



City of Belmont
ORDINARY COUNCIL MEETING
MINUTES
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25 February 2020

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ATTACHMENTS INDEX

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CONFIDENTIAL ATTACHMENTS INDEX

- Confidential Attachment 1 – Item 12.6 refers**
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MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE ON TUESDAY, 25 FEBRUARY 2020 COMMENCING AT 7.00PM.

PRESENT

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

IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Ms J Gillan	Director Development and Communities
Ms M Reid	Director Infrastructure Services
Mr J Olynyk, JP	Manager Governance
Ms N Griggs	Manager Community Placemaking
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms K Spalding	Coordinator Marketing and Communications
Ms D Morton	Media and Communications Adviser
Mrs J Barnes	Senior Governance Officer
Mrs H Mark	Governance Officer

MEMBERS OF THE GALLERY

There were seven members of the public in the gallery and no press representative.

1. OFFICIAL OPENING

7.00pm The Presiding Member welcomed all those in attendance and declared the meeting open and advised that the meeting will be audio recorded for minute verification purposes.

The Presiding Member read aloud the Acknowledgement of Country.

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

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

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

2. APOLOGIES AND LEAVE OF ABSENCE

Nil.

3. DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT

3.1 FINANCIAL INTERESTS

Nil.

3.2 DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

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

4.1 ANNOUNCEMENTS

The City of Belmont was recognised at the Master Builders Bankwest Housing Excellence Awards on Saturday, 22 February, as an industry best performer as one of four finalists in the Local Government Best Practice Award. This award is presented to the local authority that Master Builders Association members vote for being a leader in efficiency and responsiveness with building applications and customer service. I would like to recognise the City's Building Surveying team for being finalists and for achieving this outstanding industry recognition.

4.2 DISCLAIMER

7.02pm The Presiding Member drew the public gallery's attention to the Disclaimer.

The Presiding Member advised the following:

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

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

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

Nil.

5. PUBLIC QUESTION TIME

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

5.1.1 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE

The following question was taken on notice at the 10 December 2019 Ordinary Council Meeting. Ms Gee was provided with a response on 20 December 2019. The response from the City is recorded accordingly:

1. I would like to have in writing an answer what is happening with the Glass Works, it's been two years since going to SAT and all my questions revolved around the health aspect of it.

Response

On the 31 July 2019, the Perth Magistrates Court fined Colmax Recycling Pty Ltd \$45,000 plus costs for breaching the conditions of their development approval at 13 Glassford Road, Kewdale. These breaches primarily related to the storage of unprocessed glass outside the building and failing to take appropriate measures to minimise glass products and dust being emitted from the site.

Following this decision, Planning staff inspected the property and noted that the site was locked up with no activities or external storage of glass occurring. The City will continue to monitor the site and act on any future breaches if they occur.

5.1.2 Ms M SALDANHA, 63A WESTON STREET, CARLISLE

The following question was taken on notice at the 10 December 2019 Ordinary Council Meeting. Ms Saldanha was provided with a response on 20 December 2019. The response from the City is recorded accordingly:

1. What is the City of Belmont doing to ensure that my easement is not a public road?

Response

This response relates to easements in gross in general rather than to your circumstances which have been addressed at length previously by Council Administration.

The deed of easement would outline any maintenance obligations for the easement, but typically it would be the responsibility of the affected landowner(s).

5.1.3 Ms J FAMLONGA, 78 COHN STREET, KEWDALE

The following question was taken on notice at the 10 December 2019 Ordinary Council Meeting. Ms Famlonga was provided with a response on 20 December 2019. The response from the City is recorded accordingly:

1. In regards to the proposed Youth Centre at 49 Hardey Road, how many community centres are there in the City of Belmont now?

Response

The City of Belmont currently owns and operates 10 dedicated community centres within the district. This includes a youth centre located on Abernethy Road (The Base @ Belmont) and the City is also currently constructing a new library and community centre adjacent to the existing Civic building.

5.1.4 MR P HITT, 14 MCLACHLAN WAY, BELMONT

The following question was taken on notice at the 11 December 2019 Annual Electors' Meeting. Mr Hitt was provided with a response on 24 December 2019. The response from the City is recorded accordingly:

1. During the Agenda Briefing Forum (ABF) the external doors were locked. People left and were unable to get back in; doors should be left open as people are entitled to enter the building for meetings.

Response

At the ABF on Tuesday 3/12/19 the City's Security Officer was responsible for covering the external doors.

The external doors were set to exit only at approximately 7:10pm and the Security Officer remained in the foyer area. A number of late comers to the meeting arrived, but were given access immediately.

The Security Officer set the external doors to exit only at 8:30pm as per the procedure and left the area. It appears that a member of the public went to the internal foyer area, did not exit the building but was unable to re-enter via the internal security doors as these also were set to exit only.

Public, Councillor, staff and building security/safety is a high priority for these after hours' meetings. However, the process is under review.

5.1.5 Ms M SALDANHA, 63A WESTON STREET, CARLISLE

The following question was taken on notice at the 11 December 2019 Annual Electors' Meeting. Ms Saldanha was provided with a response on 20 December 2019. The response from the City is recorded accordingly:

1. Is it true that SAT have not exercised awarding of costs?

Response

The State Administrative Tribunal (SAT) do award costs in various instances. In terms of planning decisions, SAT considers:

- **Whether the party (in conducting the matter before the decision maker) genuinely attempted to enable and assist the decision-maker to make a decision on the merits;**
- **Whether the party (being the decision-maker) genuinely attempted to make a decision on the merits.**

Where it has been demonstrated through the SAT process that either party has acted inappropriately then SAT would award costs. Here are some examples of award costs issued in recent SAT cases:

- **Champion and Gary Wood and City of Wanneroo [2018] WASAT 103 – costs awarded against the City of Wanneroo on the basis that they did not consider the merits of revised information in reconsidering a decision.**
- **Spartalis and City of Stirling [2017] WASAT 125 – costs were awarded against the City of Stirling because they delayed making a decision.**
- **Ransberg Pty Ltd and City of Bayswater [2016] WASAT 43 – costs were awarded against the City of Bayswater who failed to consider technical advice supporting the application**
- **Moore and City of Wanneroo [2017] WASAT 145 –the Applicant's request for award costs were deemed unreasonable by SAT as the City had acted appropriately and made a genuine attempt to determine the merits of the application. Subsequently, the applicant's request was denied and instead the City was awarded costs in the order of \$7,806.70.**

5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

7.03pm The Presiding Member drew the public gallery's attention to the rules of Public Question Time as written in the Agenda. In accordance with rule (I), the Mayor advised that he had registered three members of the public who had given prior notice to ask questions.

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

5.2.1 MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE

1. What is budgeted for both a) Rangers and b) Eyes on the Street and do these figures include costs associated with workers compensation and superannuation or just staff wages?

Response

For financial year 2019-2020 the City budgeted the following relating to staff:

- Ranger staff related costs: Salary (\$501,933), Superannuation (\$56,113) and Workers Compensation (\$5,272)
- Community Safety/Crime Prevention staff related costs: Salary (\$359,847), Superannuation (\$43,696) and Workers Compensation (\$3,779)
- "Eyes on the Street" known as Belmont Community Watch service. This total is based on a contracted hourly rate and includes Workers Compensation and Superannuation costs: \$1,276,163.

2. What is the cost annually to the City of Belmont for maintaining our parks, specifically for the picking up of any rubbish and how often and what day/s is this done. Additionally, if available, a specific breakdown of Tomato Lake and Centenary Park.

Response

The Presiding Member advised that the question would be taken on notice.

Item 5.2.1 Continued

3. Councillors Rossi, Powell, Sekulla and Ryan, in addition to the CEO, went to Adachi in January. How many other people were paid for by the City of Belmont and how much did the trip cost in total including, but not limited to, airfare, accommodation and other costs including credit card expenditure?

Response

Two staff and three translators were paid for by the City in addition to Councillors and myself as CEO.

The Trip cost in total:

- **Airfare: \$14,986.53**
- **3 star accommodation: \$15,933.40**
- **\$5,077.15 (including formal gifts, duties and taxes, courier costs to Japan and operational expenses).**

This brings the total cost of the delegation to \$35,907.08

4. When can we expect to see the reports from all Councillors?

Response

Councillors do not prepare a written report. The City's Coordinator Community Projects produces a written report summarising the delegation. This is prepared for the City's Elected Members and the Executive Team. Councillors provide a verbal briefing at an Information Forum following the provision of the Coordinators Report.

5. How did this trip benefit the residents of Belmont?

Response

The Sister City Program benefits the City of Belmont as it contributes to the Strategic Community Plan. The City of Belmont's Sister City program offers students educational and cultural exchanges and is more recently developing economic opportunities as the program diversifies. The purpose of this delegation was to re-affirm our commitment with Adachi-ku in Japan to work collaboratively together to achieve positive youth, educational, cultural and business opportunities. These opportunities activate economic, social, educational and cultural outcomes.

Some delegates represented the Belmont Business Community. It is anticipated that they will explore ways to further business endeavours with their new contacts in Japan, consequently improving Belmont's local economy. It is a project that supports 'people-to-people links' which is a key theme within the State Government's Asian Engagement Strategy 2019 - 2030.

Item 5.2.1 Continued

6. How many children go to Adachi and do they get funding from the City of Belmont?

Response

The Presiding Member advised that the question would be taken on notice.

5.2.2 MR B CHILDS, 122 SYDENHAM STREET, KEWDALE

Mr B Childs or a representative did not attend the meeting. In accordance with the Rules of Public Question Time, the questions will be answered via written correspondence.

5.2.3 MR J MILLER, 18 SANGIORGIO COURT, OSBORNE PARK, ON BEHALF OF JDH & JHM INVESTMENTS P/L

1. Noting the discussion at the Agenda Briefing Forum last week, have the Councillors reviewed the submitted Transport Impact Statement, including management recommendations made?

Response

The Presiding Member advised that a Traffic Impact Assessment was provided to all Councillors and was an attachment to the report.

5.2.4 MR P HITT, 14 MACLACHLAN WAY, BELMONT

1. Whilst I was attending Council as a Councillor, I voted in the affirmative to proceed with the implementation of the construction of the new Community Centre. From memory the costing at this time was approximately \$28 million. I have been informed by a member of the community that the current costing of this building is in the vicinity of \$40 million plus. Can the Mayor please inform the gallery what the current costing of this building now stands at?

Response

The Chief Executive Officer advised that the question would be taken on notice.

2. In the initial overview of the funding of the Community Centre, it was stated in this Chamber that the costs for the Community Centre could be fully funded by the Council without any need to raise money from extra rates or charges. Is this still the case?

Response

The Chief Executive Officer advised that the question would be taken on notice.

Item 5.2.4 Continued

3. If the blow-out in construction costs are approximately correct, can the Council/Councillors please inform the chamber the reason for this extremely bad financial situation the ratepayers of Belmont find themselves in?

Response

The Chief Executive Officer advised that the question would be taken on notice.

4. In July last year a meeting was held within Council (no minutes are available to the public), where the question of continuing of the provision of Home and Community Care (HACC) services was raised. In the past this Council have reduced services where Commonwealth or State funding has been received in full or part to help supply these community services. The rationale for withdrawing these services was or is, that these services should not be provided by the Council as they are State Government or Federal Government responsibilities.

How do the Councillors and Council reconcile the fact that the City of Belmont is providing security (Eyes on the Street) services, when law and order is the fundamental responsibility of the State and Federal Government? Is this service also going to be withdrawn based on the criteria of the withdrawal of other services?

Response

The Chief Executive Officer advised that the understanding is that the City does not have any intention of withdrawing these services at this time.

5.2.5 MS J GEE, 97 GABRIEL STREET, CLOVERDALE

Ms Gee provided handouts for Councillors regarding a crash barrier for the corner of Gabriel Street and Abernethy Road. The handouts have been registered in the City's document management system.

1. Can Council please provide a rough estimate of the cost of a crash barrier?

Response

The Chief Executive Officer advised that the question would be taken on notice.

2. The letter from the City states someone has investigated this request and is not recommending a crash barrier. Are the Councillors happy with this, knowing where the crash barrier that I have requested is?

Response

The Chief Executive Officer advised a response to this question was provided in the email already sent.

Item 5.2.5 Continued

3. Can the Councillors and Mayor tell me why there is mention of traffic lights, when some years ago, when I was on Council, we were told that they were not going to put traffic lights at Gabriel Street as there are already two sets in succession at Wright Street and Fulham Street, has this changed?

Response

The Chief Executive Officer advised that the assessment carried out looked at all the options and further consideration needs to be given when discussions are held with Main Roads.

4. The letter mentions vegetation blocking line of sight and redundant crossovers. What do these have to do with the issue?

Response

The Chief Executive Officer advised they were identified in the Traffic Impact Assessment Report and the understanding is that some pruning of the trees has been undertaken.

5. There has been 40 accidents in the last 5 years, not including the one that happened on 27th December. Why does this not warrant a crash barrier?

Response

The Chief Executive Officer advised that as provided in the emailed response to Ms Gee, there is still further assessment to be undertaken to determine the appropriate traffic treatment for that location. The email advised that the City would keep Ms Gee informed.

6. The footpath on the letter is supposed to not warrant a crash barrier because there is a footpath crossing. What effect does that have?

Response

The Presiding Member advised this question would be taken on notice.

7. HACCC services was one of the best services Belmont had going. Why is this service being removed?

Response

The Chief Executive Officer advised that this service is not being taken away, it is going to be provided by another service provider who is better placed to undertake this service and provide 24/7 services, whereas the City can only provide services from 9am to 5pm. The service will continue and it is anticipated will be even better than the service the City provided.

5.2.6 Ms L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE, ON BEHALF OF BELMONT RESIDENT AND RATEPAYER ACTION GROUP (BRRAG)

1. Is this meeting being recorded and will it be available on the website?

Response

The Manager Governance stated that, yes, the meeting is being recorded and once the minutes are prepared, the minutes and audio recording will be available on the City's website for public viewing and listening.

2. The Town of Vic Park has two programmes running to assist residents; one is subsidy for CCTV. Part of the arrangement is that the use of the footage for the police when needed is an arrangement with the residents and the second subsidy is security such as alarm systems, sensor lights and security screens.

Will the City of Belmont consider assisting residents as BRRAG believes there is room in the budget and BRRAG would be happy to assist with suggestions if the saving of money will benefit residents with programmes such as these two?

Response

The Chief Executive Officer advised that this question would be taken on notice.

3. When will the City of Belmont be improving the street lighting and increasing the budget for tree planting to encourage people to be outside more at night time in a safer environment?

Response

The Chief Executive Officer advised the City's current street lighting complies with the Australian Standards and the City have significant funds budgeted to implement our Urban Forest Strategy and Canopy Plan and will continue to plant trees to improve the amenity and walkability of our streets.

4. Are we able to increase the budget with some cost saving measures?

Response

The Presiding Member advised that this question would be taken on notice.

Item 5.2.6 Continued

5. In July 2019 the City of Belmont Council made the decision to not have Home and Community Care (HACC) services for the seniors. The Item in question was closed to the public. Specifically under what clause of Section 5.23(2) was the matter deemed confidential?

Response

The Chief Executive Officer advised that this question would be taken on notice.

6. How many residents are currently registered with HACC services?

Response

The Chief Executive Officer advised that this question would be taken on notice.

7. How many staff are under HACC and how many of these will be redeployed into positions within the City or made redundant and what will the cost to the City be?

Response

The Chief Executive Officer advised that this question would be taken on notice.

8. Presumably other HACC providers do not do this as a charity and they make money. If the City is given a grant the same as any other provider who takes over these HACC services, how can they make money and the City does not? Does this mean the City is not as efficient as other providers?

Response

The Chief Executive Officer advised that this question would be taken on notice.

9. The CEO was quoted in the latest edition of the Southern Gazette regarding the cost of legal fees. Are you Mr Mayor willing to put forward a motion asking that the CEO investigate the cost factors, potential savings as well as the advantages and disadvantages of the City employing a lawyer on staff instead of using firms like McLeods, which would appear to charge considerably more. A staff lawyer would be available during working hours all week, which may well benefit various areas of the City of Belmont as well as save money, which could perhaps be spent on better security for residents?

Response

The Presiding Member advised that he was not prepared to move such a motion.

- 7.27pm As there were no further questions, the Presiding Member declared Public Question Time closed.

6. CONFIRMATION OF MINUTES/RECEIPT OF MATRIX

**6.1 ORDINARY COUNCIL MEETING HELD 10 DECEMBER 2019
(Circulated under separate cover)**

OFFICER RECOMMENDATION

SEKULLA MOVED, POWELL SECONDED

That the Minutes of the Ordinary Council Meeting held on 10 December 2019 as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 9 VOTES TO 0

**6.2 MATRIX FOR THE AGENDA BRIEFING FORUM HELD 18 FEBRUARY 2020
(Circulated under separate cover)**

OFFICER RECOMMENDATION

WOLF MOVED, BASS SECONDED

That the Matrix for the Agenda Briefing Forum held on 18 February 2020 as printed and circulated to all Councillors, be received and noted.

CARRIED 9 VOTES TO 0

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

Nil.

8. QUESTIONS BY MEMBERS WITHOUT NOTICE

8.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE

Nil.

8.2 QUESTIONS BY MEMBERS WITHOUT NOTICE

Nil.

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

Nil.

10. BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

11. REPORTS OF COMMITTEES

Nil.

12. REPORTS OF ADMINISTRATION

WITHDRAWN ITEMS

Item 12.1 was withdrawn at the request of Cr Sekulla
Item 12.7 was withdrawn at the request of Cr Powell

POWELL MOVED, DAVIS SECONDED

That with the exception of Items 12.1 and 12.7, which are to be considered separately, the Officer or Committee Recommendations for Items 12.2, 12.3, 12.4, 12.5, 12.6, 12.8, 12.9, 12.10, 12.11, 12.12, 12.13 and 12.14 be adopted en bloc by an Absolute Majority decision.

CARRIED BY ABSOLUTE MAJORITY 9 VOTES TO 0

12.1 PROPOSED CHILD CARE PREMISES – LOT 290 (94) KOOYONG ROAD, RIVERVALE

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 1 – Item 12.1 refers	<u>Development Application Report (8 October 2019) and Plans (17 and 20 January 2020)</u>
Attachment 2 – Item 12.1 refers	<u>Traffic Impact Assessment (17 January 2020)</u>
Attachment 3 – Item 12.1 refers	<u>Environmental Acoustic Assessment (8 October 2019)</u>

Voting Requirement : Simple Majority
Subject Index : 115/001 – Development/Subdivision/Strata– Applications and Application Correspondence
Location / Property Index : Lot 290 (94) Kooyong Road, Rivervale
Application Index : 403/2019
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : Harley Dykstra Pty Ltd
Owner : Talbane Pty Ltd
Responsible Division : Development and Communities Division

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to determine a development application for a 'Child Care Premises' at Lot 290 (94) Kooyong Road, Rivervale.

Item 12.1 Continued

SUMMARY AND KEY ISSUES

- The applicant seeks approval for a 'Child Care Premises' to cater for 76 children and a maximum of 13 staff at Lot 290 (94) Kooyong Road, Rivervale. The subject site fronts Kooyong Road, Francisco Street and Jupp Lane, Rivervale.
- The subject site is zoned 'Commercial' under Local Planning Scheme No. 15 (LPS 15). Under Table 1 of LPS 15, a 'Child Care Premises' is designated as a 'D' use in the 'Commercial' zone, which means it is not permitted unless the local government has exercised its discretion by granting planning approval.
- The application was advertised to surrounding properties for a period of 15 days, during which time no submissions were received.
- A variation to car parking provision is proposed, with 19 car bays provided on site (instead of 23 bays) with access to be via Jupp Lane at the rear of the premises. A variation to front setbacks is also proposed, being a nil setback instead of a 2 metre setback to Kooyong Road.
- The applicant has provided a detailed Traffic Impact Assessment (TIA) and Environmental Acoustic Assessment in support of the application.
- The application is considered to comply with LPS 15 provisions and Local Planning Policy No 9 (LPP 9) requirements. The proposed variations to car parking and setbacks will not impact upon the subject site or surrounding locality.
- It is recommended that Council approve the application, subject to conditions.

