



**City of Belmont**  
**ORDINARY COUNCIL MEETING**  
**MINUTES**  
**TABLE OF CONTENTS**

26 February 2019

<b>ITEM</b>	<b>SUBJECT HEADING</b>	<b>PAGE</b>
<b>NOTICE OF MEETING</b>		
<b>1.</b>	<b>OFFICIAL OPENING .....</b>	<b>1</b>
<b>2.</b>	<b>APOLOGIES AND LEAVE OF ABSENCE .....</b>	<b>1</b>
<b>3.</b>	<b>DECLARATIONS OF INTEREST THAT MIGHT CAUSE A CONFLICT .....</b>	<b>1</b>
3.1	FINANCIAL INTERESTS .....	1
3.2	DISCLOSURE OF INTEREST THAT MAY AFFECT IMPARTIALITY .....	1
<b>4.</b>	<b>ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION) AND DECLARATIONS BY MEMBERS .....</b>	<b>1</b>
4.1	ANNOUNCEMENTS.....	1
4.2	DISCLAIMER.....	1
4.2	DECLARATIONS BY MEMBERS WHO HAVE NOT GIVEN DUE CONSIDERATION TO ALL MATTERS CONTAINED IN THE BUSINESS PAPERS PRESENTLY BEFORE THE MEETING .....	1
<b>5.</b>	<b>PUBLIC QUESTION TIME.....</b>	<b>1</b>
5.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE .....	1
5.1.1	MS B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE .....	1
5.1.2	MS L HOLLANDS, ON BEHALF OF THE BELMONT RESIDENTS AND RATEPAYERS ACTION GROUP, 2 MILLER AVENUE, REDCLIFFE .....	1
5.2	QUESTIONS FROM MEMBERS OF THE PUBLIC.....	2
5.2.1	MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE .....	2
5.2.2	MS B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE .....	3
5.2.3	MR S QUINN, 15 DURBAN STREET, BELMONT .....	4
5.2.4	MS S DIBONA, 6/16 KNUTSFORD AVENUE, RIVERVALE .....	4
5.2.5	MS L HOLLANDS, 2 MILLER AVENUE, REDCLIFFE .....	5
5.2.6	MS J GEE, 97 GABRIEL STREET, CLOVERDALE .....	6
<b>6.</b>	<b>CONFIRMATION OF MINUTES/RECEIPT OF INFORMATION MATRIX .....</b>	<b>6</b>
6.1	ORDINARY COUNCIL MEETING HELD 11 DECEMBER 2018 .....	6
6.2	INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 19 FEBRUARY 2019.....	6

ITEM	SUBJECT HEADING	PAGE
7.	<b>QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)</b> .....	6
8.	<b>QUESTIONS BY MEMBERS WITHOUT NOTICE</b> .....	7
8.1	RESPONSES TO QUESTIONS TAKEN ON NOTICE .....	7
8.2	QUESTIONS BY MEMBERS WITHOUT NOTICE.....	7
8.2.1	CR CAYOUN .....	7
9.	<b>NEW BUSINESS OF AN URGENT NATURE APPROVED BY THE PERSON PRESIDING OR BY DECISION</b> .....	7
10.	<b>BUSINESS ADJOURNED FROM A PREVIOUS MEETING</b> .....	7
11.	<b>REPORTS OF COMMITTEES</b> .....	7
12.	<b>REPORTS OF ADMINISTRATION</b> .....	8
12.1	MIXED USE DEVELOPMENT (FIVE OFFICES AND 20 MULTIPLE DWELLINGS) AT LOT 352 (2-8) EYRE STREET, RIVERVALE .....	9
12.2	CHANGE OF USE FROM MULTIPLE DWELLING TO BED AND BREAKFAST AT LOT 26 (2/21) STANLEY STREET, BELMONT.....	32
12.3	CHANGE OF USE FROM MOTOR VEHICLE REPAIR TO USE NOT LISTED – MOTOR VEHICLE DETAILING AT LOT 83 (89) ABERNETHY ROAD, BELMONT .....	45
12.4	AMENDMENT NO. 11 TO LOCAL PLANNING SCHEME NO. 15 – OMNIBUS AMENDMENT.....	57
12.5	REVISED LOCAL PLANNING POLICY NO. 12 – ADVERTISING SIGNS.....	80
12.6	DRAFT GOLDEN GATEWAY COMMUNITY ENGAGEMENT STRATEGY AND LOCAL STRUCTURE PLAN .....	88
12.7	2019-2020 BUDGET PRE-COMMITMENT FOR PROCUREMENT OF FITOUT EQUIPMENT AND INFRASTRUCTURE FOR THE NEW COMMUNITY CENTRE .....	108
12.8	OBJECTIONS LODGED UNDER SECTION 9.5 OF THE <i>LOCAL GOVERNMENT ACT 1995</i> RELATING TO PROPOSED WORKS ON RESERVE 26219 AND THE CITY’S POSITION ON A PRIVATE JETTY CONNECTING TO THE RESERVE .....	116
12.9	ANNUAL ELECTORS’ MEETING MINUTES – 12 DECEMBER 2018 .....	124
12.10	CORPORATE BUSINESS PLAN 2019-2023.....	133
12.11	TIMETABLE: 2019-2020 ANNUAL BUDGET .....	153
12.12	ACCOUNTS FOR PAYMENT – DECEMBER 2018.....	157
12.13	ACCOUNTS FOR PAYMENT – JANUARY 2019.....	160
12.14	MONTHLY ACTIVITY STATEMENT AS AT 31 DECEMBER 2018.....	163
12.15	MONTHLY ACTIVITY STATEMENT AS AT 31 JANUARY 2019.....	169
13.	<b>REPORTS BY THE CHIEF EXECUTIVE OFFICER</b> .....	175
13.1	REQUESTS FOR LEAVE OF ABSENCE .....	175
13.2	NOTICE OF MOTION (COUNCILLOR DAVIS) – MANAGEMENT OF DOGS IN THE ENVIRONMENTALLY SENSITIVE AREAS OF GARVEY PARK .....	175
14.	<b>MATTERS FOR WHICH THE MEETING MAY BE CLOSED</b> .....	185
14.1	ADDITIONS TO AN EXISTING CARAVAN REPAIRS USE (PATIO AND CARAVAN STORAGE) AT LOT 101 (194) CAMPBELL STREET AND A CAR PARK AT LOT 152 (185) CAMPBELL STREET, BELMONT - CONFIDENTIAL MATTER IN ACCORDANCE WITH <i>LOCAL GOVERNMENT ACT 1995</i> SECTION 5.23(2) AND <i>STATE ADMINISTRATIVE TRIBUNAL ACT 2004</i> SECTION 55.....	185
15.	<b>CLOSURE</b> .....	185

**ATTACHMENTS INDEX**

**Attachment 1 – Item 12.1 refers**  
**Attachment 2 – Item 12.1 refers**  
**Attachment 3 – Item 12.1 refers**  
**Attachment 4 – Item 12.1 refers**  
**Attachment 5 – Item 12.2 refers**  
**Attachment 6 – Item 12.2 refers**  
**Attachment 7 – Item 12.2 refers**  
**Attachment 8 – Item 12.3 refers**  
**Attachment 9 – Item 12.3 refers**  
**Attachment 10 – Item 12.4 refers**  
**Attachment 11 – Item 12.4 refers**  
**Attachment 12 – Item 12.4 refers**  
**Attachment 13 – Item 12.4 refers**  
**Attachment 14 – Item 12.5 refers**  
**Attachment 15 – Item 12.5 refers**  
**Attachment 16 – Item 12.6 refers**  
**Attachment 17 – Item 12.6 refers**  
**Attachment 18 – Item 12.6 refers**  
**Attachment 19 – Item 12.6 refers**  
**Attachment 20 – Item 12.6 refers**  
**Attachment 21 – Item 12.6 refers**  
**Attachment 22 – Item 12.6 refers**  
**Attachment 23 – Item 12.6 refers**  
**Attachment 24 – Item 12.8 refers**  
**Attachment 25 – Item 12.8 refers**  
**Attachment 26 – Item 12.9 refers**  
**Attachment 27 – Item 12.10 refers**  
**Attachment 28 – Item 12.12 refers**  
**Attachment 29 – Item 12.13 refers**  
**Attachment 30 – Item 12.14 refers**  
**Attachment 31 – Item 12.15 refers**

**CONFIDENTIAL ATTACHMENTS INDEX**

**Confidential Attachment 1 – Item 12.7 refers**  
**Confidential Attachment 2 – Item 14.1 refers**  
**Confidential Attachment 3 – Item 14.1 refers**  
**Confidential Attachment 4 – Item 14.1 refers**  
**Confidential Attachment 5 – Item 14.1 refers**  
**Confidential Attachment 6 – Item 14.1 refers**

## MINUTES

### PRESENT

Cr P Marks, Mayor (Presiding Member)	East Ward
Cr R Rossi, JP, Deputy Mayor	West Ward
Cr M Bass ( <i>arr 7.11pm</i> )	East Ward
Cr B Ryan	East Ward
Cr J Davis	South Ward
Cr J Powell	South Ward
Cr S Wolff	South Ward
Cr L Cayoun	West Ward
Cr G Sekulla, JP	West Ward

### IN ATTENDANCE

Mr J Christie	Chief Executive Officer
Mr R Garrett	Director Corporate and Governance
Mr A Sheridan	Director Infrastructure Services
Mr W Loh	A/Director Community and Statutory Services
Mr J Olynyk, JP	Manager Governance
Ms D Morton	Media and Communications Officer
Mrs M Lymon	Principal Governance and Compliance Advisor
Ms S D'Agnone	Governance Officer

### MEMBERS OF THE GALLERY

There were 12 members of the public in the gallery and one press representative.

**1. OFFICIAL OPENING**

7.02pm The Presiding Member welcomed all those in attendance and declared the meeting open.

The Presiding Member read the Acknowledgement of Country.

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

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

Ms J Hammah (Apology)

Director Community and Statutory Services

**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 Presiding Member made the following announcements:

Announcement 1

*'It is with great pleasure that I welcome Marian Blair and her husband Bob Blair to the meeting tonight. Ms Blair served as a Councillor at the City of Belmont for 19 years, then at the City of Mandurah for a further four years. She is currently Chairperson of the Local Government Advisory Board.'*

Announcement 2

*'It is with great sadness that I advise Mr Frank Lamp is gravely ill. The Councillors and City send their best wishes to Mr Lamp.'*

**4.2 DISCLAIMER**

**7.05pm 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.*

**4.2 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 B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE

The following questions were taken on notice at the 11 December 2018 Ordinary Council Meeting. Ms Scharfenstein was provided with a response on 7 January 2019. The response from the City is recorded accordingly:

1. Following its revision and analysis of the Revised DA6 Vision Plan, what specific changes has Western Australian Planning Commission (WAPC) requested be incorporated in the Structure Plan that is delaying its completion – excluding the closure of Brearley Avenue?

#### Response

**The WAPC have not requested any specific changes to the Structure Plan as it is still being formulated by the City's consultants.**

2. Why has COB not undertaken any significant foreshore restoration to areas of severe bank degradation during 2018 and when will it reinstate a comprehensive bank restoration program?

#### Response

**The City of Belmont has undertaken three significant sections of foreshore stabilisation and restoration during the 2017/2018 year. Two separate locations of 21 and 45 linear metres were completed adjacent to the Ascot Racecourse with a further 20 linear metres completed along the Rivervale Foreshore. In addition, a further 12 linear metres adjacent to Ascot Racecourse was stabilised in October 2018.**

**Further opportunities are identified in the Belmont Foreshore Precinct Plan - May 2018 along with a Project Vision and Guiding Principles to guide the future use and management of the Belmont Foreshore. Sites for future restoration are identified based on priority, with an annual assessment of erosion undertaken around March each year.**

**Foreshore restoration and rehabilitation is an expensive process and requires funding assistance from the State Government, along with the assistance and approval of external stakeholders, the Department of Biodiversity, Conservation and Attractions, the Swan River Trust and the Western Australian Planning Commission.**

3. Has the CEO written to the responsible authorities about the expanding sandbank near the Tonkin Bridge consequent to silt washing out of the Southern Main Drain into the Swan River and what response/s have been received?

*Item 5.1.1 Continued*

## **Response**

As previously advised in response to your questions raised at 28 November 2018 Ordinary Council Meeting, the City is aware of some sediment that originated from the Perth Airport construction of the living stream within Airport land. The relevant State Government Agencies have been working with Perth Airport to control this issue. The relevant State Government Agencies, including Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation and Water Corporation WA are the agencies who manage these aspects impacting the Swan River. The City does not have any jurisdiction over the management of the Swan River. It is however noted, that historic records clearly illustrate that this drainage outlet and the associated sandbank has continually formed and dissipated on an ongoing basis since the 1990s.

### **5.1.2 MS L HOLLANDS, ON BEHALF OF THE BELMONT RESIDENTS AND RATEPAYERS ACTION GROUP, 2 MILLER AVENUE, REDCLIFFE**

The following questions were taken on notice at the 11 December 2018 Ordinary Council Meeting. Ms Hollands was provided with a response on 7 January 2019. The response from the City is recorded accordingly:

1. Previously we have heard that the cost of the new Community Centre Project is \$38M. Could you please provide an update on latest costings? If there is a difference to the figure of \$38M please provide a detailed breakdown of the additional costs.

## **Response**

At a Special Council Meeting held on 22 November 2017, Council considered that the tender submitted by PACT Construction Pty Ltd to construct the Faulkner Civic Precinct Community Centre for the sum of \$38,998,421 excluding GST was the most advantageous; and authorised the Chief Executive Officer to undertake negotiations with PACT Construction Pty Ltd to price construction alternatives.

Subsequently, on 22 December 2017 the City awarded a construction contract to PACT Construction Pty Ltd for the sum of \$37,734,520 excluding GST. To date construction of the Community Centre has been progressing well and the contract sum has not changed.

4. Prior to any decisions on roads into the airport being decided and what would be the best access routes for locals and for the prevention of rat running traffic – was there a survey done of Belmont residents to ascertain just how many locals travel to the airport on a regular basis, how often, from where in Belmont and which way into the airport are they using depending on location?

While there was a significant level of public engagement and consultation during the preparation of the Development Area 6 Vision Plan and Implementation Strategy, a specific targeted survey of Belmont residents and their movements to and from the Perth Airport was not conducted.

Road upgrades in Great Eastern Highway, Tonkin Highway and Fauntleroy Avenue provide improved access to Perth Airport for the general community. Residents within the City of Belmont can use these main arteries or choose to use the local road network.



## 5.2 QUESTIONS FROM MEMBERS OF THE PUBLIC

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

7.06pm 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 four 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. One further registration was forthcoming.

### 5.2.1 MR R FOSTER, 140 COOLGARDIE AVENUE, REDCLIFFE

1. I asked a question at last week's Special Council Meeting. My question was 'why has the City of Belmont neglected to consult with the residents and ratepayers in formulating this submission?' The CEO of the City of Belmont answered the question. In that answer he said that the City of Belmont was supporting WALGA's position. I was given no right to reply to this statement. Why were the major stakeholders of the City of Belmont (the residents and ratepayers) ignored in favour of WALGA's view, and in consulting with WALGA why weren't the residents and ratepayers' views also taken when at the Special Council Meeting yourself Mr Mayor, was very strong in mentioning democracy when it came to voting on an amendment put by a Councillor?

#### Response

The Chief Executive Officer clarified he did not state that the City was supporting WALGA's position. What he did state was that the City was responding to a request from WALGA for feedback from the industry, not from the community, and that was the response the City provided.

The Chief Executive Officer also encouraged the residents' association, individual community members, individual residents and Elected Members to make their own submissions on the review of the *Local Government Act 1995*.

The Chief Executive Officer further advised that there is no right of reply during public question time. There is no debate to responses that are provided.

**5.2.2 Ms B SCHARFENSTEIN, 140 COOLGARDIE AVENUE, REDCLIFFE**

1. Please advise whether ratepayers can access the raw traffic count data from traffic counting which was undertaken within DA6, Second Street, Stanton Road, Epsom Avenue and Durban Street in November 2018. If not, can we apply for copies of this data via a Freedom of Information application and if so, how much information is the City likely to redact?

**Response**

**The Chief Executive Officer advised that he did not envisage any issue with providing traffic count data, however it would be dependent on the format the data is in and how compatible it is with other systems. The question will be taken on notice and a response outlining what the City can and will provide will be provided.**

2. Is there any previous traffic analysis or data from traffic counts done in prior years and whether the City holds that data.

**Response**

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

**7.11pm Cr Bass entered the meeting.**

3. What is the City's budget allocation for foreshore restoration in the 2018-2019 and 2019-2020 financial years and what percentage of the annual budget does this represent?
4. Will any further foreshore restoration be undertaken by the City prior to 30 June 2019 and if so in which area?

**Response**

**The Chief Executive Officer advised that the 2019-2020 budget is currently in the process of being prepared and figures for that year are not yet available, however the question will be taken on notice and all information, including any proposed foreshore restoration for the remainder of this financial year will be provided.**

**5.2.3 MR S QUINN, 15 DURBAN STREET, BELMONT**

1. At last September's Ordinary Council Meeting in response to my question regarding the many trees in the Golden Gateway and DA6 precinct not being on the Council's Tree Register, the Acting Director of Technical Services advised that some layers on INTRAMAPS site were not yet fully developed and would be added in due course.

Can the Director advise if this has now been done (if not, why not) and will tree preservation orders also be applied?

**Response**

**The Director Infrastructure Services advised that the question would be taken on notice.**

2. It is now five years since the Urban Forest Strategy was released and the public is still waiting for the Urban Forest Policy to be made available for comment and then the Tree Canopy Plan to be implemented. Belmont has now been identified as the most vulnerable LGA to 'urban heat island' effects. This may be the City of Belmont's great moral challenge of our generation!

Can the Director please provide a timetable for when the public will actually get to see the Policy and when implementation can be expected to commence?

**Response**

**The Director Infrastructure Services advised that both the Urban Forest Strategy and the Tree Canopy Plan are currently in draft form and scheduled to be presented to Council at an Information Forum at the beginning of April 2019. The timetable for consultation is yet to be finalised and will be dependent on the amount of review required, however it is likely to be within the next few months.**

**5.2.4 Ms S DIBONA, 6/16 KNUTSFORD AVENUE, RIVERVALE**

1. In the Eyre Street three storey residential/business development there is one carpark per two bedroom unit. Where will the rest of the cars park?

**Response**

**The A/Director Community and Statutory Services advised that regardless of whether a unit has one or two bedrooms, the Residential Design Codes (R-Codes) specify that, in units less than 110m<sup>2</sup> in area, only one car parking bay per dwelling is required to be provided. The Eyre Street proposal is fully compliant and the number of car parking bays is not a sufficient reason for refusal of the application.**

**Side street parking bays are currently well used and these can be used by residents and visitors when available. In addition, four visitor car parking bays will be available on the property. With the number of commercial tenancies on the site, residents and business owners could explore a suitable car parking arrangement among themselves.**

**7.19pm The Principal Governance and Compliance Advisor departed the meeting.**

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

1. How much per year does it cost the City of Belmont to be a member of WALGA and what do we get for that money?

**7.20pm The Principal Governance and Compliance advisor entered the meeting.**

**Response**

**The Director Corporate and Governance advised that the question would be taken on notice.**

2. It has been reported in the Australian Financial Review that local governments could save up to \$100,000 per annum in insurance premiums if they tender out their insurance needs, particularly workers' compensation. Is the City likely to consider doing this?

**Response**

**The Director Corporate and Governance advised that there has been a lot of controversy on this matter recently, both in the eastern states and in Western Australia. The City of Belmont currently enjoys very effective service and low premiums for insurances which are part of the scheme process.**

**The City's view of tendering to individual insurance organisations is that there will be a reduction in the current service level it receives through WALGA across a whole range of areas, not least the cost, but also the additional services received from a positive and proactive approach rather than a mechanism that is contesting claims on a regular basis. The City has the ability to manage the process far better currently than it would with a standard insurance organisation.**

**There is no requirement to go out to tender for insurance as this is provided as part of the WALGA purchasing service. A decision to go to tender would have to be undertaken in a considered manner, with all of the potential opportunities and dis-benefits taken into account.**

**5.2.6 Ms J GEE, 97 GABRIEL STREET, CLOVERDALE**

1. Regarding Item 12.9, it seems like a lot of motions that residents and ratepayers put up at the Annual Electors' Meeting are going to get squashed. I would like to know, why can't Council consider bringing back recording of question time this financial year?

**Response**

**The Presiding Member advised that this item will be resolved at Item 12.9.**

- 7.25pm As there were no further questions, the Presiding Member declared Public Question Time closed and requested that the Governance Officer cease audio recording.

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

- 6.1 ORDINARY COUNCIL MEETING HELD 11 DECEMBER 2018**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**POWELL MOVED, DAVIS SECONDED,**

*That the Minutes of the Ordinary Council Meeting held on 11 December 2018 as printed and circulated to all Councillors, be confirmed as a true and accurate record.*

**CARRIED 9 VOTES TO 0**

- 6.2 INFORMATION MATRIX FOR THE AGENDA BRIEFING FORUM HELD 19 FEBRUARY 2019**  
(Circulated under separate cover)

**OFFICER RECOMMENDATION**

**WOLFF MOVED, POWELL SECONDED,**

*That the Information Matrix for the Agenda Briefing Forum held on 19 February 2019 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**

**8.2.1 CR CAYOUN**

1. What has been done to ensure that residents are aware of the *Local Government Act 1995* Review and how they are able to make a submission, and can we do more?

**Response**

The Chief Executive Officer advised that the *Local Government Act 1995* Review has been advertised extensively by the City through social media and other avenues, and the City will continue to do all it can to inform residents and ratepayers of the review and their opportunity to make a submission. The Department of Local Government, Sport and Cultural Industries (DLGSCI) have also carried out forums. Notwithstanding that, the question will be taken on notice and a response provided.

**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 12.6 was withdrawn at the request of Cr Rossi

Item 12.8 was withdrawn at the request of Cr Rossi

**SEKULLA MOVED, BASS SECONDED,**

*That with the exception of Items 12.6, and 12.8, which are to be considered separately, the Officer or Committee Recommendations for Items 12.1, 12.2, 12.3, 12.4, 12.5, 12.7, 12.9, 12.10, 12.11, 12.12, 12.13, 12.14 and 12.15 be adopted en bloc by an Absolute Majority decision.*

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

**12.1 MIXED USE DEVELOPMENT (FIVE OFFICES AND 20 MULTIPLE DWELLINGS) AT  
LOT 352 (2-8) EYRE STREET, RIVERVALE**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 1 – Item 12.1 refers	<a href="#"><u>Development Plans</u></a>
Attachment 2 – Item 12.1 refers	<a href="#"><u>Schedule of Submissions</u></a>
Attachment 3 – Item 12.1 refers	<a href="#"><u>Acoustic Report by Herring Storer Acoustics</u></a>
Attachment 4 – Item 12.1 refers	<a href="#"><u>Transport Impact Statement Report by Donald Veal Consultants</u></a>

Voting Requirement : Simple Majority  
Subject Index : 115/001 – Development/Subdivision/Strata -  
Applications and Application Correspondence  
Location / Property Index : Lot 352 (2-8) Eyre Street, Rivervale  
Application Index : 453/2018/DA  
Disclosure of any Interest : Nil.  
Previous Items : N/A  
Applicant : Form + Function Building Design  
Owner : W Johns and M Johns  
Responsible Division : Community and Statutory Services

**COUNCIL ROLE**

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



*Item 12.1 Continued*

## **PURPOSE OF REPORT**

For Council to determine a Development Application for a mixed use development (five offices and 20 multiple dwellings) on a portion of Lot 352 (2-8) Eyre Street, Rivervale.

## **SUMMARY AND KEY ISSUES**

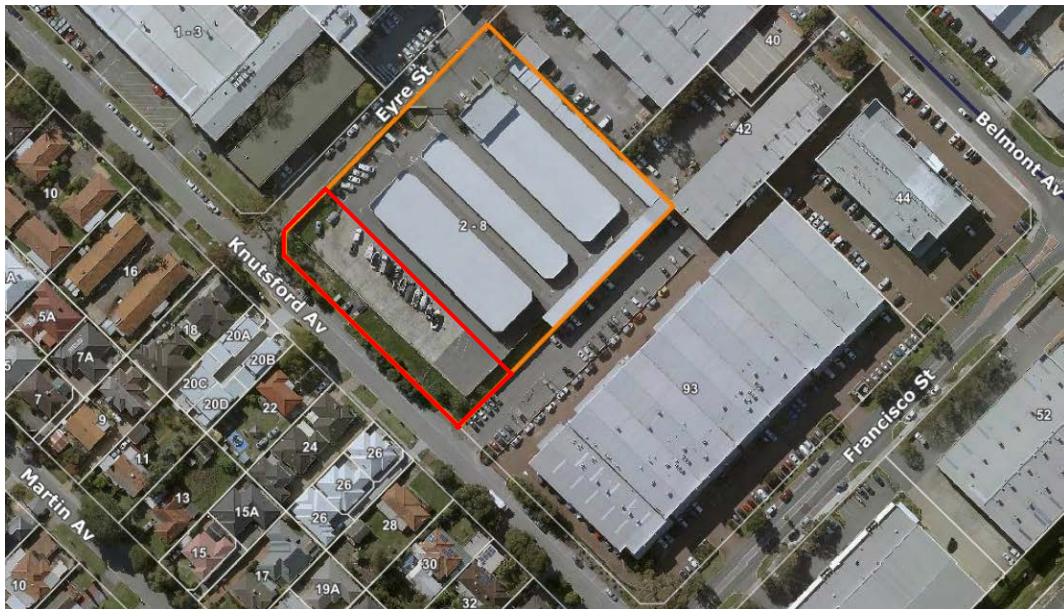
- The applicant seeks approval for a three-storey Mixed Use Development comprising of five Offices and 20 Multiple Dwellings on a portion of Lot 352 (2-8) Eyre Street, Rivervale ([Attachment 1](#)).
- The subject site is zoned 'Mixed Business' under Local Planning Scheme No. 15 (LPS 15). In accordance with Table 1 of LPS15, the 'Multiple Dwelling' and 'Office' land uses in the 'Mixed Business' zone are "A" and "D" uses respectively. This means that they are not permitted unless the local government has exercised its discretion by granting development approval, and in the case of the "A" use, advertising is required under the Scheme.
- Local Planning Policy No.10 – Residential Land Uses in the Mixed Business Zone (LPP10) provides for residential land uses on the periphery of the Mixed Business zone.
- The application was advertised for comment. Four submissions were received, one with no objection and three objecting to the proposal. The objections relate primarily to traffic, parking, building height and visual privacy.
- The application is proposing variations to LPS 15 pertaining to street setback, and variations to the Residential Design Codes (R-Codes) pertaining to building height, plot ratio and street setback. Notwithstanding the variations proposed, the application is considered to meet the objectives of the 'Mixed Business' zone, the requirements of LPP 10 and the R-Codes. The proposal is therefore considered appropriate for the subject site.
- It is recommended that Council approve the application subject to conditions.

*Item 12.1 Continued*

## **LOCATION**

The subject site is 1.0351 hectares (10,351 square metres) in area and is located on the corner of Knutsford Avenue and Eyre Street in Rivervale. The site slopes approximately 3.5 metres down from the north-west to the south-east. The property is located on the periphery of the 'Mixed Business' zone (Belmont Business Park) and currently contains a 'Self Storage Facility'. Surrounding development along the north-eastern side of Knutsford Avenue and Eyre Street comprises existing office and warehouse developments. The south-western side of Knutsford Avenue contains single and two-storey grouped dwellings and single houses.

The applicant proposes to subdivide the site into two lots of 7,840 square metres and 2,511 square metres each. The subject application relates to the smaller lot, which is currently vacant, as illustrated in red in Figure 1 below.



*Figure 1 – Location Plan (Source: IntraMaps)*

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.

In accordance with Table 1 of LPS 15, 'Multiple Dwelling' proposals in the 'Mixed Business' zone are required to be advertised to surrounding landowners/occupiers. In addition, the application is proposing variations to the R-Codes in relation to building height which warrant advertising.

It is noted that there was an error in the first advertising letters sent to landowners/occupiers, incorrectly stating that the proposal was for 10 Multiple Dwellings rather than 20 Multiple Dwellings. Amended advertising letters were therefore sent out to landowners/occupiers outlining the error and the correct number of Multiple Dwellings proposed. This advertising period was for a duration of 21 days from **31 October 2018** to **21 November 2018** inclusive. Figure 2 illustrates the properties which were consulted during the advertising period.



Figure 2: Referral Area (Owners and Occupiers – Subject Site in RED)

## **Submissions Received**

At the conclusion of the advertising period, a total of four submissions were received, three of which objected to the proposed development and one raised no objection. The main issues raised in the submissions include:

- **Building Height:** The height of the proposed development and whether it is in keeping with the character of the area.
- **Visual Privacy:** Overlooking from balconies of the proposed Multiple Dwellings onto residential properties located opposite the subject site, along Knutsford Avenue.
- **Car Parking:** The number of vehicle parking bays provided for the proposed development and concerns in relation to vehicles being parked on the street.
- **Traffic:** Traffic flow and congestion along Eyre Street and Knutsford Avenue and the impact this may have on current residents and businesses.

A schedule of submissions and technical responses is provided in [Attachment 2](#) and the key issues are discussed in the Officer Comments section below.

*Item 12.1 Continued*

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

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

## **POLICY IMPLICATIONS**

### **Local Planning Policy No. 10 – Residential Land Uses in the ‘Mixed Business’ Zone**

Local Planning Policy No. 10 seeks to ensure that residential development proposed within the Policy area is compatible with existing and future businesses within the ‘Mixed Business’ zone. The following provisions of LPP 10 are relevant to the subject application:

#### **Policy Objective**

- *“To identify appropriate locations and development standards for residential land uses within the ‘Mixed Business’ zone.*
- *To acknowledge existing business activities within the ‘Mixed Business’ zone and ensure their continued operation.*
- *To facilitate and maintain high quality residential development compatible with existing and future business operations.*
- *To achieve a unified and attractive streetscape within the ‘Mixed Business’ zone.*
- *To incorporate design elements which will enhance the safety and security of the locality”.*

#### **Density and Land Use**

- *“Density of residential development on any site shall be considered within the context of the area in which it is located...”*
- *A coding of R20 will apply where ‘Residential’ land use may be considered for sites shaded in Figure 3 below and where development complies with the Guidelines within this Policy Statement. However, Council has the discretion to consider densities up to:*
  - *A maximum density of R40 for quality development that, with the exception of high quality terrace style developments, complies with all aspects of Clause 5.7.3 of LPS 15; or*
  - *A maximum density of R80 along Great Eastern Highway;*

*Item 12.1 Continued*

*Where development complies with the performance criteria contained within this Policy Statement”.*

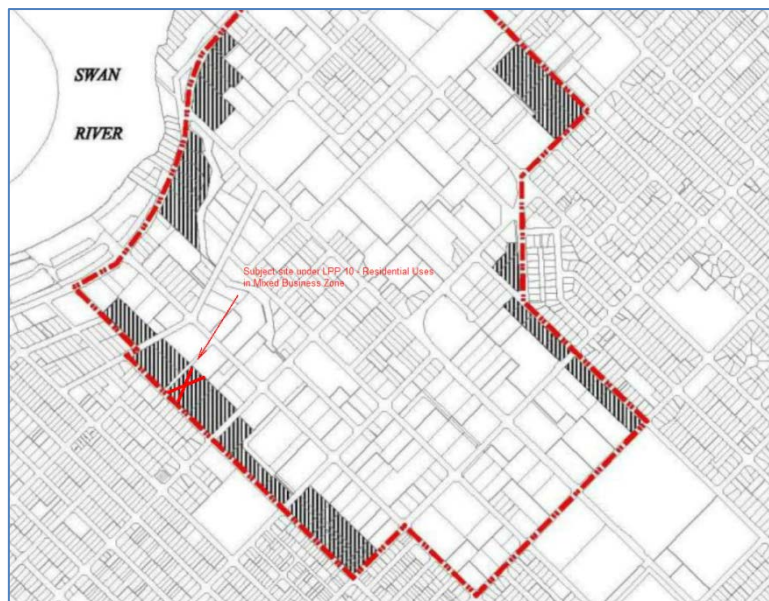


Figure 3: Areas Where 'Residential' Land Uses May Be Considered Appropriate

**Standard of Development**

In addition to the above, LPP 10 also outlines a number of development requirements pertaining to the following:

- Surveillance
- Building design
- Parking
- Signage
- Fencing

Local Planning Policy No. 10 also requires a notification to be placed on the Certificate of Title of any residential properties proposed within the Policy area, to advise prospective purchasers of the current 'Mixed Business' zoning and the potential for extensive parapet walls to be constructed on the boundary.

**State Planning Policy 3.1 – Residential Design Codes**

State Planning Policy 3.1–R-Codes applies to all residential development in Western Australia and includes development standards that apply to Multiple Dwellings in mixed use developments. Part 6 of the R-Codes includes Deemed-to-Comply Criteria and Design Principles. Applications that do not comply with the Deemed-to-Comply Criteria can be assessed against the relevant Design Principles.

*Item 12.1 Continued*

## **STATUTORY ENVIRONMENT**

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

#### **Zoning and Land Use Permissibility**

The subject site is zoned 'Mixed Business' under LPS 15. In accordance with Table 1 of LPS 15, the 'Multiple Dwelling' and 'Office' land uses are "A" and "D" uses in the 'Mixed Business' zone respectively. This means that they are not permitted unless the local government has exercised its discretion by granting development approval, and in the case of the "A" use, advertising is required under the Scheme.

#### **Development Requirements**

Clause 5.12 of LPS 15 outlines site and development requirements for development within the 'Mixed Business' zone. The site and development requirements pertain to lot coverage, lot size, external space, setbacks, parking and loading requirements, vehicular access and building design.

Clause 5.7.3 of LPS 15 sets out development standards that apply when contemplating the development of land within any of the flexible coded areas above the base coding of R20. These provisions relate to design and built form requirements, such as passive surveillance, incorporation of solar design principles and vehicle access.

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

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

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

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

- "(a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) The requirements of orderly and proper planning;*
- (c) Any approved State planning policy;*
- (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 adjoining on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) The amenity of the locality including environmental impacts, the character of the locality and any social impacts of the development.*

*Item 12.1 Continued*

- (p) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether trees or other vegetation should be preserved;*
- (s) *The adequacy of –*
  - i. *The proposed means of access to 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;*
- (u) *The availability and adequacy for the development with respect to public transport services, public utility services, storage, management and collection of waste, access for pedestrians and cyclist and access for older people and people with disability”.*

**Deemed Refusal**

Under Clause 75 of the *Regulations*, this 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 26 February 2019.

**Right of Review**

Is there a right of review?  Yes  No

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

**BACKGROUND**

<b>Lodgement Date:</b>	7 September 2018	<b>Use Class:</b>	Multiple Dwelling – ‘A’ Use Office – ‘D’ Use
<b>Lot Area:</b>	1.0351ha	<b>TPS Zoning:</b>	Mixed Business
<b>Estimated Value:</b>	\$3.25 million	<b>MRS:</b>	Urban

**Existing Development**

The subject site has an area of 10,351 square metres in area in total. A ‘Self-Storage Facility’ approved in December 2005 occupies approximately 7,840 square metres of the site, with the remaining 2,511 square metres portion of the land being vacant.

*Item 12.1 Continued*

**Proposal**

The application involves the following:

- The construction of a mixed use development incorporating five Offices on the ground floor, and 10 Multiple Dwellings each on the first and second floors. The development is proposed to be constructed on the 2,511 square metre vacant portion of the subject site.
- The proposed development fronts Knutsford Avenue and Eyre Street and car parking is located at the rear of the site, screened by the proposed development.
- Access to and from the proposed development is from an entry-only crossover to Eyre Street and an exit-only crossover to Knutsford Avenue.
- A total of 40 car parking bays are proposed, with 20 car bays being provided for resident parking, five car bays being for visitors to the residential dwellings and 15 car bays (including one disabled bay) for the commercial uses.
- Landscaping and pedestrian paths are proposed within the front setback of the subject site.
- A total of 20 bicycle bays are proposed to service the development.

A copy of the development plans is contained as [Attachment 1](#).

**OFFICER COMMENT**

**Compatibility with Nearby Uses**

The subject site is surrounded by land zoned 'Mixed Business' under LPS 15, which provides for both commercial and light industrial activities. Any residential development or other sensitive land uses on the subject site may be impacted by these activities and therefore it is appropriate to consider the compatibility of the proposed development in its setting. In this regard, it is noted that:

- The development has been designed in such a way that the access way and car parking for the development provides a 'separation' from the existing activities on neighbouring 'Mixed Business' zoned properties.
- The proposed Multiple Dwellings address existing residential development located along Knutsford Avenue, as opposed to facing onto 'Mixed Business' zoned properties.
- The development is located adjacent to an existing self-storage facility which does not generate noise or nuisance.
- The acoustic report submitted in support of the subject application ([Attachment 3](#)) outlined that there was a low level of background noise in the area and that there is no foreseeable issue with the surrounding land uses.
- Notwithstanding, the potential for noise nuisance from uses within the 'Mixed Business' zone should be made apparent to prospective purchasers who can inform themselves as to whether to invest in such an environment. This would become evident through the placement of a notification on the Certificate of Title of each dwelling advising of the potential nuisance.



