with SPP 4.2, the City's recently adopted Activity Centres Planning Strategy identifies the need for a precinct structure plan to be prepared to guide the future use and development of the Belmont Town Centre.
- The need for the preparation of a structure plan was first raised with the owners of Belmont Forum during the assessment of a development application for retail expansion, associated car parking, urban design treatments, landscaping, and façade works in 2015 and 2016.
- SPP 7.2 identifies land use planning and design outcomes as important components in the design of precincts across the State. For activity centres, SPP 7.2 states that strategic planning should identify the centre's role, distribution, function and land uses in accordance with SPP 4.2. The precinct structure planning process is identified as an appropriate method of guiding land use, density and development (including built form), access arrangements, infrastructure, environmental assets and community facilities.
- Regarding instances where a structure plan is not required, SPP 4.2 stipulates this is appropriate only when a precinct structure plan is unnecessary or when the local planning scheme includes sufficient built form controls in accordance with SPP 4.2, State Planning Policy 7.0 (SPP 7.0), and SPP 7.2. Neither LPS 15 nor the proposed amendment includes built form controls for building height, setbacks, or site coverage. Therefore, adequate built form controls are not in place to remove the need for a structure plan to establish these provisions for the proposed land uses.
- It is also considered necessary for a needs assessment to be prepared before the permissibility of 'Education Establishment', 'Health Centre', 'Nursing Home', 'Serviced Apartment' and 'Motel' is changed. This is particularly relevant given these uses do not align with the 'Town Centre' zone objectives as they do not provide a retail commercial or entertainment function.
- SPP 4.2 supports this approach and notes that a needs assessment should be prepared to inform precinct structure plans and scheme amendment proposals.
- In conjunction with the above, there are land use specific issues that require consideration, these are outlined below:
 - 'Educational Establishments' significantly vary in scale and operation. Previous experience with the use in other activity centres in the City of Belmont shows they can lead to significant impacts parking supply, and functionality of other activity centre land uses.
 - 'Health Centres' significantly vary in scale and operation and require consideration on a case-by-case basis.
 - The car focused nature of 'Motels' is inconsistent with contemporary planning principles advocated for by SPP 4.2 which seek to reduce car dependency within activity centres. In addition, the introduction of a short stay land use is a significant change to the planning framework.

- The introduction of 'Serviced Apartment' is a significant change to the planning framework that is not addressed by the City's Local Housing Strategy.
- The WAPC's Position Statement – Residential Accommodation for Ageing Persons, clearly outlines the need for aged care facilities and independent living complexes to be delivered in the locations identified in the local strategic planning framework. The need for 'Nursing Homes' within the 'Town Centre' zone is not addressed or contemplated by the City's strategic planning framework.
- While the 'Reception Centre' use could be consistent with the zone objective, the scale of this use and its integration with other town centre uses should be considered through the precinct structure planning process.

Given the above and in the absence of a precinct structure plan and built form controls for the Town Centre, it is not considered appropriate for the permissibility of several large scale and significant uses currently designated 'X' to be amended.

Additional Uses

Motor Vehicle Wash

The Amendment proposes changing the permissibility of 'Motor Vehicle Wash' from 'X' to 'A'.

Officers examined similar uses within activity centres and found them inappropriate for open-air parking areas or at a scale where they would become a dominant use. It was determined that the 'Motor Vehicle Wash' use should only be incidental to the function and operation of the Town Centre, allowing visitors to use the service as part of a broader trip.

Therefore, this land use may be considered appropriate as an Additional Use as opposed to changing the permissibility. Appropriate Additional Use controls include:

- Located within a multi-storey parking structure and screened from view; and
- Limited to a maximum gross floor area (GFA) of 200m².

Without these development controls, the city would have limited ability to manage the scale, location, and visual impact of such uses through the development application process.

Consequently, changing this use to 'A' without controls on size and location is not supported.

Studio

The Amendment proposes changing the permissibility of 'Studio' from 'X' to 'D'.

The 'Studio' use includes both an artist's workroom and gallery/sales area. While the gallery aspect aligns with the zone's objectives, there are concerns that unregulated workroom spaces could operate at a scale inconsistent with those objectives.

Therefore, this land use may be considered appropriate as an Additional Use as opposed to changing the permissibility. Appropriate Additional Use controls include:

- Be integrated within the main shopping centre building; and
- Comprise a maximum work-room GFA of 30m².

The additional use measures would limit the workroom size, ensuring the gallery/retail component remains the primary focus. Without such controls, officers would have limited

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ability to manage the scale and nature of the use within the 'Town Centre' zone. Therefore, designating this use as 'D' without built form controls is not supported.

Other Land Uses

Art Gallery

The Amendment proposes changing the permissibility of 'Art Gallery' from 'D' to 'P'. While 'P' uses are exempt from requiring approval if they comply with the local planning scheme, there are no specific parking requirements for this use under LPS 15. As a result, it is appropriate for a parking supply assessment to occur through the development application process. Given this, the proposed change to 'P' is not supported.

Consulting Rooms

The Amendment seeks to change the permissibility of 'Consulting Rooms' from 'D' to 'P'.

This use is already exempt under the Regulations, provided that no more than 60% of the ground floor window's glass surface is obscured. The Amendment does not propose to replicate this provision in the Scheme.

Therefore, if 'Consulting Rooms' were to become a 'P' use, the ability to require a maximum of 60% obscure glazing would be lost. This would lead to less desirable outcomes for engagement and activation at street level. Therefore, retaining the current 'D' designation is preferred.

Liquor Store – Small

The modified Amendment proposes changing the permissibility of 'Liquor Store-Small' from 'A' to 'P'. However, this use could have broader impacts on the surrounding community based on the City's evidence of alcohol-related harm, such as domestic violence and assaults in the locality.

Retaining the 'A' designation allows a proposal to be assessed having regard for social impacts of the development as specified under Clause 67(n)(iii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This will ensure that matters raised by stakeholder input and social impacts are fully considered. Therefore, the proposed change to 'P' is not supported.

Scheme Amendment Classification

The Regulations specify three different types of scheme amendments, being 'basic', 'standard', and 'complex'. A standard amendment is identified by the Regulations as meaning:

- a) Amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b) An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) An amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area; other than an amendment that is a basic amendment;
- d) An amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all types that are outlined in the plan;

- e) An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- f) An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- g) Any other amendment that is not a complex or basic amendment.

A complex amendment is identified by the Regulations as meaning:

- a) an amendment that is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- b) an amendment that is not addressed by any local planning strategy;
- c) an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality;
- d) an amendment made to comply with an order made by the Minister under section 76 or 77A of the Act;
- e) an amendment to identify or amend a development contribution area or to prepare or amend a development contribution plan;

Council initiated the original Amendment as a standard amendment for the following reasons:

- i. The proposed amendment relates to land zoned 'Town Centre' and is considered to be consistent with the objective of this zone.
- ii. The proposed amendment is consistent with the City of Belmont Local Planning Strategy.
- iii. The proposed amendment will not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Following advertising, the Amendment was sent to the Western Australian Planning Commission for review and to provide a recommendation to the Minister for Planning. The Minister for Planning directed the City to modify the Amendment and advertise these changes for a period of 42 days. This timeframe aligns with that of a 'Standard' amendment. Given changes to the permissibility of several land uses do not align with the objectives of the 'Town Centre' zone, it is considered the amendment is now classified as 'Complex'.

4. Conclusion

When considered in its entirety, the Amendment is not supported.

While several elements align with the previously endorsed version and are acceptable, many proposed changes do not align with the objectives of the 'Town Centre' zone and SPP 4.2 or require prior strategic planning. The need for a lead strategic approach aligns with SPP 4.2, SPP 7.2, the City's Activity Centre Planning Strategy, and the State's planning reform agenda. Accordingly, it is recommended that the Minister reject the Amendment.

Planning and Development Act 2005

**CITY OF BELMONT
LOCAL PLANNING SCHEME NO. 15**

SCHEME AMENDMENT NO. 21

The Council of the City of Belmont, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, hereby amends the above Local Planning Scheme by


1. Amend the land use permissibility for the following uses within the Town Centre zone under Table 1 – Zoning Table as follows:

Land Use	Town Centre Zone
Art Gallery	P
Cinema/Theatre	D
Consulting Rooms	P
Convenience Store	P
Education Establishment	A
Health Centre	P
Health Studio	P
Liquor Store – Small	P
Motel	A
Motor Vehicle Wash	A
Nursing Home	D
Private Recreation	D
Reception Centre	A
Restaurant/Café	P
Serviced Apartment	D
Shop	P
Studio	D



COUNCIL ADOPTION FOR ADVERTISING

Adopted for advertising by resolution of the Council of the City of Belmont at the Ordinary Meeting of the Council held on this 25th day of July 2023.



MAYOR


CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDED/SUBMITTED FOR APPROVAL

Supported for submission to the Minister for Planning for approval by resolution of the City of Belmont at the Ordinary Meeting of the Council held on this 12th day of December 2023 and the Common Seal of the City of Belmont was hereunto affixed by the authority of a resolution of the Council in the presence of:




MAYOR


CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR APPROVAL

DELEGATED UNDER S.16 OF
THE PLANNING AND DEVELOPMENT ACT 2005

DATE

APPROVAL GRANTED

MINISTER FOR PLANNING
S.87 OF THE PLANNING AND DEVELOPMENT ACT 2005

DATE



**CITY OF BELMONT
LOCAL PLANNING SCHEME NO. 15**

SCHEME AMENDMENT NO. 21

ADVERTISING

Advertised in accordance with direction from the Minister on this 25th day of June 2024.

CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDED/SUBMITTED FOR REFUSAL

Supported for submission to the Minister for Planning for refusal by resolution of the City of Belmont at the Ordinary Meeting of the Council held on this day of and the Common Seal of the City of Belmont was hereunto affixed by the authority of a resolution of the Council in the presence of:

MAYOR

CHIEF EXECUTIVE OFFICER

WAPC RECOMMENDED/SUBMITTED FOR DETERMINATION

DELEGATED UNDER S.16 OF
THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE

MINISTER DECISION

MINISTER FOR PLANNING
S.87 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE

Schedule of Submissions

No.	Submitter	Summary of Submission	Officer Comment
1	Element Advisory on Behalf of Perron Group (owner of Belmont Forum Shopping Centre)	<p>Acknowledge and support the intent of Amendment No. 21 to increase the number of land uses that will be capable of approval within the 'Town Centre' zone and the associated benefits of streamlining approval processes for certain uses.</p> <p>States that Perron Group support the advertised proposal even though it does not include the full range of uses from the original scheme amendment request. Mentions this is on the basis that the use class permissibilities are generally in accordance with the initial request and/or generally align with the proposal lodged with the City in January 2023.</p> <p>Considers that the following uses should be capable of approval in a contemporary town centre environment:</p> <ul style="list-style-type: none"> - Hospital - Motor Vehicle, Boat or Caravan Sales - Motor Vehicle Hire - Motor Vehicle Repair - Veterinary Centre <p>Mentions that because these uses have not been included in the City's re-advertised scheme amendment documentation, it is Perron's intention to pursue these changes with the City, Department of Planning Lands and Heritage (DPLH) and Western Australian Planning Commission (WAPC) when future opportunities arise, including as part of any planning scheme review, structure or precinct planning processes initiated by the City.</p> <p>Considers that changing the above uses would allow landowners to respond to market trends and emerging development opportunities that challenge conservative and more traditional perceptions and allow the Belmont Town Centre to achieve its potential as a genuinely diverse vibrant thriving activity centre. In the meantime, the submitter understands that those use class permissibilities will remain as they currently exist under LPS 15.</p>	<p>Noted</p> <p>Noted</p> <p>Refer to comments included in the Council Report.</p> <p>Refer to comments included in the Council Report.</p> <p>Refer to comments included in the Council Report.</p>

Attachment 3 – Land Use Definitions

Land use definitions are included in Schedule 1 of LPS 15. The land use definitions relevant to this item have been extracted from Schedule 1 and included below:

Land Definitions	Use	Meaning
Art Gallery		means premises — a) that are open to the public; and b) where artworks are displayed for viewing or sale;
Cinema/Theatre		means premises where the public may view a motion picture or theatrical production;
Consulting Rooms		means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;
Convenience Store		means premises — a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and b) operated during hours which include, but may extend beyond, normal trading hours; and c) the floor area of which does not exceed 300 m ² net lettable area;
Education Establishment		means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
Health Centre		means any building used as a maternity centre, a district clinic, an x-ray or ultrasound centre, or pathology centre, or the like of any of those, but does not include the consulting rooms or a medical centre use classes;
Health Studio		means any land and building designed and equipped for physical exercise, recreation or sporting activities, but does not include the private recreation or public recreation use classes;
Liquor Store – Small		means premises the subject of a liquor store licence granted under the Liquor Control Act 1988 with a net lettable area of not more than 300 m ² ;
Motel		means premises, which may be licenced under the Liquor Control Act 1988 — a) used to accommodate guests in a manner similar to a hotel; and b) with specific provision for the accommodation of guests with motor vehicles;
Motor Vehicle Wash		means premises where the primary use is the washing of motor vehicles;
Nursing Home		means any building used for the medical treatment and/or care of sick, aged or handicapped persons, whether resident or not, but does not include the hospital, consulting rooms, medical centre or health centre uses;
Recreation Private		means premises that are —

Attachment 12.1.6 Land Use Definitions

	<ul style="list-style-type: none"> a) used for indoor or outdoor leisure, recreation or sport; and b) not usually open to the public without charge;
Reception Centre	means premises used for hosted functions on formal or ceremonial occasions;
Restaurant/Café	restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the Liquor Control Act 1988;
Serviced Apartment	means a group of units or apartments providing — <ul style="list-style-type: none"> a) self-contained short stay accommodation for guests; and b) any associated reception or recreational facilities;
Shop	means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;
Studio	means a building or part of a building used as a work-room by a painter, photographer, sculptor or craftsman in the conduct of his/her profession and includes incidental display and sale of things made, decorated or adapted therein;

Attachment 12.1.7 Amendment Comparison Table

Land Use	Original Amendment Considered by Council	Modified Amendment
Art Gallery	Not subject to the Amendment	P
Cinema/Theatre	D	D
Consulting Rooms	Not subject to the Amendment	P
Convenience Store	P	P
Education Establishment	Not subject to the Amendment	A
Health Centre	Not subject to the Amendment	P
Health Studio	P	P
Liquor Store – Small	Not subject to the Amendment	P
Motel	Not subject to the Amendment	A
Motor Vehicle Wash	X – Additional Use requiring the use to be located within a multi-storey parking structure, screened from view and be limited to a maximum gross floor area of 200m ² .	A
Nursing Home	Not subject to the Amendment	D
Private Recreation	D	D
Reception Centre	Not subject to the Amendment	A
Restaurant/Café	P	P
Serviced Apartment	Not subject to the Amendment	D
Shop	P	P
Studio	X – Additional Use requiring the use to be integrated within the main shopping centre building and comprise a maximum work-room gross floor area of 30m ² .	D

12.2 2024-25 Consolidated Assurance Map

Voting Requirement	:	Simple Majority
Subject Index	:	19/003 Audit and Risk Committee
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 12.4 OCM 12 December 2023
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Executive Services

Council role

Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Purpose of report

To submit the 2024–25 Consolidated Assurance Map to Council for endorsement. Refer Attachment 12.2.1.

Summary and key issues

The Institute of Internal Auditors defined an assurance map as “a high level document that identifies the holistic risk coverage across the organisation by a range of assurance providers. It helps to identify gaps and duplication of assurance coverage.”

At the Standing Committee (Audit and Risk) Meeting held on 25 November 2024, the 2024-25 Consolidated Assurance Map was endorsed for recommendation to Council.

Committee Recommendation

That Council endorses the City of Belmont’s 2024–25 Consolidated Assurance Map at Attachment 12.2.1.

Location

Not applicable.

Consultation

Assurance providers have advised timing of assurance activities.

Strategic Community Plan implications

In accordance with the 2024–2034 Strategic Community Plan:

Key Performance Area: Performance

Outcome: 10. Effective leadership, governance and financial management.

Policy implications

There are no policy implications associated with this report.

Statutory environment

Section 7.2 of the *Local Government Act 1995 (WA)* requires annual financial audits.

Regulation 14 of the *Local Government (Audit) Regulations 1996* requires that a compliance audit for the period 1 January to 31 December is completed each year in a form approved by the Minister.

Regulation 17 of the *Local Government (Audit) Regulations 1996* states the following:

17. CEO to review certain systems and procedures.
 - (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to:
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
 - (2) The review may relate to any or all of the matters referred to in subregulation (1)(a), (b) and (c), but each of these matters is to be the subject of a review not less than once in every 3 financial years.