LOCATION

The subject site fronts Kooyong Road, Francisco Street and Jupp Lane and is located within the Kooyong Road Neighbourhood Centre. The subject site has a total area of 814 square metres. Adjoining development within the 'Commercial' zone comprises a mix of shops, consulting rooms and restaurants/cafes. One and two storey residential development is located within the 'Residential R20/40' zoned properties located opposite the subject site. The location of the subject site is shown in Figure 1, and the zoning under LPS 15 in Figure 2.

Item 12.1 Continued



Figure 1 – Location of Subject Property

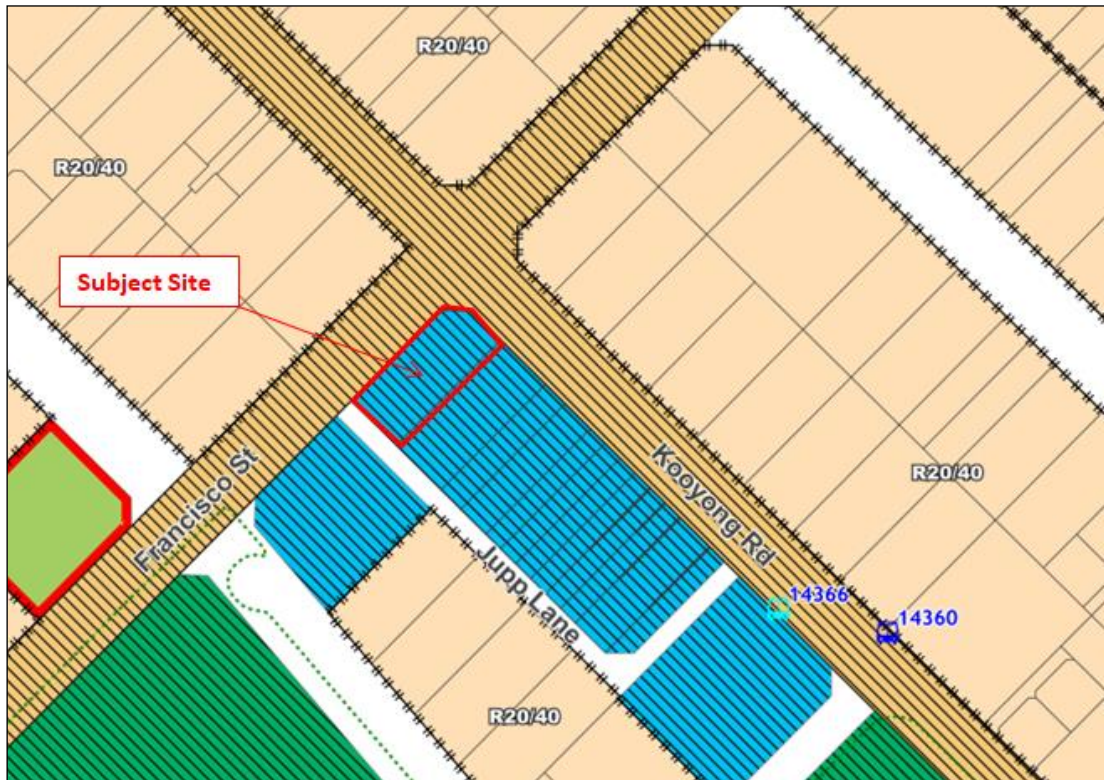


Figure 2 – Extract LPS 15 Scheme Map

Item 12.1 Continued

CONSULTATION

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

The application was advertised for public comment to surrounding landowners and occupiers for 15 days from 21 November 2019 to 5 December 2019 inclusive. Figure 3 depicts the advertising area of the subject application. At the conclusion of the advertising period, no comments were received.

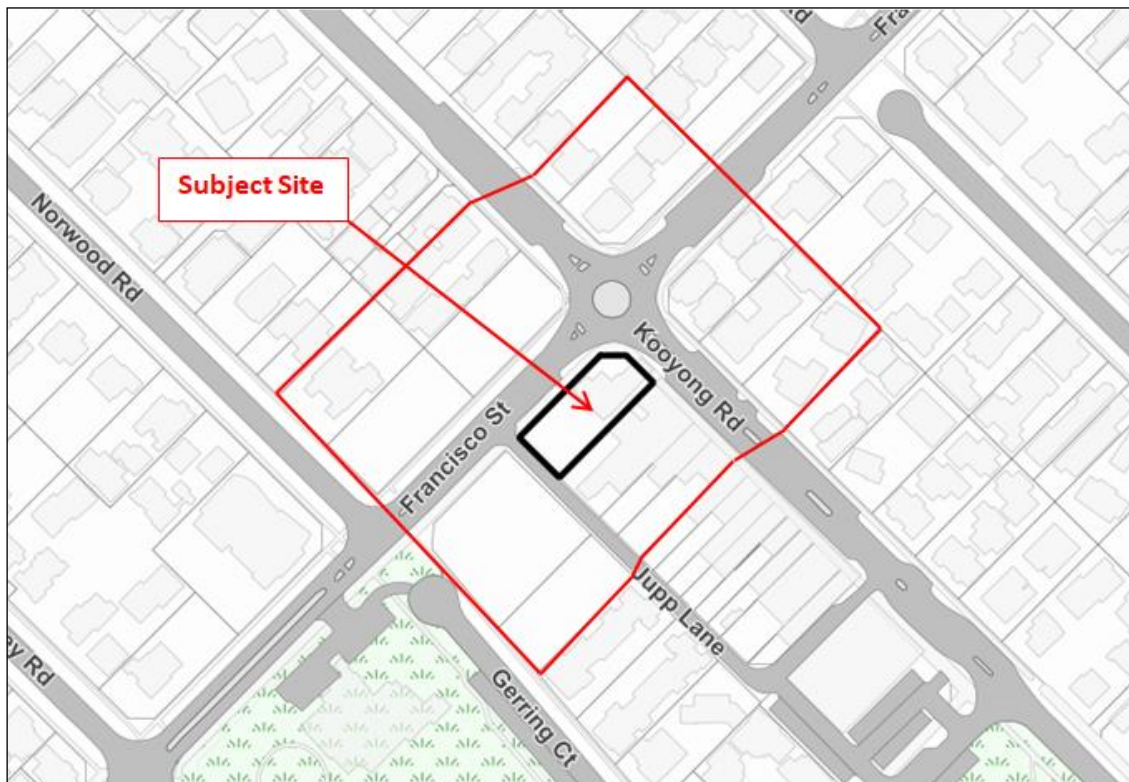


Figure 3 – Referral Area (Owners and Occupiers)

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Corporate Key Action: Implement LPS 15.

Item 12.1 Continued

POLICY IMPLICATIONS

Local Planning Policy No. 9 – Child Care – Child Care Premises and Child Family Day Care

Local Planning Policy No. 9 was adopted when LPS 15 was gazetted on 1 December 2011. Local Planning Policy No. 9 provides locational criteria and development standards for Child Care Premises and states that locations near schools, shops and work places are favourable sites for Child Care Premises.

STATUTORY ENVIRONMENT

Local Planning Scheme No. 15

The subject lot is zoned 'Commercial' under LPS 15. Under Table 1–Zoning Table, a 'Child Care Premises' is designated as a 'D' use which means the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Local Planning Scheme No 15 Clause 5.5 allows the City to consider variations to site and development standards and requirements.

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* states the matters to be considered by local government in determining a development application. In summary, the following matters are of particular relevance to this application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning...;*
- (g) any local planning policy for the Scheme area;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following:*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality; and*
 - (iii) social impacts of the development.*
- (s) the adequacy of:*
 - (i) the proposed means of access and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles.*

Item 12.1 Continued

- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; and*
- (y) *any submissions received on the application.”*

Local Commercial Strategy 2008

The City's Local Commercial Strategy acknowledges the importance of neighbourhood and local centres and seeks to continue to encourage and facilitate their revitalisation through initiatives such as the Shopping Centre Revitalisation Project. The Strategy also states that upgrades and enhancements to the Kooyong Road Neighbourhood Centre should be encouraged through the preparation of the 'Urban Design Concept Plans'.

Western Australian Planning Commission Planning Bulletin 72/2009

The Western Australian Planning Commission (WAPC) Planning Bulletin 72/2009 outlines development guidelines when planning for Child Care Centres including location, site characteristics, the design of the premises (such as indoor and outdoor play areas), traffic, noise, consultation, and implementation with respect to relevant regulations (such as the *Child Care Services Act 2007*).

Deemed Refusal

Under Clause 75 of the deemed provisions of the *Regulations*, an application is 'deemed to be refused' if it is not determined within a 90 day period. The only exception is where there is a written agreement for further time between the applicant and the City of Belmont. In this case, there is a written agreement for the statutory time period to be extended to 6 March 2020.

Right of Review

Is there a right of review? Yes No

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

BACKGROUND

Lodgement Date:	8 October 2019	Use Class:	Child Care Premises - 'D' use
Lot Area:	814m ²	LPS Zoning:	Commercial
Estimated Cost:	\$750,000	MRS:	Urban

Item 12.1 Continued

Proposal

The development application is for a two storey Child Care Premises (refer [Attachment 1](#)). The application includes:

- Facilities on the ground floor catering for children aged 2 years or younger with a baby change area, cot room, office, reception, laundry and staff facilities.
- Facilities on the upper floor catering for children over 2 years of age with a kitchen, wash up area, store, toilets, staff amenities and a large outdoor area.
- The proposed height of the two storey building is 6.6 metres. The building is to be constructed with modular panels featuring architectural wood panelling and awnings over windows along both the Kooyong Road and Francisco Street elevations.
- The existing building on site (previously approved as Consulting Rooms) is to be demolished.
- The existing mature Jacaranda tree located on the lot is proposed to be retained with the building constructed around it. This will result in the tree forming part of the upper floor play area along with decking, creating a nature based education theme.
- There are two outdoor play areas proposed: one 122 square metre area on the ground floor and a large open deck area 420 square metres in area on the upper floor, comprising sandpits, climbing logs and bars, a slide and timber benches and decking with feature timber fencing to Francisco Street.
- The premises is proposed to cater for a maximum of 76 children comprising 16 children under 2 years old, 30 children between 2 and 3 years of age and 30 children older than 3 years.
- The Centre is proposed to operate from 6:00am to 6:30pm Monday to Friday. In accordance with the requirements of *Child Care Services Act 2007*, a total of 13 staff are to be employed to manage the Centre when operating at full capacity.
- Vehicle access and parking is proposed via Jupp Lane at the rear of the premises. Parking will be screened via 1.8 metre high semi permeable timber fencing. Pedestrian access is to be provided at the junction of Kooyong Road and Francisco Street. A total of 19 car bays are to be provided on site.
- In support of the application, a TIA and an Environmental Acoustic Assessment have been provided by the applicant (refer [Attachment 2](#) and [Attachment 3](#)).

Item 12.1 Continued

OFFICER COMMENT

Land Use

In accordance with Table 1 of LPS 15, a 'Child Care Premises' is designated as a 'D' land use which means that the use is not permitted unless the local government has exercised its discretion by granting approval.

As indicated in Figure 4, the subject site is located within the Kooyong Road Neighbourhood Centre comprising a variety of shops and businesses, and is in close proximity to residential development and several recreation reservations. Rivervale Primary School is located within 700 metres of the subject site and Kooyong Road is serviced by a high frequency bus route.

The proposed Child Care Premises will provide a community function which will meet the needs of the surrounding community. This accords with the City's Strategic Community Plan for both Built Belmont and Business Belmont.

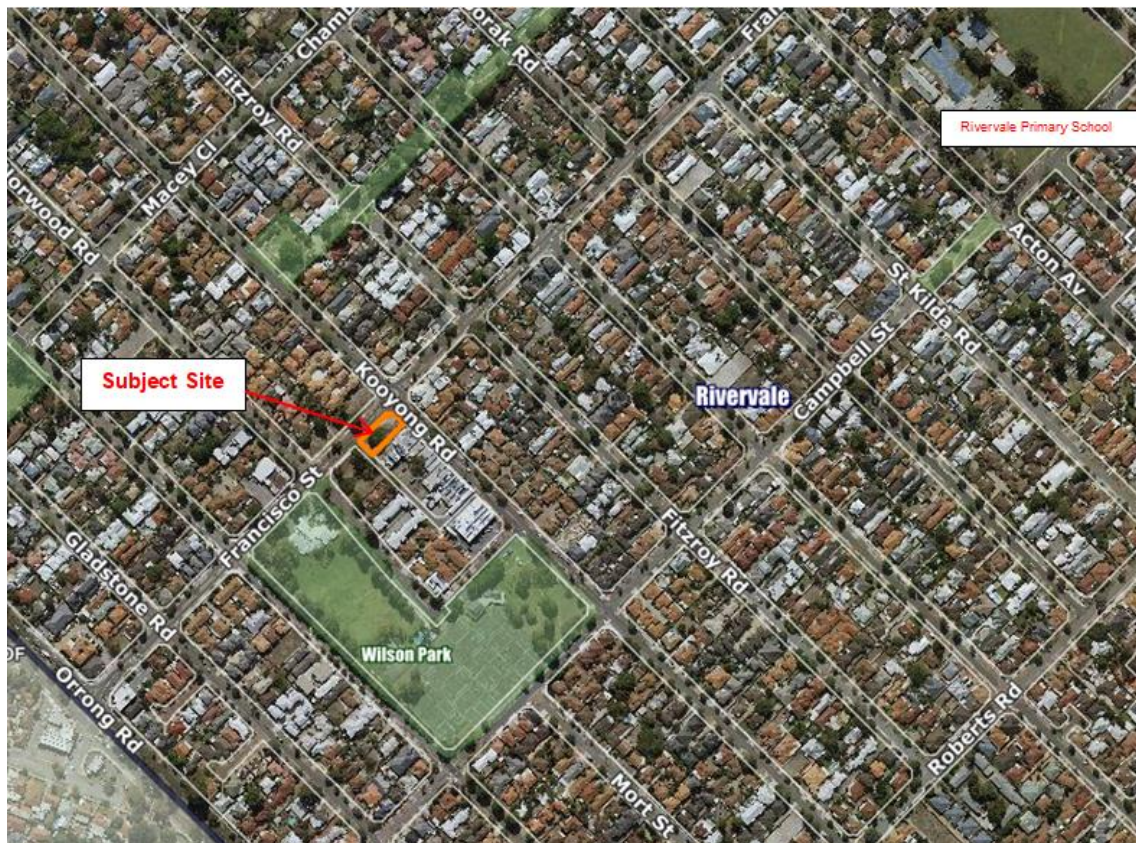


Figure 4 – Locality Plan

The *Child Care Services Act 2007* contains regulations that address matters such as staffing, equipment, indoor and outdoor space provisions, shade, fencing, and health and safety. The objectives of WAPC Planning Bulletin 72 also detail the appropriate location of Child Care Premises with respect to their service area and distributing the centres strategically to maximise the benefit to the community.

Item 12.1 Continued

In this instance, the proposed Child Care Premises is within a walkable catchment of commercial, recreation and education facilities, and is serviced by public transport thereby meeting the requirements of both the *Child Care Services Act 2007* and WAPC Planning Bulletin 72.

Local Planning Policy No. 9 states that sites for 'Child Care Premises' shall have a minimum area of 1,000 square metres. However LPP 9 also states that lots must be sufficiently large to accommodate open space/play areas, car parking and other facilities. In this instance, whilst the lot measures 814 square metres, the premises is proposed to be two storeys in height, on a corner lot with frontage to three roads. It is therefore considered that the lot size is sufficient to accommodate the rooms required for the various age groups, as well as providing open space/play areas and car parking on site.

Under LPS 15, the objective of the Commercial zone is to "provide for the retail commercial function and entertainment". The proposed use supports the objectives of the Commercial zone whilst providing a service for the surrounding residential population and is therefore considered an appropriate land use upon the subject site.

Amenity

The two storey building façade features wooden cladding with awnings over windows along both the Kooyong Road and Francisco Street elevations, which provides articulation and interest. Although the existing tenancies within the Kooyong Road Neighbourhood Centre are single storey, residential development in the locality comprises a mix of single and two storey dwellings and therefore the proposed two storey building is considered to be in keeping with the scale of surrounding development.

Setbacks

Under LPS 15, development within the 'Commercial' zone requires a 2 metre front setback. The application seeks a variation to this setback with a nil setback to Kooyong Road and a 1.5 metre setback reducing to 0.8 metres along the secondary street frontage of Francisco Street. In assessing these setback variations, it is noted that the adjoining shops also have a nil setback with a continuous awning located over the footpath. The applicant has also advised that the awnings, highlight windows and double glazed windows will optimise natural lighting to the premises whilst creating a landmark site on this corner. Accordingly, the nil boundary setback to Kooyong Road is not considered to have any visual impact on the streetscape and is therefore supported.

In relation to the Francisco Street elevation, LPS 15 does not provide setback requirements for secondary streets and therefore applications are assessed on their merits. In assessing the Francisco Street elevation, the main portion of the building closest to Kooyong Road measures less than half the length of the property. In addition, both the ground floor parking area and upper floor outdoor play area are screened with semi-permeable charred timber fencing measuring 1.8 metres high which offers visual interest, whilst providing articulation to the façade and achieving natural ventilation and solar access to the premises. It is considered that the openness of this façade will offset any visual impact the reduced setback may have and is therefore supported.

Item 12.1 Continued

Awnings

In relation to the awnings located over the windows, it is noted that they encroach into the Kooyong Road road reserve and the truncation area where Kooyong Road and Francisco Street intersect. The awnings measure 1.15 metres deep and are therefore considered to be a minor encroachment into the road reserve.

In order to comply with *Building Regulations 2012* Clause 45B, a minimum 2.75 metre clearance above the surface of the road is required. To ensure compliance, the applicant submitted modified plans with awnings to the first floor windows only, thereby complying with the required 2.75 metre clearance above the road reserve. In addition, the City's Building Services advised that given the nil boundary setback, all components of the external walls including façade covering, framing and insulation for a building of Type B construction is required to be non-combustible. This detail is required to be provided at the building permit stage.

Existing Tree

The two storey building has been designed around the existing Jacaranda tree located on site which has been incorporated into the upper floor outdoor play area. Concerns were raised as to how the tree will be protected during construction and on-going management of the premises. The applicant has advised that the structure is modular and will therefore have minimal impact on this tree.

Furthermore, a condition of approval has been recommended, requiring an Arboricultural Method Statement to be submitted and approved by the City, outlining any tree surgery that may be required and details of the methods to be put in place to protect the tree during demolition of the existing structures, and during excavation of the footings and construction of the premises, as well as on-going management of the tree.

In relation to the landscape plan submitted, the City's Parks Technical Officer has advised the plant species are acceptable. The applicant has submitted plans showing shade sails to the upper deck outdoor play area, to enhance shading of this area. Accordingly, standard conditions relating to maintaining the landscaping and shade sails are to be imposed.

Traffic and Parking

The applicant has submitted a TIA ([Attachment 2](#)). In summary, the TIA (refer to Figure 5) notes the following:

- The Centre will operate weekdays from 6:00am to 6:30pm with peak usage times (drop off/pick up) occurring between 7:00am to 9:00am and 3:30pm to 6:30pm. This is based on the demographic groups of pre-school (2 years and younger), long day care (older than 2 years of age) and before and after school, resulting in a total of 143.2 peak time movements.

Item 12.1 Continued

The RTA Guide to Traffic Generating Developments (NSW) concludes that the trip rates generated for child care centres generally occur over three peak periods, and are as shown in **Table 1**:

DEMOGRAPHIC GROUP	PEAK VEHICLE TRIPS		
	7AM – 9AM	2:30PM – 4PM	4PM – 6PM
Pre-School (0 – 2 years old)	1.4	0.8	-
Long Day Care (Children older than 2)	0.8	0.3	0.7
Before/After School	0.5	0.2	0.7

TABLE 1 – RTA CHILD CARE CENTRE TRIP RATES

Based on **Table 1**, the proposed child care centre would generate the following:

7am – 9am	(16 children x 1.4 trips) + (60 children x 0.8 trips)	70.4 vehicle movements
2.30pm – 4pm	(16 children x 0.8 trips) + (60 children x 0.3 trips)	30.8 vehicle movements
4pm – 6pm	(16 children x 0 trips) + (60 children x 0.7 trips)	42 vehicle movements
		143.2 peak time movements

Figure 5 - Extract TIA 17/01/20

- Each of the 13 staff would generate two trips daily while each of the children accommodated could be expected to generate up to 4 trips per day resulting in a maximum daily demand being 330 movements per day.
- Both Kooyong Road and Francisco Street are designated 'Local Distributor' roads in accordance with the Main Roads Western Australia (MRWA) Road hierarchy. The road hierarchy (which is intended as a guide only) states that within a built up area the maximum desirable volume is 6000 vehicles per day.
- Given the traffic associated with the Child Care Premises at maximum capacity is estimated to comprise an additional 330 movements per day, it is not considered to have a detrimental impact on the surrounding road network.