*Item 12.1 Continued*

As outlined above, whilst the proposed development is situated in an area that includes commercial and light industrial uses which may cause nuisance to residents, the proposed development is designed such that it backs onto the adjacent Mixed Business area and fronts onto the residential area. This arrangement will shield neighbouring development from any impacts which overall will act to improve the residential amenity of the area.

Whilst the land use is deemed acceptable in the context of the subject area, it is also necessary to consider whether the proposal satisfies the development standards outlined in LPS 15, LPP 10 and the R-Codes. This is discussed below.

**Local Planning Scheme No. 15**

The proposal complies with all aspects of LPS 15, with the exception of the primary street setback requirements applicable to the 'Mixed Business' zone. More specifically, LPS 15 stipulates a minimum 15 metre primary street setback and the subject development proposes the following:

- The balconies of the Multiple Dwellings are proposed to be setback 3.3 metres in-lieu of the LPS 15 required setback of 15 metres from Knutsford Avenue.
- The Offices and first and second floors of the Multiple Dwellings (excluding the balconies) are proposed to be setback 4 metres in-lieu of the LPS 15 required setback of 15 metres from Knutsford Avenue.

In considering the abovementioned variations, the following points are relevant:

- Local Planning Policy No. 10 permits residential development to a maximum density of 'R40' on the subject site, where high quality development is proposed and compliance with Clause 5.7.3 of LPS 15 is achieved.
- The proposed development presents an attractive façade to the street that incorporates design elements such as articulation, varied roof pitches and major openings and balconies addressing the street.
- The proposed development complies with all aspects of Clause 5.7.3 of LPS 15.
- The 15 metre primary street setback requirement is typical for commercial and industrial developments as it provides for two rows of parking, manoeuvring areas and landscaping. This arrangement is not conducive to residential development as car parking in the front setback area is not supported by the R-Codes.
- Residential properties located opposite the subject site, along Knutsford Avenue, are similarly coded 'R20/40' under LPS 15. As a result, several properties fronting the development site achieve a 2 metre minimum and 4 metre average primary street setback, in accordance with the R-Codes.
- The proposed development provides an average primary street setback of 4 metres and 4.125 metres to the ground floor and upper floors respectively, which is generally consistent with the R-Codes and is not dissimilar to that of existing development located opposite the subject site.
- The reduced setback allows for all parking to be located at the rear of the development and screened from public view, an outcome which prevents the streetscape being dominated by views of car parking.

*Item 12.1 Continued*

Based on the above reasons, the proposed setback variation under LPS 15 is considered acceptable. It should be noted that the setback variation was not advertised to surrounding landowners/occupiers as the development is consistent with setback requirements applicable to the R40 density and the surrounding residential area.

**Local Planning Policy No. 10 – Residential Land Uses in the ‘Mixed Business’ Zone**

**Density and Land Use**

The subject site is identified under LPP 10 as an area that is appropriate for residential development due to its location on the periphery of the Belmont Business Park. Local Planning Policy No. 10 outlines that the density of any residential development shall be considered within the context of the area, having regard for the density and scale of existing and proposed residential development and businesses. Furthermore, LPP 10 states that an R-Coding of ‘R20’ will apply where residential development is proposed, however Council has the discretion to consider a maximum density of ‘R40’ where development is of a high quality and complies with all aspects of Clause 5.7.3 of LPS 15.

In considering the above, it should be noted that the development complies with all aspects of Clause 5.7.3 of LPS 15, including:

- The minimum frontage requirement of 16 metres.
- The provision of two-storey development.
- All dwellings providing surveillance to the public streets through major openings and balconies.
- Solar and ventilation principles being incorporated into the design of the dwellings.
- Limiting the number of crossovers servicing the development.

The subject development being proposed at the ‘R40’ density is considered appropriate on the subject site for the following reasons:

- Properties located opposite the proposed development along Knutsford Avenue, are coded R20/40 and therefore the proposed development is consistent with the coding of properties within the immediate vicinity of the site.
- Existing development within the surrounding ‘Mixed Business’ zone is of a similar bulk and scale as the proposed development, as most buildings within the vicinity of the site are constructed to a height that is equivalent to a two or three storey building.

In addition, LPP 10 requires that where residential land uses are proposed, the site must also incorporate a ‘business’ use. The subject application is proposing five ‘Office’ tenancies on the ground floor of the development, therefore complying with this requirement.

Item 12.1 Continued

### Other Requirements

Local Planning Policy No. 10 includes development standards that aim to ensure that any residential development in the 'Mixed Business' zone is of a high standard. An assessment of the proposal against these standards is provided in the following table.

Development Requirement	Assessment
Separate entrances provided to the business and residential components of the development.	The application makes provision for separate entrances for the commercial and residential components of the development.
A communal open space area that performs a semi-public function.	The application includes provision of a 155m <sup>2</sup> communal open space area on the north-western corner of the site, adjacent to the intersection of Knutsford Avenue and Eyre Street. The location of this area adjacent to the public realm allows for it to perform a semi-public function.
Dwellings being designed having due regard to acoustic privacy.	In considering the acoustic privacy of the residential component of the proposed development, the applicant has prepared an acoustic assessment that considers noise generated from existing land uses and within the development site itself. It concludes that noise from surrounding land uses do not exceed the <i>Environmental Protection (Noise) Regulations 1997</i> criteria. Furthermore, noise within the development site itself will be required to comply with the construction standards under the Building Code of Australia for noise separation between units.
Development providing surveillance to the street.	The ground floor commercial component of the development incorporates large windows that provide surveillance to Knutsford Avenue. The upper floor residential component of the development incorporates major openings and balconies to Knutsford Avenue and Eyre Street to provide surveillance of the street.
Parking to comply with the requirements outlined in LPS 15.	Car parking for the development complies with the requirements of LPS 15, as well as the R-Codes.
Signage to be integrated within the building design.	Signage for the commercial component of the development will be integrated into the windows and awnings of each tenancy.

*Item 12.1 Continued*

<b>Development Requirement</b>	<b>Assessment</b>
Fencing to be constructed in masonry with open infill.	The application does not propose any fencing with the exception of a solid wall around the proposed bin store and transformer compound. This is considered an acceptable outcome as unscreened bins and transformers can be unsightly.
A Notification on Title advising prospective purchasers of the 'Mixed Business' zoning of the site.	Should Council approve the application, it is recommended that a condition be imposed requiring a Notification on Title.

### **Residential Design Codes**

The subject proposal complies with all relevant Deemed-to-Comply provisions of the R-Codes, with the exception of plot ratio, building height and street setback as outlined below.

#### **Plot Ratio**

The subject development is proposing a plot ratio of 0.62 in-lieu of a 0.6 (1,550 square metres in-lieu of 1,506 square metres) requirement under the R-Codes for the R40 density, which represents a difference of 44 metres. In considering this variation, the following points are relevant:

- The additional plot ratio area would not directly or result in a discernible increase in the bulk and scale of the proposed development.
- The additional plot ratio area ensures that each dwelling within the development is of a sufficient size to cater for the needs of the residents whilst also facilitating a range of dwelling types and sizes in the development.
- The proposed development is of a bulk and scale that is consistent the existing development in the 'Mixed Business' area.

For the reasons mentioned above, the proposed plot ratio variation is supported.

#### **Building Height**

The R-Codes permit the following maximum building heights at the R40 density:

- Top of external wall – 6 metres
- Top of pitched roof – 9 metres.

*Item 12.1 Continued*

The application is proposing the following variations to building height:

- The pitched roof is proposed to be a maximum height of 11.6 metres in-lieu of a 9 metre provision.
- The top of the external wall of the development at the highest point is proposed to be 9.5 metres in-lieu of a 6 metre provision.

The proposal was advertised to surrounding landowners and objections were received in relation to the abovementioned building height variation. More specifically, submitters raised concerns regarding the negative impact that the proposed building height will have on the streetscape amenity and aesthetic character of the area.

In considering this variation, the proposal is required to be assessed against the Design Principles of the R-Codes, which is provided below.

<b>Design Principle</b>	<b>Justification</b>
<p>P2 Building height creates no adverse impact on the amenity of adjoining properties or the streetscape, including road reserves and public open space reserves; and where appropriate maintains:</p> <ul style="list-style-type: none"> <li>• Adequate access to direct sun into buildings and appurtenant open spaces.</li> <li>• Adequate daylight to major openings into habitable rooms.</li> <li>• Access to views of significance.</li> <li>• Buildings present a human scale for pedestrians.</li> <li>• Building façades designed to reduce the perception of height through design measures.</li> <li>• Podium style development is provided where appropriate.</li> </ul>	<p>In considering the proposed development in the context of the Design Principles, the following points are relevant:</p> <ul style="list-style-type: none"> <li>• There is no impact of overshadowing on neighbouring properties as overshadowing falls predominantly within Knutsford Avenue road reserve, with a small portion (7.5%) falling within the front setback area of an adjacent property (No. 93 Francisco Street, Rivervale).</li> <li>• All internal living areas and the communal open space area within the development will have adequate access to sunlight.</li> <li>• The façade of the building has been designed to reduce the perception of height through the following design measures: <ul style="list-style-type: none"> <li>– The creation of two contrasting roof pitch styles.</li> <li>– The façade of the building containing multiple articulations through varied setbacks, windows and balcony openings.</li> <li>– The commercial component of the development contains floor to ceiling windows.</li> </ul> </li> <li>• The proposal screens the industrial development located behind the subject site from the adjacent residential area.</li> <li>• The proposal responds to the existing topography of the site by ‘stepping’ the building into the slope of the land.</li> </ul>

*Item 12.1 Continued*

<b>Design Principle</b>	<b>Justification</b>
	<ul style="list-style-type: none"><li>• There are no specified building height requirements for development proposed within the 'Mixed Business' zone. Nonetheless, the height of the development is consistent with the bulk and scale of existing development within the vicinity and does not impact on the amenity of the locality.</li></ul>

For the reasons mentioned above, the proposed building height variation is considered acceptable.

*Item 12.1 Continued*

**Street Setback**

The R-Codes stipulate a minimum 4 metre primary street setback for multiple dwellings at the R40 density and that any balconies proposed should be located entirely within the property boundaries. In this regard, the ground floor commercial component of the development complies with the 4 metre minimum setback requirement, however the upper floors containing the residential dwellings includes articulated protrusions with balconies setback a minimum of 3.3 metres from the primary street. In considering this variation, the proposal is required to be assessed against the Design Principles of the R-Codes, which is provided below.

Design Principle	Justification
<p>P3 Buildings are setback from street boundaries (primary and secondary) an appropriate distance to ensure they:</p> <ul style="list-style-type: none"> <li>• Contribute to the desired streetscape.</li> <li>• Provide articulation of the building on the primary and secondary streets.</li> <li>• Allow for minor projections that add interest and reflect the character of the street without impacting on the appearance of bulk over the site.</li> <li>• Are appropriate to its location, respecting the adjoining development and existing streetscape.</li> <li>• Facilitate the provision of weather protection where appropriate.</li> </ul>	<p>In considering the proposed development in the context of the Design Principles, the following points are relevant:</p> <ul style="list-style-type: none"> <li>• Residential properties fronting Knutsford Avenue have been developed achieving a minimum setback of 2m and an average setback of 4m. As such, the minor setback variation of the balconies is consistent with the prevailing and desired streetscape of the locality.</li> <li>• The reduced setback of the balconies to the primary street, whilst minor in nature, allow for the façade of the building to contain articulations and projections opposed to the façade being 'flat' in appearance. This adds character to the development and facilitates in alleviating building bulk on the street.</li> <li>• The first and second floors of the proposed development fronting Knutsford Avenue, achieve an average front setback overall of 4.125m, which is consistent with the R40 requirements applicable to the subject site and surrounding residential properties.</li> <li>• The balconies projecting forward into the primary street setback area create an awning over the entrances to the proposed commercial tenancies, therefore providing weather protection.</li> </ul>

For the reasons mentioned above, the proposed street setback variation to the upper floor balconies is considered acceptable.

*Item 12.1 Continued*

**Visual Privacy**

The submissions raised concerns in relation to future occupants of the dwellings being able to overlook into surrounding residential properties from their balconies. The R-Codes require balconies to be setback a minimum of 7.5 metres from neighbouring lot boundaries, behind its street setback or alternatively incorporate screening to prevent any overlooking. In this regard, the balconies are setback 23.3 metres from the lot boundary of properties located on the opposite side of Knutsford Avenue and therefore comply with the R-Codes.

It is noted that the R-Codes, LPP 10 and LPS 15 require the building and balconies to be orientated such that they front and overlook the street to provide passive surveillance (both perceived and actual).

**Car Parking**

The submissions raised concerns in relation to the number of car parking bays proposed to service the development. In addition, submissions raised concerns about the potential for parking to occur within existing bays located on Knutsford Avenue which are intended for use by current residents and businesses.

The following table details the LPS 15 and R-Codes parking provision for the proposed development.

<b>Legislation</b>	<b>Land Use</b>	<b>Car Parking Requirement</b>	<b>Total Bays Required</b>	<b>Total Bays Provided</b>
LPS 15	Office	1 space for every 30m <sup>2</sup> of net lettable area.	The application proposes a total of 419.1m net lettable area, thereby generating a requirement for 14 bays.	15 bays
R-Codes	Multiple Dwelling – Occupiers	1 space for every Multiple Dwelling (less than 110m <sup>2</sup> and/or 1 or 2 bedrooms)	The application is proposing 20 dwellings, therefore 20 bays are required. 20 resident car parking bays for the Multiple Dwellings.	20 bays
R-Codes	Multiple Dwelling – Visitors	0.25 spaces per dwelling	The application is proposing 20 dwellings which equates to a visitor parking requirement of 5 bays.	5 bays
<b>Total</b>			<b>40 bays</b>	<b>40 bays</b>



*Item 12.1 Continued*

The development has been designed with the car parking located behind the building to allow for the development to directly address the street. Access to the car parking area is not proposed to be restricted by any gates thereby ensuring that they remain accessible at all times. As outlined in the table above, the car parking required by LPS 15 and the R-Codes for the subject site is all accommodated on site. Notwithstanding, should the need arise there is an opportunity to explore reciprocal parking between the residential and commercial components of the development which are expected to have differing peak demand. It is also noted that there is existing on-street parking bays located on Knutsford Avenue, which could be utilised by visitors to the site. These on-street bays were constructed by the City and are available for use by the public at large.

**Bicycle Parking**

The bicycle parking requirements for the proposed development are outlined in the table below.

<b>Legislation</b>	<b>Land Use</b>	<b>Bicycle Parking Requirement</b>	<b>Total Bays Required</b>	<b>Total Bays Provided</b>
LPS 15	Office	1 bicycle parking space for every 200m <sup>2</sup> of gross floor area (GFA).	The application proposes a total of 419.1m GFA, which equates to a requirement of 3 bays.	8 bays
R-Codes	Multiple Dwelling - Occupiers	1 bicycle parking space to each three dwellings for residents.	The application is proposing 20 dwellings which equates to a requirement of 7 bays.	8 bays
R-Codes	Multiple Dwelling - Visitors	1 bicycle space to each 10 dwellings for visitors, designed in accordance with AS2890.3.	The application is proposing 20 dwellings which equates to a requirement of 2 bays.	4 bays
<b>Total</b>			<b>12 bays</b>	<b>20 bays</b>

Whilst there is a compliant number of bicycle parking bays illustrated on the plans, the design of the bicycle parking does not currently comply with the relevant Australian Standards for bicycle parking (AS2890.3 (as amended)). More specifically, this standard requires bicycle parking for the occupants of the dwellings and office workers to be located within a secure structure, protected from the weather and designed to allow for the bicycle frame and both wheels to be attached to the rack. The plans do not illustrate that such a structure would be provided on site, however it is acknowledged that there is sufficient space on site for this to be accommodated. Should Council approve the application, it is recommended that a condition be imposed requiring that a minimum of 20 bicycle bays are provided and they be designed to comply with AS2890.3 (as amended).

*Item 12.1 Continued*

**Traffic and Access**

The application is proposing an entry-only crossover on Eyre Street and an exit-only crossover onto Knutsford Avenue. Eyre Street is constructed as a two-way single carriageway lane, with no centre line, which links Knutsford Avenue to Belmont Avenue. Knutsford Avenue has a single traffic lane in each direction, with on-street parking bays on one side. Under the Main Roads Western Australia (MRWA) Functional Road Hierarchy both Eyre Street and Knutsford Avenue are classified as 'Access Roads', which are intended to provide vehicular access to properties with volumes up to 3,000 vehicles per day.

The submissions raised concerns regarding traffic flow and congestion along Eyre Street and Knutsford Avenue and the potential impact that this may have on surrounding residents. A Traffic Impact Statement (TIA) has been submitted to support the proposal, which is contained as [Attachment 4](#). The purpose of the TIA was to assess car parking and the potential traffic and transport impacts that the proposed development may have on the surrounding road and transport networks. The key points made in the TIA are as follows:

- The development is expected to generate approximately 21 vehicle trips in the peak hour with 12 of those trips pertaining to the residential component of the proposal and nine pertaining to the office component of the proposal.
- A total of 21 vehicle trips in the peak hour represent a 'moderate' impact on the existing road network and as a result no further technical analysis was undertaken on the surrounding road network.
- Knutsford Avenue and Eyre Street have recorded low crash statistics over the last five years, with no crashes reported along Eyre Street, however two crashes have occurred along Knutsford Avenue. One of these crashes occurred at the Francisco Street intersection and the other between the intersections of Eyre Street and Francisco Street. Due to the low level of traffic crashes recorded, this is not a concern.
- The existing on-street parking may result in some visibility issues to the north-east, near to where the location of the egress crossover onto Knutsford Avenue is located. As a result the City has reviewed the design and has confirmed that there will be sufficient sight lines available.
- The subject site is located within close proximity to bus stops which provide several route options to locations across the north-eastern metropolitan area, including Belmont Forum, Belmont Business Park, Perth Airport, and the Perth Central Business District.

In summary, the report concludes that the subject development is not expected to generate a significant number of peak hour trips and has sufficient parking on site to cater for the expected demand generated by the proposed development. For this reason, it is considered that the proposed development will not generate traffic that will exceed the capacity of the existing road network.

*Item 12.1 Continued*

**Waste Collection**

In terms of waste collection, it is proposed that the bins for the residential dwellings will be collected from a communal bin enclosure by the City's contractors. The bins pertaining to the office component of the development will also be collected by the City's contractors; however these bins will be collected from the verge. Each office tenancy will be provided with one general waste bin and one recycling bin (10 bins in total). It is important to note that there is only sufficient space on the verge for 10 240 litre bins (five recycling and five general waste bins). If additional bin services are requested by tenants of the offices tenancies, the City will be unable to accommodate this request and the tenant may need to consider having their waste collected through a private contractor.

**Conclusion**

The proposed development is supported for the following reasons:

- The development is generally compliant with the 'Deemed to Comply' standards of the R-Codes and LPS 15 and where non-compliant, the variations are considered acceptable.
- The proposed development is consistent with the objectives of LPP 10 by proposing a high quality mixed use development that respects and is compatible with the existing Mixed Business zoning of the subject site and surrounding area.
- The development provides an appropriate transition between the 'Mixed Business' zone and the adjacent residential area. This is achieved through the development screening 'industrial' style development located and associated with the 'Mixed Business' zone.
- The development overall is proposing a high quality façade fronting Knutsford Avenue and Eyre Street. This is achieved through contrasting roof styles, floor to ceiling windows, balcony projections and articulations, and major openings from habitable rooms.
- The proposed development accommodates adequate parking for vehicles and bicycles.
- The development contributes to greater diversity of housing options in the local area.
- Traffic generated from the subject site will not exceed the capacity of the existing road network.

It is recommended that conditional approval be granted for the development.

**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 12.1 Continued*

**OFFICER RECOMMENDATION**

***That Council approve development application 453/2018/DA as detailed in the plans dated 3 September 2018, 5 November 2018 and 30 November 2018 submitted by Form + Function Building Design for a Mixed Use Development (five Offices and 20 Multiple Dwellings) at Lot 352 (No. 2-8) Eyre Street, Rivervale subject to the following conditions:***

- 1. Development/land use shall be in accordance with the attached approved plan(s) received 3 September 2018, 5 November 2018 and 30 November 2018 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's Manager Planning Services.***
- 2. All existing buildings and structures on the portion of the lot impacted upon by the proposed development, including soakwells, leach drains septic tanks and waste water disposal systems, shall be removed and the land levelled.***
- 3. A detailed schedule of external materials, finishes and colours to be used in the construction of the development shall be submitted to the City prior to lodgement of an application for a building permit to the satisfaction of the City's Director Community and Statutory Services, Manager Planning Services, Coordinator Planning Services or Coordinator Design Projects.***
- 4. 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 for the duration of the approved development to the satisfaction of the City's Manager Parks and Environment.***
- 5. No existing turf, irrigation or street trees located adjacent to or abutting the development site may be damaged, removed or interfered with during the course of the development, unless approved in writing by the City.***
- 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;***
  - (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 concrete or brick paving in accordance with the City of Belmont specifications, unless otherwise approved by the City's Director Infrastructure Services. All parking bays must be clearly line marked.***

- 7. A minimum of five (5) visitor car parking bays are to be constructed and maintained in accordance with the City's engineering requirements and design guidelines to the satisfaction of the City's Director Infrastructure Services. The bays must be individually marked on site as 'Visitor Bays' and made available for use by visitors at all times.***

*Item 12.1 Continued*

- 8. All access ways, parking areas and hard stand areas shall be maintained in accordance with the City's engineering requirements and design guidelines.**
- 9. Prior to occupation or use of the development, the owner/applicant shall, after having obtained written approval from the City's Infrastructure Services (Technical Services Clearance application), construct a vehicle crossover in accordance with the approved plans and Council's engineering specifications to the satisfaction of the City's Manager Infrastructure Development.**
- 10. Prior to occupation or use of the development, the redundant crossover(s), as shown on the approved plans, shall be removed and the verge and kerb reinstated in accordance with the City's Technical Specifications, to the satisfaction of the City's Manager Infrastructure Development.**
- 11. 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.**
- 12. Prior to lodgement of a Building Permit, the owner/applicant shall submit a detailed stormwater plan for approval of the Manager Infrastructure Development. The stormwater plan shall show the proposed drainage system in accordance with the City of Belmont's engineering requirements and design guidelines.**
- 13. A geotechnical report prepared by an appropriately qualified consultant certifying that the ground is capable of accommodating the proposed development, shall be lodged with the City prior to lodgement of a Building Permit, at the cost of the owner/applicant, to the satisfaction of the City's Manager Infrastructure Development.**
- 14. Any fencing visible from a street, internal access way or public space should be constructed in masonry open infill in accordance with the requirements of Local Planning Policy No. 10 (Residential land uses in the 'Mixed Business' zone).**
- 15. No buildings, structures (including fencing) and landscaping exceeding 0.75 metres in height above ground level are permitted to be located within a 1.5 metre x 1.5 metre truncation at the junction of the access ways and the Eyre Street and Knutsford Avenue road reserves.**
- 16. Prior to occupation of the development a minimum of 20 bicycle bays shall be installed and maintained for the course of the development to the satisfaction of the City's Travel Smart Officer. The bays shall comply with AS2890.3 (as amended).**
- 17. No services, such as air conditioners or water heaters shall be visible from the street.**
- 18. All clothes drying devices and clothes drying areas shall be located and positioned so as not to be visible from the street or a public place.**
- 19. All store room doors shall open outwards to ensure the storeroom doors do not intrude on the minimum 4 square metre internal area.**

*Item 12.1 Continued*

- 20. A notification under Section 70A of the Transfer of Land Act 1893 is to be registered on the Certificate of Title of the land the subject of the proposed development at the owner's cost prior to lodgement of an application for a building permit to notify owners and prospective purchasers of the land that:**

***'This property is zoned 'Mixed Business' under the City of Belmont Local Planning Scheme No. 15 and as a result there is the potential for extensive parapet walls to be constructed and noise to be generated from associated land uses'.***

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

**12.2 CHANGE OF USE FROM MULTIPLE DWELLING TO BED AND BREAKFAST AT LOT 26  
(2/21) STANLEY STREET, BELMONT**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 5 – Item 12.2 refers</b>	<a href="#"><u>Applicants Property Management Plan</u></a>
<b>Attachment 6 – Item 12.2 refers</b>	<a href="#"><u>Schedule of Public Submissions</u></a>
<b>Attachment 7 – Item 12.2 refers</b>	<a href="#"><u>Development Plans</u></a>

Voting Requirement : Simple Majority  
 Subject Index : 115/001–Development/Subdivision/Strata -  
 Applications and Application Correspondence  
 Location / Property Index : Lot 26 (2/21) Stanley Street, Belmont  
 Application Index : 572/2018  
 Disclosure of any Interest : Nil  
 Previous Items : N/A  
 Applicant : M E Sanders and M G Endrinal  
 Owner : M E Sanders and M G Endrinal  
 Responsible Division : Community and Statutory Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

For Council to determine a development application for a Change of Use from ‘Multiple Dwelling’ to ‘Bed and Breakfast’ at Lot 26, Strata Lot 2 (2/21) Stanley Street, Belmont.

*Item 12.2 Continued*

**SUMMARY AND KEY ISSUES**

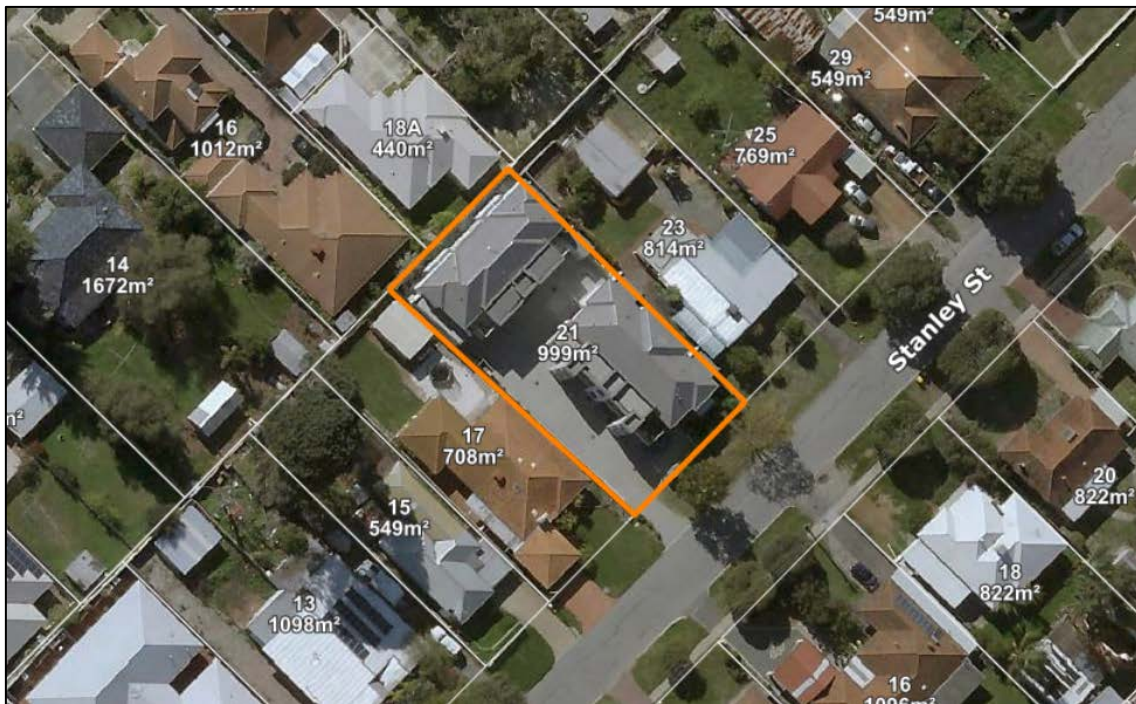
- The applicant seeks approval to use an existing 'Multiple Dwelling' at Lot 26, Strata Lot 2 (2/21) Stanley Street, Belmont as a 'Bed and Breakfast'. The use will involve one bedroom of the dwelling being tenanted by a maximum of two people whilst the operator(s) also resides at the premises.
- The subject site is zoned 'Residential R20/40' under Local Planning Scheme No. 15 (LPS 15). In accordance with Table 1 of LPS 15, a 'Bed and Breakfast' is a 'D' use in the Residential Zone, meaning that it is not permitted unless the local government exercises its discretion by granting development approval.
- The application was advertised to adjacent landowners and occupiers for a period of 21 days, during which time four submissions were received, all of which objected to the proposal. The main issues raised in the submissions related to land use, car parking, noise, and safety and security.
- In support of the proposal, the applicant has provided a Property Management Plan (refer [Attachment 5](#)) which details tenancy rules that seek to protect the amenity of neighbouring properties, and address issues raised by submitters.
- In considering the application, it is accepted that the scale of the use is such that it will operate in a similar manner to a dwelling occupied by a single household.
- It is recommended that Council approve the application subject to conditions.



*Item 12.2 Continued*

**LOCATION**

The subject site is located within an established residential area in Belmont. The site is 999 square metres in area and encompasses two, two-storey buildings containing eight multiple dwellings. Surrounding development consists predominantly of single-storey dwellings, some of which are provided in a battle-axe configuration. The location of the subject site is shown in Figure 1.



*Figure 1 – Location Plan (Source: IntraMaps)*

Item 12.2 Continued

## **CONSULTATION**

### **Public 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 proposal was advertised to adjacent landowners and occupiers for 21 days from 29 November 2018 to 20 December 2018 inclusive (refer Figure 2).



Figure 2: Referral Area (Owners and Occupiers – Subject Site in RED)

### **Submissions Received**

At the conclusion of the advertising period, a total of four submissions were received, all of which objected to the proposed development. The main issues raised in the submissions are as follows:

- The appropriateness of the land use within the area
- The management of car parking for the proposed use
- The impact of the land use on the amenity of the locality in relation to noise, safety and security
- The lack of proper legislation in place to govern short-term accommodation.

The summary of the public submissions is provided in [Attachment 6](#) and the main issues are discussed in the Officer Comments section.

*Item 12.2 Continued*

**STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

**Corporate Key Action:** Implement LPS15.

**POLICY IMPLICATIONS**

There are no policy implications associated with this report.

Item 12.2 Continued

## **STATUTORY ENVIRONMENT**

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

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 – Deemed Provisions sets out the matters to be considered by the local government when determining an application for development approval. The following matters are considered to be of particular relevance to the subject application:

- “(a) the aims and provisions of the 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:*
  - (ii) the character of the locality*
  - (iii) social impacts of the development.*
- (s) the adequacy of:*
  - (i) the proposed means of access and egress from the site*
  - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles.*
- (y) any submissions received on the application.”*

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

The subject application seeks to use the existing dwelling as a ‘Bed and Breakfast’ to provide short-stay accommodation. LPS15 provides the following definitions of ‘Bed and Breakfast’ and ‘Short-Stay Accommodation’:

**“Bed and Breakfast** means a dwelling –

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than four adult persons or one family; and*
- (b) containing not more than 2 guest bedrooms.”*

**“Short-Stay Accommodation** means the accommodation of short-stay guests, providing on site facilities for the convenience of guests and, management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period, and excludes any other use falling within a use class specifically defined in this Scheme.”

In accordance with Table 1 of LPS15, a ‘Bed and Breakfast’ is a ‘D’ use in the Residential Zone, meaning that it is not permitted unless the local government exercises its discretion by granting development approval.

*Item 12.2 Continued*

Local Planning Scheme No.15 states that the objective of the Residential zone is “...to increase the population base of the City of Belmont by permitting a mix of single housing and other housing types to reflect household composition and thereby increase the resident population.”

**Right of Review**

Under Clause 75 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, this application is ‘deemed to be refused’ if it is not determined within a 90 day period.

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

The deemed refusal date for this application is 19 February 2019. Deemed refusal rights arise after this date.

Is there a right of review?  Yes  No

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

**BACKGROUND**

<b>Lodgement Date:</b>	19 November 2018	<b>Use Class:</b>	‘Bed and Breakfast’ – ‘D’ Discretionary Use
<b>Lot Area:</b>	999m <sup>2</sup>	<b>TPS Zoning:</b>	Residential R20/40
<b>Estimated Value:</b>	N/A	<b>MRS:</b>	Urban

**Existing Development**

The subject site contains an existing multiple dwelling development comprising two, two-storey buildings and a total of eight dwellings. Two visitor parking bays are provided on site and each dwelling is allocated one car parking bay for exclusive use. The development was approved on 20 March 2014 and constructed in 2015.

The subject application relates to Unit 2 which is located on the upper floor and fronts Stanley Street. The dwelling is approximately 78m<sup>2</sup> in area and contains two bedrooms, two bathrooms, a kitchen, a living area and a balcony.

*Item 12.2 Continued*

### **Proposal**

The application involves the following:

- The use of Unit 2 for the purposes of a 'Bed and Breakfast'
- One bedroom of the dwelling (Bedroom 2) being tenanted by a maximum of two people at any given time, whilst the operator(s) also reside at the premises
- The minimum duration of stay will be one night, with a maximum stay of one week (seven days)
- Bookings will be taken and managed via booking website 'Airbnb'
- Tenants will be required to comply with the terms set out in the Property Management Plan (contained as [Attachment 5](#)).

It should be noted that the subject application does not propose any alterations or additions to the existing dwelling and the operator(s) will not provide any food to any tenants.

Plans illustrating the subject site including the configuration of the existing dwelling are contained as [Attachment 7](#).

### **OFFICER COMMENT**

#### **Land Use**

Submissions received from advertising raised concerns regarding the proliferation of short-term accommodation operators in Belmont. In addition, submitters questioned the need for the use given that there is ample existing, legitimate short-term accommodation options in the area in the form of hotels and motels. Whilst this is not a valid planning consideration, it is necessary to consider the appropriateness of the use in the context of the Residential Zone objectives. In this regard, the following points are considered relevant:

- The use does not prejudice the ability to provide additional housing and increased population in the vicinity
- The use will contribute to increasing the residential population base in the area at any given time
- Given the use only permits a maximum of two tenants at any one time that is in addition to the two existing landowners/occupiers, it will not be dissimilar to the composition of a single household
- The application does not propose any alterations or additions to the property which might otherwise detract from the residential character of the area.

In light of the above, it is considered that the proposed use is consistent with the objectives of the Residential Zone under LPS15.

*Item 12.2 Continued*

### **Amenity Impacts**

Submissions received from advertising raised concerns that the proposed use would negatively impact the amenity of the surrounding residential properties by way of excessive noise and reduced security. In considering these concerns, the following points are relevant:

- The operator(s) will reside at the premises and will not tolerate any noise or antisocial behaviour.
- The premises will not be permitted to be used for any functions or parties which might otherwise attract antisocial behaviour.
- The operator(s) will only accept bookings when they will be present for the duration of the booking (bookings will not be accepted when the operator(s) are on holiday, etc.), and therefore they will be present to monitor and manage the premises and any noise or antisocial behaviour.
- The operator(s) will provide surrounding neighbours with their contact details in the case of any emergency or should they wish to make a complaint.
- The premises will be occupied by the operator(s) and a maximum of two guests at any one time. Guests will not be permitted to invite visitors to the premises, nor will they be able to have infants, children or pets. This living arrangement is not unusual for a two bedroom dwelling in a medium density context.
- The use will be required to comply with the *Environmental Protection (Noise) Regulations 1997*.
- Access to the premises is provided via a locked stairwell that is shared with Unit 4. Whilst this may undermine their sense of security, no objections were received from Unit 4 during public consultation.

It should be noted that the Property Management Plan stipulates rules, including those pertaining to the above, and it is considered that its proper implementation can appropriately mitigate any amenity impacts. Notwithstanding, it is considered that the following further amendments should be made to the Property Management Plan:

- Prohibit checking-in of tenants between 10:00pm and 7:00am on any day.
- Ensure that any activities causing a breach of the *Environmental Protection (Noise) Regulations 1997* will result in termination of permission to occupy the property.
- The operator(s) shall greet guests upon arrival to explain the house rules and Property Management Plan.

Should Council resolve to approve this application, it will be recommended that a condition be imposed requiring implementation and compliance with the Property Management Plan contained as [Attachment 5](#) but inclusive of the abovementioned amendments.

