Council Minutes

22 May 2018
COUNCIL
22 MAY 2018
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MINUTES OF THE ORDINARY MEETING OF THE TOWN OF CAMBRIDGE HELD AT THE
COUNCIL’S ADMINISTRATION/CIVIC CENTRE, 1 BOLD PARK DRIVE, FLOREAT ON
TUESDAY 22 MAY 2018.

1. OPENING

The meeting was declared open by the Mayor at 6.01 pm. The Mayor advised that the
meeting is being recorded and the recording will be on the Town's website.

2. ATTENDANCE

Present:

Mayor: Keri Shannon

Councillors: Rod Bradley
           Louis Carr
           Ian Everett
           Jo McAllister
           Kate McKerracher
           James Nelson
           Jane Powell
           Andres Timmermanis

Officers: Jason Lyon, Acting Chief Executive Officer
          Brett Jackson, Director Projects
          Chris Colyer, Director Infrastructure
          Cam Robbins, Director Community Development
          Marlaine Lavery, Director Planning & Development
          Brett Cammell, Manager Planning Strategies & Economic Development
          Stuart Hobley, Manager Governance & Contracts
          Denise Ribbands, Executive Assistant (Corporate Support)

Apologies:

Nil

Leave of Absence:

Nil

Adjournments:

Nil
3. PUBLIC QUESTION TIME

The record of Public Question Time is a summary of the questions and answers provided at the Council meeting as per Section 11 (e) of the Local Government (Administration) Regulations 1996.

Questions Taken on Notice at April 2018 Council meeting

David Staniforth-Smith, 67 McKenzie Street, Wembley

Responses are provided by the Acting CEO

Question 1

Since the 2017 Council Elections and to date how much money has been spent by the Town of Cambridge on Legal Advice as a result of Elected Member’s Notices of Motion?

Response

As at 24 April 2018 (April Council meeting) $32,329.66.

Question 2

Since the 2017 Council Elections and to date how much money has been spent by the Town of Cambridge on Legal Advice as a result of Notices of Motion proposed by the Mayor?

Response

As at April 2018 (April Council meeting) $32,329.66.

Sabrina Klinger 137 Tower Street, West Leederville

Responses are provided by Mayor

Question 1

The Town has appointed James Cottrill as community representative for the Town’s audit committee. By the Council’s own admission Mr Cottrill is neither a resident of the Town nor has he any business interest in the Town. Mr Cottrill is principal at West Perth Chartered Accountants and Consultant firm Stantons International. Stantons International is a WALGA preferred supplier; Mr Cottrill is listed as the contact on WALGA’s preferred supplier website. This may create a potential perceived conflict of interest.

Why was a person appointed to the Town’s audit committee as a ‘community representative’ who does not represent the TOC community at all?

Response

The Town appoints the Community Representatives to the Audit Committee based on merit, that is skills and experience that the person brings to the Committee. The Council has previously appointed as one of two Community Representatives, a person who did not reside or operate a business within the Town, but who had significant experience as an Auditor. Independence and relevant experience were considered, as well as the individual’s residential status on this particular occasion. Relevant experience in relation to the current challenges
facing the Audit Committee were given more weight than whether the individual resided in the
Town. Arguably, there is likely to be no Ward bias given Mr Cottrill's professional standing.
The fact that Mr Cottrill provides services to the local government sector was viewed by Panel
Members as an attribute.

Question 2

Wembley ward has no representative at the audit committee. How is this inequity and lack of
community representation addressed?

Response

Cr Nelson and Cr Powell are the two Wembley Ward representatives on the Audit Committee.
There is no requirement for Community Representatives to be drawn from each Ward.
Cr Nelson was on the Interview Panel for the Community Representative position and the
Panel were united in their endorsement of the Community Representatives chosen.

Question 3

Please list all past, present and expected future dealings with Stanton International or one of its
representatives (past and present), i.e. reason for contract, terms of reference and contract
value. This also applies where Stanton International was a sub-contractor.

Response

Nil to my knowledge.

Question 4

How is the potential perceived conflict of interest of Mr Cottrill representing a WALGA preferred
supplier managed?

Response

If Mr Cottrill is listed as a WALGA preferred supplier, it is no different to the legal advice that the
Town receives from McLeods. It simply means Mr Cottrill's employer provides services to the
local government sector and may audit other local governments. It is not clear how this could
result in a perceived conflict of interest.

Jennifer Petelczyc, 33 Berkeley Crescent, Floreat

Responses are provided by the Mayor

Question 1

Mayor Shannon, how many functions have you attended representing the Town of Cambridge
where you have been provided with food, drinks and/or gifts since 3 November 2017?

Response

I have attended five (5) events on behalf of the Town. At each event, I attended as the Mayor
in order to make a speech, or to receive an award on behalf of the Town. At the ticketed
events, I actually paid for my own ticket.
Question 2

Have all of the functions you have attended during the period noted in Question 1 been declared in accordance with the requirement for the disclosure of Gifts as noted in Section 5.82 of the Local Government Act 1995?

Response

Where a gift was received I have made a declaration in accordance with the Regulations.

Question 3

How many Special Meetings of Council have you called since 1 January 2018?

Response

Since the 1 January 2018 there have been ten (10) Special Council Meetings called. They were:

15 January 2018 (Cancelled)
7, 20 and 23 February 2018
7 March 2018
9 and 10 April 2018
1, 10 and 15 May 2018

Question 4

What were the reasons for you calling Special Meetings of Council outside of regularly scheduled meetings?

Response

The reasons for each meeting was stated in the purpose of those meetings.

Question 5

Did you provide adequate notice to the CEO or Acting CEO to call these meetings, in accordance with Part 5, Division 2, Subdivision 1 of Local Government Act 1995?

Response

Yes. Section 5.5(2) does not specify the amount of notice required to call a Special Council Meeting. When practicable, the Public Notice was given of the Meetings by way of the Town's website and Notices on the Public Notice Boards at the Town's Offices.

Question 6

Provide the date and times of the instructions sent to the CEO or Acting CEO for these meetings.
Response

The Mayor advised that the response to this question had been provided in a table format which she would not read, however this would be provided in the Minutes of the Meeting.

<table>
<thead>
<tr>
<th>Special Council Meeting Date</th>
<th>Date and Time CEO /ACEO Notified</th>
<th>Date and Time Elected Members Notified.</th>
</tr>
</thead>
<tbody>
<tr>
<td>15 January 2018 at 6.00pm</td>
<td>12 January 2018, 12:56 PM</td>
<td>12 January 2018, 5:33 PM</td>
</tr>
<tr>
<td>7 February 2018 at 7.00pm</td>
<td>6 February 2018, 8:45 AM</td>
<td>6 February 2018, 12:12 PM</td>
</tr>
<tr>
<td>20 February 2018 at 5.00pm</td>
<td>9 February 12.34 PM</td>
<td>19 February 2018, 2:12 PM</td>
</tr>
<tr>
<td>23 February 2018 at 5.30pm</td>
<td>22 February 7.26 PM</td>
<td>22 February 7.31 PM</td>
</tr>
<tr>
<td>7 March 2018 at 6.00pm</td>
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<tr>
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<td>10 April 2018 at 6.00pm</td>
<td>10 April 2018, 9.02 AM</td>
<td>10 April 2018, 9.09 AM</td>
</tr>
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<td>1 May 2018 at 6.00pm</td>
<td>1 May 2018, 1.55 PM</td>
<td>1 May 2018, 3.43 PM</td>
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<td>10 May 2018 at 7.30am</td>
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<tr>
<td>15 May 2018 at 5.30pm</td>
<td>15 May 2018, 10.42AM</td>
<td>15 May 2018, 11:32 AM</td>
</tr>
</tbody>
</table>

Question 7

Provide the date and times that the Councillors were notified of the date, time, place and purpose of each meeting.

Response

The Mayor advised that this had been included in the response to Question 4 (above).

Question 8

You preach openness, transparency and good governance. If this is the case, why have most of the Special Meetings you have called have been held behind closed doors.

Response

The Special Council Meetings that were held behind closed doors met the criteria of Section 5.23(2) of the Local Government Act for doing so. The decision to hold closed meetings requires a resolution of a majority of Councillors and is not a decision of the Mayor alone.

Question 9

Re: March Council Meeting Item AU18.7 - Audit Committee Community Representative

What definition of "Community Representative" did the selection committee adopt when appointing the Audit Committee Community Representative?

Response

The literal meaning, ie someone who is asked to represent the community.

Question 10

Town of Cambridge Ratepayers would likely define a Community Representative to be a Town Ratepayer or have significant business interests within the Town. Given that this definition was not adopted for the selection decision, how many other applicants for the role were actual members of the Community?
Response

It is preferable for such a community representative to come from the Town, however I do not agree that a Community Representative has to live in the community in order to be a Community Representative.

Question 11

What were the primary reasons for actual Community Representatives not being selected for the role?

Response

Community Representatives were selected. The individuals selected had more relevant experience to meet the current challenges facing the Audit Committee than the applicants who resided in the Town. The Selection Panel was composed of the Acting Chief Executive Officer, Mr Lyon, Cr Nelson and myself. The decision to appoint the current Community Representatives was unanimous

Jon Petelczyc, 33 Berkeley Crescent, Floreat

Question 1

What dollar effect will the engagement of legal representation by the Town in relation to Mr Buckley have on the legal expenses budget for the 2017/18 and 2018/19 financial years?

Response

This question cannot be answered at this time other than to say at present the Town has spent approximately $11,000 in legal expenses.

Question 2

Will a provision in the accounts now be considered and for what likely amount?

Response

That is a matter for Mr Lyon to decide.

Question 3

As the perceived primary driver of Mr Buckley's removal from his CEO position, is the Mayor sufficiently independent of the process to be authorised pursuant to Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007 by the Town to provide instructions to MDC Legal?

Response

The primary driver for Mr Buckley's suspension was interim findings of long term failures of governance in key areas of the Town's functions, which included Planning and enforcement. Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007 do not require any particular independence of a person authorised to act on behalf of the Council. It was an absolute majority of Elected Members who resolved to suspend the Chief Executive Officer and authorise myself as Mayor to provide instructions to give effect to the resolution as per Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007.
Question 4

Similarly, is the Mayor sufficiently independent be appointed as a delegate of the Town to participate on behalf of the Town in Steps 1 to 3 of the Dispute Resolution Process?

Response

Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007 do not require any particular independence of a person authorised to act on behalf of the Council. It was an absolute majority of Elected Members who resolved to appoint me as Mayor to act as delegate on behalf of the Town in Steps 1 to 3 of the Dispute Resolution Process with respect to the Chief Executive Officer's Contract of Employment.

Question 5

Other than "having a familiarity with Cambridge", are there any personal relationships between Council's elected members or the Town's staff, with members of Price Consulting, that may influence that entity's engagement to identify a replacement for Mr Buckley?

Response

No members of the Administration or Elected Members, except as disclosed by Cr McAllister, have any personal relationships with members of Price Consulting.

Question 6

Is the Town providing any support to Mr Buckley in relation to his illness given that the stress associated with the Town's progression of his termination is a likely cause of his illness?

Response

I can assure you that Mr Buckley has access to all support services provided to all staff employed by the Town of Cambridge. Unless you are a qualified person who has been able to examine Mr Buckley I would counsel against speculating on the nature or cause of Mr Buckley's illness. Elected Members have been provided with very little information themselves so far. There is no progression of a termination of Mr Buckley. The illness has been cited as an impediment to Mr Buckley providing a response to a number of matters raised by the Council arising from previously mentioned investigations. The Town is endeavouring to determine the validity and extent of any impediments so that it may then properly consider the matter of the Chief Executive Officer's employment.

Question 7

How many Standing Committees and Internal Working Groups are there within the Town?

Response

The Mayor advised Standing Committees and Internal Working Groups are as follows:

Standing Committees
Community and Resources Committee
Development Committee
Audit Committee
Occasional Committees
Public Art Committee
Strategic Planning and Major Projects Committee
CEO Performance Review Committee

Working Groups
Lake Monger Working Group
Perry Lakes Working Group

Question 8

What proportion of the Standing Committees and, separately, the Internal Working Groups, does the Mayor preside as Chair?

Response

The Mayor is the Chair of the Development Committee and the Audit Committee.

Question 9

Do the elected Council members, other than the Mayor, have any concern with the proportion of Chair positions held by the Mayor in relation to good governance principles?

Response

As Mayor I am entitled to be a member of any of the Council's Committees. I have been elected by the members of the Committees to which I am the Chair. If you wish to know the views of individual Elected Members, I suggest you contact them directly.

Graham Hornel, 91 Empire Avenue, City Beach

Responses are provided by Director Planning and Development

Question 1

Further to the response given to my question to the March, 2018 Council Meeting and to my unacknowledged and unanswered email of 10 May, 2018 to the Director Planning and Development, will Council please approve two simple additions to the current Building Permits towards directly improving both communications and good relations between neighbours.

These requested additions are:

(a) Adding the requirements for both the builder and the property owner to deliver an information newsletter - or similar formal communication - to residents within an 80 metre radius, prior to commencement of an approved project of value in excess of $100,000 for single family homes, as well as for all developer projects as currently.

(b) Mailing a copy of both the Building Approval and the new, expanded Communications Plan, to the owner(s) of the property where the project work will be carried out - specifically highlighting the information newsletter requirements, thereby definitely increasing the likelihood of surrounding neighbours being properly informed.
Response

There is currently no requirement under the Building Act to undertake consultation with neighbours prior to the commencement of building works or issue of a building permit by the owner or developer of a property.

Applications may require to be advertised during the development application process if the proposed works seek to vary planning requirements.

The introduction of additional consultation requirements during the building permit process would place an additional burden on the Town's resource and it is currently not supported.

Natalie Allison, Floreat

Responses are provided by Director Planning and Development

Question 1

Would the council consider a small variation to the street surveillance policy for new environmentally conscious homes facing directly west?
We are hoping to build without air-conditioning and would be interested in the Councils feedback on one window out of the three facing the street having an open screen of more than 50%.

Response

The street surveillance requirements prescribed under the R-Codes encourage building design that provides for surveillance of the street from the dwelling, for the purposes of minimising opportunities for concealment and entrapment.

At least one major opening from a habitable room facing the street must be provided to satisfy the deemed to comply criteria, and where this is not achievable, a design principle assessment of the proposal is required to be completed to determine whether the variation is capable of being approved.

Sustainable development and the use of air-conditioning are not relevant design principles in the application of discretion to street setback requirements. Notwithstanding, it is advised that you speak to the Town's planning officers for further advice and direction on the matter.

Hilary and Richard Pinerua, 131 Drabble Road City Beach

Responses are provided by the Acting CEO

Question 1

How many law firms and legal counsel (please provide a list) has the Council appointed to advise it since 1 October 2017.

Response

The Acting Chief Executive Officer advised that there were four such law firms.
Question 2

Which of those law firms and legal counsel were appointed as a consequence of a recommendation by the Administration and which were appointed as consequence of a motion moved by an elected member?

Response

1. Minter Ellison (Administration/Council)
2. Hall & Wilcox (Council)
3. MDC Legal (Council)
4. Michael Henderson (Council)

Question 3

How much have those law firms and legal counsel billed to date?

Response

1. Minter Ellison (Administration/Council) $88,824.78
2. Hall & Wilcox (Council) $77,612.95
3. MDC Legal (Council) $nil
4. Michael Henderson (Council) $nil

TOTAL $166,437.73

Question 4

What is the anticipated billing of those law firms and legal counsel over the next six months?

Response

This is uncertain

Verbal Questions

Henry Swartz, 9 Coldstream Street, West Leederville

Question 1

In relation to the Local Planning Strategy community consultation, why is it that despite these extensive due processes and approvals followed, this Council continues to, against the wishes of its residents and with the use of ratepayers funds, wants to push for even greater density in West Leederville? This will be detrimental to the environment and amenity of the residents, which is so important to us as residents.

Mr Swartz stated the last part of his question was in particular reference to Variation 8 to the Consultant Contract Scope at a fee of $5,350, which sought revisions to the West Leederville yield analysis.

Response

The Mayor advised that the revisions to the West Leederville yield analysis involved a recalculation of the discounts that had been applied so it is not actually changing the yield within in the specific activity centre it is not changing the coding within the activity centre but it
is removing the significant discounting that was applied by the Planners to come up with the yields.

**Question 2**

So the yields have not changed?

**Response**

The Mayor advised that the practical yields have not changed it is just that they were understating them. That is essentially what we tried to do is strive for transparency on those yields. To be honest you should not be discounting anything in the Western Suburbs - it is likely to be built.

**Question 3**

The 1,200 dwelling yield that was cited in the scenario that was published in June, has that changed?

**Response**

The Director Planning and Development advised that the Local Development Strategy is undergoing a revision, which is taking into account the almost 1,000 responses received to the initial public consultation period. The Strategy is being reworked according to those responses.

The Town received notice today that the West Leederville Activity Centre Plan, submitted to the WAPC for endorsement, will be determined by the Statutory Committee on Tuesday, 29 May 2018. The report is available on the website. Administrative changes have been proposed, however density and height changes have been maintained as was previously in the West Leederville Activity Centre Plan.

The Local Planning Strategy will be going to an Elected Member Forum on 12 June 2018. This will be discussed further, and the draft Strategy will come out for public consultation before it is submitted to the Department for consent to advertise. The Town has added an additional stage to provide an opportunity for further comment on the Town's interpretation of the submissions made.

**Question 4**

I am aware of that, but as per the question I posed to the Council Meeting last month about the yield numbers that were published in June of last year, it was not really answered, it was deferred until the Activity Centre Plan was published some time in the future.

**Response**

Until we go through the Forum on 12 June 2018, those figures are not definite, so we cannot divulge them to the public as we are still working on them. After the Forum on 12 June 2018, the draft document will become public and you will have a change to have a look at the figures and comment on them.

The Mayor advised Mr Swartz that a copy of the document will be forwarded to him.
Kerry Smith, 8 Asten Road, City Beach

Question 1

My question refers to the item on Beacroft Park; I notice in the recommendation, and I was present at the Committee meeting, that the inclusion of an eco zone at the north west corner of the Park has been added. Can somebody please tell me what an eco zone is?

Response

The Mayor advised that she thinks it is wood chips with water wise plants.

Question 2

Waterwise - does that mean West Australian natives?

Response

The Mayor advised that it is something like that.

Question 3

My understanding now is that Beacroft Park will have little change to it except for the toilet facilities near the pavilion, and a few new seats, otherwise it will stay as is - is that correct?

Response

The Mayor advised that that is her understanding.

Pamela Van Der Muelen, 21 Jukes Way, Wembley

Question 1

I refer to the decision in March 2018, not to renew the contract for the Director Projects, Brett Jackson. Can you please advise how many projects that will come under his portfolio; (a) are either presently being undertaken and unlikely to be completed before he departs; (b) or soon to be undertaken, such as the four Underground Power Projects; and (c) are on the drawing board to be undertaken in the 2018/2019 and 2019/2020 Financial Years?

Response

The Mayor advised that she will probably have to take that question on notice.

A number of projects obviously, particularly the Underground Power. All the contracts have been signed, Western Power will be running with those as they appoint contractors themselves. Mr Jackson has been involved in the planning, design and negotiations with ratepayers in terms of where certain pieces of infrastructure can be put in the road reserves, or people’s homes.

Going forward, the amount of work Mr Jackson would have been required to do would certainly be a lot less, because all the contracts have been signed now, and it is really a matter for Western Power to implement the Underground Power Projects.

In terms of the rest of the items, it is something we will need to take on notice and answer, we can’t answer from the floor.
Question 2

I refer to Item CR18.78 on tonight's Agenda relating to the calling for expressions of interest for operations of a food and beverage licence at Lake Monger. Given that tenders are to close on Tuesday, 26 June 2018 (Mr Jackson leaves on 30 June 2018), a shortlist is to be prepared by 28 August 2018, and the awarding of licence(s) will not be until 27 November 2018 (as stated in the report), who will evaluate these Tenders?

Response

The Town has 200 other employees. The work that Mr Jackson has been undertaking will be reallocated within a different Directorate, there are four other Directorates. Most other local governments do not have Directors of Projects. While Mr Jackson obviously contributed a lot to the Town in the past, and drove a number of projects, we just don't have the same level of projects going forward that will be required, and will necessarily require a Director Projects. The Town has made a decision that we do no need a Director Projects, and that there are alternate resources within the Town to take that role.

Question 3

Do those other resources have the same expertise? Who will negotiate with the successful tenderer(s)? Who will arrange for and supervise the construction, if that is required, of any new café(s) at Lake Monger? There are all these projects that are going to come, and there is no Project Manager, and I personally don't feel that you have the resources, or the expertise, to actually deal with them without a Project Manager.

Response

The Mayor advised Mrs Van Der Meulen that her comments are noted.

Question 4

I refer to Item CR18.76 which is also on tonight's Agenda, relating to Challenger Parade, City Beach Pedestrian Improvements and Traffic Calming Measures. Given the recommendation tonight is for Options 1, 2, 3, 4, 5 and 9 to be included in the Draft Budget for 2018/2019, who from the Council will project manage and supervisor this work, can you answer that please?

Response

The Mayor advised the question would be taken on notice. The work will have to be reallocated obviously within the Directorates and that is the only answer you will be getting in relation to projects that have been handled in the past by the Director Projects.

Question 5

Provision of underground power, the 4 SUPP Schemes, is due to commence shortly. My understanding is that Mr Jackson has been the Town's 'go to person', which you stated from the beginning of negotiations, over the last few years with Western Power, the State Government, and liaising with residents of Floreat and Wembley. Given Mr Jackson will not be employed by the Town, who from the Town, and this is very important, who from the Town will oversee the $14M project, ensuring that Western Power and its contractors deliver underground power on time and on budget, and ensure that there are no significant cost overruns? Who from the Town has sufficient knowledge of this project to answer any questions from residents, and deal with any problems that potentially will arise while the schemes are being implement? Residents need to have someone from the Town who is going to liaise with Western Power.
Response

The Mayor advised Mrs Van Der Muelen that her comments will be taken on notice.

Question 6

Who will undertake the consultation with the Aboriginal Elders, consultation with the residents, the design, the contract documentation, the application for Lotterywest funding, and the supervision of construction for the Men’s Shed at Lake Monger?

Response

The Mayor advised Mrs Van Der Muelen that her question will be taken on notice but it will be that resources are going to be provided from within the Town.

John Devine, 128 Brookdale Street, Floreat

Question

Can you confirm that the Town is in receipt of a petition from 72 ratepayers from around the area of the proposed Childcare Centre at Lots 2 and 3, 130-132 Brookdale Street, Floreat?

Response

The Mayor advised Mr Devine that she could confirm the Town was in receipt of the petition, and that this was the subject of the next item of business on the Agenda. She was well aware of the concerns, and that these had been raised with the Town’s Administration. Further, there were significant concerns in relation to the application put forward to JDAP.

Hilary Pinerua, 131 Drabble Road, City Beach

Question 1

I presume that as the Presiding Member you decide how many questions people are allowed to ask, is that right?

Response

The Mayor advised ultimately under the Standing Orders that was correct.

Question 2

I see now that we are only supposed to have 3 questions in public question time, when was this rule introduced?

Response

The Mayor advised it was a few years ago and she could not remember.

Question 3

Why are people only allowed to ask 3 questions?
Response

The Mayor advised that the we were having people making statements with long preambles and no questions at the end, so we tried to bring in a few rules to try and abbreviate Question Time. We still allow people to ask their questions, and obviously, we read the questions out to allow accessibility from home if people are not able to make the Meeting.

Question 4

A letter in in The Post Newspaper of 28 April 2018 by former Councillor MacRae stated the front setback variations had been allowed in City Beach and Floreat for decades. Given that the variations have been occurring over a long period of time, have the setback reductions you are now complaining about been approved by staff in the same way before Mr Buckley was appointed as the Town's Chief Executive Officer in 2006?

Response

The Mayor advised that the Scheme basically works in this way, in the sense that there are setbacks set in the Scheme, and if you want to vary the setbacks, then you need to bring an application of all the non complying applications to Council for an absolute majority decision. That has not happened before.

Question 5

What do you mean it has not happened before. It has been happening for decades?

Response

The Mayor advised that it has not happened before. It was not brought under Clause 39, so it has not happened before.

Question 6

In The Post Newspaper of 9 May 2018, it was reported that Hall and Wilcox provided preliminary advice on the basis of his investigation, before the Mayor and Councillors voted to suspend Mr Buckley. Did the preliminary advice state that there has been any personal wrongdoing by Mr Buckley?

Response

The Mayor advised that the advice is confidential.

Question 7

If there wasn’t, why was Mr Buckley suspended, and if there was, why is it necessary to conduct further investigations?

Response

The Mayor advised that the actual items were confidential.
4. PETITIONS

A petition containing 86 signatures, has been submitted by John Devine, 128 Brookdale Street, Floreat objecting to the proposed development at Lots 2 and 3 (Nos 130 and 132) Brookdale Street Child Care

Moved by Cr Bradley, seconded by Cr Everett

That in accordance with Clause 3.5 of the Standing Orders, the petition be received and referred to the appropriate Committee.

Carried 9/0

5. DEPUTATIONS

Nil

6. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7. CONFIRMATION OF MINUTES

Ordinary Meeting Council 24 April 2018

Moved by Cr Bradley, seconded by Cr Timmermanis

That the Minutes of the Ordinary Meeting of the Council held on 24 April 2018 be confirmed subject to the following amendment by Mayor Shannon:

In response to the following question asked by Hilary Pinerua, 8B 131 Drabble Road, City Beach "When were we going to be told, as the ratepayers who pay his salary, why Mr Buckley has been suspended?", the Mayor amended her response from "Mr Buckley has not been officially suspended" to “it had not been officially confirmed that he had been suspended”.

Carried 7/2

For: Mayor Shannon, Crs Bradley, Carr, Everett, McKerracher, Powell and Timmermanis
Against: Crs McAllister and Nelson

Special Council Meeting 7 February 2018

Moved by Mayor Shannon, seconded by Cr Timmermanis

That the Minutes of the Special Meeting of the Council held on 7 February 2018 be confirmed subject to the following amendments by Mayor Shannon:

Insert a new paragraph prior to the motion:

Reasons for Departure

It was noted the McLeods advice dated 27 November 2017 and 6 February 2018 did not address:
(a) the ability of the Council to delegate its power to persons other than the CEO;
(b) council’s ability to act through another; or
(c) the provision in regulation 9 of the Local Government (Rules of Conduct) Regulations 2007 to authorise elected members to undertake the work of the administration.

Rather the McLeods advice appeared to have been tailored to present a view that supported the primacy of the CEO’s role despite the unique circumstances before the Town which required absolutely independent advice to be obtained for the Town. The CEO had a clear inherent conflict of interest in instructing lawyers to conduct the Investigation and it was deeply concerning that McLeods insisted on using the CEO to undertake this advice.

While McLeods has been the Town’s preferred supplier of legal services for many years, it was viewed that McLeods were also in a conflicted position due to their close working relationship with the CEO.

Carried 5/4
For: Mayor Shannon, Crs Bradley, Everett, McKerracher and Timmermanis
Against: Crs Carr, McAllister, Nelson and Powell

Special Council Meeting 20 February 2018

Moved by Mayor Shannon, seconded by Cr Everett

That the Minutes of the Special Meeting of the Council held on 20 February 2018 be confirmed subject to the following amendments by Mayor Shannon:

Insert a new paragraph prior to the motion:

Reasons for Departure

Prior to the Ordinary Council meeting of November 2017 the former CSIRO scientist and former head of the EPA, Mr Carbon contacted the Town and met with the Mayor, the CEO and the Director of Projects, Brett Jackson to explain that he had conducted many indepth studies of the lake and its permeability, and much of the work proposed in the RFT was in fact in the public realm and available free to the Town. Mr Carbon offered to meet the Town’s officers and recommended narrowing the scope of the work proposed in the tender.

Part 3 of the Request for Tender 25-17 provided:

RESPONDENT’S OFFER

3.1 FEE BASIS

The Town is seeking a firm fixed price for these services. At this point in time, the Town has no feel for the contract sum to be agreed with the successful Respondent nor a program for completion of the works. Respondents shall identify in their offer the main sequence of tasks to be undertaken, resources used and fee for this phase of works. The fee shall include all meetings necessary, travel and disbursements within Western Australia. Any interstate travel or works not provided in the fixed fee basis shall only be undertaken with the express approval
of the Town. The concepts described above are equally applicable to all sub consultants engaged by the Consultant.