The City's Infrastructure Services has assessed the application and confirmed that the local road network can support the additional traffic the development will generate and confirmed the TIA submitted is acceptable.

The parking requirement for a 'Child Care Premises' is detailed in both LPS 15 and LPP 9. Whilst LPP 9 requires the provision of one bay per five children plus one bay per staff member together with the provision of a 'put down and pick up' area, LPS 15 requires one space for every employee plus one space for every eight children. It is a well-established planning approach that the provisions of a Local Planning Scheme prevail where the provisions of a Local Planning Policy are inconsistent with the Scheme. On this basis, under LPS 15 a total of 23 bays are required to be provided. In this instance, a total of 19 bays are proposed on site, leaving a shortfall of four bays.

Item 12.1 Continued

Considering the peak traffic times and in order to support the four car bay shortfall, on site parking will need to be effectively managed. Accordingly, a Car Parking Management Strategy is required. This would need to clearly indicate how the Centre would manage the use of the car stackers for staff and the seven drop off/pick bays for parents/carers and visitors to ensure that the demand for car parking will not have a detrimental impact on the surrounding businesses or residential development. A Car Parking Management Strategy is to be provided as a condition of development approval and shall include the following measures:

- Encourage a local employment quota to reduce the need for car travel;
- Encourage alternative and active transport methods for staff including carpooling;
- Design staff rosters and shift changes to be efficient;
- Time limiting customer bays to 10 minutes each;
- Placing a limit on the number of staff parking bays included in the property lease, all located within the car stacking arrangement and to be clearly signed.

The following factors are also considered to support the proposed car parking arrangement:

- There are over 30 existing on-street parking bays within the immediate vicinity of the development as indicated in red in Figure 6 below. These could be utilised for short term drop off and pick ups.



Figure 6 - Extract Aerial Map – Location of On-Street Parking

- Transperth bus stops are located on Kooyong Road within 120 metres of the subject site.
- Vehicle access is to be provided from Jupp Lane at the rear of the premises, via a new 6 metre wide crossover providing access to the ground floor parking area.

Item 12.1 Continued

- The site is located within a local shopping precinct and some reciprocity of use between this land use and those adjoining is reasonably expected.

In regard to the provision of bicycle bays and end of trip facilities, under Table 3 of LPS 15, the requirement for both employee and visitor bicycle bays are at the discretion of the City. Two bicycle bays are to be provided on site and there is a shower located in the universal accessible toilet which can be used by both male and female staff. End of trip facilities also require ventilated equipment lockers which could be located within the staff room. Accordingly, the standard end of trip condition shall be imposed with respect to specifications outlined in Australian Standard 2890.3:2015 to the satisfaction of the City.

It is considered that the on site parking provisions when properly managed, will work effectively. The parking provision will also be supported by on-street parking together with the provision of bicycle bays and end of trip facilities.

Noise

The *Environmental Protection (Noise) Regulations 1997 (Noise Regulations)* restrict noise levels between the hours of 10:00pm and 7:00am. As recommended by the Environmental Acoustic Assessment, the use of the outdoor play area prior to 7:00am is not permitted. Failure to accord with this requirement would constitute a breach of the *Noise Regulations*.

In addition, mechanical plant including air-conditioning units and kitchen extraction systems must be engineered and located so as to comply with the relevant assigned levels of the *Noise Regulations* at all relevant periods when the Centre is in operation. This is particularly relevant in the event that the air-conditioning systems are allowed to remain switched on during the night-time period.

Conclusion

The proposed building to accommodate the 'Child Care Premises' is of a high quality, is visually appealing and well located on a corner site. It is located within the Kooyong Road Neighbourhood Centre and is well serviced by public transport. This accords with the City's Strategic Community Plan, the provisions of WAPC Planning Bulletin 72 and the objectives of the Commercial zone.

In regards to traffic, both Kooyong Road and Francisco Street are designated Local Distributor roads and the projected increase of a maximum of 330 daily vehicle trips is considered acceptable. It is also noted that access to the parking area is to be provided from Jupp Lane at the rear. This is a 6 metre wide two way laneway providing access to the rear of the shops in Kooyong Road. Access and egress is considered to be acceptable and is supported.

In regards to the proposed variation to car parking provision, Council has in the past considered factors such as staggered drop off and pick up times and staff shift times, effectively managing use of the car parking bays provided on site. These matters will be documented within a Car Parking Management Strategy which will be required as a condition of approval.

Item 12.1 Continued

Bicycle bays and end of trip facilities are to be provided and there are 30 on-street car parking bays within close proximity of the site. Of these, there are 11 bays located along Francisco Street which are available for public use. Given the peak drop off and pick up times, it is considered that the use of these bays would not impact on the Kooyong Road on street bays or customers to the Kooyong Road shops.

It is also noted that the application was referred to surrounding landowners and occupiers to give them the opportunity to provide comments, with no submissions received.

In summary, it is considered that capacity of the road system can support the amount of traffic to be generated by the development. In addition, the number of parking bays to be provided is acceptable and therefore it is recommended that Council approve the application subject to conditions including the provision of a Car Parking Management Strategy which will ensure that parking will be properly managed and will work effectively.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications evident at this time.

SOCIAL IMPLICATIONS

Approval of the application would ensure the community has access to a new child care facility.

OFFICER RECOMMENDATION

SEKULLA MOVED, ROSSI SECONDED

That Council:

Approve planning application 403/2019 as detailed in the plans dated 17 January 2020 and 20 January 2020 submitted by Harley Dykstra Pty Ltd on behalf of the owner Talbane Pty Ltd for a Child Care Premises at Lot 290 (94) Kooyong Road, Rivervale subject to the following conditions:

- 1. Development/land use shall be in accordance with the attached approved plan(s) dated 17 January 2020 and 20 January 2020 subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of City of Belmont.**

Item 12.1 Continued

2. **All existing buildings and structures on the lots, including soakwells, leach drains, septic tanks, underground storage tanks, stormwater drainage systems and waste water disposal systems, shall be removed and the land levelled.**
3. **Prior to lodgement of the Demolition and Building Permit applications, an Arboricultural Method Statement prepared by a qualified Arborist must be submitted to and approved by the City. This Statement shall detail measures taken to protect the Jacaranda tree, which is to be retained on site, during both the demolition and construction phase of development as well as on-going maintenance.**
4. **The Child Care Premises shall be limited to no more than 76 children and 13 staff at any one time.**
5. **All stormwater from roofed and paved areas shall be collected and disposed of on site in accordance with the City of Belmont's engineering requirements and design guidelines.**
6. **Prior to occupation or use of the development, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:**
 - (a) **The approved plan (19 bays comprising 6 car stackers and 7 car bays including one disabled bay);**
 - (b) **Schedule 11 of City of Belmont Local Planning Scheme No. 15; and**
 - (c) **Council's engineering requirements and design guidelines.**

The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City. All parking bays must be clearly line marked.

7. **All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.**
8. **The car stacker bays are to be clearly marked for 'Staff' and to be maintained to the satisfaction of the City.**
9. **Wheel stops shall be installed on site in accordance with the approved plans.**
10. **Prior to occupation of use or development, a Car Parking Management Strategy with respect to on site car parking provision shall be prepared and implemented to the satisfaction of the City. The Management Strategy shall include details regarding the allocation of car parking bays for employees and visitors (parents/carers drop off/pick up), management and maintenance measures, and the promotion and management of non-car based travel modes, which encourages the use of bicycles and public transport.**

Item 12.1 Continued

11. **Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City's Infrastructure Services (Infrastructure Services Clearance Application), construct a vehicle crossover in accordance with the approved plans and the City's engineering specifications to the satisfaction of the City.**
12. **No loading or unloading of materials shall be undertaken off site using the on-street bays. All delivery vehicles shall access the site and leave in a forward gear without interfering with the parked vehicles in the car park.**
13. **Shade sails/shade structures are to be maintained to the specification and satisfaction of the City.**
14. **Prior to occupation of the development, a minimum of two bicycle bays, ventilated equipment lockers, and one unisex shower are to be installed and thereafter maintained for the course of the development to the specifications outlined within AS2890.3:2015, to the satisfaction of the City.**
15. **Prior to occupation or use of the development, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City.**

CARRIED 9 VOTES TO 0

12.2 DEVELOPMENT APPLICATION FOR OUTDOOR STORAGE OF EQUIPMENT AND MACHINERY – LOT 1 (18-24) WHEELER STREET, BELMONT

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 4 – Item 12.2 refers	<u>Development Plans – Lot 1 (18-24) Wheeler Street, Belmont</u>
Attachment 5 – Item 12.2 refers	<u>Justification Report</u>

Voting Requirement	:	Simple Majority
Subject Index	:	115/001–Development/Subdivision/Strata-Applications & Application Correspondence
Location / Property Index	:	Lot 1 (18-24) Wheeler Street, Belmont
Application Index	:	484/2019
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Dynamic Planning and Development
Owner	:	Metriz Nominees Pty Ltd
Responsible Division	:	Development and Communities Division

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to determine a development application for outdoor storage of equipment and machinery at Lot 1 (18-24) Wheeler Street, Belmont (refer to [Attachment 4](#) and [Attachment 5](#)).

Item 12.2 Continued

SUMMARY AND KEY ISSUES

- In 2011, it came to the City's attention that the proponent (Coates Hire) was using a portion of Lot 1 (18-24) Wheeler Street, Belmont for outdoor storage without a formal approval. At the time, outdoor storage was prohibited in the 'Mixed Business' zone. As a consequence, the outdoor storage was removed.
- Scheme Amendment 10 was gazetted on 15 January 2019 to introduce provisions to allow for outdoor storage in the 'Mixed Business' zone provided that a development approval had been granted. Clause 5.12.1(a) of Local Planning Scheme No. 15 (LPS 15) outlines the development standards to allow for outdoor storage in the 'Mixed Business' zone.
- The proponent is now seeking approval to formalise the use of the proposed hardstand area for the outdoor storage of equipment and machinery on the property.
- The proponent proposes installing a 3 metre high powder coated steel fence to screen the outdoor storage area from Wheeler Street. Notwithstanding this, the applicant is required to incorporate additional landscaping and fencing treatments to ensure high quality, visually appealing streetscape.
- The standards of LPS 15 requires 203 car parking bays to be provided on site. While only 147 bays are provided, it is considered that the outdoor storage activity will not generate any additional car parking demand.
- The proposal does not prejudice the objectives of LPS 15, and will not impact on the amenity of the area.
- It is recommended that Council approve the application, subject to conditions.

LOCATION

The subject site is approximately 3.1 hectares (31,275m²) in area and fronts Wheeler Street in Belmont (refer to Figure 1). Coates Hire uses the site as their corporate headquarters and main depot from which equipment is stored and distributed to their other sites. There is a mix of commercial and light industrial land uses neighbouring the site.

Item 12.2 Continued

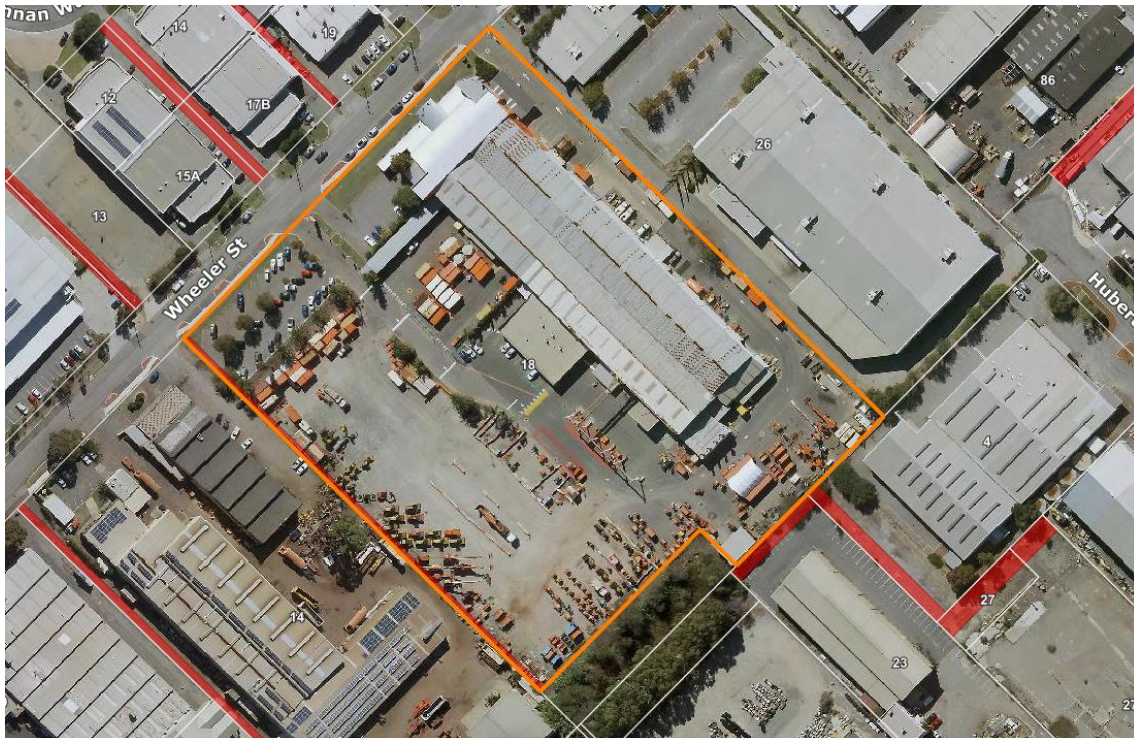


Figure 1 – Location Plan (Source: Intramaps)

CONSULTATION

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

Advertising was not required as the proposal is not considered to impact the amenity and function of the neighbouring properties or prejudice the objectives of the 'Mixed Business' zone.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

Corporate Key Action: Implement LPS 15.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

Item 12.2 Continued

STATUTORY ENVIRONMENT

City of Belmont Local Planning Scheme No. 15

The subject site is zoned 'Mixed Business' under LPS 15 (see Figure 2).

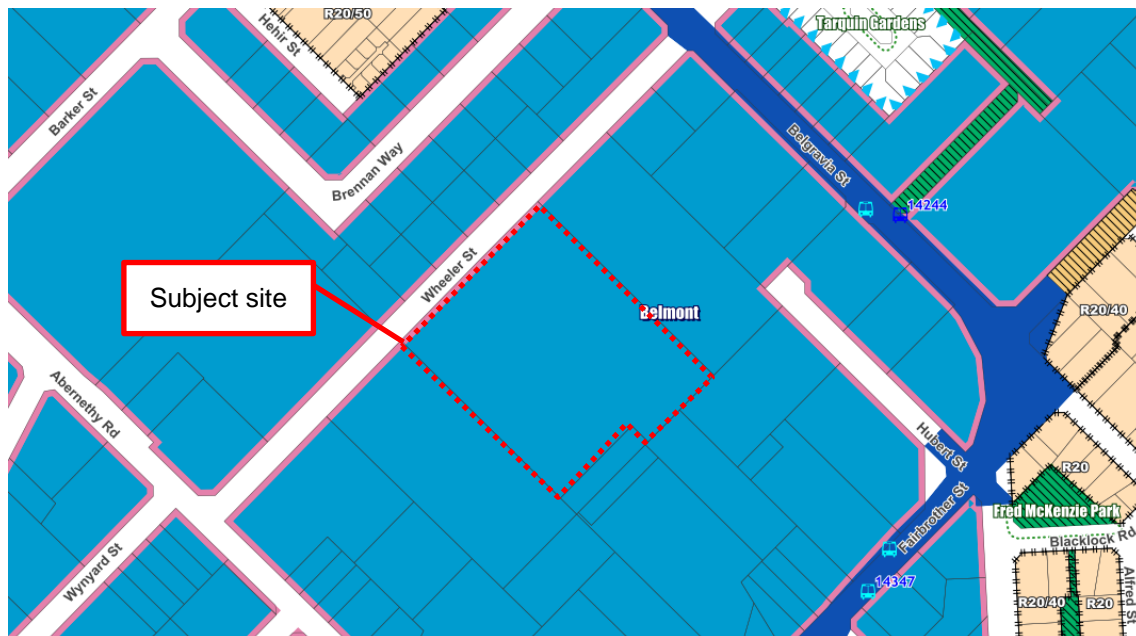


Figure 2 – Extract LPS 15 Scheme Map

The 'Mixed Business' zone "is intended to allow for the development of a mix of varied but compatible business uses such as offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of residents and workforce".

Clause 5.12 of LPS 15 sets out the development standards that apply in the 'Mixed Business' zone including outdoor storage, parking, landscaping and fencing requirements.

Clause 5.12.6 of LPS 15 allows the City to relax or vary a standard provided that it meets the requirements of Clause 5.5.3 (a) and (b) which state:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Schedule 2, Part 9, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015; and
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality."

Item 12.2 Continued

Planning and Development (Local Planning Schemes) Regulations 2015

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)* states the matters to be considered by local government in determining a development application. In summary, the following matters are of particular relevance to this application:

- “(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning...;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality, including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following:*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality; and*
 - (iii) social impacts of the development.*
- (s) the adequacy of:*
 - (i) the proposed means of access and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles.*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.”*

Deemed Refusal

Under Clause 75 of the deemed provisions of the *Regulations*, an application is ‘deemed to be refused’ if it is not determined within a 60 day period. The only exception is where there is a written agreement for further time between the applicant and the City of Belmont.

Given the recess in Council meetings over the month of January, it was not possible for Council to consider this application any sooner. The deemed refusal date for this application is 18 February 2020 and the applicant will have deemed refusal rights.

Right of Review

Is there a right of review? Yes No

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

Item 12.2 Continued

BACKGROUND

Lodgement Date:	20 December 2019	Use Class:	Warehouse 'D' Use
Lot Area:	3.1275ha (31,275m ²)	LPS Zoning:	Mixed Business
Estimated Value:	Nil (use of hardstand area)	MRS:	Industrial

Previous Approval History

In 2006, the City approved a two-storey office building on the subject site. The provision of car parking was based on a combination of warehouse, office and workshop land uses. The approval required 127 car parking bays to be provided on site. The car parking layout was modified and approved in 2011.