- (3) The CEO is to report to the audit committee the results of that review.

Regulation 5(2) of the *Local Government (Financial Management) Regulations 1996* states the following:

(2) The CEO is to:

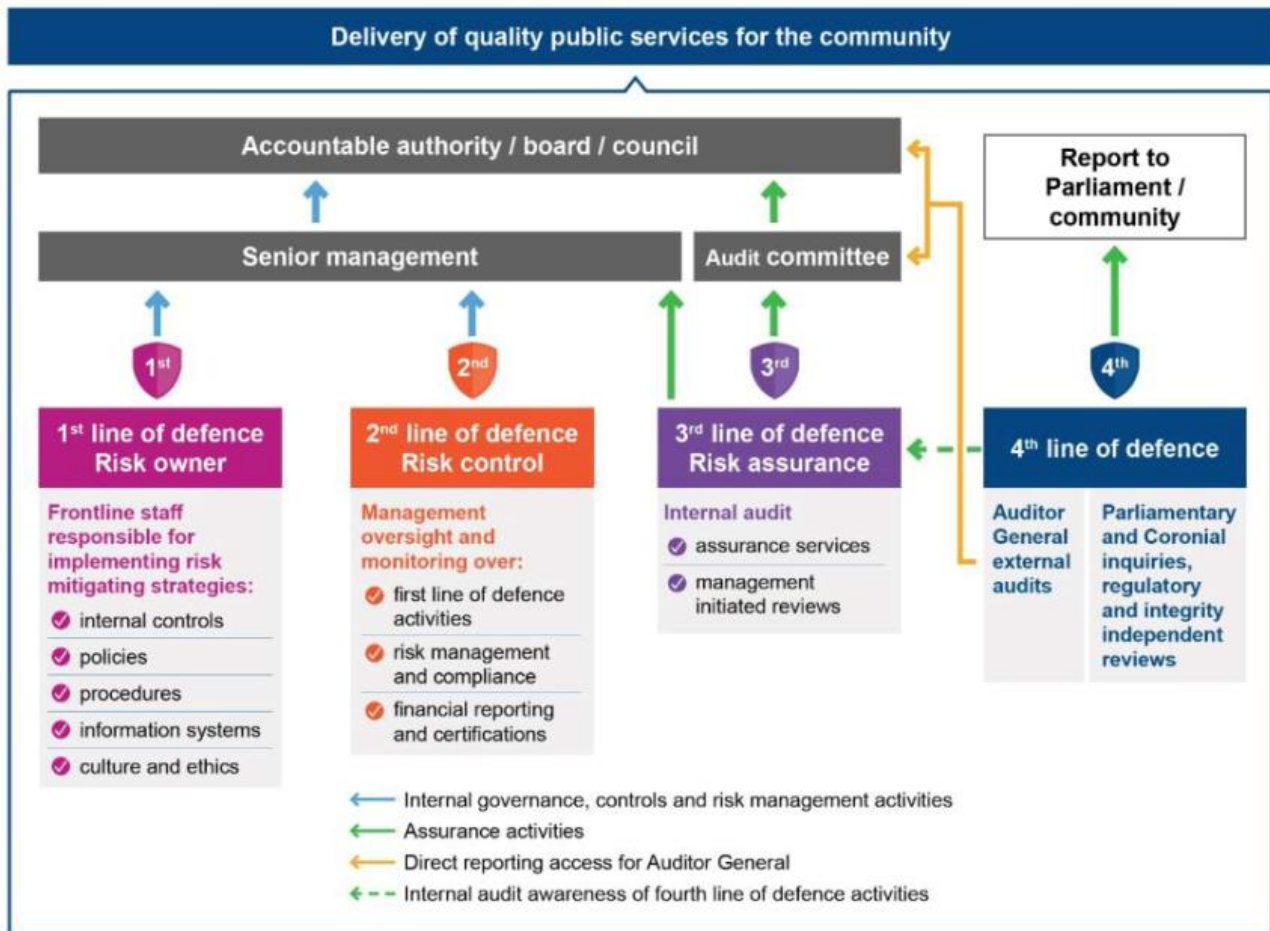
- (a) ensure that the resources of the local government are effectively and efficiently managed; and
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
- (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

In addition, under the International Standard ISO 9001:2015, Quality Management Systems, the City is required to conduct an annual program of internal and external audits to maintain certification of ISO Standards.

Background

The 2024–25 Consolidated Assurance Map (refer Attachment 12.2.1) provides an overview of the audits and reviews planned for financial year 2024-25 and was reviewed by the Standing Committee (Audit and Risk) at their meeting on 25 November 2024.

Referencing in the Consolidated Assurance Map reflects the WA Public Sector Audit Committees – Better Practice Guide, issued by the Office of the Auditor General (25 June 2020) “Lines of Defence Model” as shown in Figure 1 below.



Source: OAG

Report

The 2024–25 Consolidated Assurance Map gives Council oversight of the scope and focus of assurance activities for financial year 2024–25.

Assurance drivers are requirements for:

- Internal control and legislative compliance.
- Statutory external audit requirements.
- External certifications of Quality, Environmental and Occupational Health & Safety management systems.
- The need to support the City's chosen governance approach.
- The requirement to provide a comprehensive solution that can be undertaken with existing resources.

There are a number of focus audits that any area of the City could be subject to each year. These could be conducted as internal audits or reviews, operational comparison reports, or by external third parties, the Department of Local Government, Sport and Culture Industries, the Corruption and Crime Commission, Public Sector Commission or the Western Australian Office of the Auditor General. As these audits are carried out as required, they are not identified on the Consolidated Assurance Map.

Financial implications

There are no financial implications evident at this time.

Environmental implications

There are no environmental implications associated with this report.

Social implications

There are no social implications associated with this report.

Attachment details

Attachment No and title
1. 2024-2025 Consolidated Assurance Map [12.2.1 - 1 page]

City of Belmont
2024- 2025 - Consolidated Assurance Map

	2024 - 2025 FINANCIAL YEAR											
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Organisational Reviews												
Line Staff and Management	MGT											
BMS Review	BMS											
System Procedures	SP											
Corporate & Governance							CAR	CAR			ISO	
Public Relations and Stakeholder Engagement							CAR	CAR			ISO	
Finance		IA (RFC)		OAG	REV		CAR	CAR	IA (PEC)	OAG	ISO	
Governance, Strategy and Risk					REV	IA (BCF)	CAR	IA (BPI)	CAR		ISO	
Information Technology		OAG					CAR	CAR	IA (OFU)		ISO	
Development & Communities							CAR	CAR			ISO	
Economic and Community Development							CAR	CAR			ISO	
Library, Culture and Place							CAR	CAR			ISO	
Planning Services							CAR	IA (DAP)	CAR		ISO	
Safer Communities		IA (BPA)					CAR	CAR			ISO	
Executive Services							CAR	CAR			ISO	
People and Culture							CAR	CAR			ISO	IA (HRM)
Work Health and Safety							CAR	CAR		IA (WLC)	ISO	
Infrastructure Services							CAR	CAR			ISO	
City Facilities and Property							CAR	CAR	IA (CCA)		ISO	
City Projects							CAR	CAR			ISO	IA (CCA)
Design, Assets and Development			IA (DAE)				CAR	CAR			ISO	
Parks, Leisure and Environment				IA (L&W)			CAR	CAR	IA (WTM)		ISO	
Works					IA (WSM)		CAR	CAR			ISO	

Legend

1st line of defence - Risk and Control Owner	
MGT	Line Staff and Management
2nd line of defence	
CAR	Statutory Compliance Audit Return
BMS	Business Management System Review
SP	System Procedures
3rd line of defence	
IA	Internal Audit
4th line of defence	
REV	Statutory Reviews - Regulation 5 & Regulation 17
OAG	Office of the Auditor General (OAG) - Financial Audit
ISO	ISO Quality, OH&S & Environmental Standards Audit

IA Reference	Audit Name
RFC	Revenue & Funding Cycle
BPA	Building Permit Approvals
DAE	Development Applications Engineering
L&W	Leisure & Wellbeing (Oasis Contract Audit)
WSM	Waste Management
BCF	Risk Management, Business Continuity, Fraud
BPI	Business Planning & Improvement
DAP	Development Applications / Projects
OFU	OAG Follow up
CCA	Construction Contract Audit
PEC	Procurement & Expenditure Cycle
WTM	Water Management
WLC	WHS Legislation Compliance
HRM	Human Resource Planning & Management

Note 1. OAG Operational Comparison audits are not identified on the Assurance Map as they are carried out by OAG as determined.

Note 2. OAG Interim Audit in April 2025 is to be confirmed.

12.3 Internal Audit Plan 2024-25 - 2026-27

Voting Requirement	:	Simple Majority
Subject Index	:	19/003 Audit and Risk Committee
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 12.5 OCM 12 December 2023
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Executive Services

Council role

Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Purpose of report

To submit the draft three year forward "Internal Audit Plan 2024-25 – 2026-27" to Council for endorsement. Refer Attachment 12.3.1.

Summary of key issues

The "Terms of Reference – Internal Audit" requires the internal audit activity present "annual and longer term risk based internal audit plans" to the Standing Committee (Audit and Risk) for review prior to recommendation to Council. The Committee reviewed the plans at their meeting on 25 November 2024, the Internal Audit Plan 2024-25 -2026-27 was endorsed for recommendation to Council.

The plan at Attachment 12.3.1, records:

- Audits planned and completed this financial year (2024-25) to date.
- Audits planned for the future financial years 2025-26 – 2026-27.

For historical information the plan also records 2022-23 and 2023-24 audits planned and completed.

Committee Recommendation

That Council endorses the draft three year forward "Internal Audit Plan 2024-25 – 2026-27", as Attachment 12.3.1.

Location

Not applicable.

Consultation

The development of the "Internal Audit Plan 2024-25 – 2026-27" was reviewed by:

- All department managers
- All division directors
- The CEO
- Executive Leadership Team

Comments provided have been considered and incorporated in the draft plan.

Strategic Community Plan implications

In accordance with the 2024-2034 Strategic Community Plan:

Key Performance Area: Performance

Outcome: 10. Effective leadership, governance and financial management.

Policy implications

There are no policy implications associated with this report.

Statutory environment

Local Government Act 1995 (WA)

7.1A Audit Committee

- (1) A local Government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

Local Government (Audit) Regulations 1996

16. Functions of audit committee

An audit committee has the following functions:

- (a) to guide and assist the local government in carrying out:
 - (i) its functions under Part 6 of the Act; and
 - (ii) its functions relating to other audits and other matters related to financial management;
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to:
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council;
- (d) To monitor and advise the CEO when the CEO is carrying out functions in relation to a review under:
 - (i) Regulation 17(1); and
 - (ii) The Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government:
 - (i) is required to take by section 7.12A(3); and
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (g) to perform any other functions conferred on the audit committee by those regulations or another written law.

[Regulation 16 inserted: Gazette 26 Jun 2018 p.2386-7.]

Background

The City of Belmont's internal audit activity commenced in June 2021 and the first internal audit plan was endorsed by the committee in August 2022.

This is the third internal audit plan submitted to the committee and covers the three year forward period 2024-2027.

Internal Audit Plan - Methodology

The draft internal audit plan was developed using the following steps:

- Strategic Community Plan review.
- Status of the 2023-24 internal audit plan.
- Meeting with City department managers to identify their operations, key objectives, key risks, new developments and related City strategies.
- Meeting with Division Directors and the CEO to identify need for additional audits.

The Institute of Internal Auditors (IIA) Supplementary Guidance paper "Developing a Risk Based Internal Audit Plan" was also used as a reference to develop the draft plan.

When each audit is commenced a detailed engagement plan is completed and discussed with management to ensure areas of current risk are identified.

Report

The attached three year forward Internal Audit Plan 2024-25 – 2026-27 provides an outline for the two internal audit staff to review the city's activities using a risk-based approach.

Financial implications

There are no financial implications evident at this time.

Environmental implications

There are no environmental implications associated with this report.

Social implications

There are no social implications associated with this report.

Attachment details

Attachment No and title
1. Internal Audit Plan 2024-25 - 2026-27 [12.3.1 - 2 pages]

INTERNAL AUDIT PLAN 2024/25 - 2026/27													
STRATEGIC COMMUNITY PLAN 2024-2034		AUDIT UNIVERSE		AUDIT COVERAGE	AUDIT TYPE	AUDIT NAME	RISK LEVEL	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5	
KEY PERFORMANCE AREA	OBJECTIVES	ORGANISATION CHART STRUCTURE LEVEL 1	ORGANISATION CHART STRUCTURE LEVEL 2					2022 - 2023 PAST YR	2023 - 2024 PAST YR	2024 - 2025 CURRENT	2025 - 2026 FUTURE YR	2026 - 2027 FUTURE YR	
DEVELOPMENT & COMMUNITIES													
PLACE	OBJECTIVE 6.1	PLANNING SERVICES		√	Operational	1 Development Applications / Projects	Major	√		4		4	
PLACE	OBJECTIVE 6.1	SAFER COMMUNITIES	BUILDING SURVEYING	√	Operational	2 Building Permit Approvals	Major	√		4		4	
PEOPLE	OBJECTIVE 1.2 & 3.1		ENVIRONMENTAL HEALTH	√	Operational	3 Community Environmental Health	Major		√			4	
PEOPLE	OBJECTIVE 1.1 & 1.2		COMMUNITY SAFETY	√	Operational	4 Surveillance and Ranger Activities	Major		√		4		
PROSPERITY	OBJECTIVE 9.1 - 9.4	ECONOMIC & COMMUNITY DEV	ECONOMIC DEVELOPMENT	√	Operational	5 Economic Development Programs	Moderate				4		
PEOPLE	OBJECTIVE 1.2 & 3.1 - 3.5		COMMUNITY DEVELOPMENT	√	Operational	6 Community Development Programs	Moderate				4		
PEOPLE	OBJECTIVE 2.1 & 2.2, 3.3 & 3.4		CULTURAL ENGAGEMENT	√	Operational	7 Community & Cultural Engagement Programs	Moderate				4		
PEOPLE	OBJECTIVE 2.1	LIBRARY, CULTURE AND PLACE	LIBRARY AND MUSEUM HUB	√	Operational	8 Belmont Hub Library and Museum Services	Moderate					4	
PEOPLE & PROSPERITY	OBJECTIVE 2.2, 2.3 & 9.4		ARTS AND PLACE	√	Operational	9 Art and Place	Moderate					4	
DEVELOPMENT & COMMUNITIES - TOTAL WEEKS									8	16	20		
INFRASTRUCTURE SERVICES													
PERFORMANCE	OBJECTIVE 10.2	DESIGN, ASSETS & DEVELOPMENT	ASSET MANAGEMENT	√	Operational	10 Drains - Asset Management	Moderate				4		
PERFORMANCE	OBJECTIVE 10.2		ASSET MANAGEMENT	√	Operational	11 Roads - Asset Management	Moderate				4		
PLACE	OBJECTIVE 6.1		DEVELOPMENT	√	Operational	12 Development Applications Engineering	Moderate			4			
PLACE	OBJECTIVE 8.1 & 8.2		DESIGN	√	Operational	13 Sustainable Transport	Moderate				4		
PLACE	OBJECTIVE 7.2	CITY PROJECTS		√	Project	14 Construction Contract (Ornamental & Foreshore)	Major	√		4			
PLACE	OBJECTIVE 7.2			√	Project	15 Construction Contract (Wilson Park & BKB)	Major				4		
PERFORMANCE	OBJECTIVE 10.2	CITY FACILITIES AND PROPERTY	BUILDING & FACILITIES OPERATIONS	√	Operational	16 Buildings - Asset Management	Moderate		√			4	
PERFORMANCE	OBJECTIVE 10.2		BUILDING & FACILITIES OPERATIONS	√	Project	17 Construction Contract (TBA)	Major	√		4			
PLACE	OBJECTIVE 8.1 & 8.2	WORKS	WORKS	√	Operational	18 Roads, Footpaths & Drains Maintenance	Moderate		√			4	
PLACE	OBJECTIVE 8.1 & 8.2		WORKS	√	Operational	19 Roads, Footpaths & Drains Construction	Moderate		√			4	
PLANET & PERFORMANCE	OBJECTIVE 5.1 & 10.2		FLEET AND PLANT	√	Operational	20 Fleet and Plant Maintenance	Minor				4		
PLANET	OBJECTIVE 5.1		WASTE MANAGEMENT	√	Operational	21 Waste Management	Major	√		4		4	
PLANET & PERFORMANCE	OBJECTIVE 4.1 - 4.3 & 10.1 - 10.4	PARKS LEISURE AND ENVIRON	PARKS	√	Operational	22 Parks - Asset Management & Maintenance	Moderate		√			4	
PERFORMANCE	OBJECTIVE 10.1		PARKS	√	Operational	23 Parks - WHS	Major		√			4	
PLANET & PERFORMANCE	OBJECTIVE 5.1, 10.2 & 10.4		ENVIRONMENT	√	Operational	24 Water Management	Moderate			4			
PEOPLE	OBJECTIVE 1.2, 1.3 & 3.1 - 3.4		COMMUNITY WELLBEING	√	Operational	25 Leisure and Wellbeing - Oasis Contract Audit	Moderate			4			
						26 Construction Contract (TBA)	Major				4		
INFRASTRUCTURE SERVICES - TOTAL WEEKS									24	24	24		
EXECUTIVE SERVICES													
PERFORMANCE	OBJECTIVE 10.1		INTERNAL AUDIT	√	Strategic	27 Internal Audit Quality Assurances	Major	√	√	2	2	4	
PERFORMANCE	OBJECTIVE 10.1		INTERNAL AUDIT	√	Strategic	28 Strategic Audit Plan	Major		√	2	2	2	
PERFORMANCE	OBJECTIVE 10.1	PEOPLE AND CULTURE	HUMAN RESOURCES	√	Operational	29 Human Resource Planning and Management	Moderate			4			
PERFORMANCE	OBJECTIVE 10.1		PAYROLL	√	Operational	30 Payroll System Reliability	Moderate				4		
PERFORMANCE	OBJECTIVE 10.1	WORK HEALTH & SAFETY		√	Operational	31 WHS legislation Compliance	Major	√		4		4	
EXECUTIVE SERVICES - TOTAL WEEKS									12	8	10		
CORPORATE AND GOVERNANCE													
PERFORMANCE	OBJECTIVE 10.2 & 10.3	INFORMATION TECHNOLOGY	BUSINESS APPLICATIONS	√	Operational	32 OAG Follow up	Major	√	√	2	2	2	
PERFORMANCE	OBJECTIVE 10.2 & 10.3		BUSINESS APPLICATIONS	√	Operational	33 Applications and General controls	Major				4		
PERFORMANCE	OBJECTIVE 10.2 & 10.3		BUSINESS APPLICATIONS	√	Operational	34 Cybersecurity and Disaster Recovery	Major				4		
PERFORMANCE	OBJECTIVE 10.2 & 10.3		BUSINESS APPLICATIONS	√	Project	35 Performance Indicators Development	Major				4		
PERFORMANCE	OBJECTIVE 10.2	FINANCE	REVENUE	√	Financial	36 Revenue & Funding cycle	Moderate			4			
PERFORMANCE	OBJECTIVE 10.2		PROCUREMENT	√	Operational & Financial	37 Procurement & Expenditure cycle	Major	√		4			
PERFORMANCE	OBJECTIVE 10.2		ASSETS	√	Financial	38 Current & Non Current Assets	Moderate					4	
PERFORMANCE	OBJECTIVE 10.2		LIABILITIES	√	Financial	39 Current and Non Current Liabilities	Moderate					4	
PERFORMANCE	OBJECTIVE 10.2		REPORTING	(OAG)	Financial	40 Statutory Financial Reporting	Moderate						
PERFORMANCE	OBJECTIVE 11.1 & 11.2	PUBLIC RELATIONS & STAKE.	MARKETING	√	Operational	41 Marketing & Communications	Moderate				4		
PERFORMANCE	OBJECTIVE 10.1	GOVERNANCE, STRAT & RISK	BUSINESS CONTINUITY AND RISK	√	Operational	42 Risk Management, Business Continuity, Fraud	Major	√		4		4	
PERFORMANCE	OBJECTIVE 10.2		GOVERNANCE AND COMPLIANCE	√	Operational	43 Governance and Compliance	Moderate		√			4	
PERFORMANCE	OBJECTIVE 10.3		BUSINESS PLANNING & IMPROVE	√	Operational	44 Business Planning and Improvement	Major			4			
CORPORATE & GOVERNANCE - TOTAL WEEKS									18	18	18		
TOTAL ANNUAL WORK WEEKS								62	58	62	66	72	