3.2 SELECTION CRITERIA

The Contract may be awarded to the Respondent who best demonstrates the ability to provide the required services at a competitive price. The tendered prices will be assessed (as quantitative assessment) together with qualitative and compliance criteria to determine the most advantageous outcome to the Town. The Town has adopted a best value outcome approach to this Request. This means that although price is considered, the Offer containing the lowest price will not necessarily be accepted, nor will the Offer ranked the highest on the qualitative criteria. A scoring system will be used as part of the assessment of the qualitative criteria. Unless otherwise stated, an Offer that provides all the information requested will be assessed as satisfactory. The extent to which an Offer demonstrates greater satisfaction of each of these criteria will result in a greater score. The aggregate score of each Offer will be used as one of the factors in the final assessment of the qualitative criteria and in the overall assessment of value outcomes."

While it was the view of the CEO that if Council wishes to change the scope of services significantly that the tender should be cancelled and re-advertised this was not consistent with Regulation 20 of the Functions and General Regulations as fortunately the Town had not chosen a successful tenderer.

The advice contained in the administration comment failed to note that an alternative option was for the Council to simply revise the scope of the tender and seek both tenderers to re-submit revised scope tenders. Noting that if the price of the work falls below $150,000 there is no need to undertake a tender process under the Local Government Act at all."

Carried 5/4

For: Mayor Shannon, Crs Bradley, Everett, McKerracher and Timmermanis
Against: Crs Carr, McAllister, Nelson and Powell

Special Council Meeting 23 February 2018

Moved by Cr Timmermanis, seconded by Cr Bradley

That the Minutes of the Special Meeting of Council held on 23 February 2018 be confirmed.

Carried 6/3

For: Mayor Shannon, Crs Bradley, Everett, McKerracher, Nelson and Timmermanis
Against: Crs Carr, McAllister and Powell
Special Council Meeting 1 May 2018

Moved by Cr Timmermanis, seconded by Cr Bradley

That the Minutes of the Special Meeting of Council held on 1 May 2018, be confirmed.

Carried 6/3

For: Mayor Shannon, Crs Bradley, Everett, McKerracher, Nelson and Timmermanis
Against: Crs Carr, McAllister and Powell

Special Council Meeting 10 May 2018

Moved by Cr Bradley, seconded by Cr Timmermanis

That the Minutes of the Special Meeting of Council held on 10 May 2018 be confirmed.

In accordance with Section 5.65 of the Local Government Act 1995, Cr Carr declared a financial interest in the matter and left the meeting at 7.02 pm.

Carried 6/2

For: Mayor Shannon, Crs Bradley, Everett, McAllister, McKerracher and Timmermanis
Against: Crs Nelson and Powell

Cr Carr returned to the meeting at 7.03 pm.

Special Council Meeting 15 May 2018

Moved by Mayor Shannon, seconded by Cr Timmermanis

That the Under the title Insert “The Mayor provided a copy stamped Private and Confidential of Hall & Wilcox invoice number 420035 for $33,831.05 dated 28 March 2018 to each elected member at the meeting.”

Also, Minutes to be amended to record that Cr Carr voted in favour of going behind closed doors.

Carried 5/4

For: Mayor Shannon, Crs Bradley, Everett, McKerracher and Timmermanis
Against: Crs Carr, McAllister, Nelson and Powell
8. **ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

In February this year, the Town of Cambridge commissioned its own independent legal compliance investigation into matters relating to setbacks, delegations and compliance. The elected members who raised the concerns about setbacks and delegations are professionals in the relevant fields. They applied their skills and experience to understand issues that were confronting the Town and properly sought clarification of those issues from the CEO in December 2017.

When the issues were not clarified by the CEO, and independent advice was not obtained by mid-January 2018, the Town resolved to take the extraordinary action in February, of engaging lawyers independently of the CEO to obtain the required legal advice. This action was not undertaken lightly.

Preliminary findings of this investigation have alerted the Town to what appears to be long term, significant and systemic shortcomings in governance and process management. These shortcomings have affected key areas of the Town's activities including planning and compliance activities. The Town has kept the Department of Local Government informed regarding these investigations.

Regrettably, the article published by Kate Emery from the West on 19 May 2018, which discussed this investigation and related matters, was in my opinion misleading. The article characterised the total amount as some being related to Mr Buckley's employment and some being related to the investigation.

Ms Emery was actually provided with a media statement on 17 May 2018 which clearly outlined that the Town had spent $65k on the investigation commenced in February and only $11K on legal advice regarding the CEO’s employment matters.

Given that 85% was spent on the investigation and only 15% spent on matters directly related to the CEO’s employment, it is difficult to interpret the characterisation as anything other than an attempt to obscure the facts. I cannot understand why The West having been provided with the exact amounts spent on the respective advice and activities, chose to express the information in what I regard to be a misleading way to the public.

The West went on to state the costs related to dealing with the CEO’s position were a worry for the council. Nothing could be further from the truth.

The recruitment of a replacement Acting CEO is to ensure continuing sound management of the Town’s affairs and is entirely appropriate. It is vital that the CEO shares a strategic alignment with the Council and is prepared to lead the administration in delivering on the direction set by Council.

Given the nature of some matters any acting CEO will need to manage and the evident workload the budget and other activities are going to place on the Town’s Executive and senior management team in the coming months, it is important that we have an additional person heading this group.

This is why the suggestion by some, to simply appoint an internal person to the role shows a lack of comprehension of the matters that are required to be dealt with by this vital role of CEO and its important contribution to the functioning of the Town.

The modest estimate of the recruitment costs should not be a concern to any thoughtful observer.
The CEO is the Town’s only employee. We have a duty to our ratepayers to ensure adequate governance and oversight of the council’s affairs, including the conduct of the CEO. The cost of legal advice in relation to the Investigation into the legal compliance and governance issues across a number of directorates is a necessary cost of righting the ship.

Oversight and compliance are the responsibility of the council. To quote from the CCC report into Dowerin

“Council is responsible for the appointment and the subsequent governance of the CEO.”

Some Wembley ward councillors have expressed a view that the CEO should be given a payout. We certainly had Cr Carr saying in the press that it was the “honest and decent” thing to do.

Previous councillors in the past have expressed sentiments about the CEO being “outstanding” and happily endorsed his annual performance reviews. They endorsed the CEOs trip to Adelaide for a superannuation conference in March 2016 while refusing to take leave as suggested by myself as Mayor, and therefore continuing to be paid his salary as CEO of the Town.

In my opinion the previous councils have failed in their duty of oversight and governance of the CEO. The greater obligation is to ratepayers and that is of transparency and accountability.

As previously stated, the cost of the investigation into the legal compliance and governance issues has totalled $65k as at the end of April. For the sake of clarity, the Town received two other forms of legal advice – that relating to the CEO’s employment which cost $11K and more recently advice to clarify the status of privileged documents in relation to the Department of Local Government’s Inquiry.

Just to put these amounts into a proper perspective, in November 2017 we were presented with a recommendation to let a tender for $255k relating to the replenishment of Perry Lakes. Following the deferral of the matter, and the assistance of Mr Barry Carbon helping the Town’s officers to refine the scope of work, the Town endorsed the engagement of GHD at a cost of $139K. This was a saving of $114K and many months of work simply by deferring the matter for a few months.

I am happy to be the Mayor of a Council which is diligently scrutinising the recommendations of the administration in order to drive a better outcome for its ratepayers and allocate resources in the most efficient manner.

The Town is acting in an honest and decent manner to correct the errors of the past in a transparent manner. Our Residents and Ratepayers will benefit greatly and I ask that all elected members remember that it is the ratepayers that are our priority.
9. COMMITTEE REPORTS

Members of the public present at the meeting were reminded by the Mayor that they should not act immediately on anything they hear at this meeting, without first seeking clarification of Council’s position. They were advised to wait for written advice from the Council before taking any action on any matter that they may have before the Council.

Recommendations contained in the Committee reports were adopted en bloc, with the exception of the following items which were nominated for individual debate.

**Development:**
- Items DV18.47 and 61

**Community and Resources:**
- Items CR18.66, 69, 70, 75 and 78

**Declaration of Interest:**
- Item CR18.76 - Mr Brett Jackson, Director Projects - Impartiality Interest

The remainder of the items of the Development Committee and Community and Resources Committee were then carried en bloc.

Cr Bradley left the meeting at 7.13 pm whilst the remainder of the Development items were carried in bloc. Cr Bradley returned to the meeting at 7.16 pm.
DEVELOPMENT COMMITTEE

The report of the Development Committee meeting held Tuesday 15 May 2018 was submitted as under:

1. DECLARATION OF OPENING

The Presiding Member declared the meeting of the Development Committee open at 6.28 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

<table>
<thead>
<tr>
<th>Present:</th>
<th>Time of Entering</th>
<th>Time of Leaving</th>
</tr>
</thead>
<tbody>
<tr>
<td>Members:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mayor Keri Shannon (Presiding Member)</td>
<td>6.28 pm</td>
<td>8.19 pm</td>
</tr>
<tr>
<td>Cr Ian Everett</td>
<td>6.28 pm</td>
<td>8.19 pm</td>
</tr>
<tr>
<td>Cr Kate McKerracher</td>
<td>6.28 pm</td>
<td>8.19 pm</td>
</tr>
<tr>
<td>Cr James Nelson</td>
<td>6.28 pm</td>
<td>8.19 pm</td>
</tr>
<tr>
<td>Cr Jane Powell</td>
<td>6.28 pm</td>
<td>8.19 pm</td>
</tr>
<tr>
<td>Observers:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Officers:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marlaine Lavery, Director Planning and Development</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Brett Camell, Manager Planning Strategies &amp; Economic Development</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>John Giorgi JP, Manager Health &amp; Compliance Services</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Chris Della Bonna, Planning Officer</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Denise Ribbands, Executive Assistant (Corporate Support)</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

Adjournments: Nil

Time meeting closed: 8.19 pm

APologies/leave of absence

Nil

3. PUBLIC QUESTION TIME

Nil

4. DEPUTATIONS AND PETITIONS

- Item DV18.47 Alex Hemsley, on behalf of owner
- Item DV18.48 Margaret Mathews, neighbour
- Item DV18.51 Ben McArthy, applicant
- Item DV18.52 Carlo Famiano, applicant
5. CONFIRMATION OF MINUTES

That the Minutes of the Ordinary meeting of the Development Committee held on 17 April 2018 as contained in the April 2018 Council Notice Paper be confirmed.

6. DECLARATION OF MEMBERS’ INTERESTS

Nil

7. REPORTS
SUMMARY:

The Town has received an application for end of trip bicycle and shower facilities at 3, Loftus Street, West Leederville. The plans show the removal of eight car bays to provide additional bicycle parking and end of trip facilities within the existing basement area.

The application requires a Council determination as an assessment is required against the parking requirements of Council Planning Policy 5.1: Parking.

The proposal is not considered to satisfy the relevant policies for the following reasons:-

- The subject development already has a shortfall in car parking and an additional loss of bays and a further reduction will create further parking issues in the West Leederville precinct.
- The subject development already has a sufficient level of bicycle parking and end of trip facilities in accordance with Council policy requirements.

Accordingly, the proposal is recommended for refusal.

AUTHORITY / DISCRETION

- Advocacy: When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative: Includes adopting local laws, town planning schemes & policies.
- Review: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- Information: For the Council/Committee to note.

BACKGROUND:

Application: 0037DA-2018
Owner: Brenzi Pty Ltd
Applicant: JMG Building Surveyors
Zoning: Mixed Use
Use class: Office - 'AA' (use not permitted unless Council grants approval)
Multiple Dwellings - 'AA' (use not permitted unless Council grants approval)
Land area: 2165 m2
The Council approved a nine storey mixed use development with basement car park at its meeting on 19 April 2011 (DV11.23). A condition of planning approval was the provision of a cash-in-lieu parking contribution of $262,500 to the Town, to be held in reserve for future parking improvements in the vicinity of the subject site. This was on the basis of a shortfall of 35 car bays at a cash-in-lieu provision of $7,5000 per bays.

A further condition required the provision of toilet facilities in the vicinity of the end of trip facilities. At the time of consideration of the original development, the applicant advised that adding toilets to the end of trip facilities was considered, however, given that each floor was well serviced with toilets they were omitted to allow additional space for showers and lockers.

The applicant was also required to pay a developer contribution of $50,000 to the Town, to be held in reserve for public infrastructure improvements in the Southport Street node.

The current application for additional bicycle parking and end of trip facilities was received in February 2018. The applicant was requested to provide additional information and justification as to how the additional shortfall in car bays would impact on the operation of the building and why additional bicycle parking and facilities are required given they are already provided within the building. The applicant has been unable to provide this information given that the majority of commercial space within the building is currently unoccupied.

DETAILS:

Development description

- Existing nine storey mixed use development consisting of offices from first to fifth floor and 30 multiple dwellings on the top three levels.
- There are two basement levels of carparking with the upper level including car bays, two motorcycle bays, bicycle parking, end of trip facilities, waste room and entrance to/from Macewan Street.
- Based on the car parking requirements for the office and residential uses, a total of 227 car bays for the development are required. Based on a 20% reduction being applied on the basis of the provision of end of trip facilities and the close proximity to public transport, the requirement was reduced to 164 car bays. 29 car bays were provided with cash in lieu paid for the shortfall of 35 bays. The current proposal will reduce the amount to 121 car bays - a total shortfall of 43 car bays.
- Current cash in lieu provisions for shortfall of carparking in the West Leederville Activity Centre is $16,000 per bay - thus an additional $128,000 cash in lieu would be required for the proposed additional 8 bay shortfall.

Applicant's submission

A summary of the applicant’s covering letter for the applicant is attached.

Comment

Parking

The applicant is proposing to remove eight car bays from the existing development and replace them with a new end of trip facility accommodating 44 bicycles and providing additional showers, toilets and lockers for users.

The proposal results in 121 car bays for the development and 76 bicycle spaces within the basement level with an additional 8 bicycle spaces provided in front of the building.
It is noted that the Council, at its meeting on April 2011, regarded that all uses within the mixed use development should be assessed against the parking provisions for office development to encourage active ground floor uses such as retail and cafes. This consideration was subsequently adopted into the Town's Car Parking policy (Part 6 - special application of ratios).

The table below shows the required parking and bicycle parking for the uses within the development on this basis:

<table>
<thead>
<tr>
<th>Use</th>
<th>Cars</th>
<th>Bicycles (short stay)</th>
<th>Bicycles (long stay)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial Office</td>
<td>1 bay/30m² NFA = 179 car bays</td>
<td>Office: 1 space/500m² NFA = 11 spaces</td>
<td>Office: 1 space/200m² NFA = 26 spaces</td>
</tr>
<tr>
<td>Multiple Dwellings</td>
<td>R Codes: Small (&lt;75m²): 0.75/dwelling = 14 bays required for 18 small dwellings; Medium: (75-110m²): 1/dwelling) = 12 bays required for 12 medium dwellings</td>
<td>1 space to each dwellings for visitors = 3 spaces</td>
<td>1 space to each 3 dwellings for residents = 10 spaces</td>
</tr>
<tr>
<td>Total required</td>
<td>164 car bays (with 20% reduction)</td>
<td>14 spaces</td>
<td>36 spaces (50 spaces total for long and short stay)</td>
</tr>
<tr>
<td>Total provided</td>
<td>121 car bays (with further 8 bay reduction)</td>
<td></td>
<td>76 spaces provided (total) for long and short stay</td>
</tr>
</tbody>
</table>

The development has already been approved previously with a large shortfall to a car parking calculation already reduced because of the provision of end of trip facilities and proximity to public transport.

The applicant has provided little, if any, evidence that the current provision of 129 car bays and the proposed deduction to 121 car bays provides a sufficient number of bays for the development. It is further noted that cash in lieu for the previous shortfall was provided but that this money has not been spent on providing additional car parking within the locality (although improvements along Southport Street have been made). In addition, existing levels of bicycle parking and end of trip facilities are considered to be sufficient for the levels of floor space within the building.

A site inspection revealed that there were empty bays within the development but that there are also a number of empty tenancies so that an analysis of whether there is sufficient parking for the development is difficult.

Under the circumstances, however, it is not considered appropriate to allow a further shortfall in car parking for the development.

POLICY/STATUTORY IMPLICATIONS:

There are no policy or statutory implications related to this report. The proposal was assessed against the provisions of the Town Planning Scheme No. 1, the Town Planning Scheme Policy Manual, and the Residential Design Codes of Western Australia.
FINANCIAL IMPLICATIONS:

If Council accepts cash-in-lieu of a shortfall for the loss of 8 bays at a cost of $16,000 per bay, Council will receive $128,000 to be held in reserve for future accessibility improvements in the vicinity of the subject site.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

Goal 4: Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.2: Guide new development which is in harmony with the surrounding area and retains a sense of place

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. The requirements for consultation have been satisfied under the statutory provisions of the Town Planning Scheme.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Marlaine Lavery, Director Planning and Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Petar Mrdja, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributors</td>
<td>Jenny Bender, Senior Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Development Application plans;
2. Summary of applicant's submission

ADMINISTRATION RECOMMENDATION:

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for additional bicycle spaces and end of trip facilities as submitted by JMG Building Surveyors at Lot 21 (No. 3) Loftus Street, as shown on the plans dated 5 February 2018, for the following reasons:-

(i) the subject development already has a shortfall in car parking and an additional loss of bays and a further reduction will create further parking issues in the West Leederville precinct;

(ii) the subject development already has a sufficient level of bicycle parking and end of trip facilities in accordance with Council policy requirements.
Committee Meeting 15 May 2018

During discussion, Members requested that the Administration provide a condition in relation to cash in lieu prior to next meeting of Council.

Moved by Cr Powell, seconded by Cr Nelson

That the item be submitted to Council for determination.

Carried 5/0

COUNCIL DECISION:
ADMINISTRATION RECOMMENDATION

Moved by Cr Timmermanis, seconded by Cr Powell

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for additional bicycle spaces and end of trip facilities as submitted by JMG Building Surveyors at Lot 21 (No. 3) Loftus Street, as shown on the plans dated 5 February 2018, for the following reasons:-

(i) the subject development already has a shortfall in car parking and an additional loss of bays and a further reduction will create further parking issues in the West Leederville precinct;

(ii) the subject development already has a sufficient level of bicycle parking and end of trip facilities in accordance with Council policy requirements.

Lost 4/5

For: Crs Bradley, McAllister, Powell and Timmermanis
Against: Mayor Shannon, Crs Carr, Everett, McKerracher, Nelson

COUNCIL DECISION:

Moved by Cr Powell, seconded by Cr McKerracher

That in accordance with Clause 68 (2) of the Deemed provisions of the Town of Cambridge Town Planning Scheme No. 1, the Council APPROVES the application for additional bicycle spaces and end of trip facilities as submitted by JMG Building Surveyors at Lot 21 (No. 3) Loftus Street, West Leederville as shown on the plans dated 5 February 2018, subject to:-

(i) a cash in lieu payment for a total of $128,000 (valued at $16,000 per bay) is required by the Town to satisfy the proposed eight bay car parking shortfall and is to be paid in the following instalments:

(a) $32,000 to be paid within 60 days of the date of development approval;

(b) a further $32,000 to be paid within three years of the date of development approval; and
(c) the remaining $64,000 to be paid within five years of the date of development approval.

Carried 7/2

For: Mayor Shannon, Crs Carr, Everett, McAllister, McKerracher, Nelson and Powell
Against: Crs Bradley and Timmermanis
SUMMARY:

The purpose of this report is for Council to consider a development application for three storey dwelling at No. 81 Branksome Gardens, City Beach.

Under the Town’s Delegation Register clause 9.1.2 (1), Council will determine development applications where they have been advertised and objections have been received. In this instance, objections have been received from neighbouring residents in relation to the lot boundary setbacks, height and visual privacy and therefore the application is required to be determined by Council.

The Administration recommends that the application should be refused as the bulk and scale of the development has a detrimental impact on the amenity of adjoining landowners and the streetscape.

AUTHORITY / DISCRETION

- Advocacy
- Executive
- Legislative
- Review
- Quasi-Judicial
- Information

BACKGROUND:

Application: 0354DA-2017
Owner: Apples WA Pty Ltd
Applicant: Pinnacle Planning Services Pty Ltd
Zoning: Residential R12.5
Use class: Dwelling (single) ‘P’ – permitted
Land area: 1034 m²
DETAILS:

Development description

An application for the subject site was initially submitted on 11 December 2018 for a three storey dwelling. Following the conclusion of the advertising period, amended plans were received on 15 February 2018 which addressed some of the concerns raised during consultation. These plans were not to an acceptable standard and could not be assessed by the Administration. A further set of plans was then received on 6 April 2018 and it is these plans which form the subject of this report.

The subject site is located within the City Beach Precinct. The site is currently comprised of a single storey dwelling set back approximately 20 metres from the primary street. There is a long history to this site in terms of fill being imported onto the site and a brief summary is provided as follows:

- **2005** - Prior to any new fill being provided across the site (these levels used by Whelans Surveys - see below) the site comprised a single dwelling set back approximately 20 metres from the front boundary and a long single driveway adjacent to the north western side boundary to an undercroft garage. There were retaining walls on either side of the single driveway to hold the lower level of the driveway from the rest of the front yard. The front yard had a slope of approximately 3.0 metres from the dwelling down to Branksome Gardens.

- **2011** - The area in front of the single storey dwelling was altered with additional fill similar to the floor level of the existing dwelling and approved as landscaping by the Town under delegated authority. The fill was to a maximum height of approximately 2.0 metres above natural ground level and setback approximately 6.6 metres from the front boundary.

- **2012** - The Council considered the issue of the landscaping and fill on the subject site in front of the existing dwelling at its meeting in March 2012 (Item DV12.53). Whelans Surveys provides a surface comparison plan of contours across the site in both 2005 and 2011. Council resolves at that time that "all adjoining owners and neighbours be advised of any future application for development on the site during the next 5 years, regardless of whether or not the development meets the R Codes and related Council policies".

- **2013** - An application for a three storey dwelling was submitted in lieu of removal of front landscaping as required by Council. The application was assessed against survey levels prior to the front levels being altered in 2011. Council at its meeting on 17 December 2013 (Item DV13.147) determined that height should be measured from the 2005 levels. The Council considered the height of the dwelling to be excessive and approval was granted subject to the floor levels being reduced by 1.1 metres so that the maximum roof height was 8.15 metres The Council also stipulated the overall height of the dwelling was not to exceed 22.15 metres AHD (Australian Height Datum).

The Council also expressed concern regarding introduced fill into the rear of the site and the applicant was required to provide evidence that not more than 0.5 metres of fill to the backyard had been introduced and if so, provide a separate planning application. This information was to be provided prior to a building permit being submitted. Instead, a new application for a new dwelling with structures over this subject area has now been submitted.
The current application has a proposed dwelling that is essentially the same dwelling that was considered by Council at its meeting in December 2013, with the following changes:

- the dwelling now has a minimum front setback of 7.5 metres;
- the provision of privacy screens along the northern elevation to address visual privacy concerns to the north side boundary;
- the provision of obscure glazing to a height of 1.6 metres above finished floor level to bedrooms 2 and 3;
- the provision of a larger, covered balcony at the front of the upper level;
- the inclusion of features to the rear of the dwelling including a pool cabana, fire pit and a half tennis court with hit up wall set back 1.0 metre in lieu of 6.0 metres from the rear boundary.

It should be noted that the proposed finished floor levels for the current dwelling are identical to the 2013 dwelling and that the overall height of the roof has slightly increased by 25mm. Although the dwelling is set back further on the lot than the previous dwelling, it is noted that the increased size of the upper storey, roofed balcony means that that the upper level roof sits in a similar position as the previous proposal and therefore has a similar height and impact on the street and adjoining properties.

An assessment of the application has been conducted against the provisions of the Town Planning Scheme No. 1 (the Scheme), the Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 (the Deemed Provisions), Local Law 43 (Schedule 3), relevant deemed-to-comply requirements of the Residential Design Codes (R-Codes) and the following Local Planning Policies:

- 3.1 - Streetscape,
- 3.3 - Building Height; and
- 6.1 - City Beach Precinct

Community Consultation

The application was advertised for a period of 24 days (extended due to school holiday period), from 12 January 2018 to 31 January 2018 to sixteen surrounding properties in relation to the proposed variations. Five objections were received.

The table below provides a summary of the comments and issues raised during the community consultation process and an officer technical response to each comment and issue.

<table>
<thead>
<tr>
<th>Summary of Comments Received:</th>
<th>Officer Technical Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front setback exacerbates mass and bulk issues and inconsistent with streetscape.</td>
<td>The applicant has amended the plans to achieve a minimum front setback of 7.5 metres as per Scheme requirements.</td>
</tr>
<tr>
<td>Side setback/retaining wall adds to overbearing bulky mass facing me.</td>
<td>The reduced setback is considered to have an adverse impact on the adjoining landowner in terms of building bulk</td>
</tr>
<tr>
<td>Cabana setback impacts on my backyard in terms of building bulk including build up of sand from previously</td>
<td>The applicant has amended the plan to comply with setback requirements for the cabana.</td>
</tr>
<tr>
<td>Loss of privacy to my property. No screens have been provided.</td>
<td>The applicant has amended the plans to meet visual privacy requirements.</td>
</tr>
<tr>
<td>Loss of privacy to south side from windows and close setback of building</td>
<td>The applicant has amended the plans to meet visual privacy requirements and setbacks now predominantly meet deemed to comply provisions.</td>
</tr>
</tbody>
</table>
Height of proposed building will impact significantly on adjoining properties and may result in loss of views

With the location of the proposed dwelling and the proposed building height there is the potential for the development to impact on the adjoining property's access to views of significance.

Hitting wall located on area of previous fill is unacceptable.

The 3.0 metre high hitting wall within the rear setback area will increase the impact of building bulk as seen from the adjoining property.

The required changes to the plans as per the Council's previous decision have not been made so plan should not be approved.

The applicant has amended the plan to incorporate some of the conditions of the previous approval including increasing the front setback and addressing privacy issues.

<table>
<thead>
<tr>
<th>Applicant's justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to boundary setbacks and building height. A summary of the applicant's justification is attached to this agenda.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assessment against the design principles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot boundary setback (Clause 5.1.3 of the R-Codes)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lower Floor setback of garage to north-western (left) side boundary</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum 1.5 metres</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

| Ground Floor setback of Alfresco to north-western (left) side boundary | Minimum 2.1 metres | •1.17 metres to roof  
|•1.5 metres to 2.5 metres to walls (as wall height varies along boundary) |
| Ground Floor setback of privacy screen to south-east (right) side boundary | Minimum 2.5 metres | 2.4 metres |
| Setback of hit up wall from rear/north-east boundary | Minimum 6.0 metres | 1.0 metre to 2.55 metres |

**Design principles:**

- **Buildings set back from lot boundaries so as to:**
  - reduce impacts of building bulk on adjoining properties;
  - provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
  - minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

- **Buildings built up to boundaries (other than the street boundary) where this:**
  - makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;
  - does not compromise the design principle contained in 5.1.3 P3.1;
  - does not have any adverse impact on the amenity of the adjoining property;
  - ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and
  - positively contributes to the prevailing development context and streetscape.
The applicant seeks variations to the lot boundary setbacks of the basement and ground levels to the side and rear boundaries. It is considered that the proposal does not satisfy the above design principles for the following reasons:

- the proposal is for a new build on a lot with a width of 20.12 metres which is ample space to meet lot boundary requirements. It is considered that the provision of reduced setbacks on a lot of this size creates unnecessary building bulk as viewed from the adjoining properties;
- the proposal for a hit up wall at a built up level, within the rear setback area and to a height of 3.0 metres results in unnecessary building bulk as viewed from the adjoining properties;
- the reduced side setback to the south-east boundary will have an adverse impact on the amenity of the adjoining property with regards to access to sunlight and ventilation and will negatively impact the windows on the adjoining property; and
- the current streetscape comprises of single dwellings set back from the side boundaries. The proposal is inconsistent with prevailing development in the area.

Clause 67(m) of the deemed provisions requires the local government to have due regard to the compatibility of the development within its setting and the relationship of the development to development on adjoining land or other land in the locality. Overall, the proposed variations will create unnecessary bulk as viewed from the street and adjoining properties. The proposal is therefore not considered to satisfy the design principles of the R-Codes and is considered to be incompatible with adjoining land and surrounding land in the locality.

Street walls and fences (Planning Policy 3.1.7)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Height of a solid wall on right/south-east side boundary and within front setback area</td>
<td>Maximum 0.75 metres</td>
</tr>
</tbody>
</table>

**Design principles:**

Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:

- for attenuation of traffic impacts where the street is designated as a primary or district distributor or integrator arterial; and
- for necessary privacy or noise screening for outdoor living areas where the street is designated as a primary or district distributor or integrator arterial.

The applicant proposes a wall along the south-east side boundary to a maximum height of 1.697 metres. It is considered that the proposal does not satisfy the above design principles for the following reasons:

- the introduction of a solid wall into the front setback rear does not enhance the streetscape as it introduces solid elements into an otherwise open and green front setback area; and
- the solid wall restricts surveillance between the dwelling and the street within a south east direction.