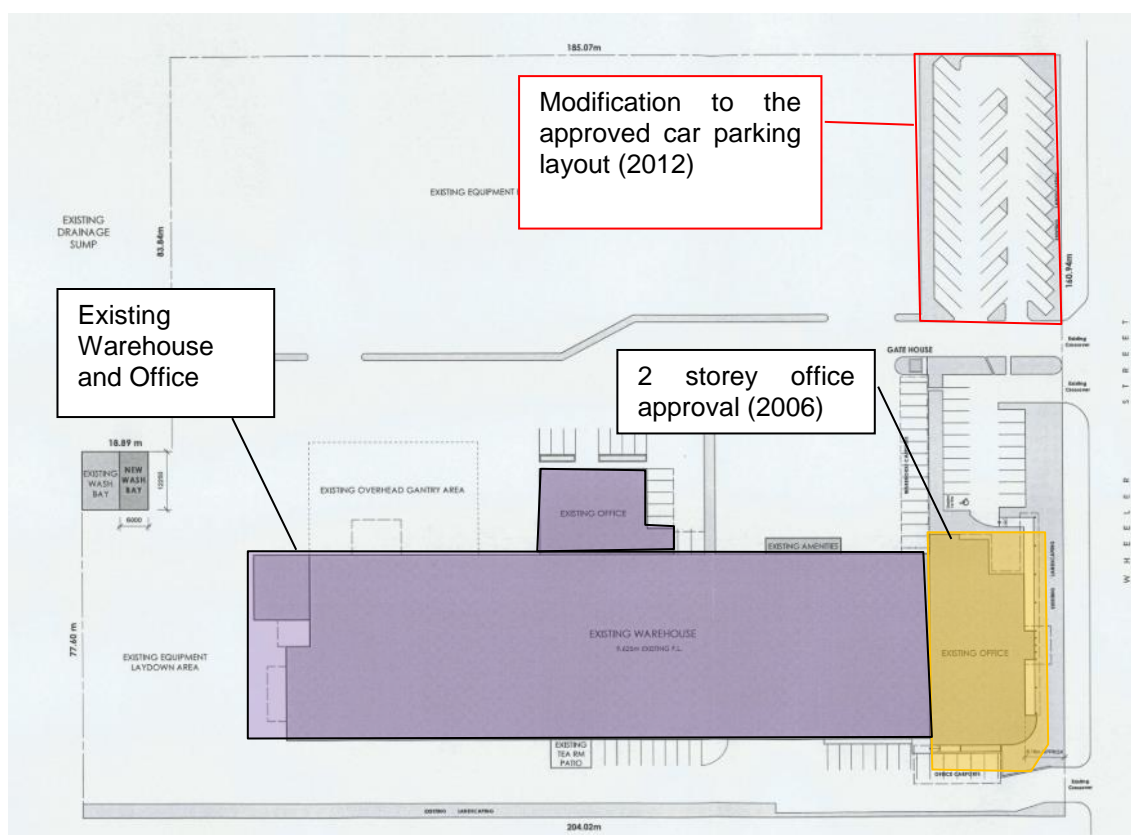


Figure 3 – Previous Approval

During the assessment of the 2011 application, it came to the City's attention that the proponent was using a portion of the site for outdoor storage without development approval. As outdoor storage was prohibited by the Scheme at the time, the proponent relocated their equipment and machinery to another site.

Item 12.2 Continued

Existing Development and Land Use

There is an existing warehouse, office, workshop, car parking areas, and wash down bay located on the site. The proponent uses the site for office and administration purposes, as well as a warehouse for storing equipment. It is noted that a 'Trade Supplies' land use is defined as follows:

“means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises –

- (a) automotive repairs and servicing*
- (b) building including repair and maintenance*
- (c) industry*
- (d) landscape gardening*
- (e) provision of medical services*
- (f) primary production*
- (g) use by government departments or agencies, including local government.”*

While Cotes Hire may ordinarily be associated with a 'Trade Supplies' land use, in this instance, the proponent is not operating a 'Trade Supplies' land use because the equipment is proposed to be stored and redistributed to their other sites. Furthermore there will be no retail customers that would hire equipment from that site.

On this basis, the proposed outdoor storage is considered an extension of the approved 'Warehouse' land use. A 'Warehouse', land use is defined as follows:

“means premises used to store or display goods and includes premises on the same land used for:

- (a) the work of administration or accounting;*
- (b) the selling of goods by wholesale; or*
- (c) the provision of amenities for employees,*
incidental to any of those warehouse operations.

Item 12.2 Continued

Proposal

Scheme Amendment 10 gazetted on 15 January 2019, which allowed for outdoor storage to be considered in the 'Mixed Business' Zone. On this basis, the proponent seeks to formalise the proposed hardstand area for the outdoor storage of mobile equipment and machinery. The proposal includes storage of:

- Small diesel equipment
- Lighting towers
- Compressors and diesel generators
- 3 to 17 tonne rollers
- 1.5 to 20 tonne excavators
- Sea containers

The application also proposes a 3 metre high powder coated steel fence to screen the outdoor storage area and construction of an additional 20 car parking bays.

OFFICER COMMENT

Outdoor Storage

Clause 5.12.1(a)ii(1) of LPS 15 requires: *“outdoor storage areas to be screened from public view, and must not be located between the street alignment(s) and the building setback line(s). Where trees are used for screening they must be mature trees otherwise non-visually permeable screens will be required.”*

The applicant has proposed a 3 metre high powder coated steel fence to screen the outdoor storage area. The fence will be setback 27 metres from the front boundary, which exceeds the front building setback requirement of 15 metres. There is an existing car park, a grassed landscaping strip, and seven mature deciduous trees within that setback area.

The fence has a total length of 56.4 metres which spans a significant portion of the 161 metre wide Wheeler Street frontage. Whilst the fence complies with the requirement for screening, it is not considered to provide an attractive streetscape. On this basis, it is recommended that alternative fencing treatments (such as a combination of different construction and material, and/or public art) is implemented (refer to Figure 4 below).



Figure 4 – Examples of alternative fencing treatments

Item 12.2 Continued

It is also recommended that the existing landscaping is upgraded to ameliorate the impact of the expanse of fencing.

In addition to the above, the application has been assessed against the remaining provisions of Clause 5.12.1(a)(ii):

Site Function: Outdoor storage shall be in a designated area and not impact the functionality of the site

The proposed vehicle access arrangements to and from Wheeler Street are considered acceptable. The applicant has provided truck swept paths on the site plans that show how vehicle movements will occur on the site. The largest vehicle entering the site will be a 19 metre semi-trailer, which can access and egress the site via the two existing crossovers.

It is therefore considered that the outdoor storage areas will not hinder the functionality of the site.

Natural Environment: Outdoor storage areas must be located on an adequately paved and drained surface

The outdoor storage area is proposed to be located on a constructed and drained hardstand area. There are storm water drains located within the proposed outdoor storage area. The applicant has proposed a trap/oil separation system to prevent storm water contamination and protect the natural environment.

On this basis, it is recommended that the City's standard condition be imposed to ensure the system complies with the City's engineering requirements and design guidelines.

Health and Safety: Outdoor storage will not pose any potential health and safety risks

The applicant has advised that the proponent have Work Safe management plans that would mitigate any potential health and safety risks. If necessary, the proponent would support a condition on the approval requiring a management plan to be provided.

It is considered that the nature of the land use and storage of the equipment would not pose any health and safety risks. Any health and safety risks are matters that would be effectively addressed in work safe legislation and enforced by Work Safe. In this instance, a condition requiring a management plan for the outdoor storage area is not considered necessary.

Storage of Sea Containers

The applicant is proposing to store sea containers on the site, but has advised that they will not be stacked. It is recommended that a condition be imposed to enforce the requirement.

Item 12.2 Continued

Car Parking

The following table details the car parking requirements for the proposed outdoor storage area:

Land Use	Car Parking Standard	Car Parking Requirement
Warehouse, Office and Workshop (2006)	<p>Warehouse: 1 car bay/100m² Gross Floor Area plus 1 space for every 100m² of open space used for warehousing purposes</p> <p>Workshop : 1 car bay / 50m² of open space used for industrial purposes, place 1 space for every 50m² or Gross Floor Area</p> <p>Office: 1 car bay / 30m² Net Lettable Area</p>	<p>Warehouse – 3,575m² = 35.75 bays</p> <p>Workshop – 1,530m² = 30.6 bays</p> <p>Office (total) – 1,816m² = 60.53 bays</p> <p>Total: 35.75 + 30.6 + 60.53 = 126.88 (127)</p>
Warehouse (outdoor storage area) (Subject proposal)	1 space for every 100m ² of open space used for warehousing purposes.	<p>Outdoor storage area proposed 7,576.3m².</p> <p>An additional 76 (75.8) bays are required.</p>

The existing development approval and proposed use of the hardstand area generates a requirement for 203 car parking bays to be provided on site. The application proposes a total of 147 bays, representing a shortfall of 56 bays.

Clause 5.16.4 of LPS 15 states that *“the number of spaces to be provided in respect of any particular site shall be determined by the City, having regard to the nature of the use and the known or likely volume of goods, material or people moving to or from the site.”*

The applicant has provided the following justification to address the car parking shortfall:

1. *There will be no change to the general operation of the business as the number of staff employed will not be changing and as the site is only for receiving, servicing and distributing machinery. The 'general hire' customers will not be visiting the site.*
2. *Sufficient space on site exists to accommodate overflow parking should it ever be required.*

Item 12.2 Continued

The applicant's justification is considered reasonable as the use of the outdoor area for storage does not necessarily equate to more staff and the need for more parking. In light of the above, the proposed variation to car parking requirements is considered acceptable as it will not impact the adjoining properties or prejudice the objectives of the 'Mixed Business' zone.

Conclusion

The proposal is consistent with the objectives of the 'Mixed Business' zone. Where the proposal does not meet the requirements of LPS 15, the variations are considered to meet the objectives of LPS 15 and are considered acceptable or can be addressed through conditions of development approval.

It is therefore recommended that Council approves the application, subject to appropriate conditions as listed in the Officer Recommendation.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

The environmental implications have been considered in the assessment against the requirements of Clause 5.12.1(a)ii(3) of LPS 15. The outdoor storage area is proposed to be located on a constructed and drained hardstand area. A trap/oil separation system is proposed to be installed to prevent storm water contamination and protect the natural environment. In addition, it is recommended that a condition be imposed ensuring that the system complies with the City's requirements.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Item 12.2 Continued

OFFICER RECOMMENDATION

That Council:

Approve planning application 484/2019 as detailed in the plans dated 20 December 2019 submitted by Dynamic Planning and Developments on behalf of the owner Metriz Nominees Pty Ltd for the Outdoor Storage of Equipment and Machinery at Lot 1 (18-24) Wheeler Street, Belmont subject to the following conditions:

- 1. Development/land use shall be in accordance with the attached approved plan(s) dated 20 December 2019 and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the City of Belmont.**
- 2. Prior to occupation or use of the development, the outdoor storage area, vehicle parking, manoeuvring and circulation areas shall be designed, constructed, sealed, drained, line marked and kerbed in accordance with:
 - (a) The approved plan;**
 - (b) Schedule 11 of City of Belmont Local Planning Scheme No. 15; and**
 - (c) Council's engineering requirements and design guidelines.****

The areas must be sealed in bitumen or concrete in accordance with the City of Belmont specifications, unless otherwise approved by the City. All parking bays must be clearly line marked.

- 3. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.**
- 4. The loading and/or unloading of vehicles is to occur on site and in a manner that does not interfere with the parking of vehicles in the car park. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.**
- 5. Provision to be made so that all commercial vehicles and trucks can ingress and egress the site in forward gear. No reversing of vehicles and trucks to or from the site via a public road is permitted.**
- 6. All stormwater from roofed and paved areas shall be collected and disposed of off-site via an approved sand trapped manhole/oil and silt separator device in accordance with the City of Belmont's engineering requirements and design guidelines.**
- 7. Prior to the commencement of site works, the applicant shall submit an updated screening plan to the satisfaction of the City. The plan shall show alternative fencing treatments and/or public art.**

Item 12.2 Continued

- 8. Prior to the commencement of site works, the applicant shall submit an updated landscaping and irrigation plan for the area marked 'RED' on the plans to the satisfaction of the City.**
- 9. Prior to the commencement of the use, landscaping, plants, verge treatment and/or irrigation are to be installed and thereafter maintained in accordance with the approved landscaping and irrigation plan to the satisfaction of the City.**
- 10. The hardstand area shall be used for outdoor storage only. No fabrication, or manufacturing, or servicing of vehicles or equipment is permitted within this area.**
- 11. Sea containers shall be stored on ground level only and are not permitted to stack on top of each other.**
- 12. No customer direct equipment hire shall occur from the site.**

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

12.3 DISPOSAL OF INTEREST IN LAND – PROPOSED GRANT OF EASEMENT FOR ENCROACHMENT OF PUBLIC ART AND DRAINAGE EASEMENT – LOT 262 ON PLAN 26711 (16A) TIDEWATER WAY, ASCOT

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 6 – Item 12.3 refers	<u>Approved Public Art Concept</u>
Attachment 7 – Item 12.3 refers	<u>Draft Deposit Plan – Public Art and Easement Locations</u>

Voting Requirement	:	Simple Majority
Subject Index	:	17/008–Public Art Projects–Private Developers 17/007–Public Art Advisory Panel
Location/Property Index	:	Lot 262 on Plan 26711 (16A) Tidewater Way, Ascot
Application Index	:	633/2015, 633/2015/A and 633/2015/B
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	Blackburne Property Group Pty Ltd
Owner	:	City of Belmont and 16 Marina Drive Ascot Pty Ltd
Responsible Division	:	Development and Communities

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider a request for a grant of an encroachment easement for the intrusion of public art and a drainage pipe from the development at Lot 345 (16) Marina Drive, Ascot into land owned by the City of Belmont at Lot 262 (16A) Tidewater Way, Ascot.

Item 12.3 Continued

SUMMARY AND KEY ISSUES

- Development approval for 91 multiple dwellings, a restaurant and office at 16 Marina Drive, Ascot was granted in April 2016. Subsequent to the development approval, the Public Art Advisory Panel (PAAP) approved artwork for the development in June 2016.
- The Deposited Plan prepared in association with this development formally defines the City owned airspace lot which includes the space between the upper surface of the boardwalk to the underside of the balcony slab of the development at 16 Marina Drive. The realignment of the boundary to create the airspace lots is the subject of a historical Deed of Agreement between the City and the developer of the Ascot Waters precinct.
- As the development is nearing completion, the developer now requires the artwork piece, which encroaches over the City of Belmont owned boardwalk lot, to be formalised through an easement.
- The three-dimensionality of the artwork allows the passing public a more engaging experience. There are various components of the artwork at the boardwalk level such as the fractured steel ribbons, the corten steel jetty planks and the steel bubbles, which in a three-dimensional form allow a greater appreciation of these components and the artist's vision for the artwork.
- Notwithstanding the proposed easement for the public art piece, there is a minor intrusion into the airspace lot from a PVC drainage pipe affixed to the underside of the balcony slab. There is concern that the drain pipe will adversely impact on the aesthetics of the building façade and public art-piece. It is therefore necessary to architecturally treat the drainage pipe and also formalise this intrusion through an easement.
- The encroachment of the public art and the drainage pipe are not considered to adversely impact on the public boardwalk area as there is sufficient width for pedestrians to pass safely. Notwithstanding this, it is necessary for the matter to be assessed by a suitably qualified access consultant to ensure that the encroachment of the artwork does not unduly impede access.
- In accordance with the *Local Government Act 1995 (Act)*, easements are considered a disposition of an interest in land. On the basis that the easement can be supported pursuant to 3.58 of the *Act*.
- It is recommended that Council supports the grant of easement and proceed to advertise the disposition of the interest in the land, subject to the proponent:
 - Engaging a suitably qualified access consultant to assess the encroachment of the artwork over the boardwalk; and
 - Applying appropriate architectural treatment to ameliorate the aesthetic impact of the encroaching drain pipe.

Item 12.3 Continued

LOCATION

The approved public art is proposed to be installed at Lot 345 Marina Drive, Ascot. A portion of the artwork encroaches into the City's property at Lot 262 Tidewater Way, Ascot.

Lot 262 is owned in freehold by the City of Belmont and contains the public boardwalk which abuts the development at Lot 345 (16) Marina Drive, Ascot (refer Figure 1 below).

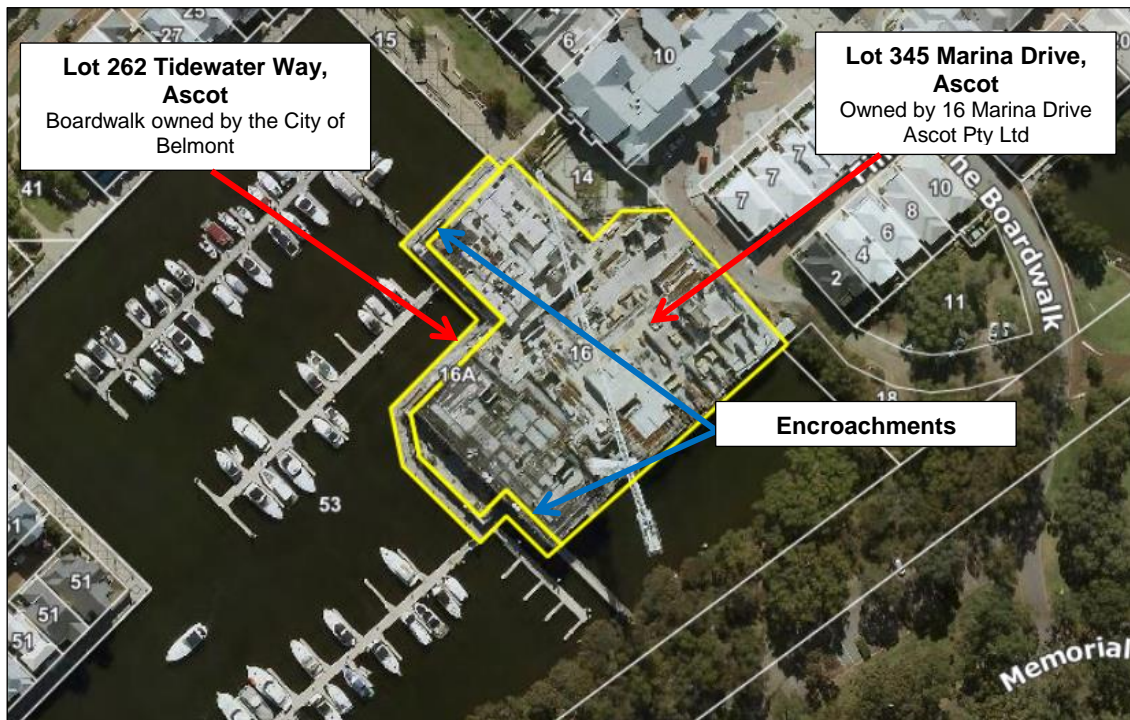


Figure 1: 16A Tidewater Way, Ascot (owned by the City) and 16 Marina Drive, Ascot (owned by applicant)

Lot 262 accommodates the public access boardwalk which adjoins the western boundary of Lot 345. The boardwalk provides for pedestrian connectivity from the Ascot Waters estate, through the marina and to the public parkland located south of the properties.

CONSULTATION

The *Act* requires disposals at a market value greater than \$5,000 to first be advertised in accordance with the provisions of Section 3.58 of the *Act*. Therefore this proposal will be required to be advertised if Council resolves to support the easement.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Item 12.3 Continued

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

The proposed disposition of any property owned in freehold by a Local Government, which includes an interest in property, must be made in accordance with Section 3.58 of the *Act* unless an exemption applies. Granting an easement would constitute a disposal of property for the purposes of Section 3.58 of the *Act*, as it is the disposition of an interest in property.

As this disposition has been triggered by the development occurring on the adjacent property, it is not appropriate to put the disposition to auction or tender therefore Section 3.58(3) of the *Act* applies, which requires advertising the disposition through a public notification process. There are provisions for exemption under Section 3.58(5) of the *Act* and consideration was given to the relevance of 3.58(5)(d) which relates to exclusions covered by regulations. Regulation 30(2)(a) of the *Local Government (Functions and General) Regulations 1996* allows for exemptions when disposing of land to an adjoining owner, however this provision only applies when the market value of the land is less than \$5,000 and in this case the land has been valued above this amount.

A valuation was received from Mr Don Eftos of Pember Wilson and Eftos dated 24 January 2020 for the easement, consisting of two portions. The valuation has determined the value of the two portions of the easement as being between \$5,000 and \$10,000 each.

Therefore the advertising requirements of Section 3.58(3) of the *Act* applies.

BACKGROUND

Development approval for a mixed use building comprising 91 multiple dwellings, a restaurant and office at 16 Marina Drive, Ascot was approved by the Metro Central Joint Development Assessment Panel on 27 April 2016. Subsequent amendments were also approved on 14 November 2016 and 22 August 2018.

Conditions 20 and 21 of the development approval require:

20. *Prior to the submission for a building permit, the owner/applicant shall seek approval from the City of Belmont for an artist to provide public art on the development site to a minimum value of \$330,000 to the satisfaction of the City.*
21. *Where public art will be provided on the development site in accordance with Condition 20, the approved concept/strategy shall be thereafter implemented and the artwork constructed and maintained for the life of the development to the satisfaction of the City.*

The City of Belmont's PAAP granted approval for the public art concept on 30 June 2016. A copy of the conceptual drawings of the approved artwork is attached ([Attachment 6](#)).