*Item 12.2 Continued*

### **Car Parking**

One submission raised concerns that the proposed use would lead to vehicles parking in the designated common visitor parking bays and on the verge or street, with the latter potentially interfering with waste collection. In terms of a car parking standard, LPS15 does not include a specific standard for the 'Bed and Breakfast' use, and instead Clause 5.16.4(1) stipulates:

*“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 and from the site...”*

In terms of the existing parking provision, the subject site includes one car parking bay for each dwelling on site (a total of eight bays) and two visitor car parking bays shared amongst the complex. The applicant currently parks a vehicle in the bay designated for Unit 2. As such, no additional parking is available to guests beyond the two visitor bays and/or the street.

In considering the above, the applicant has advised that a majority of guests staying at the premises will not have a car. This proposition is supported given the proximity of the site to services and activity generators such as Perth Airport (approximately 2.5 kilometres), the Perth Central Business District (approximately 6 kilometres), the Great Eastern Highway urban corridor (approximately 850 metres) and the Belvidere Street Neighbourhood Centre (approximately 400 metres). The property is also approximately 180 metres from a high frequency bus route that operates along Hardey Road. These locational attributes reduce the reliance on private cars for transport and favours alternative modes such as walking, cycling, public transport and taxis.

Notwithstanding the above, to control and manage car parking provision on the site, the Property Management Plan has included the following requirements in relation to parking management:

- Potential tenants will be informed of car parking arrangements prior to arrival.
- The owner will outline to potential tenants that they are to utilise the owners car parking bay and not park in visitor car parking bays at any time.
- The owner will therefore park their motor vehicle along Stanley Street when the guest requires a car parking bay.
- No parking is to occur on the verge of the property.
- Vehicles parked on Stanley Street will not obstruct bins on collection day.

It is considered that these measures will adequately address any parking demand generated from the use.



*Item 12.2 Continued*

### **Temporary Approval and Management Plan Review**

The Minister for Transport, Planning and Lands has supported a Parliamentary Inquiry into short-stay accommodation. The inquiry examines the level of regulation of short-stay accommodation, to provide greater certainty to the tourism industry, accommodation providers and tenants. The inquiry will investigate a range of elements associated with short-stay accommodation including:

- Customer safety
- Insurance
- Land use planning
- Building standards
- Length of stay
- Neighbourhood amenity
- Registration
- Licensing
- Taxation.

Until the outcome of the inquiry is known and direction from the State Government is provided, it is appropriate that short-stay accommodation approvals are only granted on a temporary basis of 12 months at a time. After the 12 month approval period expires, the applicant/owner will have the opportunity to reapply for another approval. The new application will be assessed against the planning framework in place at that point in 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.

*Item 12.2 Continued*

**OFFICER RECOMMENDATION**

**A. That Council approve development application 572/2018/DA, as detailed in plans dated 6 November 2018 and the Property Management Plan dated 17 December 2018 as amended submitted by M E Sanders and M G Endrinal for a Bed and Breakfast at Lot 26 (No 2/21) Stanley Street, Belmont subject to the following conditions/reasons:**

- 1. Development/land use shall be in accordance with the attached approved plan(s) dated 6 November 2018 and the Property Management Plan dated 17 December 2018, 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's Manager Planning Services.**
- 2. Prior to commencement of the use, the landowner shall modify the Property Management Plan to include the following:**
  - (a) Guest check-in is not permitted between the hours of 10:00pm and 7:00am on any day.**
  - (b) Any activities causing a breach of the Environmental Protection (Noise) Regulations 1997 will result in termination of permission to occupy the property.**
  - (c) The operator(s) shall greet guests on arrival to explain the house rules and Property Management Plan.**
- 3. Prior to commencement of the use, the landowner shall implement the approved Property Management Plan (as well as any subsequently updated and approved versions of the Property Management Plan) to the satisfaction of the City's Manager Planning Services.**
- 4. There shall be no more than two Bed and Breakfast guests residing in one bedroom of the property at any one time.**
- 5. This is a temporary approval only, valid for a period of 12 months from the commencement of the use. After this period the approval is no longer valid and the 'Bed and Breakfast' use shall cease.**

*Item 12.2 Continued*

**B. Write to adjoining landowners and occupiers:**

1. **To advise them that a development approval for a Bed and Breakfast has been granted subject to conditions including:**
  - (a) **The requirement for the updating and implementation of the Property Management Plan.**
  - (b) **The maximum of two Bed and Breakfast tenants at any one time.**
  - (c) **The temporary nature of the approval.**
2. **To provide a copy of the Property Management Plan.**
3. **Request that adjoining landowners and occupiers report any contraventions from the subject premises relating to noise or any disruption to the amenity of the surrounding areas, and report to the City's Planning Department if they become aware of any breach to the conditions of the planning approval.**

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

**12.3 CHANGE OF USE FROM MOTOR VEHICLE REPAIR TO USE NOT LISTED – MOTOR VEHICLE DETAILING AT LOT 83 (89) ABERNETHY ROAD, BELMONT**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 8 – Item 12.3 refers	<a href="#"><u>Applicant’s Supporting Information – Cover Letter and Development Plans</u></a>
Attachment 9 – Item 12.3 refers	<a href="#"><u>Schedule of Public Submissions</u></a>

Voting Requirement : Simple Majority  
Subject Index : 115/001-Development/Subdivision/Strata-Applications and Application Correspondence  
Location / Property Index : Lot 83 (89) Abernethy Road, Belmont  
Application Index : 567/2018/LAND  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : Brilliant Detailing  
Owner : S and D Holdings  
Responsible Division : Community and Statutory Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

For Council to determine a development application for a Change of Use from ‘Motor Vehicle Repair’ to ‘Use Not Listed – Motor Vehicle Detailing’ at Lot 83 (89) Abernethy Road, Belmont. In addition, the applicant has proposed to erect two 2.16 square metre (1.2 metres high by 1.8 metres wide) wall signs along the front façade of the building.

*Item 12.3 Continued*

**SUMMARY AND KEY ISSUES**

- The application is seeking approval to change the use for the site from 'Motor Vehicle Repair' to a car detailing business.
- The applicant has provided supporting documentation (refer [Attachment 8](#)) to outline their proposed operations and how the business is consistent with the land use definition of 'Motor Vehicle Repair' as opposed to a 'Motor Vehicle Wash', which is not permitted in the 'Mixed Business' zone.
- Having regard for the activities proposed by the applicant, the land use is considered to be a 'Use Not Listed' as it is not adequately defined in Part 12, Schedule 2 nor listed in Table 1 of Local Planning Scheme No. 15 (LPS 15).
- The change of use is considered to be consistent with the objectives of the 'Mixed Business' zone as an appropriate land use within the locality and may be considered subject to advertising and compliance with the relevant development standards.
- The application was advertised to the neighbouring property owners and occupiers for comment. Two submissions were received. One submission objected to the proposal for noise concerns, whilst the other raised no objection provided that spray painting activities were limited to an approved spray booth.
- The concerns raised in the submission have been noted and it is considered that they can be addressed adequately through existing legislation.
- It is recommended that Council approve the application subject to conditions.

**LOCATION**

The subject site is located within the established Mixed Business zone in Belmont. The site is approximately 1,821 square metres and contains an existing office and warehouse building. The surrounding development consists of a mix of commercial and light industrial land uses.

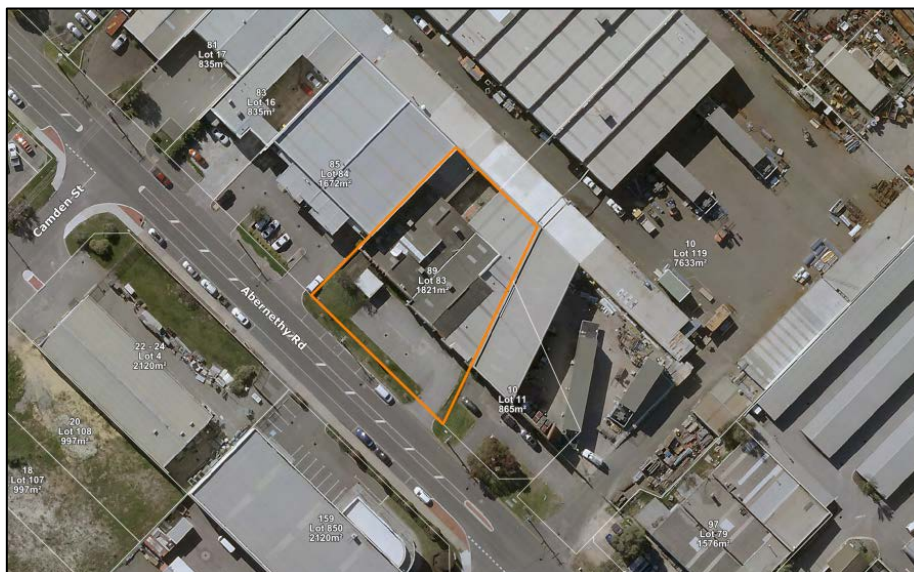


Figure 1 – Location Plan (Source: IntraMaps)

Item 12.3 Continued

## **CONSULTATION**

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

The application was referred to the Water Corporation who have advised that the applicant will be required to apply for a Trade Waste Permit.

In accordance with Clause 64(1)(b)(i) of the *Planning and Development (Local Planning Schemes) Regulations 2015* – Schedule 2 - Deemed Provisions, the application was required to be advertised, as 'Motor Vehicle Detailing' is not a land use listed in Table 1 of LPS 15. The subject application was advertised to surrounding landowners/occupiers for 21 days from 20 December 2018 to 10 January 2019 inclusive (refer to Figure 2).



Figure 2: Referral Area (Owners and Occupiers in Yellow – Subject Site in RED)

## **Submissions Received**

At the conclusion of the advertising period, a total of two submissions were received. One submission objected to the proposal on the basis of noise concerns, whilst the other raised no objection to the land use provided that any spray painting activities would be contained within an approved spray booth so as not to be released into the atmosphere.

The summary of the public submissions is provided in [Attachment 9](#) and the relevant issues are discussed in the Officer Comments section below.

*Item 12.3 Continued*

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

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

### **POLICY IMPLICATIONS**

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

Local Planning Policy No. 12 (LPP 12) provides standards for building signage within the City of Belmont. It is noted that the Policy is currently being reviewed and a report (Item 12.5 of the 26 February 2019 Ordinary Council Meeting (OCM)) has been prepared to initiate the advertising process. Under the proposed changes, the revised Policy will allow applicants to have more than one wall sign provided that it doesn't exceed 10% of the total façade of the building.

### **STATUTORY ENVIRONMENT**

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

Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*) sets out the matters to be considered by the local government when determining an application for development approval. The following matters are considered to be of particular relevance to the subject application:

- “(a) The aims and provisions of the Scheme and any other local planning scheme operating within the Scheme area;*
- (b) The requirements of orderly and proper planning;*
- (n) The amenity of the locality including the following:*
  - (ii) The character of the locality;*
  - (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.*
- (w) The history of the site where the development is to be located;*
- (y) Any submissions received on the application;*
- (zb) Any other planning consideration the local government considers appropriate”.*

*Item 12.3 Continued*

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

#### **Land Use Definition and Permissibility**

In accordance with Schedule 1 of LPS 15, it is relevant to consider the following land use definitions:

<b>Motor Vehicle Repair:</b>	Means premises used for or in connection with –  (a) Electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) Repairs to tyres other than recapping or re-treading of tyres.
<b>Motor Vehicle Wash:</b>	Means premises where the primary use is the washing of motor vehicles.

In accordance with Table 1 of LPS 15, a 'Motor Vehicle Repair' is a 'D' use in the 'Mixed Business' zone, meaning that it is not permitted unless the local government exercises its discretion by granting development approval. A 'Motor Vehicle Wash', however is not permitted in the 'Mixed Business' zone and cannot be considered.

#### **Process for Use Not Listed**

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

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

#### **Objectives of the Mixed Business Zone**

Local Planning Scheme No. 15 states that 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”.*



Item 12.3 Continued

### **Right of Review**

Under Clause 75 of the Deemed Provisions of the *Regulations*, this 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 no written agreement for the statutory time period to be extended.

The deemed refusal date for this application passed on 19 February 2019 and the applicant will have deemed refusal rights prior to the determination of this application at the February OCM.

Is there a right of review?  Yes  No

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

### **BACKGROUND**

<b>Lodgement Date:</b>	6 November 2018	<b>Use Class:</b>	Use Not Listed – Motor Vehicle Detailing
<b>Lot Area:</b>	1,821m <sup>2</sup>	<b>LPS Zoning:</b>	Mixed Business
<b>Estimated Value:</b>	N/A	<b>MRS:</b>	Industrial

### **Existing Development**

There is an existing industrial building, office and car parking areas on site. A Building Permit was issued in 1972 for a factory/workshop. In 1992, the City approved the proposed covered loading area, storage and parking extension to the existing factory (current plans). According to records, the site was used previously for 'Motor Vehicle Repair'. The most recent approval granted was in 2008 for 'Motor Vehicle Repair - Spray Booth Addition' (106/2008), however it was never acted upon.

### **Proposal**

The applicant is currently operating from 79 Abernethy Road, Belmont and proposes to relocate his business to Lot 83 (89) Abernethy Road, Belmont. The business provides the following services:

- Detailing private and client cars and small trucks in preparation for sale.
- Removal of vehicle interiors to clean and repair.
- Vinyl and seat repairs.
- Repairs to roof linings and all plastic components inside the vehicle.
- Paint and polish of vehicles.
- Restoring vehicle headlights.
- Hand washing cars.

The applicant has been operating at their current address since January 2014 without having obtained a development approval from the City. In 2016, there was a complaint lodged against the business regarding excess cars parked along Abernethy Road, which has since been resolved. No complaints have been received regarding noise emitting from the site.

*Item 12.3 Continued*

### **Proposed Relocation to Lot 83 (89) Abernethy Road, Belmont and Change of Use**

The applicant is trying to rectify this compliance issue by applying for development approval before operating at Lot 83 (89) Abernethy Road, Belmont. The site will be used similarly to their previous address and allow them to further expand. In addition to the above, the applicant has proposed to erect two 2.16 square metre (1.2 metres high by 1.8 metres wide) wall signs along the front façade of the building.

It should be noted that the subject application does not propose any alterations or additions to the existing building. Plans illustrating the subject site including the configuration of the existing building are contained as [Attachment 8](#).

### **OFFICER COMMENT**

#### **Land Use**

##### **Land Use Definition**

The applicant seeks approval for a change of use from 'Motor Vehicle Repair' to a 'Motor Vehicle Repair – Car Detailing Business'. It may be ordinarily considered that a car detailing business is closely related to motor vehicle washing. 'Motor Vehicle Wash' is not a permitted land use in the 'Mixed Business' zone. The applicant has stated that the business should be defined as 'Motor Vehicle Repair' for the following reasons:

1. The vast majority of the works carried out involving the removal of vehicle interiors to clean and repair, carry out vinyl and seats repairs, repairs to roof linings and all plastic components inside the vehicle. The client also restores vehicle headlights, are an Agent for Toughseal paint and interior protection for new vehicles and offer a window tinting facility as required.
2. The other main area of the operation is to accept the delivery of vehicles from eastern states vehicle dealers on behalf of their new owners, detail and deliver cars when completed. On some occasions they will store vehicles for these customers for a period of time. On occasions they will carry out minor repairs and paint touch ups as required during the refinishing process. Finally, the refinishing process involves having to hand wash the outside of the vehicles which equates to only a minor part of the whole process.

Notwithstanding the above, it is considered that the intent of the 'Motor Vehicle Wash' land use is primarily for automated car washing services and to some degree self-serving manual stations. The services provided by a car detailer are more specialised and can also include minor vehicle repair and electronics. Furthermore, whilst car washing is a component of the land use, it is considered incidental to the dominant activity. In light of the above, it is considered that the proposal does not fall under an existing definition in the LPS 15 and should be assessed as a 'Use Not Listed – Motor Vehicle Detailing'.

*Item 12.3 Continued*

### **Objectives of the Mixed Business Zone**

The objectives of the 'Mixed Business' zone allow for a mix of varied but compatible commercial, residential and light industrial land uses to be considered within that zone. The proposed development is a type of land use primarily for cosmetic treatment of cars and small trucks for sale.

The following points are considered relevant when determining whether the proposed use of 'Motor Vehicle Detailing' is consistent with the objectives of the 'Mixed Business' Zone:

- It is considered that the proposed land use would not detrimentally impact the amenity of the surrounding area, as there are existing 'Motor Vehicle Repair' land uses within the 'Mixed Business' zone, which is similar in nature as it entails the treatment of cars.
- Any potential noise emissions can be contained within the existing structure, and can be adequately enforced under the *Environmental Protection (Noise) Regulations 1997*.

In light of the above, it is considered that the proposed use does not prejudice the objectives of the 'Mixed Business' zone under LPS 15.

### **Submissions**

At the conclusion of the advertising period, a total of two submissions were received. One submission objected to the proposal on the basis of noise concerns, whilst the other raised no objection to the land use provided that any and all spray painting activities would be contained within an approved spray booth so as not to be released into the atmosphere.

### **Spray Painting**

The applicant has advised that spray painting does not form part of this application or their operations. Development approval was granted for a 'Spray Booth Addition' in 2008, however the approval was never acted upon. The concern raised by the adjoining neighbour has been noted. Should Council approve the Motor Vehicle Detailing application, the applicant will be formally advised that spray painting is not to occur on site without first obtaining development approval.

*Item 12.3 Continued*

**Noise**

The objection received during the advertising period raised concerns that the proposal would create noise that could affect the amenity of adjoining properties. In order to address this concern, it is necessary to ascertain whether the noise potentially emitted from the premises would unduly impact on other land uses within that area or alternatively whether the noise needs to be managed.

Noise emissions are regulated by the *Environmental Protection (Noise) Regulations 1997* and enforced by the relevant local government authority. Under these regulations, the noise requirements for industrial and commercial land uses are not as stringent as a residential land use. The immediate area surrounding the subject site is predominately commercial and light industrial. The noise emitted from the proposed business (Motor Vehicle Detailer) is unlikely to exceed that produced by a mechanic (Motor Vehicle Repair) business, a land use which is already approved on the subject site. It is noted that the City has not received any noise complaints relating to activities at 79 Abernethy Road where the applicant currently operates.

Furthermore, the operations of the business are proposed to be enclosed within the building thereby ameliorating any potential noise. Based on this, it is considered that the concern for noise can be adequately managed within the built structure and the inclusion of an advice note that ensures the applicant complies with the relevant noise regulations.

In the event there is a breach against these regulations, the City would be able to investigate the complaint and compel the business to rectify the issue.

**Stormwater and Waste Water Disposal**

Wastewater from the wash down bays must not be discharged into the City's stormwater system. The plans provided by the applicant do not have enough information to demonstrate how waste water and stormwater will be disposed. The applicant has advised that the site has an existing Trade Waste Permit from the Water Corporation. In contrast to this advice, the Water Corporation has advised that the Trade Waste Permit has since expired. In order to operate from the site, the applicant will need to obtain a trading permit from the Water Corporation and provide plans that adequately demonstrate the separation of waste water and stormwater. To address these requirements, it is recommended that a condition be imposed on the development approval requiring the proponent to ensure that wastewater is discharged to the reticulated sewer system and to apply for the relevant approvals from the Water Corporation prior to occupation of the site.

**Car Parking**

There are two existing staff car parking bays that do not have an adequate turning circle to allow cars to exit in forward gear. This can be addressed by deleting one of the car parking bays located within the front setback area to allow for the two bays on site to be able to exit in forward gear. Clause 5.16 and Table 2 of LPS 15 allows the City to require a minimum requirement for car parking that is deemed appropriate for the land use. The car parking ratio for 'Office' and 'Industry–Service' have been used to guide appropriate car parking ratio requirements and are shown in the table below:

Item 12.3 Continued

Activity	Standard	Area	Required	Provided
Office	1 space per 30m <sup>2</sup> net lettable area  or  1 space per employee (whichever is greater)	100m <sup>2</sup>	3.3	3
Workshop (using Industry – Service)	1 space for every 50m <sup>2</sup> open space used for industrial purposes, plus 1 space per 50m <sup>2</sup> ground floor area  or  1 space per employee (whichever is greater)	468m <sup>2</sup>  or  6 staff total	9.36	12
<b>Total</b>			<b>12.66 (13)</b>	<b>9 Visitor 6 Staff</b>

There are 16 approved bays currently on site, however one of the bays is proposed to be used to store a waste bin, thereby reducing the number to 15 bays. The deletion of a car bay to accommodate a turning circle for the two staff parking bays at the front would not impact the minimum number of car parking bays required. It is therefore recommended that an approval is issued requiring that a minimum of 13 car parking bays are provided and that the turning circle for the staff car parking bays are provided.

**Signage**

The applicant has proposed two wall signs to be located along the front façade facing Abernethy Road. Each sign will have a dimension of 1.8 metres in length and 1.2 metres in width, providing an area of 2.16 square metres each. Local Planning Policy No. 12–Sign Applications allows for one wall sign on the front façade, with a maximum surface area of 10 square metres. The proposed signage is a variation to LPP 12.

The two proposed wall signs will cover a total surface area of 4.32 square metres of the building façade along Abernethy Road. The building façade has a surface area of approximately 175.6 square metres. Whilst the applicant has proposed more than one wall sign, the total area covered by the signs is less than 10 square metres. On this basis, it is considered reasonable to support the variation.

**Conclusion**

The activities of the business should be defined as ‘Use Not Listed–Motor Vehicle Detailing’, which is considered to be an appropriate land use in the ‘Mixed Business’ zone. The issues identified in the submissions and the development standards that apply can be addressed through the imposition of conditions and enforcement of noise regulations. In light of the above, it is recommended that the application be approved subject to conditions.

*Item 12.3 Continued*

### **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:***

***A Approve planning application 567/2018 as detailed in plans dated 6 November 2018 submitted by Brilliant Detailing on behalf of the owner S and D Holdings Pty Ltd for 'Use Not Listed–Motor Vehicle Detailing' at Lot 83 (No. 89) Abernethy Road, Belmont subject to the following conditions:***

- 1. Development/land use shall be in accordance with the attached approved plan(s) dated 6 November 2018 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's Manager Planning Services.***
- 2. 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 providing a minimum of thirteen (13) car parking bays;***
  - (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's Director Infrastructure Services. All parking bays must be clearly line marked.***

- 3. 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.***

*Item 12.3 Continued*

- 4. 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.**
  - 5. All stormwater from roofed and paved areas shall be collected and disposed of via piped connection to the existing system on the site in accordance with the City of Belmont's engineering requirements and design guidelines. Any existing drains, drainage pits and soakwells shall be maintained in a clean and clear condition free of obstruction.**
  - 6. The owner/applicant shall submit a detailed stormwater plan for approval of the Manager Infrastructure Development prior to application for a building permit, showing the proposed drainage system to the standards of the City of Belmont's engineering requirements and design guidelines.**
  - 7. Waste water from the vehicle/mechanical wash bay is to be discharged into the reticulated sewerage system.**
- B Advise the applicant of other legislative requirements including compliance with the Environmental Protection (Noise) Regulations 1997, and that no spray painting is permitted on site without subsequent further approvals from the City.**
- C Write to adjoining landowners and occupiers advising them of Council's decision.**

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

**12.4 AMENDMENT NO.11 TO LOCAL PLANNING SCHEME NO.15 – OMNIBUS AMENDMENT**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 10 – Item 12.4 refers	<a href="#"><u>Adjusted Local Government Boundaries – Deposited Plan 412423</u></a>
Attachment 11 – Item 12.4 refers	<a href="#"><u>Proposed Local Planning Scheme No. 15 Scheme Map Amendments</u></a>
Attachment 12 – Item 12.4 refers	<a href="#"><u>Amended Local Planning Scheme No. 15 Scheme Text</u></a>
Attachment 13 – Item 12.4 refers	<a href="#"><u>Recommended Metropolitan Region Scheme Map Amendments</u></a>

Voting Requirement : Simple Majority  
 Subject Index : LPS15/011-Scheme Amendment 11 – Clause 5.7.7 – Superseded Provisions/Tech and Admin Changes/Mapping Errors  
 Location / Property Index : Various  
 Application Index : N/A  
 Disclosure of any Interest : Nil  
 Previous Items : Nil  
 Applicant : N/A  
 Owner : N/A  
 Responsible Division : Community and Statutory Services

**COUNCIL ROLE**

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



*Item 12.4 Continued*

## **PURPOSE OF REPORT**

For Council to consider:

1. Initiating an amendment to Local Planning Scheme No. 15 (LPS 15) for the purpose of:
  - Deleting and/or amending Scheme Text provisions that are inconsistent with Schedule 2–Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*).
  - Reformatting the Scheme Text and its provisions to provide consistency with the *Regulation’s* Model Provisions.
  - Amending the Scheme Text to provide clarity on requirements for the subdivision of land in flexible coded areas and to rectify a land use permissibility error for the ‘Bed and Breakfast’ land use in the ‘Special Development Precinct’ zone.
  - Amending the Scheme Map to encompass an area of land that has been transferred from the City of Swan to the City of Belmont through boundary realignment and zoning that land accordingly.
  - Amending the Scheme Map to correct minor errors and anomalies.
2. Requesting that the Western Australian Planning Commission (WAPC) reviews and addresses several mapping errors and anomalies in the Metropolitan Region Scheme (MRS) map.

## **SUMMARY AND KEY ISSUES**

- Local Planning Scheme No. 15 (LPS 15) was gazetted on 1 December 2011 and since that time only one amendment (Amendment No. 1, gazetted 15 December 2015) undertook a review of LPS 15 to address several administrative and technical matters.
- The *Regulations*, which became operational on 19 October 2015, introduced ‘Deemed Provisions’ which are automatically ‘read into’ every local planning scheme. Any provision of a local planning scheme that is inconsistent with the Deemed Provisions is superseded but is still physically retained in the Scheme until an amendment is adopted to remove the obsolete provision.
- The removal of obsolete provisions from LPS 15 triggers the need to substantially reformat the Scheme Text and undertake an overarching review of provisions to ensure consistency is maintained.
- An area of land has been transferred from the City of Swan to the City of Belmont and therefore the LPS 15 Scheme Map requires amending to encompass and zone the land accordingly.
- This amendment provides an opportunity to clarify the requirements of Clause 5.7.7 of LPS 15 relating to subdivision of land subject to a flexible code.

*Item 12.4 Continued*

- An administrative error has been identified in the zoning table of the Scheme Text, in relation to the permissibility of the 'Bed and Breakfast' land use in the 'Special Development Precinct' zone. This amendment presents the opportunity to rectify this error.
- This amendment also presents an opportunity to fix several identified mapping errors/anomalies and draw to the WAPC's attention the need to also undertake a review of the MRS map.
- It will be recommended that Council adopt Amendment No. 11 to LPS 15 as a 'basic' amendment, as it seeks to address minor administrative matters and all changes proposed are consistent with the *Regulations*, the MRS and State Planning Policies.

**LOCATION**

Amendment No. 11 to LPS 15 proposes to amend the Scheme Map to:

1. Incorporate land recently transferred into the City of Belmont municipality.
2. Fix several zoning errors/anomalies throughout the Scheme area.

In terms of Point 1 above, the boundary realignment relates to five lots formerly of the City of Swan municipality, being Lots 55 and 310 Great Eastern Highway (GEH), South Guilford, Lot 2 (5) Apac Way, South Guildford, Lot 3 (555) GEH, Redcliffe; and Lot 301 (510) GEH, Ascot. The boundary realignment also incorporated a portion of land reserved for Primary Regional Roads under the MRS. The adjusted local government boundaries are reflected on Deposited Plan 412423 ([Attachment 10](#)), as well as illustrated below.



Figure 1 – Land transferred from the City of Swan to the City of Belmont

*Item 12.4 Continued*

In terms of Point 2 above, the proposed amendment also relates to multiple areas where LPS 15 mapping errors and anomalies have been identified. A list of the properties and land affected by the LPS 15 amendments is provided as ([Attachment 11](#)).

## **CONSULTATION**

There has been no specific consultation undertaken in respect to this matter at the present point in time. The *Planning and Development Act 2005* requires scheme amendments to be advertised in accordance with the *Regulations*. Notwithstanding, the *Regulations* do not require advertising of a 'basic' amendment, unless the amendment is considered significant. Advertising will also be required if it is determined that the amendment is not a 'basic' amendment and is instead a 'standard' or 'complex' amendment.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

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

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

A 'basic' amendment is one which deals with administrative aspects of a Scheme and does not require advertising, unless the amendment is significant. The *Regulations* specifically state that a 'basic' amendment includes an amendment that deletes provisions that have been superseded by Schedule 2–Deemed Provisions and/or other modifications to be consistent with Schedule 1–Model Provisions. It also encompasses any changes to a scheme that is consistent with a State Planning Policy or a Region Planning Scheme and has minimal effect on the landowners in the Scheme area.

*Item 12.4 Continued*

## **BACKGROUND**

### **Proposed Amendment**

Amendment No. 11 to LPS 15 proposes to:

- Delete and amend Scheme Text provisions that have been superseded by, or are inconsistent with, the Deemed Provisions of the *Regulations*.
- Reformat the Scheme Text and its provisions to provide consistency with the Model Provisions of the *Regulations*.
- Amend Clause 5.7.7 of the Scheme Text to provide clarity on requirements for subdivision of land within the flexible coded areas.
- Amend the zoning table of the Scheme Text to rectify the permissibility of the land use 'Bed and Breakfast' in the 'Special Development Precinct' zone, from an 'X' use to an 'A' use.
- Amend the Scheme Map to rectify various minor errors, update the boundaries of the local government area and zoning the incorporated land accordingly.

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

The *Regulations* were gazetted on 25 August 2015 and took effect on 19 October 2015, replacing the *Town Planning Regulations 1967*. The *Regulations* govern the way in which local planning schemes are prepared, consolidated and amended. The *Regulations* provide for, amongst other aspects, the following:

- A common set of general and land use definitions; and
- Provisions for local planning schemes provided as:
  - **Schedule 1–Model Provisions:** The manner and format in which local planning schemes are required to be prepared.
  - **Schedule 2–Deemed Provisions:** Mandatory provisions that automatically apply to all local planning schemes.

Local planning schemes are not required to be amended to align with the Model Provisions until such time that a comprehensive Scheme review is undertaken, and/or a new local planning scheme is prepared. The WAPC has however encouraged local governments to amend their local planning schemes to reflect the Model Provisions and remove provisions which are inconsistent with, or overridden by, the Deemed Provisions, where practical. The subject amendment therefore seeks to ensure that LPS 15 is consistent with the *Regulations*, where appropriate.

*Item 12.4 Continued*

### **Local Government Boundary Realignment**

On 21 July 2017, the Minister for Local Government; Heritage; Culture and the Arts accepted a recommendation of the Local Government Advisory Board to approve the transfer of a portion of land from the City of Swan to the City of Belmont. The purpose of the transfer was to rationalise the boundaries of three lots which straddled both local government boundaries. The transfer of the land, depicted on Deposited Plan 412423 ([Attachment 10](#)), was subsequently gazetted on 8 December 2017.

The LPS 15 Scheme Map should be amended to encompass the transferred land within the LPS 15 Scheme area, and zoning that land as follows:

1. The eastern portion of Lot 2 (5) Apac Way, South Guilford and Lot 3 (555) GEH, Redcliffe are currently zoned 'General Industrial' under the City of Swan Local Planning Scheme No. 17 (LPS 17). The western portion of these lots is currently zoned 'Industrial' under the LPS 15. The proposed amendment seeks to expand the 'Industrial' zoning under LPS 15 to the remainder of these sites.
2. The eastern portion of Lot 301 (510) GEH, Ascot is not currently zoned under LPS 17 despite being located within its Scheme area. The western portion of this lot is currently zoned 'Mixed Use' under the LPS 15. The proposed amendment seeks to expand the 'Mixed Use' zoning under LPS 15 to the remainder of the lot.

The remainder of the land incorporated to the City of Belmont through the local government boundary realignment is reserved either for 'Parks and Recreation' or 'Primary Regional Roads' under the MRS. The subject amendment cannot alter the reservation of land under the MRS, however it does seek to incorporate them into the LPS 15 Scheme area.

### **OFFICER COMMENT**

#### **Scheme Text Amendments**

The subject amendment seeks to review the LPS 15 Scheme Text to delete and/or amend provisions that are inconsistent with the *Regulations*. This review provides an opportunity to also examine other provisions of the Scheme Text to ensure that it is consistent with any State Planning Policy and can be appropriately administered. An outline of the proposed Scheme Text amendments follows.

For Council's reference, a modified version of the Scheme Text showing the proposed changes is provided as [Attachment 12](#).

*Item 12.4 Continued*

**Obsolete Provisions and Reformatting**

The introduction of the Deemed Provisions resulted in significant portions of the LPS 15 Scheme Text being made obsolete. The subject amendment is proposing to remove these obsolete provisions and subsequently reformat the Scheme Text. Table 1 below lists the sections/provisions of LPS 15 which are proposed to be deleted and the reason for their deletion.

No.	Deleted Provisions	Justification
1	Part 2 (Local Planning Policy Framework) in its entirety	Most of this section has been made obsolete by Part 2–Local Planning Framework, Division 2–Local Planning Policies of the Deemed Provisions. Clause 2.1 of LPS 15 relating to the relationship between the Scheme and the Local Planning Strategy still remains relevant and has been incorporated as a supplemental provision in ‘Schedule A’.
2	Part 6 (Special Control Areas)– Clause 6.2 (Development Areas)	Refer to the justification provided in the ‘Special Control Areas’ section of this report.
3	Part 7 (Heritage Protection and Tree Preservation) in its entirety	Refer to the justification provided in the ‘Tree Preservation Orders’ section of this report.
4	Part 8 (Development of Land) in its entirety	This section has been made obsolete by Part 7–Requirement for Development Approval, of the Deemed Provisions.
5	Part 9 (Applications for Planning Approval) in its entirety	This section has been made obsolete by Part 8–Applications for development approval of the Deemed Provisions.
6	Part 10 (Procedure for Dealing with Applications) in its entirety	This section has been made obsolete by Part 9–Procedure for Dealing with Applications for Development Approval of the Deemed Provisions.
7	Part 11 (Enforcement and Administration) in its entirety	This section has been made obsolete by Part 10–Enforcement and Administration of the Deemed Provisions.
8	Schedule 6 (Form of Application for Planning Approval) in its entirety	This section has been made obsolete by Part 11–Forms referred in this Scheme – Clause 86(1) of the Deemed Provisions.
9	Schedule 7 (Additional Information for Advertisements) in its entirety	This section has been made obsolete by Part 11–Forms referred in this Scheme – Clause 86(2) of the Deemed Provisions.
10	Schedule 8 (Notice of Public Advertisement of Planning Proposal) in its entirety	This section has been made obsolete by Part 11–Forms referred in this Scheme – Clause 86(3) of the Deemed Provisions.
11	Schedule 9 (Notice of Determination on Application for Planning Approval) in its entirety	This section has been made obsolete by Part 11–Forms referred in this Scheme – Clause 86(4) of the Deemed Provisions.
12	Schedule 13 (Lots Coded R12.5 within the 25-30 ANEF) in its entirety	Lots coded R12.5 within the 25-30 (ANEF) contour are already depicted in the Scheme Map. In addition, the ANEF contours depicted in Schedule 13 are outdated.

*Table 1 – Obsolete Provisions*

*Item 12.4 Continued*

Following the removal of the above sections/provisions, the consequent format of LPS 15 is proposed:

- Part 1 (Preliminary)
- Part 2 (Reserves)
- Part 3 (Zones and the Use of Land)
- Part 4 (General Development Requirements)
- Part 5 (Special Control Areas)
- Schedule A (Supplemental Provisions to the Deemed Provisions)
- Schedule 1 (Dictionary of Defined Words and Expressions)
- Schedule 2 (Additional Uses)
- Schedule 3 (Restricted Uses)
- Schedule 4 (Special Use Zones)
- Schedule 5 (Exempted Advertisements)
- Schedule 6 (Environmental Conditions)
- Schedule 7 (Car Parking Layout)
- Schedule 8 (Structures Height Control Contours Map)
- Schedule 9 (Special Control Areas - Development Areas)
- Schedule 10 (Statutory Static Feasibility Assessment Model)
- Schedule 11 (Special Control Areas - Development Contribution Areas).

The abovementioned format of LPS 15 is generally consistent with the Model Provisions of the *Regulations*.

### **Supplemental Provisions**

The Deemed Provisions are automatically read into every local planning scheme and cannot be removed or varied. A local planning scheme can however include 'supplemental provisions' which can expand upon the Deemed Provisions, but cannot seek to undo or limit them. The subject amendment seeks to insert 'Schedule A' into LPS 15 to include supplemental provisions to maintain several existing provisions which are not addressed by the Deemed Provisions. An outline of the proposed supplemental provisions follows.