Overall the proposed variation will introduce a solid element into the front setback area and therefore detract from the open and green streetscape.
Building height (Clause 5.1.6 of the R-Codes)

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof height</td>
<td>Maximum 7.5 metres</td>
<td>Using 2011 survey levels as provided by the applicant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 7.872 metres from south-east corner</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 9.272 metres from north-west corner (cut in driveway level)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Using 2005 survey levels as previously resolved by Council</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 8.272 metres from south-east corner</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 8.872 metres from north-west corner (retaining wall level)</td>
</tr>
</tbody>
</table>

**Design principles:**

*Building height that 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:*

- adequate access to direct sun into buildings and appurtenant open spaces;
- adequate daylight to major openings into habitable rooms; and
- access to views of significance.

There is a long history to this site in terms of fill being imported onto the site and many queries have been raised as to what is the natural ground level. It is noted that when the landscaping at the front of the site was approved in 2011, the applicant was advised that the area of fill approved under that application would be included in the height of any future development of the lot.

The current application has been shown over the site survey plan from 2011 prior to any fill being placed on the site and the height calculations have been taken from these levels. It is noted that, during consideration of the previous application by Council in 2013, elected members agreed that the height should be measured from 2005 ground levels. These levels have therefore been provided in the above table for comparison and reference purposes.

The applicant seeks a variation to the building height of the upper level of the proposed dwelling. It is considered that the proposal does not satisfy the above design principles for the following reasons:

- the height of the proposed dwelling creates an adverse impact on the amenity of the streetscape in terms of increased building bulk and scale by providing a three storey, over height building with a setback less than surrounding properties;
- the combination of reduced lot boundary setbacks and building height will impact on the amenity of adjoining properties in terms of building bulk and in terms of daylight to major openings; and
- the building height does not maintain access to views of significance for adjoining properties and the applicant has not provided any evidence to refute this.
Overall, he proposed variation to the building height will create excessive height that will impact the amenity of the streetscape and surrounding dwellings in relation to building bulk and access to views of significance. The proposal is therefore not considered to satisfy the design principles of the R-Codes.

POLICY/STATUTORY IMPLICATIONS:

There are no policy or statutory implications related to this report. The proposal was assessed against the provisions of the Residential Design Codes of Western Australia, Town Planning Scheme No.1, and the Town Planning Scheme Policy Manual.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

Goal 4: Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.2: Guide new development which is in harmony with the surrounding area and retains a sense of place

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. The requirements for consultation have been satisfied under the statutory provisions of the Town Planning Scheme.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Marlene Lavery, Director Planning and Development</th>
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<td>Petar Mrdja, Manager Development Assessment</td>
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<td>Contributors</td>
<td>Jenny Bender, Senior Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Development Application plans
2. Summary of applicant's justification and neighbour comment
COMMITTEE DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a three storey dwelling submitted by Pinnacle Planning at Lot 199 (No. 81) Branksome Gardens, City Beach as shown on the plans dated 6 April 2018, for the following reasons:-

(i) the proposal is not considered to meet the Design Principles of part 5.1.3 (Lot Boundary Setbacks) of the Residential Design Codes of Western Australia, resulting in undue bulk as viewed from the adjoining property and the street, which is inconsistent with the prevailing streetscape;

(ii) the proposal is not considered to meet the Design Principles of part 5.1.6 (Building Height) of the Residential Design Codes of Western Australia as it result in undue impact of building bulk on the adjoining properties and will have an impact on access to views of significance;

(iii) the proposal is not considered to meet the Design Principles of part 5.2.4 (Street Walls and Fences) of the Residential Design Codes of Western Australia, resulting in the introduction of a high solid wall into the front setback area and a resultant loss of amenity for the streetscape; and

(iv) the proposal does not satisfy Schedule 2, Part 9, Clause 67(m) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the appearance of the development is not compatible with adjoining land in the locality from the perspective of bulk and scale.

Carried 8/0
COUNCIL MINUTES
TUESDAY 22 MAY 2018

DV18.49 LOT 28 (NO. 20) HOLYROOD STREET, WEST LEEDERVILLE - ADDITIONS AND ALTERATIONS TO EXISTING DWELLING

SUMMARY:

The purpose of this report is for Council to consider a development application for additions and alterations to the existing dwelling at No. 20 Holyrood Street, West Leederville.

Under the Town's Delegation Register clause 9.1.2 (1), Council will determine development applications where they have been advertised and objections have been received. In this instance, an objection has been received from a neighbouring resident in relation to the lot boundary setback and therefore the application is required to be determined by Council.

The Administration recommends that the application should be approved subject to appropriate conditions.

AUTHORITY / DISCRETION

- Advocacy
  - When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative
  - Includes adopting local laws, town planning schemes & policies.
- Review
  - When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial
  - When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information
  - For the Council/Committee to note.

BACKGROUND:

Application: 0021DA-2018
Owner: Mr MW Kwan and Ms SJ Kelly
Applicant: Matthew Wei-Yuan Kwan and Stephanie Jane Kelly
Zoning: Residential R30
Use class: Dwelling (single) ‘P’ – permitted
Land area: 445 m²

DETAILS:

Development description

An application for the proposed additions for the subject site was initially submitted on 19 January 2018. As the subject site forms part of the Holyrood Street Conservation Area, the plans were referred to the Town’s Heritage Architect (Griffiths Architects) for comment. Following consideration of the Heritage Architect's advice and feedback from the Town,
amended plans were received on 2 March 2018 which addressed the overlooking from windows facing north.

The subject site is located within the West Leederville Planning Precinct. The site is currently comprises a two storey brick and iron dwelling with an existing solid wall along the majority of the Holyrood Street frontage and a garage with an existing nil setback facing Holyrood Street. The existing dwelling has a nil setback and parapet wall to the rear/eastern boundary both the main dwelling and an extension containing a laundry, store and bathroom.

The site forms part of the Holyrood Street Conservation area and is subject to the Holyrood Street Heritage Development and Design Guidelines.

The development application proposes the following:

- Proposed new dining/family room to the rear of the existing dwelling and with a nil setback to the eastern side boundary (following the line of the existing dwelling).
- New deck and pergola adjacent to dining/family extension on western side.
- Additions to existing double garage to increase its length and width but maintaining the nil setback to both the primary street frontage and the northern side boundary.

An assessment of the application has been conducted against the provisions of the Town Planning Scheme No. 1 (the scheme), the Holyrood Street Heritage Development and Design Guidelines, relevant deemed-to-comply requirements of the Residential Design Codes and the following Local Planning Policies:

- 3.1 - Streetscape;
- 3.2 - Buildings on the Boundary; and
- 6.5 - West Leederville Precinct.

Community Consultation

The application was advertised for a period of 16 days, from 19 February 2018 to 7 March 2018 to the adjoining affected neighbours at No. 77 Woolwich Street and No. 166b Tower Street, in accordance with the requirements of the Residential Design Codes of WA. One submission was received objecting to the nil setback to the rear/eastern boundary.

The following table provides a summary of the comments and issues raised during the community consultation process and Officer technical response to each comment and issue. Attachment 2 of this report has a more comprehensive summary of the neighbour comment received.

<table>
<thead>
<tr>
<th>Summary of Comments Received:</th>
<th>Officer Technical Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The existing dwelling (on its eastern boundary) already lacks a privacy setback &amp; due to its height, also blocks out a lot of light to my adjacent property so that any non-compliant addition or alteration would only compound these issues.</td>
<td>There is an existing parapet wall to the eastern side boundary to a laundry/store/bathroom. The proposed extension will increase the height of this existing parapet wall to match the existing dwelling. There will be no increase in loss of privacy and overshadowing will occur in late afternoon and along the side of the adjoining property to the east.</td>
</tr>
</tbody>
</table>
Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to proposed development. A summary of the applicant’s justification is attached to this agenda.

Assessment against the design principles

Street setback (Clause 5.1.2 of R Codes)

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front / primary street setback</td>
<td>Min 4.0 metres</td>
<td>Nil to garage (nil existing but an additional length of 1.38 metres proposed)</td>
</tr>
</tbody>
</table>

**Design principles:**

**Buildings set back from street boundaries an appropriate distance to ensure they:**
- contribute to, and are consistent with, an established streetscape;
- provide adequate privacy and open space for dwellings;
- accommodate site planning requirements such as parking, landscape and utilities; and
- allow safety clearances for easements for essential service corridors.

**Buildings mass and form that:**
- uses design features to affect the size and scale of the building;
- uses appropriate minor projections that do not detract from the character of the streetscape;
- minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and
- positively contributes to the prevailing development context and streetscape.

The applicant seeks to extend the nil setback to an existing double brick and iron garage for an additional 1.38 metres to the south side. The existing garage door and crossover will be retained. It is considered that the proposal meets the above design principles for the following reasons:

- The existing garage is established within the streetscape. To the side of the garage where the extension is proposed is a large Hills Fig tree with a low tree canopy. This will effectively screen the additional length of garage from the streetscape.
- The siting of the garage in the corner of the site means that it is set well away from the dwelling and therefore does not visually dominate on intrude upon its setting.
- There is adequate clearance for services and the nil setback is a small portion of the overall frontage which assists in minimising the impact of the additional nil setback proposed;
- The Holyrood Street Design guidelines state that new front garages and carports may be introduced on the eastern side of the street, provided they are modest in scale, compatible in proportioning and scale to the existing residence, and of secondary importance to the existing residence. New garages and carports must not visually dominate the front of the house or intrude upon its principal setting. The proposed garage maintains a gable and façade that positively contributes to the prevailing development context.
As the garage is already in place and the proposed extensions are minor and will be predominantly screened by the large street tree, it is considered that the proposed development is consistent with the established streetscape and can be supported.

Lot boundary setback (Clause 5.1.3 of R Codes)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Side setback (north)</td>
<td>Min 1.0 metre to garage wall</td>
</tr>
<tr>
<td>Rear setback (east)</td>
<td>Min 1.7 metres to dwelling (existing and proposed addition)</td>
</tr>
</tbody>
</table>

**Design principles (clause 5.1.3 P3.1 & P3.2 of the R-Codes):**

**Buildings set back from lot boundaries so as to:**
- reduce impacts of building bulk on adjoining properties;
- provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

**Buildings built up to boundaries (other than the street boundary) where this:**
- makes more effective use of space for enhanced privacy for the occupant/s or outdoor living areas;
- does not compromise the design principle contained in 5.1.3 P3.1;
- does not have any adverse impact on the amenity of the adjoining property;
- ensures direct sun to major openings to habitable rooms and outdoor living areas for adjoining properties is not restricted; and
- positively contributes to the prevailing development context and streetscape.

**Garage Setback**

As mentioned previously, the applicant proposes to increase the width and depth of the existing garage which sits on the northern boundary of the site. There is proposed to be an additional 1.415 metres of garage wall along the northern boundary making a total length of 6.7 metres. The wall is approximately 2.5 metres in height. It is considered that the proposal meets the above design principles for the following reasons:

- The adjoining property is to the north and therefore there will be minimal impact in terms of access to light and ventilation. It has a swimming pool area adjacent to the garage and so the additional length of garage wall along the boundary will increase the level of privacy to this area.
- It is considered, that the additional wall length to the garage allows for a more usable and effective use of car parking space and has minimal adverse impact on the amenity of the adjoining property to the north.

**Dwelling Setback**

With regard to the rear setback variation, it is noted that the existing dwelling has a nil setback to the eastern boundary. The addition proposes to follow the line of the existing dwelling and replaces a portion of the existing dwelling which houses a laundry, store and bathroom.
It is considered that the proposal meets the above design principles for the following reasons:

- The proposed addition makes effective use of space for the existing dwelling by providing all the services and functions of the dwelling under the main roof.
- The dwelling is to the west of the adjoining property to the rear so that overshadowing will only occur in the afternoon. No access to northern light to the rear active habitable areas of the adjoining property will be affected by the additional height of parapet wall on the boundary.
- The side of the adjoining property contains a highlight window to the family room and two minor openings to the kitchen facing west. It is considered that direct sun to these openings will only be restricted in the late afternoon.
- The proposal positively contributes to the prevailing development context and streetscape by allowing for the upgrading of an existing heritage dwelling highlighted for conservation as part of the Holyrood Street Conservation Area.

On this basis, the proposal is supported.

**Holyrood Street Conservation Area**

The subject site form part of the Holyrood Street Conservation Area. This requires all applications for additions or new works to seek development approval. As part of the approval process, the application is required to be referred to the Town's Heritage Architect for advice.

The Town's Heritage Architect has undertaken an assessment of the proposal and has advised that in terms of the heritage values expressed and given the relative significance of the place and the alterations already made, the level of change is not inappropriate although it is suggested that the following be considered:

1. The new north facing windows to be more reflective of the window format of the existing house.
2. There is some benefit in retaining the existing west facing windows in the existing dining room and planning the bathroom and laundry to suit, which would result in more of the existing street facing elevation being retained. It is noted, however, that as the dining room was a later addition, this change is not essential.
3. Whilst new garages in Holyrood Street are not encouraged it is considered the proposal is a modest addition to an existing garage so that the proposal would be an acceptable outcome. It is recommended that a weatherboard gable would be better than imitating the gables on the existing building.

The Heritage Architect recommends with these suggestions, the proposal can be supported and should not have an adverse impact on the heritage values of Holyrood Street.

It is noted since this advice the new north facing windows have been amended to be highlight windows to ensure that there are no visual privacy impacts on the adjoining property to the east. A condition of approval has been recommended to ensure that the highlight windows are reflective of the window format of the existing house to maintain compatibility between the proposed addition and the existing dwelling.

**POLICY/STATUTORY IMPLICATIONS:**

There are no policy or statutory implications related to this report. The proposal was assessed against the provisions of the Residential Design Codes of Western Australia, Town Planning Scheme No.1, and the Town Planning Scheme Policy Manual.
FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

Goal 4: Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.2: Guide new development which is in harmony with the surrounding area and retains a sense of place

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. The requirements for consultation have been satisfied under the statutory provisions of the Town Planning Scheme.

OFFICER INVOLVEMENT:

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</tbody>
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ATTACHMENTS:

1. Development Application plans
2. Summary of applicant's justification and neighbour comment

COMMITTEE DECISION:

(ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES the application for additions and alterations to the existing dwelling as submitted by M Kwan and S Kelly at Lott 28 (No. 20) Holyrood Street, West Leederville as shown on the plans dated 2 March 2018, subject to the following conditions:-

(i) the surface finish of the boundary wall facing the adjoining properties to the north and east to be rendered, painted or face brickwork prior to the occupation of the development and to the satisfaction of the Town;

(ii) the tree located on the verge directly adjacent to the subject site to be retained;

(iii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site; and

(iv) any new windows to be reflective of the window format of the existing house (whilst maintaining a sill height of 1.6 metres) for the north facing windows.

Carried 8/0
SUMMARY:

The purpose of this report is for Council to consider a development application for additions and alterations, including an upper floor addition and carport extension, at No. 26 Newry Street, corner Birkdale Street, Floreat.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39), Council will determine an application for planning approval which does not comply with a standard or requirement of the scheme. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1b) of the Town Planning Scheme No. 1.

Should Council resolve to approve the application, an absolute majority decision is required.

The Administration recommends that the application should be approved subject to appropriate conditions.

AUTHORITY / DISCRETION:

- Advocacy
- Executive
- Legislative
- Review
- Quasi-Judicial
- Information

BACKGROUND:

Application: 0066DA-2018
Owner: Mr J and Mrs F Galvin
Applicant: Mr J and Mrs F Galvin
Zoning: Residential R12.5
Use class: Dwelling (single) ‘P’ – permitted
Land area: 936m²
DETAILS:

Development description

The subject site is located within the Floreat Precinct. The site features an original brick and tile dwelling facing the corner of Newry and Birkdale Streets. The dwelling is mainly single storey with a small undercroft comprising an entry, bedroom and ensuite. There is vehicular access to the property from both Newry Street and Birkdale Street. The existing garage is located off Newry Street. There is a slope up from Birkdale Street (east) to the west (rear) boundary of 3 to 3.5 metres.

The surrounding residential properties consist of original brick and tile dwellings, single storey or single storey with undercroft, and some with double carports in front. There are also more recent two storey developments. A child day care centre is located to the south across Newry Street and Floreat Park Tennis Club is to the east across Birkdale Street. As the dwelling is set back furthest from Birkdale Street, Newry Street is the secondary street.

The development application proposes the following:

- additions and alterations to the ground floor:
  - the existing garage modified to a workshop and carport, requiring an addition to provide adequate parking space
  - an extension to the rear of the dwelling to create an open plan living and alfresco area, laundry and staircase to the upper level
- a new upper floor to the rear of the dwelling comprising a main bedroom, ensuite and WIR.

The proposed upper floor sits wholly above the finished levels of the existing dwelling and patio. These finished levels are higher than the natural ground levels along the east side boundary. However, the height complies with the Town’s Building Height policy which requires building height to be measured from pre-existing levels directly below the upper floor.

An assessment of the application has been conducted against the provisions of the Town Planning Scheme No. 1 (the Scheme), Local Law 43 (Schedule 3), relevant deemed-to-comply requirements of the Residential Design Codes of WA (R-Codes) and the following local planning policies:

- 3.1 – Streetscape;
- 3.3 – Building Height; and
- 6.2 – Floreat Precinct.

The proposal seeks a variation to the Scheme (Clause 20) with regards to the secondary street setback in the Floreat Precinct and variations to the R-Codes deemed-to-comply requirements relating to lot boundary setbacks, street surveillance and visual privacy setback.

Community consultation

The application was advertised for a period of 18 days, from 22 March 2018 to 9 April 2018, in accordance with the requirements of the R-Codes. Properties notified were to the west (28 Newry St), north (123 Birkdale St), south (25 and 27 Newry St) and south-east (23 Newry St). No comments were received.

Applicant's justification

The applicant has provided written justification for the variations to the deemed-to-comply requirements. A summary of the applicant’s justification is attached to this agenda.
Assessment against the design principles

Street Setback (Clause 20 of the Town Planning Scheme No. 1)

In accordance with Clause 20, development within the Floreat Precinct shall be a minimum of 4.5 metres from the secondary street (Newry Street). The plans show an extension to the existing carport, of which a portion will be located within this secondary street setback area.

In considering variations to these provisions, Council shall have regard to Clause 39 of Town of Cambridge Town Planning Scheme No. 1, which deals with non-complying applications and Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, which deal with matters to be determined by a local government in considering an application for development approval. The Council must therefore be satisfied BY ABSOLUTE MAJORITY that, in approving an application for development approval for a non-complying application, the development would be consistent with the objectives as detailed in Clause 39 of the Scheme.

<table>
<thead>
<tr>
<th></th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Secondary street setback</td>
<td>Min 4.5 metres</td>
<td>Min 2.9 metres</td>
</tr>
</tbody>
</table>

Clause 39

(3) The Council cannot grant planning approval for a non-complying application unless it is satisfied my an absolute majority that:-

(a) If approval were to be granted, the development would be consistent with:-
   (i) The orderly and proper planning in the locality;
   (ii) The conservation of the amenities of the locality; and
   (iii) The statement of intent set out in the relevant Precinct Planning Policy; and

(b) The non-compliance would not have any undue adverse effect on:-
   (i) The occupiers or users of the development;
   (ii) The property in, or the inhabitants of, the locality; or
   (iii) The likely future development of the locality.

An assessment of the application against the objectives is provided below:

(a) If approval were to be granted, the development would be consistent with:-

   (i) The orderly and proper planning in the locality;

   The proposed setback of the carport extension is consistent with existing setbacks in the immediate locality. The properties directly adjoining the subject site to the west and north both have carports in their primary street setback areas and there are other carports in the front setback area in the vicinity of the subject site. There is not a uniform setback of 9.0 metres along the street.

   The proposed carport extension is open style and will allow views through to the existing dwelling. This will ensure that the impacts of building bulk, as seen from the street, are minimised and will ensure orderly and proper planning in the locality.

   The applicant is proposing to enhance the existing streetscape and the subject site with the proposal. The carport extension has been designed to be in keeping with the design on the existing dwelling, with an art deco curved pillar, a mix of rendered wall and facebrick and a flat roof.
It is considered that, given the current streetscape, the proposal would be consistent with the surrounding dwellings in the immediate locality. The site directly adjacent to the proposed carport extension at No. 28 Newry Street has a carport set back a minimum of 2.5 metres from Newry Street (primary street). A number of carports located as close as 0.3 metres are evident on the subject street and within the immediate locality.

(ii) The conservation of the amenities of the locality; and

The encroachment into the secondary street (Newry Street) setback area is in keeping with the streetscape as it will increase activity and passive surveillance between the subject site and Newry Street compared with the current parking situation which is a garage with a roller door.

The proposed carport extension does not unduly impact on open space requirements, and provides roof cover for the full length of two parking bays for the existing vehicle access on-site.

As the proposed variation relates to a carport, there is no adverse impact on visual privacy to the adjoining property.

(iii) The statement of intent set out in the relevant Precinct Planning Policy.

The proposal will be consistent with the Statement of Intent of the Floreat Precinct, and will provide additions to an existing single residential dwelling consistent with those in the immediate locality. The purpose of the development as a whole is to retain, renovate and enhance an existing character home.

(b) The non-compliance would not have any undue adverse effect on:-

(i) The occupiers or users of the development;

The proposal is for a single residential dwelling to be occupied by the owners of the property. The reduced street setback will not result in an undue adverse effect on the owners of the property. In supporting the proposed street setback variation, the owners of the dwelling will be able to enjoy the extension of the carport which will provide roof cover over the full length of two parking bays and enhance the existing development.

(ii) The property in, or the inhabitants of, the locality; or

The proposed reduced street setback will not impact on the inhabitants of the locality as the proposed carport extension will be partly screened from the street by mature vegetation, including a street tree. The proposal does not impact negatively on any adjoining neighbouring property due to the open nature of the carport extension, and is consistent with existing residential development in the locality.

(iii) The likely future development of the locality.

It is considered that the secondary setback variation would not be out of character with the remainder of the streetscape. Due to the size and nature of the street, it is unlikely that the approval of this development would have any impact on future developments of the locality, and could not be used as a precedent.

The proposed non-complying application is therefore supported.
Lot boundary setback (clause 5.1.3 of the R-Codes)

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
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<tr>
<td>Rear setback</td>
<td></td>
</tr>
<tr>
<td>Min 6.0 metres</td>
<td>0.9 metres for the carport extension</td>
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<tr>
<td></td>
<td>Min 1.9 metres for the ground and upper floor dwelling additions</td>
</tr>
</tbody>
</table>

**Design principles:**

**Buildings set back from lot boundaries so as to:**
- reduce impacts of building bulk on adjoining properties;
- provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and
- minimise the extent of overlooking and resultant loss of privacy on adjoining properties.

The shape of the subject lot is irregular, but consistent with other corner lots in Floreat. Due to the positioning of the existing dwelling, Birkdale Street is classed as the primary street and the western boundary, which is opposite Birkdale Street, is the rear boundary.

In the Floreat R12.5 zone, there is a 6.0 metre rear setback deemed-to-comply requirement. The applicant seeks variations to this requirement for the carport extension and the dwelling additions.

Under the Residential Design Codes, a variation can be supported where it is considered that the application satisfies the relevant design principles. It is considered that the proposal does satisfy the above design principles for the following reasons:

- the carport extension has an additional length of 3.24 metres adjacent to the rear (west) boundary, set back 0.9 metres from this boundary. The carport extension is open on three sides and is at a lower level than the adjoining property to the west. In combination, these factors will reduce the overall building bulk impact of the carport extension on the adjoining dwelling to the west;

- overshadowing caused by the proposed carport extension will fall onto the neighbour’s driveway or existing carport. The amount of overshadowing is reduced due to the difference in levels between the subject site and the adjoining property to the west;

- the dwelling additions will replace an existing patio. The additional height and bulk in this location is unlikely to have a significant impact on the amenity of the adjoining property due to the relatively short length of the encroachment compared with the total length of the adjoining property’s boundary (approximately 7.5 metres of addition, 48 metres of neighbouring boundary), its stepped setback ranging from 1.9 metres to over 6.0 metres and the existing mature vegetation. The dwelling additions are to the east of the adjoining property and do not overshadow the neighbour’s main outdoor living area. There are no visual privacy concerns affecting the adjoining property to the west;

- the owners of the adjoining property to the west have viewed the plans and offered no objections; and

- the rear setback variation is a result of the irregular configuration of the lot and is almost unavoidable.
Overall, due to the lower level of the subject site compared with the adjoining property to the west, the relatively short lengths of encroachment into the rear setback compared with the length of the adjoining property’s boundary and the existing mature vegetation along the boundary, the bulk and overshadowing impact of the proposed development on the adjoining property is not considered to be significant. The proposal is therefore considered to satisfy the design principles of the R-Codes.

**Street surveillance (clause 3.1.6 of Local Planning Policy 3.1: Streetscape)**

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Street surveillance</td>
<td>Each habitable room facing the primary street must have at least one major opening with clear glazing, with a clear view of the street and approach to the dwelling.</td>
</tr>
</tbody>
</table>

**Design principles (clause 5.2.3 of the R-Codes):**

*Buildings designed to provide for surveillance (actual or perceived) between individual dwellings and the street and between common areas and the street, which minimise opportunities for concealment and entrapment.*

The existing dwelling faces the corner of Birkdale and Newry Streets and the upper floor addition at the rear of the existing dwelling is also positioned at an angle to the street.

Due to the distance of the addition to the street (over 20 metres) and the existing mature vegetation, it is unlikely that the upper floor windows will be easily visible from the street or used to observe the street. As a whole, the building presents well to both streets and there will be sufficient surveillance of the street to the dwelling and vice versa from the existing major openings to habitable rooms on the ground level to satisfy the above design principle.

**Visual privacy (clause 5.4.1 of the R-Codes)**

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Ground floor sitting room window</td>
<td>Min 6.0 metres</td>
</tr>
<tr>
<td>Ground floor bedroom 4 windows</td>
<td>Min 4.5 metres</td>
</tr>
</tbody>
</table>

**Design principles (clause 5.2.3 of the R-Codes):**

*Minimal direct overlooking of active habitable spaces and outdoor living areas of adjacent dwellings achieved through:*
  - building layout and location;
  - design of major openings;
  - landscape screening of outdoor active habitable spaces; and/or
  - location of screening devices.

*Maximum visual privacy to side and rear boundaries through measures such as:*
  - offsetting the location of ground and first floor windows so that viewing is oblique rather than direct;
  - building to the boundary where appropriate;
  - setting back the first floor from the side boundary;
  - providing higher or opaque and fixed windows; and/or
  - screen devices (including landscaping, fencing, obscure glazing, timber screens, external blinds, window hoods and shutters).
Both visual privacy variations are a result of the existing dwelling being constructed on limestone footings, elevated above natural ground level on the northern side of the property where ground levels are lowest. No comments on the proposed development were received from the owner of the adjoining property to the north.

Sitting room window

The new sitting room window is a modification of an existing window in the same location with the same setback. With regard to the design principles, minimal direct overlooking of active habitable spaces and outdoor living areas of the adjacent dwelling is achieved as adjacent to the opening, there is a parapet wall of the adjoining property and mature vegetation.

Bedroom 4 window

The existing bedroom 4 facing Birkdale Street is proposed to be extended 1.3 metres towards the northern side boundary. A new window is proposed to be installed facing the north side boundary. Due to the angle of the side boundary, the setback of the window ranges from 4.4 metres to 4.8 metres resulting in a minor variation to the visual privacy setback requirements. Existing mature vegetation within the subject site which is proposed to be retained will minimise direct overlooking into the adjoining property to the north.

Overall, due to the existence of mature vegetation and a parapet wall on the adjoining property to the north, overlooking is unlikely to have a significant adverse impact on the amenity of the adjoining property to the north. Furthermore, the sitting room opening will replace existing major openings. A condition is included to retain this vegetation or plant mature vegetation to assist in screening these windows from the adjoining property to the north.

POLICY/STATUTORY IMPLICATIONS:

The proposal was assessed against the provisions of the Residential Design Codes of Western Australia, Town Planning Scheme No.1, and the Town Planning Scheme Policy Manual.