Item 12.3 Continued

The approved concept depicts the artwork protruding up to 500mm from the walls of the development at 16 Marina Drive along the boundary of the adjoining Lot 262 Tidewater Way. It is proposed that the artwork forms part of the fabric of the building, attaching to portions of front walls of the building facing the marina. The intent of the artwork is to provide an artistic presence seen over an expansive length of the wall to provide the artists vision of a rippling waterscape. The location of the artwork along the pedestrian boardwalk is intended to be experienced from the public domain (refer Figure 2 below).



Figure 2: Location of artwork along boardwalk which is proposed to intrude into Lot 262 Tidewater Way, Ascot

Pursuant to the 'Building Better Cities' initiative of the Commonwealth Government during the development of the Ascot Waters precinct in 2001, a Deed of Agreement with an option for the developer to purchase airspace over the boardwalk adjoining 16 Marina Drive was established. However, the subdivision to enable the rights to the airspace had not been formalised as it was subject to the final design of the development at 16 Marina Drive.

As part of the development of 16 Marina Drive, the vertical boundaries of the airspace over the boardwalk have been realigned to reflect the overhang of the balconies over the public boardwalk area (Lot 262). This adjusted lot boundary will result in Lot 262 having a vertical height clearance of 2.95 metres.

Item 12.3 Continued

Figure 3 below depicts the extent of the adjusted lot boundary.

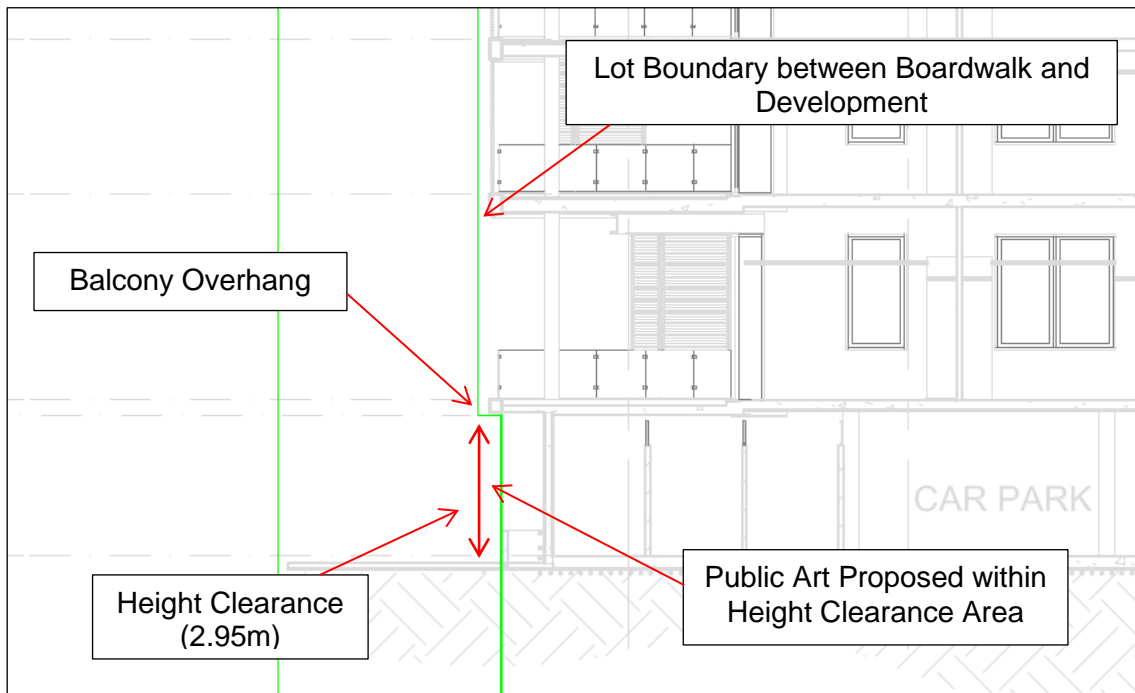


Figure 3 Plan depicting adjusted lot boundary

The development is currently under construction. Through this construction process, the developer has identified that a grant of easement is required to formally allow for the installation of the public art which intrudes into the airspace over the boardwalk, within the 2.95 metre high space under the balcony overhang as depicted in Figure 3 above.

In addition to the easement for the public artwork, a further easement is also needed for a minor drainage pipe protrusion from the underside of the balcony slab into the 2.95 metre height clearance area. Figure 4 below depicts the drainage pipe. This minor encroachment is also depicted on the draft Deposited Plan ([Attachment 7](#)).

Item 12.3 Continued



Figure 4: Minor drainage pipe encroachment

OFFICER COMMENT

The artwork is proposed to wrap around the north western and southern most corners of the building. Several portions of the artwork will remain inside Lot 345 whilst other portions protrude into Lot 262. Without the City granting an easement to formalise the right for the artwork to encroach over Lot 262, the developer cannot install the artwork in its approved form. In the event that the artwork or drainage is removed the encroachment easement(s) will be removed as the easement(s) relates specifically to that infrastructure.

The request for the grant of easement in this case can be supported for the following reasons:

- The proposed public art concept and location is desirable as it provides for the art piece to be fully appreciated within the public realm by the wider community. The concept and location will engage the passing public and encourage the public to reflect upon the unique location of Ascot Waters.
- The proposed grant of easement will be sufficient to allow the owners of 16 Marina Drive to undertake ongoing maintenance and take on the liability associated with the artwork over the boardwalk.
- The drainage easement is considered minor in nature. There is no other drainage infrastructure from the development protruding into the public domain. The encroachment is necessary due to the overhang of the balcony and the requirements under the National Construction Code for drainage infrastructure to comply with stormwater flow rates.

Item 12.3 Continued

- The developer has confirmed that they will provide adequate architectural treatment measures to conceal the drainage pipe from public view, to the satisfaction of the City. This will be achieved by either re-positioning the artwork piece to do so or providing another measure, to the satisfaction of the City.
- Subject to confirmation by an access consultant the encroachment of the artwork at the two proposed locations should not result in any significant impacts on the safe and efficient use of the boardwalk by members of the public, or any future maintenance requirements for the boardwalk.

It is recommended that Council support the easement subject to the developer engaging a suitably qualified and registered access consultant to further assess the matter, and implement the recommendations of the consultant to the satisfaction of the City.

FINANCIAL IMPLICATIONS

Apart from disposition of the airspace over Lot 262 (16A) Tidewater Way, there are no tangible financial implications for the City. The developer has agreed in writing to bear the costs associated with the preparation and registration of the grant of easement documentation associated with the public art. The developer has also agreed to install tactile paving as per the advice from the certified building surveyor. There would be further financial implications for the developer to engage a suitably qualified and registered access consultant and to implement the actions required as a result of the access consultant's assessment.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

The artwork celebrates the water, the boating lifestyle and the unique position of Ascot Waters alongside the Swan River. The concept and location of the artwork allows the passing public to easily view the artwork and encourages greater reflection by the public as they pass through the boardwalk area.

Item 12.3 Continued

OFFICER RECOMMENDATION

That Council:

- 1. Require the proponents of the development at Lot 345 (16) Marina Drive to engage a suitably qualified Access Consultant to assess the encroachment into the public boardwalk and implement the recommendations of the consultant to the satisfaction of the City.**
- 2. Require the proponents of the development at Lot 345 (16) Marina Drive to apply an appropriate architectural treatment to conceal the drainage pipe from public view, to the satisfaction of the City.**
- 3. Support the grant of an easement over land at Lot 262 (16A) Tidewater Way, Ascot, for the approved public artwork and the minor intrusion of drainage infrastructure to the benefit of Lot 345 (16) Marina Drive, Ascot in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.**
- 4. Proceed to advertise the proposed grant of easement over land at Lot 262 (16A) Tidewater Way, Ascot, for the approved public artwork and the minor intrusion of drainage infrastructure to the benefit of Lot 345 (16) Marina Drive, Ascot in accordance with the provisions of Section 3.58 of the *Local Government Act 1995*.**
- 5. Subject to no submissions being received, authorise the Chief Executive Officer to execute the relevant documentation relevant to granting the encroachment easement over land at Lot 262 (16A) Tidewater Way, Ascot.**

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

12.4 AMENDMENT NO. 13 TO LOCAL PLANNING SCHEME NO. 15 – AMENDING THE ZONING TABLE FOR TRADE SUPPLIES

BUILT BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 8 – Item 12.4 refers	<u>Schedule of Submissions</u>

Voting Requirement	:	Simple Majority
Subject Index	:	LPS15/013–Scheme Amendment 13–To Amend the Zoning Table for Trade Supplies
Location / Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	23 July 2019 Ordinary Council Meeting Item 12.1
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Development and Communities

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider final adoption of Amendment No. 13 to the City of Belmont Local Planning Scheme No. 15 (LPS 15).

Item 12.4 Continued

SUMMARY AND KEY ISSUES

- Amendment No. 13 to LPS 15 seeks to change the land use permissibility of 'Trade Supplies' in the 'Mixed Business' zone from a use 'not permitted' to a 'discretionary' land use. Council adopted Amendment No. 13 to LPS 15 for the purposes of advertising at its Ordinary Council Meeting (OCM) on 23 July 2019.
- Advertising was carried out from 24 October 2019 to 6 December 2019. A total of 11 submissions were received, none of which objected to the amendment or raised any planning issues.
- Amendment No. 13 is consistent with the objectives of the 'Mixed Business' zone under LPS 15, which allows for a mix of varied but compatible land uses, including appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district.
- Amendment No. 13 is also consistent with the overall vision for the Belmont Business Park, and facilitates business development opportunities in the 'Mixed Business' zone.
- It is recommended that Council adopts Amendment No. 13 to LPS 15 and recommend to the Minister for Planning that it be approved.

LOCATION

The proposed amendment relates only to the 'Mixed Business' zone which is generally bounded by Great Eastern Highway (GEH), Belgravia and Fisher Streets, Alexander Road, Knutsford Avenue and Belmont Avenue.

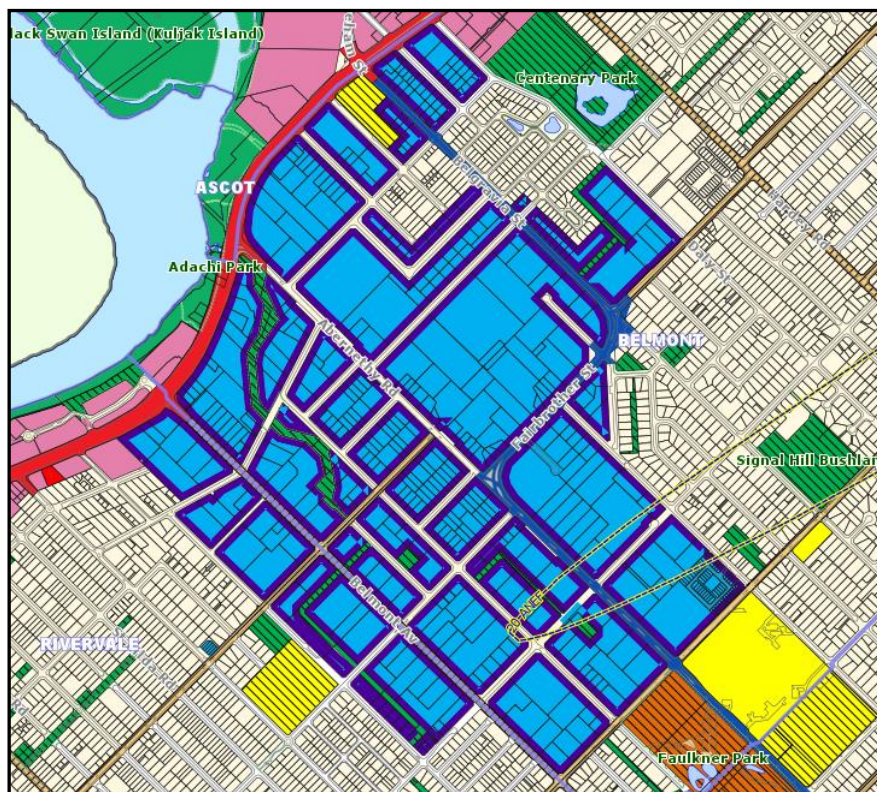


Figure 1 – 'Mixed Business' Zone Outlined in Blue (Source: IntraMaps)

Item 12.4 Continued

CONSULTATION

In accordance with the *Planning and Development Act 2005*, Amendment No. 13 was referred to the Environmental Protection Authority (EPA) for environmental assessment. The EPA advised that an assessment was not required and public advertising may proceed.

The *Planning and Development (Local Planning Scheme) Regulations 2015 (Regulations)* requires a 'standard' scheme amendment to be advertised for a minimum period of 42 days. Amendment No. 13 was advertised for 44 days from 24 October 2019 to 6 December 2019, as follows:

- Letters advising of the proposed amendment were sent to relevant State Government agencies.
- A notice was published in the 24 October 2019 as well as the 14 and 28 November 2019 editions of the Southern Gazette newspaper and The West Australian newspaper.
- Draft Amendment No. 13 was displayed on the City's website during the public advertising period.

At the conclusion of the public advertising period, a total of 11 submissions were received, including:

- Nine raising no objection; and
- Two supporting the proposed scheme amendment.

A summary of the submissions received is provided in the Schedule of Submissions ([Attachment 8](#)).

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

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

Objective: Maximise Business Development Opportunities.

Strategy: Promote development opportunities through effective land asset management.

Item 12.4 Continued

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 75 of the *Planning and Development Act 2005* provides for an amendment to be made to a local planning scheme. The amendment has been classified as a 'standard' amendment, in accordance with Part 5 Division 1 Section 34 of the *Regulations*. The procedures for amending a local planning scheme are set out within Part 5 Division 3 of the *Regulations*.

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

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 Western Australian Planning Commission (WAPC) to review and provide a recommendation to the Minister for Planning.

Local Planning Scheme No. 15

The City of Belmont LPS 15 sets out the following objective for the Mixed Business zone:

'The Mixed Business zone is intended to allow for the development of a mix of varied but compatible business uses such as offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of residents and workforce. Uses can mix on adjacent lots of land or on the same lot and uses may mix horizontally on the same or separate lots and/or vertically in buildings. Buildings should be of a high standard of architectural design set in pleasant garden surrounds with limited vehicular access from properties to primary roads.'

The proposed amendment supports the objectives of the 'Mixed Business' zone by allowing Council the discretion to consider a 'Trade Supplies' land use in that zone.

City of Belmont Mixed Business Area Brand Strategy

The *City of Belmont Mixed Business Area Brand Strategy* identifies the Mixed Business zone as 'Belmont Business Park' and sets out the following vision statement for the Park:

'Achieve and maintain an image of Belmont as an ideal location for business growth and opportunities – to promote the City of Belmont through various promotional, informative materials, facilitated networks and media targeting the business community that will make it clear that the City is a great place to do business.'

Item 12.4 Continued

The vision intends to attract businesses to establish and grow in the Mixed Business zone. The proposed amendment will support this vision by providing greater flexibility to businesses in establishing and/or operating in the zone.

BACKGROUND

At its 23 July 2019 OCM, Council adopted Amendment No. 13 to change the land use permissibility of 'Trade Supplies' in the 'Mixed Business' zone from 'not permitted' to 'discretionary' for the purpose of public advertising.

Scheme Amendment No. 7

Amendment No. 7 to LPS 15 (gazetted on 11 November 2016) was an omnibus amendment that sought to address several technical and administrative matters identified in the Scheme as a result of the implementation of the *Regulations*. These matters include modifications/additions to general definitions and land use definitions, as well as subsequent modifications to the zoning table contained within LPS 15.

The 'Trade Supplies' land use was introduced into LPS 15 through Amendment No. 7. 'Trade Supplies' is defined as follows:

Means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises –

- (a) automotive repairs and servicing*
- (b) building including repair and maintenance*
- (c) industry*
- (d) landscape gardening*
- (e) provision of medical services*
- (f) primary production*
- (g) use by government departments or agencies, including local government.*

Item 12.4 Continued

Amendment No. 7 modified the zoning table to allow 'Trade Supplies' to be considered as a 'discretionary' (D) land use in the 'Industrial' zone only. This reflected the prohibition on outdoor storage in place at that time in the 'Mixed Business' zone.

USE CLASSES	ZONES									
	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Shop	X	D	D	X	X	X	X	X	X	D
Showroom	X	D	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	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	X	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

Figure 2 – Extract of the Zoning Table 1 from LPS 15 indicating land use permissibility of 'Trade Supplies' in the 'Industrial' and 'Mixed Business' zone (highlighted). 'D' = means that the use is not permitted unless the local government has exercised its discretion by granting development approval. 'X' = means a use that is not permitted by the Scheme.

Scheme Amendment No. 10

Amendment No. 10 to the LPS 15 (gazetted on 15 January 2019) recognised the need to support appropriate industrial land activities that are compatible with other residential, commercial and industrial land uses in the 'Mixed Business' zone. Clause 5.12.1(a) was modified to allow outdoor storage to be considered in the 'Mixed Business' zone and included additional provisions relating to:

- Visual amenity
- Site function
- Natural environment
- Health and safety
- Storage of sea containers.

Inadvertently, the Amendment did not seek to modify the zoning table.

Item 12.4 Continued

OFFICER COMMENT

Prior to Amendment No. 7, Equipment Hire businesses (such as Coates Hire and Kennards Hire) were supported in the 'Mixed Business' zone provided equipment was not stored outdoors. These business types would now be defined as a 'Trade Supplies' land use, which is currently not permitted in the 'Mixed Business' zone.

Amendment No. 10 modified Clause 5.12.1(a) to allow for outdoor storage in the 'Mixed Business' zone to support light industrial and commercial land uses that required outdoor storage. Additional planning controls were also included to ensure compatibility of other neighbouring commercial and residential land uses within that zone and protect the amenity of the area.

The introduction of 'Trade Supplies' as a discretionary use is consistent with the objectives of the 'Mixed Business' zone, which allows for a mix of varied but compatible land uses. Amendment No. 13 is consistent with the overall vision for the Belmont Business Park, and is not considered to have any detrimental impacts on the function of the 'Mixed Business' zone. A development application for such a use in that zone would need to address the development standards outlined in Clause 5.12 which are considered appropriate to achieve good development outcomes.

The 11 submissions received during the advertising period either supported or did not raise any objections to the Amendment. As such, the proposed amendment does not need to be modified.

In light of the above, it is recommended that Council adopts Amendment No. 13 to LPS 15 to change the land use permissibility of 'Trade Supplies' in the 'Mixed Business' zone to a 'Discretionary' land use, and recommend to the Minister for Planning that it be approved.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

The proposed amendment will allow greater flexibility to existing and future businesses in establishing and/or operating in the Mixed Business zone and will therefore have economic and social benefits to the City.