#### Local Planning Framework

Part 2 of LPS 15 relates to the Local Planning Policy framework and includes provisions pertaining to the preparation, operation and revocation of local planning policies and the relationship of those policies to the Scheme. This aspect of Part 2 has been made obsolete by Part 2 of the Deemed Provisions and is therefore proposed to be deleted. Notwithstanding, Part 2 of LPS 15 also includes a provision (Clause 2.1) which stipulates that determinations under the Scheme are to be consistent with the adopted Local Planning Strategy. This provision is still relevant and is proposed to be retained as a supplemental provision to the Deemed Provisions.

#### Tree Preservation Orders

The *Regulations* introduced mandatory heritage protection provisions into local planning schemes via Part 3 of the Deemed Provisions, thereby making the existing heritage protection provisions in Part 7 of LPS 15 obsolete. Notwithstanding, Part 7 of LPS 15 also contains provisions relating to tree preservation orders, which are not a statutory instrument recognised in either the Model Provisions or Deemed Provisions.

*Item 12.4 Continued*

Whilst it is acknowledged that a local planning scheme must be consistent with the Model Provisions (where appropriate) and not conflict with the Deemed Provisions, it is considered important that the statutory controls for tree retention are maintained. The subject amendment therefore seeks to maintain these existing provisions in LPS 15 as supplemental provisions to Part 3 of the Deemed Provisions.

Development Approval Exemptions

Clause 61 of the Deemed Provisions lists circumstances for when development approval is not required by the local government, and in doing so it supersedes the function of Clause 8.2 of LPS 15. Not all of the exemption circumstances listed in Clause 8.2 are covered by the Deemed Provisions, and therefore the subject amendment seeks to maintain these provisions as supplemental provisions whilst still deleting Clause 8.2 in its entirety.

Notwithstanding, the following provision is proposed to be modified to be consistent with State Planning Policy and reduce ambiguity with other provisions of the Scheme:

- Single houses on lots in the Australian Noise Exposure Forecast (ANEF) 25-30 contour no longer being exempt from the requirement to obtain development approval to accord with State Planning Policy 5.1–Land Use Planning in the Vicinity of Perth Airport (*Note: Clause 8.2 requires approval for alterations and additions to single houses that increase habitable floorspace by 25%*).

In addition, the amendment proposes the deletion of several provisions that are addressed by other legislation or other provisions in the Scheme and are therefore considered redundant. An outline of these deleted provisions is provided in Table 2 below.

<b>Clause</b>	<b>Provision Deleted</b>	<b>Justification</b>
8.2(2)(e)	Requirement to obtain development approval for a single house, located on land zoned 'Commercial', 'Mixed Use', 'Mixed Business' or 'Special Development Precinct'.	In accordance with the Deemed Provisions, the erection of a single house is exempt from obtaining development approval on land where the R-Codes apply. In the case of land zoned 'Commercial', 'Mixed Use', 'Mixed Business' or 'Special Development Precinct', the R-Codes do not apply, except where specifically stipulated by provisions the Scheme. As such, development approval would be required for the construction of a single house in these zones regardless of this provision.
8.2(2)(f)	Requirement to obtain development approval for development on land which is within, or abuts, the Swan River Trust Development Control Area, or, in the opinion of Council, is likely to impact the quality of waters in the Swan River Trust Development Control Area.	In accordance with Clause 30A(2) of the MRS, development approval is required regardless of this provision.



*Item 12.4 Continued*

<b>Clause</b>	<b>Provision Deleted</b>	<b>Justification</b>
8.2(8)	Exemption to obtain development approval for carrying out of any works on, in, over or under a street or road by a public authority acting pursuant to the provisions of any Act.	This type of work is already exempt from obtaining development approval under the <i>Public Works Act 1902</i> .
8.2(12)	Exemption to obtain development approval for carports provided that: (ii) the carport is open sided except to the extent where it abuts a dwelling and a property boundary on one side; and (iii) any door securing the carport is designed and constructed to allow for clear views through to a dwelling.	State Planning Policy 3.2–Residential Design Codes (R-Codes) includes these requirements in the definition of a carport.
8.2(10)	Exemption to obtain development approval for the continuation of an existing lawful use by a new owner/occupier, provided the continuation does not involve the carrying out of any building or other works	Development approvals relate to the land for which approval has been granted, and not to a specific owner or applicant unless specified by a condition of planning approval or Scheme provision.

*Table 2 – Provisions addressed by other frameworks*

## **Other Modifications**

### Special Control Areas

Part 6 of LPS 15 relates to the establishment and operation of a ‘Special Control Area’ and classifies these areas according to their function, as follows:

1. ‘Development Areas’ being areas listed in Schedule 14 as requiring a structure plan prior to any subdivision or development being supported.
2. ‘Development Contribution Areas’ being areas listed in Schedule 16 that are subject to a Development Contribution Plan.

In terms of Point 1 above, the *Regulations* do not recognise ‘Development Areas’ for any planning purpose, and instead the areas subject to an existing or future structure plan are simply identified as being a Special Control Area (SCA). In addition, the existing Development Area provisions contained as Clause 6.2 of LPS 15 have been superseded by Parts 4 and 5 of the Deemed Provisions and are therefore proposed to be deleted from LPS 15.

The LPS 15 Scheme Text currently establishes that the Scheme Map should depict Development Areas and Development Contribution Areas with a ‘DA’ and ‘DCA’ notations, respectively, with a number superimposed that aligns with the allocated number listed in Schedules 14 and 16. The Model Provisions do not provide for the continuation of these Scheme Map notations, and rather requires the depiction to be shown as ‘SCA’ with a superimposed number (i.e. SCA1, SCA2, etc.).

*Item 12.4 Continued*

As this may result in misinterpretation by overlap between SCAs that are both a Development Area and Development Contribution Area, as is the case for 'The Springs'; it is proposed to modify the Scheme provisions to enable the Special Control Areas to be depicted in the Scheme Map with two different symbols and legends; as 'SCA – DA' and 'SCA – DCA', respectively.

Subdivision in Flexible Coded Areas

Clause 5.7 of LPS 15 contains provisions relating to subdivision and development within the Residential zone. In the case of flexible coded areas, Clauses 5.7.3 and 5.7.7 include specific requirements for development and subdivision at densities higher than R20. Notwithstanding, there has been a general assumption that Clause 5.7.7, which relates specifically to subdivision, can be considered in isolation from Clause 5.7.3, which simply references 'development'. It is considered implicit, however, that any subdivision within flexible coded areas should provide for existing and/or future development to comply with the requirements of Clause 5.7.3. A misunderstanding of the relationship of these provisions has led to Clause 5.7.7 being used to bypass the requirements contained in Clause 5.7.3 via subdivision occurring ahead of any development.

The proposed amendment intends to address the abovementioned misunderstanding and clarify the City's expectation in relation to subdivision requirements within the flexible coded areas. It is proposed to add a provision to Clause 5.7.7 specifying that subdivision can only be supported where it can be demonstrated that any existing or future development of the land is able to comply with the requirements of Clause 5.7.3. This amendment will not change the requirements of the Scheme, but rather make explicit the need to properly consider the requirements of flexible coded areas.

Zoning Table

Amendment No. 1 to the LPS 15 (gazetted on 15 February 2015) was an omnibus amendment that addressed several technical and administrative matters identified in the Scheme. Amongst other changes, this amendment proposed several modifications to the Zoning Table, including modifying the land use permissibility of the 'Bed and Breakfast' land use in the 'Special Development Precinct' zone, from an 'X' to an 'A' use.

Amendment No. 7 to LPS 15 (gazetted on 1 November 2016) proposed additional modifications to the Zoning Table, however it did not take into account that Amendment No. 1 had previously modified the 'Bed and Breakfast' land use permissibility in the Special Development Precinct. This error is understood to have occurred due to the preparation of Amendment No. 7 Scheme amendment document preceding the approval and gazettal of Amendment No. 1 to LPS 15.

The proposed amendment intends to rectify the above error by modifying the permissibility of the 'Bed and Breakfast' land use in the Special Development Precinct zone from an 'X' use to an 'A' use.

*Item 12.4 Continued*

Terminology

The amendment proposes to delete the definitions of several words and expressions contained in Schedule 1 of LPS 15 that have been superseded by the definitions in the Deemed Provisions or defined by the *Planning and Development Act 2005*. The expressions to be deleted from Schedule 1 are:

<b>Deleted Expression</b>	<b>Justification</b>
Absolute Majority	Expression defined in the Schedule 2, Clause 81 of the Deemed Provisions.
Act	Expression defined in the Schedule 2, Clause 1 of the Deemed Provisions.
City	Expression removed from the Deemed Provisions and replaced by the term 'local government', which is defined in Schedule 2, Clause 1 of the Deemed Provisions.
Commission	Expression defined in the <i>Planning and Development Act 2005</i> .
Council	This term is superseded throughout the Scheme by the term 'local government'.
Development	Expression defined in the <i>Planning and Development Act 2005</i> .
District	Expression defined in the <i>Planning and Development Act 2005</i> .
Heritage List	Expression defined in the Schedule 2, Part 3 of the Deemed Provisions.
Heritage Precinct	The Scheme defines this expression but does not include any reference in the Scheme Text. Schedule 2, Clause 7 of the Deemed Provisions instead defines the expression as 'Heritage Area'.
Land	Expression defined in the <i>Planning and Development Act 2005</i> .
Lot	Expression defined in the <i>Planning and Development Act 2005</i> .
Metropolitan Region Scheme	Expression defined in the <i>Planning and Development Act 2005</i> .
Minister	Expression defined in the <i>Planning and Development Act 2005</i> .
Place	Expression defined in the Schedule 2, Clause 7 of the Deemed Provisions.
Public Authority	Expression defined in the <i>Planning and Development Act 2005</i> .
Reserve	Expression defined in the Schedule 2, Clause 1 of the Deemed Provisions.
Sign	The <i>Regulations</i> have extended the meaning of this expression in the definition of 'Advertisement', which is defined in Schedule 2, Clause 1 of the Deemed Provisions.
Structure Plan	Expression defined in the Schedule 2, Clause 14 of the Deemed Provisions.
Substantial Work	The Scheme defines the expression but does not include any reference in the Scheme Text. The Schedule 2, Clause 2 of the Deemed Provisions instead defines the expression as 'substantially commenced'.
Waterway	This term is used once in the Scheme Text and it is one that is sufficiently self-explanatory. The definition in the Scheme relates to the definition in the <i>Planning and Development Act 2005</i> ; however, the <i>Act</i> defines the expression 'artificial waterway'. This interpretation could defer to a definition provided in the Dictionary.

*Table 3 – Deleted Terminology*

*Item 12.4 Continued*

### **Scheme Map Amendments**

The subject amendment involves the following two components in relation to changes to the Scheme Map:

1. Amending the Scheme Map to encompass an area of land that have transferred from the City of Swan to the City of Belmont through boundary realignment and zoning those lots accordingly.
2. Amending the Scheme Map to correct minor errors and anomalies.

An outline of these proposed amendments follows.

### **Local Government Change of Boundaries (City of Swan to City of Belmont) and Zoning of Transferred Land**

The land transferred from the City of Swan to the City of Belmont needs to be included in the Scheme area and three of the lots, being Lot 2 (5) Apac Way and Lots 3 (555) and 301 (510) GEH, need to be zoned accordingly under LPS 15.

Lots 2 and 3 are currently zoned 'General Industrial' under the City of Swan's LPS 17, which is not a zone included in LPS 15. Notwithstanding, portions of these lots are already zoned 'Industrial' under LPS 15 and given that both of these lots are used for industrial purposes, it is considered appropriate to apply the 'Industrial' zoning of LPS 15 to the remainder of the sites. It should be noted that the 'Industrial' zone under LPS 15 does not differ significantly from the 'General Industrial' zoning under LPS 17.

For the eastern portion of Lot 301, it is proposed to apply the same zoning as the western portion of the lot, being the 'Mixed Use' zone under LPS 15.

### **Mapping Anomalies/Errors**

The subject amendment presents an opportunity to fix several mapping anomalies/errors that have been identified. More specifically, these anomalies/errors generally relate to a portion of a lot not being zoned the same as the remainder of the lot. All amendments proposed seek to:

- Reflect existing development and/or use of the lot.
- Be consistent with the MRS.
- Reflect the intended objective of the lot according to LPS 15.
- Be consistent with the terminology used in the *Regulations* (e.g. legends used in the Scheme).

A detailed schedule of the proposed mapping changes, including justification for the proposed amendments, is provided as [Attachment 11](#). It is considered that the proposed changes to the Scheme Map do not alter the future development of the land and does not adversely affect the landowners of the land subject to the proposed amendments.

*Item 12.4 Continued*

### **Metropolitan Region Scheme Anomalies**

This amendment process has identified several areas where the zoning or reservation of land under the MRS does not accord with their existing or proposed development and/or use. Most of the areas identified relate to the road reservation alignments of Tonkin Highway, Leach Highway and GEH. This amendment provides an opportunity to request that the WAPC reviews and addresses these issues through an omnibus amendment to the MRS. A list of suggested areas for the WAPC's review is contained as [Attachment 13](#).

### **Amendment Type and Statutory Process**

The *Regulations* specify three different types of Scheme amendments, being 'basic', 'standard' and 'complex'. The main differences between the amendment classifications are the advertising requirements, with a 'basic' amendment not having any advertising requirement unless otherwise required by the WAPC. Clause 35(2) of the *Regulations* requires a resolution of the local government specifying the type of amendment and the reasons for the classification.

The *Regulations* stipulate that an amendment to delete provisions that have been superseded by the Deemed Provisions of the *Regulations* will constitute a 'basic' amendment. It also includes any amendment that deals with administrative aspects; proposes changes that are consistent with state planning policy or a region planning scheme; and has a minimal effect on the landowners in the scheme area.

Whilst the proposed amendment deals with several matters, it is considered that it meets the criteria of a 'basic' amendment. In accordance with Clauses 61 and 59 of the *Regulations*, the WAPC may determine that the amendment should be advertised and/or treated as a 'standard' or 'complex' amendment.

### **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 12.4 Continued

**OFFICER RECOMMENDATION**

**That Council:**

1. Pursuant to Section 75 of the Planning and Development Act 2005, amends Local Planning Scheme No. 15 by:

(a) *Deleting the following clauses and schedules from the Scheme Text, as they have been superseded by the Deemed Provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015–Schedule 2:*

- *Part 2 (Local Planning Policy Framework) in its entirety.*
- *Part 6 (Special Control Areas) – Clause 6.2 (Development Areas).*
- *Part 7 (Heritage Protection and Tree Preservation) in its entirety.*
- *Part 8 (Development of Land) in its entirety.*
- *Part 9 (Applications for Planning Approval) in its entirety.*
- *Part 10 (Procedure for Dealing with Applications) in its entirety.*
- *Part 11 (Enforcement and Administration) in its entirety.*
- *Schedule 6 (Form of Application for Planning Approval) in its entirety.*
- *Schedule 7 (Additional Information for Advertisements) in its entirety.*
- *Schedule 8 (Notice of Public Advertisement of Planning Proposal) in its entirety.*
- *Schedule 9 (Notice of Determination on Application for Planning Approval) in its entirety.*
- *Schedule 13 (Lots Coded R12.5 within the 25-30 Australian Noise Exposure Forecast) in its entirety.*

(b) *Inserting the following provisions into a new Schedule A–Supplemental Provisions to the Deemed Provisions in the Scheme Text:*

**Clause 2a**                      **Local Planning Framework**  
*Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.*

**Clause 13A**                      **Tree Preservation Orders and Planting of Trees**

**Clause 13A(1)(a)**              *The local government may resolve that an Order (“Tree Preservation Order”) be served upon the owner of any land requiring the preservation of a tree or group of trees growing wholly or partly on that land.*

*Item 12.4 Continued*

- Clause 13A(1)(b)** *If portion of the canopy of a tree, the subject of a Tree Preservation Order, overhangs property adjoining that on which the tree is growing, the local government may also resolve that a Tree Preservation Order be served upon the owner of that adjoining property and the order with any necessary modification shall have the same effect in respect of that owner as the order referred to in paragraph (a).*
- Clause 13A(1)(c)** *If the owner of land on which any tree affected by a Tree Preservation Order is situated or the owner of land which any such tree overhangs is not also the occupier of that land the local government may additionally or alternatively serve a copy of the order on the occupier of such land, and the order shall have the same effect in respect of the occupier as the orders referred to in paragraph (a) and (b) in relation to owners.*
- Clause 13A(1)(d)** *No person served with an order or a copy of an order in accordance with this subclause, and no person who has knowledge of such an order may remove or otherwise destroy, or cut, break or otherwise damage any part of a tree affected by the order, or cause or permit such removal, destruction, cutting, breaking or damaging except with the prior approval in writing of the local government.*
- Clause 13A(2)** *An owner of land affected by a Tree Preservation Order may, within 28 days of the serving of the order on that owner, request in writing that local government reconsider the Tree Preservation Order and revoke or modify the Order in a manner specified in the request. If the local government within 60 days of receipt of such a request fails or refuses to revoke or modify the order as requested, the owner may apply for review of the decision to the State Administrative Tribunal.*
- Clause 13A(3)(a)** *The local government may at any time reconsider a Tree Preservation Order and either as a result of a request by an owner or of its own motion, may resolve to revoke or modify the order.*
- Clause 13A(3)(b)** *A revocation or modification under the preceding paragraph may be in relation to any one or more of all the lands affected by the original Tree Preservation Order.*

*Item 12.4 Continued*

- Clause 13A(3)(c)** *The fact of a Tree Preservation order being revoked or modified shall be notified to any owner and occupier of land affected by the original Tree Preservation Order.*
- Clause 13A(4)** *The local government may keep and maintain a register of trees which includes the description and location of any tree or group of trees the subject of a Tree Preservation Order, and the name and address of the landowner or occupier on whom any order has been served in accordance with this clause. The register shall be kept available for public inspection at the administrative office of the local government.*
- Clause 13A(5)** *When the local government resolves to serve a Tree Preservation Order on the owner or occupier of any land, the local government may without any further resolution deliver a copy of the Tree Preservation Order to the Registrar of Titles.*
- Clause 13(6)** *Upon the revocation or modification of a Tree Preservation Order which has the effect that any land is no longer affected by the Order, the local government shall deliver a notification of the fact that the land is no longer affected in the same way and to the same officers as a copy of an order is delivered under the preceding subclause. Such notification shall specify the date on which the revocation or modification took place and the land to which it relates.*
- Clause 13A(7)(a)** *On receiving a copy of a Tree Preservation Order delivered under the provisions of this clause, the Registrar of Titles shall register the order and endorse or note accordingly the appropriate register book in respect of the land stipulated in the order as the land to which it relates.*
- Clause 13A(7)(b)** *On receiving a notification of revocation or modification of a Tree Preservation Order delivered under the provisions of this clause, the Registrar of Titles shall cancel or modify (as the notification requires) the registration of the Tree Preservation Order in relation to the land specified and endorse or note accordingly the appropriate register books in respect of the land so specified.*
- Clause 13A(7)(c)** *The local government may require assessment or certification by an arboriculturist to be carried out prior to issuing an approval to cut, break or remove or damage a tree subject to a Preservation Order, in accordance to Clause 13A(1)(d).*



*Item 12.4 Continued*

- Clause 13A(8)** *Without affecting the generality of any other provision in this Scheme giving power to make agreements, the local government may enter into agreements with any applicant or owner or occupier of land for the purpose of supporting or reinforcing a Tree Preservation Order.*
- Clause 61(1)(c)(vi)** *Partially or wholly within the 25-30 ANEF (Aircraft Noise Exposure Forecast) contours; or where the extension to an existing single house, partially or wholly within the 25-30 ANEF contours, involves more than two additional habitable rooms or more than 25% increase of habitable floorspace.*
- Clause 61(1)(k)** *The demolition of any building or structure not included in paragraph (e) unless the demolition is –*
- (i) located in a place that is entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or*
  - (ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or*
  - (iii) included on a heritage list prepared in accordance with this Scheme; or*
  - (iv) located within an area designated under this Scheme as a heritage area; or*
  - (v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29;*
- Clause 61(1)(l)** *The signage and advertisements contained in Schedule 5 of this Scheme;*
- Clause 61(1)(m)** *The erection of a boundary fence in a zone where no residential density code applies to land on either side of the boundary, except where the boundary fence is –*
- (i) located in the street setback area of the lot; or*
  - (ii) within the Residential and Stables zone, located within the street setback; and exceeds 1.8 metres in height or is not visually permeable above 1.2 metres above natural ground level.*

*Item 12.4 Continued*

- Clause 61(1)(n)** *The erection of a patio or pergola on the same lot as a single house, a grouped or a multiple dwelling, whether or not the patio or pergola satisfies the deemed-to-comply requirements of the Residential Design Codes; except where the patio or pergola is located within the primary street setback area of the lot.*
- Clause 61(1)(o)** *The erection of a carport associated with a single house, grouped or multiple dwelling, provided that:*
- (i) the carport is located no closer than 2.0 metres from the primary street boundary; or*
  - (ii) the pitch and colour of the roof of the carport matches that of the dwelling to which it relates.*
- Clause 61(1)(p)** *The carrying out of works urgently necessary for public safety, the safety or security of plant or equipment, or the maintenance of essential services.*
- Clause 61(1)(q)** *Small scale receiving and transmission equipment that meets the following criteria –*
- (i) satellite dishes that are not visible from the public realm, are located behind the front setback, do not exceed a maximum diameter of 1.0 metre; and that do not project above the ridge line of a building located in the same property.*
  - (ii) microwaves antennas and aerials that do not exceed a maximum width or diameter of 500mm; and do not project more than 3.0 metres above the ridge line of a building located in the same property.*
- Clause 61(1)(r)** *The installation of security shutters and grills on non-residential buildings provided that –*
- (i) the shutters or grills are visually permeable to a minimum of 50% when viewed from the public realm;*
  - (ii) the shutters or grills are compatible with colours and materials of existing development on the lot;*
  - (iii) the shutter box is fixed internally.*

*Item 12.4 Continued*

- Clause 61(1)(s)** *The erection of a cubby house on the same lot as a single house or grouped dwelling provided that –*
- (i) the maximum wall height is not greater than 1.6 metres above natural ground level;*
  - (ii) the maximum floor area is not greater than 9 square metres;*
  - (iii) the floor is not more than 600mm above natural ground level.*
- (c)** *Deleting the following definitions from Schedule 1 of the Scheme Text, as they have been superseded by the definitions in the deemed provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 or are defined by other frameworks:*
- *Absolute Majority*
  - *Act*
  - *City*
  - *Commission*
  - *Council*
  - *Development*
  - *District*
  - *Heritage List*
  - *Heritage Precinct*
  - *Land*
  - *Lot*
  - *Metropolitan Region Scheme*
  - *Minister*
  - *Place*
  - *Public Authority*
  - *Reserve*
  - *Sign*
  - *Structure Plan*
  - *Substantial Work*
  - *Waterway.*
- (d)** *Amending the following clauses in the Scheme Text by removing the cross reference to the clause deleted by the amendment and replaces with the cross reference to relevant Deemed Provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 – Schedule 2:*
- *3.4.1*
  - *3.4.2(a)*
  - *4.3.2*
  - *4.3 – Note 3*
  - *4.4.2(b)*
  - *4.8(c)*
  - *4.9.2*
  - *5.3.4(1)*
  - *5.4.2*
  - *5.5.2(a)*
  - *5.5.3(a)*
  - *Schedule 2 – Additional Uses – No. 2(i)*
  - *Schedule 2 – Additional Uses – No. 2(v).*

*Item 12.4 Continued*

**(e) Deleting from the Scheme Text references to the following terms and replace them with the corresponding term throughout the Scheme Text:**

- **'Ancillary Accommodation; to 'Ancillary Dwelling'**
- **'Heritage Precinct' to 'Heritage Area'**
- **'City' to 'Local Government'**
- **'Council' to 'Local Government'**
- **'DA' to 'SCA-DA' and 'DCA' to 'SCA-DCA', with a sequential number reference. 'Planning Approval' to 'Development Approval'.**

**(f) Modifying the Zoning Table in the Scheme Text, as follows:**

- **To make the land use 'Ancillary Dwelling' (Ancillary Accommodation) a 'P' use in the 'Residential' zone.**
- **To make the land use 'Bed and Breakfast' an 'A' use in the 'Special Development Precinct' zone.**

**(g) Updating the following clauses/text:**

- **Clause 6.3.12.2 – Update "schedule [X]" with "Schedule 10".**
- **Delete the second paragraph on the introduction page which references Part 2–Local Planning Framework.**

**(h) Amending Clause 5.7.7 of the Scheme Text, as follows:**

**Clause 5.7.7 Subdivision of land within any of the flexible coded areas depicted on the Scheme Map may only be approved where:**

- (a) the subdivision complies with the site area requirements for a residential density of R30; and**
- (b) the application for subdivision approval demonstrates that development on the subdivided lots is capable of compliance with the requirements of clause 4.7.3; or**
- (c) development on the land has been constructed to plate height in accordance with a development approval granted by the local government, and the subdivision is consistent with that development approval.**

*Item 12.4 Continued*

- (i) **Renumbering the remaining Scheme Text provisions and Schedules sequentially and update any cross referencing to the new clause numbers as required, with the Scheme to have the following structure:**
- **Part 1 (Preliminary)**
  - **Part 2 (Reserves)**
  - **Part 3 (Zones and the Use of Land)**
  - **Part 4 (General Development Requirements)**
  - **Part 5 (Special Control Areas)**
  - **Schedule A (Supplemental provisions to the deemed provisions)**
  - **Schedule 1 (Dictionary of Defined Words and Expressions)**
  - **Schedule 2 (Additional Uses)**
  - **Schedule 3 (Restricted Uses)**
  - **Schedule 4 (Special Use Zones)**
  - **Schedule 5 (Exempted Advertisements)**
  - **Schedule 6 (Environmental Conditions)**
  - **Schedule 7 (Car Parking Layout)**
  - **Schedule 8 (Structures Height Control Contours Map)**
  - **Schedule 9 (Special Control Areas – Development Areas)**
  - **Schedule 10 (Statutory Static Feasibility Assessment Model)**
  - **Schedule 11 (Special Control Areas - Development Contribution Areas).**
- (j) **Renaming Schedule No. 14 as Special Control Areas–Development Areas.**
- (k) **Renaming Schedule No. 16 as Special Control Areas–Development Contribution Areas.**
- (l) **Amending the Scheme Map, as follows:**
- i. **Expanding the Scheme Area to encompass the adjusted local government boundary, as depicted in the Deposited Plan No. 412423 – version 1;**
  - ii. **Zoning a portion of Lots 2 (No. 5) Apac Way, South Guildford and 3 (No. 555) Great Eastern Highway, Redcliffe to ‘Industrial’;**
  - iii. **Zoning a portion of Lot 301 (No. 510) Great Eastern Highway, Ascot, to ‘Mixed Use’;**
  - iv. **Rezoning a portion of Lots 901 and 902 (Nos. 336 and 334) Daly Street, Belmont from ‘Local Road’ to ‘Residential’ with a density code of ‘R20’;**
  - v. **Rezoning a portion of Lot 105 (No. 21) Harman Street, Belmont, from ‘Local Road’ to ‘Parks and Recreation’;**
  - vi. **Rezoning a portion of Lots 253 and 255 (No. 305) Acton Avenue, Kewdale, and (No. 14) Luscombe Street, Kewdale, from ‘Local Road’ to ‘Residential’ with a density code of ‘R20/50/100’;**
  - vii. **Rezoning Lot 35 (No. 55) St Kilda Road, Rivervale, from ‘Parks and Recreation, with the notation Water Supply Sewage and Drainage (WSD)’ to ‘Residential’ with a density code of ‘R20’;**
  - viii. **Zoning a portion of Lot 35 (No. 1) Epsom Avenue, Ascot, to ‘Mixed Use’;**

*Item 12.4 Continued*

- ix. Rezoning a portion of Lot 181 (No. 17) Ballantyne Road, Kewdale, from 'Parks and Recreation' with the notation Water Supply Sewage and Drainage (WSD) to 'Industrial';*
  - x. Rezoning land comprising Bell Street, between Orrong Road and Sissons Street, Kewdale, from 'Industrial' and 'Parks and Recreation with the notation Water Supply Sewage and Drainage (WSD) to 'Local Road';*
  - xi. Rezoning Lot 234 (No. 1) Guilfoyle Green, Cloverdale from 'Residential' with a density code of 'R20' to 'Parks and Recreation';*
  - xii. Rezoning a portion of land located at the junction of Nannine Place and Brighton Road, Rivervale, from 'Residential' with a density code of 'R100' to 'Local Road';*
  - xiii. Zoning Lot 302 (No. 553) Abernethy Road and a portion of Lot 22 (No. 159) McDowell Street, Kewdale to 'Industrial'.*
  - xiv. Modifying all notations and legend of 'Development Area', depicted on the Scheme Map as 'DA' to 'Special Control Area – Development Area', depicted as 'SCA - DA' or to 'Special Control Area – Development Contribution Area', depicted as 'SCA – DCA'; following by a number, corresponding with the number contained in the Schedule 14 and Schedule 16 respectively.*
- 2. Pursuant to Clause 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 determines that Amendment No. 11 to Local Planning Scheme No. 15 is a 'basic' amendment as it satisfies the following criteria:**
- (a) The amendment corrects administrative errors in the Scheme;*
  - (b) The amendment makes the Scheme consistent with the Model Provisions in Schedule 1 of the Regulations;*
  - (c) The amendment deletes provisions in the Scheme that have been superseded by the Deemed Provisions in Schedule 2 of the Regulations;*
  - (e) The amendment is consistent with a State Planning Policy that applies to the Scheme area; and*
  - (f) The amendment is consistent with the Metropolitan Region Scheme and has minimal impact on the Scheme area or the landowners in the Scheme area.*
- 3. That Council forwards Amendment No. 11 to Local Planning Scheme No. 15 to the Environmental Protection Authority for comment, pursuant to Section 81 of the Planning and Development Act 2005.**
- 4. Requests that the Western Australian Planning Commission reviews and addresses several mapping errors and anomalies in the Metropolitan Region Scheme map, as outlined in [Attachment 13](#).**

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

**12.5 REVISED LOCAL PLANNING POLICY NO. 12 – ADVERTISING SIGNS**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 14 – Item 12.5 refers	<a href="#">Revised Local Planning Policy No. 12 – Advertisement Signs</a>
Attachment 15 – Item 12.5 refers	<a href="#">Key Assessment Provision Changes from Existing Policy</a>

Voting Requirement : Simple Majority  
Subject Index : LPP15/012–LPS15 Local Planning Policy 12  
Location / Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil  
Previous Items : N/A  
Applicant : City of Belmont  
Owner : N/A  
Responsible Division : Community and Statutory Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

For Council to consider the adoption of a revised Local Planning Policy No. 12 – Advertisement Signs (LPP12) (refer [Attachment 14](#)) for the purpose of public advertising.

*Item 12.5 Continued*

### **SUMMARY AND KEY ISSUES**

Local Planning Policy No. 12 establishes parameters for the assessment of all development applications for advertisement signs in the City of Belmont. These parameters seek to ensure that signage does not adversely impact on the amenity of the locality, whilst also ensuring that there is an appropriate level of exposure for businesses to advertise their activities, products and/or services.

Local Planning Policy No. 12 was adopted by Council on 27 May 2002 (Item 11.1.4) and aside from minor amendments, it has not been substantially reviewed since that time. Whilst it has operated satisfactorily over time, the planning framework and the nature of advertisement signs has evolved and it has become apparent that a substantial review is required. Local Planning Policy No. 12 does not currently address a range of advertisement sign types nor provide clear policy objectives. It also does not provide for the exemption of certain advertisement signs from requiring development approval.

The revised LPP 12 includes assessment provisions for a number of advertisement signs not currently addressed. It also seeks to exempt certain advertisement signs from requiring development approval. Overall the revised LPP 12 will provide a clear, more contemporary framework to assess advertisement sign proposals, which in turn will improve efficiency in decision making.

It is recommended that Council adopt the revised LPP 12 for the purpose of public advertising.

### **LOCATION**

The subject Policy applies to all zoned and reserved land within the City of Belmont.

### **CONSULTATION**

Consultation is a statutory process required under Clause 4 of the Deemed Provisions for making or amending a local planning policy. Clause 5 of the Deemed Provisions provides the statutory process for amending a local planning policy, where the amendment cannot be considered minor in nature.

Clause 4(1)(a) of the Deemed Provisions requires a notice to be published in a local newspaper circulating within the Scheme area. The notice will advise the public as to the location of where the draft local planning policy may be inspected, the subject and nature of the local planning policy and in what form and during what period (being not less than 21 days) submissions may be made.

After the conclusion of the advertising period, Council will be required to review the draft Policy in light of any submissions received and may either adopt the amended Policy with or without modifications or not proceed with the amended Policy.



*Item 12.5 Continued*

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Maximise business development opportunities.

**Strategy:** Attract and support high quality business development and the sustainable use of land in Belmont, including Perth Airport, by providing information and assistance to businesses seeking to establish operations in the City.

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

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

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

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

### **POLICY IMPLICATIONS**

Should Council ultimately adopt the revised LPP 12 'Advertisement Signs', it will supersede the existing LPP 12 'Sign Applications'.

### **STATUTORY ENVIRONMENT**

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

The procedure for making and amending a Local Planning Policy is outlined under Clauses 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*—Schedule 2—Deemed Provisions.

Clause 61 of the Deemed Provisions provides for the exemption of certain signage from requiring development approval where provided by a local planning policy.

### **BACKGROUND**

The revised LPP 12 seeks to provide clear guidance on the assessment and determination of development applications for advertisement signs. In doing so, it draws upon existing elements of the current Policy but also seeks to include:

- Assessment parameters for a range of advertisement signs.
- Clear Policy objectives.
- The exemption of certain advertisement signs from requiring development approval.
- Clarification on signage strategy requirements.
- Specific requirements for advertisement signs in heritage listed places/areas.
- Guidance on the information requirements for an application for development approval.

A copy of the revised LPP12 is contained as [Attachment 14](#). An explanation of the key elements of the revised LPP12 follows.

*Item 12.5 Continued*

**Policy Structure**

The revised LPP 12 is structured into the following key sections:

1. **Policy Basis:** This section provides an overview of the purpose of LPP 12.
2. **Policy Application:** This section contains provisions pertaining to the application and operation of the Policy.
3. **Policy Objectives:** This section lists the objectives of the Policy.
4. **Policy Definitions:** This section provides definitions of certain terms used in the Policy.
5. **Accompanying Information:** This section lists the information requirements for an application for development approval for an advertisement sign.
6. **Development Requirements:** This section contains general development requirements applicable to advertisement signs, and includes the following sections:
  - General Requirements
  - Illuminated and Electronic Display Screen/Panel Signs
  - Signage Strategy
  - Heritage Places
  - Third Party Advertising Signage
  - Advertisement Signs required by City of Belmont and Public Authorities.
7. **Table 1–Advertisement Sign Requirements:** Table 1 includes the definitions, exemption criteria and deemed-to-comply criteria for advertisement signs.
8. **Appendix 1–Signage Strategy Example:** Appendix 1 provides an example of a Signage Strategy to provide guidance on the information requirements for an application for development approval.

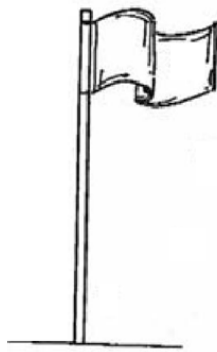
*Item 12.5 Continued*

**Policy Operation**

The operation of LPP 12 is proposed to be substantially modified to provide for the following:

- (i) Criteria that exempts certain advertisement signs from requiring development approval;
- (ii) Development requirements applicable to all advertisement signs, irrespective of whether they are exempt from requiring development approval;
- (iii) Deemed-to-comply criteria for the assessment of each advertisement sign that requires development approval; and
- (iv) A performance-based assessment against Policy objectives where a proposal does not meet the relevant development requirements or the deemed-to-comply criteria.

In terms of Points (i) and (iii) above, it should be noted that Table 1 of the revised Policy is formatted such that it defines each type of advertisement sign and cross-references it with the corresponding exemption and deemed-to-comply criteria in Columns A and B, respectively. These criteria are to be read in conjunction with the Policy Objectives in Part 3 and the Development Requirements contained in Part 6 of the Policy.

SIGN TYPE	COLUMN A – EXEMPTED ADVERTISEMENTS	COLUMN B – DEEMED TO COMPLY
<p><b>Flag Pole</b></p> <p>An advertisement sign consisting of a banner that is made from a piece of material which is attached to a pole.</p> 	<p>Flag Poles that:</p> <ul style="list-style-type: none"> <li>a) are limited to a maximum of one per property;</li> <li>b) do not exceed a maximum height of 6m; and</li> <li>c) the area of the flag does not exceed 2m<sup>2</sup>.</li> </ul>	<p>Flag Poles shall:</p> <ul style="list-style-type: none"> <li>a) be limited to a maximum of three per property;</li> <li>b) do not exceed a maximum height of 6m; and</li> <li>c) not exceed 4m<sup>2</sup> in area per flag.</li> </ul>

*Figure 1 – Extract from Revised Local Planning Policy No. 12*

In terms of the assessment and approval process, the revised Policy is proposed to operate as follows:

- Advertisement signs that comply with the criteria listed in Column A of Table 1 and the Development Requirements listed in Part 6 of the Policy do not require development approval.
- Advertisement signs that fully comply with the criteria listed in Column B of Table 1 and the Development Requirements listed in Part 6 of the Policy are deemed acceptable and cannot be refused on that basis.
- Advertisement signs that do not comply with the criteria listed in Column B of Table 1, the Development Requirements listed in Part 6 of the Policy, and the objectives outlined in Part 3 of the Policy are deemed unacceptable and will not be supported unless exceptional circumstances exist.