Should the Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

Goal 4: Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.2: Guide new development which is in harmony with the surrounding area and retains a sense of place

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. The requirements for consultation have been satisfied under the statutory provisions of the Town Planning Scheme.
OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Role</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Executive</td>
<td>Marlaine Lavery, Director Planning and Development</td>
</tr>
<tr>
<td>Responsible Manager</td>
<td>Petar Mrdja, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributors</td>
<td>Sonya Hayes, Senior Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Development application plans
2. Summary of applicant's justification

COUNCIL DECISION:
(Committee and Administration Recommendation)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY the application for additions and alterations, including an upper floor addition and carport extension, submitted by Mr J and Mrs F Galvin at Lot 91 (No. 26) Newry Street, Floreat as shown on the plans dated 2 March 2018, subject to the following conditions:

(i) the roof material not to be zincalume, white or off-white (‘Surfmist’) Colorbond;
(ii) the carport extension to remain open on all sides. No door is to be installed;
(iii) screen planting with advanced growth evergreen vegetation a minimum of 2.0 metres in height shall be retained or provided within three (3) months of the completion of the development along the north side boundary adjacent to the sitting room window and bedroom 4 window and thereafter maintained to the satisfaction of the Town;
(iv) the tree located on the verge directly adjacent to the subject site to be retained;
(v) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site.

Advice notes:

The applicant be advised that:

1. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.
2. All works within the road reserve, such as vehicle crossovers, verge paving and landscaping require a separate application and approval by the Town's Infrastructure Services. These works must conform to the Town's specifications.

Carried by an ABSOLUTE MAJORITY 8/0
SUMMARY:

The purpose of this report is for Council to consider a development application for a bedroom addition and alteration for the existing dwelling at No. 26 Rochdale Road, Mount Claremont.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Scheme in relation to the setback of the bedroom addition from the front boundary.

The Administration recommends that the application should be refused as the proposed setback is not consistent with the established streetscape.

Should Council resolve to approve the application, an absolute majority decision is required.

AUTHORITY / DISCRETION

- Advocacy: When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative: Includes adopting local laws, town planning schemes & policies.
- Review: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information: For the Council/Committee to note.

BACKGROUND:

**Application:** 0056DA-2018  
**Owner:** Mr KJ Glass and Mrs LJ Glass  
**Applicant:** Planning Horizons Development Solutions  
**Zoning:** Residential R12.5  
**Use class:** Dwelling (single) ‘P’ – permitted  
**Land area:** 860 m²
DETAILS:

Development description

An application for the subject site was initially submitted 23 February 2018 for additions to the existing dwelling.

The subject site is located within the City Beach precinct. The site is currently occupied with a single storey dwelling.

The site is surrounded with dwellings of a similar style and age which predominantly maintain a 7.5 metre setback from the street. The majority of Rochdale Road falls within the City of Nedlands and has an R10 density coding with a front setback requirement of 9.0 metres.

The development application proposes the following:

- An addition to the existing bedroom at the front of the dwelling which results in a front setback of 6.9 metres in lieu of 7.5 metres.

Community Consultation

The application was advertised for a period of 15 days, from 13 March 201 to 28 March 2018, in accordance with the requirements of Clause 39 of Town Planning Scheme No. 1. No submissions were received.

Applicant's justification

The applicant has provided written for the proposed front setback variation. A summary of the applicant's justification is attached to this agenda.

Assessment against the design principles

In accordance with Clause 20 street boundary setbacks within the City Beach Precinct shall be a minimum of 7.5 metres of the primary street.

In considering variations to these provisions, Council shall have regard to Clause 39 of Town of Cambridge Town Planning Scheme No. 1, which deals with non-complying applications and Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, which deal with matters to be determined by a Local Government in considering an application for development approval.

The Council must therefore be satisfied by absolute majority that, in approving an application for development approval for a non-complying application, that the development would be consistent with the objectives as detailed in Clause 39 of the Scheme.

<table>
<thead>
<tr>
<th>Dwelling setback from primary street</th>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Min 7.5 metres</td>
<td>6.9 metres</td>
<td></td>
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</table>

Clause 39

(3) The Council cannot grant planning approval for a non-complying application unless it is satisfied my an absolute majority that:-

(a) If approval were to be granted, the development would be consistent with:-

(i) The orderly and proper planning in the locality;
(ii) The conservation of the amenities of the locality; and
(iii) The statement of intent set out in the relevant Precinct Planning Policy; and

(b). The non-compliance would not have any undue adverse effect on:-
(i) The occupiers or users of the development;
(ii) The property in, or the inhabitants of, the locality; or
(iii) The likely future development of the locality.

An assessment of the application against the objectives is provided below:

(a) If approval were to be granted, the development would be consistent with:-

(i) The orderly and proper planning in the locality

The eastern side of Rochdale Road within the Town of Cambridge contains single dwellings, all of which are set back a minimum of 7.5 metres from the front boundary. The dwellings to the south are within the City of Nedlands. Those lots require a 9.0 metre setback from the front boundary and the majority of dwellings are setback this distance. The proposal, which results in a reduced front setback that would not reflect the prevailing streetscape setback, would not be consistent with orderly and proper planning.

(ii) The conservation of the amenities of the locality; and

The reduced front setback would not conserve the amenity of the locality as it would introduce a reduced front setback into a streetscape of open front gardens and houses meeting the required setback distance. This would not contribute to conserving the amenity of an existing streetscape of dwellings with large open front gardens and a consistent streetscape.

(iii) The statement of intent set out in the relevant Precinct Planning Policy; and

The proposal will be consistent with the Statement of Intent of the City Beach Precinct, and will provide for upgrading of an existing single storey dwelling.

(b) The non-compliance would not have any undue adverse effect on:-

(i) The occupiers or users of the development;

The proposal is for upgrading of an existing dwelling to be occupied by the owners of the property. The reduced street setback will not result in an undue adverse effect on the owners of the property.

(ii) The property in, or the inhabitants of, the locality; or

The proposed reduced street setback has the potential to impact on the inhabitants of the locality as the dwelling would not be set back consistently with existing residential development in the locality. The reduced setback has the potential to decrease green space within the front setback and reduce the visual attractiveness of the streetscape and neighbours’ outlook.

It is noted, however, that no objections to the reduced front setback was received from surrounding property owners when the proposal was advertised for public comment.
(iii) The likely future development of the locality.

In this instance, it is considered that the variation to front setback would be out of character with the remainder of the streetscape and therefore undermine the conservation of the locality's amenity. In addition, the introduction of a reduced setback into the street could impact the likely future development of the locality as it may establish a form of development that is not compatible with garden suburb principles.

The proposed non-complying application is therefore not supported.

POLICY/STATUTORY IMPLICATIONS:

There are no policy or statutory implications related to this report. The proposal was assessed against the provisions of the Residential Design Codes of Western Australia, Town Planning Scheme No.1, and the Town Planning Scheme Policy Manual.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

Goal 4: Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.2: Guide new development which is in harmony with the surrounding area and retains a sense of place

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. The requirements for consultation have been satisfied under the statutory provisions of the Town Planning Scheme.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Marlaine Lavery, Director Planning and Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Petar Mrdja, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributors</td>
<td>Jenny Bender, Senior Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Development Application plan
2. Summary of applicant's justification
ADMINISTRATION RECOMMENDATION:

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a bedroom addition to the existing dwelling submitted by Planning Horizons Development Solutions at Lot 86 (No. 26) Rochdale Road, Mount Claremont as shown on the plans dated 23 February 2018, for the following reason:-

(i) the proposal does not satisfy the deemed-to-comply provisions of Clause 39 of Town Planning Scheme No. 1 in relation to orderly and property planning and the conservation of the amenities for the locality as it will result in a development that is not consistent or compatible to the prevailing form of development in the locality.

Committee Meeting 15 May 2018

During discussion, Cr Everett foreshadowed that should the motion presently before Committee be lost, he intended to move that the application be approved. Members agreed that should the application be approved, one advance growth tree be planted in the front setback area.

The Administration Recommendation was then voted upon and lost 0/5

COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY decision the application for additions and alterations to an existing dwelling submitted by Planning Horizons Development Solutions at Lot 86 (No. 26) Rochdale Road, Mount Claremont as shown on the plans dated 23 February 2018, subject to the following conditions:-

(i) the roof material and colour to match the roof of the existing dwelling;

(ii) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site; and

(iii) one advance growth tree, being a minimum 45 litre bag or a minimum of 2 metres in height and diameter, to be provided within the front setback area in accordance with the provisions of clause 3.1.9: Landscaping of the Town's Planning Policy 3.1: Streetscape.

Carried by an ABSOLUTE MAJORITY 8/0
SUMMARY:

The purpose of this report is for Council to consider a development application for a two storey dwelling at No. 13 Pearson Place, Floreat.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1b) of the Scheme in relation to the setback of the dwelling from the front boundary.

The Administration recommends that the application should be refused as the proposed setback is not consistent with the established streetscape.

Should Council resolve to approve the application, an absolute majority decision is required.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative**: Includes adopting local laws, town planning schemes & policies.
- **Review**: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- **Quasi-Judicial**: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- **Information**: For the Council/Committee to note.

BACKGROUND:

- **Application**: 0041DA-2018
- **Owner**: Mahavir Nominees Pty Ltd
- **Applicant**: Domination Homes
- **Zoning**: Residential R12.5
- **Use class**: Dwelling (single) ‘P’ – permitted
- **Land area**: 832 m²
DETAILS:

Development description

An application for the subject site was initially submitted on 13 February 2018 for a two storey dwelling with a primary street setback of 5.5 metres. In response to advice from the Town’s Administration regarding the front setback amended plans were received on 14 March 2018 increasing the front setback to a minimum of 7.5 metres. Following advertising, the applicant further amended the plans on 20 April 2018 to lower the overall building height by 100mm.

The subject site is located within the Floreat precinct. The site currently comprises a single storey brick and tile dwelling.

The dwellings along the western side of Pearson Place predominantly retain a large front setback although it is noted that recent developments at No.s 7, 15 and 17 Pearson Place have setbacks of between 6.5 to 7.5 metres from the primary street.

On the eastern side of Pearson Place is a commercial development and multiple/grouped dwelling developments within the City of Stirling. These dwellings have an R60 coding and therefore setbacks on this side of the street range between 2.0 and 4.0 metres.

The development application proposes the following:

- Two storey dwelling with a minimum front setback of 7.5 metres;
- The dwelling has a triple garage set back between 10.2 and 11.2 metres from the front boundary.
- The triple garage results in a garage width variation.
- The dwelling proposed a feature front portico which results in a wall height variation. A minor variation to height to the main dwelling also occurs due to the slope of the land.
- The double garage and front setback proposed result in a variation to the landscaping requirement within the front setback area, although this could be addressed by the provision of mature trees within the front setback area.

An assessment of the application has been conducted against the provisions of the Town Planning Scheme No. 1 (the scheme), Local Law 43 (Schedule 3), relevant deemed to comply requirements of the Residential Design Codes and the following Local Planning Policies:

- 3.1 - Streetscape;
- 3.3 - Building Height; and
- 6.3 - Floreat Precinct.

The proposal seeks a variation to the Scheme (Clause 20) with regards to the street setback in the Floreat Precinct.

Community Consultation

The application was advertised for a period of 19 days, from 16 March 2018 to 4 April 2018, (extended due to Easter period) in accordance with the requirements of Clause 39 and in relation to the proposed wall height variation.

The table below provides a summary of the comments and issues raised during the community consultation process and an officer technical response to each comment and issue.
Summary of Comments Received:

The height and significant footprint of the dwelling will result in a large, shadowed domineering view and believe the standard heights are more than sufficient already.

Note that the dwelling is situated on the south side of the block and not centrally which contributes to overshadowing of my property.

Do not have any objection to the front setback concession if both the height of the property and its location as detailed above are amended which would assist in reducing the bulk and dominance of the two storey build.

Officer Technical Comment:

The majority of the dwelling meets wall height requirements with the overheight section occurring in the middle of the dwelling and over the front door.

The dwelling could be located further away from the southern boundary which would reduce the issue of building bulk for the adjoining landowner.

Note: The dwelling could be located further away from the southern boundary which would reduce the issue of building bulk for the adjoining landowner.

Applicant’s justification

The applicant has provided written justification for the variations to the deemed-to-comply provisions relating to setback, wall height, garage width and landscaping. A summary of the applicant’s justification is attached to this agenda.

Assessment against the design principles

Street Setback (Clause 20 of the Town Planning Scheme No. 1)

In accordance with Clause 20 street boundary setbacks within the Floreat precinct shall be a minimum of 9.0 metres of the primary street.

In considering variations to these provisions, Council shall have regard to Clause 39 of Town of Cambridge Town Planning Scheme No. 1, which deals with non-complying applications and Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, which deal with matters to be determined by a Local Government in considering an application for development approval.

The Council must therefore be satisfied by absolute majority that, in approving an application for development approval for a non-complying application, the development would be consistent with the objectives as detailed in Clause 39 of the Scheme.

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
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</thead>
<tbody>
<tr>
<td>Dwelling setback from primary street</td>
<td>Min 9.0 metres</td>
</tr>
</tbody>
</table>

Clause 39

(3) The Council cannot grant planning approval for a non-complying application unless it is satisfied my an absolute majority that:-

(a). If approval were to be granted, the development would be consistent with:-

(i) The orderly and proper planning in the locality;
(ii) The conservation of the amenities of the locality; and
(iii) The statement of intent set out in the relevant Precinct Planning Policy; and

(b). The non-compliance would not have any undue adverse effect on:-

(i) The occupiers or users of the development;
(ii) The property in, or the inhabitants of, the locality; or
(iii) The likely future development of the locality.
An assessment of the application against the objectives is provided below:

(a) If approval were to be granted, the development would be consistent with:

(i) The orderly and proper planning in the locality

The eastern side of Pearson Place within the Town of Cambridge contains single dwellings, the majority of which are set back a minimum of 9.0 metres from the front boundary. There are approximately three newer dwellings within the street that have setbacks of between 6.0 and 9.0 metres. On the eastern side of Pearson Place, there is a commercial development, medical uses and grouped/multiple dwellings within the City of Stirling. The residential grouped/multiple dwellings within the City of Stirling have a density coding of R60 and setbacks ranging between 2.0 and 4.0 metres. The proposal, which results in a reduced front setback that would not reflect the prevailing streetscape setback within the Town of Cambridge, would not be consistent with orderly and proper planning.

(ii) The conservation of the amenities of the locality; and

The reduced front setback would not conserve the amenity of the locality as it would introduce a reduced front setback into a streetscape of open front gardens and houses where the majority of dwellings meet the required setback distance. This would not contribute to conserving the amenity of an existing streetscape of dwellings with large open front gardens and a consistent streetscape on the western side of Pearson Place.

(iii) The statement of intent set out in the relevant Precinct Planning Policy; and

The proposal will be consistent with the Statement of Intent of the Floreat Precinct as it provides for a single dwelling.

(b) The non-compliance would not have any undue adverse effect on:

(i) The occupiers or users of the development;

The proposed two storey dwelling to be occupied by the owners of the property. The reduced street setback will not result in an undue adverse effect on the owners of the property.

(ii) The property in, or the inhabitants of, the locality; or

The proposed reduced street setback has the potential to impact on the inhabitants of the locality as the dwelling would not be set back consistently with existing residential development in the locality. The reduced setback has the potential to decrease green space within the front setback and reduce the visual attractiveness of the streetscape and the neighbours' outlook.

It is noted, however, that no objections to the reduced front setback was received from surrounding property owners when the proposal was advertised for public comment. This was, however, subject to other concerns with regard to the bulk and scale of the proposed dwelling, being addressed.
(iii) The likely future development of the locality.

In this instance, it is considered that the variation to front setback would be out of character with the prevailing streetscape and therefore undermine the conservation of the locality's amenity. In addition, the introduction of a reduced setback into the street could impact the likely future development of the locality as it may establish a form of development that is not compatible with garden suburb principles.

The proposed non-complying front setback variation is therefore not supported.

**Building Height (Clause 5.1.6 of R Codes)**

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>Maximum 6.0 metres</td>
</tr>
</tbody>
</table>

**Design principles:**

Building height that 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:

- adequate access to direct sun into buildings and appurtenant open spaces;
- adequate daylight to major openings into habitable rooms; and
- access to views of significance.

The applicant seeks a variation to wall height for the dwelling. The variation of 6.49 metres is sought for the central front entry feature. It is considered that the proposal does not satisfy the above design principles for the following reasons:

- the wall height variation, combined with the reduced front setback and the orientation of the dwelling towards the southern boundary will have an adverse impact on amenity of the adjoining neighbouring property in terms of daylight to major openings;
- the wall height variations, combined with the reduced front setback will have an adverse impact on the amenity of the streetscape by increasing bulk and scale issues for the street.

While it is noted that the proposal meets the overshadowing requirements of the Residential design Codes, the dwelling could be shifted away from the adjoining property to the south by another half metre without affecting setback requirements to the northern boundary which would assist in minimising overshadowing and reducing bulk and scale issues for the adjoining property to the south.

**Garage Width (Clause 5.2.2 of R Codes)**

<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
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</thead>
<tbody>
<tr>
<td>Garage Width</td>
<td>Max 50% of the frontage at the setback line as viewed from the street</td>
</tr>
</tbody>
</table>

**Design Principles**

Visual connectivity between the dwelling and the streetscape should be maintained and the effect of the garage door on the streetscape should be minimised whereby the streetscape is not dominated by garage doors.
The garage width proposed can be supported as it satisfies the design principles of the R Codes as follows:

- The proposed garage doors are setback over 10 metres from the front boundary and broken up into different setbacks which assists in breaking up the line of garage doors and assists in ensuring the streetscape is not dominated by garage doors.
- There are numerous major openings at both ground and upper levels set forward of the proposed garages which ensures visual connectivity between the dwelling and the street is maintained with the front entry also clearly visible.

On the basis of all of these factors, it is considered the proposal variation to garage frontage requirements meets relevant design principles.

**POLICY/STATUTORY IMPLICATIONS:**

There are no policy or statutory implications related to this report. The proposal was assessed against the provisions of the Residential Design Codes of Western Australia, Town Planning Scheme No.1, and the Town Planning Scheme Policy Manual.

**FINANCIAL IMPLICATIONS:**

There are no financial implications related to this report.

**STRATEGIC DIRECTION:**

Our Planned Neighbourhoods

**Goal 4:** Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs

**Strategy 4.2:** Guide new development which is in harmony with the surrounding area and retains a sense of place

**COMMUNITY ENGAGEMENT:**

This matter has been assessed under the Community Engagement Policy. The requirements for consultation have been satisfied under the statutory provisions of the Town Planning Scheme.

**OFFICER INVOLVEMENT:**

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Marlaine Lavery, Director Planning and Development</th>
</tr>
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<tbody>
<tr>
<td>Responsible Manager</td>
<td>Petar Mrdja, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributors</td>
<td></td>
</tr>
</tbody>
</table>

**ATTACHMENTS:**

1. Development Application plans
2. Summary of applicant's justification and neighbour comment
ADMINISTRATION RECOMMENDATION:

That, in accordance with Clause 68(2) of the Deemed Provisions of the Town of Cambridge Town Planning Scheme No. 1, Council REFUSES the application for a bedroom addition to the existing dwelling submitted by Domination Homes at Lot 802 (No. 13) Pearson Place, Floreat as shown on the plans dated 14 March 2018, for the following reasons:-

(i) the proposal does not satisfy the requirements of Clause 39 (3) of the Town Planning Scheme No. 1 as the proposed development is considered to be incompatible with the existing form of development in the area and therefore inconsistent with the orderly and proper planning of the locality;

(ii) the proposal does not satisfy Schedule 2, Part 9, Clause 67 (m) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the appearance of the development is not compatible with adjoining land in the locality from the perspective of bulk and scale;

(iii) the proposal does not satisfy Schedule 2, Part 9, Clause 67 (n) (ii) of the Planning and Development (Local Planning Schemes) Regulations 2015, as the development would be inconsistent with the prevailing streetscape and garden suburb character of the locality; and

(iv) the proposal is not considered to meet the Design Principles of part 5.1.6 (building height) of the Residential Design Codes of Western Australia as it results in an undue impact of building bulk on the adjoining properties and the streetscape.

Committee Meeting 15 May 2018

During discussion, Cr Powell foreshadowed that should the motion presently before Council be lost, she intended to move that the application be approved.

The Administration Recommendation was then voted upon and lost 0/5

COUNCIL DECISION:

(COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY decision the application for a two storey dwelling submitted by Domination Homes at Lot 802 (No. 13) Pearson Place, Floreat as shown on the plans dated 14 March 2018, subject to the following conditions:-

(i) a minimum of 60% of the front setback area to be landscaped to the satisfaction of the Town;

(ii) the tree located on the verge directly adjacent to the subject site to be retained;

(iii) the crossover to be no wider than 6.0 metres (excluding splays);

(iv) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site; and
(v) all service related hardware, including antennae, satellite dishes and air conditioning units being suitably located away from public view and/or screened. Details to be provided at Building Permit stage.

Advice notes:

The applicant be advised that:

1. The applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

2. All works within the road reserve, such as vehicle crossovers, verge paving and landscaping require a separate application and approval by the Town's Infrastructure Services. These works must conform to the Town's specifications.

Carried by an ABSOLUTE MAJORITY 8/0
SUMMARY:

The purpose of this report is for Council to consider a development application for a water tank at Lot 200 (No. 31) Pandora Drive, City Beach.

Under the Town of Cambridge Town Planning Scheme No. 1 (Clause 39), Council will determine an application for planning approval which does not comply with a standard or requirement of the Scheme. In this instance, the proposed application does not meet the deemed-to-comply provisions of Clause 20(1a) of the Scheme.

Should Council resolve to approve the application, an absolute majority decision is required.

The Administration recommends that the application should be approved subject to appropriate conditions.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative**: Includes adopting local laws, town planning schemes & policies.
- **Review**: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- **Quasi-Judicial**: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- **Information**: For the Council/Committee to note.

BACKGROUND:

- **Application**: 0031DA-2018
- **Owner**: Mrs D Eastman
- **Applicant**: Bernard Thomas Eastman
- **Zoning**: R12.5
- **Use class**: Dwelling (single) ‘P’ – permitted
- **Land area**: 948m²

DETAILS:

**Development description**

A development application for the installation of a water tank was received by the Town on 30 January 2018, with amended plans received on 11 April 2018 and 8 May 2018 to provide clearer plans to demonstrate the impact of the water tank.
The subject site is located within the City Beach Precinct. The site currently comprises of a two storey brick and Colourbond dwelling.

The site is orientated in a south eastern direction with natural ground level of the property slopes sharply upwards from the street level (north eastern boundary) towards the north western boundary. The property slopes a total of 5 metres over a length of 16 metres. The surrounding properties consist of two storey dwellings, with the surrounding properties located to the north west utilising Pandora Drive as their primary street.

The development application proposes the installation of a water tank located setback 3.0 metres from the secondary street setback, in lieu of 3.75 metres required under Clause 20 of Town Planning Scheme No 1. The applicant lodged amended plans on 11 April 2018, to clarify the location of the water tank and demonstrate the proposed setbacks.

An assessment of the application has been conducted against the provisions of the Town Planning Scheme No. 1 (the Scheme), Local Law 43 (Schedule 3), relevant deemed-to-comply requirements of the Residential Design Codes (R-Codes) and the following Local Planning Policies:

- 3.1 – Streetscape; and
- 6.1 – City Beach Precinct

The proposal seeks a variation to the Scheme (Clause 20) with regards to the minimum street setback requirement in the City Beach Precinct. An assessment has been undertaken against Clause 39 of the Scheme with regards to the variation to the secondary street boundary setback. The development demonstrates compliance with the relevant design principles, and no objections were received in regards to this proposal.

Community Consultation

The application was advertised for a period of 14 days, from 11 April 2018 to 25 April 2018, to the neighbour adjoining the property to east (No. 4 Gifford Gardens) and the three surrounding properties (No. 33 to 37 Pandora Drive) for the secondary street setback variation in accordance with the requirements of the Residential Design Codes of Western Australia. No submissions were received.

Assessment against the design principles

Street Setback (Clause 20 of the Town Planning Scheme No. 1)

In accordance with Clause 20, notwithstanding the above provisions of the Residential Design Codes, street boundary setbacks within the City Beach Precinct shall be a minimum of 3.75 metres from the secondary street boundary.

In considering variations to these provisions, Council shall have regard to Clause 39 of Town of Cambridge Town Planning Scheme No. 1, which deals with non-complying applications and Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015, which deal with matters to be determined by a Local Government in considering an application for development approval.

The Council must therefore be satisfied BY ABSOLUTE MAJORITY that, in approving an application for development approval for a non-complying application, that the development would be consistent with the objectives as detailed in Clause 39 of the Scheme:
<table>
<thead>
<tr>
<th>Deemed-to-comply provision</th>
<th>Proposed</th>
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<tbody>
<tr>
<td>Water tank setback from Secondary Street (Pandora Drive)</td>
<td>Minimum 3.75 metres</td>
</tr>
</tbody>
</table>

**Clause 39**

The Council cannot grant planning approval for a non-complying application unless it is satisfied my an absolute majority that:

- If approval were to be granted, the development would be consistent with:
  - The orderly and proper planning in the locality;
  - The conservation of the amenities of the locality; and
  - The statement of intent set out in the relevant Precinct Planning Policy; and

- The non-compliance would not have any undue adverse effect on:
  - The occupiers or users of the development;
  - The property in, or the inhabitants of, the locality; or
  - The likely future development of the locality.

An assessment of the application against the objectives is provided below:

(a) If approval were to be granted, the development would be consistent with:

   (i) The orderly and proper planning in the locality

   The surrounding properties along Pandora Drive, all utilise it as their primary street. As the proposed water tank is seeking a variation setback required from a secondary street, additional consideration should be given to the proposed water tank. Additionally the proposed water tank will be of a similar colour as the existing limestone wall, a condition of approval has been recommended in this regard. Overall the proposed reduced setback of the water tank is not considered to have a detrimental impact on the orderly and proper planning of the locality as the impact on the established streetscape is considered to be negligible.

   (ii) The conservation of the amenities of the locality; and

   The amenities in the locality will not be compromised by the approval of this application. The proposal is for a 2.0m high external fixture. The proposal will not impact or cause any disturbance on the amenities in the locality.

   (iii) The statement of intent set out in the relevant Precinct Planning Policy; and

   The proposal consistent with the Statement of Intent of the City Beach Precinct, as the development proposes 2.0m high water tank to a single residential dwelling property the height of is no higher than existing developments and as such is consistent with the development scale in the immediate locality.
(b) The non-compliance would not have any undue adverse effect on:-

(i) The occupiers or users of the development;

The proposal is for a water tank. The reduced street setback will not result in an undue adverse effect on the owners of the property. In supporting the proposed street setback variation, the occupiers of the proposed dwelling will be able to create a more sustainable home, benefiting the occupiers of the dwelling.

(ii) The property in, or the inhabitants of, the locality; or

The proposed reduced street setback will not impact on the inhabitants of the locality as the water tank does not impact negatively on any adjoining neighboring property and as previously mentioned is setback consistent with existing residential development in the locality.

(iii) The likely future development of the locality.

It is considered that the variation to front setback would not be out of character with the streetscape. Due to the nature of the proposed water tank’s street setback and it is unlikely that the approval of this development would have any impact on future developments of the locality.

The proposed water tank is considered to form a minor part of the side façade of the dwelling as such does not create any perceived building bulk as viewed from the street. Furthermore the water tank will be of a similar colour to the existing limestone wall and will not be visually obtrusive as viewed from the street. As such it is considered, that the proposal and setback of 3.0 metres in lieu of 3.75 metres will not have a detrimental impact on the established streetscape.

The proposed non-complying application is therefore supported.

POLICY/STATUTORY IMPLICATIONS:

There are no policy or statutory implications related to this report. The proposal was assessed against the provisions of the Residential Design Codes of Western Australia, Town Planning Scheme No.1, and the Town Planning Scheme Policy Manual.

Should the Council refuse the application for development approval, the applicant may have the right to have the decision reviewed in accordance with Part 14 of the Planning and Development Act 2005.

FINANCIAL IMPLICATIONS:

There are no financial implications related to this report.

STRATEGIC DIRECTION:

Our Planned Neighbourhoods

Goal 4: Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs

Strategy 4.2: Guide new development which is in harmony with the surrounding area and retains a sense of place
COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. The requirements for consultation have been satisfied under the statutory provisions of the Town Planning Scheme.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Marlaine Lavery, Director Planning and Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Petar Mrdja, Manager Development Assessment</td>
</tr>
<tr>
<td>Contributors</td>
<td>Chris Della Bona, Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Development Application plans.

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Clause 68(2) of the Deemed Provisions and Clause 39 (2) of the Town of Cambridge Town Planning Scheme No. 1, Council APPROVES by an ABSOLUTE MAJORITY decision the application for a Water Tank submitted by Bernard Thomas Eastman at Lot 200 (No. 31) Pandora Drive, City Beach as shown on the plans dated 8 May 2018, subject to the following condition:-

(i) water draining from roofs, driveways, paths and other impermeable surfaces shall be directed to garden areas, sumps or rainwater tanks within the site for the effective retention of stormwater on site;

(ii) the water tank shall be a neutral colour to blend in with the existing dwelling house.

Advice Note:

The applicant be advised that the applicant is responsible for ensuring that all lot boundaries as shown on the approved plans are correct.