Item 12.4 Continued

OFFICER RECOMMENDATION

That Council:

- 1. Uphold the submission lodged by the Department of Planning, Lands and Heritage, Department of Fire and Emergency Services, Main Roads Western Australia, Department of Water and Environmental Regulation, Department of Transport, Department of Biodiversity, Conservation and Attractions, the Water Corporation, Western Power, Central West Corporate Pty Ltd and Stylish Homes (WA) Pty Ltd, and State City Investments Pty Ltd in accordance with the provisions of Part 5, Division 3, Section 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 2. Having considered submissions received from advertising, proceed to adopt Scheme Amendment No. 13 to the City of Belmont Local Planning Scheme No. 15 to change the land use classification for 'Trade Supplies' in the 'Mixed Business' zone from an 'X' to a 'D' use classification, without modification pursuant to the provisions of Part 5, Division 3, Section 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**
- 3. Seek approval of Scheme Amendment No. 13 from the Minister for Transport, Planning and Lands.**
- 4. Directs the Chief Executive Officer to advise those who made a submission on Amendment No. 13 to Local Planning Scheme No. 15 of Council's decision and the Minister for Planning's final decision.**

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

12.5 NAMING OF THE FAULKNER CIVIC PRECINCT COMMUNITY CENTRE

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 9 – Item 12.5 refers	SB 3.3. – Naming of Council Facilities

Voting Requirement	:	Simple Majority
Subject Index	:	114/2017-09–Construction of Faulkner Community Centre
Location/Property Index	:	Lot 33 (215) Wright Street, Cloverdale
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	28 July 2015 Ordinary Council Meeting Item 10.4 15 December 2015 Ordinary Council Meeting Item 12.2 26 April 2016 Ordinary Council Meeting Item 12.3 26 July 2016 Ordinary Council Meeting Item 12.8 27 September 2016 Ordinary Council Meeting Item 12.2 28 February 2017 Ordinary Council Meeting Item 12.5 28 March 2017 Ordinary Council Meeting Item 12.6 22 November 2017 Special Council Meeting Item 6.2
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Infrastructure Services Division

COUNCIL ROLE

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

Item 12.5 Continued

PURPOSE OF REPORT

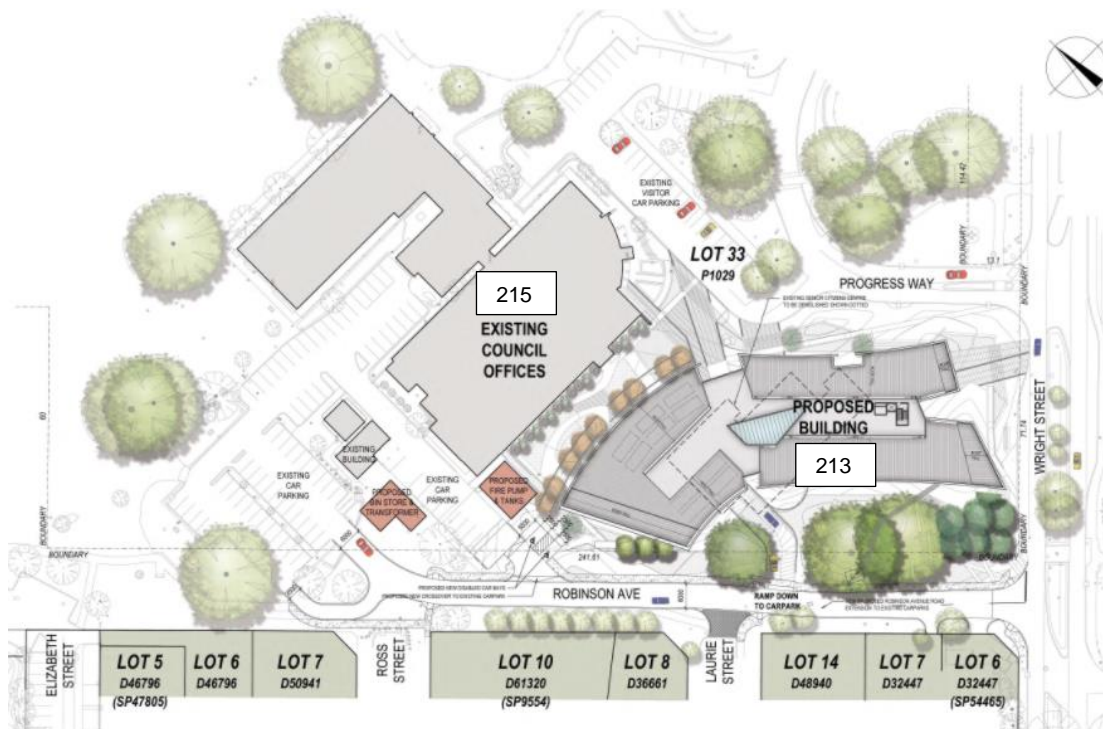
To seek Council endorsement of the proposed name for the Faulkner Civic Precinct Community Centre (Community Centre):

SUMMARY AND KEY ISSUES

This report details a proposal to name the new Community Centre the “Belmont Hub” from its working title of “Faulkner Civic Precinct Community Centre”.

LOCATION

The Community Centre is located at Lot 33 (213) Wright Street, Cloverdale.



CONSULTATION

Options and the process for the naming of the new Community Centre have been developed for some time and in numerous forums. This matter was initially discussed at an Information Forum on 2 July 2019 and then discussed further at the Information Forum on 25 November 2019, where draft naming options were presented and discussed.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

Objective: Maximise organisational effectiveness and reputation as an organisation, employer and a community.

Item 12.5 Continued

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

Strategy: Promote the City as the “City of Opportunity”.

Corporate Key Action: Operational activities which support predominately this promotional strategy.

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

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

Strategy: Activate public spaces as a means to improving community spirit and sense of belonging.

Corporate Key Action: Identify opportunities and spaces within the City that can encourage place activation and community participation.

POLICY IMPLICATIONS

There may be some thought that Council Policy SB3.3–Naming of Council Facilities would apply in this circumstance.

Policy SB3.3–Naming of Council Facilities (refer [Attachment 9](#)) outlines the Policy Objectives and Policy Statement:

The Policy Objective states:

“To establish guidelines for the naming of the City’s public facilities, to recognise persons who have given notable service to the Belmont Community.”

The Policy Statement:

“Council will consider requests for the naming of the City’s public facilities, to recognise persons who have given notable service to the Belmont community.”

Policy Detail

The policy detail excerpt below indicates the intent of this policy

“Consideration will be based on the following guidelines: -

- 1. Public facilities may include community halls, meeting rooms, clubrooms, pavilions and other structures as determined by Council. The naming of streets, parks and reserves is subject to policy SB3.2.”*

In the current circumstances, this policy does not strictly apply as the intention is to name a multipurpose large scale facility rather than a hall, meeting room or clubroom etc. Moreover, it has not been requested to recognise a person who has given notable service.

Notwithstanding that, a portion of the facility (the library) will continue to be named after Ruth Faulkner when the existing library is relocated. There may also be future naming opportunities for other parts of the facility.

Item 12.5 Continued

STATUTORY ENVIRONMENT

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

BACKGROUND

Once completed, the new Community Centre building will be one of the most significant buildings owned and operated by the City of Belmont. It will also be one of the more significant buildings within the Town Centre. The design brief for the building asked for a “state of the art facility with integrated amenities”, “all in a landmark multipurpose cultural and community hub in the heart of Belmont”. This design requirement has been delivered and it is now more evident as the construction draws to a close. It is indeed very much a landmark building.

It is a design that will:

- Provide the City of Belmont community with a central community and cultural hub.
- Increase economic activity in the area.
- Provide essential upgraded community facilities.
- Increase much needed community services to the City of Belmont population.
- Strengthen partnerships between the City of Belmont and community organisations.

To commence the naming process an internal working group was established.

Any naming signage will be included on the wayfinding signage being proposed around the perimeter of the new facility and not applied directly to the façade.

The building and its facilities are generating a lot of interest in the Belmont community.

OFFICER COMMENT

When naming a new City building, there may be some consideration that Council Policy SB3.3–Naming of Council Facilities would provide guidance to determine the name of a building, however as noted above it is not considered appropriate to apply it in this particular circumstance.

At the Information Forum held on 2 July 2019, the feedback received during this forum included the following recommendations:

- Ensure Belmont or City of Belmont is part of the name to reflect the facility is a City building
- Consider a shorter name, for example The Base (in Belmont) or The RISE (Recreation, Information, Socialising, Entertainment) in the City of Bayswater, with the intent of selecting a name that everyone can relate to.

Therefore to progress the naming of the Community Centre a number of options for the name of the facility were presented at the Information Forum 25 November 2019 on behalf of the working group.

Item 12.5 Continued

The Faulkner Civic Precinct Community Centre naming options presented for discussion and consideration included the following:

- Belmont Hub
- Belmont Meeting Place
- Belmont Place
- Belmont Quadrant
- Belmont Centre.

The discussion at the Information Forum on 25 November 2019 indicated that the name “Belmont Hub” was the preferred name option. This is consistent with the specified design objectives of the building as detailed previously.

The Macquarie Dictionary defines ‘Hub’ as:

1. The central part of the wheel, as that part into which the spokes are inserted.
2. The part in central position around which all else revolves: *the hub of the universe*.
3. *Computers* a central connection point in a computer network.
4. A centre within a region for a specified activity: *a trading hub*.

This new facility is very central to the City of Belmont. With the range of facilities and services on offer it supports the community and it will be a facility that will see lots of action for a diverse community. The name “Belmont Hub” was preferred because it reiterates the purpose for which the building was designed; it supports the thinking that a hub is in the centre of something, it supports what is attached to, and it is in motion.

The name “Belmont Hub” is considered the most appropriate name for the City’s premier facility.

FINANCIAL IMPLICATIONS

The current 2019-2020 budget includes amounts for Wayfinding and Signage; the facility name will be incorporated into this signage package.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

This facility will be an icon of knowledge, learning, history and service provision for the community of the City of Belmont and it is anticipated the community will be welcomed and supported.

This facility will engage with the community, which in turn will ensure that there is an increased connection to this project and building, with community members able to bring their social, cultural and historical perspective to the new facility.

Item 12.5 Continued

OFFICER RECOMMENDATION

That Council name the new Faulkner Civic Precinct Community Centre the “Belmont Hub” in recognition of the central place this facility will have in the Belmont Community.

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

12.6 Q08/2020 - SUPPLY AND DELIVERY OF ROAD SWEEPER

BUILT BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Confidential Attachment 1 – Item 12.6 refers	<u>Evaluation Matrix</u>
Confidential Attachment 2 – Item 12.6 refers	<u>Price Schedule</u>

Voting Requirement : Simple Majority
Subject Index : 135/049
Location/Property Index : N/A
Application Index : N/A
Disclosure of any Interest : Nil
Previous Items : N/A
Applicant : N/A
Owner : N/A
Responsible Division : Infrastructure Services

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council approval to award the contract for the supply and delivery of a road sweeper.

Item 12.6 Continued

SUMMARY AND KEY ISSUES

This report outlines the process undertaken to invite and evaluate the quotes received and includes a recommendation to award the contract to Bucher Municipal Pty Ltd in accordance with the requirements of the *Local Government Act 1995*.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

BEXB7.1 – Purchasing

Policy Objective

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

STATUTORY ENVIRONMENT

This issue is governed in the main by the *Local Government (Functions and General) Regulations 1996*, in particular Regulation 11(2) (b) which states that “Tenders do not have to be publicly invited according to the requirements of this Division if the supply of the goods or services is to be obtained through the Council Purchasing Service of WALGA”.

BACKGROUND

Under the *Local Government Act 1995*, tenders are not required to be publicly invited if the supply of the services is to be obtained through the West Australian Local Government Association (WALGA) Preferred Supplier Program.

The City owns, operates and maintains a street sweeper providing street sweeping to a level of service that all residential streets are swept once every eight weeks. The current sweeper was purchased in March 2014 and is approaching six years of age.

Item 12.6 Continued

The asset management plan for Fleet and Plant suggests a replacement every five years however in October 2018 the vehicle was involved in a crash that required extensive repairs under insurance. The sweeper returned to service in April 2019 and the planned replacement was delayed to allow a period of additional usage, to ensure the vehicle was operating effectively prior to sale.

WALGA has established a panel for Sweeping Equipment (Specialised Trucks and Bodies). Two members of this panel were invited to submit a quotation as they are the only panel members that can supply equipment to meet the City's requirements.

Responses were received from the following:

- Bucher Municipal Pty Ltd (Macdonald Johnston)
- Rosmech Sales & Service Pty Ltd.

OFFICER COMMENT

The Evaluation Panel consisted of the Coordinator Fleet and Plant Maintenance, Sweeper Operator and Plant Operator. Each panel member has signed a Declaration of Confidentiality and Interest Form confirming that they have no known conflict of interest to disclose. The Manager Works was consulted and supports the recommendation. The Coordinator Procurement coordinated the evaluation process and ensured that the correct processes were adhered to.

The responses received were assessed on the following selection criteria:

	CRITERIA	WEIGHTING
1	Capability of unit to perform the task	15%
2	Ease of operation	15%
3	Access to unit, operator protection	10%
4	Visibility during operation	10%
5	Noise levels during operation	10%
6	Operator / Maintenance access	10%
7	Safety features	10%
8	Mechanical maintenance, access, ease of adjustment	10%
9	Whole of life fuel consumption	10%
	TOTAL	100%

Being of a similar construction, both units provide easy access to all of the components required for drainage and cleaning functions. Safety features were comparable between the two and with similar truck bases, the whole of life costs and fuel consumption are alike.

However, some of the key areas of operation were quite different between the two vehicles. Both drivers felt the controls and switching gear in the Macdonald Johnston unit from Bucher were set up in a convenient location and they were more comfortable with the control layout.

Item 12.6 Continued

The Macdonald Johnston unit was found to have better visibility with the addition of kerb side brush cameras offering better control of sweeping in tight areas. Noise levels in the Macdonald Johnston unit were noticeably lower, which is an important consideration for driver comfort as these are very noisy machines.

The Macdonald Johnston unit also stood out in maintenance access with servicing and component access easier and the unit incorporates auto greasing to all points.

[Confidential Attachment 1](#) – Evaluation Matrix outlines the scores awarded by the Evaluation Panel and identifies the Macdonald Johnston unit from Bucher Municipal Pty Ltd as the preferred equipment.

FINANCIAL IMPLICATIONS

[Confidential Attachment 2](#) – Price Schedule details the quoted price for each unit.

The purchase of the street sweeper will be funded from the Plant Replacement Reserve; the reserve has a budget of \$365,000 allocated to the acquisition.

The existing sweeper can be disposed of using one of the following options;

Option	Estimate (\$)
Trade-in to Supplier (Bucher Municipal)	\$65,000 - \$75,000
Local Auction (Manheim)	\$80,000 – \$90,000
Online National Auction (Smith & Broughton)	\$90,000 - \$100,000

The estimated values above were provided based on recent experience with the preference being for disposal via a national online auction, as the City is likely to achieve a superior financial outcome in relation to the disposal of this asset, based on data available for recent auctions for similar sweepers.

ENVIRONMENTAL IMPLICATIONS

The Macdonald Johnston road sweeper is Euro 5 compliant.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council accepts the quotation submitted by Bucher Municipal Pty Ltd for the supply and delivery of a road sweeper as specified for the lump sum of \$358,000.00 excluding GST as the most advantageous.

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

12.7 DONATION – AUSTRALIAN BUSHFIRES

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	41/003
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	Item 12.3 23/02/2016 Ordinary Council Meeting
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider making a financial donation for recovery assistance towards the bushfires Australia is currently experiencing.

SUMMARY AND KEY ISSUES

The bushfires Australia is currently enduring have caused wide-spread damage and devastated affected communities.

Destruction, property damage, loss of lives, livelihoods and endangered flora and fauna caused by the catastrophic fires throughout Australia has been felt by all Australians.

Australia-wide communities have expressed a desire to support those affected by these traumatic and unprecedented fires.

Item 12.7 Continued

In accordance with Council Policy SB1.2 Donations and Delegated Authority DA19 Donations – Disaster Relief, Council support is requested for a donation of \$10,000 to an organisation of its choice to be used in relation to the wide-spread bushfires Australia is experiencing.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

Council Policy SB1.2 Donations details the guidelines and process for making disaster relief contributions.

Under Delegated Authority DA19 Donations – Disaster Relief the Chief Executive Officer has delegated authority to make donations up to \$5,000. Any donation above the delegated authority requires Council to determine and approve the amount to be donated.

STATUTORY ENVIRONMENT

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

BACKGROUND

The Lord Mayors' Distress Relief Fund (LMDRF) is not currently taking any action in relation to the bushfires. The LMDRF is the recognised State emergency fund and is intended to provide relief for personal hardship and distress arising from natural disasters occurring within Western Australia.

As the LMDRF is not currently taking any action in relation to the wide-spread and horrific bushfires Australia is currently enduring, Council support is requested for a donation of \$10,000 to an organisation of its choice to be used in relation to the wide-spread bushfires Australia is experiencing.

Item 12.7 Continued

OFFICER COMMENT

The bushfires activity that Australia has been enduring since 2019 is unprecedented. The factors that contribute to these fires having an unprecedented impact include:

- Intensity of fires early in Australia's fire season
- Drought
- Higher temperatures
- Indirect and direct impact on the environment, including greenhouse gas emissions and severe air pollution across major centres.

The impact of loss of homes, livelihoods, and the lives lost to the fires, will result in an economic and emotional impact on the victims and the surrounding communities not yet experienced in Australia.

The significant loss of flora and fauna as a result of the bushfires and impacts on rare ecological communities and Australia's biodiversity is a global loss. The impact of these fires on already threatened and vulnerable species, including in some cases potential extinction, will be ongoing for years to come.

Some organisations (as listed by WALGA) who are accepting donations to provide aid to firefighting, disaster relief and recovery efforts for the bushfires Australia is currently experiencing are:

- NSW Rural Fire Service (NSW RFS)
- Victoria Country Fire Association
- Queensland Fire and Rescue
- South Australia Country Fire Service
- Australian Red Cross Disaster Relief and Recovery Fund
- St Vincent De Paul Vinnies Bushfire Appeal
- Salvation Army Disaster Appeal
- Victorian Bushfire Appeal
- Kangaroo Island Mayor's Relief and Recovery Bushfire Fund
- Foundation for Rural and Regional Renewal Disaster Resilience and Recovery Fund
- Foodbank.

Despite criticism targeted at the Red Cross, Salvation Army and St Vincent de Paul, these three charities would appear to be the key providers of services and assistance to both first responders and evacuees across all areas impacted by the fires, rather than specific states or locations. Consequently, it is recommended that one of these charities receive the City's donation.

Item 12.7 Continued

A review of websites identified the following commitments:

Salvation Army:

<https://www.salvationarmy.org.au/about-us/news-and-stories/disasters-other-appeals/bushfire-recovery-efforts/>

“The Salvation Army has committed to spend or allocate all funds raised from its Disaster Appeal by June 2020, supporting the immediate and longer-term recovery of those affected in the 2019–2020 bushfires.”

Red Cross:

<https://www.redcross.org.au/news-and-media/news/australian-bushfires-how-we-are-using-funds>

“Up to 10c in the dollar will be spent on admin support costs, and we’re working to keep it as low as possible.” This link also details the longer term recovery expectations emanating from the bushfire disasters.

St Vincent de Paul:

https://www.vinnies.org.au/icms_docs/314209_Vinnies_bushfire_response_continues.pdf

“To date a total of \$13.7 million has been raised by generous Australians and from overseas donors and every cent raised is being spent on people affected by the fires”...

“We are here for the long term and will offer our support to people and communities as they begin to rebuild their lives.”

Based on the information above, Officers recommend that Council donate to St Vincent de Paul Bushfire Appeal.

FINANCIAL IMPLICATIONS

There are sufficient funds allocated for General Donations in the 2019-2020 Annual Budget to allow for a donation of \$10,000, and an allocation of \$10,000 for this purpose was included in the 2019-2020 Annual Budget. A review of this budget to ensure sufficient funds remain available for other donation assistance normally provided will be considered in the March 2020 Budget Review.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Item 12.7 Continued

OFFICER RECOMMENDATION

POWELL MOVED, ROSSI SECONDED

That Council:

- 1. Expresses its sympathies to all communities affected by these unprecedented bushfires.**
- 2. Donate an amount of \$10,000 to the St Vincent de Paul Bushfire Appeal.**

CARRIED 9 VOTES TO 0

12.8 TIMETABLE: 2020-2021 ANNUAL BUDGET

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	54/004 Budget Documentation-Council
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance Division

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council's endorsement of the 2020-2021 Annual Budget Timetable.

SUMMARY AND KEY ISSUES

The 2020-2021 Annual Budget timetable enables the Budget to be prepared in a disciplined manner, meet all statutory obligations and adopt the Annual Budget in a timely manner.

LOCATION

Not applicable.

Item 12.8 Continued

CONSULTATION

There has been no specific consultation undertaken in respect to this matter other than with the Executive and Managers of this organisation.

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 6.2 of the *Local Government Act 1995* (LG Act) requires Council to prepare an Annual Budget and specifies the basic form, content and timeframe.

This timetable has been prepared to ensure that all requirements of the LG Act and the *Local Government (Financial Management) Regulations 1996* have been considered to enable statutory advertising and public consultation requirements are adhered to.

BACKGROUND

Each year the Council formally adopts a timetable for the preparation of the Annual Budget to ensure the Annual Budget is prepared in a timely manner and all the statutory advertising periods are adhered to. This process needs to commence in February to enable a Budget to be adopted in July.

OFFICER COMMENT

The timetable has been endorsed by the members of the Executive Leadership Team. Should Council require additional time to consider the Budget then special meetings will be called to accommodate this. There has been more time allowed for consideration of the Budget with up to three Information Forums being identified to receive presentations.