Item 12.5 Continued

Figure 2 below illustrates the development approval and assessment process proposed by the modified Policy.

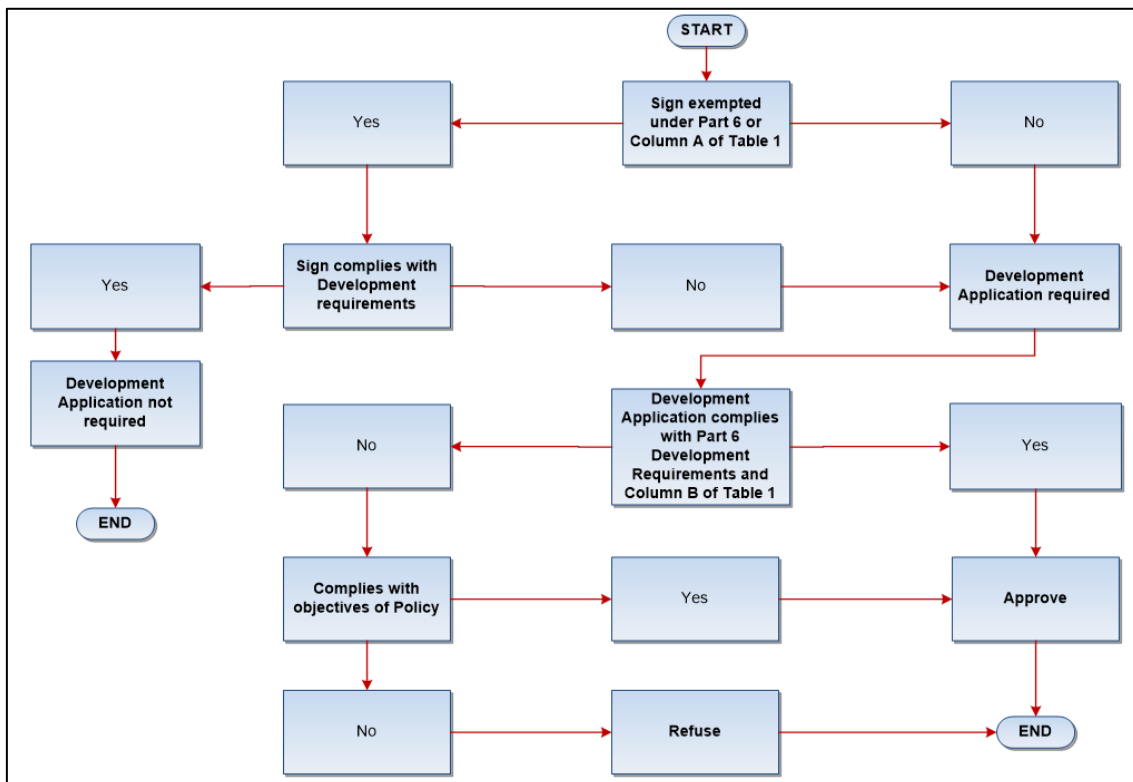


Figure 2 – Flowchart of Development Assessment Process for Advertisement Signs

### Development Exemptions

Clause 61 of the Deemed Provisions provides for a local planning policy to exempt certain advertisement signs from requiring development approval. In this regard, the revised LPP 12 proposes to exempt small-scale advertisement signs from requiring development approval, for example, the replacement of like-for-like signage where the size and location of the sign and associated structure remains unchanged. It is anticipated that the exemptions will lead to a more simplified and efficient process for landowners and businesses alike.

### Development Assessment Criteria

The revised Policy includes criteria for the assessment of advertisement sign proposals. In many instances, it draws upon the existing standards under the current Policy and where considered necessary, those standards have been modified or new standards have been created. An outline of the proposed development assessment criteria of the revised Policy follows.

### Specific Criteria for Advertisement Signs

The revised LPP 12 seeks to maintain development assessment criteria for each type of advertisement sign identified by the Policy. This is provided for in Table 1 of the revised Policy which includes both a definition of each type of advertisement sign and the corresponding 'deemed-to-comply' development assessment criteria. A summary of the key changes and inclusions of development assessment criteria proposed for each advertisement sign type and the associated justification is provided in [Attachment 15](#).

*Item 12.5 Continued*

### **Advertisement Signs within a Heritage Area/Place**

The revised Policy incorporates development assessment criteria for advertisement signs proposed in a designated Heritage Area/Place under LPS 15. The purpose of criteria is to ensure that proper consideration is given to the existing character and heritage value of a site/area. In addition, development applications proposing advertisement signs within a designated Heritage Area/Place will need to be supported by a heritage assessment that reviews any potential impacts on the heritage values of a site.

### **Third Party Advertisement Signs**

The current LPP 12 does not permit any third party advertisement signs, that is signs that advertise services and/or products unrelated to the subject site. The revised LPP 12 seeks to maintain this stance with the exception of third party advertising on a local reserve that relates to a special event and only during the lead-up to that event. It also provides for third party advertising for sponsors associated with sporting and/or community activities on a site.

### **Belmont Business Park**

The revised Policy includes a provision that seeks to encourage advertisement signs proposed in the 'Mixed Business' zone to incorporate the 'Belmont Business Park' branding. The purpose of this is to promote the Belmont Business Park image and establish a sense of place that fosters business growth in the area.

### **Electronic Display Screen/Panel Signs and Illuminated Signs**

The revised Policy includes development assessment criteria for electronic display screen/panel and illuminated advertisement signs. It should be noted that electronic display screen/panel and illuminated advertisement signs have the potential to cause a visual nuisance and can impact on road safety where they are not appropriately designed and located. To address this, the proposed development assessment criteria aims to control location, the frequency of display transitions, light spill, brightness and special effects.

### **Signage Strategy Requirements**

The revised Policy includes development assessment criteria on the requirements for a Signage Strategy. By way of background, a Signage Strategy outlines the type, size, location and content (if known) of existing and proposed advertisement signs on a lot. It is used as a tool to coordinate signage between multiple tenancies located on a lot in a manner that ensures all tenancies have equitable access to areas for signage.

The revised LPP 12 will require a Signage Strategy to be prepared where there is multiple land uses/tenancies located on a lot. To offer guidance on the preparation of a Signage Strategy, the revised Policy lists minimum information requirements and provides an example of the standard of preparation for a Signage Strategy in Appendix 1. The revised Policy also clarifies that when a Signage Strategy has been approved on a lot, development approval will not be required for individual advertisement signs that comply with the approved Signage Strategy.

*Item 12.5 Continued*

### **OFFICER COMMENT**

The revised LPP 12 represents a contemporary decision-making tool to guide the assessment and determination of development applications for advertisement signs. It provides assessment parameters for matters not currently addressed by the Policy, including additional signage types, Signage Strategy requirements, heritage and third party advertising. The review of the Policy has also presented an opportunity to examine the appropriateness of existing provisions and make modifications where considered necessary. It has also presented an opportunity to introduce the exemption of certain advertisement signs, as provided by the Deemed Provisions.

It is considered that the revised Policy is more direct and legible and in turn will lead to improved decision making and provide more guidance to landowners and businesses alike. Furthermore, it is anticipated that the revised Policy will adequately control advertisement signs such that they are appropriate for their location and do not become excessive. For these reasons, it will be recommended that Council adopt the revised LPP 12, as contained as [Attachment 14](#) for the purposes of advertising.

### **FINANCIAL IMPLICATIONS**

There are costs associated with the advertising of the draft Policy.

### **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:***

- A. Adopts the draft revised Local Planning Policy No. 12 'Advertisement Signs' as detailed in [Attachment 14](#) for advertising in accordance with the provisions of Schedule 2, Part 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.***
- B. Advertise draft Local Planning Policy No. 12 'Advertisement Signs' for a period of 21 days in accordance with Schedule 2, Part 2, and Clause 4(1) and (2) of the Planning and Development (Local Planning Schemes) Regulations 2015.***

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

**12.6 DRAFT GOLDEN GATEWAY COMMUNITY ENGAGEMENT STRATEGY AND LOCAL STRUCTURE PLAN**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 16 – Item 12.6 refers	<a href="#"><u>Draft Golden Gateway Local Structure Plan Report (Excluding Attachments)</u></a>
Attachment 17 – Item 12.6 refers	<a href="#"><u>Bushfire Management Plan</u></a>
Attachment 18 – Item 12.6 refers	<a href="#"><u>Environmental Assessment Report</u></a>
Attachment 19 – Item 12.6 refers	<a href="#"><u>Movement and Access Strategy</u></a>
Attachment 20 – Item 12.6 refers	<a href="#"><u>Local Water Management Strategy</u></a>
Attachment 21 – Item 12.6 refers	<a href="#"><u>Infrastructure Assessment Report</u></a>
Attachment 22 – Item 12.6 refers	<a href="#"><u>Public Realm Strategy</u></a>
Attachment 23 – Item 12.6 refers	<a href="#"><u>Draft Golden Gateway Community Engagement Strategy</u></a>

Voting Requirement : Simple Majority  
 Subject Index : 116/113–Golden Gateway Precinct  
 Location / Property Index : Various Lots  
 Application Index : N/A  
 Disclosure of any Interest : N/A  
 Previous Items : 28 August 2018 Ordinary Council Meeting Item 12.1  
 Applicant : City of Belmont  
 Owner : State Government, Local Government and Various Private Landowners  
 Responsible Division : Community and Statutory Services

**COUNCIL ROLE**

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

*Item 12.6 Continued*

## **PURPOSE OF REPORT**

To consider and endorse the draft Golden Gateway Community Engagement Strategy and Local Structure Plan (LSP) contained as [Attachment 16](#), [Attachment 17](#), [Attachment 18](#), [Attachment 19](#), [Attachment 20](#), [Attachment 21](#), [Attachment 22](#), and [Attachment 23](#), for the purpose of public consultation.

## **SUMMARY AND KEY ISSUES**

The draft Golden Gateway LSP has been prepared to coordinate the future subdivision, zoning and development of land generally bound by Great Eastern Highway (GEH), the Swan River, Resolution Drive (north), Grandstand Road (north), the Ascot Racecourse (southern boundary), Carbine Road and Hardey Road. The vision of the LSP is to “...transform this degraded and fragmented area into a vibrant precinct of residential and mixed use development, with strengthened connections to the Swan River and Ascot Waters...while respecting the area’s rich culture and heritage”. To provide for this, the draft LSP addresses the following:

- Land use and zoning
- Built form and development requirements
- Modifications and upgrades to the movement network
- Public realm improvements
- Implementation requirements.

The draft Golden Gateway LSP is generally consistent with the community engagement design feedback, as well as State and local strategic planning documents which encourage increased residential densities and mixed land uses along urban corridors such as GEH.

On 28 August 2018, Council considered endorsing the draft Golden Gateway LSP for the purpose of public advertising; however it was resolved to defer its consideration to allow for the development of a consultation and engagement strategy. A draft Golden Gateway Community Engagement Strategy has been prepared and is contained as [Attachment 23](#).

It is recommended that Council endorse the draft Golden Gateway Community Engagement Strategy and adopt the draft Golden Gateway LSP for public consultation in accordance with the Strategy.



Item 12.6 Continued

## LOCATION

The draft Golden Gateway LSP relates to the area generally bounded by GEH, the Swan River, Resolution Drive (north), Grandstand Road (north), Ascot Racecourse southern boundary, Carbine Road and Hardey Road (refer Figure 1).



Figure 1 – Golden Gateway Local Structure Plan Area

## CONSULTATION

Community involvement formed a critical component in the preparation of the Golden Gateway LSP and included:

- **May 2016:** Three separate workshops with Council officers, Business/Landowners and Community/Residents.
- **May and November 2016:** Two online surveys for the wider community to provide additional comments.
- **November 2016:** One workshop with business/landowners and community/residents to present three draft concepts.

The following key points from the workshops and surveys are summarised below:

- Preserve and enhance public open space within the Belmont Trust land and the LSP area. Strong support to improve pedestrian, cycle and recreation amenity with active public open space, dedicated pedestrian/cycle areas and a 'green spine' within the precinct.
- Support for the removal of the roundabout and downgrading Stoneham Street, however the potential to increase traffic on Resolution/Raconteur Drive through to Hardey Road (south of GEH) was identified as a concern to be addressed.

*Item 12.6 Continued*

- Provide vehicle access to residential and stables area to improve accessibility but in a modified layout that discourages 'rat running'.
- Great Eastern Highway poses a challenge for vehicle, pedestrian/cycle access to the area, but it is also an opportunity to create a 'sense of arrival' and investment for the area.
- Create a destination/attraction for the City that facilitates a sense of place within the community.
- Strong support for a retail hub around Daly Street.
- Support for residential development and for building height and density along GEH with a taper down into the precinct. Preference for careful integration with existing residential areas of Ascot Waters and with lower density between Resolution Drive and nearby Residential and Stables area.

In accordance with Schedule 2, Part 4, Clause 18 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the *Regulations*), the draft LSP requires further consultation through a formal advertising period to seek comments from the public and relevant public authorities. To guide formal advertising, the draft Golden Gateway Community Engagement Strategy has been prepared to outline the specific consultation and engagement actions that will be undertaken.

### **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

**Objective:** Maximise business development opportunities.

**Strategy:** Attract and support high quality business development and the sustainable use of land in Belmont, including Perth Airport, by providing information and assistance to businesses seeking to establish operations in the City.

**Strategy:** Enhance the relationship and intersection with existing business entities within the City.

**Objective:** Achieve and maintain an image of Belmont as an ideal location for business growth and opportunities.

**Strategy:** Promote the City of Belmont through various promotional and informative materials, facilitated networks and media to make it clear that the City is a great place to do business.

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

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

**Strategy:** Develop quality public open space in accordance with community needs.

*Item 12.6 Continued*

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.

**Objective:** Provide a safe, efficient and well maintained transport network.

**Strategy:** Encourage a broad range of transport alternatives and provide adequate management of traffic density, parking, congestion and safety of the transport network, in and surrounding the City of Belmont.

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.

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

**Strategy:** Ensure decision making is supported by effective information and knowledge management.

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

**Strategy:** Ensure effective communication and consultation with the community and other stakeholders.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report. It should be noted however that the draft LSP proposes that a Local Planning Policy (LPP) be prepared to assist with the future implementation of the LSP and to guide future development in the precinct. It is intended that the preparation of an LPP will be considered following community feedback from advertising of the LSP.

*Item 12.6 Continued*

## **STATUTORY ENVIRONMENT**

### **Strategic Planning Framework**

#### **Perth and Peel @ 3.5 Million**

The State strategic framework documented under the Western Australian Planning Commission (WAPC) 'Perth and Peel @ 3.5 million' impacts upon the statutory direction for the City.

The Perth and Peel region will need to accommodate significant population growth by 2050 with an additional 1.5 million people requiring approximately 800,000 new homes. The 'Perth and Peel @ 3.5 million' strategic planning framework requires that a substantial amount of this growth (ie: 47%) be delivered through infill developments. It identifies that the City of Belmont population will increase from 37,360 to 60,260 people by 2050 and to accommodate that increase an additional 10,410 dwellings will be required.

It has been recognised that the 'business-as-usual' approach to planning will not adequately accommodate this growth without significant detriment to the liveability of Perth metropolitan as well as strain on finances, resources and the environment. There is a directive from the State Government to plan areas in such a way that would:

- Promote a more energy efficient and consolidated urban form.
- Reduce the overall need to travel.
- Support the use of public transport, cycling and walking for access to services, facilities and employment.

It is widely accepted that higher residential densities and mixed use developments within walkable catchments of activity centres and high frequency transit nodes has the potential to reduce car dependence, increase accessibility for those without access to private cars, and therefore reduce road congestion and infrastructure demand. It also provides for housing diversity and opportunities for more affordable living within vibrant areas that are well connected with services, employment and public transport.

'Perth and Peel @ 3.5 million' promotes the concept of 'urban corridors' as a way of achieving integrated land use and transport outcomes. Great Eastern Highway is identified as an 'urban corridor' because it provides a connection between the Burswood and Perth Airport Activity Centres. Great Eastern Highway abuts the Golden Gateway LSP area. Grandstand Road/Resolution Drive is identified as a 'high frequency public transit' route and Belgravia Street (being the extension of Stoneham Street) is identified as an 'integrator arterial' road. The framework suggests that the focus should be given to investigating increased residential densities and mixed land uses around urban corridors.

#### **City of Belmont Local Planning Strategy**

The City of Belmont Local Planning Strategy (2011) is the strategic planning document that broadly sets out the long-term planning direction for the City and informed the preparation of Local Planning Scheme No. 15 (LPS 15). It recognises that GEH, which abuts the LSP area, is the only major regional road within the City that is also designated as an Urban Corridor.

*Item 12.6 Continued*

The key objectives of the Local Planning Strategy and its supporting sub-strategies, as relevant to the Golden Gateway precinct, are as follows:

- Enhance the north-west entrance to the City.
- Encourage landmark development.
- Produce a Structure Plan and Implementation Plan for the locality.
- Utilise the development process to rationalise and improve traffic access to commercial properties along GEH.
- Provide more frequent and safe pedestrian crossing points along GEH.
- Provide for higher density residential development along GEH, in addition to mixed use, landmark buildings that create an entry statement and a high standard of urban amenity.
- Encourage a new local convenience centre within Ascot Waters, but Lot 713 Grandstand Road (Ascot Kilns site) should no longer form part of any commercial strategy.
- Acknowledge that Ascot racecourse and the Swan River are 'strategic tourism sites' of state significance to benefit future tourism development.
- Recognise the importance of the river for transport, commerce, tourism and leisure as well as its conservation values.

### **Draft Great Eastern Highway Urban Corridor Strategy**

The GEH Urban Corridor Strategy is a draft planning document that establishes a 'vision' for the GEH corridor and proposes a series of implementation strategies to ensure that the vision is realised. The Strategy will be implemented through Scheme provisions, structure planning and local planning policies.

The Strategy identifies four precincts along GEH and aims to provide area-specific guidance on their future growth and development in accordance with the urban design framework. Precinct 2 of the Strategy includes the section of GEH between Belmont Avenue and Hardey Road, of which the northern side of GEH falls within the Golden Gateway precinct. The Strategy identifies this area as an 'activity node' for a range of commercial land uses, offices, professional and technical services, cafés/restaurants and improved civic spaces to support the local workforce and high density residential development capitalising on the proximity of the Swan River.

The draft Golden Gateway LSP is consistent with the GEH Urban Corridor Strategy.

### **Statutory Planning Framework**

The *Regulations* outline the procedure for the preparation and advertising of a structure plan in Part 4 of the Schedule 2–Deemed Provisions. The key requirements under Part 4 of the *Regulations* in relation to processing and advertising a structure plan are as follows:

- The local government must advertise a structure plan within 28 days of the structure plan being accepted for assessment and advertising.

*Item 12.6 Continued*

- The timeframes for advertising a structure plan shall be at least 14 days but not more than 28 days, unless otherwise approved by the WAPC.
- A structure plan must be advertised in one or more of the following ways:
  - By giving notice of the proposed structure plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the structure plan;
  - By publishing a notice of the proposed structure plan in a newspaper circulating the district;
  - By publishing a notice of the proposed structure plan on the local government website; and/or
  - By erecting a sign or signs in a conspicuous place on the land the subject of the proposed structure plan.
- The local government must make the proposed structure plan and material accompanying it available for public inspection during business hours at the office of the local government during the advertising period.
- Following the conclusion of the advertising period, the local government must consider all submissions made on the proposed structure plan.
- The local government may readvertise any modifications proposed to the structure plan to address issues raised in submissions however, modifications to the structure plan cannot be advertised on more than one occasion without approval from the WAPC.
- The local government must prepare a report to the WAPC within 60 days from the last day for making submissions which includes the following:
  - A list of the submissions considered by the local government;
  - Any comments by the local government in respect of those submissions;
  - A schedule of any proposed modifications to address issues raised in the submissions;
  - The local government's assessment of the proposal based on appropriate planning principles; and
  - A recommendation by the local government on whether the proposed structure plan should be approved by the WAPC.
- On receipt of a report on a proposed structure plan from the local government, the WAPC must within 120 days consider the plan and determine whether to approve the structure plan, require the structure plan to be modified, or refuse the structure plan.
- The WAPC may direct the local government to readvertise the structure plan where it considers that major modifications have been made however; it cannot direct the local government to readvertise the structure plan on more than one occasion.

Item 12.6 Continued

## **BACKGROUND**

### **Golden Gateway Precinct**

The Golden Gateway precinct comprises of approximately 24 hectares of land generally bound by GEH, the Swan River, Resolution Drive (north), Grandstand Road (north), Ascot Racecourse (southern boundary), Carbine Road and Hardey Road. The precinct is located north of the Belmont Business Park, west of the Residential and Stables area and south of Ascot Racecourse and the Ascot Waters residential estate. The Garrett Road Bridge is located approximately 900 metres north of the site which serves a key north-south link between Guildford Road and GEH across the Swan River.

Existing land uses in the area are commercial in nature and include offices, warehouses, a medical centre, service stations and fast food outlets. The Ascot Kilns is also located within the Golden Gateway Precinct, which is the subject of a separate planning process. There are also several parcels of vacant and/or underutilised land within the precinct, including land owned by the Western Australian Turf Club (WATC), and the area is characterised by fragmented land ownership. There is an existing open drain that traverses the precinct and conveys stormwater drainage from Centenary Park to the Swan River.

Figure 2 shows the location of the precinct in relation to the surrounding area.

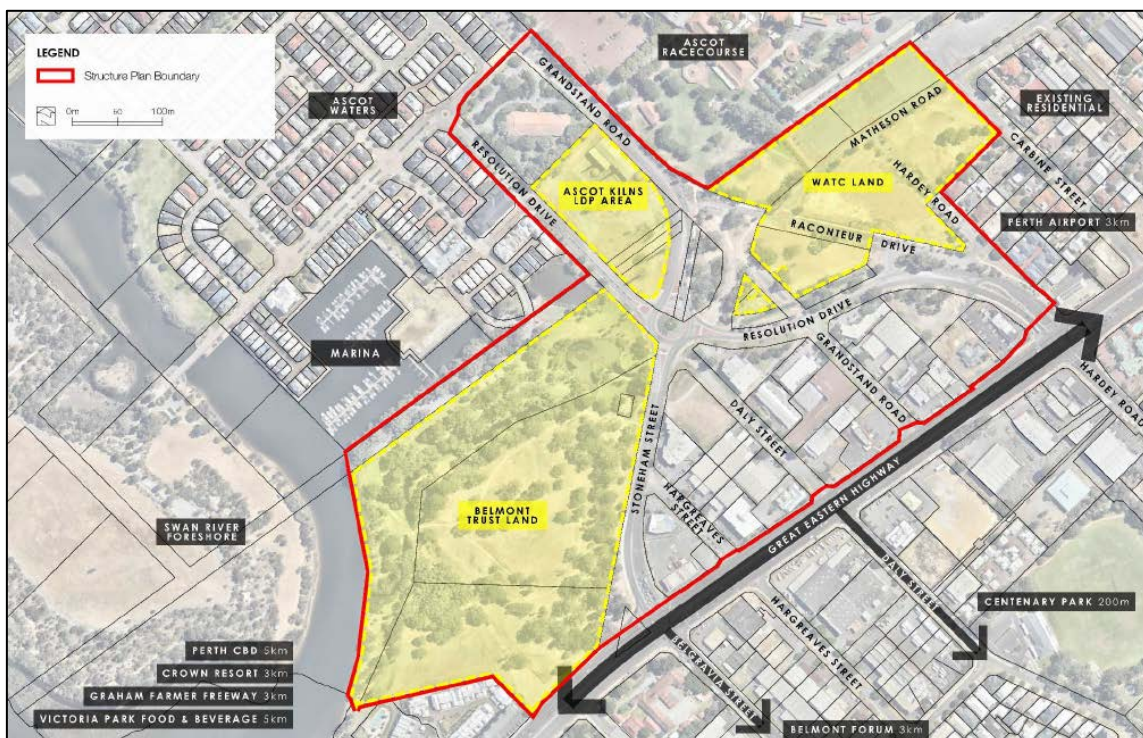


Figure 2 – Location Plan

Item 12.6 Continued

Local Planning Scheme No. 15 predominantly zones private land within the LSP as 'Mixed Use', with parcels of WATC land zoned 'Place of Public Assembly' and the open drain abutting Resolution Drive is reserved 'Parks and Recreation'. Various parcels of crown land and road reserves are reserved as 'Local Road' under LPS 15. Under the Metropolitan Region Scheme (MRS), the area is primarily zoned 'Urban', with a portion of land abutting the Swan River being reserved for 'Parks and Recreation' and located within the Swan River Development Control Area. Great Eastern Highway, which abuts the precinct, is reserved as a 'Primary Regional Road' under the MRS and is controlled by Main Roads Western Australia. Figure 3 below illustrates the LPS 15 and MRS zonings of the precinct and surrounding area.

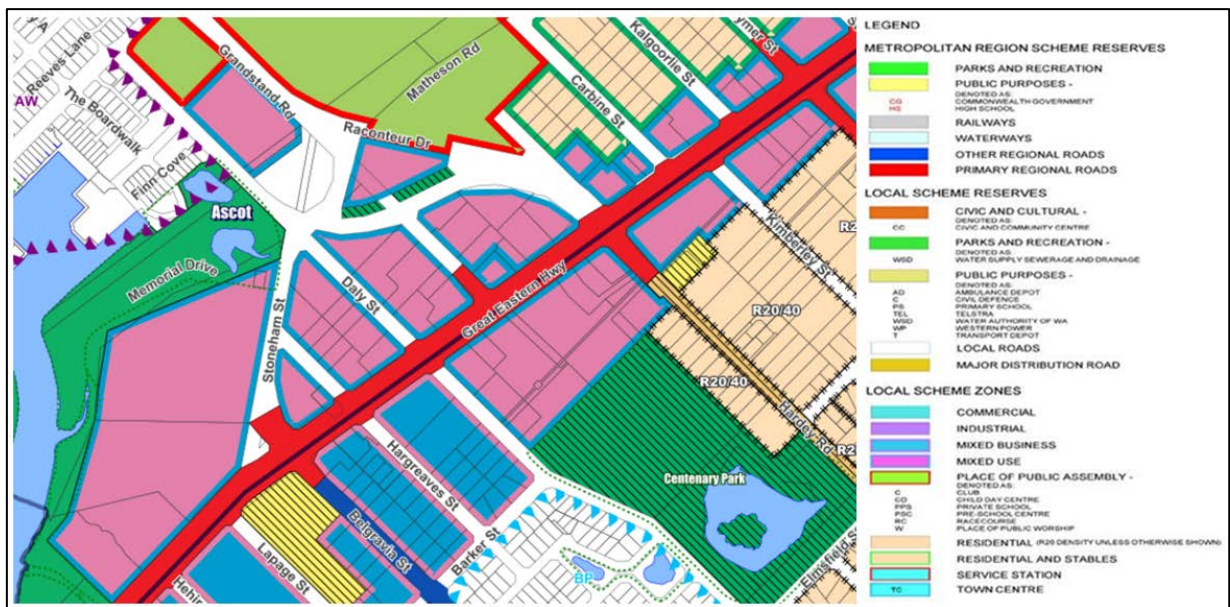


Figure 3: Zoning Plan

In 2008, the Golden Gateway precinct was identified as a key strategic area due to its prominent position on GEH and at the north-western 'gateway' of the City of Belmont. It was recognised that there was significant potential for high quality mixed commercial and residential development in the location, however existing site access constraints and land fragmentation made apparent that coordinated planning was required. It was also considered necessary to provide precinct-specific planning controls and that a 'one-size-fits-all' approach to development within the precinct would not be conducive to desirable outcomes.

In 2015, the City and the then Department of Planning (now Department of Planning, Lands and Heritage (DPLH)) signed a Memorandum of Understanding to prepare an LSP for the Golden Gateway Precinct. The City subsequently engaged planning consultants Taylor Burrell Barnett to undertake the necessary work, including drafting several concepts, facilitating a series of public workshops and preparing technical reports. In terms of the workshops, Figure 4 below summarises the community engagement design feedback for the precinct.



Item 12.6 Continued



Figure 4: Community Engagement Design Feedback

A final draft Golden Gateway LSP has now been formulated for the purposes of seeking feedback from the community. An outline of the key elements of the draft Golden Gateway LSP follows.

### **Draft Golden Gateway Local Structure Plan**

The draft LSP is intended to coordinate future development, subdivision and zoning in the Golden Gateway Precinct to *provide "...a vibrant precinct of residential and mixed use development, with strengthened connections to the Swan River and Ascot Waters..."*. An outline of the key elements of the draft LSP follows.

### **Format**

The draft LSP is formatted into the following key components:

- **Part One – Implementation:** This part outlines the purpose and intent of the structure plan, establishes basic development requirements and includes the structure plan maps.
- **Part Two – Explanatory Information:** This part is the explanatory component of the structure plan that contains the background and explanation of the structure plan, including design methodology and relevance and compliance with the State and local planning frameworks.
- **Technical Appendices:** This section contains all supporting technical documents, including a bushfire management plan, environmental assessments, traffic assessments, a drainage strategy, an infrastructure and servicing report and a public realm strategy.

It should be noted that the above format is standardised by the WAPC in accordance with the Schedule 2 – Deemed Provisions of the *Regulations*.

Item 12.6 Continued

A copy of the draft Golden Gateway LSP is contained as [Attachment 16](#), with the associated Technical Appendices being contained as [Attachments 17](#), [Attachment 18](#), [Attachment 19](#), [Attachment 20](#), [Attachment 21](#), and [Attachment 22](#). The draft Golden Gateway LSP map is reflected in Figure 5 below.



Figure 5: Draft Golden Gateway Local Structure Plan

In terms of the content of the draft LSP, it addresses matters including land use and zoning, built form and development requirements, movement network and public realm considerations and implementation requirements. An outline of these aspects follows.

### Land Use and Zoning

- Provide for mixed residential and commercial land uses focussed between Stoneham Street, GEH, Resolution Drive and Hardey Road with a 'Mixed Use' zoning and 'R-AC0' Residential Design Coding (R-Coding) (subject to Structure Plan and/or Local Development Plan requirements).
- Transform Daly Street into a 'main street' with a small local shopping centre.
- Provide for residential development on land located south and east of Matheson Road and between Resolution Drive, Grandstand Road and the Ascot Kilns site with a 'Residential' zoning and R-Codings of R20, R40 and R100.
- The precinct is predicted to accommodate approximately 3,000 dwellings, 5,900 square metres of commercial floorspace and 1,200 square metres of retail floorspace.

Item 12.6 Continued

**Built Form and Development Requirements**

- Establish development requirements pertaining to building height, density and street setbacks on a sub-precinct basis that is premised on desired character, preferred land uses, residential density, built form and public realm design principles.
- Provide for building heights ranging between 2-15 storeys, with maximum building heights of 2 storeys adjacent to the Residential and Stables area and 2-3 adjacent to Ascot Waters, graduating to 10 and 15 storeys towards GEH (refer to Figure 6).
- Identify landmark development sites at key locations fronting GEH, Stoneham Street, Daly Street and Resolution Drive.
- Provide for variations to the LPS 15 and Residential Design Codes (R-Codes) car parking requirements where provision is made for communal parking.



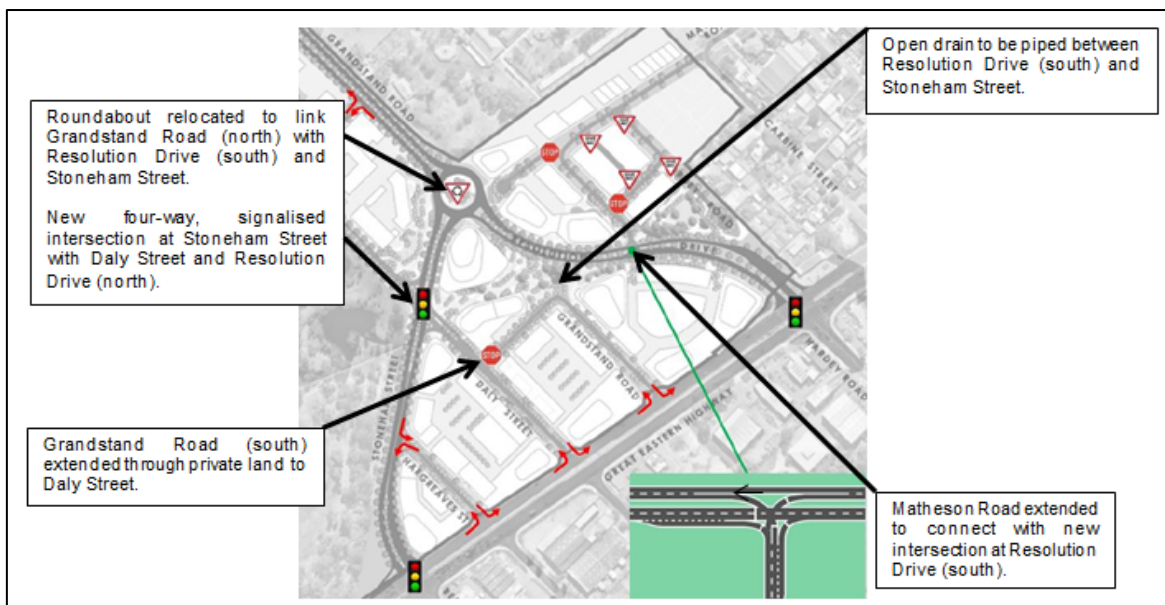
Figure 6: Draft Golden Gateway Local Structure Plan – Building Height Plan

*Item 12.6 Continued*

**Movement Network**

- Relocate the existing roundabout at the Stoneham Street and Resolution Drive (north) intersection 125 metres north-east towards Ascot Racecourse, at the intersection of Grandstand Road (north) and Stoneham Street.
- Realign Resolution Drive between GEH and the new roundabout at the intersection of Grandstand Road (north) and Stoneham Street.
- Establish a new signalised intersection at the intersection of Grandstand Road (north) and Stoneham Street.
- Establish a new signalised intersection at Stoneham Street, Resolution Drive (north) and Daly Street to provide pedestrian access across Stoneham Street.
- Extend Matheson Road through the WATC land to connect with Resolution Drive (south).
- Extend Grandstand Road (south) through private property to connect with Daly Street.

Figure 7 below illustrates the proposed movement network changes.



*Figure 7 – Movement Network Modifications*

*Item 12.6 Continued*

**Public Realm**

- Pipe an existing open drain that runs between Resolution Drive and Stoneham Street.
- The creation of a linear public open space area along the drain alignment that provides a connection between the Residential and Stables area and the Swan River. The public open space provision in the precinct would amount to 3.47% of the total developable area. Whilst this is less than the standard 10% requirement, it is noted that the precinct is in close proximity to existing and future areas of public open space, including the Swan River foreshore, Ascot Waters, Centenary Park and the Belmont Trust land.
- Identify public realm improvements including upgrades to street pavement, pedestrian/cycle infrastructure, street furniture, landscaping, conversion to underground power and street lighting upgrades.

**Implementation**

The draft LSP identifies further requirements to facilitate the implementation of the draft LSP, including:

- The rationalisation and assembly of land parcels to facilitate road realignments/upgrades, development sites and public open space areas.
- The preparation of an amendment to LPS 15 that aligns the zoning of land with the LSP.
- The preparation of a Local Planning Policy to guide future development in the precinct.
- The establishment of a Development Contribution Plan for the purposes of providing a mechanism for sharing the provision of infrastructure necessary to facilitate the redevelopment of the precinct.
- Infrastructure works including road realignments/upgrades and public realm improvements.

It should be noted that there is a considerable amount of work associated with implementation, and no timeframe has been identified at this stage.