INTERNAL AUDIT PLAN 2024-2025 TO 2026 - 2027 (FINANCIAL YEARS)								
AUDIT NAME	DEPARTMENT BACKGROUND	RISK	AUDIT OBJECTIVES	RELATED	CONSEQUENCE RISK LEVELS			
1	2	3	4	5	6			
				SCP 2024-2034 OBJECTIVES	STRATEGIC IMPACT	OPERATIONAL IMPACT	COMPLIANCE IMPACT	FINANCIAL IMPACT
DEVELOPMENT AND COMMUNITIES								
1 Development Applications / Projects	Manages DA's, Projects Planning, non compliant "R" codes. Checks compliance generally.	Planning approvals process incorrect.	Check DA 's / Projects legal compliance, non compliant R code plans approved.	6.1	Major	Minor	Moderate	Moderate
2 Building Permit Approvals	Manages approval of Building Licences and issue of Occupancy Certificates	Completed building not compliant	Check correct approval of building licenses and occupancy certificates	6.1	Major	Minor	Minor	Moderate
3 Community Environmental Health	Manages environment risks e.g. noise, vermin, dust, food in the community	Environment hazards	Check environment plans and controls are timely and effective.	1.2 & 3.1	Major	Minor	Moderate	Moderate
4 Surveillance and Ranger Activities	Manages community vehicle patrols, CCTV monitoring, emergency management	Injury to public	Check vehicle patrols and ranger plans and controls are timely and effective.	1.1 & 1.2	Major	Minor	Minor	Moderate
5 Economic Development Programs	Actively engages with the business community to promote business retention, growth	Business performance is poor.	Programs are performance measured and actively managed as necessary.	9.1 - 9.4	Moderate	Minor	Moderate	Moderate
6 Community Development Programs	Actively engages with community to promote "Liveable Belmont"	Community groups not supported.	Programs are performance measured and actively managed as necessary.	1.2 & 3.1 - 3.5	Moderate	Minor	Moderate	Moderate
7 Community & Cultural Engage Progs	Actively engages with community to promote "Liveable Belmont"	Community groups not supported.	Programs are performance measured and actively managed as necessary.	2.1 & 2.2, 3.3 & 3.4	Moderate	Minor	Moderate	Moderate
8 Belmont Hub Library and Museum Services	Manages Belmont Hub to deliver services that meet community needs. NFP leases.	Facilities underutilised	Programs are performance measured and actively managed as necessary.	2.1	Moderate	Minor	Moderate	Moderate
9 Art and Place	Actively engages with community to promote art and "Creative Belmont"	Placemaking not maximised	Programs are performance measured and actively managed as necessary.	2.2, 2.3 & 9.4	Moderate	Minor	Moderate	Moderate
INFRASTRUCTURE SERVICES								
10 Drains - Asset Management	Manages drains asset management plans including maintenance	Drains fail.	Check asset management plans including maintenance are timely and effective	10.2	Moderate	Moderate	Moderate	Moderate
11 Roads - Asset Management	Manages roads, paths asset management plans including design and maintenance	Roads, paths fail	Check asset management plans including design, maintenance timely and effective	10.2	Moderate	Moderate	Moderate	Moderate
12 Development Applications Engineering	Reviews development plans e.g traffic / pedestrian traffic managed.	Non Compliance / rework	Check development plans are correctly reviewed	6.1	Moderate	Moderate	Moderate	Moderate
13 Sustainable Transport	Support Sustainable Transport by promoting walking, cycling, public transport, to reduce cars	Program not effective	Programs are performance measured and actively managed as necessary.	8.1 & 8.2	Moderate	Moderate	Moderate	Moderate
14 Construction Contract (Ornamental & Foreshore)	Manages one off, high value, complex high risk projects	Project fails to meet all expectations	Check tender, time, cost, quality, environment, OHS, variations are managed	7.2	Major	Moderate	Moderate	Moderate
15 Construction Contract (Wilson Park & BKB)	Manages one off, high value, complex high risk projects	Project fails to meet all expectations	Check tender, time, cost, quality, environment, OHS, variations are managed	7.2	Major	Moderate	Moderate	Moderate
16 Buildings - Asset Management	Manages Buildings asset management plans including maintenance and leasing	Buildings not fully operational	Check asset management plans including maintenance are timely and effective	10.2	Moderate	Moderate	Moderate	Moderate
17 Construction Contract (TBA)	Manages major upgrades to C of B facilities and property	Project fails	Check tender, time, cost, quality, environment, OHS, variations are managed	10.2	Major	Moderate	Moderate	Moderate
18 Roads, Footpaths & Drains Maintenance	Develops budgets and maintains roads, footpaths, and drains owned by the C of B	Roads etc not fully operational	Check maintenance plans are timely and effective	8.1 & 8.2	Moderate	Moderate	Moderate	Moderate
19 Roads, Footpaths & Drains Construction	Develops budgets and constructs new roads, footpaths, drains. Traffic Management.	Project fails to meet all expectations	Check tender, time, cost, quality, environment, OHS, variations are managed	8.1 & 8.2	Moderate	Moderate	Moderate	Moderate
20 Fleet and Plant Maintenance	Manages C of B fleet and plant maintenance	Plant and equipment fails	Check maintenance plans are timely and effective	5.1 & 10.2	Minor	Minor	Minor	Minor
21 Waste Management	Manages C of B contract with SUEZ for waste disposal	Environmental non compliance	Check contract and environmental conditions are met	5.1	Major	Moderate	Moderate	Moderate
22 Parks - Asset Management & Maintenance	Manages Parks asset management plans including maintenance, irrigation	Parks etc. not fully operational	Check asset management plans including maintenance are timely and effective	4.1 - 4.3 & 10.1 - 10.4	Moderate	Moderate	Moderate	Moderate
23 Parks - WHS	Manages Parks asset management plans including maintenance	Park employees or public injured	Check compliance with OHS Act, Regulations, Policy	10.1	Major	Major	Major	Major
24 Water Management	Manages water useage	Excess water useage or pollution.	Check environmental conditions are met	5.1, 10.2 & 10.4	Moderate	Moderate	Moderate	Moderate
25 Leisure and Wellbeing - Oasis Contract	Manages community leisure facilities	Leisure facilities not fully operational	Check maintenance plans are timely and effective. Check Blufit - Oasis contract	1.2, 1.3 & 3.1 - 3.4	Moderate	Moderate	Moderate	Moderate
26 Construction Contract (TBA)	Manages one off, high value, complex high risk projects	Project fails to meet all expectations	Check tender, time, cost, quality, environment, OHS, variations are managed	7.2	Major	Moderate	Moderate	Moderate
EXECUTIVE SERVICES								
27 Internal Audit Quality Assurances	Manages internal audit function.	3rd Line of assurance not effective	Check internal audit reports results of Quality Assurance annually and 5 yearly	10.1	Major	Moderate	Moderate	Moderate
28 Strategic Audit Plan	Manages internal audit function.	3rd Line of assurance not effective	Plan Audits	10.1	Major	Moderate	Moderate	Moderate
29 Human Resource Planning & Management	Manages H R. Partners business, drives ethics, culture and talent management.	Strategic plans not effectively resourced	Check Strategic plans inform resource planning, ethics, culture and talent managment.	10.1	Moderate	Moderate	Moderate	Moderate
30 Payroll System Reliability	Manages payroll	Unauthorised input, processing delays	Check payroll input authorised and control reports independently approved.	10.1	Minor	Minor	Minor	Moderate
31 WHS legislation Compliance	Manages OHS.	Non compliance with act, injuries	Check adequacy of policies and compliance monitoring across all City functions.	10.1	Major	Major	Major	Major
CORPORATE GOVERNANCE								
32 OAG Follow up	Manages IT Applications and Servers	Business Applications not Available	Check outstanding OAG recommendations are implemented	10.2 & 10.3	Moderate	Moderate	Moderate	Major
33 Applications and General controls	Manages IT Applications and Servers	Business Applications not Available	Check Applications and General controls meet standards	10.2 & 10.3	Moderate	Moderate	Moderate	Major
34 Cybersecurity and Disaster Recovery	Manages IT Applications and Servers	Business Applications not Available	Check Cybersecurity and Disaster Recovery controls meet standards	10.2 & 10.3	Moderate	Moderate	Moderate	Major
35 Performance Indicators Development	Manages management reporting	Management reporting not reliable	Management reporting timely, reliable, effective & supports Reg 5 & 17 attestations.	10.2 & 10.3	Major	Moderate	Moderate	Major
36 Revenue & Funding cycle	Manages revenue and grants collection	Revenue collections not maximised.	Check revenue sources identified, invoiced and collected	10.2	Moderate	Moderate	Moderate	Moderate
37 Procurement & Expenditure cycle	Manages procurement procedures and resulting payments.	Expenditures not authorised	Check adequate segregation of duties and delegations of authorities.	10.2	Major	Moderate	Moderate	Major
38 Current & Non Current Assets	Manages financial records and reconciliations. Check Bank Reconciliation	Assets lost	Check financial records are reliable, reconciled to data and physical assets.	10.2	Moderate	Moderate	Moderate	Moderate
39 Current and Non Current Liabilities	Manages financial records and reconciliations	Liabilities not managed	Check financial records are reliable, reconciled to data and discharged on time	10.2	Moderate	Moderate	Moderate	Moderate
40 Statutory Reporting	Manages statutory reporting	Statutory reporting not reliable.	Statutory reporting reviewed by the OAG, not reviewed by internal audit.	10.2	Moderate	Moderate	Moderate	Moderate
41 Marketing & Communications	Manages promotion of "City of Opportunity" branding to all stakeholders	City branding not optimised	Programs are performance measured and actively managed as necessary.	11.1 & 11.2	Moderate	Moderate	Moderate	Moderate
42 Risk Management, Business Continuity, Fraud	Manages risk identification & mitigation, business continuity, Fraud policy	Business interruption	Check business risks including fraud are managed within risk appetite and tolerances	10.1	Major	Major	Major	Major
43 Governance and Compliance	Manages administrative and legal support to council.	Council not effective	Check administration & compliance objectives e.g. Compliance Return met.	10.2	Moderate	Moderate	Moderate	Moderate
44 Business Planning and Improvement	Manages Strategic Community Plan (SCP) & Corporate Business Plan performance	SCP outcomes not met on time.	Programs are performance measured and actively managed as necessary.	10.3	Major	Major	Moderate	Moderate

RMSS Consequence Categories

Catastrophic
Major
Moderate
Minor
Insignificant

COMMENTS ON INTERNAL AUDIT PLANS

- The internal audit plan page 1, identifies audits that may be completed to assist the C of B meet strategies and achieve objectives.
- The internal audit plan page 1, sets out potential audit coverage for each audit based on 2-3 staff. The amount of audit coverage over the three years is fully variable in response to resources allocated to internal audit.
- The compliance driver for the plan is the "Terms of Reference for Internal Audit" which requires the internal audit activity to develop risk based plans for CEO, Audit and Risk Committee and Council approval.
- The Institute of Internal Auditors Supplemental Guidance paper "Developing a Risk Based Internal Audit Plan" was used as a primary reference to develop this plan.

12.4 Internal Audit Report 2024

Voting Requirement	:	Simple Majority
Subject Index	:	19/006
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Executive Services

Council role

Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Purpose of report

To submit four completed internal audit reports to Council.

Summary and key issues

At the Standing Committee (Audit and Risk) Meeting held on 25 November 2024, the Internal Audit Report 2024 was endorsed for recommendation to Council.

Findings for the completed audits are detailed below.

Corporate and Governance Division – Governance and Compliance (report issued 12 August 2024)

Findings:

- The City's management of Exercise of Delegated Authority (DA) heavily relies on manual coordination, input, and recording, leading to duplicated efforts in data handling. Therefore, management should consider the costs/benefits of implementing a software system as an option to facilitate the City's Exercise of DA process to improve efficiency.

- Procedure SP08 – Documented Information states that process owners must conduct a three-yearly review of all relevant Business Management System documents. Therefore, management should periodically review BelNet documents to maintain accuracy and completeness.

Infrastructure Services Division – Parks Asset Management & Maintenance (report issued 16 August 2024)

Findings:

- The Groundwater Usage Management (GUM) process map did not fully align with existing internal controls. Therefore, management should review and update the GUM process map, redeploy, and monitor the work process to ensure compliance.
- The Urban Forest Team planted 4,600 trees for FY 2023-24 and plans to plant 3,000 trees in FY 2024-25. Additionally, multiple streetscape enhancement projects have approximately 18,000 plants scheduled for installation. Therefore, management should undertake a review of new projects' requirements for FY 2024-25 and 2025-26 to ensure adequate resources for watering, weeding, fertilisation, mulching, pruning, pest management, and monitoring.
- There were numerous service requests generated from the Pathway system that had no progress notes to indicate if action had been taken and/or feedback provided to the customer. Therefore, management should periodically review the Pathway System to ensure progress notes and request status are updated accordingly and timely.