The timetable is obviously dependent on the receiving of relevant budget information in a timely manner.

Item 12.8 Continued

The proposed Budget Timetable is shown below:

**CITY OF BELMONT BUDGET TIMETABLE
2020-2021 ANNUAL BUDGET**

31 January 2020	Commence March Budget Review on-line (Finance 1)
19 February 2020	Last day for Budget Review Information
18 February 2020	Budget Timetable Presented To Agenda Briefing Forum
25 February 2020	Budget Timetable endorsed by Council (this document)
2 March 2020	Commence Salaries Worksheets (Finance 1)
10 March 2020	Information Forum to consider March Budget Review Information Forum to consider Proposed 2020-2021 Capital Works Programmes as per respective Asset Management Plans
19 March 2020	Final date to complete Salaries Worksheets
20 March 2020	Commence Annual Budget update on-line (Finance 1) Commence review of Fees and Charges (shared Excel file)
24 March 2020	OCM - Full Council – March Budget Review
22 April 2020	Last day for on-line Annual Budget update Last day for review of Fees and Charges
30 April 2020	Last day to send Budget Review to the Department of Local Government
4 May 2020	First draft of Budget available to ELT
2 June 2020	Special Information Forum to be advised of Divisional Budgets, Rate Setting Information and Fees & Charges
9 June 2020	Information Forum follow-up of Divisional Budgets, Rate Setting Information and Fees & Charges (<u>if required</u>)
23 June 2020	OCM - Full Council – to adopt Rate Setting Budget
27 June 2020 to 20 July 2020	Statutory advertising period commences for proposed differential rates (minimum 21 days)
20 July 2020	Closure of Rate Submissions and Assessment of Submissions
28 July 2020	OCM - Full Council – formal adoption of 2020-2021 Budget
17 August 2020	Rates Issue Date
27 August 2020	Last day to send Budget to the Department of Local Government.
1 September 2020	Commence October Budget Review on-line (Finance 1)
21 September 2020	Rates Due Date (35 days following issue date)
18 September 2020	Last day for October Budget Review Information
September 2020	Directors to consider and approve relevant business cases with Managers
30 September 2020	Business cases to be supplied to Manager Finance for all proposed new capital (i.e. improvements - not renewals) and operational items of a material nature as approved by Directors 10 Year Capital Works Summary including capital renewals (as per Asset Management Plans) and upgrades to be finalised and agreed by Director Infrastructure Services
13 October 2020	Information Forum to consider October Budget Review
November 2020	ELT and MF to review the Draft Capital Program Budget.
1 December 2020	Information Forum to consider Proposed 2021-2022 Capital Works Programmes as per respective Asset Management Plans

Item 12.8 Continued

FINANCIAL IMPLICATIONS

The timetable ensures that the Budget is adopted on a date as early as possible in July to ensure a positive cash flow can be generated as soon as possible and the organisation is aware of approved incomes and expenditure items.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report at this time, although the actual preparation of the Annual Budget will consider any social implications as part of the process.

OFFICER RECOMMENDATION

That Council endorse the 2020-2021 Annual Budget Timetable.

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

**12.9 DELEGATED AUTHORITY REGISTER 2019-2020 – AMENDMENT TO DA25
DEVELOPMENT APPLICATIONS**

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

<u>Attachment No</u>	<u>Details</u>
Attachment 10 – Item 12.9 refers	<u>Amended DA25 – Development Applications</u>

Voting Requirement	:	Absolute Majority
Subject Index	:	11/005 Delegations and Authorisations
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	26 June 2018 OCM – Item 12.8
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

To seek Council endorsement of an amendment to DA25 Development Applications as detailed in [Attachment 10](#) as part of the 2019-2020 Delegated Authority Register.

Item 12.9 Continued

SUMMARY AND KEY ISSUES

The Delegated Authority Register 2019-2020 was adopted by Council at its Ordinary Council Meeting on 25 June 2019.

This report is for Council consideration to amend DA25 Development Applications to provide clarity that the specific delegation for dealing with applications to amend or cancel a previously approved development, relates to an approval issued by Council or the Development Assessment Panel.

It is also considered appropriate that the specific delegation is amended to include the Coordinator Planning and Coordinator Design Projects to enable effective workflow in dealing with minor amendments and the administrative work of cancelling a previous development approval.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

The following sections of the *Local Government Act 1995* are applicable when considering delegations:

- s5.16 Delegation of some powers and duties to certain committees
- s5.17 Limits on delegation of powers and duties to certain committees
- s5.18 Register of delegations to committees

Item 12.9 Continued

- s5.42 Delegation of some powers and duties to CEO
- s5.43 Limits on delegations to CEO
- s5.44 CEO may delegate powers and duties to other employees
- s5.45 Other matters relevant to delegations under this division
- s5.46 Register of, and records relevant to, delegations to CEO and employees.

A number of other pieces of legislation allow for delegation in Western Australia.

Those which are relevant to the City's Delegated Authority Register in addition to the *Local Government Act 1995* are listed below:

- *Building Act 2011*
- *Bush Fires Act 1954*
- *Cat Act 2011*
- *Dog Act 1976*
- *Food Act 2008*
- *Health Act 1911*
- *Public Health Act 2016*
- *Main Roads Act 1930*
- *Planning and Development Act 2005*
- *Strata Titles Act 1985*
- *Local Government (Administration) Regulations 1996*
- *Local Government (Financial Management) Regulations 1996*
- *Local Government (Functions and General) Regulations 1996*
- *Local Government Act (Uniform Local Provisions) Regulations 1996.*

BACKGROUND

The Delegated Authority Register was reviewed at the Ordinary Council Meeting of 25 June 2019 – Item 12.5.

Applications to amend previously approved development are routinely received by the City. Many of these applications relate to development approvals issued primarily by the Coordinator Planning and Coordinator Design Projects exercising their authority under delegation DA25.

When the Delegations from Council were reviewed as part of the legislative requirement in June 2019 changes were made to DA25 Development Approvals to streamline the delegations and remove repetition of delegations for similar processes (for example Development Assessment Panel (DAP) approvals and approvals for development on Council owned land). Inadvertently, the specific delegation for amendments and cancellations to previously approved development limited authority to only the Director Development and Communities and the Manager Planning Services. It excluded authority for the Coordinator Planning and Coordinator Design Projects.

Item 12.9 Continued

OFFICER COMMENT

Delegations by Council are an effective way to reduce red tape and improve customer satisfaction through effective decision making processes. Using the power of delegation appropriately assists local governments to efficiently deal with a wide range of operational matters that are minor, administrative in nature and time consuming.

The proposed amendment is to *Specific Delegation: Amendments and Cancellations to Previously Approved Development* and is for the inclusion of the positions of Coordinator Planning and Coordinator Design Projects. A large proportion of development applications are determined by the Coordinator Planning and Coordinator Design Projects under delegated authority. The wording of the specific delegation from the June 2019 review limits authority to the Director Development and Communities and Manager Planning Services. Moreover, it does not provide sufficient clarity that the specific delegation relates to previous approvals by Council and the Development Assessment Panel rather than approvals issued by officers exercising delegated authority.

It is appropriate to clarify the intent of the specific delegation to apply to Council decisions, as well as include authority for the Coordinator Planning and Coordinator Design Projects to deal with such applications. It is considered appropriate for the Coordinator Planning and Coordinator Design Projects to also have the ability to determine such applications on the basis that the general conditions controlling the exercise of delegation would also apply to applications to amend a previously approved development – i.e. delegation must not be exercised if the proposed amendment has a strategic impact and as a result involves issues in which Council has a direct interest, or the amendment proposes a significant variation to the standards of the Local Planning Scheme. Further to this, applications to cancel development approvals are essentially administrative in nature and do not need consideration by the Manager or Director.

This change to clarify the intent of the specific delegation will assist the workflow of development applications determined by Council or DAP which require subsequent amendment or cancellation.

A copy of the DA25 Development Applications is attached ([Attachment 10](#)) with the proposed amendments showing as tracked changes.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

Item 12.9 Continued

OFFICER RECOMMENDATION

That Council endorse the amendment to DA25 Development Applications as detailed in [Attachment 10](#) as part of the Delegated Authority Register 2019-2020.

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

12.10 ANNUAL ELECTORS' MEETING MINUTES – 11 DECEMBER 2019

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 11 – Item 12.10 refers	<u>Annual Electors' Meeting Minutes – 11 December 2019</u>

Voting Requirement	:	Simple Majority
Subject Index	:	154/006 Annual Electors Meeting
Location/Property Index	:	N/A
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance

COUNCIL ROLE

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

PURPOSE OF REPORT

For Council to consider the outcomes and confirm the Minutes of the Annual Electors' Meeting held on Wednesday, 11 December 2019 (refer [Attachment 11](#)).

Item 12.10 Continued

SUMMARY AND KEY ISSUES

In accordance with section 5.33 of the *Local Government Act 1995*, Council endorsement and confirmation of the minutes of the Annual Electors' Meeting held on Wednesday, 11 December 2019 is required.

Council is also required to consider decisions made at the electors' meeting and record the reason for any decision made at a Council Meeting in response to a decision made at an electors' meeting in the minutes.

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

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

Strategy: Ensure that community requirements drive internal policies and processes.

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

Section 5.27 of the *Local Government Act 1995* requires that a general meeting of electors be held once every financial year. The meeting is to occur not more than 56 days after the local government accepts the Annual Report.

5.27 Electors' general meetings

- (1) A general meeting of the electors of a district is to be held once every financial year.*
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) The matters to be discussed at general electors' meetings are to be those prescribed.*

The City of Belmont 2018-2019 Annual Report was accepted at the 19 November 2019 Ordinary Council Meeting.

Item 12.10 Continued

Regulation 15 of the *Local Government (Administration) Regulations 1996* outlines the matters to be discussed at the electors' general meeting.

15. Matters to be discussed at general meeting (Act s5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

Section 5.32 of the *Local Government Act 1995* requires that the minutes of the electors' general meeting be kept and made available for public inspection before the Council Meeting at which decisions made at the electors' meeting are first considered.

Section 5.33 of the *Local Government Act 1995* requires all decisions made at electors' meetings be considered at the next available Ordinary Council Meeting, or, if not possible at a Special Council Meeting called for that purpose, whichever happens first. The reasons for a decision made at a Council Meeting in response to a decision made at an electors' meeting are to be recorded in the minutes of the Council Meeting.

BACKGROUND

The Annual Electors' Meeting was held on Wednesday, 11 December 2019 at the City of Belmont Civic Centre, 215 Wright Street, Cloverdale.

OFFICER COMMENT

Public notice of the Annual Electors' Meeting was placed in the Southern Gazette on Tuesday, 22 January 2019; Tuesday, 29 January 2019; and Thursday, 21 November 2019.

Public notice was also placed on the notice boards of the Ruth Faulkner Public Library and the City of Belmont Civic Centre, advertised on social media and was available on the City of Belmont website.

There were 11 members of the public in attendance, being:

Mr R Birch	Ms C Marks
Mr I Davis	Dr D Mossensen
Mr R Foster	Ms M Saldanha
Ms G Godfrey	Ms B Scharfenstein
Mr P Hitt	Ms D Walter
Ms L Hollands	

The following decision was made at the Annual Electors' Meeting held on Wednesday, 11 December 2019:

- Receipt of the City of Belmont 2018-2019 Annual Report.

Questions and responses in relation to the reports included in the 2018-2019 Annual Report are included in the minutes of the meeting ([Attachment 11](#)).

Item 12.10 Continued

Under general business, the Mayor invited any further questions. Questions and responses are included in the minutes of the meeting.

Questions Taken on Notice

The following question was taken on notice at the 11 December 2019 Annual Electors' Meeting. Mr Hitt was provided with a response on 24 December 2019. The response from the City is recorded accordingly:

1. During the Agenda Briefing Forum (ABF) the external doors were locked. People left and were unable to get back in; doors should be left open as people are entitled to enter the building for meetings.

Response

At the ABF on Tuesday 3/12/19 the City's Security Officer was responsible for covering the external doors.

The external doors were set to exit only at approximately 7:10pm and the Security Officer remained in the foyer area. A number of late comers to the meeting arrived, but were given access immediately.

The Security Officer set the external doors to exit only at 8:30pm as per the procedure and left the area. It appears that a member of the public went to the internal foyer area, did not exit the building but was unable to re-enter via the internal security doors as these also were set to exit only.

Public, Councillor, staff and building security/safety is a high priority for these after hours' meetings. However, the process is under review.

The following question was taken on notice at the 11 December 2019 Annual Electors' Meeting. Ms Saldanha was provided with a response on 20 December 2019. The response from the City is recorded accordingly:

1. Is it true that SAT have not exercised awarding of costs?

Response

The State Administrative Tribunal (SAT) do award costs in various instances. In terms of planning decisions, SAT considers:

- **Whether the party (in conducting the matter before the decision maker) genuinely attempted to enable and assist the decision-maker to make a decision on the merits;**
- **Whether the party (being the decision-maker) genuinely attempted to make a decision on the merits.**

Where it has been demonstrated through the SAT process that either party has acted inappropriately then SAT would award costs. Here are some examples of award costs issued in recent SAT cases:

Item 12.10 Continued

- **Champion and Gary Wood and City of Wanneroo [2018] WASAT 103 – costs awarded against the City of Wanneroo on the basis that they did not consider the merits of revised information in reconsidering a decision.**
- **Spartalis and City of Stirling [2017] WASAT 125 – costs were awarded against the City of Stirling because they delayed making a decision.**
- **Ransberg Pty Ltd and City of Bayswater [2016] WASAT 43 – costs were awarded against the City of Bayswater who failed to consider technical advice supporting the application.**
- **Moore and City of Wanneroo [2017] WASAT 145 –the Applicant’s request for award costs were deemed unreasonable by SAT as the City had acted appropriately and made a genuine attempt to determine the merits of the application. Subsequently, the applicant’s request was denied and instead the City was awarded costs in the order of \$7,806.70.**

Motions

Under general business, the following motions were put forward and are to be considered by Council:

1. **MS B SCHARFENSTEIN MOVED, DR D MOSSENSON SECONDED**

That the City of Belmont undertake immediate restoration work to stop further collapse of the foreshore and loss of the remaining Casuarina trees north of the Ascot Kayak Club.

CARRIED 10/0

Officer Comment:

The City is progressing the Garvey Park Foreshore Section 2 Project (including the foreshore between the Ascot Kayak Club building and Hilton Grove), as per the City’s project management process. A concept plan has been developed and Aboriginal heritage consultation completed, with outcomes of the s.18 Application (*Aboriginal Heritage Act 1972*) to be considered at the 11 February 2020 meeting of the Aboriginal Cultural Material Committee.

Detailed design development is scheduled to be completed in 2020, following which planning approval will be sought from the Department of Biodiversity, Conservation and Attractions, coupled with the submission of funding applications. Subject to the outcomes of the approvals, funding and budget availability, the earliest that works can commence is Spring 2021.

In relation to concerns regarding the loss of trees, while there is currently a risk of some trees being lost, as part of this project the City plans to retain and protect significant trees and provide additional tree planting of suitable species that provide habitat for wildlife.

Item 12.10 Continued

2. **MS B SCHARFENSTEIN MOVED, MR R FOSTER SECONDED**

That the City of Belmont hold the first of a series of community engagement forums providing extensive detail to the community of the Redcliffe Station Activity Centre Plan, commencing in March 2020. These community engagement forums to be in the format of two hour theatre style seating question and answer sessions with a panel of City officers, WAPC and other stake holder representatives.

CARRIED 9/1

Officer Comment:

Due to the complexity of the draft Redcliffe Station Activity Centre Plan, there is merit in hosting a community information session during the pre-consultation period. The exact format and timing of the session requires careful consideration and planning to ensure that information is relayed in a manner that is readily understood by the community. For this reason, it is not appropriate to commit to the specifics of how the session would be run by the City.

3. **MR P HITT MOVED, MS L HOLLANDS SECONDED**

That the Annual Electors' Meeting be held during the first fortnight of the month of November of each year forthwith.

WITHDRAWN

Officer Comment:

Following the explanation provided at the Annual Electors' Meeting by the Director Corporate and Governance as to why it is not possible to bring the date of future Annual Electors' Meetings forward, this Motion was withdrawn.

4. **MR P HITT MOVED, MS L HOLLANDS SECONDED**

That the CEO of the City of Belmont, undertakes that he will not take any action in the future that could be seen to indicate that he has a particular bias to any Councillor or ratepayer or groups of the above in the future.

CARRIED 5/0

Officer Comment:

The CEO responded to this Motion at the Annual Electors' Meeting on 11 December 2019 stating that he has deleted all people and groups from his Facebook account that may be seen to indicate that he has a particular bias and it is, therefore, considered that no further action is required at this time.

Item 12.10 Continued

5. **MR P HITT MOVED, MS L HOLLANDS SECONDED**

That the Council / Councillors undertake to implement the election of the Mayor of the City of Belmont by common vote by the residents and ratepayers of Belmont. This is to be undertaken before the next round of local government elections are progressed. Any Councillor who nominates to be Mayor must have at least the experience of serving one full year as an elected member.

CARRIED 6/3

Officer Comment:

The method of filling the office of mayor is set out in s.2.11 and s.2.12 of the *Local Government Act 1995*. An Absolute Majority Decision of Council is required by a local government to change the method of filling the Office of Mayor from the election by the Council method to the election by the Electors method. If a Local Government Mayor is elected by Electors, a full election is carried out with all Electors on the electoral roll having the opportunity to vote in a similar format to the biennial local government election. Council considered this matter at its Ordinary Council Meeting on 23 February 2016 where the following recommendation was lost:

'COUNCILLOR RECOMMENDATION

GARDNER MOVED, CAYOUN SECONDED

That Council resolve to allow for the direct election for the office of Mayor by local electors, by the electors method in accordance with s2.11(2) of the Local Government Act 1995:

A local government may change the method of filling the office of mayor or president used by the local government from the election by the council method to the election by the electors method.*

**Special majority required*

Reason

To allow electors in the City of Belmont to directly elect a candidate to the office of Mayor.

LOST 4 VOTES TO 5'

There is no provision for placing conditions on who can nominate for the position of Mayor, thus the last part of the motion is ultra vires and cannot be enforced.

Given that there is a review of the *Local Government Act 1995* by the State currently underway, it is appropriate to consider a matter such as this once there is more clarity in future directions for local government.

It is considered that no further action is required at this time.

Item 12.10 Continued

6. MR L HOLLANDS MOVED, MS M SALDANHA SECONDED

That the Council directs the CEO when drafting the electronic recordings policy to include all meetings of Council to be audio recorded.

CARRIED 6/0

Officer Comment:

Following a Council resolution at its 29 October 2019 Ordinary Council Meeting, the policy in relation to audio recording of Council Meetings was reviewed. The revised policy BEXB1.5 was adopted by Council at its 10 December 2019 Ordinary Council Meeting and sets guidelines for the audio recording of Ordinary Council Meetings and provides detail on accessibility to the audio recordings. Council has recently implemented the policy in relation to audio recording, with commencement of the process intended for the 25 February 2020 Ordinary Council Meeting, and it is considered that no further action is required at this time.

FINANCIAL IMPLICATIONS

There are no financial implications evident at this time.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That Council:

- 1. Note the decision to receive the City of Belmont 2018-2019 Annual Report.**
- 2. Note that consideration has been given to the motions carried during General Business at the Annual Electors' Meeting held on Wednesday, 11 December 2019, with no further action required.**
- 3. Confirm the Minutes of the Annual Electors' Meeting held on Wednesday, 11 December 2019 (refer [Attachment 11](#)) as a true and accurate record.**

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

12.11 ACCOUNTS FOR PAYMENT – DECEMBER 2019

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 12 – Item 12.11 refers	Accounts for Payment – December 2019

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

Item 12.11 Continued

LOCATION

Not applicable.

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	788345 to 788368	\$103,086.82
Municipal Fund EFTs	EF065351 to EF065845	\$6,923,835.29
Municipal Fund Payroll	December 2019	\$1,545,293.70
Trust Fund EFT	EF065352 to EF065353	<u>\$78,421.24</u>
Total Payments for December 2019		\$8,650,637.05

A copy of the Authorised Payment Listing is included as [Attachment 12](#) to this report.