Carried by an ABSOLUTE MAJORITY 8/0
SUMMARY:

The Heritage of Western Australia Act 1990 requires Council to periodically review its Local Government Inventory (previously referred to a Municipal Heritage Inventory) of places which have heritage significance to the locality.

The Town’s Municipal Heritage Inventory and Townscape Precinct Study (MHI) consisting of 47 places, was initially adopted by Council in December 1996. There has not been any comprehensive review of heritage or character in the area since the MHI was finalised in June 1997.

In 2017, Hocking Heritage Studio with the assistance of Creating Communities were appointed to undertake the review and prepare a draft Local Government Inventory (LGI). The heritage review was informed by input from community consultation, the State Heritage Office inHerit Database, and Town records.

A total of 118 places and two precincts are recommended to be included in the LGI. Eighty-one of these places are recommended to be entered in a Heritage List adopted under the under the Town Planning Scheme No.1.

While the LGI does not have a statutory function, places entered in the Heritage List, Heritage Areas and the State Register are afforded a level of protection within the planning system. Namely, entry on the Heritage List requires approval for certain types of development in order to facilitate consideration of and conservation of the cultural heritage significance of a place.

The creation of a heritage list is most effective where integrated with planning considerations and a range of incentives and assistance. As such, this report contains recommendations for incentives to be provided by the Town. Further, a Scheme Amendment and Draft Heritage Policy have been prepared to support the draft Heritage List and are presented for consideration in the associated reports to this month’s Council meeting.

The purpose of this Report is to present the draft LGI, draft Heritage List for Council consideration for public advertising, and to request Council provide a commitment of intent for the proposed heritage incentives and budget allocation.

It is recommended Council resolve to endorse the draft LGI, draft Heritage List and the proposed incentives for the purposes of public advertising to be undertaken in conjunction with the associated Amendment and draft Policy.
AUTHORITY / DISCRETION

- **Advocacy** When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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- **Information** For the Council/Committee to note.

BACKGROUND:

Council adopted the Town of Cambridge Municipal Heritage Inventory and Townscape Precinct Study (MHI) at its meeting held on 17 December 1996 (Item DES97.89) and finalised in June 1997. The MHI contains 47 places including 6 places that are also entered on the State Register of Heritage Places. These places are the Leederville Town Hall, West Leederville Primary School, Holy Spirit Catholic Church, Catherine McAuley Centre, and two original homes in Floreat.

At this stage, the Town does not have a Scheme Heritage List. The 1996 report to Council involved consideration of twenty places for possible inclusion in a heritage list but these recommendations were not endorsed.

Section 45 (2) of the Heritage Act requires inventories to be updated and reviewed every four years after completion. The MHI has not been comprehensively reviewed since it was finalised in 1997 but Council has supported a number of heritage related initiatives:

- **Former Uniting Church 79 Woolwich Street, West Leederville** - Council approved the conversion of the church into three residential units and the development of new two storey residence. The Town entered into a heritage agreement with property owner to retain church building and control development of adjoining lots.
- **Former Wembley Theatre and Gardens 202 Cambridge Street, Wembley** - provided plot ratio bonus in exchange for conservation/restoration of the building.
- **Our Lady of Victories Church, Wembley** - Approval for a mixed use development was granted with a heritage agreement involving conservation of church building, development bonus' and ceding of land for the Simper-Cambridge roundabout.
- **Holyrood Street, West Leederville** - Holyrood Street Precinct was declared a Conservation Area in accordance with cl.24 of the Scheme. In 2003, the area was rezoned from R40 to R30 to limit potential for future redevelopment/demolition. And development is subject to the Holyrood Street Design Guidelines.
- **3 Kimberley Street, West Leederville** - the Town has a caveat on the property protecting the rights and interests of the Town and a heritage agreement requires all development be consistent with the Conservation Plan prepared in 2004.
- **Empire Games Village Precinct** - the Heritage Council of Western Australia identified the precinct for possible inclusion on the State Register of Heritage Places. Following
opposition to the proposal from property owners, the Heritage Council assessment was deferred in 2004.

- 101 Northwood Street, West Leederville - In 2014, Council approved a dwelling density bonus under clause 27 of the Scheme (Item DV14.159). The conditions of approval required notification on the title stating the place was a 'Conservation Place', however 101 Northwood Street was not formally declared as such by Council in accordance with clause 25 of the Scheme.

At its Meeting of 24 May 2016, Council endorsed the review of the Town of Cambridge Municipal Heritage Inventory and considered a report (Item DV16.73) addressing draft project brief, resourcing implications and timeframes involved in undertaking a LGI Review and resolved that:-

(i) *this report be noted and a budget allocation of $100,000 be considered for the 2016/2017 Budget to undertake the Review of the Municipal Inventory of Heritage Places; and*

(ii) *the Project Brief attached to this report be endorsed to form the general basis for appointment of a consultant to carry out the project.*

Following this, the Town engaged Hocking Heritage Studio with the assistance of Creating Communities to undertake a comprehensive review of the LGI.

To date, the Heritage Review project has involved:

- April 2017 - HHS assessed 21 places along Cambridge Street between Marlow and Essex Street as part of the draft Wembley Activity Centre Plan.
- 2 May 2017 - TPSRSC Meeting presentation on the LGI and Heritage List Review Process covering basic principles, aims of review process and management categories and overview of the preliminary consultation plan.
- 12 May 2017 to 9 June 2017 - Preliminary community consultation was undertaken with a total of 218 survey responses were received during the public advertising period and approximately 20 people attended the Information Session.
- July 2017 - Creating Communities have completed a preliminary stage of community consultation and Hocking Heritage Studio commenced assessment of places on the current LGI and new nominations.
- March 2018 - the draft LGI and Heritage List provided to the Town.
- April 2018 - heritage review project presented to Elected Member Forum on 3 April 2018

**DETAILS:**

**Types of Heritage listings**

The Town has a responsibility, as set out in the objectives of the Town of Cambridge Town Planning Scheme No.1, to promote and safeguard the cultural heritage of the Town.

Heritage is the places and objects from the past which help set the social, environmental and built context of a locality. These places normally represent a single moment in time even though its surroundings may continually evolve. Heritage and character are different but complimentary elements of a particular area. Character is the combination of the built form, streetscape, topography, nature and landmarks.

There are different types of heritage identification at the International, National, State and local government levels. In Western Australia, the main heritage listings are established under the *Heritage of Western Australia Act 1990* (Heritage Act) and through the *Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2* (Deemed Provisions).
Section 45 of the Heritage Act requires all local governments to compile and maintain a Local Government Inventory (previously known as a Municipal Heritage Inventory) which recognises places that are or may become of cultural heritage significance. The Heritage Act and the Deemed Provisions define Cultural Heritage Significance as the relative value a place has in terms of its aesthetic, historic, scientific, or social significance.

Places identified in a LGI are not subject to statutory protections unless the place is entered in the State Register of Heritage Places under the Heritage Act, and/or included in a Heritage List or Heritage Area adopted under the Town Planning Scheme.

Part 3 – Heritage Protection of the Deemed Provisions prescribes the procedures for adopting a Heritage List and Heritage Areas, and the circumstances in which the Council can require Heritage Agreements, Heritage Assessment or grant variations to Scheme provisions for heritage purposes.

In accordance with clause 8 of the Deemed Provisions, the Town must establish and maintain a heritage list identifying places that are worthy of built heritage conservation. Built Heritage Conservation is defined as: *the management of a place in a manner that will:*

a) enable the cultural heritage significance of that place to be retained; and
b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place,

and may include the preservation, stabilization, protection, restoration, reconstruction, adaptation, and maintenance of that place in accordance with relevant professional standards, and the provision of an appropriate visual setting.

Council may also designate Heritage Areas if special planning controls are required to protect the collective heritage significance of a group of places or a particular area. As a result, a Heritage Area may contain structures of minor or no individual significance as well as places that are also identified on a Heritage List. A local planning policy must be adopted to define the area boundaries and articulate the distinguishing aspects (and specific places) of significance.

Development approval is required for certain works relating to a place entered on the Heritage List or the State Register of Heritage Places, which would otherwise be exempt from the requiring of approval. Heritage listing does not prohibit development, nor does it limit the manner in which the decision maker determines an application. This is covered further in the development implication section below.

The Register of Heritage Places includes places with special importance to the broader State context and is managed by the Heritage Council of Western Australia. Pursuant to the Planning and Development Act 2005 and the Heritage of Western Australia Act 1990, development and subdivision applications relating to places on the State Register must be referred to the Heritage Council prior to determination. This requirement also extends to sites adjacent to registered places. While there is still potential for development of properties on the State Register, far more attention will be paid to the retention of the historically important parts of the place.
Local Government Inventory | Heritage List under the Scheme | State Register of Heritage Places | Heritage Area under the Scheme
--- | --- | --- | ---
Statutory authority | Heritage of Western Australia Act 1990 | Planning and Development (Local Planning Schemes) Regulations 2015 | Heritage of Western Australia Act 1990 | Planning and Development (Local Planning Schemes) Regulations 2015
Purpose | Identifies places and areas that have heritage value to the local area. | Affords legal protection to places from the LGI with high level of significance. | Affords legal protection for places that have significance to the state of Western Australia. | Allows for the protection of the collective heritage value of a group of places through Policy.
Types of Places | Buildings, structures, vegetation, reserves and areas/precincts | Buildings, structures and reserves | Built and natural landmarks, buildings and objects | all or some of the properties and buildings within an identified street or sub-precinct
Approval Required | No | Yes, exemptions do not extend to most works | Yes and requires referral to Heritage Council of WA for comment. | Yes, exemptions do not extend to most works

Table 1: heritage listing comparison

Other Heritage Listings include the National Heritage List and the Commonwealth Heritage List identify natural, historic and Indigenous places with significance to the development of Australia as a nation. The Town does not have any places identified on the National Heritage List or Commonwealth Heritage List.

Aboriginal cultural heritage is not typically addressed in LGI and Heritage Lists. Instead Aboriginal ancestral remains, places and objects are protected under the Aboriginal Heritage Act 1972. It is an offence to disturb any Aboriginal site, and property owners/developers are legally obliged to find out if any Aboriginal sites exist and/or will be disturbed in any way prior to undertaking development.

Preliminary Consultation

An initial step in the review process was to seek community input to inform the place identification and assessments. Preliminary community engagement activities were undertaken between Friday, 12 May and Friday, 9 June 2017 to assist with the review.

The online survey provided the opportunity to nominate places on the current Inventory that should be removed, nominate places with heritage value that should be considered for inclusion and sought comment on what is unique or most liked about heritage in the Town of Cambridge. A FAQ information sheet, map of the 1997 MHI places, and links to State Heritage Office information were also available for reference. A Community Information Session was also held at The Boulevard Centre on Saturday, 27 May 2017. The Session involved a presentation about heritage and the Town’s heritage review process, group discussion activities, and opportunity to discuss specific circumstances with heritage consultants and Town staff. The Interim Consultation Report is included at Attachment 3.
Overall, there were 181 respondents and approximately 20 people attended the information session. In summary, the key themes and outcomes of the survey:

### UNIQUE AND MOST VALUED ASPECTS OF HERITAGE
- Parks, beaches, trees, greenery and open space
- Older style homes and housing
- The sense of space and character that the suburb has because of the parks, open space and ‘garden suburb’ design

### WAYS TO RECOGNISE AND CELEBRATE HERITAGE
- Community events and activities that celebrate heritage, such as information sessions and talks, exhibitions and displays and forming a historical society
- Recognising and celebrating Aboriginal history and culture
- Engage with the community to find out more about history
- Include heritage protections and considerations in policies

### HERITAGE ISSUES
- Over-development and development being a threat to public open space
- Heritage protections not being in place, i.e. in Town Planning Scheme
- Implications for property owners, including resale value, market price and ability to modify/develop
- Needs to be consideration of incentives, offsets and compensation to property owners

### PLACE NOMINATIONS = 50

<table>
<thead>
<tr>
<th>Most Common Place Type</th>
<th>Nominated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landmarks &amp; Reserves</td>
<td>(32%)</td>
</tr>
<tr>
<td>Residential</td>
<td>(28%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area with Most Nominations</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Leederville (30%)</td>
</tr>
</tbody>
</table>

**Top Nominations:**
- City Beach kiosk and change rooms
- Land/reserves along West Coast Highway, including Templetonia Park and “Endowment Lands”
- Garden Suburb
- 101 Northwood St, West Leederville
- Olive tree in private home - 9 Abbotsford Street
- House on Abbotsford Private Hospital
- Former home of Iwan Iwanoff

**Overall, common themes/reasons for inclusion:**
- Importance of parks, public open spaces and reserves for recreation, liveability and character of the area
- The sense of space and character of the area because of the parks and greenery (“garden suburb”)
- Unique older style homes and buildings, (areas as well as individual buildings).
- High interest in homes designed by architect Iwan Iwanoff.

### PLACE REMOVALS = 40

<table>
<thead>
<tr>
<th>Most nominated</th>
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</thead>
<tbody>
<tr>
<td>Floreat Forum</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2nd most nominated</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Beach High School</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area with Most Nominations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floreat (33%)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Area with Least Nominations</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Leederville (20%)</td>
</tr>
</tbody>
</table>

**Overall most common removal nominations:**
- Floreat Forum Shopping Centre
- City Beach High School
- Model Brick Home
- House and Surgery (West Leederville)
- Kapinara Primary School

**Overall most common reasons for removal:**
- Concern about listing limiting contemporary use or progress/development
- Places being “ugly”, unattractive or run down
- Places being private or commercial buildings and not “public places”
- Places not being unique, important or significant

Table 2: preliminary consultation summary
Review Process

Each place record was prepared in accordance with the Criteria for the Assessment of Local Heritage Places and Areas published by the State Heritage Office (refer to Attachment 4). As set out in State Planning Policy 3.5, Historic Heritage Conservation, the SHO assessment criteria is considered to be a well-established ‘best practice’ approach to ensure accountable and comparative evaluation of heritage places at the local government level.

The assessment process consists of a site visit to verify that assets identified in historic research still exist and record the condition of the exterior of the place with reference to the surrounding streetscape and environment. Following the inspection and documentation, each place is also given a corresponding management category recommendation determined by its rarity and representativeness of the key characteristics identified in the Thematic History. The assessment also takes into account the condition, integrity of the place but it is possible for a place of poor condition to be entered in the LGI or heritage list where historic or rarity values are high.

The Heritage List should be compiled with regard to the LGI but it does not necessarily need to include all places. The management categories, as shown in table 4 below, form the basis for determining heritage listing. As a minimum, the State Heritage Office recommend places identified in a LGI as having exceptional (category 1) or considerable (category 2) significance are included on a Heritage List affording a level of statutory protection. The Consultant’s Heritage List recommendation includes places identified as categories 1 - 3.

Places currently entered or under consideration for entry in State Register should be entered as category 1 on the LGI and included in the Heritage List. It is also recommended that other places identified in the LGI as Category 1 be referred to the Heritage Council for State Register consideration.

Draft Local Government Inventory of Heritage Places

Overall, 118 Places and two Precincts are proposed to be included in the draft LGI. This includes 44 places from the 1997 MHI, 20 places from the inHerit databases, and 54 new places. The draft LGI is included in Attachment 1.

Three places from the current MHI are proposed to be removed as they are no longer located within the Town of Cambridge boundaries. While the community nominated 40 of the 47 places to be removed, the heritage assessments found that these places continue to hold heritage value and are recommended to remain on the Inventory.

Overall, 33 places on the draft LGI are owned by or vested to the Town or a State Government agency. With 25 places, the Town has a significant role in the conservation of the localities’ heritage.

It is noted that some Places actually include multiple lots and there are also circumstances where a number of Places are located on the same lot. The tables present number of Place entries rather than the number of individual properties.
In relation to the place type, the following table shows the places tallied based on the current use and function of the place rather than its zoning or original purpose.

<table>
<thead>
<tr>
<th>Place Type</th>
<th>City Beach</th>
<th>Floreat</th>
<th>Wembley</th>
<th>West Leederville</th>
<th>Draft LGI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>10</td>
<td>8</td>
<td>7</td>
<td>13</td>
<td>38 (31.6%)</td>
</tr>
<tr>
<td>Commercial</td>
<td>0</td>
<td>1</td>
<td>20</td>
<td>8</td>
<td>29 (24.2%)</td>
</tr>
<tr>
<td>Institutional &amp; Community Facilities</td>
<td>11</td>
<td>6</td>
<td>7</td>
<td>5</td>
<td>29 (24.2%)</td>
</tr>
<tr>
<td>Landmarks &amp; Reserves</td>
<td>8</td>
<td>5</td>
<td>6</td>
<td>2</td>
<td>21 (17.5%)</td>
</tr>
<tr>
<td>Multiple types/ Precincts</td>
<td>1*</td>
<td>0</td>
<td>0</td>
<td>2**</td>
<td>3 (2.5%)</td>
</tr>
<tr>
<td>TOTAL</td>
<td>30</td>
<td>20</td>
<td>40</td>
<td>30</td>
<td>120</td>
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</table>

Notes:
* Commonwealth Games Village Precinct is entered as a ‘Place’ in the LGI and contains primarily residential properties, along with a park and commercial properties
** Holyrood Street and Kimberley Street are 'Precincts' containing residential properties

Table 3: Local Government Inventory recommendations by place type and locality

The table below shows a breakdown of the recommended management categories along with the SHO recommendations for the different levels of significance:

<table>
<thead>
<tr>
<th>Level of Significance</th>
<th>Desired Outcome</th>
<th>Number of Places</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Exceptional Significance</td>
<td>The Place should be retained and conserved unless there is no feasible and prudent alternative to doing otherwise. Alterations or extension should reinforce the significance of the place, and be in accordance with a Conservation Plan. Included in the Scheme Heritage List.</td>
<td>15</td>
</tr>
<tr>
<td>2 Considerable Significance</td>
<td>Conservation of the place is highly desirable. Any alternations or extensions should reinforce the significance of the place. Included in the Scheme Heritage List.</td>
<td>35</td>
</tr>
<tr>
<td>3 Some/Moderate Significance</td>
<td>Conservation of the place is highly desirable. Any alternations or extensions should reinforce the significance of the place, and original fabric should be retained wherever feasible. Included in the Scheme Heritage List.</td>
<td>31</td>
</tr>
</tbody>
</table>
### 4 Little Significance
Contributes to the understanding of the history of the Town of Cambridge.

Photographically record prior to major development or demolition. Recognise and interpret the site if possible. Do not include in Scheme Heritage List.

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### 5 Historic Site
Recognise, for example, with a plaque, place name, or acknowledge in new urban or architectural design.

Recognise and interpret the site if possible. Do not include in Scheme Heritage List.

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### Precincts
If special planning control is required to conserve the collective heritage significance, the area may be designated a Heritage Area and a Local Planning Policy must be adopted.

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</table>

**Total** 120

**Table 4: Management Categories**

At this stage, the management categories assigned in the draft LGI are recommendations only, and may be subject to change following the consultation period as explained further in the Consultation section.

**Draft Heritage List under the Scheme**

As noted above, Places entered in the Inventory do not have any legal protection unless it is also entered in the Scheme Heritage List or the State Register. Hocking Heritage Studio recommend categories 1 - 3 are included on a Heritage List under the Scheme which includes 81 properties. The recommended Heritage List is included in Attachment 2.

Two thirds of these places are already identified on some sort of heritage inventory such as the State Register, 1997 MHI, or in the State Heritage Office inHerit database. For example, all 15 places proposed to be category 1 were entered in the 1997 MHI, and 11 of these are included in the State Register, associated with a State Registered place or under consideration for entry into the Register. 23 places nominated to be entered in the Heritage List are owned by or vested to the Town or a State Government agency. 15 of which are Town properties. A breakdown of categories 1 - 3 is shown in the table below:

<table>
<thead>
<tr>
<th>Place Type</th>
<th>CB</th>
<th>F</th>
<th>W</th>
<th>WL</th>
<th>Heritage List</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>9</td>
<td>6</td>
<td>4</td>
<td>9</td>
<td>28</td>
</tr>
<tr>
<td>Commercial</td>
<td>0</td>
<td>0</td>
<td>13</td>
<td>3</td>
<td>16</td>
</tr>
<tr>
<td>Institutional &amp; Community</td>
<td>9</td>
<td>4</td>
<td>7</td>
<td>5</td>
<td>25</td>
</tr>
<tr>
<td>Facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*private and public churches, schools, community centres, sport facilities*
Landmarks & Reserves
landmarks, trees, parks, and open space on private and public land

<table>
<thead>
<tr>
<th></th>
<th>4</th>
<th>2</th>
<th>5</th>
<th>1</th>
<th>12</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOTAL</td>
<td>22</td>
<td>12</td>
<td>29</td>
<td>18</td>
<td>81</td>
</tr>
</tbody>
</table>

Table 5: Heritage List recommendations by place type and locality

Heritage Areas under the Scheme

Holyrood Street and Kimberley Street between Cambridge and Woolwich Streets, are recommended for inclusion on the LGI.

Heritage Area designation and preparation of the associated policies is not included in the scope of this project. If the Council wishes to proceed with declaring these precincts as Heritage Areas under the Scheme, further consideration additional resourcing may be required. Typically the listing of a Heritage Area is undertaken as a standalone project that can be focused on the properties and landowners within the Heritage Area. It is noted that Holyrood Street Precinct is a declared ‘conservation area’ under cl.24 of the Scheme, and is subject to specific Design Guidelines. The Council has options to convert the declaration to a ‘Heritage Area’ as addressed in the accompanying Heritage Scheme Amendment report.

Development Implications

Approval is required for development unless the works are specified as exempt under the Scheme or Deemed Provisions. Existing exemptions provided by Clause 61 of the Deemed Provisions and clause 33 of the Scheme:

- Internal building works without an interior cultural heritage significance
- Maintenance that does not materially affect the external appearance of a building
- Temporary works in existence for less than 48 hrs
- Temporary advertising signs relating to elections
- Excavation or fill of land levels to a maximum of 0.5 metres from natural ground level
- Works on regional reserves
- Works required to road reserves
- Urgent works necessary in the interest of public safety
- Change of Use that is ‘P’ and does not include works.

As outlined in Attachment 5, the fundamental implication for places entered in the Heritage List or a Heritage Area is that the current exemptions from the requirement to obtain development approval do not extend to the following works:

- erection, extension of a fully compliant single house
- erection, extension of fully compliant ancillary dwellings and structures associated with single and grouped dwellings
- demolition of a single house, ancillary dwelling or associated structure specifically identified on the Heritage List or Heritage Area
- Internal building works where the interior is identified as having cultural heritage significance
- Advertisements signs (temporary advertisements associated with elections are exempt)

The requirement to submit a development application protects the opportunity to consider the built heritage conservation of a place prior to works taking place. Development and demolition may be constrained by the heritage listing, but it is not prevented. Heritage listing can also afford increased development potential as detailed in the Incentives section below.
Given heritage matters are one of many considerations Council must have regard for when making a determination, the weight given to any particular matter is up to the discretion of the decision maker and depends on all the relevant circumstances of the application.

Under the current Scheme and Deemed Provisions, the relevant heritage considerations for development applications include:

- **State Planning Policy 3.5: Historic Heritage Conservation** – sets out heritage conservation considerations and planning controls for development, subdivision, and strategic instruments at both the State and local levels of government. It can act as a default policy for local governments in relation to heritage, and is usually given significant weight in any determination by SAT.
- **Scheme cl.40: Determining Applications for Demolition** – provides for Council to approve applications subject to retention, maintenance, reinstatement or reposition of any part of an existing building or structure.
- **Scheme cl.21 Dwelling Densities** - allows Council to grant up to 50% increase in the density coding where heritage places are conserved or enhanced.
- **Deemed Provisions cl.12 Variations for Heritage Purposes** – allows Council to grant variation to any site or development requirements in the Scheme where a development facilitates the built heritage conservation of a heritage listed place.
- **Deemed Provisions cl.67: Matters to be considered by Local Government** - includes specific requirement to have due regard for the built heritage conservation of places with cultural significance and the effect of the proposal on the cultural heritage significance of the area in which the development is located.

The Town does not currently have any specific heritage policies to support the Scheme and Deemed Provisions. As such, a draft Heritage Policy has been prepared to ensure sufficient heritage related information is available to the decision maker when considering these matters (refer to the associated Draft Heritage Policy report).

Places on the State Register are further protected under the *Heritage of Western Australia Act* and the *Planning and Development Act 2005*. In that, Development and Subdivision applications must be referred to the Heritage Council of Western Australia and their advice must be taken into consideration by the decision maker when determining the application.

With respect to maintenance, all property owners have a level of responsibility to ensure a place is properly maintained and appropriate for contemporary use. Heritage listing itself does not create a legal obligation to maintain a property. However, Council may require repairs to be undertaken by issuing a Heritage Conservation Notice pursuant to cl.13 of the Deemed Provisions, if it is found that a heritage listed place is not properly maintained (there is actual or imminent deterioration of a significant element of the place, or the overall structural integrity of the place).

A scheme amendment has been prepared for Council consideration to clarify the exemption for maintenance and repairs, exempt minor structures on heritage places and amend Scheme clause 21 so that the dwelling density bonus applies to places in the Heritage List, a Heritage Area and the State Register rather than places on the Inventory (refer to the Heritage Scheme Amendment report).

It is important to recognise that the preservation of privately owned heritage place is largely to the benefit of the wider community. In order to deliver good heritage outcomes, the cost of conserving places needs to be balanced with a range of incentives and assistance.
Heritage Incentives

Incentives are a practical and accessible way to encourage conservation and maintenance of heritage places. The following presents an overview of the existing incentives through the Scheme and Deemed Provisions and a range of other options available to the Council to facilitate the conservation of heritage places.

Existing Incentives

Clause 12 of the Deemed Provisions allows for variations to any site or development requirement of the Scheme to facilitate the conservation of a heritage place listed in the Heritage List or enhance or preserve heritage values in a Heritage Area. Currently, the Scheme has a number of site and development requirements which include the residential setbacks in City Beach and Floreat and land use permissibility under the zoning table.

Clause 12 of the Deemed Provisions allows for variation of any site and development requirement of the Scheme where the heritage significance of the place is preserved or enhanced. Clause 12 of the Deemed Provisions requires Council to be satisfied the proposed development results in a suitable heritage outcome in order for variations to be entertained.

Clause 21 of the Scheme currently allows Council to grant a dwelling density bonus by up to 50% if the development conserves or enhances a building or place on the LGI, State Registered, and conservation areas (i.e. Holyrood Street Precinct). The clause also states that the standards and provisions of higher density coding of the R-Codes are to apply. The table below outlines the maximum density bonus applicable to each coding under clause 21:

<table>
<thead>
<tr>
<th>Base Coding</th>
<th>Clause 21 Density Bonus (+50% rounded down to nearest R-Code)</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.5</td>
<td>17.5</td>
</tr>
<tr>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>20</td>
<td>30</td>
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<tr>
<td>30</td>
<td>40</td>
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<tr>
<td>40</td>
<td>60</td>
</tr>
<tr>
<td>60</td>
<td>80</td>
</tr>
</tbody>
</table>

While inclusion on the LGI does not incur statutory requirement on development of a property, cl.21 of the Scheme currently makes this bonus available to places nominated on the Inventory. However, it is proposed to remove reference to the LGI from Clause 21 and instead be available for places entered on the Heritage List.

The rationale is the purpose of the Heritage List and Heritage Areas is to allow Council to identify places of heritage significance that are worthy of conservation. If a dwelling density bonus is to be available for the purposes conservation or enhancement of a building, the property should be entered in the Heritage List prior to this option being available.

These incentives provide Council and applicants considerable flexibility to enable a suitable heritage outcome and the development potential to be realised. The extent and circumstances in which these variations may be granted will be based on the merits of the individual applications, to the discretion of Council.
Grants are also provided by other organisations, such as the Heritage Council of Western Australia, Lotterywest and private institutions:

- State Heritage Office Heritage Grants Program - provides funds for conservation works to private owners of places listed on the State Register.
- Lotterywest Conservation of Cultural Heritage Grants - funds conservation plans, interpretation or conservation works on places or objects owned by not-for-profit community organisations and local governments.
- Private grants - there a number of grants provided by banks which may be relevant to groups that utilise community facilities and reserves.

In addition to the above, Council are requested to consider a range of other incentives:

Heritage Advisory Service

A Heritage Advisory Service is intended to provide access to free advice from a qualified heritage architect/professional to owners wishing to undertake development and conservation projects. The role of the Heritage Advisor is to advise on methods to maintain and enhance the historic value, such as:

- sympathetic design approaches for extensions and alterations;
- any repairs or maintenance e.g. roofing, gutters, painting, rising damp issues;
- conservation works;
- advice on the design of new buildings and additions;
- ways to restore, reuse or reconstruct buildings.