Item 12.6 Continued

### **Draft Golden Gateway Community Engagement Strategy**

The draft Golden Gateway Community Engagement Strategy ([Attachment 23](#)) has been prepared to direct community engagement and consultation actions for the draft Golden Gateway LSP. The purpose of the draft Strategy is to ensure that stakeholders have a clear understanding of the project and are provided with an opportunity to give meaningful feedback. A summary of the proposed consultation methods listed in the draft Community Engagement Strategy are as follows:

1. **Letter to the Western Australian Turf Club:** In acknowledgement of the WATC being a significant landowner in the precinct, a letter will be sent requesting preliminary input on their future intentions of their landholdings within the Golden Gateway LSP area. The City will also seek to encourage face-to-face contact by way of a meeting invitation.
2. **Request for Extended Advertising Period:** The *Regulations* stipulate that advertising of an LSP can be no less than 14 days and no greater than 21 days, unless otherwise approved by the WAPC. Due to the complexity of the draft LSP, the City is to write to the WAPC to request an extended advertising period of 28 days so as to provide the community with additional time for consideration and feedback.
3. **Community Information Session:** This will be run at the commencement of the advertising period to provide an overview of the project to interested parties and provide an opportunity for questions to be asked by the community.
4. **Letters to Landowners and Occupiers:** Advertising letters will be sent directly to landowners and occupiers identified within the consultation area (refer to Figure 8).



Figure 8 – Draft Local Structure Plan – Area of Letter Mail-Out to Owners and Occupiers

*Item 12.6 Continued*

5. **Letters to Public Agencies:** Advertising letters will be sent directly to agencies that have an interest in the draft LSP.
6. **Brochure:** A brochure will be produced and distributed to all landowners, occupiers and public agencies that receive advertising letters. The proposed brochure content is contained in Section 6 of the draft Strategy.
7. **Display on Website:** The City's website and the Belmont Connect page will be updated to include information on the draft LSP.
8. **Advertising Signs:** Two advertising signs will be erected in a conspicuous place along Epsom Avenue and at the southern corner of Stoneham Street and Resolution Drive for the duration of the advertising period.
9. **Newspaper Advertisement:** A notice will be placed the Southern Gazette newspaper advertising the draft LSP and the Community Information Session.
10. **Social Media Campaign:** A social media campaign advertising the draft Gateway LSP and the Community Information Session will be broadcast on the City's Facebook and Instagram pages.
11. **Public Inspection:** The draft Golden Gateway LSP and all material accompanying it will be made available for public inspection during business hours at the City's administration office.

At the conclusion of the public advertising period, any submissions received will be presented to Council for further consideration of the draft LSP. At that time the Council may determine to obtain more information and/or modify and readvertise the modified draft LSP, or recommend to the WAPC to approve the draft LSP.

**OFFICER COMMENT**

The draft Golden Gateway LSP provides a framework to achieve coordinated planning and development within a key strategic area of the City of Belmont. Despite having significant potential for redevelopment, the area represents underutilised, fragmented land with significant access constraints. The existing statutory planning framework, being LPS 15, does not currently apply any specialised development controls to the precinct which could ultimately lead to undesirable or incompatible development outcomes, particularly on land adjacent to the Ascot Waters estate and Residential and Stables area. It is expected that the LSP will provide for the long-term transformation of the area and coordinate development in such a way that respects the existing character of the area and addresses contemporary planning principles, including State planning objectives.

The LSP has been prepared in collaboration with the community who expressed strong support to improve pedestrian and cycling movements and access to public open space and the Swan River and establishing a 'sense of place' for the area. It is anticipated that the proposed modifications to the road network and public realm improvements will respect the traffic function of the road but also provide a safer and more accessible street network for pedestrians and cyclists. It is also expected that the public realm improvements, in addition to new development including landmark development facilitated by an LSP and supporting planning framework, will lead to the creation of a 'sense of place' and identity for the area.

*Item 12.6 Continued*

### **Road Network and Built Form**

The community supported the downgrading of Stoneham Street and the removal of the existing roundabout; however concerns were raised about potential increases in traffic on Resolution Drive and 'rat-running' through the Residential and Stables area. Whilst the existing road network will be subject to further traffic increases irrespective of development arising from the precinct, it is acknowledged that its redevelopment will contribute additional traffic, particularly at the GEH and Stoneham Street intersection. In considering this, it is accepted that many existing intersections along GEH are likely to reach capacity and may ultimately trigger State Government investment and/or changes to travel behaviour. It is considered that this is a wider regional issue and should not form a reason to inhibit development along the GEH corridor.

In terms of the Residential and Stables area, the proposed changes to the alignment of Matheson Road is provided to service Ascot Racecourse and new development lots. Should the WATC decide to develop their land between Matheson Road and Ascot Racecourse, alternative access will need to be provided. It is considered that the realignment of Matheson Road is designed such that that it would not prioritise through access to a realigned Resolution Drive, and therefore achieves the community's objectives of discouraging 'rat-running' through the area.

The community supported the introduction of residential development within the precinct and for more intensive building height being provided along GEH and tapering down into the precinct. In accordance with this, the draft LSP provides for more dense built form adjacent to GEH and seeks to graduate the density and building height down towards Ascot Waters and the Residential and Stables area.

### **Community Engagement**

The progression of the draft LSP to formal advertising provides an opportunity to seek feedback from the community and represents the next step towards the establishment of a suitable planning framework for the precinct. Should Council resolve to adopt the draft LSP for formal advertising, consultation activities are proposed to be undertaken in accordance with the draft Golden Gateway Community Engagement Strategy. This includes consultation methods required by the *Regulations*, in addition to other methods including:

- Request for an extended advertising period.
- A community information session.
- A brochure.
- A Social Media campaign.
- Public inspection of the LSP at the City of Belmont office.

It is considered that the community engagement and consultation methods included in the draft Strategy are sound and will lead to informed feedback from the community during the formal advertising process. Following any formal advertising period, the LSP will be reviewed considering any submissions received. A report will then be prepared for Council to decide upon a recommendation on the progression of the LSP. At that stage, Council may resolve to readvertise the LSP, or recommend approval with or without changes, or recommend refusal.

In light of the above, it is recommended that Council endorse the draft Golden Gateway Community Engagement Strategy and adopt the draft Golden Gateway LSP for public consultation in accordance with the Strategy.



*Item 12.6 Continued*

### **FINANCIAL IMPLICATIONS**

There are costs associated with the advertising of the draft Golden Gateway LSP, including the costs associated with a large mail-out and the erection of advertising signs. These costs will be covered by the Planning Services operational budget.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with the consideration and public advertising of the LSP.

### **SOCIAL IMPLICATIONS**

The Golden Gateway Community Engagement Strategy will lead to increased community awareness and knowledge of the project and the planning considerations. It will also enhance the City's relationship with the community and increase participation in the planning process.

### **OFFICER RECOMMENDATION**

That Council:

- A. Endorse the Golden Gateway Local Structure Plan Community Engagement Strategy (refer [Attachment 23](#)).
- B. Adopt the draft Golden Gateway Local Structure Plan and associated supporting technical reports (refer [Attachments 16](#), [Attachment 17](#), [Attachment 18](#), [Attachment 19](#), [Attachment 20](#), [Attachment 21](#) and [Attachment 22](#)) for the purpose of public advertising in accordance with the Golden Gateway Local Structure Plan Community Engagement Strategy.

### **ALTERNATIVE COUNCILLOR MOTION:**

#### **ROSSI MOVED, SEKULLA SECONDED,**

*That Council:*

- A. ***Endorse the Golden Gateway Local Structure Plan Community Engagement Strategy (refer Attachment 23), subject to the following modification:***
  1. ***Advertising material will include information to the community and stakeholders to clarify that:***
    - (a) ***This is only a 'draft plan' and further revisions and re-advertising of the draft may be necessary based on submissions from the community;***
    - (b) ***Any 'suggested heights' have come after initial consultation with the community and stakeholders; and***
    - (c) ***The community and stakeholders will have the ability to make comment on the suggested heights.***

*Item 12.6 Continued*

2. ***The submission form provided as part of advertising letters to landowners and occupiers will include an annotatable copy of 'Plan 3–Building Height Plan' to allow submitters to nominate in writing any suggested modifications to building heights.***
  3. ***A copy of the submission form and annotatable copy of 'Plan 3–Building Height Plan' will be made available to attendees at the Community Information Session, and members of the general public who wish to make a submission.***
  4. ***That a Community Information Booth will be set up in Ascot Waters during one morning of a weekend for the public to view information and be engaged.***
  5. ***The Community Information Session/Engagement shall be held at a publicly accessible location within the Golden Gateway precinct or at a location as close as practical to the precinct (for example a venue in Ascot Waters or Ascot Racecourse).***
- B. Adopt the draft Golden Gateway Local Structure Plan and associated supporting technical reports (refer [Attachments 16](#), [Attachment 17](#), [Attachment 18](#), [Attachment 19](#), [Attachment 20](#), [Attachment 21](#) and [Attachment 22](#)) for the purpose of public advertising in accordance with the Golden Gateway Local Structure Plan Community Engagement Strategy, subject to the following modification:***
1. ***Amend the zoning of properties owned by Perth Racing on the northern side of Resolution Drive, excluding land proposed to be reserved for 'Parks and Recreation' and/or for road purposes, from 'Residential' with density codings of 'R20', 'R40' or 'R100' to 'Mixed Use' with a density coding of 'R-AC0'.***

**CARRIED 9 VOTES TO 0**

**Reason:**

- A. **To allow residents the chance to further engage in meaningful consultation and provide specific comments on proposed building heights.**
- B. **To incorporate feedback from Perth Racing as a major stakeholder in the precinct.**

**12.7 2019-2020 BUDGET PRE-COMMITMENT FOR PROCUREMENT OF FITOUT  
EQUIPMENT AND INFRASTRUCTURE FOR THE NEW COMMUNITY CENTRE**

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Confidential Attachment 1 – Item 12.7 refers</b>	<a href="#"><u>2019-2020 Budget Pre-Commitment for Community Centre</u></a>

Voting Requirement : Absolute Majority  
Subject Index : 57/007 - Federal Government Grants  
Location/Property Index : Property Address  
Application Index : N/A  
Disclosure of any Interest : Nil.  
Previous Items : 27 November 2018 Special Information Forum  
Item 5.1  
Applicant : N/A  
Owner : N/A  
Responsible Division : Community and Statutory Services

**COUNCIL ROLE**

- Advocacy** *When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.*
- Executive** *The substantial direction setting and oversight role of the Council egg 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 (egg under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.*

*Item 12.7 Continued*

### **PURPOSE OF REPORT**

The report seeks Council approval for a pre-commitment to allocate funds in the 2019-2020 Annual Budget to:

- Commence the procurement of the Radio Frequency Identification (RFID) automated library materials return systems for the new Library.
- Allow the City to invite tenders for the fabrication and installation of the fitout of the new Museum.
- Seek Council authorisation to accept a grant from the Federal Government's 'Safer Communities Fund (SCF)-Round 2' program for the establishment of an enhanced Closed-Circuit Television (CCTV) system at the new Community Centre.
- Seek preliminary Council authorisation to accept a grant that has been submitted seeking funding from the Federal Government's "SCF-Round 3 Infrastructure Grants" program for the purchase and installation of CCTV Analytics Software at the new Community Centre. It is not known yet whether the City will be successful in this application.

### **SUMMARY AND KEY ISSUES**

The City is responsible for implementing a range of fitout packages for the Community Centre, some of which are completely separate to the works by the Builder, PACT Construction Pty Ltd, while others require a level of coordination.

#### **Library RFID Returns System**

This fitout package has a long lead-time (up to 24 weeks from date of order) and requires a high level of coordination with the Builder, who needs to install the return chutes into the fabric of the building and facilitate installation of the automated return sorter.

To achieve the above within the timeline for practical completion of the building works (currently scheduled for 20 December 2019), a budget pre-commitment is required prior to finalising the 2019-2020 Annual Budget along with provision in the 2019 March Budget Review to pay a deposit to implement the purchase.

#### **Museum Exhibition Fitout**

This fitout package is fundamentally separate to the work of the Builder, but has a procurement period of approximately 10 weeks along with an off-site lead-time estimated at 16 weeks. To enable the on-site work to commence upon completion of the Builder's works, the procurement period needs to commence prior to finalising the 2019-2020 Annual Budget, thereby requiring a budget pre-commitment, though the tender award is expected to occur after adoption of the 2019-2020 Annual Budget.

The timely purchase, fabrication and delivery of the above infrastructure are critical to prevent construction delays and the overall completion and opening of the new Community Centre.

*Item 12.7 Continued*

### **Civic Centre Security**

The City was made aware of the availability of grant funding through the Federal Government's 'SCF-Round 2'. The stated intent of SCF-Round 2 was to boost the efforts of local governments to address crime and anti-social behaviour by funding crime prevention initiatives such as fixed CCTV systems. The City has been successful in its application for \$196,736 for the design and installation of 70 CCTV cameras around the Community Centre.

In accordance with Council Policy SB1 – Council Authority to Apply for Grants, it is necessary for Council to authorise the acceptance of this funding.

The City has also submitted an application to SCF–Round 3 Infrastructure seeking \$540,271 for the purchase and installation of a CCTV Analytics Software system to enhance the performance of the 70 CCTV cameras. If successful, this grant will fund 100% of the project with no additional expenditure by the City. In accordance with Council Policy SB1–Council Authority to Apply for Grants, it is necessary for Council to authorise (in advance) the acceptance of this funding should the City's grant application be successful.

### **Budget Review**

The deposit required to implement the purchase of the Library Radio Frequency Identification (RFID) Return Systems will be included in the 2019 March Budget Review.

### **LOCATION**

New Community Centre situated at 215 Wright Street, Cloverdale.

### **CONSULTATION**

Potential key suppliers of the relevant equipment and infrastructure were consulted in relation to the proposed procurement.

### **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 information systems and technology support knowledge management in order to meet community and organisational requirements.

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

**Strategy:** Establish and support effective staff retention and attraction practices and policies to enable capacity, capability and knowledge to be maintained.

*Item 12.7 Continued*

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

**Objective:** The City will take a key leadership role to ensure access to services and facilities and developing collaborative partnerships that enable greater accessibility for a changing community.

**Strategy:** Provide leisure, recreation, arts and lifestyle programs and resources to address existing and future community needs.

**Strategy:** Provide art and cultural opportunities as a means of community engagement and inclusion.

**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.

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

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

### **POLICY IMPLICATIONS**

Procurement will be undertaken in accordance with the Purchasing Policy BEXB28.

Social Belmont Policy SB1 states that the City has the authority to make submissions for grants that fall within the Council's overall Strategic Community Plan. However, if the submission results in expenditure that has not been identified in the budget process Council must authorise the acceptance of the grant. All expenditure for the additional CCTV at the Community Centre is provided for through the successful SCF-Round 2 application. However, the inclusion of additional CCTV cameras was not identified in the budget. As such, the officers seek Council's authorisation to accept and proceed with implementing the grant funds. Further to this, the purchase and installation of analytics software to enhance the additional CCTV cameras was not identified in the budget. Again, if successful, the grant funding would provide 100% of the necessary expenditure. In anticipation of the City being successful in the grants application process, Council's preliminary authorisation is sought to accept and proceed with implementing the grant.

### **STATUTORY ENVIRONMENT**

The procurement of the RFID automated library return systems will occur through the WALGA Preferred Supplier Program and quotations will be sought from listed suppliers. A tender process is not required under Regulation 11(2) (b) of the *Local Government (Functions and General) Regulations 1996* 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 WALGA Preferred Supplier Program".

The fabrication and installation of the fitout of the new Museum is governed by the *Local Government (Functions and General) Regulations 1996*, and as such a request for tender is required to be advertised.

*Item 12.7 Continued*

## **BACKGROUND**

During 2018, detailed business cases were prepared for a range of fitout packages for the new Community Centre. Adhering to sound project management principles, the business cases investigated options to achieve the most effective and efficient operational outcomes for the City. Council was presented with an overview of the business cases at the 27 November 2018 Special Information Forum. Included in this presentation was an overview of the:

1. Library Returns Handling Systems Business Case.
2. Museum Exhibition Design and Fit out Business Case.

In preparing the business cases, existing Library and Museum systems and infrastructure were assessed for suitability and compatibility in the new building.

### **Library Returns Handling Systems Business Case**

This business case included an assessment of current RFID equipment used for the return of library materials.

The business case identified that the current Smart Blade™ internal library return system would be unable to effectively cope with the large amount of returns expected in the new library. The Smart Blade™ RFID technology supplied and supported by Bibliotheca RFID Library Systems is designed for small to medium sized library services. In terms of effectively clearing borrower items on return, it has proven to be less efficient during peak periods. The system's accuracy is compromised when the unit's shelves are overloaded resulting in staff being redirected away from customer focussed engagement to promptly remove items from the Smart Blade™ shelves during busy periods.

Furthermore, the business case identified that the Library's external book return chute purchased in 2010, was unsuitable to be retrofitted in the new building due to age and increasing maintenance issues.

### **Museum Exhibition Design and Fit out Business Case**

The City engaged the services of Malloway Studio, a specialist in museum planning, exhibition design and general architectural services. Feedback and advice from Malloway Studio was used to inform the Museum Exhibition Design and Fitout business case which identified the requirements for the new Museum. The potential for retrofitting the Museum's existing display cabinets and fixtures was considered and where appropriate incorporated into the design. Malloway Studio has developed the necessary documentation to be included in the tender for the Museum Exhibition Fitout package.

### **Civic Centre Security**

Subsequent to the 27 November 2018 Special Information Forum, authorisation is required from Council for the acceptance of the funding made available through the successful SCF-Round 2 submission. This funding submission requires no additional monies from the City. The receipt of a grant of \$196,736 for 70 additional CCTV cameras is considered to be a significant enhancement of security measures at the new Community Centre. Further, if the City's grant application is successful, authorisation is required from Council for the acceptance of funding from the SCF-Round 3 Infrastructure program. Both funding submissions require no additional monies from the City. The receipt of an additional \$540,271 for the purchase and installation of a CCTV Analytics Software system would be a further enhancement to the performance of the 70 CCTV cameras.

*Item 12.7 Continued*

### **OFFICER COMMENT**

The new library is being built in a high profile location and is predicted to experience unprecedented growth in all aspects of the services delivered. Subsequently, significant demands will be placed upon staff to effectively manage operational workflows whilst maintaining a high level of customer interaction.

#### **Budget Pre-Commitment**

The new Library and Museum is expected to be fully operational in early 2020 upon completion and fitout of essential infrastructure. Prior to practical completion, the builder requires delivery of equipment that they are contracted to install during the later stages of construction, in particular the Library RFID hardware.

The delivery of the RFID automated return systems has an approximate lead time of 24 weeks from order, therefore a budget pre-commitment is required from Council prior to finalising the 2019-2020 Annual Budget so that formal procurement procedures can be initiated in early 2019.

To ensure the Museum Exhibition Fitout is completed on schedule, a budget pre-commitment is also required from Council to allow the request for tender to be advertised. Due to the complex scope of works, a substantial lead time is required to ensure the City engages a highly experienced museum exhibition contractor with sufficient time to fabricate and fitout the new Museum.

With practical completion expected in December 2019, the timely purchase, fabrication and delivery of the above infrastructure is critical to prevent delays during the construction and fitout period. Any delays could affect the overall completion date and subsequent opening of the new building in early 2020.

If the pre-commitment is approved the procurement processes will be commenced immediately. There may be a requirement to include a provision in the 2019 March Budget Review for a deposit for the RFID automated return systems. The other required budget allocations will be included in the 2019-2020 Annual Budget.

The receipt of funding from the SCF-Round 2 program for additional CCTV at the new Community Centre does not require any additional budget. All of the funding is provided through the grant program. However, it will entail expenditure (grant funds) that was not identified in the Budget process. As such, authorisation is required from Council pursuant to Social Belmont Policy SB1.

If the City's grant application is successful, the receipt of funding from the SCF-Round 3 Infrastructure program for CCTV Analytics Software at the new Community Centre does not require any additional budget. All of the funding would be provided through the grant program. However, if successful, it will entail expenditure (grant funds) that was not identified in the Budget process. As such, authorisation is required from Council pursuant to Social Belmont Policy SB1.



*Item 12.7 Continued*

### **FINANCIAL IMPLICATIONS**

Sufficient funds are available within the property and development reserve, should they be required, however a pre-commitment from Council for the 2019-2020 Annual Budget is required for the following items to allow timely procurement in line with expected completion dates:

- **Internal and External RFID Automated Library Return Systems:** (Refer [Confidential Attachment 1](#)).
- **Tender for the Fabrication and Fit out of the new Museum:** (Refer [Confidential Attachment 1](#)).

The supplier of the RFID automated library materials return systems may require a deposit at the point of order. If required, this amount will be included in the March 2018-2019 Budget Review.

There is no requirement for a budgetary pre-commitment from the 2019-2020 annual budgets for the receipt of \$196,736 for CCTV or the potential receipt of \$540,271 for the purchase and installation of a CCTV Analytics Software system.

### **ENVIRONMENTAL IMPLICATIONS**

There are no environmental implications associated with this report.

### **SOCIAL IMPLICATIONS**

- Ensure that the community has access to the services and facilities it needs.
- Enhance a sense of community and the image of Belmont.

*Item 12.7 Continued*

**OFFICER RECOMMENDATION**

***That Council:***

- 1. Approve the inclusion of the amount detailed in [Confidential Attachment 1](#) within the 2019-2020 Annual Budget, and authorise the Chief Executive Officer to proceed with the procurement of the Radio Frequency Identification automated library materials return systems for the new library prior to 30 June 2019.***
- 2. Approve the inclusion of the amount detailed in [Confidential Attachment 1](#) within the 2019-2020 Annual Budget, and authorise the Chief Executive Officer to proceed with the request for tender for the fabrication and installation of the fitout of the new museum prior to 30 June 2019.***
- 3. Authorise the Chief Executive Officer to accept the grant of \$196,736 from the Federal Government Safer Communities Fund–Round 2 program for additional Closed Circuit Television cameras at the new Community Centre.***
- 4. If the City is successful in its grant application, authorise the Chief Executive Officer to accept the grant of \$540,271 from the Federal Government Safer Communities Fund–Round 3 Infrastructure program for the purchase and installation of a Closed Circuit Television Analytics Software system at the new Community Centre.***

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

**12.8 OBJECTIONS LODGED UNDER SECTION 9.5 OF THE LOCAL GOVERNMENT ACT 1995  
RELATING TO PROPOSED WORKS ON RESERVE 26219 AND THE CITY'S POSITION ON  
A PRIVATE JETTY CONNECTING TO THE RESERVE**

**NATURAL BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 24 – Item 12.8 refers	<a href="#"><u>Proposed Works on Reserve 26219</u></a>
Attachment 25 – Item 12.8 refers	<a href="#"><u>Objections Lodged under Section 9.5 of the Local Government Act</u></a>

Voting Requirement	:	Simple Majority
Subject Index	:	30/015: Garvey Park Foreshore Projects
Location/Property Index	:	1 Hilton Grove, Ascot (Reserve 26219)
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	17 November 2003 OCM - Item 11.3.1 26 March 2018 Information Forum - Item 5.3
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Technical Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To present objections lodged under the *Local Government Act 1995* relating to proposed works on Reserve 26219 and the City's position with regard to a private jetty connecting to the reserve.

Item 12.8 Continued

### **SUMMARY AND KEY ISSUES**

The City is proposing to undertake works on Lot 7173 (1) Hilton Grove, Ascot (Reserve 26219) and the adjacent road reserve (refer [Attachment 24](#)). The City has recently written to the Department of Transport advising that, as connecting land owner, the City does not agree to the private jetty and requests that the jetty licence be revoked.

The adjacent property owner at 3 Hilton Grove, Ascot has lodged two Form 4 objections under Section 9.5 of the *Local Government Act 1995* and an accompanying letter, objecting to the proposed works and to the City's position with regard to the jetty licence (refer [Attachment 25](#)).

The objections relate to a decision to cancel a previous authorisation given to owner/s of 3 Hilton Grove for structures to be retained on the reserve and maintenance to be undertaken by the property owner. As a result, the objections are required to be dealt with by Council pursuant to Part 9, Division 1, Section 9.6(1) of the *Local Government Act 1995*

### **LOCATION**

The objections relate to works proposed on Lot 7134 (1) Hilton Grove, Ascot (Reserve 26219) and adjacent road reserve and a private jetty connecting to the reserve.

The property at 1 Hilton Grove, Ascot is a Crown Reserve vested with the City of Belmont for the purpose of Public Recreation. The jetty and Lot 4 (3) Hilton Grove, Ascot are privately owned by the Objector.



Figure 1 - Site location and extent of proposed works

*Item 12.8 Continued*

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

**Strategy:** Protect and enhance the Swan River foreshore respecting its environmental values, social benefits and cultural significance in guiding land use, civic design and development.

## **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

## **STATUTORY ENVIRONMENT**

The *Local Government Act 1995* allows for objections to be lodged as per the circumstances as outlined below. The City has previously granted authorisation for the owner/s of 3 Hilton Grove for structures to be retained on the reserve and for maintenance to be undertaken by the adjacent private property owner.

### *9.1. When this Division applies*

- (1) *This Division applies when a local government makes a decision under this Act as to whether it will —*
- (a) *grant a person an authorisation under Part 3 or under any local law or regulation that is to operate as if it were a local law; or*
  - (b) *renew, vary, or cancel an authorisation that a person has under any of those provisions.*

Pursuant to Part 9, Division 1, section 9.6(1) of the Act, the Objections must be dealt with by Council and disposed of in accordance with s9.6(4) by one of the following methods:

- (a) *dismissing the objection; or*
- (b) *varying the decision objected to; or*
- (c) *revoking the decision objected to, with or without —*
  - (i) *substituting for it another decision; or*
  - (ii) *referring the matter, with or without directions, for another decision by a committee or person whose function it is to make such a decision.*

As per s9.6(5), “*The local government is to ensure that the person who made the objection is given notice in writing of how it has been decided to dispose of the objection and the reasons for disposing of it in that way.*”

*Item 12.8 Continued*

**BACKGROUND**

Previous authorisation was given by the City to owner/s of 3 Hilton Grove for structures to be retained on Reserve 26219 and maintenance to be undertaken by the adjacent private property owner.

In 2016, the City became aware that steps located on the reserve connecting to a private jetty presented a potential public safety and liability risk to the City.

As a result, the City engaged a coastal engineer to provide technical advice regarding the structures and options for potential redesign of the reserve and the interface with Hilton Grove.

The City then met with the adjacent property owner and owner of the jetty on 17 May 2017 to discuss the issue and to advise of the proposed works. This information was confirmed in writing dated 19 May 2017.

The adjacent property owner indicated they would be interested in potential realignment of the reserve boundary (requiring amendment to the Metropolitan Regional Scheme), and as such the City consulted with relevant State Government agencies with their responses summarised below:

WAPC/Department Planning, Lands and Heritage	Not supportive of amendment to the Metropolitan Regional Scheme or reserve boundary Concerns raised about structures present and fencing prohibiting public access
Department of Transport	Current jetty licence held which requires agreement from connecting land owner (City of Belmont)
Dept. Biodiversity Conservation and Attractions (DBCA; previously Swan River Trust)	<ul style="list-style-type: none"><li>• Policy does not support private jetties connected to reserves. The current jetty was constructed without approval from DBCA.</li><li>• Concerns raised about structures present and fencing prohibiting public access</li><li>• Consider removal of all fencing, garden beds and trees (if non-native), irrigated lawn and paved areas from the reserve</li><li>• Rehabilitate and revegetate these areas with appropriate native plant species</li><li>• Future remedial works to the stairs should only be considered if the jetty and stairs are intended to be acquired by the City as public assets</li><li>• Otherwise, consider options to remove the stairs from Reserve 26219</li></ul>

*Item 12.8 Continued*

A presentation was given to Councillors at an Information Forum on 26 March 2018, advising of the issues identified, position of relevant State agencies and works proposed for the reserve.

This information was subsequently communicated to the adjacent property owner via correspondence dated 4 April 2018, in which the City outlined its intention to:

- Write to the Department of Transport advising that the City, as connecting land owner, does not agree to the private jetty and request that they revoke the jetty licence.
- Extend additional fencing along the top of foreshore embankment to prevent access on the stairs.
- Remove side fencing along Hilton Grove road reserve so as to permit public access (bollards to be installed to prevent vehicle access).
- Remove turf and replace with low growing shrubs.
- Undertake infill planting on the embankment.
- Remove structures from reserve (eg: garden beds, paving, and seating).

The adjacent property owner indicated their objection to the proposed actions, at which time they were advised there was no change to the City's position.

On 24 October 2018, the City wrote to the adjacent property owner to advise of the proposed timing of works (as per the table below), and additional works to remove three trees from the reserve which were potential environmental weeds and replace them with local, native tree species.

Letter to Department of Transport	November 2018
Tree stem injection	February/March 2019
Tree removal and stump grinding	April 2019
Removal of fencing, irrigation, turf, garden bed and paving, site re-grading and fence and bollard installation	May 2019
Revegetation	June 2019

After receiving a further written objection, the City advised the adjacent property owner of the specific method in which to lodge an objection under the *Local Government Act 1995* (enclosing Form 4 'Objection Under Section 9.5 of the Act') and/or seek a review from the State Administrative Tribunal. The City is obligated under s9.4 to inform an affected party of their rights to object.

*Item 12.8 Continued*

The City subsequently received two Form 4 objections and an accompanying letter dated 14 January 2019, in which the adjacent property owner objected to:

- Proposed works on the reserve; and
- The City's position with regard to their private jetty.

As per the accompanying letter, the specific nature of the objections are as follows:

- *The cost to the BCC to change and maintain a block under 400m<sup>2</sup> that is already taken care of*
- *The resources that would be used for the upgrade, wouldn't they be better spent directed towards more urgent and important projects facing the Shire?*
- *Spend a large amount of BCC ratepayers money to remodel the Reserve*
- *Ongoing cost to ratepayers for maintenance*
- *Removing ..., the side fence to Hilton Grove carpark (security issue)*
- *Problem with security at my home as it will be very exposed to Hilton Grove carpark*
- *Property house price has plunged*
- *BCC intending to spend a large sum of money in remodelling under 400m<sup>2</sup> of Reserve 26219*
- *Why cannot I have the same priviledges as my adjoining neighbours do with jetties on the banks of the Swan River in Ascot? Why are they not allowing me access to the reserve to my jetty?*
- *Also if Reserve 26219 foreshore has to be upgraded what about my neighbours' foreshores?*
- *Help and assistance in finding out the cause and actions that are being made against me effecting my health, my security, my property value*
- *Has anyone thought of the fire risk?*

### **OFFICER COMMENT**

As previously outlined, s9.6(1) of the Act provides for the Objections to be dealt with by Council and disposed of in accordance with s9.6(4) by one of the following methods:

- (a) *dismissing the objection; or*
- (b) *varying the decision objected to; or*
- (c) *revoking the decision objected to.*

It is recommended that both objections are dismissed, and that the proposed works for the reserve are implemented as planned and the City's position with regard to the jetty licence is maintained.

While previously the City did not object to the structures installed on the reserve, or maintenance being undertaken by the owner/s of the adjacent 3 Hilton Grove, Ascot this situation is no longer appropriate.

In all previous communications to the current and prior owners of 3 Hilton Grove, Ascot it was clearly explained that their use of the reserve was not permanent and could be altered in future and that approval from the City was required prior to any new structures being installed. The current jetty was constructed in 2016 by the Objector without permission being sought from the City or approval obtained from DBCA.



*Item 12.8 Continued*

The City has been open and transparent in all communication with the Objector and has attempted to mitigate the negative effects on the use and enjoyment of their property.

Revoking the decision objected to in relation to the jetty would require either the Objector or the City to fund a significant upgrade of both the steps and the jetty to make them safe for use by the general public.

If there was a remote possibility that the City was prepared to carry out the upgrades to the jetty and steps, a number of approvals would be required and may not necessarily be granted. These include approvals under Section 18 of the Aboriginal Heritage Act 1978 and permit approval from DBCA, which would increase the cost and timeframes involved. In addition, the new steps and jetty would become public assets and accessible to the general public; as such the City would potentially be liable for any injury incurred during access on the steps.

The City must also have regard to the position of the relevant State agencies who have jurisdiction, the purpose of the reserve, the potential safety risk to those accessing the steps/jetty and public liability implications to the City and its ratepayers.

The cost of implementing alternative options for the reserve that would provide safe access to the jetty is not justified for an isolated section of foreshore with relatively low use.

Revoking the decision objected to in relation to proposed works would be contrary to the purpose of Reserve 26219 for Public Recreation and DBCA and DPLH policies on provision of public access/ removal of unauthorised structures. It may also set an undesirable precedent for similar requests to be received from private property owners abutting reserves.

In relation to the adjacent property owner's queries regarding neighbouring properties with jetties, in these situations the private land extends to the high water mark, there is no Crown reserve and the jetties connect to private land. As such, the City is not involved with foreshore upgrades and has no ability to influence jetty licences.

For all properties adjoining public reserves, boundary fencing can be installed to improve security and is the sole responsibility of the adjacent private property owner to fund and arrange.

With regards to the concerns regarding fire risk, the City has selected low growing shrubs that present a minimal fire risk and are traversable by vehicle. The improved access to the reserve will assist with access by firefighting vehicles in the event of a fire. As a condition of DBCA permit approval for removal of the three exotic trees, the City is required to plant five replacement trees in the immediate vicinity.

### **FINANCIAL IMPLICATIONS**

Should Council resolve, in accordance with s9.6(4), to revoke the decision objected to in relation to the jetty, a very significant upgrade to both the steps and the jetty would be required at a likely cost in the range of the hundreds of thousands of dollars and would be subject to relevant approvals (which may not necessarily be granted).

*Item 12.8 Continued*

### **ENVIRONMENTAL IMPLICATIONS**

The lawn and irrigation on the reserve (proposed to be removed) have been identified as likely contributing factors to nutrient runoff and soil erosion, respectively. The proposed works include removal of three trees that are potential environmental weeds, planting of local native tree species and replacement of lawn with low growing, local, native species which will result in an environmental benefit.

### **SOCIAL IMPLICATIONS**

The proposed works involve removal of side fencing along Hilton Grove and replacement with bollards which will physically enable public access to the reserve.

### **OFFICER RECOMMENDATION**

That Council:

1. Pursuant to s9.6 (4)(a) of *the Local Government Act 1995*, dismiss the objection dated 14 January 2019 relating to proposed works on Reserve 26219, for the following reasons:
  - a. To enable the intended purpose of the reserve for public recreation
  - b. Consistency with position/Policy of the City and relevant State agencies regarding private structures and public accessibility on Crown Reserves
  - c. To achieve the environmental benefits associated with the proposed works.
2. Pursuant to s9.6(4)(a) of the *Local Government Act 1995*, dismiss the objection dated 14 January 2019 relating to the City's position on the Objector's jetty licence, for the following reasons:
  - a. The steps located on Reserve 26219 that provide the only access to the jetty do not comply with Australian Standards, are unsafe and present a potential public safety and liability risk to the City
  - b. Expenditure of municipal funds to replace the steps to provide safe access to the jetty is not justified and as per advice of the Department of Biodiversity Conservation and Attractions would require the jetty to be acquired as a public asset.

### **ALTERNATIVE OFFICER RECOMMENDATION**

#### **ROSSI MOVED, POWELL SECONDED,**

**That Council defer consideration of the objections lodged under Section 9.5 of the *Local Government Act 1995* relating to proposed works on Reserve 26219 and the City's position on a private jetty connecting to the Reserve.**

**CARRIED 9 VOTES TO 0**

**Reason:**

**To enable further discussion with the Department of Planning, Lands and Heritage.**

**12.9 ANNUAL ELECTORS' MEETING MINUTES – 12 DECEMBER 2018**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 26 – Item 12.9 refers	<a href="#"><u>Annual Electors' Meeting Minutes – 12 December 2018</u></a>

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, 12 December 2018 (refer [Attachment 26](#)).

**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, 12 December 2018 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.

*Item 12.9 Continued*

**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 2017-2018 Annual Report was accepted at the 20 November 2018 Ordinary Council Meeting.

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

*Item 12.9 Continued*

**15. Matters to be discussed at general meeting (Act s.5.27(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, 12 December 2018 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, 24 January 2018; Tuesday, 30 January 2018; Tuesday 27 November 2018, and Tuesday, 11 December 2018.

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.

The following decisions were made at the Annual Electors' Meeting held on Wednesday, 12 December 2018:

- Receipt of the following reports included in the City of Belmont 2017-2018 Annual Report:
  - Report of the Mayor
  - Report of the Chief Executive Officer
  - Receipt of the City of Belmont Annual Report 2017-2018

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

Mr R Birch	Ms L Hollands
Mr B Childs	Ms D Panzich
Mr C Floyd	Mr A Reilly
Mr R Foster	Ms M Saldanha
Ms J Gee	Ms B Scharfenstein
Ms G Godfrey	

Questions and responses in relation to the reports included in the 2017-2018 Annual Report are included in the minutes of the meeting.

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

*Item 12.9 Continued*

Questions Taken on Notice

The following questions were requested to be taken on notice by Ms Scharfenstein at the 12 December 2018 Annual Electors' Meeting. Ms Scharfenstein was provided with a response on 7 January 2019 as follows:

1. Following its revision and analysis of the Revised DA6 Vision Plan, what specific changes has WAPC requested be incorporated in the Structure Plan that is delaying its completion - excluding the closure of Brearley Avenue?