Development and Communities Division – Building Permit Approvals (report issued 26 September 2024)

Findings:

- There is a backlog of swimming pool/spa safety barrier inspections. As at 31 July 2024, audit noted 287 safety barriers have not been inspected within the required 4-year cycle and 34 new swimming pools still awaiting initial compliance inspection. This backlog is assessed as high risk and must be addressed as soon as practically possible.
- The processing times report for October 2023 indicated an application fee that required a refund (No 364/2023), but it is still yet to be processed. Management should process this refund and recommence review of processing time reports to ensure all required refunds are identified and processed on a timely basis.

- The Pathway system is linked to the public register of permits and records, and demolition permit checklist. Both register and checklist were not 100% accurate at time of audit. Therefore, updates are required to Pathway system functionality.

Corporate and Governance Division – Revenue and Funding Cycle (report issued 18 October 2024)

Findings:

- The Pathway system administrator audit logs are not independently reviewed, therefore there is risk of unauthorised activity remaining undetected. It is recommended that the Pathway audit logs be expanded to include system administrator activity and be independently reviewed by officer(s) that do not have system administrator access.
- Fine write offs are not authorised as per delegation register. It is recommended that fine write offs be authorised by Director Development and Communities who has delegated authority.
- Controls need to be improved around manual receipting when Pathway is occasionally off-line or when parking infringements are immediately presented for payment prior to Pathway being updated. If a cash payment is made during this time, there is the risk of Pathway not being updated, the cash received not being banked and the City not being alerted until sometime after the invoice/infringement due date. It is recommended that a manual receipt register be independently maintained to ensure all receipted into Pathway prior to end-of-day close.
- Venue hire work instructions and process map require updating to reduce the risk of procedural non-compliance.

Committee Recommendation

That Council:

1. Receives the report (Confidential Attachment 12.4.1) titled Internal Audit Report 2023-24 - Governance and Compliance.
2. Receives the report (Confidential Attachment 12.4.2) titled Internal Audit Report 2023-24 - Park Asset Management and Maintenance.
3. Receives the report (Confidential Attachment 12.4.3) titled Internal Audit Report 2024-25 - Building Permit Approvals.
4. Receives the report (Confidential Attachment 12.4.4) titled Internal Audit Report 2024-25 – Revenue and Finding Cycle.
5. Notes the City of Belmont management comments in Confidential Attachments 12.4.1, 12.4.2, 12.4.3 and 12.4.4 and actions to be undertaken in response to the internal audit recommendations.

Location

Not applicable.

Consultation

All draft Internal Audit Reports were reviewed by relevant staff, Managers, Directors and the CEO before being issued for action.

Strategic Community Plan implications

In accordance with the 2024–2034 Strategic Community Plan:

Key Performance Area: Performance

Outcome: 10. Effective leadership, governance and financial management.

Policy implications

There are no policy implications associated with this report.

Statutory environment

Local Government Act 1995 (WA)

7.1A. Audit committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.

Local Government (Audit) Regulations 1996 (WA)

16. Functions of audit committee

An audit committee has the following functions —

- (a) to guide and assist the local government in carrying out —
- (i) its functions under Part 6 of the Act; and
 - (ii) its functions relating to other audits and other matters related to financial management.
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- (c) to review a report given to it by the CEO under regulation 17(3) (the CEO's report) and is to —
- (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council.
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
- (i) regulation 17(1); and
 - (ii) the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government —

- (i) is required to take by section 7.12A(3); and
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the Local Government (Financial Management) Regulations 1996 regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.

[Regulation 16 inserted: Gazette 26 Jun 2018 p. 2386-7.]

17. CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review.

[Regulation 17 inserted: Gazette 8 Feb 2013 p. 868;

amended: Gazette 26 Jun 2018 p. 2387.]

Local Government (Financial Management) Regulations 1996 (WA)

(2) CEO's duties as to financial management

- (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local

government regularly (and not less than once in every 3 financial years) and report to the local government the results of those reviews.

Background

The internal audit function operates in accordance with Council approved Terms of reference (TOR) and Council approved annual internal audit plans.

The TOR requires the Senior Internal Auditor to be functionally accountable to the CEO and Council via the Standing Committee (Audit and Risk).

The TOR also requires final engagement audit reports to be issued to the CEO and Council via the Standing Committee (Audit and Risk).

Report

Corporate and Governance Division – Governance and Compliance (report issued 12 August 2024)

The audit objective was to determine accuracy and completeness of the Compliance Audit Return 2023 by independently cross referencing to supporting evidence.

Scope of the audit included:

- The following *Local Government (Audit) Regulations 1996*:
 - r.14 - Compliance audits by local governments.
 - r.15 - Certified copy of compliance audit return and other documents to be given to Departmental CEO.
 - r.16 - Functions of audit committee.
- The following internal policies, strategies, plans, and procedures:
 - CP36 – Compliance Management Policy.
 - CP63 – Execution of Documents Policy.
 - Strategic Community Plan 2024-2034.
 - Compliance Management Strategy.
 - Corporate Business Plan 2024-2028.
 - Compliance Management Plan.
 - System Procedure 08 – Documented Information
 - System Procedure 13 – Legal and Compliance Requirements (Under review).

- Process maps, work instructions and forms.
- High level review of the three lines of defence model being:
 - First line – staff and area management.
 - Second line - corporate oversight functions e.g., compliance, procurement, risk, Work Health and Safety.
 - Third line - internal audit.

Findings and Management Responses

- The City’s management of Exercise of Delegated Authority (DA) heavily relies on manual coordination, input, and recording, leading to duplicated efforts in data handling.

Management has agreed to consider the costs/benefits of implementing a software system as an option to facilitate the City’s Exercise of DA process to improve efficiency.

- Procedure SP08 – Documented Information states that process owners must conduct a three-yearly review of all relevant Business Management System documents.

Management has agreed to periodically review BelNet documents to maintain accuracy and completeness.

Infrastructure Services Division – Parks Asset Management & Maintenance (report issued 16 August 2024)

The audit objective was to determine if appropriate controls are in place to effectively facilitate:

- asset management planning.
- preventive maintenance.
- construction projects and tender processes.
- adherence to project timelines.
- quality control.
- environmental considerations.
- work health and safety (WHS) compliance, and
- contract management.

Scope of the audit included:

- The following focus areas:
 - effective application of SP23 - Contract Management.

- adequacy of maintenance and asset management policy, processes, and procedures.
- effective inclusion of contract obligations in risk registers.
- High level review of:
 - Three lines of defence model being:
 - first line – staff and area management.
 - second line - corporate oversight functions e.g., compliance, procurement, risk, Work, Health and Safety.
 - third line - internal audit.
 - The following Acts of Parliament:
 - *Local Government Act 2007.*
 - *Work Health & Safety Act 2020 & (General) Regulations 2022.*
 - *Environmental Protection Act 1986.*
 - *Bush Fire Act 1954.*
 - *Rights in Water and Irrigation Regulations 2000.*
 - *Rights in Water and Irrigation Act 1914.*
 - The following internal policies, strategies, plans, programs, and procedures:
 - CP01 - Asset Management Policy.
 - CP03 - Streetscape Policy.
 - CP47 - Dangerous Trees Policy.
 - CP48 - Urban Forest Policy.
 - Public Open Space Strategy.
 - Urban Forest Strategy.
 - Streetscape Enhancement Strategy.
 - Strategic Community Plan
 - Corporate Business Plan.
 - Asset Management Plan (Public Open Space & Irrigation).
 - Annual Maintenance Plan, related parks programs, progress against programs and performance reporting.
 - Procedures: System Procedure 23 – Contract Management.
 - Process maps and work instructions.
- The following samples:
 - Tenders: Three tender awards and nine related invoice payments checked over the period March - October 2023.
 - Quotations: Three quotation awards and six related invoice payments checked over the period August 2023 – February 2024.

Findings and Management Responses

- The Groundwater Usage Management (GUM) process map did not fully align with existing internal controls.

Management has agreed to review and update the GUM process map, redeploy, and monitor the work process to ensure compliance.

- The Urban Forest Team planted 4,600 trees for FY 2023-24 and plans to plant 3,000 trees in FY 2024-25. Additionally, multiple streetscape enhancement projects have approximately 18,000 plants scheduled for installation.

Management has agreed to undertake a review of new projects' requirements for FY 2024-25 and 2025-26 to ensure adequate resources for watering, weeding, fertilisation, mulching, pruning, pest management, and monitoring.

- There was numerous service requests generated from the Pathway system that had no progress notes to indicate if action had been taken and/or feedback provided to the customer.

Management has agreed to periodically review the Pathway System to ensure progress notes and request status are updated accordingly and timely.

Development and Communities Division – Building Permit Approvals (report issued 26 September 2024)

The audit objectives were:

- To determine if internal controls are in place to ensure:
 - Building permit applications are assessed in line with legislative requirements.
 - Appropriate building permit data is reported to DEMIRS.
 - Private swimming pool/spa safety barriers are inspected in line with compliance requirements.
- To determine if internal controls are in place to mitigate the inherent risks identified from the engagement risk assessment.

Scope of the audit included:

- High-level review of compliance with key sections of the *Building Act 2011*, *Building Regulations 2012*, and *Building Code of Australia (BCA)* applicable to:
 - Issuing of building permits.
 - Submission of building permit data reports to DEMIRS.
 - Planning and management of periodic inspection programs for private swimming pool/spa safety barriers.
- The following strategies, plans, procedures and Office of the Auditor General (OAG) report:
 - Strategic Community Plan 2024-2034.
 - Corporate Business Plan 2024-2028.
 - Safer Communities Operational Plan 2020-2023 (currently under review).
 - Process maps, work instructions and forms.
 - OAG Report 28: June 2018-19 – Local Government Building Approvals.
- High level review of the three lines of defence model being:
 - First line – staff and area management.
 - Second line - corporate oversight functions e.g., compliance, procurement, risk, Work Health and Safety.
 - Third line - internal audit.

Findings and Management Responses

- There is a backlog of swimming pool/spa safety barrier inspections. As at 31 July 2024, audit noted 287 safety barriers have not been inspected within the required 4-year cycle and 34 new swimming pools still awaiting initial compliance inspection.

This backlog was due to the Building Compliance Officer position being vacant from February 2023 to August 2023.

Building Regulations were amended in June 2024 to permit the appointment of external contractors to complete pool barrier inspections. The City obtained independent legal advice in July 2024 to confirm this. Prior to this amendment, the legislation was not clear on the use of external contractors which placed limitations on the options available to the City to clear the backlog.

An external contractor has now been engaged and it is forecast that the backlog would be cleared by February 2025.

The Building Compliance Officer position became vacant again in November 2024 and the recruitment process has commenced to fill the fulltime position.

- The processing times report for October 2023 indicated an application fee that required a refund (No 364/2023), but it is still yet to be processed.

Management agreed to process this refund and recommence review of processing time reports to ensure all required refunds are identified and processed on a timely basis.

- The Pathway system is linked to the public register of permits and records, and demolition permit checklist. Both register and checklist were not 100% accurate at time of audit.

Management agreed to make updates to Pathway system functionality.

Corporate and Governance Division – Revenue and Funding Cycle (report issued 18 October 2024)

The audit objective was to determine if appropriate controls are in place to:

- Ensure rate notice calculations are accurate and complete.
- Ensure fees and charges are accurate and complete.
- Prevent and/or detect misappropriation of revenue.
- Prevent and/or detect unauthorised discounts, concessions and write offs.
- Ensure overdue debts are promptly followed up and recovered where possible.

Scope covered the following revenue sources for the 2023-24 financial year:

- Rates.
- Ranger infringements.
- Venue hire.

Findings and Management Responses

- The Pathway system administrator audit logs are not independently reviewed, therefore there is risk of unauthorised activity remaining undetected.

Management agreed that the Pathway audit logs be expanded to include system administrator activity and be independently reviewed by officer(s) that do not have system administrator access.

- Fine write offs are not authorised as per delegation register.

Management agreed that fine write offs be authorised by Director Development and Communities who has delegated authority.

- Controls need to be improved around manual receipting when Pathway is occasionally off-line or when parking infringements are immediately presented for payment prior to Pathway being updated. If a cash payment is made during this time, there is the risk of Pathway not being updated, the cash received not being banked and the city not being alerted until sometime after the invoice/infringement due date.

Management agreed that a manual receipt register be independently maintained to ensure all receipted into Pathway prior to end-of-day close.

- Venue hire work instructions and process map require updating to reduce the risk of procedural non-compliance.

Management agreed to update the work instructions and process map.

Financial implications

There are no financial implications evident at this time.

Environmental implications

There are no environmental implications associated with this report.

Social implications

There are no social implications associated with this report.

Attachment details

Attachment No and title

1. CONFIDENTIAL REDACTED - Internal Audit Report 2023-24 - Governance and Compliance (Confidential matter in accordance with Local Government Act 1995 (WA) Section 5.23(2)(h)) [**12.4.1** - 5 pages]
2. CONFIDENTIAL REDACTED - Internal Audit Report 2023-24 - Parks Asset Management and Maintenance (Confidential matter in accordance with Local Government Act 1995 (WA) Section 5.23(2)(h)) [**12.4.2** - 7 pages]
3. CONFIDENTIAL REDACTED - Internal Audit Report 2024-25 - Building Permit Approvals (Confidential matter in accordance with Local Government Act 1995 (WA) Section 5.23(2)(h)) [**12.4.3** - 6 pages]
4. CONFIDENTIAL REDACTED - Internal Audit Report 2024-25 - Revenue and Funding Cycle (Confidential matter in accordance with Local Government Act 1995 (WA) Section 5.23(2)(h)) [**12.4.4** - 7 pages]

12.5 Internal Audit Terms of Reference

Voting Requirement	:	Simple Majority
Subject Index	:	19/006 - Executive Internal Audit
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Executive Services

Council role

Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

Purpose of report

The Global Internal Audit Standards (GIAS) Standard 6.2 requires the Internal Audit Charter (also known as Internal Audit Terms of Reference) to include the following:

- Purpose of internal auditing.
- Commitment to the GIAS.
- Position and reporting relationships.

The Internal Audit Terms of Reference have been updated to now meet these requirements. These have been approved by the CEO and the Executive Leadership Team and are also attached for noting (Attachment 12.5.1).

Summary and key issues

The Internal Audit Terms of Reference have been updated to outline the purpose of internal audit, key mandates, the internal audit function, and position and reporting relationships as required by the GIAS.

At the Standing Committee (Audit and Risk) Meeting held on 25 November 2024, the Internal Audit Terms of Reference were endorsed for recommendation to Council.

Committee Recommendation

That Council endorse the Internal Audit Terms of Reference (refer Attachment 12.5.1).

Location

Not applicable.

Consultation

The Senior Internal Auditor consulted with the CEO in the revision of the Internal Audit Terms of Reference. GIAS Standard 6.2 requires the Senior Internal Auditor to discuss the proposed charter (terms of reference) with the board and senior management to confirm that it accurately reflects their understanding and expectations of the internal audit function.

Strategic Community Plan implications

In accordance with the 2024–2034 Strategic Community Plan:

Key Performance Area: Performance

Outcome: 10. Effective leadership, governance and financial management.

Policy implications

There are no policy implications associated with this report.

Statutory environment

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

Background

The Internal Audit Terms of Reference was first drafted in December 2021 to comply with the Institute of Internal Auditors International Professional Practices Framework. This Framework included the International Standards for

the Professional Practice of Internal Auditing. The GIAS that takes effect 9 January 2025 is a replacement of these International Standards.

Report

The Internal Audit Terms of Reference outlines the purpose of internal audit, key mandates, strategy for the internal audit function, and position and reporting relationships that the GIAS require.

Financial implications

There are no financial implications associated with this report.

Environmental implications

There are no environmental implications associated with this report.

Social implications

There are no social implications associated with this report.

Attachment details

Attachment No and title
1. Internal Audit Terms of Reference [12.5.1 - 4 pages]



Terms of Reference – Internal Audit

Introduction

The Senior Internal Auditor maintains an internal audit function that is aligned to:

- Global Internal Audit Standards (Standards).
- Terms of Reference Internal Audit (i.e. Internal Audit Charter).
- Terms of Reference Standing Committee (Audit and Risk) (i.e. Committee Audit Charter).

Internal audit function procedures are documented in the Internal Audit Manual.

Purpose of Internal Audit

To strengthen the City’s ability to create, protect, and sustain value by providing the Chief Executive Officer (CEO), Executive Leadership Team (ELT) and Standing Committee (Audit and Risk) (SCAR) with independent, risk-based, and objective assurance, advice, insight, and foresight.