This advice is limited to heritage architectural and conservation solutions, and does not address compliance with Town Planning Scheme, Policy and Residential Design Code requirements.

It is recommended that the Heritage Advisory Services be available free of cost to owners of properties on the heritage list, and where practical certain community groups that occupy of government facilities. Owners can receive up to 1.5 hours consultation which may include a site visit, telephone conversations, or a meeting. Following the consultation, an advice report will be provided to the applicant for reference which can be lodged with the development application to support the application.

Preferably this advice will be obtained prior to lodging a formal development application. This assists the owner to consider the relevant heritage conservation requirements before undertaking changes to their property. This service could also be made available for places on the LGI to provide an opportunity for an owner to learn more about the history of a property which may encourage retention, restoration and/or improvement of such properties.

A heritage advisory service is most effective if it is operated on an ongoing basis. It is also noted that Council had previously operated a heritage architectural advice fund for heritage architectural advice for individual owners however this offer had a very low take up and is no longer included in the budget.

Heritage Grants

Heritage Grants are a popular and direct method of assistance to facilitate conservation works, especially urgent remedial works. These grants are generally made available to owners of private properties as well as certain organisations leasing public properties.
It is recommended that a Grant program be available for properties on the Heritage List, providing a 50% contribution to cost of works (maximum $5,000). Funding is intended to be used for works specific to conservation and/or structural repairs but eligibility can include works that:

- reinstate lost features or reveal the heritage significance of a place;
- provide an opportunity for the adaptive reuse of a building;
- improve opportunities for public appreciation, access or understanding of a place; and
- preparation of conservation plans or documentation.

The following works are recommended to be ineligible:

- Works that have commenced or are completed;
- Demolition;
- new buildings, additions/extensions/redevelopments;
- internal fittings and fixtures;
- landscaping or fencing;
- signage; and
- costs associated with use of the place (operational, equipment, events and activities).

It is proposed that the Council commit to an annual budget allocation of $25,000 in order to provide for a minimum of 5 grants to be awarded per year.

**Assistance with costs associated with Development Applications**

Given approval is required for the majority of development of Heritage Listed places despite any exemptions provided under the Scheme, there is also potential for the Town to waive development application fees (in part or in full) associated with development that:

- Only requires development approval because of the place is heritage listed (the proposed development is fully compliant)
- Conserves or enhances the heritage aspects of the place (except where Cl. 21 of the Scheme and Cl.12 of the Deemed Provisions is applied)

In addition, it is also recommended that the heritage impact assessments required under the proposed Draft Heritage Policy are obtained at the Town's expense. As detailed in the Draft Heritage Policy report, applicants seeking demolition, or development bonus' under cl.21 and cl.12 are required to submit heritage assessments at their own cost.

**Incentives Budget Implications**

Currently, there is no provision within the Town's budget for heritage incentives or assistance. As noted above, the Council had allocated a small fund for heritage architectural advice in the past and is no longer included in the budget. Overall, the financial implication for the proposed incentives and the Heritage Assessments of development applications is estimated to be $48,000 per year:

- 1.5hr preliminary advice by qualified heritage professional (approximately 10 @ $300 = $3,000)
- Grants for 50% contribution to works (5 grants up to $5,000 each = $25,000)
- Application heritage assessments (5 assessments @ $4,000 each = $20,000)

Given the Town will be establishing its first Heritage List, it is possible that the initial up take may be high and the amount of financial resourcing may taper with following reviews.
Commitment is sought from Council to preliminarily support a budget allocation for the above incentives to accompany consultation material. Should Council wish to establish all or some of the recommended incentives, information will be advertised for comment along with the draft LGI and Heritage List and presented to Council for final consideration.

Next Steps

Subject to Council's determination on the Draft LGI, Heritage List, proposed incentives and the associated reports, a second phase of consultation is required to finalise the heritage review project. A consultation plan will be prepared and provided to the Elected Members addressing:

- the content of Draft LGI and Heritage List
- development that is exempt from the requirements for development approval application of Clause 21 of the Scheme (as part of Scheme Amendment process);
- the Draft Heritage Policy on assessment framework of development applications; and
- incentives options proposed to be available to owners and occupiers of properties identified on the Heritage List.

Community Consultation will comprise a mixture of one-on-one meetings with property owners and broader public advertising. Owners and occupiers of places identified in the draft LGI and Heritage List will be given the opportunity to consider the place record information and make submissions to the Town. Generally speaking, objections and requests for removal are only considered if this information is based on factual inaccuracies that affect the assessment of significance and management category.

Council will take into account the significance of the place, the opinions of the landowner, as well as the value of that place to the community when making their final decision on places to be included on the heritage list.

Following consultation, the heritage consultants will review the submissions and revise the draft LGI and Heritage List which will be presented to Council for formal adoption. Heritage planning is inherently political and contentious; ultimately it is Council's decision to determine what categories of places are included in the heritage list. The draft Heritage List has been prepared based on the inclusion of places categorised as 1-3 on the LGI.

**POLICY/STATUTORY IMPLICATIONS:**

*Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2, Part 3 – Heritage Protection*, prescribes the process for adopting a Heritage List, Designation of Heritage Areas, Heritage Agreements, Heritage Assessment, and variations to local planning scheme provisions for heritage purposes.

*Heritage of Western Australia Act 1990 Section 45* establishes that all Local Governments are to compile and maintain an inventory of buildings within the district of which the council believe are (or may become) of cultural heritage significance. Additionally, Section 45 (2) of this act also requires inventory to be updated and reviewed every four years after completion.
FINANCIAL IMPLICATIONS:

At its meeting in 26 May 2016, Council resolved that a budget allocation of $100,000 be considered in the 2016/17 Budget for the Heritage Review project.

To date approximately $45,000 has been spent, with approximately $26,500 remaining with the contract, and an expected $10,000 for disbursements such as consultation material and bookings. These amounts have been spent/allocated from the Strategic Projects budget within the Planning 2017/18 budget.

Incentives proposed for consideration will require a budget allocation of approximately $50,000 to be considered for the 2018/2019 Budget.

STRATEGIC DIRECTION:

The Heritage Review builds on a number of priority areas of the Town’s Strategic Community Plan 2017 - 2027 including:

Our Community Life

Goal 1: A sense of community, pride and belonging
Strategy 1.2 Promotion of a strong community identity

Our Planned Neighbourhoods

Goal 4: Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.2: Guide new development which is in harmony with the surrounding area and retains a sense of place

Our Council

Goal 9: Transparent, accountable governance
Strategy 9.2: Keep the community informed and consult on local matters that affect them

COMMUNITY ENGAGEMENT:

Preliminary Community Consultation

Section 45(4) of Heritage Act requires Town to ensure LGI compiled with proper public consultation. The preliminary community consultation which informed the review of the LGI was advertised for a period of 29 days in the following ways:

- DL flyer drop distributed to all properties in the Town.
- Public advertisement in the Cambridge Post on 13 May 2017 and 3 June 2017.
- Public advertisement listed on the Town’s website and the opportunity to follow link through to online survey.

Public Advertising of the Draft Local Government Inventory and Heritage List

In order to adopt the Heritage List, clause 8 of Deemed Provisions requires the Town to notify individual owners/occupiers and provide a minimum of 21 days for submissions.
It is proposed that consultation for the draft LGI, Heritage List, proposed incentives be undertaken in conjunction with the associated heritage scheme amendment and draft heritage local planning policy. A consultation plan will be prepared including a combination of targeted engagement the owners and occupiers of places nominated in the Draft LGI and Heritage List, and public advertising to the broader community and specific stakeholders such as the State Heritage Office. In accordance with the Town’s Policy 1.2.15: Public Consultation Material, consultation material will be provided to the Elected Members for endorsement prior to public advertising.

The outcomes of consultation and the revised LGI and Heritage List will be presented to Council for formal adoption.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Director</th>
<th>Marlaine Lavery, Director Planning and Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Brett Cammell, Manager Planning Strategies &amp; Economic Development</td>
</tr>
<tr>
<td>Contributors</td>
<td>Kimberley Macphail, Strategic Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Draft Town of Cambridge Local Government Inventory of Heritage Places
2. Draft Town of Cambridge Heritage List
3. Heritage Review Interim Consultant Report
4. State Heritage Office Local Government Inventory Assessment Guides
5. Works exempt from the requirement to obtain development approval

ADMINISTRATION RECOMMENDATION:

That:-

(i) pursuant to section 45(4) of the Heritage of Western Australia Act 1990, endorse the draft Town of Cambridge Local Government Inventory of Heritage Places for the purposes of consultation;

(ii) pursuant to clause 8(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2, endorse the draft Heritage List for the purposes of consultation;

(iii) endorse the incentives and grants identified in this report for the purposes of consultation;

(iv) advertise the draft Local Government Inventory, draft Heritage List, and incentives and grants for a consultation period of no less than 42 days and concurrently with the associated heritage scheme amendment and draft local planning policy; and

(v) a further report be presented to Council on the outcomes of consultation.
Committee Meeting 15 April 2018

During discussion, Members considered that the preliminary advice should be undertaken by the applicant/owner.

Amendment

Moved by Cr Everett, seconded by Cr McKerracher

That clause (iii) of the motion be amended to read as follows:

(iii) endorse the incentives and grants identified in this report for the purposes of consultation, except the 1.5 hour preliminary advice by a qualified heritage professional.

Amendment carried 3/2

For: Mayor Shannon, Crs Everett and McKerracher
Against: Crs Nelson and Powell

COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That:-

(i) pursuant to section 45(4) of the Heritage of Western Australia Act 1990, endorse the draft Town of Cambridge Local Government Inventory of Heritage Places for the purposes of consultation;

(ii) pursuant to clause 8(3) of the Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2, endorse the draft Heritage List for the purposes of consultation;

(iii) endorse the incentives and grants identified in this report for the purposes of consultation, except the 1.5 hour preliminary advice by a qualified heritage professional;

(iv) advertise the draft Local Government Inventory, draft Heritage List, and incentives and grants for a consultation period of no less than 42 days and concurrently with the associated heritage scheme amendment and draft local planning policy; and

(v) a further report be presented to Council on the outcomes of consultation.

Carried 8/0
SUMMARY:

A draft Local Government Inventory and Draft Heritage List have been prepared for Council consideration. While the Inventory does not have a statutory function, places entered in the Heritage List and the State Register are afforded a level of protection within the planning system.

Conservation of cultural significance and heritage value are matters to be considered by the Council in determining an application for planning approval. The Town does not currently have a specific Heritage Policy to support the Scheme and Deemed Provisions. Draft Local Planning Policy 3.16: Development of Heritage Places (draft LPP3.16) has been prepared to detail when a heritage assessment will be undertaken by the Town, and the level of detail that the assessment will address. The heritage assessment will then be considered by the Town in the determination of the development application.

Draft LPP3.16 outlines the accompanying material for development application, to be provided by the Applicant and/or obtained by the Town to guide planning decisions for development applications relating to places of heritage value, including those proposed to be included on a Heritage List as well as places directly adjacent to State Registered Places in accordance with Heritage of Western Australia Act 1990.

The purpose of this report is to present the draft LPP3.16 for Council consideration for the purposes of public advertising.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative**: Includes adopting local laws, town planning schemes & policies.
- **Review**: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- **Quasi-Judicial**: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- **Information**: For the Council/Committee to note.

BACKGROUND:

The Town is in the process of reviewing its Local Government Inventory. As part of this project, it is proposed to prepare a Heritage List in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 (Deemed Provisions).
Under the Deemed Provisions, entry on the Heritage List requires approval for certain types of development in order to facilitate consideration of and conservation of the cultural heritage significance of a place.

Aside from the Holyrood Street Design Guidelines adopted in 1996, the Town does not currently have any heritage specific policies. However, heritage related provisions are noted in the following Local Planning Policies:

- **Policy 2.1:** Minor development exempt from requirement Planning Approval: Approval required for demolition or removal of an object or place which is on the State Register, subject to an order under Heritage of Western Australian Act, subject to a declaration by the Council under clause 8 and clause 9 of the Deemed Provisions.

- **Policy 3.1:** Streetscape (section 3.1.13): Holyrood Street is a declared Conservation Area under clause 24 of the Scheme. The Holyrood Street Heritage Development and Design Guidelines provide guidance on a number of residential streetscape elements including setbacks, carports and garages, front fencing, landscaping, façade treatment and demolition.

- **Policy 6.1:** City Beach Precinct: the nature and management of any facilities in or adjacent to the coastal areas and dunes must respect the unique ecological, cultural and heritage value of the area. The policy also includes a development standard that the Town's Municipal Inventory management recommendations for the City Beach High School site must be taken into account.

- **Policy 6.2:** Reabold Precinct: applies to Wembley Golf Course, Bold Park, Perry Lakes Reserve and redevelopment area. Statement of Intent acknowledges that areas of cultural and heritage significance must also be respected.

- **Policy 5.6:** Percent for Public Art: the heritage of a place and its interpretation can also be reinforced through art projects and public areas.

- **Policy 2.7:** Design Review Panel: the DRP shall provide advice with regard to 10 design principles including Heritage - development responds to heritage values, significant features and landmarks of the area.

Draft LPP3.16 has been prepared in association with the Heritage Review Project (refer to other reports on this Agenda) to ensure that heritage significance is given due weight in planning decision-making.

**DETAILS:**

Under the current Scheme and Deemed Provisions, the relevant heritage considerations for development applications include:

- **State Planning Policy 3.5: Historic Heritage Conservation** – sets out heritage conservation considerations and planning controls for development, subdivision, and strategic instruments at both the State and local levels of government.

- **Scheme cl.40: Determining Applications for Demolition** – provides for Council to defer decision until satisfied subsequent development is approved and will be undertaken in a sufficient timeframe.

- **Scheme cl.21 Dwelling Densities** - allows Council to grant up to 50% increase in the density coding where heritage places are conserved or enhanced.

- **Deemed Provisions cl.12 Variations for Heritage Purposes** – allows Council to grant variation to any site or development requirements in the Scheme where a development facilitates the built heritage conservation of a heritage listed place.

- **Deemed Provisions cl.67: Matters to be considered by Local Government** - includes specific requirement to have due regard for the built heritage conservation of places with cultural significance and the effect of the proposal on the cultural heritage significance of the area in which the development is located.
The Deemed Provisions also defines the terms 'Cultural Heritage Significance' and 'Built Heritage Conservation', and provides mechanisms to enable Council to obtain heritage advice and information prior to determining an application.

It is important that appropriate information is available to properly consider the aspects of heritage that interact most directly with the planning system.

In this context, the purpose of draft LPP3.16 is to facilitate informed decision-making. The Policy provides guidance in relation to:

- the material to be submitted by the applicant
- the circumstances in which a heritage advice is to be obtained by the Town; and
- clarify Council's expectation of the format and content of heritage assessment documentation.

The Heritage Council of WA recommends that local governments use heritage advisory services to properly inform the decision-making process when considering application for heritage places. Many local governments require applicants to submit a 'Heritage Impact Statement' which describes and evaluates the likely impact of a proposal.

It is proposed that a Heritage Impact Statement will be required for the following:

- All development proposals seeking application of cl.12 of the Deemed Provisions and/or cl.21 of the Scheme;
- Development on properties entered in the Heritage List except for:
  - Small scale minor structures (such as letterboxes, barbeques, children’s play equipment) which are not located in view from the public realm;
  - Demolition or alterations of a building or structure that are not part of the original heritage building;
  - dividing fences;
  - Change of Use; or
  - where a Heritage impact statement was recently obtained for a similar or relevant proposal on the same property

The assessment is to be prepared in accordance with the guide published by the State Heritage Office included in Attachment 2. The SHO Heritage Impact Statement template is also an appendix to draft LPP3.16.

To reduce the burden on owners of heritage places, it is proposed that the Town will obtain a Heritage Impact Assessment prepared by an independent qualified Heritage Professional, once the application has been submitted. This does not preclude an applicant from submitting independent heritage assessments to support their application, which will be presented as part of the planning assessment.

That being said, applicants will be required to submit heritage documentation, at the applicant's expense for demolitions, major alterations and where discretion under Clause 12 of the Deemed Provisions and Clause 21 of the Scheme is sought.

Clause 12 of the Deemed Provisions and clause 21 of the Scheme require a Council to be satisfied the proposed development results in conservation and enhancement of the heritage significances in order for variations to be entertained. Therefore the onus is on the applicant to clearly demonstrate a nexus between the proposed works and the required heritage outcomes.
Similarly, it is proposed that a structural condition report is required where a proposal results in demolition or full or partial removal of significant aspects of a place. Should demolition or partial demolition of a place on the Heritage List be approved, draft 3.16 outlines an appropriate condition of approval that may be applied requiring the submission of an archival record of the place to the Town, prior to works commencing.

The draft Policy does not provide guidance on how the heritage documentation should be utilised in the consideration of development applications as this is sufficiently covered by cl.67 of the Deemed Provisions.

Given heritage matters are one of many considerations, Council must have regard when making a determination. It is more appropriate for each application to be assessed on its own merit against the planning standards relevant to that site. If special planning controls are required to preserve the heritage significance of an area, it may be designated as a Heritage Area and Council must adopt a Local Planning Policy addressing any specific development requirements.

Objective heritage assessment is a useful tool to ensure the heritage significance of a place and the impact of proposed development on this significance are properly considered in the decision-making process.

Council is recommended to endorse the draft local planning policy for the purpose of public advertising as part of the Heritage Review consultation program.

**POLICY/STATUTORY IMPLICATIONS:**

This Policy has been prepared in accordance with the requirements and procedure stipulated in Schedule 2, Part 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

**FINANCIAL IMPLICATIONS:**

There are no direct Financial Implications related to this report. However, it is noted the draft Policy includes that certain heritage assessments will be obtained at the Town's expense. Any financial implications associated with the proposed Policy will be presented for consideration in the subsequent report to Council.

**STRATEGIC DIRECTION:**

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2017 - 2027:-

**Our Planned Neighbourhoods**

**Goal 4:** Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs

**Strategy 4.2:** Guide new development which is in harmony with the surrounding area and retains a sense of place

**Our Council**

**Goal 9:** Transparent, accountable governance.

**Strategy 9.2:** Keep the community informed and consult on local matters that affect them
COMMUNITY ENGAGEMENT:

The requirements for consultation will be satisfied under the statutory provisions of Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Subject to Council resolution on the associated heritage review reports, this matter will be included in the overall consultation plan assessed under the Community Engagement Policy.

Following the conclusion of the public consultation period, a further report will be presented for Council for consideration of any submissions received during the consultation period and decision on final adoption of the Policy.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Director</th>
<th>Marlaine Lavery, Director Planning and Development</th>
</tr>
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<tr>
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<td>Brett Cammell, Manager Strategic Planning and Economic Development</td>
</tr>
<tr>
<td>Contributors</td>
<td>Kimberley Macphail, Strategic Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Draft Local Planning Policy 3.16: Development of Heritage Places

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That:-

(i) in accordance with Schedule 2, Part 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, the draft Local Planning Policy 3.16: Development of Heritage Places (contained within Attachment 1) be adopted for the purposes of public advertising;

(ii) advertising of draft Local Planning Policy 3.16: Development of Heritage Places be undertaken in accordance with Part 2, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 for a period not less than twenty one days; and

(iii) following completion of the public consultation period, a further report be submitted to Council detailing the outcomes of the advertising period, for consideration.

Carried 8/0
COUNCIL MINUTES
TUESDAY 22 MAY 2018

DV18.56 PROPOSED AMENDMENT 37 TO TOWN PLANNING SCHEME NO. 1 - HERITAGE RELATED PROVISIONS - CONSIDERATION TO PREPARE

SUMMARY:

A draft Local Government Inventory (LGI) and Heritage List have been prepared for Council consideration. While the LGI does not have a statutory function, places entered in the Heritage List, Heritage Areas and the State Register are afforded a level of protection within the planning system.

The Town Planning Scheme No.1 (TPS1 or Scheme) and the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) contain a number of heritage related controls and incentives. Namely the requirement to obtain development approval unless the works are identified as exempt in the Scheme.

As such, Amendment 37 has been prepared to:-

- exempt maintenance, repairs and minor structures on heritage places from the requirement to obtain development approval; and
- amend Scheme clause 21 so that the dwelling density bonus applies to places in the Heritage List, a Heritage Area and the State Register of Heritage Places rather than places on the LGI and other non-statutory lists.

The exemptions from the need for development approval are recommended to remove the need for property owners to obtain approval for development that:

- would generally be otherwise exempt from approval if no heritage listing applied;
- is of a minor nature and unlikely to impact on the amenity of the locality of neighbouring properties; and
- won't impact on the cultural heritage significance of the place.

The purpose of this report is to present the proposed Amendment 37 for Council consideration. It is recommended Council prepare the Amendment to allow statutory public advertising to be undertaken in conjunction with the associated draft LGI and draft Heritage List consultation (subject to separate item on this agenda).

AUTHORITY / DISCRETION

- Advocacy
- Executive
- Legislative
- Review
- Quasi-Judicial
- Information

When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

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

Includes adopting local laws, town planning schemes & policies.

When the Council operates as a review authority on decisions made by Officers for appeal purposes.

When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

For the Council/Committee to note.
BACKGROUND:

As part of the Heritage Review project, it is proposed to prepare a Heritage List in accordance with clause 8 of the Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2 (Deemed Provisions). The Deemed Provisions also provide a level of statutory protection for places in the Heritage List and Heritage Areas, and State Register of Heritage Places. Along with this proposed Scheme amendment, a local planning policy has also been drafted to assist the assessment and determination of development applications relating to heritage places. Consideration of the draft local planning policy is subject to a separate item on this agenda.

DETAILS:

Exemptions from the requirement to obtain development approval

Approval is required for development unless the works are specified as exempt under the Scheme or Deemed Provisions.

It is not intended to exempt works that require approval if the place were non-heritage. Attachment 1 provides a summary of the existing exemptions provided in by clause 61 of the Deemed Provisions and clause 33 of the Scheme.

While the Deemed Provisions allows for Council to exempt works identified elsewhere in the Scheme, the Scheme clause cannot contradict or restrict the extent of a Deemed Provision. Clause 61 of the Deemed Provisions exemptions for demolition, erection and extension of single houses, ancillary dwellings and associated structures specifically do not and cannot extend to places in Heritage Lists and Heritage Areas and Register of Heritage Places under the Heritage of Western Australia Act 1990 (Heritage Act).

The Planning and Development Act 2005 defines Development as erection, construction, alteration, addition and demolition. Therefore works that fall within the meaning of alterations can be exempt from the requirement to obtain Development Approval. Based on the common definition, alterations can include repainting and replacing materials like for like, changing external fixtures and infrastructure, repair, maintenance and restoration.

Clause 33 of the Scheme currently details exemptions from the need for Development Approval and is read in conjunction with clause 61 of the Deemed Provisions. It is proposed to amend clause 33(1)(g) of the Scheme to remove aspects that are superseded by the Deemed Provisions and stipulate exemptions relating to maintenance and repairs, and alterations. The proposed definition and exemption of minor structures is intended to specifically address structures that are not addressed in clause 61(1)(c) and (d) of the Deemed Provisions or the Residential Design Codes. It is noted that the Town has a local planning policy which prescribes deemed to comply requirements for minor structures behind the street setback area.

Clause 21 of Town Planning Scheme No. 1

Clause 21 of the Scheme currently allows Council to grant a dwelling density bonus by up to 50% if the development conserves or enhances a building or place nominated on the Municipal Heritage Inventory (MHI), included in the State Register, and/or conservation places and areas (i.e. Holyrood Street Precinct). The clause also states that the standards and provisions of higher density coding of the R-Codes are to apply. The table below outlines the maximum density bonus applicable to each coding:
It is proposed to remove reference to the MHI from this clause and instead include places entered on the Heritage List. Inclusion on the MHI does not incur statutory protection or requirement on development, therefore the heritage significance of that place can be significantly altered or removed, yet the bonus could still apply. It is also proposed to remove reference to the Register of Heritage Estate and the National Trust. These are non-statutory lists, the latter does not include places located within the Town. The National Estate has been archived and contains 5 places within the Town: Bold Park, Catherine McAuley Centre Stables, St John of God Hospital, St John of God Memorial Church and Wembley Hotel. While Catherine McAuley Centre Stables is zoned residential, this place is also identified in the State Register and the draft Heritage List.

**Proposed amendments to the Town Planning Scheme**

The table below sets out the proposed amendments to the Scheme:

<table>
<thead>
<tr>
<th>Modification</th>
<th>Comment</th>
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<tbody>
<tr>
<td>Include definitions in the Scheme:</td>
<td>Terms defined for the purpose of the proposed cl.33(1)(g) and (i) of the Scheme. Defines integral works necessary for the functional, comfortable and sustainable operation and use of a building or structure. Defines structures that may be associated with residential properties but do not fall within the scope of works under cl.61(1)(c), (d) or (e) of the Deemed Provisions.</td>
</tr>
<tr>
<td>Maintenance and Repair: minor works that are undertaken to fix, or prevent, a building, structure or place from deteriorating or falling into a state of disrepair. The works are to be undertaken to the same details, materials and specifications of the building, structure or place prior to the deterioration or disrepair occurring. Minor Structures: free standing structures located behind the street setback areas including, without limiting the generality of the foregoing, clothes drying lines, seating, children’s play structures, basketball and netball hoops, outdoor cooking and heating facilities but excluding flag poles.</td>
<td>The purpose of the Heritage List and Heritage Areas is to allow Council to identify places of heritage significance that are worthy of conservation. If a dwelling density bonus under Scheme cl.21 is to be available for the purposes conservation or enhancement of a building, the property should be entered in the Heritage List prior to this option being available.</td>
</tr>
<tr>
<td>Amend cl.21(2)(b)(i) of the Scheme by removing reference to places nominated on the Municipal Heritage Inventory and replace with places included on a Heritage List or Heritage Area.</td>
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Amend cl.21(2)(b)(iii) of the Scheme by removing reference to the Register of the National Estate or listed by the National Trust.

The Register of the National Estate is no longer a statutory list and of the 5 places on the archived register, one is zoned residential. This place is also on the State Register of Heritage Places.

National Trust list maintained by the National Trust of Western Australia, a community-based organisation, does not have a statutory role and does not contain places located within the Town.

Amend cl.33(1)(g) to remove reference to internal works and add new subclauses to clarify exemptions from planning approval apply to:

- Maintenance and repair, minor structures, letter boxes and meter boxes on all places, including heritage listed places, unless the place is on the State Register or subject to an order or heritage agreement under the Heritage Act.
- Alterations that do not materially affect the external appearance of the building, unless the place is on the Heritage List, State Register, in a Heritage Area or Conservation Area, or subject to an order or heritage agreement under the Heritage Act.

cl.61(1)(a) of the Deemed Provisions, which exempts internal works, prevails over cl.33(1)(g).

These exemptions will supplement cl.61 of the Deemed Provisions.

**POLICY/STATUTORY IMPLICATIONS:**

The Deemed Provisions apply automatically to all schemes and cannot be altered, varied or excluded. Section 73(2A) of the Planning and Development Act 2005 allows for a scheme to include supplemental provisions, provided those supplemental provisions are consistent with or not already covered by the Deemed Provisions.

Section 79 of the Planning and Development Act 2005 requires the Town to refer the proposed amendment to the Heritage Council of Western Australia for advice in so far as any proposal under that amendment affects or may affect land entered in the State Register or Local Government Inventory. The Town is to have regard to any advice given and not to proceed without the consent of the Minister for Planning with the proposal unless or until that advice has been received.

Town’s Policy 1.2.15: Public Consultation Material requires Elected Member approval of public consultation material and information relating to Scheme Amendments prior to distribution/advertising. It is intended to form part of the consultation program for the Heritage Review project which includes the Draft Local Government Inventory, Draft Heritage List and Draft Heritage Local Planning Policy.

**FINANCIAL IMPLICATIONS:**

There are no Financial Implications related to this report.
STRATEGIC DIRECTION:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2017 - 2027:-

**Our Planned Neighbourhoods**

**Goal 4:** Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs

**Strategy 4.2:** Guide new development which is in harmony with the surrounding area and retains a sense of place

**Our Council**

**Goal 9:** Transparent, accountable governance.

**Strategy 9.2:** Keep the community informed and consult on local matters that affect them

COMMUNITY ENGAGEMENT:

The requirements for consultation will be satisfied under the statutory provisions of regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Subject to Council resolution on the associated heritage review reports, this matter will be included in the overall consultation plan assessed under the Community Engagement Policy.