**Response**

**The WAPC have not requested any specific changes to the Structure Plan as it is still being formulated by the City's consultants.**

2. Why has COB not undertaken any significant foreshore restoration to areas of severe bank degradation during 2018 and when will it reinstate a comprehensive bank restoration program?

**Response**

**The City of Belmont has undertaken three significant sections of foreshore stabilisation and restoration during the 2017-2018 year. Two separate locations of 21 and 45 linear metres were completed adjacent to the Ascot Racecourse with a further 20 linear metres completed along the Rivervale Foreshore. In addition, a further 12 linear metres adjacent to Ascot Racecourse was stabilised in October 2018.**

**Further opportunities are identified in the Belmont Foreshore Precinct Plan – May 2018 along with a Project Vision and Guiding Principles to guide the future use and management of the Belmont Foreshore. Sites for future restoration are identified based on priority, with an annual assessment of erosion undertaken around March each year.**

**Foreshore restoration and rehabilitation is an expensive process and requires funding assistance from the State Government, along with the assistance and approval of external stakeholders, the Department of Biodiversity, Conservation and Attractions, the Swan River Trust and the Western Australian Planning Commission.**

3. Has the CEO written to the responsible authorities about the expanding sandbank near the Tonkin Bridge consequent to silt washing out of the Southern Main Drain into the Swan River and what response/s have been received?

**Response**

**As previously advised in response to your questions raised at 28 November 2018 Ordinary Council Meeting, the City is aware of some sediment that originated from the Perth Airport construction of the living stream within Airport land. The relevant State Government Agencies have been working with Perth Airport to control this issue. The relevant State Government Agencies including Department of Biodiversity, Conservation and Attractions, Department of Water and Environmental Regulation and Water Corporation are the agencies who manage these aspects impacting the Swan River. The City does not have any jurisdiction over the management of the Swan River. It is however noted, that historic records clearly illustrate that this drainage outlet and the associated sandbank has continually formed and dissipated on an ongoing basis since the 1990's.**

*Item 12.9 Continued*

The following questions were requested to be taken on notice by Mr Foster at the 12 December 2018 Annual Electors' Meeting. Mr Foster was provided with a response on 11 January 2019 as follows:

1. In five or six years of attending City of Belmont OCMs, last night's OCM was probably the worst. Over the last five years you, Mr Mayor, have allowed us a certain amount of leeway with all of our questions and you have been extremely fair by allowing our questions. What has prompted the rules changes that turned last night's meeting into an absolute dog's breakfast?

**Response**

**The Standing Orders Local Law 2017 governs the management of Public Question Time and there have been no changes that effect the management of this part of Ordinary Council Meetings. Also, there has been no changes to the supporting Rules of Public Question Time in recent years.**

2. What is the total floor area of the new community centre?

**Response**

**The gross floor area of the new Community Centre is 11,580 square metres, including the basement level along with services-related spaces (plant rooms, service risers) and vertical circulation (lifts, stairwells).**

3. What will be the total floor area of the library, the digital hub, the recording studio, the museum, the crèche, the senior citizens club, the not for profit offices and the café?

**Response**

**The net areas for individual sections of the building are as follow:**

<b>Section</b>	<b>Floor Area</b>	<b>Comments</b>
Library	1,860m <sup>2</sup> (ground floor internal) 370m <sup>2</sup> (first floor internal) 75m <sup>2</sup> (ground floor admin) 575m <sup>2</sup> (first floor admin) 150m <sup>2</sup> (basement store)	Includes meeting rooms, events space and wet area. Excludes vertical circulation, comms room and service risers.
Digital Hub	510m <sup>2</sup> (internal)	Includes youth area, film screening room and make-a-space.
Recording Studio	45m <sup>2</sup>	Includes mixing room, store and airlock.
Museum	740m <sup>2</sup> (internal) 60m <sup>2</sup> (balcony) 120m <sup>2</sup> (basement store and quarantine room)	Excludes vertical circulation and service risers.
Crèche	220m <sup>2</sup> (internal) 30m <sup>2</sup> (balcony)	Includes wet area.
Senior Citizen Centre	600m <sup>2</sup> (internal) 65m <sup>2</sup> (terrace)	Includes wet area. Excludes vertical circulation and service risers.
Not for Profit Offices	2,185m <sup>2</sup> (internal) 95m <sup>2</sup> (balcony) 65m <sup>2</sup> (ground floor lobby)	Includes meeting rooms, communal store and wet area. Excludes vertical circulation and service risers.
Cafe	277m <sup>2</sup>	Excludes external/ alfresco area.

*Item 12.9 Continued*

4. Will the digital hub-recording studio be available for public use, such as music recording by local bands?

**Response**

The audio-visual recording studio will be used by a variety of stakeholders including individuals, schools, community / youth organisations, technical colleges as well as being used for various City run programs across departments.

Types of usage will include (but are not limited to):

- Film and audio recording
- Stop animation
- Pod-casts
- You-tube video creation
- Educational, wellbeing and entertainment programs
- Bookings for local artists
- Video interviews
- School programs
- Youth Programming in partnership with the YMCA
- Oral Histories.

It is expected that once the recording studio is in use it will be as self-service as possible and accessible to unskilled users thus providing maximum benefits to the community.

5. Can community organisations like BRRAG utilise the not for profit offices?

**Response**

The contract with Lottery West for their funding of the not for profit office space includes the following conditions:

**Approved Purpose**

To construct/fit out the building and use the building for benevolent and charitable purposes

**Lease of Building**

The organisation may only lease or licence the building to a third party for the approved purpose, provided the tenant or licensee (as the case may be) of the building is an eligible organisation and has otherwise been approved by Lottery West.

Given this, if BRRAG were a registered benevolent and charitable organisation, they could be considered for leasing space in the not for profit office space. However, this decision would need to be approved by Lottery West.

6. Cultural Centre in the DA6 in line with the Airport/Train Station/River in a Wagyl shape encompassed heritage/arts as a tourist attraction?

**Response**

There are no plans for a cultural centre in the DA6 precinct.



*Item 12.9 Continued*

Motions

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

a. **MS JANET GEE MOVED, MS LISA HOLLANDS SECONDED,**

***That 'Recording of the Ordinary Council Meeting in their entirety and making them available on the City's website for all residents to listen to' be listed as an item on a meeting agenda in the first half of 2019 (by June 2019).***

**CARRIED**

Officer Comment:

Council has considered the matter of audio recording meetings on a number of occasions in recent years. The latest resolution being October 2018:

**SEKULLA MOVED, DAVIS SECONDED,**

*That Council:*

1. *Endorses and implements Option 2 - Record Public Question Time at Ordinary and Special Council Meetings to assist with the verification of minutes, to be implemented as soon as practicable but in any case no later than the February 2019 Ordinary Council Meeting.*
2. *Adopt Policy BEXB45 Council Meetings – Audio Recording Public Question Time.*

**CARRIED 9 VOTES TO 0**

As this was considered recently by Council it is recommended to continue with the practice for recording as specified within the adopted Policy.

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

b. **MS LISA HOLLANDS MOVED, MS BELLA SCHARFENSTEIN SECONDED,**

***That the City of Belmont make available via their website a copy of the approved recordings of Public Question Time to all residents of Belmont free of charge for a trial period of six months.***

**CARRIED**

Officer Comment:

Council Policy BEXB45 – Council Meetings – Audio Recording Public Question Time was adopted by Council at its 23 October 2018 Ordinary Council Meeting. This Policy stipulates the terms on which any audio recordings are to be made available to the public, and other interested parties. Formal implementation of this policy commences at the 26 February 2019 Ordinary Council Meeting and it is recommended that any review of this Policy be undertaken as part of the standard Council policy review process which is anticipated to be considered at the 19 November 2019 Ordinary Council Meeting.

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

Item 12.9 Continued

c. **MS LISA HOLLANDS MOVED, MR RICHARD FOSTER SECONDED,**

***That the City of Belmont conduct a survey of the residents of Belmont on their use of the local roads to access Perth Airport. It is to include route of travel, starting or ending location and frequency of use.***

**CARRIED**

Officer Comment:

This would be an extensive and expensive exercise that would provide little value from a planning or traffic engineering perspective. The travel patterns of residents will continue to evolve, as development within the Airport precinct, the Redcliffe Rail Station becomes operational in 2021 and the major relocation of Qantas to the International Terminal in 2025 occur.

The City, however, continues to monitor both traffic volumes and speeds to ensure they are within acceptable tolerances.

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

d. **MS LISA HOLLANDS MOVED, MS JANET GEE SECONDED,**

***That the City of Belmont adopt a more conciliatory approach when dealing with residents and use litigation as a last resort.***

**CARRIED**

Officer Comment:

The City of Belmont actively seeks to resolve any matters cooperatively between parties, however on occasion it is necessary to undertake legal action to ensure that the interests of the community are protected.

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

e. **MS LISA HOLLANDS MOVED, MS MARINA SALDANHA SECONDED,**

***That the City of Belmont is transparent and provides an adequate response to the ratepayers of Belmont as to why there is a significant discrepancy on the amount of costs awarded by the courts in the Saldanha case and that of the actual costs and advised by the CEO as it is ratepayer's money.***

**CARRIED**

Officer Comment:

The costs awarded by the courts in the Saldanha case apply only to tasks that are directly related to the undertaking of litigation.

Costs to do with matters such as legal advice to the City on the matter are not included. A significant proportion of these costs are attributed to the large number of time consuming issues raised by the litigant going back into history to the early 1990s, which the City's solicitors had to respond to.

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

Item 12.9 Continued

f. **MS LISA HOLLANDS MOVED, MS BELLA SCHARFENSTEIN SECONDED,**

***As a result of the adoption of the more formal rules for Public Question Time now it is being recorded and which is subsequently disadvantaging the residents, that the City of Belmont amends rules of Public Question Time as to allow residents adequate time to ask questions and get a response. If Councillors don't support this tonight and when it is raised in 2019, they should consider if they are there to represent the residents.***

**CARRIED**

**Officer Comment:**

There has been no change made to the Rules of Public Question Time. It is important that the current rules are adhered to which will ensure a more structured Public Question Time process. This will maximise the opportunity for a larger number of interested public to participate in the process, within a reasonable timeframe, rather than any one or more individuals dominating the process to the exclusion of others. Public question time should be managed to ensure that all members of the public wishing to participate are afforded an equitable opportunity to ask appropriate questions.

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 decisions to receive the following reports included in the City of Belmont 2017-2018 Annual Report:***
  - ***Report of the Mayor***
  - ***Report of the Chief Executive Officer***
2. ***Note that consideration has been given to the motions put forward during General Business at the Annual Electors' Meeting held on Wednesday, 12 December 2018, with no further action required.***
3. ***Confirm the Minutes of the Annual Electors' Meeting held on Wednesday, 12 December 2018 (refer [Attachment 26](#)) as a true and accurate record.***

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

**12.10 CORPORATE BUSINESS PLAN 2019-2023**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 27 – Item 12.10 refers	<a href="#"><u>Corporate Business Plan 2019-2023 (previously circulated under separate cover)</u></a>

Voting Requirement : Absolute Majority  
Subject Index : 32/027, 32/001  
Location/Property Index : N/A  
Application Index : N/A  
Disclosure of any Interest : Nil.  
Applicant : N/A  
Owner : N/A  
Responsible Division : Corporate and Governance

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To undertake the Annual Review of the Corporate Business Plan, consider amendments and adopt the Corporate Business Plan 2019-2023 ([Attachment 27](#)).

*Item 12.10 Continued*

### **SUMMARY AND KEY ISSUES**

The City's Strategic Community Plan (SCP) 2016-2036 was revised and adopted by Council at its meeting in December 2015. On 27 February 2018 Council conducted a minor review of the indicators and adopted the SCP 2016- 2036.

The current Corporate Business Plan 2018-2022 supports the delivery of objectives and strategies emanating from the Strategic Community Plan as well as the legislative and Integrated Planning Framework Standards imposed by the Department of Local Government, Sport and Cultural Industries (DLGSCI).

The revised Corporate Business Plan 2019-2023 requires Council endorsement.

### **LOCATION**

Not applicable.

### **CONSULTATION**

The Corporate Business Plan has been formulated by the City's Executive Leadership Team, Operational Leadership Team and other responsible officers in conjunction with Elected Members who received an opportunity to comment and provide input at the Information Forum held on Tuesday, 5 February 2019.

### **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 and apply sound and sustainable business management principles.

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

**Corporate Key Action:** Ensure a process that engages Council in regular reviews of the Activity and outcomes of the Strategic Community Plan and Corporate Business Plan.

### **POLICY IMPLICATIONS**

There are no significant policy implications evident at this time.

Item 12.10 Continued

## **STATUTORY ENVIRONMENT**

The *Local Government (Administration) Regulations 1996* state:

### **Part 5 — Annual Reports and Planning**

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

#### **Division 1 — Preliminary**

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

#### **19BA. Terms used**

In this Part —

**Corporate Business Plan** means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

**Strategic Community Plan** means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]

#### **19CA. Information about modifications to certain plans to be included (Act s. 5.53(2)(i))**

- (1) This regulation has effect for the purposes of section 5.53(2)(i).
- (2) If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.
- (3) If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.

[Regulation 19CA inserted in Gazette 26 Aug 2011 p. 3483.]

#### **Division 3 — Planning for the future**

[Heading inserted in Gazette 26 Aug 2011 p. 3483.]

#### **19DA. Corporate Business Plans, Requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
  - (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
  - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.

Item 12.10 Continued

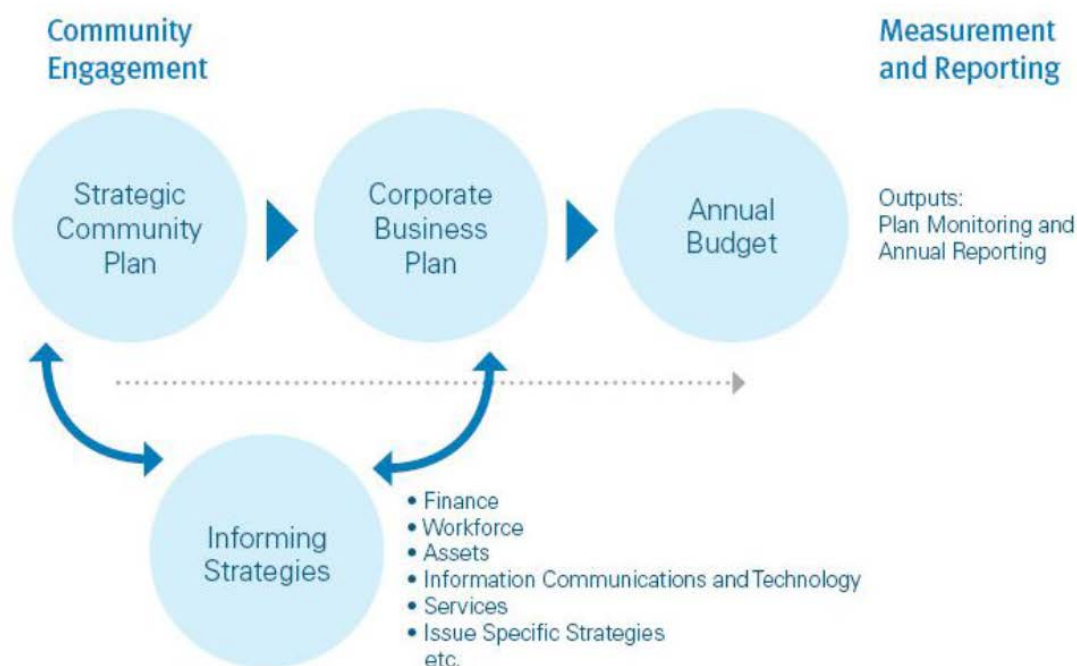
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.  
\*Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

## **BACKGROUND**

The City of Belmont's strategic and corporate planning processes are designed to meet the business needs of the City whilst addressing the requirements of the *Local Government Act 1995* and the DLGSCI Integrated Planning Framework and Guidelines.

Under these regulations, all local governments in Western Australia are required to have developed and adopted two key documents: a Strategic Community Plan and a Corporate Business Plan – supported and informed by resourcing and delivery strategies. These plans will drive the development of each local government's Annual Budget and will ultimately help local governments plan for the future of their communities as demonstrated in the model below.



## **Elements of Integrated Planning and Reporting Framework**

*Item 12.10 Continued*

The City's SCP 2016-2036 was adopted by Council at its meeting in December 2015. On 27 February 2018 Council conducted a minor review of the indicators and adopted the SCP 2016-2036.

This report focuses on the Corporate Business Plan element of the Integrated Planning Framework. The Corporate Business Plan is an internal business planning tool that translates Council priorities into operations within the resources available.

The Plan details the services, operations and projects a local government will deliver within a defined period. It also includes the processes for delivering these and the costs associated.

The Corporate Business Plan has been formulated to support delivery of the objectives and strategies emanating from the Strategic Community Plan 2016-2036 as well as the legislative and Integrated Planning Framework Standards imposed by the DLGSCI.



*Item 12.10 Continued*

### **OFFICER COMMENT**

The Chief Executive Officer engaged the Executive and Operational Leadership teams, together with the organisation, to facilitate the review process of the Corporate Business Plan. Elected Members were also provided an opportunity for input into the Corporate Business Plan via an Information Forum conducted on Tuesday, 5 February 2019. Information to Councillors on the proposed amendments to the Corporate Business Plan was provided in hard copy and electronic forms (1 February 2019) prior to the Information Forum bearing in mind that sufficient lead time was required for Councillors to absorb the detail from this document.

A summary of important amendments is provided below:

#### **KRA: Built Belmont.**

1. **Key Actions 004, 012, 019, 017, 022, 196 and 221** - Minor word changes in methodology or to reflect the status of the key actions moving from encouragement to facilitation or preparation, review and adjustment of timeframes as required.
2. **Key Action 002**  
**Amend** – Target changed from “Structure plans prepared by the State by end of 2018.” **to** “State endorsed Planning Implementation Framework by end of 2019.”
3. **Key Action 191**  
**Amend** - “Facilitate Preparation of Structure Plans for Development Areas 4 and 5.” **to** “Provide support to the Department of Communities to progress Redcliffe Connect project.”
4. **Key Action 005**  
**Amend** - “The City will manage an ongoing program of awards and grants for innovative approaches to business practice, products or developments.” **to** “Manage an ongoing program of awards and grants for innovative approaches to business practice, products or developments.”
5. **Key Action 009**  
**Amend** - “Undertake detailed data and condition surveys to meet the requirements of the Asset Management Strategy.” **to** “Ensure detailed data and condition surveys are undertaken to meet the requirements of the relevant Asset Management Plans.”
6. **Key Action 011**  
**Amend** - “Explore state, federal and private investment in public infrastructure by seeking external funding sources.”  
**to** “Explore State and Federal investment in public road and path infrastructure.”
7. **Key Action 013**  
**Amend** - “Enhance and raise standards of asset management tools.”  
**to** “Review of current asset management software and hardware.”

*Item 12.10 Continued*

8. **Key Action 014**  
**Amend** - “Maintain Assets in accordance with Asset Management Strategy and associated Plans.” **to** “Maintain Assets in accordance with associated Asset Management Plans.”
9. **Key Action 222**  
**Amend** - “Develop a Master Plan for the Belmont Oasis Leisure Centre to guide the redevelopment of the City's primary leisure and aquatic centre for the community now and into the future.” **to** “Development of detailed Project Plan for the development of a Business Case for the redevelopment or replacement of the Belmont Oasis Leisure Centre.”
10. **Key Action 197**  
**Amend** - “Progress the Faulkner Civic Precinct Master Plan through implementing the Hydrology, Flora and Fauna study's findings. Review future uses of the existing Library Building.” **to** “Review feasibility of the Faulkner Civic Precinct Master Plan.”
11. **Key Action 237**  
**Amend** - “Prepare Local Development Plan for the Ascot Kilns site.”  
**to** “Encourage WAPC to prepare a Local Development Plan for the Ascot Kilns site.”
12. **Key Action 001**  
**Delete** - “Facilitate completion of Structure Plans for Development Area 8.” Review comment: Dominant land parcel (Lot 603) has been transferred to the State to form part of the Garvey Park MRS reserve. On this basis, it is no longer considered necessary for the other lots to be controlled as a Development Area under the Scheme. A Local Planning Scheme Amendment is needed to lift the Scheme's Development Area control.
13. **Key Action 006**  
**Delete** - “The City will support and, where appropriate, lead shopping centre owners and operators in activities that they feel have the potential to support the growth of their business.”  
Review comment: This has become a City-wide project hence the deletion of the key action.
14. **Key Action 015**  
**Delete** - “Continue to promote an asset management culture across the organisation. Review comment: This is catered for by key action 013 which has been amended to “Review of current asset management software and hardware.”
15. **Key Action 023**  
**Delete** - “Review priorities outlined in the City's Local Bike Plan and update schedule of works for implementation.” Review comment: A new Key Action "Implement the Sustainable Transport Plan" will replace this as indicated in the New Key actions table.
16. **Key Action 024**  
**Delete** - “Implement the Travel Smart Plan 2017-2021.” Review comment: A new Key Action "Implement the Sustainable Transport Plan" will replace this as indicated in the New Key Actions table.

*Item 12.10 Continued*

**17. Key Action 235**

**Delete** – “Develop the City's Sustainable Transport Plan 2018-2023.” Review comment: The City's Sustainable Transport Plan will be developed by the 30th June 2019. Review comment: A new Key Action “Implement the Sustainable Transport Plan” will replace this as indicated in the New Key Actions table.

**18. Key Action 236**

**Delete** – “Investigate aged housing opportunities on the City's land with a view to rationalisation of the City's current Independent Living Unit aged housing options.” Review comment: Beverley Road is not a suitable location for the rationalisation of the Independent Living Units.

**KRA: Business Belmont.**

1. **Key Actions 026, 027, 038, 039, 040, 043, 044, 046, 052 and 059** - Minor word changes in methodology or to reflect the status of the key actions moving from encouragement to facilitation or preparation, review and adjustment of timeframes as required.
2. **Key Action 033**  
**Amend** - “Encourage industrial/commercial sector growth through effective rating practices.” **to** “Support industrial/commercial sector growth through effective rating practices.”
3. **Key Action 041**  
**Amend** – “Development and distribution of information packs to assist and facilitate investment in appropriate areas.” **to** “Welcome to Belmont Information Packs will be regularly distributed to new, local, businesses.”
4. **Key Action 049**  
**Amend** – “Explore the provision of direct services to business premises within the airport precinct” **to** “Continue to work collaboratively with Perth Airport and provide assistance and support where required to progress the development of the Perth Airport Master Plan.”
5. **Key Action 050**  
**Amend** – “Facilitate quality transport linkages to the airport and between the airport and the City. Direct bus route from Airport West train station to Town Centre.” **to** “To lobby for high frequency bus routes linkages between the airport and the City of Belmont.”
6. **Key Action 025**  
**Amend** – “Implement the City's Marketing Plan.” **to** “Develop a Business in Belmont Marketing and Communications Strategic Plan with annual Action Plans.”
7. **Key Action 028**  
**Amend** – “Implement the City's Communication Strategy.” **to** “Implement the Business in Belmont Marketing and Communications Strategy Action Plan.”

*Item 12.10 Continued*

8. **Key Action 036**  
**Delete** – “Facilitate business investment by advising, supporting and promoting Belmont as a place of business.” Review comment: The key action is considered more of an operational issue in terms of the primary function of the Property and Economic Development department hence the deletion.
9. **Key Action 042**  
**Delete** – “Promote the use of the Opportunity Card for Business to Business transactions.” Review comment: There are limited opportunities for the use of the Opportunity Card for Business to Business (B2B) transactions. Most B2B transactions are tailored and do not lend themselves to the style of transaction covered by the Opportunity Card.
10. **Key Action 051**  
**Delete** – “Coordinated inter government lobbying and development strategies.” Review comment: The intent of the key action is now captured adequately under the amended key action 049.
11. **Key Action 056**  
**Delete** – “Develop collaborative marketing and media to promote the positive perception that the different business areas within the City are working together rather than against each other.” Review comment: This will be catered for by a new key action in the New Key Actions table.
12. **Key Action 063**  
**Delete** – “Contribute towards development of a coordinated foreshore trails network through involvement in the Swan Canning Riverpark Trails Master Plan.” Review comment: Propose deletion as the key action is not very relevant to the Strategy and the Trails Master Plan (as a DBCA document) is outside of the control of the City of Belmont.

**KRA: Business Excellence.**

1. **Key Actions 067, 069, 071, 073, 074, 078, 082, 088, 092, 093, 098, 106, 109, 112 and 225** Minor word changes in methodology or to reflect the status of the key actions moving from encouragement to facilitation or preparation, review and adjustment of timeframes as required.
2. **Key Action 070**  
**Amend** – “Development of a Trust Strategic Plan.” **to** “Resolve Belmont Trust Deed of Amendment allowing development of a Trust Strategic Plan.”
3. **Key Action 072**  
**Amend** – “Conduct a half yearly organisational update, in person, to assist in developing/fostering a culture that we are here to care and protect for the community. Be proud of Belmont.” **to** “Conduct a quarterly organisational update, in person, to assist in developing/fostering a culture that we are here to care and protect for the community.”
4. **Key Action 081**  
**Amend** – “Apply the principles of the Data, Information and Knowledge Management Strategy.” **to** “Implement the Data, Information and Knowledge Management Strategy.”

*Item 12.10 Continued*

5. **Key Action 083**  
**Amend** – “Manage information and technology to meet the requirements of the City’s Information Technology Disaster Recovery Plan and Business Continuity Plan.” **to** “Manage information and technology to meet the requirements of the City’s Information Communication and Technology (ICT) Plan.”
6. **Key Action 099**  
**Amend** – “Implement Stakeholder Management Plan.” **to** “Develop a Community Engagement and Stakeholder Management Strategy and associated Action Plan.”
7. **Key Action 100**  
**Amend** – “Review and update the Customer Focus Strategy.” **to** “Review Customer Focus Strategy.”
8. **Key Action 102**  
**Amend** – “Manage the City’s operations in a manner consistent with the Leadership Strategy.” **to** “Review the Leadership Strategy.”
9. **Key Action 111**  
**Amend** – “Implement the City’s Marketing Plan.” **to** “Implement the City’s Marketing and Communication Strategy and Associated Action Plans.”
10. **Key Action 075**  
**Delete** – “Provide interactive open and useful community consultations in accordance with Communication Strategy and Consultation and Engagement Strategy.” Review comment: This has been replaced by a new key action as indicated in the New Key Actions table.
11. **Key Action 079**  
**Delete** – “Implement the Staff Wellness program.” Review comment: This action will be considered as part of the implementation of the Human Resources Action Plan.
12. **Key Action 084**  
**Delete** – “Maintain the enterprise content and knowledge management systems.” Review comment: The key action is addressed in the (ICT) Plan
13. **Key Action 085**  
**Delete** – “Maintain a dynamic Information and Communication Technology infrastructure.” Review comment: The key action is addressed in the ICT Plan.
14. **Key Action 086**  
**Delete** – “Maintain remote network access using mobile devices.” Review comment: The key action is addressed in the ICT Plan.
15. **Key Action 089**  
**Delete** – “Coordinate and administer the core business applications.” Review comment: The key action is addressed in the ICT Plan.
16. **Key Action 095**  
**Delete** – “The City will continue to be receptive to opportunities for the co-location of appropriate commercial activities in public facilities.” Review comment: This is a significant operational activity that the Manager undertakes as required.

*Item 12.10 Continued*

17. **Key Action 097**  
**Delete** – “Implement the communication strategy and consultation and engagement strategy.” Review comment: This has been replaced by a new key action as indicated in the New Key Actions table.
18. **Key Action 107**  
**Delete** – “Implement the Training Strategy.” Review comment: This will be considered as part of the Human Resources Action Plan.
19. **Key Action 230**  
**Delete** – “Identify grants, funding and partnerships to support the financial sustainability of the organisation where appropriate.” Review comment: This has been discussed with the Manager Finance. It is recommended that this Key Action be deleted as it is simply a repeat of the core duty of the Grants and Business Support Officer.
20. **Key Action 108**  
**Delete** – “Review the City's Attraction and Retention Strategy.” Review comment: The key action will be addressed in the Workforce Plan.

**KRA: Natural Belmont.**

1. **Key Actions 113, 118, 120, 122, 123, 130, 131, 132, 211, 212, 214, 216, 217, 227, 228 and 231** Minor word changes in methodology or to reflect the status of the key actions moving from encouragement to facilitation or preparation, review and adjustment of timeframes as required.
2. **Key Action 119**  
**Amend** – “Develop a Public Open Space Development Strategy that recognises the diminishing availability of natural resources, increasing population density and the changing expectations of the community.” **to** “Develop a Public Open Space Strategy to support the Local Planning Scheme Review.”
3. **Key Action 210**  
**Amend** – “Implement the Belmont Foreshore Precinct Plan.” **to** “Implement priority actions of the Belmont Foreshore Precinct Plan 2018.”
4. **Key Action 213**  
**Amend** – “Participate in Planet footprint and implement relevant actions of the Environment and Sustainability Strategy.” **to** “Review energy consumption, emissions and waste generation data and implement relevant actions of the Environment and Sustainability Strategy.”
5. **Key Action 215**  
**Amend** – “Participate in Planet footprint, utilise irrigation management software and implement relevant actions of the Environment and Sustainability Strategy.” **to** “Review water consumption data, utilise irrigation management software and implement relevant actions of the Environment and Sustainability Strategy.”

*Item 12.10 Continued*

6. **Key Action 124**  
**Delete** – “Advocate for funding opportunities for the effective management of erosion along the Swan River foreshore.” Review comment: This action is now obsolete due to the existence of the Riverbank Grants program, providing funding for management of erosion. As such, advocacy for provision of funding is not necessary.
7. **Key Action 126**  
**Delete** – “Develop a Canopy Plan to support the City's Urban Forest Strategy.” Review comment: A new key action developed “Implement Urban Forest Strategy and Operational Plan” as shown in the New Key actions table.

**KRA: Social Belmont**

1. **Key Actions 138, 143, 148, 158, 152, 156, 160, 161, 164, 165, 169, 178, 183, 186, 190, 204, 208, 226 and 233** – Minor word changes in methodology or to reflect the status of the key actions moving from encouragement to facilitation or preparation, review and adjustment of timeframes as required.
2. **Key Action 200**  
**Amend** – “Oversee effective contract management of Independent Living Units in partnership with Southern Cross Care (WA) Inc.” **to** “Outsource management of key functions to provide specialist management of Independent Living Units.”
3. **Key Action 232**  
**Amend** – “Effective delivery of Belmont Sister City program.” **to** “Strengthen the Adachi Sister City relationship.”
4. **Key Action 234**  
**Amend** – “Facilitate review of the City's aged and community care portfolio in relation to state and federal government reform transition processes.”  
**to** “Review the City's Aged and Community Care Service provision.”
5. **Key Actions 192, 198 and 199 (please note that these appear in three different strategies)**  
**Amend** – “Implementation and ongoing review of Youth Strategic Plan 2018 and Beyond.” **to** “Implement Youth Strategy 2019 and Beyond.”
6. **Key Action 170**  
**Amend** – “Review of Multicultural Action Plan 2016-18 and development and implementation of Multicultural Action Plan 2018 and beyond.” **to** “Implement the Multicultural Engagement Strategy 2019 and Beyond.”
7. **Key Action 176**  
**Amend** – “Develop and implement an annual calendar of activities to engage the community in the arts.” **to** “Deliver an annual calendar of activities to engage the community in the arts.”
8. **Key Action 141**  
**Amend** – “Promote funding opportunities to community groups and provide them with guidance in the Community Contribution Fund grant application process.” **to** “Facilitate the Community Contribution Fund program.”

*Item 12.10 Continued*

9. **Key Action 142**  
**Amend** – “Assist new and existing local sporting clubs to be sustainable.” **to** “Provide club development opportunities for local sporting clubs.”
10. **Key Action 157**  
**Amend** – “Review of Multicultural Action Plan 2016-18 and development and implementation of Multicultural Action Plan 2018 and beyond.” **to** “Implement the Multicultural Engagement Strategy 2019 and Beyond.”
11. **Key Action 149**  
**Amend** – “Ongoing implementation and review of the City of Belmont Disability Access and Inclusion Plan 2018-2021.” **to** “Implement the Access and Inclusion Plan 2018-2021.”
12. **Key Action 151**  
**Amend** – “Ongoing implementation and review of Age-Friendly Belmont Plan 2017-2021.” **to** “Implement the Age-Friendly Belmont Plan 2017-2021.”
13. **Key Action 154**  
**Amend** – “Ongoing implementation and review of the City of Belmont Reconciliation Action Plan.” **to** “Implement the City's Reconciliation Action Plan 2019 and Beyond.”
14. **Key Action 188**  
**Delete** – “Ongoing implementation and review of Community Infrastructure Plan.” Review comment: Plan to be developed and relocated within the Built Belmont KRA.
15. **Key Action 180**  
**Delete** – “Deploy the Library and Heritage Plan 2018-2020.” Review comment: This key action has been replaced by a new key action in the New Key actions table.
16. **Key Action 181**  
**Delete** – “Deploy the Leisure, Art and Lifestyle Plan 2014-2018.” Review comment: Due to the restructure, this plan is obsolete and the scope of a new plan will be determined to address leisure and recreation.
17. **Key Action 201**  
**Delete** – “Develop a Public Art Master Plan 2018-2021.” Review comment: Review comment: The Public Art Masterplan will be adopted prior to July 2019 and will then become a reference document. There are no key actions within to plan to report on.
18. **Key Action 139**  
**Delete** – “Deployment of the Leisure, Art and Lifestyle Plan 2015-2018 to ensure the City continues to deliver programs and services in the areas of healthy lifestyle, leisure and arts.” Review comment: due to the restructure, this plan is obsolete and the scope of a new plan will be determined to address leisure and recreation.
19. **Key Action 155**  
**Delete** – “Engage with the Aboriginal community to capture valuable local history knowledge of the City.” Review comment: removed as this is an ongoing operational item.



*Item 12.10 Continued*

20. **Key Action 203**  
**Delete** – “Ensure the library continues to be an environment that explores and encourages learning opportunities.” Review comment: removed as this is an ongoing operational item.
21. **Key Action 159**  
**Delete** – “Educate community on waste to energy initiatives. E.g., Resource recovery plan, waste to energy or composting.” Review comment: This has been replaced by a new key action outlined in the New Key Actions table.
22. **Key Action 163**  
**Delete** – “Work with the Department of Housing to reduce the concentrations of social housing and seek the implementation of models for affordable housing.” Review comment: Moved to New Key Actions- KRA Built Belmont- under the strategy- Encourage a wide choice and consistent implementation approaches.
23. **Key Action 193**  
**Delete** – “Continue to develop and enhance ongoing sustainable partnerships with service providers and other key local stakeholders to address the needs of the local community.” Review comment: No longer deemed a strategic key action, rather an operational activity.
24. **Key Action 209**  
**Delete** – “Identify opportunities and spaces within the City that can encourage place activation and community participation.” Review comment: No longer deemed a strategic key action, rather an operational activity.
25. **Key Action 185**  
**Delete** – “Deploy the Library and Heritage Plan 2018-2020 to ensure the City's rich and diverse history is promoted and preserved for future generations.” Review comment: This has been replaced by a new key action in the New Key Actions table.
26. **Key Action 187**  
**Delete** – “Encourage the community to share their local history knowledge and ensure the information is captured and recorded for the benefit of future generations.” Review comment: removed because this is considered an operational matter.