This purpose is to enhance the City’s:

- Successful achievement of its objectives.
- Compliance with legislative requirements.
- Governance, risk management, and control processes.
- Decision-making and oversight.
- Reputation and credibility with its stakeholders.
- Ability to serve the public interest.

Key references:

- Strategic Community Plan 2024 – 2034.
- Corporate Business Plan.
- Risk Management Framework.
- Internal Audit Manual.

Global Internal Audit Standards

The City is committed towards maintaining full compliance with the Institute of Internal Auditors (IIA) Standards towards guiding the City’s professional practice of internal auditing and serving as a basis for evaluating and elevating the quality of the internal audit function.

The Standards consist of 5 Domains that are each supported by Principles and Standards. A summary of these Domains, Principles and Standards and how they are applied is referenced in the City's internal audit manual.

Mandate

The internal audit function is mandated by:

- The Standards.
- The Government of Western Australia, Department of Treasury, Treasurer's Instructions, Part XII, Internal Audit.
- Australian Standard ISO 31000 Risk Management.

Strategy for the Internal Audit Function

Vision

To support, develop, promote and execute the City's internal audit function.

Strategic Objective

To provide strong assurance that the City's roles, responsibilities, and operations are efficient, effective, compliant and in line with the City's Strategic Community Plan and Corporate Business Plan.

Supporting Initiatives

- Experienced and qualified Senior Internal Auditor.
- Quality assurance and improvement program.
- Strong governance reporting and accountability.
- Risk based strategic audit plan that is periodically recalibrated to align with the City's risk register and assurance map.

Key deliverables

- Strategic (risk based) internal audit plan.
- Assurance map.

Position and Reporting Relationships

The Senior Internal Auditor is responsible for the internal audit function, reports directly to the CEO and has a reporting line to SCAR.

ELT and SCAR are responsible for approving:

- the Internal Audit and SCAR Terms of Reference (Charters).
- Annual updates to the three-year internal audit plan.

ELT and SCAR is responsible for noting:

- internal audit reports.
- updates to the audit log.
- Chief Audit Executive's (CAE) progress against the audit plan.

- external assessment reports.

All documents 'approved' or 'noted' by ELT and SCAR are then 'noted' by Council.

Authority

The internal audit activity is authorised to access City of Belmont records, personnel and physical properties and employees should provide assistance as reasonably requested.

Responsibilities

The internal audit activity will adopt all Standards and key standards are listed below.

1. Standard 7.1 requires the internal audit activity to be independent.

Note - To promote independence the Senior Internal Auditor, referred to in the Standards as CAE, has dual reporting relationships and is functionally accountable to the CEO and Council via SCAR.

2. Standard 8.1 requires the CAE to provide ELT and SCAR with the information needed to conduct its oversight responsibilities.
3. Standard 8.3 requires the CAE to develop, implement and maintain a quality assurance and improvement program that includes both internal and external assessments.
4. Standard 9.1 requires the CAE to develop an effective internal audit strategy and plan. This requires understanding the City's governance, risk management and control processes.
5. Standard 9.2 requires the CAE to develop and implement a strategy for the internal audit function.
6. Standard 12.1 requires the CAE to develop and conduct internal assessments of the internal audit function's compliance with the Global Internal Audit Standards.
7. Standard 12.2 requires the CAE to develop objectives to evaluate the internal audit functions performance.

Approved by
Chief Executive Officer
Date 25/10/24

Attachment 12.5.1 Internal Audit Terms of Reference

Endorsed by
Executive Leadership Team (ELT)
Date: DD/MM/YY

Endorsed by
Standing Committee (Audit and Risk) Minute Item XX.
Date

Endorsed by
Council – Ordinary Council Meeting – Minute Item XX.
Date

REVIEW HISTORY

Description of Change	Date Revised	Date Approved by CEO	Next Review Due
Document creation	24/11/2021	24/11/2021	14/12/2022
Document review			

ECM Folder 32/034
Doc Set ID 5206663

12.6 Purchasing Policy Review

Voting Requirement	:	Simple Majority
Subject Index	:	32/015 - Council Policy Manual/Code of Conduct
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

Council role

Legislative Includes adopting local laws, local planning schemes and policies.

Purpose of report

To seek Council endorsement of the reviewed and amended Purchasing Policy (refer Attachment 12.6.1) and associated revised delegations to the CEO.

Summary and key issues

In accordance with section 2.7(2)(b) of the *Local Government Act 1995 (WA)* (the Act), Council is to determine the local government's policies.

A review of the City's Purchasing Policy has been undertaken following on from an overall review of the City's procurement practices. A key issue identified as part of the review was the impact of ongoing general increases in the value of contracts on the City's ability to be appropriately responsive in our procurement practices. The review found that lengthy lead times as a result of formal procurement processes and even the agenda settlement process often impeded the City's ability to remain appropriately responsive in our procurement practices and ensure efficient operations.

In response to these findings, amendments are proposed to both the Purchasing Policy and related delegations as follows:

- The introduction of pre-qualified supplier panels to support efficient sourcing of repetitive services

- Clarification of purchasing thresholds
- Amendments to the CEO's delegation to approve variations to contracts within Council approved budget
- Increase to the CEO's delegation to accept tenders for capital projects to \$500,000 following benchmarking against other Local Governments

As the City is scheduled to migrate to a new financial management system in February 2025, it is proposed that while the delegations be effective on endorsement by Council, the revised policy come into effect with the implementation of the new financial management system. This will permit alignment of system and procedural implementation while permitting adequate time to configure the new system.

In order to implement the outcomes of this review, the Purchasing Policy and related delegations are proposed for amendment.

Officer Recommendation

That Council:

1. Endorse the amended Purchasing Policy at Attachment 12.6.1 effective 1 February 2025.
2. In accordance with Section 5.42 of the *Local Government Act 1995 (WA)*, approve revised delegation 1.1.14 to the CEO at Attachment 12.6.2.
3. Directs the Chief Executive Officer to make any further minor administrative amendments/layout changes as required prior to publication on the City's website.

Location

Not applicable.

Consultation

Consultation was undertaken with the relevant Policy Owners, internal stakeholders, the Operational Leadership Team (OLT) and the Executive Leadership Team (ELT).

Strategic Community Plan implications

In accordance with the 2024–2034 Strategic Community Plan:

Key Performance Area: Performance

Outcome: 10. Effective leadership, governance and financial management.

Policy implications

Should Council endorse the amended policy, the City's website will be updated.

Statutory environment

The Act provides the basis for many of the City's policies, therefore consistency with this legislation has been reflected in the review, assessment and amendments proposed.

Section 2.7 of the Act outlines the role of Council.

Section 2.7(2) (b) of the Act requires Council to determine the local government's policies.

Regulation 24AC & 24AD of the *Local Government (Functions and General) Regulations 1996* (WA) (the Regulations) outlines the requirements to establish a Panel of pre-qualified suppliers.

Sections 5.42 & 5.43 of the Act are applicable when considering delegations.

Background

At the 22 August 2023 Ordinary Council Meeting, Council adopted Stage 1 of the City's Council Policy review. This review included the last iteration of the Purchasing Policy.

At the 23 April 2024 Ordinary Council Meeting, Council adopted the Delegation Register 2024-25.

Report

Through recent internal audits, it was noted that there was a lack of clarity in the application of existing procurement processes. As a result of these internal audit findings, a review of procurement work instructions, process maps and related documentation was undertaken and endorsed by the Operational and Executive Leadership Teams.

Following on from the review, the City's Purchasing Policy has been reviewed to implement additional recommendations of the review, including the implementation of the use of pre-qualified suppliers Panels (Panels).

To facilitate the review, benchmarking against other Tier 1 Local Government's was undertaken.

Key changes of the review are the inclusion of pre-qualified supplier panels, changes to the purchasing thresholds consistent with benchmarked LGs and changes to delegations to the CEO to support the revised policy.

Pre-Qualified Supplier Panels

In accordance with Regulation 24AC of *Local Government (Functions and General) Regulations 1996* (WA) (the Regulations), a panel arrangement is a way to procure goods or services regularly acquired in the City. In a Panel arrangement, suppliers have been appointed to supply goods or services for a set period under agreed terms and conditions, including agreed pricing. Once a Panel has been established, the City may then purchase directly from the Panel by approaching one or more suppliers.

The ability to purchase directly from a Panel reduces likely delays associated with the use of multiple formal procurement processes while still retaining appropriate compliance processes.

Before establishing Panels of pre-qualified suppliers a local government must have a written policy outlining how the local government will procure goods or services from pre-qualified suppliers.

Persons are required to be publicly invited to apply to join a panel in accordance with Regulation 24AD of the Regulations. Local Governments are required to issue statewide public notice and to determine in writing the criteria for deciding which applications should be accepted. As there is no current delegation to the CEO from Council to meet these requirements, it is proposed that delegation to do so be granted by Council as part of the endorsement of this report.

Purchasing Thresholds

As the policy has been transferred to the City's new branding and rewritten, no track changes version is provided. Attachment 12.6.1 is the clean version for endorsement.

A summary of the key changes to procurement thresholds is provided below.

Current		Proposed	
Value	Requirements	Value	Requirements
Up to \$5K	<ul style="list-style-type: none"> No quotes required 	Up to \$1K	<ul style="list-style-type: none"> No quotes required
\$5K to \$15K	<ul style="list-style-type: none"> 2 quotes 	\$1K to \$10K	<ul style="list-style-type: none"> 1 quote
\$15K to \$25K	<ul style="list-style-type: none"> 2 quotes Quotes must be in writing 	\$10K to \$50K	<ul style="list-style-type: none"> 2 quotes Quotes must be in writing
\$25K to \$50K	<ul style="list-style-type: none"> 3 quotes Brief outline of specification 		
\$50K to \$250K	<ul style="list-style-type: none"> 3 quotes Formal Request for Quote 	\$50K to \$250K	<ul style="list-style-type: none"> 3 quotes Formal Request for Quote
Over \$250K	<ul style="list-style-type: none"> Request for Tender Request for Tender exempt 	Over \$250K	<ul style="list-style-type: none"> Request for Tender RFT exempt

As the City is scheduled to migrate to an upgraded financial management system in February 2025 (migrating from Technology One’s Ci to Ci-Anywhere), it is proposed that the revised purchasing policy come into effect with the implementation of the new financial management system. This will permit alignment of system and procedural implementation while permitting adequate time to configure the new system.

Delegations

A track changed version of the proposed revision to Council delegation 1.1.14 to the CEO, including proposed changes relating to Panels, Contract Variations and Tender Approvals, is included as Attachment 12.6.3. Attachment 12.6.2 is the clean version for endorsement.

In addition to the delegations relating to Panels, further detail of additional proposed revisions are as follows.

Contract Variations

As part of a recent review, it was identified that the current delegation related to contract variations resulted in a significant number of variations being presented to the Council. The primary reason for this was Delegation 1.1.14, which allows the CEO to approve post-contract variations to a tender, limited to 10% of the total tender value.

Upon further investigation, it was discovered that tender amounts do not include budgeted contingency amounts. Consequently, the existing delegation

necessitated that variations within the approved budget be brought before Council, including variations within project budgets already endorsed by Council.

To address this issue, it is proposed that the delegation be amended to permit the CEO to approve variations to a contract, provided that there are sufficient funds available within the approved budget for that item. This proposed amendment will align the pre-contract and post-contract delegations and enhance operational efficiency and ensure that contract variations within the approved budget can be managed more effectively by the CEO. It is therefore recommended that the proposed amendment be adopted.

Tender Approvals

Through the Procurement Advisory Unit (PAU), it has been proposed that the current delegation relating to accepting tenders be reviewed. This proposal is driven by a general increase in the value of contracts, which necessitates contracts that were previously within the CEO's acceptance authority to now require Council endorsement due to their higher value.

The CEO's delegation to accept tenders has remained unchanged since before 2015. Currently, the CEO is authorised to accept tenders up to \$250,000. However, with the increasing value of tenders, there is a recognised need to update this delegation to ensure efficient operations and reduce delays caused by the agenda settlement process.

The proposal aims to increase the CEO's delegation to accept tenders from \$250,000 to \$500,000 for capital items. This adjustment supports the efficient awarding of lower-value tenders and minimises delays that can occur due to the necessary endorsement by Council for higher-value contracts.

Benchmarking against other local governments has revealed the following delegations for accepting tenders:

- Town of Victoria Park: \$500,000
- City of Busselton: \$500,000
- City of Melville: \$550,000
- City of Cockburn: \$1,000,000
- City of Albany: \$1,000,000
- City of Wanneroo: \$1,000,000

Based on this benchmarking data, the proposed increase to \$500,000 for the City is considered appropriate and in line with practices in other local governments.

Financial implications

There are no financial implications evident at this time.

Environmental implications

There are no environmental implications associated with this report.

Social implications

There are no social implications associated with this report.

Attachment details

Attachment No and title	
1.	Purchasing Policy [12.6.1 - 16 pages]
2.	Amended Delegation 1.1.14 [12.6.2 - 7 pages]
3.	Amended Delegation 1.1.14 (tracked changes) [12.6.3 - 8 pages]



Purchasing Policy

Policy Objective

To deliver a high level of accountability whilst providing a flexible, efficient and effective procurement framework.

Policy Detail

In accordance with the *Local Government Act 1995 (WA)* and *Local Government (Functions and General) Regulations 1996 (WA)*, this policy sets out the requirements in relation to contracts for the supply of goods and services.

1. Principles

1.1. Ethics and Integrity

The highest standards of ethics and integrity are to be observed in undertaking all purchasing activities. Employees will act in an honest and professional manner that supports the standing of the City and promotes a proud and collaborative community.

The principles, standards and behaviours as defined in this policy must be observed and enforced through all stages of the purchasing process to ensure the fair and equitable treatment of all parties.

Any information provided to the City by a supplier shall be treated as commercial-in-confidence and should not be released unless authorised by the supplier or under relevant legislation.

1.2. Value for Money

Value for money is an overarching principle governing purchasing, that allows the best possible outcome to be achieved for the City.

An assessment of the best value for money outcome for any procurement activity should consider:

- a) all relevant Total Costs of Ownership (TCO) and benefits, including transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal;
- b) the technical merits of the goods or services being offered in terms of compliance with specifications, user requirements, quality standards, sustainability, service benchmarks, contractual terms and conditions and any relevant methods of assuring quality;
- c) financial viability and capacity to supply without risk of default (competency of the prospective suppliers in terms of managerial and technical capabilities, financial viability of the supplier and any related entities and compliance history);

- d) a strong element of competition in the allocation of orders or the awarding of contracts. This is achieved by obtaining a sufficient number of competitive quotations wherever practicable; and
- e) local business capability.

Whilst it is necessary to ensure purchasing is conducted within budget, the lowest price offer does not necessarily present the best value for money. As such it is important to ensure all of the above is taken into consideration when determining the most advantageous outcome for the City. Where a higher priced conforming offer is recommended, there should be clear and demonstrable benefits over and above the lowest total priced, conforming offer.

1.3. Other principles

The City is committed to sustainable procurement practices and seeks suppliers who operate with transparency and integrity and uphold fair labour practices. By embedding sustainable procurement practices, we uphold our social license to operate, maintaining public trust and minimising reputational risk. Suppliers are encouraged to align with our sustainability values, contributing to a positive impact and reducing the risks associated with non-compliance or unethical practices.

We aim to minimize our environmental footprint, promote social responsibility, and enhance the well-being of our communities.

Please refer to section 4 of this Policy for more information.

2. Purchasing Requirements

The City is committed to using the most efficient, effective and appropriate purchasing processes for the acquisition of goods or services. The purchasing requirements set out in the *Local Government (Functions and General) Regulations 1996* (the Regulations), this policy and the City’s Purchasing Work Instructions, System Procedures and must be followed when purchasing goods or services on behalf of the City.