Following the conclusion of the public consultation period, a further report will be presented for Council for consideration of any submissions received during the consultation period.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Director</th>
<th>Marlaine Lavery, Director Planning and Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Brett Cammell, Manager Planning Strategies &amp; Economic Development</td>
</tr>
<tr>
<td>Contributors</td>
<td>Kimberley Macphail, Strategic Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. works that are identified in the Scheme and Deemed Provisions as exempt from the requirement to obtain development approval

ADMINISTRATION RECOMMENDATION:

That:-

(i) pursuant to Section 75 of the Planning and Development Act 2005, Council resolves to prepare Amendment No. 37 to Town of Cambridge Town Planning Scheme No.1 to:-

(a) include the following definitions into Schedule 1 – Definitions:

    Maintenance and Repair: means minor works that are undertaken to fix, or prevent, a building, structure or place from deteriorating or falling into a state of disrepair. The works are to be undertaken to the same details, materials and specifications of the building, structure or place prior to the deterioration or disrepair occurring.
Minor Structures: means free standing structures located behind the street setback areas including, without limiting the generality of the foregoing, clothes drying lines, seating, children's play structures, basketball and netball hoops, outdoor cooking and heating facilities but excluding flag poles.

(b) amend clause 21 by deleting subclauses (2)(b)(ii) and (iii) and replace with:

"(i) included on a Heritage List or Heritage Area prepared in accordance with this Scheme; or

(ii) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990; or";

(c) amend clause 33 by deleting subclause (1)(g) and replace with new subclause:

"(g) Maintenance and repair of any building or structure unless the building or structure is located in a place that is:-

(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;

(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or

(iii) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.";

(d) amend clause 33 by renumbering subclause (1)(h) to (1)(j) and inserting new subclause (1)(h) and (1)(i):

"(h) Alterations to any building or structure that do not materially affect the external appearance of the building, unless the building or structure is located in a place that is:-

(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;

(ii) included on a Heritage List or Heritage Area prepared in accordance with this Scheme;

(iii) declared to be a conservation area under clause 24 of the Scheme and development approval is required for the works by a Planning Policy;

(iv) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or

(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29."
(i) erection and demolition of minor structures, letter boxes and meter boxes that satisfy the deemed-to-comply requirements of a local planning policy that relates to minor structures, prepared in accordance with this Scheme, unless where that place is:-

(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;

(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or

(iii) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29;"

(ii) pursuant to Regulations 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves that Amendment No. 37 is a standard scheme amendment for the following reasons:-

(a) the amendment will have minimal impact on land in the scheme area that is not the subject of the amendment;

(b) the amendment does result in any significant environmental, social, economic or governance impacts on land in the scheme area; and

(c) the amendment is not a basic or complex amendment.

(iii) refer Amendment No.37 to the Environmental Protection Authority for advice in accordance with the provisions of the Planning and Development Act 2005; and

(iv) the Town prepare consultation material for Amendment No.37 to be publicly advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Committee Meeting 15 May 2018

Amendment

Moved by Cr Everett, seconded by Cr McKerracher

That clause (i) of the motion be amended by adding an additional sub clause as follows:-

(e) amend clause 21 by adding paragraph (4) to read:

"Notwithstanding the provisions of the Zoning Table and paragraph (3) above, Multiple Dwelling use is not permitted on land where the residential density code is R30 or less."

Amendment carried 5/0
COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That:–

(i) pursuant to Section 75 of the Planning and Development Act 2005, Council resolves to prepare Amendment No. 37 to Town of Cambridge Town Planning Scheme No.1 to:

(a) include the following definitions into Schedule 1 – Definitions:

  Maintenance and Repair: means minor works that are undertaken to fix, or prevent, a building, structure or place from deteriorating or falling into a state of disrepair. The works are to be undertaken to the same details, materials and specifications of the building, structure or place prior to the deterioration or disrepair occurring.

  Minor Structures: means free standing structures located behind the street setback areas including, without limiting the generality of the foregoing, clothes drying lines, seating, children’s play structures, basketball and netball hoops, outdoor cooking and heating facilities but excluding flag poles;

(b) amend clause 21 by deleting subclauses (2)(b)(ii) and (iii) and replace with:

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(c) amend clause 33 by deleting subclause (1)(g) and replace with new subclause:

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(ii) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or

(iii) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.”;

(d) amend clause 33 by renumbering subclause (1)(h) to (1)(j) and inserting new subclause (1)(h) and (1)(i):

“(h) Alterations to any building or structure that do not materially affect the external appearance of the building, unless the building or structure is located in a place that is:–
(i) entered in the Register of Heritage Places under the Heritage of Western Australia Act 1990;

(ii) included on a Heritage List or Heritage Area prepared in accordance with this Scheme;

(iii) declared to be a conservation area under clause 24 of the Scheme and development approval is required for the works by a Planning Policy;

(iv) the subject of an order under the Heritage of Western Australia Act 1990 Part 6; or

(v) the subject of a heritage agreement entered into under the Heritage of Western Australia Act 1990 section 29.

(i) erection and demolition of minor structures, letter boxes and meter boxes that satisfy the deemed-to-comply requirements of a local planning policy that relates to minor structures, prepared in accordance with this Scheme, unless where that place is:-

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(ii) pursuant to Regulations 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves that Amendment No. 37 is a standard scheme amendment for the following reasons:-

(a) the amendment will have minimal impact on land in the scheme area that is not the subject of the amendment;

(b) the amendment does result in any significant environmental, social, economic or governance impacts on land in the scheme area; and

(c) the amendment is not a basic or complex amendment.

(iii) refer Amendment No.37 to the Environmental Protection Authority for advice in accordance with the provisions of the Planning and Development Act 2005; and

(iv) the Town prepare consultation material for Amendment No.37 to be publicly advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

Carried 8/0
DV18.57 DRAFT TOWN OF CAMBRIDGE WALKING TRAILS STRATEGY 2018-2021 - ADOPT FOR ADVERTISING

SUMMARY:

The development of a Local Walking Strategy was endorsed by Council in February 2016 (CR16.12). The Draft Town of Cambridge Walking Trails Strategy 2018-2021 (draft Strategy) has been developed identifying the strategic requirements for the implementation of a holistic recreational trail network that will benefit the Cambridge community.

The draft Strategy was developed to facilitate alignment with the funding requirements set by Lotterywest and the Department of Local Government, Sport and Cultural Industries, previously the Department of Sport and Recreation. The aim of the document is to identify current recreational trails, regional linkages and to identify a holistic overview of potential trails.

Potential walking routes have been identified with the entire community in mind. They can be used for recreational purposes, by linking key sites of interest in each suburb, such as shops, schools and parks. Trails were identified that allowed for greater access to natural areas and green spaces whilst facilitating increased accessibility for people using wheelchairs or prams.

The draft Strategy identifies the strategic direction for the expansion and implementation of trails using existing infrastructure. The heritage, cultural and spiritual connection of Aboriginal people with the land and waterways is valued and encompassed in the proposed trail networks. Commercial opportunities will be encouraged through tourism and the use of technology and social platforms.

Public consultation is required as a funding condition; consultation will take place should the draft Strategy be endorsed by Council. Other projects currently being undertaken in the Town will be taken into consideration during scheduling of public consultation.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative**: Includes adopting local laws, town planning schemes & policies.
- **Review**: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- **Quasi-Judicial**: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- **Information**: For the Council/Committee to note.
BACKGROUND:

Several requests from the public have been received over the years for the development of local walking trails, especially in City Beach. A report was submitted to Council in February 2016, seeking endorsement for the development of a Cambridge Local Walking Strategy. An amount of $20,000 was approved to develop the strategy.

An assessment was undertaken to determine the most suitable approach for the development of a holistic strategy, taking into consideration the development of new technology and electronic platforms for trails as well as the integration of new trails into the current network to facilitate the likelihood of obtaining external funding for future projects.

The development of an integrated trail network required specialised skills. A consultant was appointed to develop a holistic scenario to ensure an approach, consistent with external funding requirements, is followed. The draft Walking Trails Strategy 2018-2021 was developed to address compliance to Australian Standards but also meet the needs of the community. The guiding document is the ‘Western Australian Strategic Trails Blueprint 2017 - 2021’.

The draft Strategy is attached to this report. To date the amount of $9,000 has been spent on the development of this strategy, which includes the identification and mapping of existing trails, identification of potential trails and linkages, Aboriginal consultation, safety requirements and classification of trails.

A well designed trail network has a positive impact on the local and greater community; the trails are designed to link community nodes and local businesses, creating a sense of belonging and ownership and an appreciation of the natural environment. Distance markers and basic exercise equipment could be placed along trails to facilitate physical activity; infrastructure such as benches could be placed strategically to assist residents with lower levels of mobility.

DETAILS:

The draft Walking Trails Strategy 2018-2021 was developed taking into consideration the following:

1. Assessment

The draft Strategy was developed considering the opportunities and threats to deliver a system that is:

- Easily recognisable and consistent throughout trails;
- Offers residents nature-based activity as a pathway to improved fitness, health and wellbeing;
- Adaptive to changes and issues that may be identified and require change;
- Inviting for visitor economic contribution;
- Agreed by all stakeholders;
- Specific in relation to naming, signage constraints, and marketing;
- Attuned to funding requirements from external grants;
- Sensitive to the inclusion of history – Aboriginal, Settlement, Heritage, and Iconic “Sense-of-Place” Locations;
- Adaptable to the requirements of Local Government authorities and land managers that the trails pass through;
- Financially and environmentally sustainable to install and maintain;
- Supportive of Aboriginal involvement in improving trail experiences;
- Resistant to normal wear and vandalism;
• Accessible or offers alternate solutions where possible;
• Innovative and embraces technology
• Easily updated, repaired, duplicated and extended over time;
• Useful to users of the trails; and
• Compliant with the Australian Standards (AS)2156.1 for walking tracks.

The draft Strategy is to have effect over a 3 year period to align with the timeframe of the Blueprint (2017-2021). Implementation of the draft Strategy is considered achievable within the 3 year period, after which a review of the Strategy will be undertaken to determine the success of the Strategy and whether additional opportunities and initiatives exist to warrant an extension or renewable of the Strategy.

2. Identification of current Trails and opportunities for new Trails and linkages

A number of trails already exist within the Town. These trails were identified and opportunities considered for the creation/formulation of new trails.

A concept plan was developed identifying the existing local and regional trails in terms of walking distances, ease of cycling, bushland experience, heritage, Noongar connection and accessibility.

The existing Town of Cambridge Heritage Trail acts as a significant linkage between local trails and regional trails. It is proposed that the Heritage Trail act as the ‘spine’ for the local trails and be mapped on Google Maps allowing for the trail to be available on sites such as Trails WA and be linked to walking applications (Apps).

Connectivity between trails is encouraged by the Department of Local Government, Sport and Cultural Industries, a number of linkages were considered during the development of the draft Strategy.

3. City Beach Trail Network

The City Beach network has been identified as a community neighbourhood project, allowing for north-south and east-west linkages between natural areas, schools, parks, Aboriginal sites, restaurants and shops.

4. Design and Technology

The design of directional markers, signage, maps and brochures will be in accordance with the Town of Cambridge Style Guide and Australian Standards, where required.

Trail design and especially urban trails make use of new technology, including applications based usage. Physical markers and interpretative signs will be installed at appropriate locations and similar to the Regional Whadjuk Trail Network can be linked to websites and applications via QR (Quick Response) codes. It is recommended that existing local trails be mapped on Google Maps and linked to sites such as Trails WA (Urban Walk Trails).

5. Implementation and Marketing

Implementation of local trails will be contingent on funding availability, community interest and connectivity. The implementation of the City Beach Trail will provide a template for subsequent trails.
Local trails aim to create a sense of belonging and community, however, they can also promote commercial opportunities by linking with Tourism WA and promoting trails that link places of interest.

Promotion of local trails can take place through various approaches, for example by linking with fitness applications, Nature Passports and Social Media challenges and sharing.

Maps will be developed identifying local walking routes. The maps will be electronically available on the Town of Cambridge website or as a brochure.

6. Collaboration

Collaborating with other organisations allows for greater funding opportunities. The Whadjuk Regional trails are an established network which is promoted widely.

The Whadjuk Network was established through the Western Suburbs Regional Organisation of Councils (WESROC), The Town Cambridge is a participating Council and assisted with the implementation of the regional network. Linkages between regional and local trails are encouraged by the Department of Local Government, Sport and Cultural Industries and Lotterywest.

Collaboration with the Botanical Parks and Gardens Authority will be furthered to investigate linkages with Bold Park. Nature Play WA, in conjunction with Little Athletics, recently developed an applications based nature trail in Perry Lakes, the Town assisted by supplying information.

POLICY/STATUTORY IMPLICATIONS:

No Policy implications.

FINANCIAL IMPLICATIONS:

<table>
<thead>
<tr>
<th>Action</th>
<th>Financial Year</th>
<th>Amounts (Excl.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop a Draft Master Trail Plan</td>
<td>2016/2017 and 2017/2018</td>
<td>$9,000</td>
</tr>
</tbody>
</table>

Public consultation of the proposed Walking Trails Strategy will be funded by the Town's 2017/18 operating budget for Planning.

The table below provides indicative costs for the implementation of the Walking Trails Strategy through FY2018/19. Subject to Council adoption of the draft Walking Trails Strategy, and then Council adoption of the final Strategy, these funds will be proposed as part of the Sustainability budget account for the FY2018/19. It is also noted that Lotterywest and DLGSC grant funding is available, normally on a 50% shared basis for the project.

<table>
<thead>
<tr>
<th>Action</th>
<th>Financial Year</th>
<th>Amounts (Excl.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Develop and establish the pilot City Beach Trail Network</td>
<td>2018/2019</td>
<td>$3,500</td>
</tr>
<tr>
<td>Map the existing Cambridge Heritage Trail for inclusion on Google Maps and submission to Trails WA.</td>
<td>2018/2019</td>
<td>$2,000</td>
</tr>
</tbody>
</table>

| Total |                        | $5,500          |
STRATEGIC DIRECTION:

The introduction of local walking trails supports a number of goals within the Town’s Strategic Community Plan 2017 - 2027 specifically

Our Community Life

Goal 3: An active, safe and inclusive community
Strategy 3.1: Create and improve the places where community groups can interact.
Strategy 3.3: Encourage activity that meets the needs of people of all ages, cultures and abilities.

Our Council

Goal 11 A Strong performing local government
Strategy 11.5: Continuously strive to improve services delivered to the community.

COMMUNITY ENGAGEMENT:

Initial Noongar consultation and high level community consultation has been undertaken. Community comment will be sought on the draft Strategy, taking into consideration current community consultation programs being undertaken across all Directorates.

Consultation will consist of a media release, local newspaper advertisements, social media promotion and a post on the Town’s website. Lotterywest and the Department of Local Government, Sports and Culture will also be requested to review and provide comment on the draft Strategy, particularly to consider conformity of the draft Strategy for future funding opportunities.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Marlaine Lavery, Director Planning and Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Brett Cammell, Manager Planning Strategies and Economic Development</td>
</tr>
<tr>
<td>Contributors</td>
<td>Janine Roets, Sustainability Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:


COUNCIL DECISION:

(COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That:-

(i) the draft Town of Cambridge Walking Trails Strategy 2018-2021 be adopted for advertising;

(ii) public consultation be for a period no less than twenty one days; and

(ii) a further report be presented to Council detailing the outcomes of the public consultation period.

Carried 8/0
SUMMARY:

On 12 October 2017, the Town appointed Urban and Regional Economic Specialists Pracsys to assist in the preparation of an Economic Development Strategy (EDS). Since this time, preliminary consultation and background research has been undertaken to inform the development of the draft EDS.

The purpose of this report is to seek Council endorsement of the draft Town of Cambridge EDS for purposes of advertising.

AUTHORITY / DISCRETION

- Advocacy: When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative: Includes adopting local laws, town planning schemes & policies.
- Review: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- Information: For the Council/Committee to note.

BACKGROUND:

Economic Development, in the context of local government, relates to the implementation of policy, regulations, programs and initiatives that collectively create an environment that encourages businesses to grow and prosper. The Town’s role within local economic development, is to act as a regulator, coordinator and facilitator, working to understand the challenges facing local businesses; link businesses with appropriate resources; advocate on behalf of local businesses and support specific projects where necessary. There are three (3) levers available to local government:

- **Control** - including (but not limited to), establishing local policy and regulation;
- **Influence** - including (but not limited to), facilitating the sharing of knowledge and investment opportunities;
- **Monitor** - including (but not limited to), tracking economic performance indicators and collecting feedback

At its Ordinary Council meeting held on 22 August 2017, Council adopted eight priority projects for the Strategic Planning, Sustainability and Economic Development business areas of the Town, which included an EDS. An EDS is a key starting point to promoting economic development opportunities in the Town and the promotion of such opportunities is listed as
Strategy 5.1 of the Strategic Community Plan. This strategy is also identified within the Corporate Business Plan and is a common component of a Local Planning Strategy.

Following the appointment of Pracsys in October 2017, the Town undertook preliminary consultation with the Town's business community between November and December 2017, which included five (5) workshops (with 30 participants providing an insight into their respective industry groups) and an online survey. This consultation provided the Town with an understanding of:

- local factors influencing the capacity for growth of population driven and export orientated industries;
- perceptions regarding the benefits and constraints associated with operating within the Town; and
- Identifying Local Government activities that could contribute to development of the Town’s economy.

Where appropriate, these findings have been incorporated into the draft EDS and are discussed under the 'next steps' heading. Further information regarding the outcomes of the preliminary consultation is available within attachment 2.

DETAILS:

The Town of Cambridge draft EDS (refer to attachment 1) has been prepared following the preliminary consultation and background research (refer to attachments 2 and 3) referred to above. As part of the research, a background report was prepared taking into consideration the availability of employment data and the ABS Census data, which considers:

- the economic profile of the Town;
- the economic profile of activity centres; and
- opportunities and constraints for both the Town and the activity centres

These considerations have informed the development of the EDS. The key findings from the research regarding the Town's Local Economy is summarised in the figure below:
The EDS considers all commercial centres within the Town and the role they play within the local economy. These centres provide different functions and serve different needs, and have been categorised as either:

- **Strategic Centres** - with a high proportion of consumer services and part time employment;
- **Knowledge Centres** - include a high proportion of Knowledge Intensive Consumer Service employment, reliant on strategic infrastructure and the associated density of high qualified specialists; or
- **Consumer Centres** - have a high proportion of Knowledge Intensive Producer Services and Export related employment.

The centres, identified above, are spatially distributed throughout the Town along an East-West Corridor (as shown in the map below) and each centre has varying levels of employment and floorspace types.

### Strategic Centres

Strategic centres provide specialised services and products for other businesses or visitors who tend to be from outside of the Town, either in the broader Perth Metropolitan Area, interstate or overseas. Within the Town, there are two key strategic centres:

- **West Leederville** - providing over 30% of the Town’s total office floorspace; and
- **the City Beach and Floreat Beach Centres** - providing amenity for a significant population within and outside of, the Town.

Towards the City of Perth, strategic employment is associated with office floorspace with high concentrations of Information and Communications Technology, architecture, engineering and various professional and business services. On the coast, strategic employment is linked to tourism and visitation associated with the significant natural assets of the beach and surrounding public open space.

It is estimated that Strategic Centres could require approximately 55,000m² of additional employment floorspace in order to meet the projected 2050 population outlined by Perth and Peel at 3.5 million.
**Knowledge Centres**

Knowledge centres provide for specialised education, health and social services for a broader inner Perth Metropolitan Area. The Town contains a mix of large and small knowledge based centres. These relate to smaller centres that provide services for the local community including health and education and the medical precinct, which centres on the St John of God hospital. Health providers, education facilities and community services make up a large component of total floorspace in the large and small knowledge based centres.

It is estimated that Knowledge Centres could require approximately 18,000m² of additional employment floorspace in order to meet the projected 2050 population.

**Consumer Centres**

Consumer centres provide the community with the goods and services that they need on a weekly basis. There are a range of consumer based centres in the Town, including larger district centres such as Wembley and Floreat Forum and smaller local centres such as Grantham Street, Empire Village and Ocean Village. Some centres are predominately retail based, while others tend to be more diverse and provide important office floorspace for small local businesses.

Retail floorspace makes up a large proportion of floorspace within these centres (40%). The Retail Needs Assessment undertaken (discussed in more detail below) indicates that the retail floorspace is currently at appropriate levels and additional floorspace may be required in response to increased population growth.

**Retail Needs Assessment**

A retail needs assessment has been conducted to assess the retail provision in the area. The purpose of this analysis is to assess the adequacy of retail provision in the area to allow the Town to inform any future economic development strategy initiatives around retail provision in the area, and a retrospective look at what is working well and can be improved.

The assessment identified that retail in the town is in a unique position as it is located between some of Perth’s premier retail destinations including Subiaco, Karrinyup, Innaloo, Leederville and the City. As a result, many of the high quality comparison good needs are serviced from outside of the Town of Cambridge, resulting in a more dominant convenience representation.

The assessment found that the Town has relatively underperforming retail sector, resulting in part, from lower densities and large patches of open space as they significantly reduce the catchment in a standard drive time to a centre. In addition, retail in the area has evolved to focus on centres outside of the Town, including major centres such as Karrinyup, Innaloo, and Subiaco. As a result, major comparative retail functions are serviced elsewhere meaning that there is not a great need for larger centres in the area.

The predominantly convenience based retail in the area meets the need of the community with a focus on dining out and entertainment based retail. It is unlikely that new retail will be required in the area unless a significant increase in densities is achieved, particularly in light of other developments in nearby areas.
Opportunities and constraints

The table below outlines the opportunities and constraints associated with retail and employment levels within the Town.

<table>
<thead>
<tr>
<th>Retail</th>
<th></th>
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<tbody>
<tr>
<td><strong>Opportunity</strong></td>
<td><strong>Constraint</strong></td>
</tr>
<tr>
<td>Increase the Town’s attractiveness as a destination</td>
<td>Competitive retail in nearby areas</td>
</tr>
<tr>
<td>Increased expenditure capture of visitors to the Town</td>
<td></td>
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<table>
<thead>
<tr>
<th>Employment</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Opportunity</strong></td>
<td><strong>Constraint</strong></td>
</tr>
<tr>
<td>Build on existing strategic and knowledge intensive employment hub in West Leederville and around the St John of God hospital</td>
<td>Cheap office space in the City will make office based employment difficult to attract and retain in the foreseeable future</td>
</tr>
<tr>
<td>Provide more support or facilitate potential knowledge based or export orientated institutions such as manufacturers or universities</td>
<td></td>
</tr>
</tbody>
</table>

Next Steps

The feedback from the preliminary consultation, established a number of key focus areas for the Town as envisaged by local businesses, these comprise:

- Transport and Accessibility;
- Business Support;
- Development; and
- Place Activation.

Each of these focus areas have four (4) overarching goals, which are outlined below:

- Provide a high standard of communication and business support;
- Develop our unique centres to support population growth and attract high quality employment;
- Manage the activation and our centres and shared public spaces;
- Improve transport and connectivity for centres and local businesses;

Furthermore, there are strategy items and possible preliminary actions over a short, medium and longer term timeframe. An example of this is shown below:
These actions will be measurable, which will assist in regular future reviews of the EDS.

With the above in mind, it is recommended that Council endorse the draft EDS for the purposes of advertising and following the conclusion of the advertising period, receive a further report outlining the outcomes of the consultation period.

POLICY/STATUTORY IMPLICATIONS:

There are no policy / statutory implications associated with the recommendations of this report alone.

FINANCIAL IMPLICATIONS:

The projects discussed in this report are being financed by the Town’s operating budget for FY2017/18. There are no further financial implications related to this report.

STRATEGIC DIRECTION:

The projects identified in this report relate directly to key actions and strategies from the Strategic Community Plan (5.1: Facilitate commercial development within the Town) and Corporate Business Plan (5.1: Activity Centres Policy).

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy Level No. 1.2.11 and the following engagement mechanisms will be implemented:

- Promotion of the EDS in Print Media and on Social Media;
- Preparation of an EDS summary brochure to accompany the draft EDS, background report and interim consultation report;
- Preparation of an online survey (also available in hardcopy); and
- Preparation of media releases for the EDS.
OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Marlaine Lavery, Director Planning and Development</th>
</tr>
</thead>
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<td>Brett Cammell, Manager Planning Strategies and Economic Development</td>
</tr>
<tr>
<td>Contributors</td>
<td>Simon Shub, Senior Strategic Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Town of Cambridge Draft Economic Development Strategy (dated 17 April 2018);
2. Economic Development Background Report
3. Preliminary Consultation Report

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That:

(i) the draft Economic Development Strategy contained within Attachment 1 for the purposes of public advertising be adopted;

(ii) the draft Economic Development Strategy be advertised for public comment for a period of not less than twenty one days; and

(iii) following completion of the public consultation period, a further report detailing the outcomes of the advertising period be submitted for consideration.

Carried 8/0
SUMMARY:

On 29 March 2018, the City of Stirling (CoS) formally released the Draft Local Planning Strategy (LPS) for consultation, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations). The CoS LPS, much like the Town's draft LPS, sets out the vision and long-term planning directions for the CoS over the next decade and beyond.

This report recommends that Council provide a submission on the LPS, particularly as it relates to sections of land that abuts the Town's municipality (north of Jon Sanders Drive and West of Herdsman Parade).

AUTHORITY / DISCRETION

- **Advocacy**
  When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

- **Legislative**
  Includes adopting local laws, town planning schemes & policies.

- **Review**
  When the Council operates as a review authority on decisions made by Officers for appeal purposes.

- **Quasi-Judicial**
  When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- **Information**
  For the Council/Committee to note.

BACKGROUND:

Pursuant to Part 3, regulation 11 of the Regulations, a LPS must:

- Set out the long term planning directions for the local government; and
- Apply any State or Regional Planning Policy that is relevant to the strategy; and
- Provide the rationale for any rezoning or classification of land under the Local Planning Strategy.

The Western Australian Planning Commission (WAPC) released the Local Planning Manual in 2010, which provides guidance on the preparation of local planning strategies and is used to assess Local Planning Strategies when submitted. The Regulations indicate that the preparation of an LPS can occur concurrently with the local planning scheme to which it relates.

In March 2018, the WAPC released Perth and Peel @ 3.5million, which included updated housing targets for the Town and also included a series of sub regional planning frameworks. The CoS is situated within the Central sub-region and is required to provide an additional 60,300 dwellings by 2050 - an increase of 67% from the 89,570 dwellings at 2011.
The CoS has a population of approximately 227,000 people spread across 100km², which comprises 30 suburbs. This space includes:

- 1,192 hectares of open space for sport, recreation and natural uses (including Regional reserves);
- 82 Activity Centres, ranging in size from the Stirling City Centre, which is designated as a Strategic Regional Centre to Local Centres of which there are 47 and many only comprise of one (1) shop; and
- 111,552 employed persons (53% of its population in the workforce) and a total 75,381 jobs (at the 2016 Census).

The CoS Local Planning Scheme No. 3 was gazetted in August 2010 and has been amended on 54 occasions. The Town has not previously provided comment on the CoS planning Scheme reviews.

DETAILS:

The CoS draft LPS is separated into two (2) parts:

- Part 1 outlines the vision of the LPS, includes objectives, which sets out strategic focus areas with key issues that need to be addressed. The identified 'key issues' include local responses to local issues relating to the focus areas; and

- Part 2 considers the existing characteristics, future possibilities and summarises key issues of the following strategic focus areas:
  - State and Regional Planning Context
  - Local Profile
  - Physical features, climate, natural heritage, natural resource management
  - Population and Housing;
  - Economy and Employment;
  - Retail and Commercial;
  - Tourism and Visitors;
  - Public Open Space, Recreation and Community Facilities
  - Urban Design and Heritage
  - Traffic and Transport; and
  - Infrastructure and Utilities.

The CoS LPS has been prepared having due regard to the State Planning Framework, and it aligns with the relevant State Planning Policies. The implementation of these matters will progressively be undertaken through the preparation and adoption of subsequent strategies that will complement the Local Planning Strategy, which include (but are not limited to):

- Public Open Space Strategy (2008);
- Heritage Management Strategy (2016);
- Integrated Transport Strategy (2009);
- Retail Modelling and Centres Strategy (2016);
- Industrial Areas in Transition Management Strategy (2004);
- Local Housing Strategy (2010);
- Ageing in Place Strategy; and
- Local Biodiversity Strategy (2010).
Dwelling/Employment Targets

The CoS have identified that the dwelling target set by Perth and Peel @3.5 million can be accommodated with 75% of this growth focused around existing Activity Centres and along Activity Corridors. The future local planning scheme will include residential density coding changes around the Activity Centres and Corridors consistent with the LPS and provisions of State Planning Policy 4.2: Activity Centres for Peth and Peel (SPP4.2). There is recognition in the LPS that single detached housing in lower density areas is still an important component of diverse housing and therefore the CoS aims to maintain the existing low density areas (R25 and below) to provide the required housing and open space for families. It also aims to limit the amount of R30 and R40 areas whilst endeavouring to improve the design of dwellings in these areas and increase tree canopy coverage.