Item 12.10 Continued

**New Key Actions**

<b>KRA Built Belmont</b>		
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Encourage a wide choice and consistent implementation of development approaches.	Establish and maintain local planning framework and practices for design excellence. Key Action 256.	Manager Planning Services
	Work with the Department of Housing to reduce the concentrations of social housing and seek the implementation of models for affordable housing. Key Action 257.	Director - Community and Statutory Services
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Manage the City's infrastructure and other assets to ensure that an appropriate level of service is provided to the community.	Develop a new Community Infrastructure Plan. Key Action 258.	Coordinator Asset Management
	Implement Community Infrastructure Plan. Key Action 259	Coordinator Asset Management
	Develop a detailed project plan for the development of a Business Case for the future uses of the existing Library Building. Key action 260.	Manager - Building Services
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Encourage a broad range of transport alternatives and provide adequate management of traffic density, parking, congestion and safety of the transport network, in and surrounding the City of Belmont.	Implement the Sustainable Transport Plan. Key Action 261	Travel Smart Officer

*Item 12.10 Continued*

<b>KRA Business Belmont</b>		
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Attract and support high quality business development and the sustainable use of land in Belmont, including Perth Airport, by providing information and assistance to businesses seeking to establish operations in the City.	Implement an Economic Development Strategy. Key Action 249.	Manager - Property and Economic Development
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Continue to engage neighbouring local governments on issues of common interest.	The City will work with the Local Governments of Canning, Kalamunda and Swan to promote and support the development of a best practice freight and logistics precinct in Kewdale and surrounding industrial areas. Key Action 250.	Manager - Property and Economic Development
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Support the Eastern Metropolitan Regional Council's (EMRC) development of a range of regional plans to attract businesses, investment and tourism and employment opportunities.	Engage with the EMRC to support Regional business investment, tourism and employment opportunities. Key Action 251.	Manager - Property and Economic Development

Item 12.10 Continued

<b>KRA Business Excellence</b>		
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Ensure matters relating to the Belmont Trust property are resolved in conjunction with the Trustees.	Community consultation addressing conceptual draft Belmont Trust Strategic Plan, following Attorney General in principle support. Key Action 262	Manager – Marketing and Communications
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Ensure competitive and sustainable financial performance through effective modelling, financial management and reporting practices which underpin capacity building.	Operational activities which support this 'Financial Performance' strategy. Key Action 263.	Manager – Finance
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Ensure effective communication and consultation with the community and other stakeholders.	Implement the Community Engagement and Stakeholder Management Strategy Action Plans. Key Action 264	Manager – Marketing and Communications
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Ensure that the organisation's capacity and capability meets strategic, customer and operational needs.	Deploy the Leadership Strategy. Key Action 265.	Executive Manager People and Organisational Development
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Promote the City as the "City of Opportunity".	Develop an Organisational and Community wide Digital Strategy for the City. Key Action 266	Manager – Marketing and Communications
	Develop an organisation wide Marketing and Communications Strategy. Key Action 267.	Manager – Marketing and Communications

Item 12.10 Continued

<b>KRA Natural Belmont</b>		
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Manage water use with a view to minimising consumption.	Develop a new Environment and Sustainability Operational Plan for implementation in 2021-2026. Key Action 252.	Coordinator Environment
	Conduct annual review of the Environment and Sustainability Policy. Key Action 253.	Coordinator Environment
	Implement the Operational Plan in support of the Urban Forest Strategy. Key Action 254.	Manager – Parks and Environment
	Implement Waterwise Council actions and submit for Gold Standard Waterwise Council Recognition. Key Action 255.	Environmental Officer

<b>KRA Social Belmont</b>		
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Provide leisure, recreation, arts and lifestyle programs and resources to address existing and future community needs.	Empower families to encourage and develop literacy and learning in their children by providing early childhood literacy based programs each year. Key Action 239.	Coordinator - Library and Heritage
	Encourage youth to utilise library spaces and resources by providing targeted programs. Key Action 240.	Coordinator - Library and Heritage
	Provide programs based on a range of topics and interests to encourage lifelong learning in all library users. Key Action 241.	Coordinator - Library and Heritage
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Identify and assist those in need by connecting them with appropriate internal or external service providers.	Undertake scoping paper to examine current provision and future options for aged accommodation. Key Action 242.	Manager - Community Development

Item 12.10 Continued

<b>KRA Social Belmont</b>		
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Promote and deliver resources and opportunities for the community to engage in lifelong learning.	Monitor collection turnover and demand by measuring usage through the production of quarterly turnover reports. Key Action 243.	Coordinator - Library and Heritage
	Continuously review and improve library service delivery by annually surveying library users to measure service demand and expectation. Key Action 244.	Coordinator - Library and Heritage
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Continue to provide and enhance waste management services to the community.	Effectively manage the waste services contract. Key Action 245	Manager - Works
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Activate public spaces as a means to improving community spirit and sense of belonging	Implement the COB Community Placemaking Strategy 2018-2023. Key Action 246.	Coordinator - Community Placemaking
	Conduct minor annual review of the Community Placemaking Strategy 2018-2023. Key Action 247.	Coordinator - Community Placemaking
<b>Strategy</b>	<b>New Corporate Key Action</b>	<b>Responsible Officer</b>
Recognise all aspects of historical significance within the City.	Provide opportunities for community members of all ages to engage with the City's local history through the provision of local history themed events or programs per year. Key Action 248.	Coordinator - Library and Heritage

*Item 12.10 Continued*

The Corporate Business Plan provides a greater level of detail in support of the Strategic Community Plan which sets the direction that Council will take, and management will follow, in the City of Belmont.

It establishes key actions, methodology considerations, financial impacts, human resource requirements, measure of success, targets, timeframes and risk assessments, all enabling Council the opportunity to review its progress in a professional businesslike manner.

It is a requirement of the DLGSCI that notice be given to the public when the Corporate Business Plan is adopted or modified. This notice will be undertaken after adoption by the Council.

Strategic and Corporate Business Plan performance will continue to be monitored and provided to elected members on a monthly basis via the Councillor's Portal with quarterly reviews facilitated at an appropriate Information Forum.

### **FINANCIAL IMPLICATIONS**

The Corporate Business Plan has been assessed to gauge estimated additional costs which have been included in the City's Long Term Financial Plan (LTFP). The LTFP is integrated with other strategic plans including Asset Management Plans and allows the City to assess not only its ability to fund the Corporate Business Plan but also ensure the City's financial sustainability.

The LTFP is based on the City's current operational budgets and is underpinned by a number of key assumptions. These are listed in the Corporate Business Plan and are determined through a combination of external source (e.g. Australian Bureau of Statistics) and historical trend data. The LTFP currently covers the period 2019–2028 and will be updated on an annual basis to be used in the development of Annual Budgets.

It should be noted that The Key Performance Indicators (KPI's) derived from the LTFP are within or above the targets set by the DLGSCI.

### **ENVIRONMENTAL IMPLICATIONS**

There are various references to the environment in the Corporate Business Plan that will see the City's Environmental Plan delivered.

### **SOCIAL IMPLICATIONS**

There are various references to the social aspect in the Corporate Business Plan that will see a range of Plans delivered.

### **OFFICER RECOMMENDATION**

That Council adopt the Corporate Business Plan 2019–2023 ([Attachment 27](#)).

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

**12.11 TIMETABLE: 2019-2020 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	:	N/A
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Corporate and Governance Division

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To seek Council's endorsement of the 2019-2020 Annual Budget Timetable.

**SUMMARY AND KEY ISSUES**

The 2019-2020 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 12.11 Continued*

## **CONSULTATION**

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

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

The proposed Budget Timetable is shown below:

Item 12.11 Continued

**CITY OF BELMONT**  
**TIMETABLE**  
**2019-2020 BUDGET**

1 February 2019	Commence March Budget Review on-line (Finance 1)
20 February 2019	Last day for Budget Review Information
19 February 2019	Budget Timetable Presented To Agenda Briefing Forum
26 February 2019	Budget Timetable endorsed by Council (this document)
1 March 2019	Commence Salaries Worksheets (Finance 1)
12 March 2019	Information Forum to consider March Budget Review Information Forum to consider Proposed 2019-2020 Capital Works Programmes as per respective Asset Management Plans
19 March 2019	Final date to complete Salaries Worksheets
20 March 2019	Commence Annual Budget update on-line (Finance 1) Commence review of Fees and Charges (shared Excel file)
26 March 2019	OCM - Full Council – March Budget Review
10 April 2019	Information Forum to consider Proposed 2019-2020 Capital Works Programmes as per respective Asset Management Plans
16 April 2019	Last day for on-line Annual Budget update Last day for review of Fees and Charges
26 April 2019	Last day to send Budget Review to the Department of Local Government
3 May 2019	First draft of Budget available to ELT
4 June 2019	Special Information Forum to be advised of Divisional Budgets, Rate Setting Information and Fees and Charges
11 June 2019	Information Forum follow-up of Divisional Budgets, Rate Setting Information and Fees and Charges ( <u>if required</u> )
25 June 2019	OCM - Full Council – to Adopt Rate Setting Budget
29 June 2019 – 20 July 2019	Statutory Advertising Period commences for proposed Differential Rates (21 days)
22 July 2019	Closure of Rate Submissions and Assessment of Submissions
23 July 2019	OCM - Full Council – Formal Adoption of 2019-2020 Budget
12 August 2019	Rates Issue Date
22 August 2019	Last day to send Budget to the Department of Local Government
2 September 2019	Commence October Budget Review on-line (Finance 1)
16 September 2019	Rates Due Date (35 days following Issue Date)
18 September 2019	Last day for October Budget Review Information

*Item 12.11 Continued*

8 October 2019	Information Forum to consider October Budget Review
31 October 2019	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
20 November 2019	ELT to consider business cases as presented by respective Manager's for new capital projects in preparation for the 2020-2021 Budget Proposed 2020-2021 Capital Works Programme as per Asset Management Plans and Upgrades to be discussed at ELT (Performance Management) with relevant managers
26 November 2019	Information Forum to consider the draft 2020-2021 Capital Works Programme including reference to the Long Term Financial Plan.

**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 at this time, although the actual preparation of the Annual Budget will consider any social implications as part of the process.

**OFFICER RECOMMENDATION**

**That the 2019-2020 Annual Budget timetable be endorsed.**

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

**12.12 ACCOUNTS FOR PAYMENT – DECEMBER 2018**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 28 – Item 12.12 refers</b>	<a href="#"><b>Accounts for Payment – December 2018</b></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

Confirmation of accounts paid and authority to pay unpaid accounts.

**SUMMARY AND KEY ISSUES**

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

*Item 12.12 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*, Regulation 12.

**OFFICER COMMENT**

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

Municipal Fund Cheques	787976 to 788000	\$195,913.00
Municipal Fund EFTs	EF059278 to EF059793	\$4,550,947.01
Municipal Fund Payroll	December 2018	\$1,567,248.48
Trust Fund EFT	EF059279 to EF059281 and EF059433	<u>\$120,431.28</u>
Total Payments for December 2018		<b>\$6,434,539.77</b>

A copy of the Authorised Payment Listing is included as [Attachment 28](#) to this report.

*Item 12.12 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 2018 as provided under [Attachment 28](#) be received.

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

**12.13 ACCOUNTS FOR PAYMENT – JANUARY 2019**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
<b>Attachment 29 – Item 12.13 refers</b>	<b><a href="#">Accounts for Payment – January 2019</a></b>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

Confirmation of accounts paid and authority to pay unpaid accounts.

**SUMMARY AND KEY ISSUES**

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

*Item 12.13 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*, Regulation 12.

**OFFICER COMMENT**

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

Municipal Fund Cheques	788001 to 788025	\$152,022.78
Municipal Fund EFTs	EF059794 to EF060280	\$8,098,164.21
Municipal Fund Payroll	January 2019	\$1,762,584.88
Trust Fund EFT	EF059883 to EF059885	<u>\$137,923.57</u>
Total Payments for January 2019		<b>\$10,150,695.44</b>

A copy of the Authorised Payment Listing is included as [Attachment 29](#) to this report.



*Item 12.13 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 January 2019 as provided under [Attachment 29](#) 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 DECEMBER 2018**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Attachment 30 – Item 12.14 refers	<a href="#"><u>Monthly Activity Statement as at 31 December 2018</u></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To provide Council with relevant monthly financial information.

*Item 12.14 Continued*

## **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.

## **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.

Item 12.14 Continued

**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.

The monthly financial report is to be accompanied by:

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

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

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

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

In order to provide more details regarding significant variations as included in [Attachment 30](#) the following summary is provided.

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure - Capital</b>			
Computing	199,400	87,963	Business application website redevelopment not yet commenced.
Marketing and Communications	106,500	48,978	Progress payment invoice not yet paid for new equipment
Town Planning	95,814	42,801	Purchase of fleet has been delayed due to usage/mileage.
Grounds Operations	1,323,628	710,510	A number of projects that were budgeted to have started by November have been delayed and will start early in 2019.
Road Works	4,611,978	2,778,459	Budget spread issue with budgeted projects underway or due to start in the new year.
Footpath Works	290,594	12,309	Budget spread issue with a number of projects due to start in the new year.
Drainage Works	436,169	313,187	Budget spread issue with a number of projects due to start in the new year.

Item 12.14 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Operations Centre	782,658	306,414	Purchase of Plant has been delayed and will be placed out to tender in January 2019.
Building Operations	9,402,892	7,390,944	Combination of timing of invoices and scheduling of work for the New Community Centre.
Technical Services	134,625	72,429	Purchase of fleet has been delayed due to usage/mileage.
<b>Expenditure – Operating</b>			
Computing	1,311,790	1,242,424	IT Communications expenses are below budget.
Governance	1,932,870	1,757,601	Activity Based Costing (ABC) allocations are below budget.
Belmont Trust	85,000	6,461	The budget is an anticipated cost for the year and actual costs are dependent on fees charged.
Property and Economic Development	552,751	458,306	Services and amalgamation costs associated with the Nursing Home Property have not yet been incurred.
Rangers	482,283	397,994	Variance predominantly relates to employee costs.
Crime Prevention and Community Safety	363,394	279,869	Costs associated with Community Safety Taskforce are currently below budget with the Taskforce only having commenced in December.
Health	740,384	646,823	Budget spread issue relating to the taking of Long Service Leave.
Aboriginal Strategies	156,468	97,579	A number of activities have been delayed including development of the Reconciliation Action Plan.
Community Services	456,438	405,314	Variance relates to employee and agency costs.
Community Lifestyle and Learning	344,413	268,520	Variance relates to employee and consulting costs.
Town Planning	1,468,380	1,332,780	Legal and consulting costs are currently committed but not yet paid.
Donations and Grants	227,699	117,884	Relates to MOU's that have yet to be paid.
Ruth Faulkner Library	1,223,441	1,145,699	Variance relates to consulting costs and timing of Long Service Leave.
Grounds Operations	2,819,074	2,615,745	Variance relates to budget spread on Pitman and Peet Park playground renewal and Faulkner Civic Precinct Irrigation Mainline project.
Grounds - Active Reserves	484,125	565,190	Turf renovation programme is ahead of schedule.
Grounds Overheads	814,766	690,989	Variance predominantly relates to employee costs.
Drainage Works	188,915	105,271	Maintenance expenditure is variable and budgeted evenly over the year as it is difficult to predict on a monthly basis.

Item 12.14 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Technical Services	1,308,602	1,226,800	Variance relates to employee and consulting costs.
<b>Revenue - Capital</b>			
Road Works	(3,628,623)	(1,574,626)	Road grants for Surrey Rd and National Stronger Regions Funded projects were recognised in 2017-2018. This has a nil overall budget impact and will be offset by an increased opening balance.
Operations Centre	(313,216)	(109,909)	Disposal of Plant has been delayed as the tender for purchase of replacement plant will occur in January 2019.
Building Operations	(1,643,140)	(1,481,692)	Relates to grant income invoiced for the New Community Centre.
<b>Revenue - Operating</b>			
Rates	(49,768,116)	(48,748,637)	Interim rates for the DFO have yet to be levied.
Financing Activities	(1,005,607)	(686,614)	Monthly variances are expected due to the timing of term deposits maturing.
Faulkner Park Retirement Village	(150,000)	(94,211)	Unit sales at the village were less than anticipated.
Town Planning	(566,625)	(715,405)	Additional income resulting from a successful court case.
Sanitation Charges	(6,413,199)	(6,337,042)	Additional bin services were less than anticipated.
Streetscapes	(52,000)	Nil	Invoice for Maintenance of Orrong Road is being raised in January.
Public Works Overheads	(668,485)	(528,644)	Overhead recoveries currently under budget.
Plant Operating Costs	(807,688)	(708,344)	Plant recoveries currently under budget.
Other Public Works	(24,500)	(79,833)	More Private Works jobs than anticipated.

*Item 12.14 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.

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 31 December 2018</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	95,375,987	Includes municipal and reserves
- less non rate setting cash	(54,016,811)	Reserves
Receivables	10,524,048	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(1,859,079)	ESL Receivable
Stock on hand	237,870	
<b>Total Current Assets</b>	<b>47,262,014</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(9,378,998)	Includes ESL and deposits
- less non rate setting creditors and provisions	4,648,577	Cash Backed LSL, current loans and ESL
<b>Total Current Liabilities</b>	<b>(4,730,421)</b>	
<b>Nett Current Assets 31 December 2018</b>	<b>42,531,593</b>	
<b>Nett Current Assets as Per Financial Activity Report</b>		
Nett Current Assets as Per Financial Activity Report	42,531,593	
Less Restricted Assets	(539,697)	Unspent grants held for specific purposes
Less Committed Assets	<b>(41,491,896)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

**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 2018 as included in [Attachment 30](#) be received.

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

**12.15 MONTHLY ACTIVITY STATEMENT AS AT 31 JANUARY 2019**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

<b>Attachment No</b>	<b>Details</b>
Attachment 31 – Item 12.15 refers	<a href="#"><u>Monthly Activity Statement as at 31 January 2019</u></a>

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

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To provide Council with relevant monthly financial information.

**SUMMARY AND KEY ISSUES**

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



*Item 12.15 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**

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.

*Item 12.15 Continued*

**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.

The monthly financial report is to be accompanied by:

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

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

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

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

In order to provide more details regarding significant variations as included in [Attachment 31](#) the following summary is provided.

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
<b>Expenditure - Capital</b>			
Computing	200,150	87,963	Business application website redevelopment not yet commenced.
Town Planning	95,814	42,801	Purchase of fleet has been delayed due to usage/mileage.
Grounds Operations	1,377,628	910,838	Variance relates to budget spread on Pitman and Peet Park playground renewal and Faulkner Civic Precinct Irrigation Mainline project.
Road Works	5,048,265	6,743,361	Up-front payment for Underground Power project paid earlier than expected.
Streetscapes	148,496	33,131	Budget spread issue with budgeted projects underway or due to start in the new year.
Footpath Works	388,239	38,764	Budget spread issue with a number of projects due to start shortly.

Item 12.15 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Drainage Works	509,054	399,132	Budget spread issue with a number of projects due to start in the new year.
Operations Centre	785,992	308,438	Purchase of Plant has been delayed and will be placed out to tender in January 2019.
Building Control	83,686	Nil	Purchase of fleet has been delayed due to usage/mileage.
Building Operations	11,174,135	8,646,952	Combination of timing of invoices and scheduling of work for the New Community Centre.
Technical Services	179,500	109,464	Purchase of fleet has been delayed due to usage/mileage.
<b>Expenditure – Operating</b>			
Computing	1,487,671	1,360,676	IT Communications expenses are below budget.
Marketing and Communications	719,746	651,213	Variance relates to estimation of Long Service Leave costs.
Governance	2,208,264	2,021,791	Activity Based Costing (ABC) allocations are below budget.
Belmont Trust	85,000	6,461	The budget is an anticipated cost for the year and actual costs are dependent on fees charged.
Property and Economic Development	618,966	524,294	Services and amalgamation costs associated with the Nursing Home Property have not yet been incurred.
Rangers	556,727	461,063	Variance predominantly relates to employee costs.
Crime Prevention and Community Safety	418,849	316,158	Costs associated with Community Safety Taskforce are currently below budget with the Taskforce only having commenced in December.
Health	847,057	751,223	Budget spread issue relating to the taking of Long Service Leave.
Aboriginal Strategies	175,331	118,694	A number of activities have been delayed including development of the Reconciliation Action Plan.
Community Lifestyle and Learning	392,591	306,967	Variance relates to employee and consulting costs.
Town Planning	1,692,560	1,530,451	Legal and consulting costs are currently committed but not yet paid.
Donations and Grants	239,476	145,384	Relates to MOU's that have yet to be paid.
Ruth Faulkner Library	1,396,364	1,300,956	Variance relates to consulting costs and timing of Long Service Leave.
Building - Active Reserves	553,327	493,108	Costs associated with Forster Park , Centenary Park, Miles Park and Redcliffe halls and change rooms are related to the budget spread and will be rectified in the March Budget amendments
Grounds Operations	3,254,899	3,108,785	Variance relates to budget spread.
Grounds - Active Reserves	609,455	762,412	Turf renovation programme is ahead of schedule.

Item 12.15 Continued

<b>Report Section</b>	<b>Budget YTD</b>	<b>Actual YTD</b>	<b>Comment</b>
Grounds Overheads	924,216	840,403	Variance predominantly relates to employee costs.
Drainage Works	220,401	136,235	Maintenance expenditure is variable and budgeted evenly over the year as it is difficult to predict on a monthly basis.
Public Works Overheads	951,071	1,029,175	Variance relates to gratuities and long service leave will be adjusted in the March Budget Review
Technical Services	1,504,445	1,411,053	Variance relates to employee and consulting costs.
<b>Revenue - Capital</b>			
Town Planning	(67,079)	(331,775)	Contribution received for the Springs Landowners Development Group - to be paid to Landcorp in February 2019
Road Works	(3,814,231)	(1,574,626)	Road grants for Surrey Rd and National Stronger Regions Funded projects were recognised in 2017-2018. This has a nil overall budget impact and will be offset by an increased opening balance.
Operations Centre	(340,613)	(109,909)	Disposal of Plant has been delayed as the tender for purchase of replacement plant will occur in early 2019.
Building Operations	(1,835,018)	(1,481,692)	Relates to grant income invoiced for the New Community Centre.
<b>Revenue - Operating</b>			
Computing	(1,413,184)	(1,360,676)	ABC recoveries currently under budget.
Accommodation Costs	(349,757)	(291,713)	ABC recoveries currently under budget.
Rates	(49,853,297)	(48,767,149)	Interim rates for the DFO have yet to be levied.
Financing Activities	(1,173,208)	(889,538)	Monthly variances are expected due to the timing of term deposits maturing.
Faulkner Park Retirement Village	(150,000)	(94,211)	Unit sales at the village were less than anticipated.
Town Planning	(661,062)	(785,830)	Additional income resulting from a successful court case.
Sanitation Charges	(6,441,352)	(6,337,759)	Additional bin services were slightly less than anticipated.
Public Works Overheads	(811,872)	(601,900)	Overhead recoveries currently under budget.
Plant Operating Costs	(958,360)	(810,635)	Plant recoveries currently under budget.
Technical Services	(283,917)	(228,377)	ABC recoveries currently under budget.
Other Public Works	(32,583)	(109,256)	More Private Works jobs than anticipated.

*Item 12.15 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.

<b>Reconciliation of Nett Current Assets to Statement of Financial Activity</b>		
<b>Current Assets as at 31 January 2019</b>	<b>\$</b>	<b>Comment</b>
Cash and investments	89,373,957	Includes municipal and reserves
- less non rate setting cash	(54,016,811)	Reserves
Receivables	4,611,314	Rates levied yet to be received and Sundry Debtors
ESL Receivable	(1,094,029)	ESL Receivable
Stock on hand	214,821	
<b>Total Current Assets</b>	<b>39,089,252</b>	
<b>Current Liabilities</b>		
Creditors and provisions	(9,070,520)	Current Liabilities
- less non rate setting creditors and provisions	4,400,877	Cash Backed LSL, current loans and ESL Creditor
<b>Total Current Liabilities</b>	<b>(4,669,643)</b>	
<b>Nett Current Assets 31 January 2019 2018</b>	<b>34,419,609</b>	
<b>Nett Current Assets as Per Financial Activity Report</b>		
Nett Current Assets as Per Financial Activity Report	34,419,609	
Less Restricted Assets	(539,697)	Unspent grants held for specific purposes
Less Committed Assets	<b>(33,379,912)</b>	All other budgeted expenditure
<b>Estimated Closing Balance</b>	<b>500,000</b>	

**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 2019 as included in [Attachment 31](#) 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 (COUNCILLOR DAVIS) – MANAGEMENT OF DOGS IN THE ENVIRONMENTALLY SENSITIVE AREAS OF GARVEY PARK**

**BUSINESS EXCELLENCE BELMONT**

**ATTACHMENT DETAILS**

Nil.

Voting Requirement	:	Simple Majority
Subject Index	:	35/002–Notices of Motion
Location/Property Index	:	Reserve No. 3644 – Garvey Park
Application Index	:	N/A
Disclosure of any Interest	:	Nil
Previous Items	:	N/A
Applicant	:	N/A
Owner	:	N/A
Responsible Division	:	Community and Statutory Services

**COUNCIL ROLE**

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

**PURPOSE OF REPORT**

To consider a Notice of Motion prepared by Councillor Davis proposing the introduction of dog free zones around environmentally sensitive areas, to issue fines to owners of unleashed dogs and implement other measures to manage the issue of dog attacks on wildlife in the Garvey Park area.

Item 13.2 Continued

## **SUMMARY AND KEY ISSUES**

Cr Davis is proposing a Notice of Motion to implement measures with the aim to reduce the negative impact on wildlife in Garvey Park. Measures such as signage to ensure owners keep their dogs leashed, and a media campaign to create public awareness on the issue can be implemented. If the prohibition of dogs in certain areas of Garvey Park is contemplated, there are a number of management implications to consider as well as the statutory requirement to consult with the community before such a prohibition can be imposed.

## **LOCATION**

Reserve No. 3644 – Garvey Park.



Figure 1 - Reserve No. 3644 – Garvey Park

## **CONSULTATION**

No public consultation or engagement with external agencies is required at this time; however a 28 day advertising period applies under Section 31 of the *Dog Act 1976* if dog prohibition areas are contemplated.

## **STRATEGIC COMMUNITY PLAN IMPLICATIONS**

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

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

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

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

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

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

*Item 13.2 Continued*

### **POLICY IMPLICATIONS**

There are no policy implications associated with this report.

### **STATUTORY ENVIRONMENT**

The *Dog Act 1976* applies to issues where wildlife may have been attacked or killed. It also allows the City to approve specified areas where dogs can be unleashed and where they are prohibited.

### **BACKGROUND**

A Notice of Motion by Cr Davis reads as follows:

*'Motion:*

*That Council agrees to implement a public awareness campaign, introduce dog free zones around environmentally sensitive zones, and fine the owners of unleashed dogs in the Garvey Park area in the environmentally sensitive area of the swamp land.*

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

- 1. The City of Belmont Rangers to have a stronger presence in the Garvey Park area specifically looking for unleashed dogs in the environmentally sensitive areas and fining the owner/s.*
- 2. New signage be placed in the environmentally sensitive areas in and around Garvey Park reminding residents of the rules.*
- 3. Direct the Chief Executive Officer to further investigate and provide information to Council on the feasibility of a dog free zone in some of the environmentally sensitive areas used for resting migratory birds.*
- 4. Prepare and launch a media campaign reminding the community of the problems associated with unleashed dogs in the Garvey Park area and the penalties."*

*Reason:*

*"Recently I was contacted by a concerned environmentalist in relation to unleashed dogs killing birds in the Garvey Park and across the river in the Ashfield flats area. He has personally witnessed 15 attacks since 2018 and has sent pictures of dead birds caused by unleashed dogs.*

*With wetlands being drained for industry, Ashfield flats and Garvey Park are increasingly becoming more important for wildlife, for example new species of fairy wren birds are now using the river as a green corridor.*

*In moving my motion I wish to educate local dog owners of the implications walking dog's unleashed in this environmentally sensitive area in Garvey Park and the importance of keeping them on their leads. This motion will consequently reduce any wildlife being killed unnecessarily by dogs in the Garvey Park area".*



*Item 13.2 Continued*

## **OFFICER COMMENT**

### **History of Complaints**

The City's Pathway system shows that from 2 September 2017 to 1 June 2018 there were only four dog attacks reported in Garvey Park but none of those involved wildlife. There have been no other dog attacks reported in Garvey Park since 1 June 2018.

The City received eight complaints of dogs 'wandering at large' in Garvey Park from 27 January 2017 to 20 December 2018. There have been no reports to date in 2019.

The City's Coordinator Environment has confirmed that the Parks and Environment Section have not received any reports of dogs attacking or chasing wildlife at Garvey Park or found any evidence of injured or dead birds in 2018 or 2019.

A number of photographs have been provided which show dead birds, a dog running and an individual holding a leash in his hand. The pictures of the dead birds do not provide context or reasonably show that they were killed by dogs. It is not possible to verify if these incidents relate to Garvey Park.

### **Ranger Patrols and Installation of Additional Signage**

Garvey Park is a declared 'dog on lead' only area. City's Rangers have been carrying out proactive patrols in Garvey Park as well as other 'dog on lead' areas, such as Tomato Lake, to ensure dog owners comply.

The City's records indicate that Rangers patrolling Garvey Park on foot from 6 January 2019 to 29 January 2019 have issued six verbal warnings to dog owners walking their dogs off lead.

It is noted that there is a long stretch of footpath which runs through Ayres Bushland that has no 'dogs on lead' signs installed. The prospect for installing three 'dog on lead' signs along the footpath illustrated below is being investigated.

Item 13.2 Continued



Figure 2 – Proposed 'Dog on Lead' Areas

*Item 13.2 Continued*

Tomato Lake

In 2018, a similar complaint was received regarding wildlife and unleashed dogs at Tomato Lake. To address this, a mail-out was made to surrounding residents, advising them not to feed birds, pick up after their dog, keep dogs on leads, share the paths when cycling and other general guidelines, when visiting Tomato Lake.

Mail-outs are however considered less effective than promotion of the issues in publications such as the Belmont Bulletin, BeNews and social media. For example, the following post was placed on the City's Facebook page in relation to dogs off lead in Tomato Lake:



17 Likes 2 Shares

---

*Figure 3 – City of Belmont Facebook Post*

*Item 13.2 Continued*

Implementation of 'Dog Prohibited' Zones in Garvey Park

Garvey Park is over 33 hectares in area, with most areas inhabited by wildlife. This is a large area and is very labour intensive for Rangers to monitor an area of this size effectively (refer to Figure 4). To declare certain areas as 'dogs prohibited' while others 'on leash' would require more signage defining the different requirements in different areas. This additional signage would have to be prominent and clearly define each area.



*Figure 4 – Garvey Park*

The majority of Garvey Park is deemed 'environmentally sensitive' which would mean any prohibition would have to be wide scale to be effective. It is considered that the majority of visitors to the park comply with the requirement to leash their dogs. If banning dogs completely from the greater part of Garvey Park is contemplated, it would be necessary to consult with residents and other stakeholders on the potential impact of such a prohibition.

Currently there are only three declared 'dog prohibited' areas in the City. These are the Belmont Sports and Recreational Facility, Gerry Archer Athletics Facility and Wilson Park Netball Courts. Dogs are prohibited from these dedicated sporting locations to prevent any issues with dog/human conflict and to greatly reduce any potential dog fouling issues.

Other multi-use reserves such as Miles Park are 'dog off leash' areas; however during sporting events all dogs must be leashed.

*Item 13.2 Continued*

### Statutory Requirements

If Council intended to implement new 'dog prohibited' areas it would require a period of 28 day public advertising and then an absolute majority decision by Council resolution in accordance with Section 31 of the *Dog Act 1976*.

### Officer Summary

In a similar way to the media campaign for Tomato Lake in 2018, it is beneficial to launch a media campaign to raise awareness on the issue specifically for Garvey Park. Notwithstanding this, Rangers will continue to proactively patrol and warn/infringe offenders where appropriate and additional 'on leash' signage will be erected along the footpath adjacent to Ayres Bushland.

It is considered that prohibiting dogs from large areas of Garvey Park would not be practical. This is on the basis that it would be necessary to clearly delineate areas where dogs are prohibited, but it would not be ideal to fence or otherwise install physical barriers in Garvey Park.

If dogs are prohibited from certain areas of Garvey Park, it will also be necessary to dedicate a significant amount of resources in the form of Ranger patrols to ensure effective enforcement.

Notwithstanding the statutory requirement to advertise such a proposal, it is anticipated that the prohibition of dogs on any significant part of Garvey Park is unlikely to be well received by many in the community.

The current requirement for dogs to be leashed is considered sufficient as it significantly reduces the prospect of dogs chasing or attacking wildlife.

### **FINANCIAL IMPLICATIONS**

This motion could have financial implications for the City due to the following reasons:

- Increased signage requirements.
- Increased staffing requirements to effectively monitor Garvey Park and other potentially nominated dog prohibited zones.
- Marketing and communications costs.

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

### **ENVIRONMENTAL IMPLICATIONS**

The City has no records of dog attacks on wildlife in Garvey Park. It is therefore considered that prohibiting dogs in any part of Garvey Park is unlikely to have any effect on the protection of wildlife.

*Item 13.2 Continued*

### **SOCIAL IMPLICATIONS**

This could have an impact on users of the park in particular those who walk dogs in Garvey Park in a responsible manner.

In addition, if current Ranger resources are directed to enforcement of dog prohibitions at Garvey Park, it is likely to impact on services provided by Rangers in other parts of the City.

### **COUNCILLOR MOTION**

That Council agrees to implement a public awareness campaign, introduce dog free zones around environmentally sensitive zones, and fine the owners of unleashed dogs in the Garvey Park area in the environmentally sensitive area of the swamp land.

And further, the Council take the following action:

1. The City of Belmont Rangers to have a stronger presence in the Garvey Park area specifically looking for unleashed dogs in the environmentally sensitive areas and fining the owner(s).
2. New signage be placed in the environmentally sensitive areas in and around Garvey Park reminding residents of the rules.
3. Direct the Chief Executive Officer to further investigate and provide information to Council on the feasibility of a dog free zone in some of the environmentally sensitive areas used for resting migratory birds.
4. Prepare and launch a media campaign reminding the community of the problems associated with unleashed dogs in the Garvey Park area and the penalties.

Reason:

“Recently I was contacted by a concerned environmentalist in relation to unleashed dogs killing birds in the Garvey Park and across the river in the Ashfield flats area. He has personally witnessed 15 attacks since 2018 and has sent pictures of dead birds caused by unleashed dogs.

With wetlands being drained for industry, Ashfield flats and Garvey Park are increasingly becoming more important for wildlife, for example new species of fairy wren birds are now using the river as a green corridor.

In moving my motion I wish to educate local dog owners of the implications of walking dogs unleashed in this environmentally sensitive area in Garvey Park and the importance of keeping them on their leads. This motion will consequently reduce any wildlife being killed unnecessarily by dogs in the Garvey Park area.”

*Item 13.2 Continued*

**AMENDED COUNCILLOR MOTION**

**DAVIS MOVED, SEKULLA SECONDED,**

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

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

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

**CARRIED 6 VOTES TO 3**

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

Reason:

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

**Note: This decision was revoked at the Ordinary Council Meeting held on 28 May 2019 - Item 13.2**

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

The Presiding Member advised that in accordance with Section 5.23(2) of the *Local Government Act 1995* if there were any questions on Confidential Item 14.1, then Council would need to go behind closed doors. As there were no questions or debate on this item, the meeting did not proceed behind closed doors.

- 14.1 ADDITIONS TO AN EXISTING CARAVAN REPAIRS USE (PATIO AND CARAVAN STORAGE) AT LOT 101 (194) CAMPBELL STREET AND A CAR PARK AT LOT 152 (185) CAMPBELL STREET, BELMONT - CONFIDENTIAL MATTER IN ACCORDANCE WITH *LOCAL GOVERNMENT ACT 1995* SECTION 5.23(2) AND *STATE ADMINISTRATIVE TRIBUNAL ACT 2004* SECTION 55

**BUILT BELMONT**

**ATTACHMENT DETAILS**

<b><u>Attachment No</u></b>	<b><u>Details</u></b>
Confidential Attachment 2 – Item 14.1 refers	<a href="#"><u>Report – Development Application – Patio/Caravan Repairs – 194 Campbell Street, Belmont</u></a>
Confidential Attachment 3 – Item 14.1 refers	<a href="#"><u>Development Plans (Development Application 452/2017)</u></a>
Confidential Attachment 4 – Item 14.1 refers	<a href="#"><u>Development Plans (Development Application 22/2019)</u></a>
Confidential Attachment 5 – Item 14.1 refers	<a href="#"><u>Existing Planning Approval for Lot 101 (194) Campbell Street – Change of Use – Caravan Repair</u></a>
Confidential Attachment 6 – Item 14.1 refers	<a href="#"><u>Subdivision Approval (Former Lot 24) – 3 June 1997 and Diagram No. 94165</u></a>

**OFFICER RECOMMENDATION**

**CAYOUN MOVED, BASS SECONDED,**

*That Council endorse the mediation position for the Additions to an Existing Caravan Repairs Use (Patio and Caravan Storage) at Lot 101 (194) Campbell Street and a Car Park at Lot 152 (185) Campbell Street, Belmont as detailed in the Officer Recommendation of [Confidential Attachment 2](#).*

**CARRIED 9 VOTES TO 0**

**Note**

Upon completion of the State Administrative Tribunal (SAT) determination related to the subject site, the Confidential status of the Report and Attachments will be lifted.

**15. CLOSURE**

There being no further business, the Presiding Member thanked everyone for their attendance and closed the meeting at 7.55pm.



---

---

**MINUTES CONFIRMATION CERTIFICATION**

The undersigned certifies that these minutes of the Ordinary Council Meeting held 26 February 2019 were confirmed as a true and accurate record at the Ordinary Council Meeting held 26 March 2019:

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



PRINT name of the Person Presiding:

**PHILIP MARKS**

---

---

This page  
has purposely  
been left  
blank