2.1. Purchasing Thresholds

Purchasing Thresholds
<i>*All values in this policy are exclusive of GST</i>
<u>Up to and including \$1,000*</u>
<ul style="list-style-type: none"> • No quotations are required.
<u>\$1,001 up to and including \$10,000*</u>
<ul style="list-style-type: none"> • A minimum of one (1) quotation must be sought. • The quotation may be requested verbally, but it must be received or be evidenced in writing and attached to the purchase requisition per item 7.1 of this policy. • Quotations within this threshold may be obtained from: <ul style="list-style-type: none"> ○ an existing internal preferred supplier contract or panel of pre-qualified suppliers administered by the City; or ○ a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or ○ the open market.
<u>\$10,001 up to and including \$50,000* – Simple Quotation</u>

Purchasing Thresholds
<ul style="list-style-type: none"> • A minimum of two (2) written quotations must be sought. • The quotations must be requested in writing and must be received or be evidenced in writing per item 7.2 of this policy. • Quotations within this threshold may be obtained from: <ul style="list-style-type: none"> ○ an existing internal preferred supplier contract or panel of pre-qualified suppliers administered by the City; or ○ a pre-qualified supplier on the WALGA Preferred Supply Program or State Government Common Use Arrangement (CUA); or ○ the open market.
<p><u>\$50,001 up to and including \$250,000* – Formal Request for Quotation (RFQ)</u></p> <ul style="list-style-type: none"> • A minimum of three (3) written responses must be sought via a formal request for quotation (RFQ). • The quotations must be requested in writing and must be received or be evidenced in writing per item 7.3 of this policy. • The purchasing decision is to be based upon assessment of the suppliers’ response to documentation provided as part of the formal assessment process. <ul style="list-style-type: none"> ○ a detailed written specification for the goods, services or works required; and ○ pre-determined selection criteria that assess all best and sustainable value considerations. • An approved Request for Quotation template must be used when issuing a request for quotation. • See point 2.2 below regarding additional circumstances justifying an RFQ.
<p><u>Over \$250,000*</u></p> <ul style="list-style-type: none"> • Conduct a public tender process in accordance with Part 4 of the Regulations, this policy and the City’s Purchasing Guidelines and processes, <u>unless</u> a tender exemption applies as set out in the Regulations and as listed under section 3 of this policy. • The decision to invite tenders shall be determined via the relevant delegated authority, as detailed within the Delegations Register. • An approved Request for Tender template must be used when issuing a request for tender. • The Tender Exempt or Public Tender purchasing decision is to be based on the suppliers’ response to: <ul style="list-style-type: none"> ○ A detailed specification; and ○ Pre-determined selection criteria that assess all best and sustainable value considerations. • The purchasing decision is to be evidenced by completing a Purchasing Form and attaching it to the purchase requisition in the City’s purchasing system and referencing the Tender number on the purchase requisition for a Public Tender.

Where there is a discretion to request quotations either verbally or in writing, it is important to consider the nature and complexity of the goods or services to be acquired. If the purchase is simple and straight forward a verbal request for quotation may suffice. However, where the scope of work is detailed and complex a written request for quotation will ensure suppliers fully understand and deliver on the City’s requirements and expectations.

The principles for obtaining and recording both verbal and written quotations as outlined in this policy must be observed when seeking quotations.

2.2. RFQ: Other circumstances

Regardless of the value of the contract, a formal RFQ should be undertaken in the following circumstances:

- a) if the proposed transaction could have significant risk including, but not limited to, financial, legal or reputational consequences for the City;
- b) the proposed transaction will require the City to enter into a contract exceeding 12 months.

2.3. Contract Splitting Prohibited

It is a breach of the Regulations and this policy to enter into two or more contracts for the same or related supply for reason of avoiding or minimising the requirements of this policy. Such a breach might give rise to disciplinary consequences for the officer involved.

2.4. Record Keeping

In all circumstances where a written quotation is obtained under Section 2.1 of this policy, the following conditions must be met:

- a) a Purchasing Form is to be completed, including details of all quotations requested;
- b) an appropriate supervising officer of a level not lower than Coordinator and with the appropriate delegation is to authorise the Purchasing Form; and
- c) the Purchasing Form is to be evidenced and recorded per item 13 of this policy.

3. Purchasing Exemptions

3.1. Quotation and Tender Exemptions

Tenders do not have to be publicly invited according to the requirements of the Regulations if listed in regulation 11(2) of the Regulations. Please refer to the Regulations for the exempted transactions.

The following transactions, in addition to those listed in the Regulations, do not have to satisfy the purchasing requirements included in section 2 of this policy in the following circumstances (where this is applicable, a purchasing form must be completed per Section 3.4 of this policy):

- a) a genuine sole source of supply exists;
- b) the provision of goods or services is provided under warranty or relates to specific manufacturer repairs;
- c) the purchase is from a pre-qualified supplier on the WALGA Preferred Supply Program or CUA;
- d) the purchase is from a pre-qualified supplier under a Panel established by the City, in accordance with Division 3 of Part 4 of the Regulations (see section 11.3 of this policy);
- e) the purchase is under auction which has been authorised by Council;
- f) the purchase is from a Regional Local Government or another Local Government;
- g) the purchase is for Goods or Services supplied by a person registered on the Aboriginal Business Directory WA published by the Chamber of Commerce and Industry of Western Australia Ltd or with the Australian Indigenous Minority Supplier Office Ltd (trading as Supply Nation) only where the contract value is worth \$250,000 or less.
- h) the purchase is for legal services (Quotations only);
- i) the purchase is for the provision, maintenance or support of software and specifically associated hardware where:

- (i) because of the unique nature of the goods or services required, it is unlikely that there is more than one potential supplier (Quotations only); or
- (ii) the supply relates to maintenance and support, by the software supplier or their recommended contractor, of software and specifically associated hardware currently licensed for use by the City (Quotations only).
- j) the purchase relates to the provision of banking services and a triennial review of fees is conducted to ensure the current provider's rates remain advantageous to the City;
- k) the purchase relates to fees associated with the sale or purchase of property, plant and equipment;
- l) the purchase is from a specific supplier in accordance with an agreement as approved by Council;
- m) contributions towards the ongoing operations and maintenance of Council's aged accommodation;
- n) the purchase is for goods or services supplied by an Australian Disability Enterprise where a value for money assessment demonstrates benefits to achieve the City's strategic and operational objectives;
- o) where State owned Service Authorities or their nominated contractor/partner is the only party permitted to maintain, renew, upgrade or relocate infrastructure controlled or owned by them;
- p) the audit of the Annual Financial Report as carried out by the Office of the Auditor General
- q) the purchase is during a public health emergency¹ or state of emergency², and there are insufficient suppliers from which to obtain the prescribed number of quotations (Quotations only); or
- r) the prescribed number of quotations was requested, however one or more of the suppliers did not respond to the request despite the City's best efforts to obtain the quotations (Quotations only).

It should be noted that payments made to third parties that don't reflect a purchase of goods or services (e.g. grants to community groups, donations, refunds of unused grants, rates refunds, etc.) are exempt from this policy.

3.2. Modified Quotation and Tender Requirements

The purchasing threshold requirements for obtaining quotations or calling for public tenders may be modified in the following circumstances:

- a) One written quotation is required where graphic design, printing, advertising and marketing services are purchased through WALGA or CUA preferred suppliers who hold current branding styles formats and layouts established in accordance with the City's Style Guide;
- b) One written quotation is required where light fleet is to be purchased from WALGA or State Government CUA preferred suppliers;
- c) One written quotation is required for construction projects where the value of the contract is less than or equal to \$50,000; or
- d) Two or more written quotations are required for construction projects where the value of the contract is more than \$50,000 but less than or equal to the tender threshold, in accordance with the Regulations.

¹ As declared under the *Public Health Act 2016* section 167.

² As declared under the *Emergency Management Act 2005* section 56

3.3. Exemptions from Quotations, Tenders and Purchase Orders

Neither a purchase order nor quote is required for the provision of goods and services in the following circumstances:

- a) utilities including water, electricity, gas and telephone;
- b) insurances;
- c) payments made through payroll;
- d) statutory fees, payments and charges including development contributions, bank fees, court lodgement fees and statutory damages, infringements and penalties;
- e) loan repayments;
- f) contributions to the Faulkner Park Retirement Village Board of Management;
- g) membership renewals and subscriptions; or
- h) purchases or reimbursements which are more practically served by other internal forms. This includes but is not limited to petty cash reimbursements, conference and approved council activity reimbursements and other reimbursements such as rate and bond refunds.

3.4. Exemptions: Record Keeping

Where a purchasing exemption applies under section 3 of this policy, the following conditions must be met:

- a) a Purchasing Form is to be completed, including details of all quotations requested;
- b) the applicable method of quotation is to be indicated (Exempt, Waiver etc.)
- c) the respective Director or CEO's approval with the appropriate delegation is to authorise the Purchasing Form; and
- d) the Purchasing Form is to be evidenced and recorded per item 13 of this policy.

4. Sustainable Procurement

The City is committed to providing a preference to suppliers that demonstrate sustainable business practices. Where appropriate, the City shall endeavour to provide an advantage to suppliers demonstrating that they minimise environmental and negative social impacts and provide benefits to the local economy. Functional considerations must be balanced against value for money outcomes and expectations in accordance with the City's sustainability objectives.

The City shall undertake best endeavours to not knowingly purchase products or services that are produced under conditions of employment (including health and safety) that do not meet international conventions or labour laws or have negative social impacts.

To this extent, a qualitative weighting may be afforded in the evaluation of quotes and tenders where suppliers can demonstrate sustainability and/or CSR policies and practices that have been implemented.

4.1. Local Business Purchasing Preference

When assessing the relative merits of quotations and tenders the City shall give preference for the supply of goods and/or services in the following order of priority provided that proposed price, service, environmental impact and quality of these goods and/or services offered by two or more suppliers are assessed as being considered equal.

- First Local (City of Belmont) Products and/or Services
- Second State Products and/or Services

- Third Australian Products and/or Services
- Fourth Products and/or Services elsewhere

A qualitative weighting may be applied in evaluating quotes and tenders where suppliers are located within the boundaries of the City, or substantially demonstrate a benefit or contribution to the local economy.

4.2. Procurement from Disability Enterprises

Pursuant to Part 4 of the Regulations, the City is not required to publicly invite tenders if the goods or services are to be supplied from an Australian Disability Enterprise, as registered on <https://buyability.org.au/>. This is contingent on the demonstration of value for money.

Where possible, Australian Disability Enterprises are to be invited to quote for supplying goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Australian Disability Enterprises

4.3. Procurement from First Nations Businesses

Where possible, Aboriginal businesses are to be invited to quote for the supply of goods and services under the tender threshold. A qualitative weighting may be afforded in the evaluation of quotes and tenders to provide advantages to Aboriginal owned businesses or businesses that demonstrate a high level of Aboriginal employment.

4.4. Application of Other City Policies

When purchasing goods and services consideration should also be given to the application of the following policies:

- Environmental Purchasing Policy.
- IT Acquisition and Development Security Policy
- Privacy and Responsible Information Sharing
- Data Breach Policy

4.5. Compliance with other legislation

4.5.1. Modern Slavery

The City will ensure all steps are taken to reduce the risk in procuring goods and/or services that support modern slavery. This includes compliance with the *Modern Slavery Act 2018 (Cth)* in respect to;

- the assessment of modern slavery statements from required businesses;
- the use of specific criteria in formal evaluations on modern slavery;
- monitoring contracts and taking action on non-compliance, as required; and
- providing awareness training to staff

4.5.2. Reportable Conduct Scheme

Local Governments are subject to the Western Australian Reportable Conduct Scheme (the Scheme) that was established under the Parliamentary Commissioner Amendment (Reportable Conduct) Act 2022 (the Act). The Scheme is intended to prevent harm to children by holding organisations accountable for the conduct of their staff. Under the Scheme, "staff" includes contractors, and contractors must comply with the Scheme and are bound by the Scheme.

4.5.3. Security of Payments

The *Building and Construction Industry (Security of Payment) Act 2021* now has clear requirements for the payment of contractors and subcontractors engaged in building work (as defined) and these will need to be included, where relevant, in a contract.

The City may choose to reserve its rights available to it under the *Building and Construction Industry (Security of Payment) Act 2021*.

5. Contracts over the tender threshold in the Regulations.

Where the value of a contract for the provision of any goods or services is greater than the tender threshold set out in the Regulations, then:

- the tender provisions of the *Local Government Act 1995 (WA)* and the Regulations apply; and
- the contract may be exempt from the requirement to tender in accordance with the Regulations.

6. Variations to Contract

6.1. Minor Variations

A minor variation is defined as a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply and:

- Does not alter the nature of the goods and/or services procured; and
- Does not materially alter the specification, structure or risk profile provided for by the initial tender; and
- Is within the approved budget for the project

Any variations that exceed these criteria will be deemed a major variation.

6.2. Pre Contract

Minor variations to the scope of work specified in a tender, following the receipt of submission, but prior to entering into a contract, can to be made with the relevant approval under the Delegation Register. Any major amendments to the scope or risk profile of a contract at this time must be treated as a separate supply and dealt with under this policy as if it were a new contract.

6.3. Post Contract

Any major amendments to the scope of a contract after the contract has been executed must be approved according to the Delegations Register and may need to be endorsed by Council.

7. Assessment and Decision Making

When considering quotations submitted under this policy a decision may be taken either to:

- a) not accept any quotation; or
- b) accept the quotation which will be most advantageous for the City.

7.1. Written Quotations

Any written submission of quotation must be registered in the City's records system and attached to the purchase requisition in the City's purchasing system as per the applicable purchasing threshold in item 2.1 of this policy.

7.2. Simple Quotation

Where a simple quotation is required under this policy then a minimum of two (2) written quotations must be requested and then reviewed and approved by the appropriate delegated authority, as detailed within the Delegations Register.

7.3. Formal Request for Quotation

Where a formal RFQ is required under this policy then a written evaluation must be undertaken by a group of at least three people and reviewed by a Director or the CEO. In addition to the written quote requirements, a written record must be made of the formal assessment and the Purchasing Form must be authorised with the relevant delegation of authority as detailed within the Delegations Register.

In addition to the requirements of section 2.1 of this policy, a formal RFQ must be carried out if the contract could have significant risk factors (financial, legal or reputational) consequences regardless of the actual value of or consideration exchanged in the contract. (refer item 2.2)

7.4. Tender

Where a tender is required under this policy then a written evaluation must be undertaken by a group of at least three people and reviewed by a Director or the CEO. In addition to the written quote requirements, a written record must be made of the formal assessment and the Purchasing Form must be completed and attached to the purchase requisition.

The tender number, as ascertained by Procurement and Contracts, must be noted in the comments field of the purchase requisition.

8. Ongoing vs Separate Supply

The City may use the same supplier for goods and services from time to time. In this situation, each separate supply will be treated as a separate contract unless:

- a) there is an intention for that supplier to supply similar goods and services on a regular basis;

- b) there is an understanding that the supplier will offer the City discounted rates in expectation that the supplier will be engaged to provide goods and services on a regular basis;
- c) the supplier is providing goods or services under an existing tender, or
- d) a relationship develops over any period of time that evidences an intention to purchase goods and services from the supplier on a regular basis.

Under these circumstances the estimated value of the purchases over a three year period should be considered when applying this policy.

9. Authorisation of Expenditure

9.1. Awarding Quotations/Tenders

Acceptance of quotations and tenders and the authorisation of expenditure shall comply with the relevant delegation of authority as detailed within the Delegations Register.

9.2. Raising of Purchase Orders

When ordering goods and services the purchase order must be provided to the supplier, which is to be based on the agreed schedules of rates, effectively contracting the City to the purchase of that supply. This includes those supplies purchased under a tender or preferred supplier arrangement. Other than emergency situations, if an employee commits the City to the purchase of goods and services without a valid purchase order, that will be a breach of this policy.

A purchase order is not required for the provision of goods and services exempt from the quotations or tenders and purchase orders in accordance with section 3.3 of this policy.

9.3. Payment Methods

Where the City holds an account with a supplier a Purchase Order should be issued in the first instance.

If the purchase is a one off purchase or the supplier does not accept Purchase Orders the following payment methods may be used in limited circumstances:

- a) Corporate Credit Card (the requirements of Council's Corporate Credit Cards Policy apply); or
- b) Petty Cash (the requirements of Council's Petty Cash Policy apply); or
- c) Reimbursements.

The commitment of expenditure using any of the above payment methods must comply with the relevant delegation of authority as detailed within the Delegations Register.

9.4. Blanket Orders

Blanket orders should be used when there are repetitive and pre-specified purchases from the same supplier. This would be the case where the units and nature of the goods/services ordered are known or can be reliably estimated. Blanket orders must be raised for the full financial year and reflect the expected cost over the financial year.

9.5. Emergency Purchases

Where no relevant budget allocation is available for an emergency purchasing activity then, in accordance with s.6.8 of the *Local Government Act 1995 (WA)*, the Mayor must authorise, in writing, the expenditure prior to it being incurred.

The application of emergency expenditure is to be used in limited circumstances for genuine emergency situations only. Dependent on the nature of the emergency, it may be determined that only a portion of the required goods or services will be obtained via emergency expenditure. The remainder of expenditure will then need to comply with the requirements of section 2.1 of this policy.

9.6. Sole Source of Supply

A 'sole source of supply' may exist if the required goods or services are of a unique nature, and it is unlikely that there is more than one potential supplier of the specific good/service. The application of a sole source of supply should only occur in limited cases, where the City can evidence that there is only one source of supply. The City must use its best endeavours to determine if the sole source of supply is genuine by exploring if there are any alternative sources of supply.