Item 12.11 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for December 2019 as provided under [Attachment 12](#) be received.

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

12.12 ACCOUNTS FOR PAYMENT – JANUARY 2020

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 13 – Item 12.12 refers	Accounts for Payment – January 2020

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

COUNCIL ROLE

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

PURPOSE OF REPORT

Confirmation of accounts paid and authority to pay unpaid accounts.

SUMMARY AND KEY ISSUES

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

LOCATION

Not applicable.

Item 12.12 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

Municipal Fund Cheques	788369 to 788399	\$223,670.23
Municipal Fund EFTs	EF065846 to EF066298	\$4,902,738.86
Municipal Fund Payroll	January 2020	\$1,751,171.74
Trust Fund EFT	EF065950 to EF065951	<u>\$7,885.16</u>
Total Payments for January 2020		\$6,885,465.99

A copy of the Authorised Payment Listing is included as [Attachment 13](#) to this report.

FINANCIAL IMPLICATIONS

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

Item 12.12 Continued

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Authorised Payment Listing for January 2020 as provided under [Attachment 13](#) be received.

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

12.13 MONTHLY ACTIVITY STATEMENT AS AT 31 DECEMBER 2019

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 14 – Item 12.13 refers	<u>Monthly Activity Statement as at 31 December 2019</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

LOCATION

Not applicable.

Item 12.13 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

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

Item 12.13 Continued

The monthly financial report is to be accompanied by:

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

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

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

****Based on a materiality threshold of 10 percent.*

In order to provide more details regarding significant variations as included in [Attachment 14](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Computing	98,408	242,347	Budget spread relating to Website development project to be adjusted.
Human Resources	65,939	Nil	Mainly relates to the purchase of fleet that is currently deferred due to usage and as a result of a recent fleet replacement review.
Property and Economic Development	94,875	Nil	Relates to fleet replacement and the purchase of land that has yet to occur.
Health	77,622	Nil	Relates to fleet replacement.
Belmont HACC Services	286,767	22,774	Vehicles including buses are currently on order.
Belmont Oasis	72,475	8,417	The replacement of strength equipment will occur later in the financial year.
Ruth Faulkner Library	1,604,939	57,566	Equipment purchases for the new library are currently on order and furniture recently tendered.
Grounds Operations	970,161	544,917	Variance mainly relates to Brearley Avenue POS Irrigation project being delayed.
Road Works	3,343,240	2,022,012	Work has now begun on the Belmont Avenue project and will continue through to April. Belgravia Street project has not yet commenced.
Drainage Works	211,820	59,697	The conversion program will begin later in the year following progress on major projects. Minor drainage project rescheduled to December.
Operations Centre	418,569	1,723	Fleet and plant purchases are currently behind budget.
Building Operations	10,886,329	11,108,119	New Community Centre invoices are variable but budgeted evenly over the year. Fluctuations against monthly budgets are the main reason for this variance.
Expenditure - Operating			

Item 12.13 Continued

Report Section	Budget YTD	Actual YTD	Comment
Computing	1,441,122	1,370,058	Variance mainly relates to employee costs.
Marketing and Communications	1,069,988	911,252	Variance mainly relates to employee costs including budgeted Long Service Leave not yet taken.
Reimbursements	142,992	287,774	Significant amount of unbudgeted Paid Parental Leave (offset in revenue).
Chief Executive Officer	430,587	343,637	Variance mainly relates to employee and consulting costs.
Human Resources	657,507	577,996	Variance mainly relates to budgeted Long Service Leave not yet taken.
Organisational Development	278,350	222,140	Variance mainly relates to employee costs.
Governance	1,774,234	1,643,763	Activity Based Costing allocations (ABC's) are below budget.
Belmont Trust	90,000	12,963	Variance mainly relates to consulting costs.
Property and Economic Development	796,099	582,045	Section split as a result of Organisational restructure. Budget to be reallocated at March Budget review.
Financing Activities	332,170	281,470	First budgeted loan repayment was accrued back to last financial year.
Health	775,015	673,539	Variance mainly relates to employee costs including budgeted Long Service Leave not yet taken.
Community Services	548,632	461,133	Variance mainly relates to employee costs including budgeted Long Service Leave not yet taken.
Belmont HACC Services	1,422,099	1,283,220	Variance mainly relates to training and In Home services.
Town Planning	1,641,503	1,323,087	Variance mainly relates to employee and consulting costs.
Sanitation Charges	2,769,517	2,416,325	Some outstanding invoices have yet to be processed and the number of bin services is less than expected.
Marketing and Communications	506,530	448,755	Relates to outstanding invoices for the 'Carols in the Park' event.
Public Facilities Operations	10,319	73,962	Contributions in relation to MOU's were paid earlier than anticipated.
Ruth Faulkner Library	1,325,056	1,163,792	Variance mainly relates to employee costs and the New Community Centre.
Building - Active Reserves	401,318	296,957	Outstanding costs with contractors paid monthly in arrears.
Grounds Operations	2,857,273	2,784,485	Variance mainly relates to consulting costs for surveys yet to be carried out.
Grounds - Active Reserves	522,930	688,424	General Park Maintenance works are ahead of budgeted schedule.
Road Works	562,809	497,402	Maintenance expenditure is variable and budgeted evenly over the year as it is difficult to predict on a monthly basis.
Drainage Works	166,624	96,330	Projects have been re-prioritised from drains to roads.

Item 12.13 Continued

Report Section	Budget YTD	Actual YTD	Comment
Building Operations	664,841	473,613	Employee costs are under budget mainly due to staff leave implications and contractors being paid monthly in arrears.
Public Works Overheads	911,116	817,502	Variance mainly relates to employee costs being lower due to staff vacancies.
Technical Services	1,288,802	1,125,672	Variance mainly relates to employee costs.
City Projects	194,614	141,678	Consulting costs are under budget.
Other Public Works	374,775	294,148	Street Lighting Project work is yet to commence.
Revenue - Capital			
Property and Economic Development	(78,720)	(24,666)	Budget spread issue regarding the disposal of land.
Crime Prevention and Community Safety	(637,000)	(584)	Timing issue regarding receipt of grant income.
Belmont HACC Services	(319,267)	Nil	Sale of Plant / Fleet and reserve transfers are behind budget due to fleet/bus purchase still on order.
Grounds Operations	(249,000)	(13,000)	Timing issue regarding receipt of grant income.
Road Works	(1,161,267)	(737,119)	Timing issue regarding receipt of grant income.
Operations Centre	(234,252)	(39,520)	Sale of Plant / Fleet is behind budget due to vehicle replacement schedule being extended.
Building Operations	(3,724,839)	(3,002,524)	Timing issue regarding receipt of grant income.
Revenue - Operating			
Computing	(1,276,654)	(1,370,057)	ABC recoveries currently below budget.
Human Resources	(851,815)	(577,996)	ABC recoveries currently below budget.
Financing Activities	(999,130)	(469,205)	Monthly variances are expected due to the timing of term deposits maturing.
Town Planning	(644,452)	(537,240)	ABC recoveries currently below budget.
Sanitation Charges	(6,556,621)	(6,486,127)	Number of bin services is slightly less than expected.
Streetscapes	(53,040)	Nil	Timing issue regarding receipt of Orrong Road grant income.
Public Works Overheads	(749,231)	(451,669)	Overhead recovery lower than anticipated due to staff shortages.
Plant Operating Costs	(777,595)	(607,912)	Recovery for plant operating costs is lower than anticipated.
Technical Services	(241,563)	(179,704)	ABC recoveries currently below budget.
Other Public Works	(28,000)	(80,426)	Income received for unbudgeted Private Works.

Item 12.13 Continued

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 December 2019	\$	Comment
Cash and investments	80,090,004	Includes municipal and reserves
- less non rate setting cash	(58,574,632)	Reserves
Receivables	11,494,359	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(2,047,071)	ESL Receivable
Stock on hand	220,285	
Total Current Assets	31,182,946	
Current Liabilities		
Creditors and provisions	(9,314,052)	Includes ESL and deposits
- less non rate setting creditors & provisions	5,117,424	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(4,196,628)	
Nett Current Assets 31 December 2019	26,986,318	
Nett Current Assets as Per Financial Activity Report		
Nett Current Assets as Per Financial Activity Report	26,986,318	
Less Restricted Assets	(113,857)	Unspent grants held for specific purposes
Less Committed Assets	(26,372,461)	All other budgeted expenditure
Estimated Closing Balance	500,000	

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 December 2019 as included in [Attachment 14](#) be received.

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

12.14 MONTHLY ACTIVITY STATEMENT AS AT 31 JANUARY 2020

BUSINESS EXCELLENCE BELMONT

ATTACHMENT DETAILS

Attachment No	Details
Attachment 15 – Item 12.14 refers	<u>Monthly Activity Statement as at 31 January 2020</u>

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

COUNCIL ROLE

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

PURPOSE OF REPORT

To provide Council with relevant monthly financial information.

SUMMARY AND KEY ISSUES

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

LOCATION

Not applicable.

Item 12.14 Continued

CONSULTATION

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

STRATEGIC COMMUNITY PLAN IMPLICATIONS

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

POLICY IMPLICATIONS

There are no policy implications associated with this report.

STATUTORY ENVIRONMENT

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

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

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

BACKGROUND

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

OFFICER COMMENT

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

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

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

Item 12.14 Continued

The monthly financial report is to be accompanied by:

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

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

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

****Based on a materiality threshold of 10 percent.*

In order to provide more details regarding significant variations as included in [Attachment 15](#) the following summary is provided.

Report Section	Budget YTD	Actual YTD	Comment
Expenditure - Capital			
Human Resources	65,939	Nil	Mainly relates to the purchase of fleet that is currently deferred due to usage and as a result of a recent fleet replacement review.
Property and Economic Development	94,875	Nil	Relates to fleet replacement and the purchase of land that has yet to occur.
Crime Prevention and Community Safety	340,285	186,218	Relates to fleet replacement and CCTV for the New Community Centre.
Health	77,622	Nil	Relates to fleet replacement.
Belmont HACC Services	286,767	79,040	Vehicles including buses are currently on order.
Belmont Oasis	72,475	8,417	The replacement of strength equipment will occur later in the financial year.
Ruth Faulkner Library	1,684,106	57,566	Equipment purchases for the new library are currently on order and furniture recently tendered.
Grounds Operations	1,065,161	629,503	Variance mainly relates to Brearley Avenue POS Irrigation project being delayed.
Road Works	4,345,989	2,480,053	Work has now begun on the Belmont Avenue project and will continue through to April. Belgravia Street project has not yet commenced.
Footpath Works	331,250	231,067	Variance relates to various projects not yet commencing.
Drainage Works	306,060	69,053	The conversion program will begin later in the year following progress on major projects. Minor drainage project rescheduled to December.
Operations Centre	441,554	1,723	Fleet and plant purchases are currently behind budget.

Item 12.14 Continued

Report Section	Budget YTD	Actual YTD	Comment
Building Operations	12,100,329	12,710,315	New Community Centre invoices are variable but budgeted evenly over the year. Fluctuations against monthly budgets are the main reason for this variance.
Expenditure – Operating			
Finance Department	1,286,381	1,220,701	Variance mainly relates to consulting costs which have recently been engaged.
Computing	1,667,599	1,542,458	Variance mainly relates to employee costs and costs associated with the New Community Centre.
Marketing and Communications	1,229,152	1,077,248	Variance mainly relates to employee costs including budgeted Long Service Leave not yet taken.
Reimbursements	155,659	287,267	Significant amount of unbudgeted Paid Parental Leave (offset in revenue).
Chief Executive Officer	496,595	403,395	Variance mainly relates to employee and consulting costs.
Human Resources	739,799	671,897	Variance mainly relates to budgeted Long Service Leave not yet taken.
Occupational Safety and Health	133,660	83,306	Variance mainly relates to employee costs.
Organisational Development	316,575	255,602	Variance mainly relates to employee costs.
Governance	2,104,730	1,857,785	Activity Based Costing allocations (ABC's) are below budget.
Belmont Trust	90,000	12,963	Variance mainly relates to consulting costs.
Property and Economic Development	885,895	618,499	Section split as a result of Organisational restructure. Budget to be reallocated at March Budget review.
Rangers	562,436	511,886	The total variance comprises many minor expenses and no significant items.
Crime Prevention and Community Safety	463,595	404,887	Taskforce costs are currently below budget.
Health	882,090	756,071	Variance mainly relates to employee costs including budgeted Long Service Leave not yet taken.
Belmont HACC Services	1,635,202	1,468,652	Variance mainly relates to training and In Home services.
Town Planning	1,891,989	1,599,366	Variance mainly relates to employee and consulting costs.
Sanitation Charges	3,296,947	2,968,220	Some outstanding invoices have yet to be processed and the number of bin services is less than expected.
Public Facilities Operations	11,971	75,407	Contributions in relation to MOU's were paid earlier than anticipated.

Item 12.14 Continued

Report Section	Budget YTD	Actual YTD	Comment
Ruth Faulkner Library	1,526,906	1,347,265	Variance mainly relates to employee costs and the New Community Centre.
Community Place Making	171,235	108,497	Variance mainly relates to public art in relation to the New Community Centre.
Building - Active Reserves	456,933	361,745	Outstanding costs with contractors paid monthly in arrears.
Grounds - Active Reserves	686,184	799,392	General Park Maintenance works are ahead of budgeted schedule.
Road Works	658,939	575,833	Maintenance expenditure is variable and budgeted evenly over the year as it is difficult to predict on a monthly basis.
Drainage Works	194,394	115,097	Projects have been re-prioritised from drains to roads.
Building Operations	777,194	554,778	Employee costs are under budget mainly due to staff leave implications and other costs in relation to power, lighting and the New Community Centre are under budget.
Public Works Overheads	1,034,884	920,906	Variance mainly relates to employee costs being lower due to staff vacancies.
Technical Services	1,504,657	1,309,011	Variance mainly relates to employee costs.
City Projects	233,118	161,013	Consulting costs are under budget.
Revenue - Capital			
Property and Economic Development	(78,720)	(24,666)	Budget spread issue regarding the disposal of land.
Crime Prevention and Community Safety	(637,000)	(584)	Timing issue regarding receipt of grant income.
Belmont HACC Services	(319,267)	Nil	Sale of Plant / Fleet and reserve transfers are behind budget due to fleet / bus purchase still on order.
Grounds Operations	(249,000)	(13,000)	Timing issue regarding receipt of grant income.
Road Works	(1,271,667)	(737,119)	Timing issue regarding receipt of grant income.
Operations Centre	(237,062)	(50,884)	Sale of Plant / Fleet is behind budget due to vehicle replacement schedule being extended.
Building Operations	(3,724,839)	(4,351,620)	Timing issue regarding receipt of grant income.
Revenue - Operating			
Computing	(1,489,412)	(1,542,458)	ABC recoveries currently below budget.
Marketing and Communications	(82,857)	(28,800)	Grant and Sponsorship / Promotions funding has been received and will need to be journalled to correct account.

Item 12.14 Continued

Report Section	Budget YTD	Actual YTD	Comment
Human Resources	(993,700)	(671,897)	ABC recoveries currently below budget.
Rates	(49,966,803)	(50,025,185)	Interim rates are slightly better than budget.
Financing Activities	(1,165,652)	(554,946)	Monthly variances are expected due to the timing of term deposits maturing.
Town Planning	(747,976)	(630,589)	ABC recoveries currently below budget.
Sanitation Charges	(6,556,954)	(6,503,277)	Number of bin services is slightly less than expected.
Marketing and Communications	(20,000)	(119,588)	Grant and Sponsorship/Promotions funding will need to be journalled to correct account.
Public Works Overheads	(936,204)	(511,706)	Overhead recovery lower than anticipated due to staff shortages.
Plant Operating Costs	(934,401)	(726,675)	Recovery for plant operating costs is lower than anticipated.
Technical Services	(281,823)	(208,781)	ABC recoveries currently below budget.
Other Public Works	(36,667)	(94,512)	Income received for Private Works is higher than expected.

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

Reconciliation of Nett Current Assets to Statement of Financial Activity		
Current Assets as at 31 January 2020	\$	Comment
Cash and investments	80,913,453	Includes municipal and reserves
- less non rate setting cash	(58,574,632)	Reserves
Receivables	6,105,472	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(1,205,985)	ESL Receivable
Stock on hand	206,388	
Total Current Assets	27,444,696	
Current Liabilities		
Creditors and provisions	(9,190,328)	Includes ESL and deposits
- less non rate setting creditors & provisions	4,915,787	Cash Backed LSL, current loans & ESL
Total Current Liabilities	(4,274,541)	
Nett Current Assets 31 January 2020	23,170,155	
Nett Current Assets as Per Financial Activity Report	23,170,155	
Less Restricted Assets	(405,028)	Unspent grants held for specific purposes
Less Committed Assets	(22,265,127)	All other budgeted expenditure
Estimated Closing Balance	500,000	

Item 12.14 Continued

FINANCIAL IMPLICATIONS

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

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

There are no social implications associated with this report.

OFFICER RECOMMENDATION

That the Monthly Financial Reports as at 31 January 2020 as included in [Attachment 15](#) be received.

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

13. REPORTS BY THE CHIEF EXECUTIVE OFFICER

13.1 REQUESTS FOR LEAVE OF ABSENCE

Nil.

13.2 NOTICE OF MOTION

Nil.

7.55 pm The Coordinator Marketing and Communications departed the meeting.

14. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Note:

The Presiding Member advised that in accordance with Section 5.23(2) of the *Local Government Act 1995* that in order to discuss Confidential Items 14.1 and 14.2, then Council will need to go behind closed doors.

7.56pm ***ROSSI MOVED, SEKULLA SECONDED*** that in accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting proceed behind closed doors to discuss Confidential Item 14.1 – Offer to Claimants for Compulsory Acquisition of Land and Confidential Item 14.2 - Nomination for Honorary Freeman of the City.

CARRIED 9 VOTES TO 0

7.56pm The members of the public gallery departed the meeting and the audio recording paused.

7.57pm The Coordinator Marketing and Communications returned to the meeting.

- 14.1 OFFER TO CLAIMANTS FOR COMPULSORY ACQUISITION OF LAND - CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23(2)(C)

BUSINESS BELMONT

<u>Attachment No.</u>	<u>Details</u>
Confidential Attachment 3 - Item 14.1 refers	<u>Report Item – Offer to Claimants for Compulsory Acquisition of Land - Confidential Matter in Accordance with Local Government Act 1995 Section 5.23(2)(c)</u>

OFFICER RECOMMENDATION

ROSSI MOVED, POWELL SECONDED

That Council authorise the Chief Executive Officer to undertake the recommendations outlined within the confidential report.

CARRIED 9 VOTES TO 0

- 14.2 NOMINATION FOR HONORARY FREEMAN OF THE CITY – CONFIDENTIAL MATTER IN ACCORDANCE WITH LOCAL GOVERNMENT ACT 1995 SECTION 5.23 (2)(B)

BUSINESS EXCELLENCE BELMONT

<u>Attachment No.</u>	<u>Details</u>
Confidential Attachment 4 - Item 14.2 refers	<u>Report Item – Nomination for Honorary Freeman of the City – Confidential Matter in Accordance with Local Government Act 1995 Section 5.23 (2)(b)</u>

OFFICER RECOMMENDATION

POWELL MOVED, SEKULLA SECONDED

That Council:

1. Bestow the title of ‘Honorary Freeman of the City’ upon the Nominee for services to the City of Belmont.
2. Request that the Officer Recommendation remain Confidential until after the Bestowal Ceremony.

CARRIED 6 VOTES TO 3

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

8.21pm **ROSSI MOVED, BASS SECONDED that the meeting again be open to the public.**

CARRIED 9 VOTES TO 0

8.24pm The meeting came out from behind closed doors and the audio recording was resumed. No members of the public returned to the meeting.

15. CLOSURE

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 8.24pm.

MINUTES CONFIRMATION CERTIFICATION

The undersigned certifies that these minutes of the Ordinary Council Meeting held on 25 February 2020 were confirmed as a true and accurate record at the Ordinary Council Meeting held 24 March 2020:

Signed by the Person Presiding:  _____

PRINT name of the Person Presiding: **PHILIP MARKS**