All purchases from a sole source of supply must be approved in advance and evidenced in accordance with section 3.4 of this policy.

9.7. Testing the Market

Prior to entering into a quotation or tender process, the following purchasing methods can be used to formally test the market.

1. A Request for Proposal (RFP) may be used when the goods or services to be purchased are not definable and the goal is to receive a solution to a problem and a quote for the solution; or
2. An Expression of Interest (EOI) may be called prior to a Request for Tender (RFT) to ascertain market ability to provide the goods or services due to the specialised nature of the goods or services or the cost of preparing plans, specifications or other information.

If after testing the market, the decision is made to continue with the purchase of goods or services, the requirements of the relevant purchasing threshold must be observed.

9.8. Health and Safety

With all purchasing decisions, consideration must be given to the relevant health and safety implications of the goods or services being sought. A risk assessment should be completed prior to the purchase of new or unfamiliar services, plant, equipment, products or chemical substances to ensure the purchase meets relevant statutory requirements and is suitable and safe for the purpose intended.

When a Contractor is engaged to carry out works either in full, or in part on City premises or worksites, the requirements as detailed within the City's Contractor OHS Induction shall apply.

9.9. Regulatory Compliance – Tenders

9.9.1. No Compliant Tenders Received

Where the City has invited tenders, however no compliant submissions have been received, direct purchases can be arranged on the basis that:

- a) the specification for goods or services remains the same;
- b) a minimum of three written quotations are obtained, as per the requirements for seeking quotations between the \$50,001 and \$250,000 threshold; and
- c) the purchasing is arranged within six (6) months of the closing date of the lapsed tender.

Alternatively, a Council Resolution may be obtained to negotiate directly with a selected supplier.

10. Panels of Pre-Qualified Suppliers

In accordance with Regulation 24AC(1) of the Regulations, the City may establish a panel of pre-qualified suppliers (Panel) if there is, or will be, a continuing need for particular goods or services.

Should the City determine that a Panel would be beneficial, then the establishment of that Panel must comply with Part 4, Division 3 of the Regulations.

10.1. Establishing a Panel

The decision to establish a Panel shall be determined via the relevant delegation of authority, as detailed within the Delegations Register.

Panels may be established for one supply requirement, or a number of similar supply requirements under defined categories within the Panel.

Panels are to be established for a minimum term of one (1) year and up to a maximum term of three (3) years, inclusive of any options to extend or renew the contract.

Where a Panel is to be established, the City will endeavour to appoint at least three (3) suppliers to the Panel or each category within the Panel, on the basis that best value for money is demonstrated. A minimum of two (2) suppliers are required to establish a Panel, or for appointment to a category within the Panel.

When the City invites suppliers to apply to join a Panel, the invitation must include:

- a) the evaluation criteria to be used to assess the applications;
- b) the expected number of suppliers that the City intends to put on the Panel;
- c) a description of how work will be distributed amongst the Panel members;
- d) what will happen if a Panel member decides to leave the Panel; and
- e) whether or not the City intends to purchase the goods or services exclusively from the Panel.

Should a Panel member decide to leave a Panel, they may be replaced by the next ranked supplier as determined by the assessment of applications to join the Panel. A Panel member can only be replaced if this consideration is detailed, as per item (d) above, in the invitation to join a Panel.

In the event that a Panel member leaves a Panel and this results in the Panel being reduced to one (1) Panel member and the City is unable to replace the Panel member, then that Panel must be disbanded.

10.2. Distributing Works Amongst Panel Members

When establishing a panel of pre-qualified suppliers, the City must pre-determine how work will be distributed amongst the Panel members. The City may utilise a Panel by applying one of the following three methods:

- 1) Seek quotations from each pre-qualified supplier on the Panel with respect to all purchases;
- 2) Purchase goods or services exclusively from any pre-qualified supplier appointed to that Panel, and under what circumstances; or
- 3) Develop a ranking system for selection to the Panel, with work offered to the highest ranked pre-qualified supplier in the first instance. Should the offer be declined or the supply cannot be commenced and/or delivered within a specified time, the work will be offered to the next ranked supplier, and so on.

In every instance, a contract must not be entered into with a pre-qualified supplier for an item of work beyond 12 months, which includes options to extend or renew the contract. For any item of work that will exceed 12 months, the Purchasing Threshold Values in section 2 of this policy apply.

Where each Panel member has been invited to bid on an item of work, however all Panel members decline the invitation for whatever reason, the City may invite suppliers that are not pre-qualified under the Panel. Purchasing conducted outside of the Panel arrangement must be in accordance with the Purchasing Threshold Values and Practices in section 2 of this policy.

10.3. Purchasing from the Panel

Each quotation process from start to finish, including all communications with Panel members must be captured in the City's record keeping system.

10.4. Evaluation Criteria

In accordance with Part 4 of the Regulations, before the City invites tenders or applications to join a panel of pre-qualified suppliers (panel applications), it must determine in writing the criteria for deciding which tenders/panel applications should be accepted.

As such Council has delegated authority to the CEO to invite tenders and panel applications and determine evaluation criteria in accordance with this policy. This delegation only applies where there is an appropriate provision made in the budget.

11. Roles and Responsibilities

It is the responsibility of all staff to ensure that they adhere to the requirements of this policy in conjunction with the related policies, processes and legislation to ensure effective and transparent procurement practices are observed.

12. Records Management

All records associated with procurement must be recorded and retained as per the Council's Record Keeping Policy, System Procedures and the *State Records Act 2000*.

13. References to Related Documents

- *Local Government Act 1995*
- *Local Government (Administration) Regulations 1996*

- *Local Government (Functions and General) Regulations 1996* (Part 4 – Tenders for Providing Goods or Services)
- Code of Conduct
- City of Belmont Delegations Register
- Corporate Credit Cards Policy
- Petty Cash Policy
- Environmental Purchasing Policy
- IT Acquisition and Development Security Policy
- SP16 Procurement
- SP23 Contract Management
- SP24 Management of Contract Variations
- Work Instruction - Raising a Requisition
- PM Quotations Process
- Privacy and Responsible Information Sharing Policy
- Data Breach Policy

14. Definitions

CEO means the Chief Executive Officer of the City.

City means the City of Belmont.

Construction project means substantial building construction, building alteration, building maintenance, road construction, landscaping, playground or drainage projects but excludes minor or routine works.

Contract means any agreement or response to tender or invitation to quote, or there is an intention to purchase goods and services from the supplier on a regular basis.

CUA means a Common Use Arrangement.

PAU means the Procurement Advisory Unit

Regulations means the *Local Government (Functions and General) Regulations 1995 (WA)*

Total cost of ownership means all transaction costs associated with acquisition, delivery, distribution, as well as other costs such as but not limited to holding costs, consumables, deployment, maintenance and disposal

WALGA means the Western Australian Local Government Association.



15. Appendix 1 – Summary of Common Procurement Requirements

Procurement Value (2.1)	Procurement Method	Min. # Quotes	Initiation Document	Request Document	Record Keeping	Recommendation Document	Notice of Outcome
Up to \$1,000	RFQ	N/A	Informal	Informal	N/A	Not required	Direct contact with suppliers using purchase order
\$1,001 to \$10,000	RFQ	1	Informal	Informal	Quote attached to Purchase Requisition	Not required	Direct contact with suppliers using purchase order
\$10,001 to \$50,000	RFQ – Simple Quotation	2	Informal	Informal	Quotes to be recorded on ECM and Purchasing Form attached to Purchase Requisition	Purchasing Form	Purchase order and informal email
\$50,001 to \$250,000	RFQ – Formal Quotation	3	RFQ Form	RFQ Form & Formal RFQ Template	Quotes to be recorded on ECM and Purchasing Form attached to Purchase Requisition	Evaluation Scorecard Evaluation Workbook	Formal letter templates for RFQ
\$250,000 & Over and tender exempt	RFT	3	RFT Form	Formal RFT Template	All Request for Tender (RFT) documentation is to be recorded in ECM and Purchasing Form attached to Purchase Requisition	Report to Procurement Advisory Unit Report to CEO	Formal letter templates for RFT
\$250,000 & Over and not tender exempt	RFT	3	RFT Form	Formal RFT Template	All Request for Tender (RFT) documentation is to be recorded in ECM and Purchasing Form attached to Purchase Requisition	Report to Procurement Advisory Unit Report to Council	Formal letter templates for RFT

*Procurements \$50,000 and over (shaded rows) must be conducted in conjunction with the Procurement and Contracts team.

*Excludes EOI & RFA. These procurement methods are uncommon. Procurement and Contracts team is to be consulted on a case by case basis.

*Public tender can be called in lieu of RFQ if it is deemed appropriate or beneficial.



This Policy is supported by:	
Policy No:	CP29
Strategic Community Plan:	Key Performance Area: Performance Outcome: 10. Effective leadership, governance and financial management.
Register of Delegations:	1.1.14 Procurement: Tenders, Tender Exemptions; Purchases (\$50,000-\$250,000) & Associated Contract Variations
Service Area:	Corporate and Governance
Policy Owner:	Manager Finance
Policy Stakeholder:	N/A
Amendment Status:	
Date of Amendment	Status of Amendment
03/04/07	
28/04/09	
22/11/11	
25/06/13	
28/10/14	Review - Minor
22/09/15	Major
27/09/16	Review - Major
22/08/17	Review - Major
25/09/18	Review - Major
10/12/19	Review - Major
24/05/22	Review - Moderate
22/08/23	Review - Minor
10/12/24	Review - Major
Minute Item Reference	
	12.5.8
	12.10
	12.9
	12.8
	12.4
	10.7
	12.9
	12.2
	12.5
	12.8
	12.7
	12.10
	TBA

1.1.14 Procurement: Tenders; Tender Exemptions; Purchases (\$50,000-\$250,000) & Associated Contract Variations

Delegator: Power / Duty assigned in legislation to:	Council
Express Power to Delegate: Power that enables a delegation to be made	<i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO
Express Power or Duty Delegated:	<i>Local Government Act 1995 (WA) (the Act)</i> s 3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996 (WA) (the Regulations) - Part 4:</i> r. 11 When tenders must be publicly invited r. 13 Requirements when local government invites tenders though not required to do so r. 14 Publicly inviting tenders, requirements for r. 18 Rejecting and accepting tenders r. 20 Variation of requirements before entry into contract r. 21A Varying a contract for the supply of goods or services r. 21 Limiting who can tender, procedure for Division 3 – Panels of pre-qualified suppliers
Delegate:	Chief Executive Officer
Function: This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.	<ol style="list-style-type: none"> 1. To call tenders and set weighted criteria as outlined in the relevant legislation and this delegation. 2. To authorise procurement and accept tenders according to the conditions of this delegation. 3. To vary a contract prior to entry into a contract with a successful tenderer in accordance with r.20. 4. To vary a contract already entered subject to r. 21A. 5. To authorise procurement and accept quotations according to the conditions of this delegation. 6. To make, vary or discharge a contract that is formed through a non-tender process subject to r. 11(2). 7. To limit tenderers in accordance with r. 21 8. To establish panels of pre-qualified suppliers in accordance with Division 3 including calling for

	<p>applications, setting weighted criteria, accepting and rejecting applications.</p>
<p>Council Conditions on this Delegation:</p>	<p>Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation. This delegation must be read in conjunction with the Regulations, the Council approved Purchasing Policy and the following specific additional conditions for this delegation.</p> <p>Additional Conditions:</p> <p>1. Tenders: Calling of tenders may only occur where there is an approved Council budget provision in the current year. The Chief Executive Officer:</p> <ul style="list-style-type: none"> • may accept tenders, where there is a Council budget provision approved in the current year for the following: <ul style="list-style-type: none"> ○ the tender value for any one project is no more than \$500,000 (ex GST) ○ Annual supplies of a routine operational nature within budget amount and where the contract is: <ul style="list-style-type: none"> ▪ for no greater than 5-years and ▪ expenditure is no more than \$250,000 per annum. ○ New capital items where the tender amount for the capital item is less than amount of \$500,000, including changeover costs where relevant and is within the identified budget amount. • may reject tenders of any amount ((r. 18(5) <i>Local Government (Functions and General) Regulations 1996 (WA)</i>) • may accept tenders relating to the disposal of impounded perishable and non-perishable goods in accordance with s3.47 of the <i>Local Government Act 1995 (WA)</i>. • may approve purchase orders for expenditure exceeding \$250,000 that have been approved by Council via Council Resolution or via delegated authority to the CEO. <p>2. Exemptions from Tender (r. 11(2) <i>Local Government (Functions & General) Regulations 1996 (WA)</i> and Purchases (\$50,000-\$250,000) The CEO</p> <ul style="list-style-type: none"> • may authorise purchases that are exempt from tendering regulations as outlined in r.11.2,

	<p>excluding 2(d) of the <i>Local Government (Functions and General) Regulations 1996 (WA)</i>, (i.e. State Government Common User Arrangement (CUA); WALGA preferred Suppliers provided a Council approved budget position applies; and</p> <ul style="list-style-type: none"> • may approve purchases where there is a Council budget provision approved in the current year for the following: <ul style="list-style-type: none"> ○ Annual supplies of a routine operational nature within budget amount and where the contract is: <ul style="list-style-type: none"> ▪ for no greater than 5-years; and ▪ expenditure is no more than \$250,000 per annum. ○ New capital items where the tender amount for the capital item is less than amount of \$500,000, including changeover costs where relevant and is within the identified budget amount. <p>3. Contract Variations</p> <p>3.1 Contract Variations - Tender</p> <p><u>Pre-Contract:</u></p> <p><i>Note: A minor variation is defined as a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply ((Local Government (Functions and General) Regulations 1996 r. 20) (WA)), and:</i></p> <ul style="list-style-type: none"> ○ Does not alter the nature of the goods and/or services procured; and ○ Does not materially alter the specification or structure provided for by the initial tender; and ○ Is within the approved budget for the item. <p>A tender cannot be varied outside the above definition.</p> <p>The CEO may approve minor variations (see definition above) regarding the scope of work specified in a tender, following the receipt of submission, but prior to entering a contract, provided there are sufficient funds being available within the approved budget for that item ((r. 20 <i>Local Government (Functions and General) Regulations 1996</i>) (WA)).</p> <p><u>Post Contract:</u></p> <p>The CEO may approve a variation(s) to a contract, provided there are sufficient funds being available within the approved budget for that item, where the</p>
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	<p>variation is necessary for the goods or services to be supplied and does not change the scope of the contract; or the variation is a renewal or extension of the term of the contract as described in r.11(2)(j), (ja) or (jb) in accordance with r. 21A(a) of the Regulations.</p> <p>3.2 Contract Variations - Exempt and Procurement (\$50,000 - \$250,000)</p> <p><u>Pre-Contract:</u></p> <p>CEO may approve minor variations (see definition below) regarding to the scope of work specified in the quotation, following the receipt of submission, but prior to entering a contract provided there are sufficient funds being available within the approved budget for that item.</p> <ul style="list-style-type: none"> • A minor variation is defined as a variation that the local government is satisfied, is minor having regard to the total goods or services that were invited to supply and: <ul style="list-style-type: none"> • Does not alter the nature of the goods and/or services procured; and • Does not materially alter the specification or structure provided for by the initial quotation process; and • Is within the approved budget for that item. <p><u>Post Contract:</u></p> <p>CEO may approve variations to a contract that has been entered into:</p> <ul style="list-style-type: none"> • if there are sufficient funds available within the approved budget for that item. and the variation does not alter the nature of the goods and/or services procured; does not materially alter the specification or structure provided for by the initial quotation process and are necessary for the supply of the goods or services. <p>Total contract value (including Variations) is limited to a maximum of the amount of the approved budget for that contract.</p> <p>3.3 Extension of Contracts:</p> <ul style="list-style-type: none"> • Contracts formed from tender process: <ul style="list-style-type: none"> ○ Where a tender is accepted that includes an option to extend the contract beyond the initial period, the Chief Executive Officer may exercise or decline that option (r. 21A(b) <i>Local Government (Functions and General) Regulations 1996 (WA)</i>).
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	<ul style="list-style-type: none"> Where any other contract is accepted with an option to extend the contract beyond the initial period, the Chief Executive Officer may exercise or decline that option. <p>4. Expressions of Interest (EOI's) (r. 21(1) Local Government (Functions & General) Regulations 1996 (WA)): To call, accept the short listing and if required reject all Expression of Interests.</p> <p>5. Establishment of Panels of Pre-Qualified Suppliers To determine the criteria for deciding which applications should be accepted, accept or reject all applications.</p>
Express Power to Sub-Delegate:	<i>Local Government Act 1995 (WA):</i> s 5.44 CEO may delegate some powers and duties to other employees

Sub-Delegate/s: Appointed by CEO	Director Corporate and Governance Director Infrastructure Services Director Development and Communities
Additional CEO Conditions on this Sub-Delegation: Conditions on the original delegation also apply to the sub-delegations.	In addition to the Council conditions of delegation to the CEO, the CEO has applied the following conditions: Directors may only: 1. Exercise this sub-delegation relevant to the activities of their directorate. 2. Tenders & Expressions of Interest <ul style="list-style-type: none"> Call Tenders or Expressions of Interest; and set weighted criteria (Function 1) where: <ol style="list-style-type: none"> there is an appropriate Council budget provision approved in the current year; and the scope of the service or product being sought is finalised; and the product or service being sought is not considered to be extraordinary; and all required documentation is completed.

	<p>3. Variations to tenders accepted under delegation by the CEO</p> <p>3.1 Variations to tenders accepted under delegation by the CEO - Pre contract (Function 3):</p> <ul style="list-style-type: none">• approve minor variations (as defined above) to the scope of work specified in the tender following the receipt of submissions, but prior to entering a contract provided sufficient funds being available within the approved budget for that item. <p>3.2 Variations to tenders accepted under delegation by the CEO - Post Contract (Function 4):</p> <ul style="list-style-type: none">• Approve minor variations that were unforeseen and necessary for the supply of the goods or services.• Total contract value (including Variations) is limited to a maximum of the amount of the approved budget for that contract. <p>4. Exempt Procurement (r. 11) and Procurement (\$50,000 - \$250,000)</p> <ul style="list-style-type: none">• Call formal quotations; and set weighted criteria where:<ol style="list-style-type: none">(a) there is an appropriate Council budget provision approved in the current year; and(b) the scope of the service or product being sought is finalised; and(c) the product or service being sought is not considered to be extraordinary; and(d) all required documentation is completed. <p>5. Quotes</p> <p>Can accept Quotes, where there is a Council approved budget provision and within purchasing limit authority.</p> <p>6. Variations to contracts for exempt procurement (r.11A) and quotations</p> <p>6.1 Variations to contracts for exempt procurement (r.11A) and quotations - <u>Pre contract:</u></p> <ul style="list-style-type: none">• approve minor variations (as defined above) to the scope of work specified following the receipt
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	<p>of submissions, but prior to entering a contract provided sufficient funds being available within the approved budget for that item.</p> <p>6.2 Variations to contracts for exempt procurement (r. 11A) and quotations - Post Contract:</p> <ul style="list-style-type: none"> • Approve minor variations that were unforeseen and necessary for the supply of the goods or services. <p>Total contract value (including Variations) is limited to a maximum of the amount of the approved budget for that contract ; .</p>
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Compliance Links:	<p>Local Government Act 1995 (WA) Local Government (Functions and General) Regulations 1996 (WA)</p> <p>CP29 - Purchasing Policy CP63 - Execution of Documents</p>
Record Keeping:	<p>Maintain Tender Register, recording details of decisions under this delegation and insert ECM-links to relevant evidentiary documents.</p> <p>Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> r.19 Delegates to keep certain records, are retained in the City's record keeping systems.</p>

Commented [SJ1]: To be deleted with limits transferred to Delegation Register as sub-delegation

Commented [EW2R1]: Just the Director Limits (Level 5 - \$5,000,000) in context of this delegation or a new CEO delegation for all Purchase Order approvals?

Version Control:

1	Formerly incorporated as DA04 Tenders in 2020-2021 Delegation Register. Approved ELT 19/5/2021; OCM 22/6/2021 Item 12.6.
2	Amended ELT 18/5/2022 OCM 28/6/2022 Reviewed ELT 15/3/2023 OCM 26/4/2023
3	New Policy OCM 12/12/2023 Reviewed ELT 9/4/2024 OCM 23/4/2024 Item 12.8

1.1.14 Procurement: Tenders; Tender Exemptions; Purchases (\$50,000-\$250,000) & Associated Contract Variations

<p>Delegator: Power / Duty assigned in legislation to:</p>	<p>Council</p>
<p>Express Power to Delegate: Power that enables a delegation to be made</p>	<p><i>Local Government Act 1995 (WA):</i> s 5.42 Delegation of some powers or duties to the CEO s 5.43 Limitations on delegations to the CEO</p>
<p>Express Power or Duty Delegated:</p>	<p><i>Local Government Act 1995 (WA) (the Act)</i> s 3.57 Tenders for providing goods or services <i>Local Government (Functions and General) Regulations 1996 (WA) (the Regulations) - Part 4:</i> r. 11 When tenders must be publicly invited r. 13 Requirements when local government invites tenders though not required to do so r. 14 Publicly inviting tenders, requirements for r. 18 Rejecting and accepting tenders r. 20 Variation of requirements before entry into contract r. 21A Varying a contract for the supply of goods or services r. 21 Limiting who can tender, procedure for Division 3 – Panels of pre-qualified suppliers</p>
<p>Delegate:</p>	<p>Chief Executive Officer</p>
<p>Function: This is a precis only. Delegates must act with full understanding of the legislation and conditions relevant to this delegation.</p>	<ol style="list-style-type: none"> 1. To call tenders and set weighted criteria as outlined in the relevant legislation and this delegation. 2. To authorise procurement and accept tenders in accordance with according to the conditions of this delegation. 3. To vary a contract prior to entry into a contract with a successful tenderer in accordance with r.eg 20. 4. To vary a contract already entered subject to r.eg 21A. 5. To authorise procurement and accept quotations according to in accordance with the conditions of this delegation. 6. To make, vary or discharge a contract that is formed through a non-tender process subject to r.eg 11(2). 7. To limit tenderers in accordance with r. 21

	<p>6-8. To establish panels of pre-qualified suppliers in accordance with Division 3 including calling for applications, setting weighted criteria, accepting and rejecting applications.</p>
<p>Council Conditions on this Delegation:</p>	<p>Any person proposing to exercise a power under delegated authority shall comply with the Standard Conditions of Delegation. This delegation must be read in conjunction with the Regulations, the Council approved Purchasing Policy and the regulations and the following specific additional conditions for this delegation.</p> <p>Additional Conditions:</p> <p>1. Tenders: Calling of tenders may only occur where there is an approved Council budget provision in the current year. The Chief Executive Officer:</p> <ul style="list-style-type: none"> • may accept tenders, where there is a Council budget provision approved in the current year for the following: <ul style="list-style-type: none"> ○ the tender value for any one project is no more than \$500,000 (ex GST) ○ Annual supplies of a routine operational nature within budget amount and where the contract is: <ul style="list-style-type: none"> ▪ for no greater than 5-years and ▪ expenditure is no more than \$250,000 per annum. ○ New capital items where the tender amount for the capital item is less than amount of \$250\$500,000, including changeover costs where relevant and is within the identified budget amount. • may reject tenders of any amount ((r.reg 18(5) Local Government (Functions and General) Regulations 1996)of the Regulations) • may accept tenders relating to the disposal of impounded perishable and non-perishable goods in accordance with s3.47 of the Local Government Act 1995Act. • may approve purchase orders for expenditure exceeding \$250,000 that have been approved by Council via Council Resolution or via delegated authority to the CEO. <p>2. Exemptions from Tender (r.Reg 11(2) Local Government (Functions & General) Regulations 1996) (WA) and Purchases (\$50,000-\$250,000)</p>

	<p>The CEO</p> <ul style="list-style-type: none"> • may authorise purchases that are exempt from tendering regulations as outlined in Regulation r.11.2, excluding 2(d) of the Local Government (Functions and General) Regulations 1996, (i.e. State Government Common User Arrangement (CUA); WALGA preferred Suppliers provided a Council approved budget position applies; and • may approve purchases where there is a Council budget provision approved in the current year for the following: <ul style="list-style-type: none"> ○ Annual supplies of a routine operational nature within budget amount and where the contract is: <ul style="list-style-type: none"> ▪ for no greater than 5-years; and ▪ expenditure is no more than \$250,000 per annum. ○ New capital items where the tender amount for the capital item is less than amount of \$250,000, including changeover costs where relevant and is within the identified budget amount. <p>3. Contract Variations</p> <p>3.1 Contract Variations - Tender</p> <p><u>Pre-Contract:</u></p> <p><i>Note: A minor variation is defined as a variation that the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply (r.20 of the Regulations) (Local Government (Functions and General) Regulations 1996 Reg 20) (WA), and:</i></p> <ul style="list-style-type: none"> ○ <i>Does not alter the nature of the goods and/or services procured; and</i> ○ <i>Does not materially alter the specification or structure provided for by the initial tender; and</i> ○ <i>Is <u>within the approved budget for the item less than 10% of the original tendered price.</u></i> <p><i>A tender cannot be varied outside the above definition.</i></p> <p>The CEO may approve minor variations (see definition above) regarding the scope of work specified in a tender, following the receipt of submission, but prior to entering into a contract, provided there are sufficient funds being available within the approved budget for that item (r.Reg 20</p>
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	<p><i>Local Government (Functions and General) Regulations 1996 (WA of the Regulations).</i></p> <p><u>Post Contract:</u></p> <p>The CEO may approve a variation(s) to tender a contract, limited to 10% of the total tender value (cumulative), provided there are sufficient funds being available within the approved budget for that item, or the value of their purchasing authority, whichever is the lesser amount after entering into a contract where the variation <u>is necessary for the goods or services to be supplied and does not change the scope of the contract; or the variation is a renewal or extension of the term of the contract as described in regulation. 11(2)(j), (ja) or (jb) C was unforeseen and is necessary in order for the goods or services to be supplied, and does not significantly change the contract scope</u> in accordance with <u>Reg. 21A(a) of the Local Government (Functions and General) Regulations 1996 (WA).</u></p> <p>3.2 Contract Variations - Exempt and Procurement (\$50,000 - \$250,000)</p> <p><u>Pre-Contract:</u></p> <p>CEO may approve minor variations (see definition below) regarding to the scope of work specified in the quotation, following the receipt of submission, but prior to entering into a contract provided there are sufficient funds being available within the approved budget for that item.</p> <ul style="list-style-type: none">• A minor variation is defined as a variation that the local government is satisfied, is minor having regard to the total goods or services that were invited to supply and:<ul style="list-style-type: none">• Does not alter the nature of the goods and/or services procured; and• Does not materially alter the specification or structure provided for by the initial quotation process; and• Is <u>within the approved budget for the item that contract item less than 10% of the original quoted price.</u> <p><u>Post Contract:</u></p>
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	<p>CEO may approve <u>variations to a contract that has been entered into:</u></p> <ul style="list-style-type: none"> minor variations in a contract that has been entered into provided that if there are sufficient funds, being available within the approved budget for that item, and the variation <u>does not alter the nature of the goods and/or services procured; does not materially alter the specification or structure provided for by the initial quotation process, and are necessary for the supply of the goods or services, complies with the definition of a minor variation above.</u> <ul style="list-style-type: none"> Approve minor variations that were unforeseen and necessary for the supply of the goods or services. Total contract value (including Variations (in total) are is limited to a maximum of the amount of the approved budget for that contract the amount of the approved budget for that item a maximum of 10% (cumulative total) of the procurement value for the contract.; or the value of the delegated officers' purchasing authority, whichever is the lesser. <p>3.3 Extension of Contracts:</p> <ul style="list-style-type: none"> Contracts formed from tender process: <ul style="list-style-type: none"> Where a tender is accepted that includes an option to extend the contract beyond the initial period, the Chief Executive Officer may exercise or decline that option (<u>r.Reg 21A(b) Local Government (Functions and General) Regulations 1996 (WA) of the Regulations</u>). Where any other contract is accepted with an option to extend the contract beyond the initial period, the Chief Executive Officer may exercise or decline that option. <p>4. Expressions of Interest (EOI's) (r.Reg 21(1) Local Government (Functions & General) Regulations 1996 (WA)): To call, accept the short listing and if required reject all Expression of Interests.</p> <p>5. Establishment of Panels of Pre-Qualified Suppliers</p> <p><u>To determine the criteria for deciding which applications should be accepted, accept or reject all applications.</u></p>
<p>Express Power to Sub-Delegate:</p>	<p><i>Local Government Act 1995 (WA):</i></p>

	s 5.44 CEO may delegate some powers and duties to other employees
Sub-Delegate/s: Appointed by CEO	Director Corporate and Governance Director Infrastructure Services Director Development and Communities
Additional CEO Conditions on this Sub-Delegation: Conditions on the original delegation also apply to the sub-delegations.	In addition to the Council conditions of delegation to the CEO, the CEO has applied the following conditions: Directors may only: <ol style="list-style-type: none"> 1. Exercise this sub-delegation relevant to the activities of their directorate. 2. Tenders & Expressions of Interest <ul style="list-style-type: none"> • Call Tenders or Expressions of Interest; and set weighted criteria (Function 1) where: <ol style="list-style-type: none"> (a) there is an appropriate Council budget provision approved in the current year; and (b) the scope of the service or product being sought is finalised; and (c) the product or service being sought is not considered to be extraordinary; and (d) all required documentation is completed. 3. Variations to tenders accepted under delegation by the CEO <ol style="list-style-type: none"> 3.1 Variations to tenders accepted under delegation by the CEO - Pre contract (Function 3): <ul style="list-style-type: none"> • approve minor variations (as defined above) to the scope of work specified in the tender following the receipt of submissions, but prior to entering a contract provided sufficient funds being available within the approved budget for that item. 3.2 Variations to tenders accepted under delegation by the CEO - Post Contract (Function 4): <ul style="list-style-type: none"> • Approve minor variations that were unforeseen and necessary for the supply of the goods or services.

	<ul style="list-style-type: none">• Total contract value (including Variations (in total) are is limited to a maximum of the amount of the approved budget for that contract the amount of the approved budget for that item a maximum of 10% (cumulative total) of the procurement value for the contract.; or the value of the delegated officers' purchasing authority, whichever is the lesser. <p>4. Procurement Exempt Procurement (Reg-r. 11) and Procurement (\$50,000 - \$250,000)</p> <ul style="list-style-type: none">• Call formal quotations; and set weighted criteria where:<ol style="list-style-type: none">(a) there is an appropriate Council budget provision approved in the current year; and(b) the scope of the service or product being sought is finalised; and(c) the product or service being sought is not considered to be extraordinary; and(d) all required documentation is completed. <p>5. Quotes</p> <p>Can accept Quotes, where there is a Council approved budget provision and within purchasing limit authority.</p> <p>6. Variations to contracts for exempt procurement (reg-r. 11A) and quotations</p> <p>6.1 Variations to contracts for exempt procurement (reg-r. 11A) and quotations - Pre contract:</p> <ul style="list-style-type: none">• <u>approve</u> minor variations (as defined above) to the scope of work specified following the receipt of submissions, but prior to entering a contract provided sufficient funds being available within the approved budget for that item. <p>6.2 Variations to contracts for exempt procurement (reg-r. 11A) and quotations - Post Contract:</p> <ul style="list-style-type: none">• Approve minor variations that were unforeseen and necessary for the supply of the goods or services. <p>Total contract value (including Variations (in total) are is limited to a maximum of the amount of the approved budget for that contract the amount of the approved budget for that item a maximum of 10% (cumulative total) of the procurement value for the contract; or the</p>
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Attachment 12.6.3 Amended Delegation 1.1.14 (tracked changes)

	value of the delegated officers' purchasing authority, whichever is the lesser.
Compliance Links:	Local Government Act 1995 (WA) Local Government (Functions and General) Regulations 1996 (WA) CP29 - Purchasing Policy CP63 - Execution of Documents Purchase Orders – Authority Limits Policy
Record Keeping:	Maintain Tender Register, recording details of decisions under this delegation and insert ECM-links to relevant evidentiary documents. Ensure that evidentiary documents that meet the requirements of <i>Local Government (Administration) Regulations 1996 (WA)</i> reg.19 Delegates to keep certain records, are retained in the City's record keeping systems.

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12.7 Annual Report 2023-24

(report to follow)

12.8 Accounts for Payment November 2024

(report to follow)

12.9 Monthly Financial Report for November 2024

(report to follow)

13 Reports by the Chief Executive Officer

13.1 Request for leave of absence

13.2 Notice of motion

Nil.

14 Matters for which the meeting may be closed

14.1 Tender 19-2024 - Wilson Park Zone 2 Heart and Playground Construction Contract

This report is included in the Ordinary Council Meeting – Confidential Matters Agenda in accordance with Section 5.23(2) of the *Local Government Act 1995 (WA)*, which permits the meeting to be closed to the public for business relating to the following:

Section 5.23(2)(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

15 Closure