Furthermore, the employment targets (an additional 60,000 jobs) associated with this dwelling target will also need to be considered. The CoS will continue to work on Activity Centre and Activity Corridor plans to ensure that the employment areas are adaptable to the changing needs of employment in today’s society and remain flexible. In addition, the CoS will have to ensure that other existing employment areas such as industrial areas are not rezoned for other non-employment purposes, other than those already contemplated.

Transport and Infrastructure

Public transport initiatives such as light rail and bus rapid transit are identified as key issues to be resolved with the City, State and Federal governments.

The CoS's current road network is fully developed, with the exception of small localised areas around Stirling City Centre and Herdsman Glendale where there is a lack of road connections to allow for the full redevelopment of the areas. It is anticipated that the road network will change significantly over the next 50 years where road space will be reallocated to alternative transport modes that provide more capacity than the car. The draft LPS indicates that collaboration with both State and Federal Governments is required to ensure that these plans are realised, funded and delivered (further detail is available in Part 2 of the draft LPS).

While the draft LPS provides a model for sustainable transport outcomes in the future, in the short to medium term, the CoS will continue to rely on the Traffic Management Warrants Policy to identify appropriate local area traffic management solutions to address traffic safety issues on City’s Local Roads and Local Distributor Roads.

Public Open Space

The CoS has set an interim benchmark of 40m² per person of residential public open space which will be further explored through sport and recreation and public open space planning initiatives. When each area is modelled for residential public open space using the initial 40m² per person benchmark only two areas in the City would meet this requirement in 2050, all other areas would have varying shortfalls of public open space. The CoS will further explore this issue and develop appropriate strategies to identify how the City will meet the sport and recreational and public open

Comment

The majority of objectives associated with the Strategies relate to the ongoing function of the CoS and do not directly impact the Town. Broadly speaking, the LPS’ focus on activity centre and corridor areas to deliver housing targets is consistent with State planning policy and the Town's current approach to activity centre planning which will be reflected in the Town's LPS (eg. Wembley and West Leederville).
The identification of urban design, amenity and transport in the LPS are matters also of importance to the Town and the objectives and actions relate to similar objectives and actions being contemplated by the Town's LPS.

The CoS's LPS proposals as they relate to the land adjacent to the Town's municipal boundary are listed below (as well as shown on the map) and discussed under the respective headings:

- the Flynn Street Neighbourhood Centre;
- Glendalough Neighbourhood Centre; and
- the associated Corridor Class 3 (shown in green dashed lines).

A common occurrence in local government strategic planning is the limited recognition given to the planning framework and context across local government boundaries. The advertising of the CoS LPS provides the Town with the opportunity to comment on some of these matters.

**Neighbourhood Centres**

The existing residential density coding of the CoS Scheme around the Flynn Street and Glendalough Neighbourhood Centres is low-medium (R20 - 30). It is not clear from the LPS whether this current density coding is sufficient to achieve the density targets per gross hectare of SPP4.2, shown in the table below. However in order to support the new Scheme or an amendment to the Scheme, an analysis of the anticipated housing yield would likely be undertaken. It is also noted that the LPS seeks to support and improve Local and Neighbourhood Centres to avoid the current trend of business activity being located in larger centres.

<table>
<thead>
<tr>
<th>Future indicative service population (trade) area</th>
<th>Walkable catchment for residential density targets</th>
<th>Residential density target per gross hectare</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,000 - 15,000 persons</td>
<td>200m</td>
<td>Minimum: 15</td>
</tr>
</tbody>
</table>

As shown in the map above, some of the walkable catchment of the Flynn Street and Glendalough Neighbourhood Centres falls within the Town's local government area. R12.5 density coding is adjacent to the Flynn Street centre, whilst R30 density coding is adjacent to the Glendalough centre under the Town's Scheme. There are no current intentions to change
these density codings which may impact on the ability for the centres to achieve the residential density targets of SPP4.2.

It is therefore recommended that the CoS be advised of the current residential density codings of the land within the walkable catchments of these centres under the Town's Scheme and request that the Town be involved in future detailed planning of the centres.

**Activity Corridors**

Activity Corridors provide a vital connection between Activity Centres generally along public key transport routes within the City. Activity corridors have a key role to play in the growth of the City and will:

- Be a focus for population and employment growth;
- Provide increased and diversified employment;
- Provide enhanced public transport and other alternative transport infrastructure;
- Create or build on an existing identity;
- Advance economic and social development and exchange; and
- Incorporate Centre plans or Local Development plans for Centres where appropriate.

The City of Stirling has 36 Activity Corridors which have been divided into three classes (1-3). These Corridors, along with Activity Centres, will accommodate an additional 50,000 residents over the next ten years. Higher densities within and adjacent to corridors will transition to lower densities next to existing residential suburbs. The CoS plan to maintain the character of the City’s low density suburbs outside of Activity Corridors.

The CoS has provided the following characteristics for Activity Centre Corridors Class 3 and Residential Density Targets, presumably within a 250m catchment zone of the corridor, similar to the catchment area of an Activity Centre:

<table>
<thead>
<tr>
<th>Public transport level</th>
<th>Vehicles per day</th>
<th>Residential density target per gross hectare</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local routes</td>
<td>Less than 15,000 vehicles</td>
<td>Minimum: 15, Desirable: 25</td>
</tr>
</tbody>
</table>

This roughly translates to medium to low-density residential development in these areas, which in the context of the low-density suburban character of development, adjacent to the municipality of the CoS, is supported.

Similar to the discussion above with the Flynn Street and Glendalough Neighbourhood Centres, the Activity Corridors align to roads that extend into the Town's local government area - Hale Road and Empire Avenue. The Ocean Village Shopping Centre is located along could be an extension of the Class 3 Activity Corridor. A local development plan is currently under preparation for this centre to facilitate mixed use development with a medium-high residential density component (still subject to Council consideration). It is unlikely the Town would support further increases in residential density in the low suburban areas west of Ocean Village adjacent to Hale Road.

**Education facilities**

The Lake Monger Primary School is situated opposite the Glendalough Neighbourhood Centre and its intake area (gazetted in April 2012) extends north of Jon Sanders Drive (within the CoS) and as far south as Collier Street (within the Town). Future development intensification at the Glendalough Neighbourhood Centre may result in increase in pressure on the capacity of Lake Monger Primary School.
The CoS have identified that they have a higher proportion of primary and secondary school children in Stirling attend private schools as compared to Greater Perth. Further, CoS has a higher proportion of university, tertiary or other educational institutional students than Greater Perth. The LPS identifies the following numbers within the municipality:

- 36 public primary schools; and
- 6 public high schools.

To support the LPS, CoS prepared a Community Needs Assessment for project areas in Stirling City Centre, Herdsman Glendalough and Mirrabooka Town Centre which identified that there is a need for additional primary and high schools.

Adjacent Local Centres

At the Ordinary Council Meeting held on 27 February 2018, Council resolved that the preparation of a Local Development Plan (LDP) is supported for the Ocean Village Shopping Centre. The WAPC has subsequently agreed with this request and Pindan is currently undertaking preliminary consultation as part of the preparation of a LDP.

It is understood that a proposal is likely to consist of a multiple storey mixed use development; however the following steps will need to be undertaken first:

- LDP considered by the Town's Design Review Panel (DRP);
- LDP assessed (and advertised) in accordance with the regulations;
- Development application has been reviewed by the DRP; and
- Development application submitted, advertised and determined.

There may be the opportunity for the CoS to consider the zoning of land adjacent to the Ocean Village Shopping Centre to encourage the development of an activity hub.

With the above in mind, it is recommended that Council note the CoS draft Local Planning Strategy and recommend that further collaboration between Local Governments takes place prior to any redevelopment of these Neighbourhood Centres or Local Centres.

POLICY/STATUTORY IMPLICATIONS:

Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015 sets out the procedure and requirements for preparing a Local Planning Strategy.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the recommendations of this report.

STRATEGIC DIRECTION:

Consideration of this matter is consistent with the Strategy 4.2 of the Strategic Community Plan, which seeks to guide new development which is in harmony with the surrounding area and retains a sense of place.

COMMUNITY ENGAGEMENT:

Public consultation is currently being undertaken by the City of Stirling.
OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
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<td>Contributors</td>
<td>Simon Shub, Senior Strategic Planning Officer</td>
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</tbody>
</table>

ATTACHMENTS:

Nil.

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That the Town provide a submission to the City of Stirling on the draft Local Planning Strategy, in accordance with the following comments:-

(i) the broad approach outlined in the Local Planning Strategy to promoting housing and employment opportunities within Activity Centres and Corridors is supported, particularly the emphasis on promoting local business and employment opportunities in local and neighbourhood centres;

(ii) the recognition and support of lower density, traditional suburbs as providing housing options for the City of Stirling's demographic profile, notably younger families, is noted and supported;

(iii) the City of Stirling be advised of the future local development planning for the Ocean Village Shopping Centre that is adjacent to the City's boundaries and proposed Activity Corridor Class 3 (Hale Road) and that consideration be given to residential density changes within this Centre's walkable catchment for the draft Local Planning Strategy; and

(iv) the Town supports a collaborative approach between adjoining local governments to address the future development of Neighbourhood Centres, Activity Corridors and any associated impacts adjacent to shared municipal boundaries.

Carried 8/0
SUMMARY:

This report presents proposed minor amendments to Local Planning Policy 3.1: Streetscape (LPP3.1 or Policy) to address inconsistencies between the Policy and Town Planning Scheme No. 1 (TPS1).

LPP3.1 currently has 'deemed to comply' provisions that are inconsistent with the provisions of TPS1, specifically the street setback requirements. LPP3.1 has been reviewed and amendments are proposed to LPP3.1 to ensure the provisions of LPP3.1 do not conflict with the provisions of TPS1.

As the proposed amendments to LPP3.1 are to address inconsistencies with TPS1, it is considered the amendments are 'minor' and therefore it is recommended that Council adopt amended LPP 3.1 without advertising, in accordance with Schedule 2, Part 2, Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015. It is recommended that additional community notification be undertaken to landowners and occupiers in the City Beach and Floreat Precincts to ensure the community is informed of the amendments to LPP3.1.

AUTHORITY / DISCRETION

- **Advocacy** When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative** Includes adopting local laws, town planning schemes & policies.
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- **Information** For the Council/Committee to note.

BACKGROUND:

Local Planning Policy 3.1: Streetscape was first adopted into the Town Planning Scheme No.1 (TPS1) Policy Manual in 2009 and at the end of 2013 substantial amendments were made to introduce specific standards relating to matters including setbacks, landscaping, street walls and fences, and street surveillance. These standards replace a range of R-Codes deemed to comply provisions.
Following consideration of a community survey on the matter (Item DV14.69), Council adopted amendments to the Streetscape Policy at its meeting held on 26 August 2014 (Item DV14.118) which reduced primary street setbacks for the City Beach and Floreat Precincts, to 6 metres from 7.5 metres and 9.0 metres, respectively.

More recently, it was considered a priority to address Policy inconsistencies with TPS1 which details special requirements for residential development in the City Beach, Floreat and Wembley Precincts. Specifically, this report and associated amendments to LPP3.1 relate to sub-clause 20(1) of TPS1 which applies to the City Beach and Floreat Precincts:-

20. Special Application of Residential Design Codes

   (1) Notwithstanding the provisions of the Residential Design Codes, the following special applications of the Residential Design Codes apply:-

      (a) street boundary setbacks within the City Beach Precinct (P1) shall be a minimum of 7.5 metres from the primary street (as defined by Council) and 3.75 metres from the secondary street, except within the Residential R30 zone and in the case of grouped dwelling developments; and

      (b) street boundary setbacks within the Floreat Precinct (P3) shall be a minimum of 9.0 metres from the primary street (as defined by Council) and 4.5 metres from the secondary street, except within the Residential R15 zone.

A similar, but confidential, report was presented to Council on 27 February 2018 where Council determined that 'further consideration of the Amendments to Local Planning Policy 3.1: Streetscape - Adoption be held at an Elected Members Forum.'

An Elected Members Forum was held on 3 April 2018 where this matter was discussed. There is also a separate item on this agenda that presents a draft Guidance Note to guide Council's exercise of discretion under cl. 39 of the Scheme.

DETAILS:

Scope and Application of Town Planning Scheme No.1 Clause 20(1)

It is important to clarify the application of cl. 20(1) of TPS1 as it relates to development on a site.

Cl. 20(1) replaces the R-Codes minimum street setbacks in Table 1 as well as the associated Street Setback (clauses 5.1.2, 6.1.3) and Setback of Garage and Carports (clause 5.2.1) requirements.

Cl. 20(1) overrides the discretion to exercise judgement against the relevant design principles under clauses 2.4 and 2.5 of the R-Codes. Development applications that propose variations to the minimum street setbacks will require determination of Council against the cl. 39 of TPS1 and the Deemed Provisions requirements which apply. Refer to Policy/Statutory Implications section of this report for further detail.

LPP3.1 contains provisions for street setbacks for buildings and associated R-Codes design principles where applicable to grouped dwelling development across the City Beach Precinct and all residential development in City Beach R30 and Floreat R15 areas. Of note, the small R20 zoned area along Cambridge Street in Floreat is not excluded from Cl 20(1).
As such, the modifications proposed to the LPP3.1 below are intended to clarify the application of TPS1 and existing LPP3.1 provisions for different R-Code densities and development types within the City Beach and Floreat Precincts' residential areas. In short, where cl. 20(1) of TPS1 applies, LPP3.1 has been amended to refer the reader to the provisions of TPS1. This is considered better than restating the provisions of cl. 20(1) of TPS1 in the Policy as:

- This reinforces the statutory standing of the street setback provisions - i.e. a Scheme requirement rather than a Policy requirement; and
- Variations to these provisions are considered under TPS1 (cl. 39), rather than the Policy.

**Development that cl. 20(1) does not apply to:**

The minimum street setbacks of cl. 20(1) of the Scheme are prescribed to 'Buildings' which is defined to include dwellings, carports, garages, verandahs, patios, outbuilding and retaining walls but excludes swimming pools, boundary fences and pergolas. Other structures such as gatehouses, letterboxes, and swimming pool fencing are not controlled by the R-Codes as they are incidental and/or necessary for the functional use of a dwelling. Cl. 20(1) does not apply for these forms of development.

Notwithstanding that the R-Codes and cl. 20(1) do not apply, a local planning policy can still prescribe requirements for these types of development as they still fall within the definition of 'development' under the *Planning and Development Act 2005* and can therefore be controlled by a local planning scheme (and by extension, a local planning policy). Local Planning Policy 3.1.5: Gatehouses, Shade-sails, Pergolas and Other Structures in the Front Setback Area (LPP3.1.5), currently contains provisions relating to these types of development. As these provisions are not inconsistent with cl. 20(1) of the Scheme, no changes to LPP3.1.5 are proposed as part of this report.

The R-Codes also permit street walls and fences within the street setback areas under separate clause 5.2.4 which does not refer to a street setback requirement. As such cl. 20(1) does not apply to street walls and fences. Local Planning Policy 3.1.7: Fences and Street Walls (LPP3.1.7) contains provisions that vary the R-Codes Deemed to Comply requirements, however as these provisions are not inconsistent with cl. 20(1) of the Scheme, no changes to LPP3.1.7 are proposed as part of this report.

**Amendments to Local Planning Policy 3.1: Streetscape**

The proposed modifications to LPP3.1 are summarised in the Table below. A copy of the draft amended policy is included as Attachment 1 and the policy with tracked changes is included as Attachment 2.

<table>
<thead>
<tr>
<th>Proposed Modification</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Introduction to Policy 3.1</strong></td>
<td></td>
</tr>
<tr>
<td>Introductory sentences replaced with Scheme definition for ‘Streetscape’.</td>
<td>To clearly specify meaning of Streetscape and remove duplication of Statement of intent and objectives</td>
</tr>
<tr>
<td>Add new sub-section ‘Relationship with Town Planning Scheme No.1’ outlining the status of the Policy in relation to the Scheme with specific reference to Clause 20.</td>
<td>To highlight the need to cross reference the application and interaction of Scheme and Policy requirements.</td>
</tr>
<tr>
<td><strong>3.1.1 - Street Setbacks</strong></td>
<td></td>
</tr>
<tr>
<td>Revise Primary Street Setbacks provisions to remove ‘(excluding double garages and carports)’ from first provision and minor edits to carporn and minor incursions provision,</td>
<td>To remove repetition of following provisions and other sections of the Policy. Minor modifications consistent with formatting throughout the Policy.</td>
</tr>
<tr>
<td>Insert: 'Except where the street setback is prescribed in the Scheme,' to Primary Street Setbacks, Primary Street Setback - for subdivided corner lots in areas coded R15 or higher, and Secondary Street setback minimum setback provisions.</td>
<td>To prompt cross referencing the Scheme to confirm whether the Policy is applicable given the Policy is relevant to the extent it is consistent with the Scheme. This approach is considered to ensure consistency with the Scheme without the need to repeat the Scheme requirements in the Policy.</td>
</tr>
<tr>
<td>Amend Table 1: Primary Street Setbacks, and Table 2: Secondary Street Setbacks to insert 'refer to Scheme' where applicable, and include new rows for 'City Beach - dwelling (single)' and 'City Beach - dwelling (grouped)'.</td>
<td>To clarify where cl.20(1) setbacks are required and distinguish current Policy provisions apply to Floreat Precinct R15, City Beach Precinct R30 and grouped dwelling development City Beach R12.5 and R20 areas.</td>
</tr>
<tr>
<td>Update Minimum Primary Street Setback Diagrams.</td>
<td>It is considered appropriate to update the diagrams for all development options or zonings to avoid inconsistencies with Scheme.</td>
</tr>
</tbody>
</table>

### 3.1.2 - Minor Incursions in the Street Setback Area

| Insert: 'Except where the street setback is prescribed in the Scheme,' to the start of the minor incursions provisions. | To prompt cross reference with the Scheme as balconies, verandahs, and porches are required to be set back as per Cl.20(1). Eaves are permitted to project from the building. |
| Replace Table 3: Minor Incursions and notes. | To distinguish the circumstances in which the Scheme and Policy provisions apply, similar to Tables 1 and 2 above. |

### 3.1.3 - Garages

| Amend Table 4: Minimum primary street setbacks for double garages. | To clarify the application of cl.20(1) of the Scheme as per Tables 1 and 2 above. |
| Remove garage setback diagrams. | Reduced need for explanatory diagrams given the setbacks are specified in Table 1 and 4. Further, the diagrams in the section 3.1.1 are sufficient. |

### 3.1.4 - Carports

| Revise carports introductory section. | To improve consistency with R-Codes definition for Carport. |
| Add new provision above the carport primary and secondary street setback provisions: 'The following street setbacks apply except where a minimum street setback requirement is specified in the Scheme.' | To prompt cross reference with the Scheme to clarify whether the policy provisions are applicable, as per similar amendment to section 3.1.1. |
| Remove reference to Floreat Precinct R20 and R12.5 from carport primary street setback provision. | To address inconsistencies with Scheme cl.20(1). |

### 3.1.8 - Retaining Walls

| Insert note above provisions: 'Note: Retaining is exempt from requiring planning approval in certain circumstances. Please refer to the Scheme and Policy 2.1 of this Manual'. Retaining up to 0.5 metres in height is exempt from requiring planning approval in accordance with cl.61 of the Deemed Provisions, cl.33 of the Scheme, LPP2.1: Minor Use and Development Exempt from Planning Approval and the R Codes. | |
| Insert: 'Except where minimum setback prescribed in Scheme,' to start of retaining wall provisions. | To prompt reference to the Scheme as retaining walls greater than 0.5 metres high are to be set back in accordance with Clause 20(1). |

### 3.1.9 - Landscaping

| Update diagram to delete: 'i.e. 6.0m for City Beach/Floreat' from Minimum Primary Street. | For purposes of clarification only. No change to 3.1.9 - Landscaping provisions. |

The changes proposed to LPP3.1 are to improve the consistency with the Scheme however it should not be used a 'one-stop' reference. Cross reference between the Scheme, Policies, R-Codes and other relevant plans within the planning framework will always be required.
POLICY/STATUTORY IMPLICATIONS:

Cl.3(5) of the Deemed Provisions requires that in making a determination under the Scheme, Council must have regard to the Streetscape Policy to the extent that the policy is consistent with the Scheme.

Development applications that propose a variation to requirements of the Scheme will require a discretionary decision of Council by absolute majority under cl. 39(3) of the Scheme prior to an overall determination in accordance with the Deemed Provisions.

The review of Local Planning Policy 3.1: Streetscape has been undertaken in accordance with the Schedule 2, Part 2, Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2017 - 2027:-

Our Planned Neighbourhoods

Goal 4: Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.2: Guide new development which is in harmony with the surrounding area and retains a sense of place

Our Council

Goal 9: Transparent, accountable governance.
Strategy 9.2: Keep the community informed and consult on local matters that affect them

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy and the statutory provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

The proposed amendments to LPP3.1 address inconsistencies and conflicting provisions with the TPS1 and otherwise are of a minor formatting nature. Even though from a statutory perspective, the provisions of TPS1 prevail over the extent of any inconsistency with a local planning policy provision, it is imperative that these matters be addressed to provide clarity and certainty to landowners and potential developers, particularly in City Beach and Floreat Precincts.

Therefore, in accordance with Schedule 2, Part 2, Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015, it is proposed that the amended LPP3.1 be adopted without advertising. Upon adoption, a notice is to be published in a local newspaper, after which the amended LPP3.1 will take effect. Further, it is recommended a letter be sent to landowners in the City Beach and Floreat Precincts to ensure the community is informed of the changes prior to submission of development applications.
It is recognised that during consultation (on the previous changes to LPP3.1) there was notable community input relating to the front setback requirements in City Beach and Floreat. However, in order to introduce such a change an amendment to TPS1 is necessary to change the provisions of cl. 20. Following the adoption of the Town’s Local Planning Strategy, a new local planning scheme will be prepared. It is considered, that this would be the appropriate time to engage again with the community to progress such a change.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Marlaine Lavery, Director Planning and Development</th>
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</tr>
<tr>
<td>Contributors</td>
<td>Kimberley Macphail, Strategic Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Draft amended Local Planning Policy 3.1: Streetscape - no tracked changes
2. Draft amended Local Planning Policy 3.1: Streetscape - with tracked changes

ADMINISTRATION RECOMMENDATION:

That:-

(i) pursuant to Schedule 2, Part 2, Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015, the draft amendments to Local Planning Policy 3.1: Streetscape, as in Attachment 1, be adopted;

(ii) a notice be published in a local newspaper and on the Town's website notifying of the Council's adoption of the modifications to Local Planning Policy 3.1: Streetscape; and

(iii) a letter be sent to landowners in the City Beach Precinct (P1) R12.5 and R20 areas and Floreat Precinct (P3) R12.5 and R20 areas notifying of the Council's adoption of the amendments to Local Planning Policy 3.1: Streetscape.

Amendment

Moved by Cr Everett, seconded by Cr McKerracher

That further clauses be added to the motion as follows:-

(iv) the Town, through Hall and Wilcox, seek the legal advice of Mr Henry Jackson Barrister to provide advice on those matters raised on page 97 of this Agenda under heading “Development that Cl 20 does not apply to”, to confirm or otherwise:

(a) Whether Clause 20 does or does not cover swimming pools, boundary fences and/or pergolas by virtue of the fact that the definition of ‘Building’ under the R codes excludes these (from the definition);

(b) Whether 20 does or does not apply to other structures such as gatehouses, and/or swimming pool fences as these are not controlled by the R codes and are considered to be incidental to the dwelling;

(c) Whether a Local Planning Policy such as LPP 3.1.5 can or can not allow such structures to be approved as of right forward of the setback distances specified under Cl 20 of the Scheme or would such a Policy be contrary to the Scheme;
(d) Whether Clause 20(1) apply to street walls and fences because the R codes permit them within the street setback area by virtue of Cl 5.2.4.

(v) the public notification material stated above in (ii) and (iii) is to be presented at the next Council meeting for approval prior to circulation or publication of this material.

Amendment carried 5/0

COUNCIL DECISION:  
(COMMITTEE RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That:-

(i) pursuant to Schedule 2, Part 2, Clause 5 of the Planning and Development (Local Planning Schemes) Regulations 2015, the draft amendments to Local Planning Policy 3.1: Streetscape, as in Attachment 1, be adopted;

(ii) a notice be published in a local newspaper and on the Town's website notifying of the Council's adoption of the modifications to Local Planning Policy 3.1: Streetscape; and

(iii) a letter be sent to landowners in the City Beach Precinct (P1) R12.5 and R20 areas and Floreat Precinct (P3) R12.5 and R20 areas notifying of the Council's adoption of the amendments to Local Planning Policy 3.1: Streetscape;

(iv) the Town, through Hall and Wilcox, seek the legal advice of Mr Henry Jackson Barrister to provide advice on those matters raised on page 97 of this Agenda under heading “Development that Cl 20 does not apply to”, to confirm or otherwise:

(a) Whether Clause 20 does or does not cover swimming pools, boundary fences and/or pergolas by virtue of the fact that the definition of ‘Building’ under the R codes excludes these (from the definition);

(b) Whether 20 does or does not apply to other structures such as gatehouses, and/or swimming pool fences as these are not controlled by the R codes and are considered to be incidental to the dwelling;

(c) Whether a Local Planning Policy such as LPP 3.1.5 can or can not allow such structures to be approved as of right forward of the setback distances specified under Cl 20 of the Scheme or would such a Policy be contrary to the Scheme;

(d) Whether Clause 20(1) apply to street walls and fences because the R codes permit them within the street setback area by virtue of Cl 5.2.4.

(v) the public notification material stated above in (ii) and (iii) is to be presented at the next Council meeting for approval prior to circulation or publication of this material.

Carried 8/0
SUMMARY:

The Town of Cambridge Town Planning Scheme No. 1 (TPS1 or Scheme) contains specific street setback requirements under cl. 20(1) relating to certain zoned land within City Beach and Floreat. These requirements replace the application of the Residential Design Codes (R-Codes) for street setbacks and can only be varied under the provisions of cl. 39 of the Scheme.

Draft Guidance Note 1: City Beach and Floreat Street Setback Variations - Clause 39 Considerations (draft Guidance Note) has been prepared to provide guidance to the community and Council in the exercise of discretion under cl. 39 of the Scheme to vary the street setback requirements of cl. 20(1) of the Scheme. It is recommended that the draft Guidance Note be endorsed for advertising.

AUTHORITY / DISCRETION

- **Advocacy**
  When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

- **Legislative**
  Includes adopting local laws, town planning schemes & policies.

- **Review**
  When the Council operates as a review authority on decisions made by Officers for appeal purposes.

- **Quasi-Judicial**
  When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- **Information**
  For the Council/Committee to note.

BACKGROUND:

Cl. 20(1) and (2) of the Scheme states:

(1) **Notwithstanding the provisions of the Residential Design Codes, the following special applications of the Residential Design Codes apply:**

   a) **Street boundary setbacks within the City Beach Precinct (P1) shall be a minimum of 7.5 metres from the primary street (as defined by Council) and 3.75 metres from the secondary street, except within the Residential R30 zone and in the case of grouped dwelling development, and**

   b) **Street boundary setbacks within the Floreat Precinct (P3) shall be a minimum of 9 metres from the primary street (as defined by Council) and 4.5 metres from the secondary street, except within the Residential R15 zone.**

(2) **When determining setbacks under this clause, the following provisions shall apply:**

   a) **Setbacks shall be measured at 90 degrees to the street alignment.**
These requirements replace the primary and secondary street setback requirements of the R-Codes as they apply to buildings (including dwellings, garages, carports and other structures defined as a 'building' by the R-Codes).

Variations to the street setback requirements of cl. 20(1) can be considered by Council under the provisions of cl. 39 of the Scheme, copied in full as follows:

(1) In this clause:-

(a) an application for planning approval which does not comply with a standard or requirement of this Scheme (including a standard or requirement set out in a Planning Policy), where the standard or requirement does not provide for any permitted variation, is called a "non-complying application"; and

(b) a non-complying application does not include an application involving a prohibited use.

(2) Subject to sub-clause (3), the Council may refuse or approve a non-complying application.

(3) The Council cannot grant planning approval for a non-complying application unless it is satisfied by an absolute majority that:-

(a) if approval were to be granted, the development would be consistent with:-
   i. the orderly and proper planning of the locality
   ii. the conservation of the amenities of the locality; and
   iii. the statement of intent set out in the relevant Precinct Planning Policy; and

(b) the non-compliance would not have any undue adverse affect on:-
   i. the occupiers or users of the development;
   ii. the property in, or the habitants of, the locality; or
   iii. the likely future development of the locality.

(4) Where in the opinion of Council a variation under sub-clause (1) is likely to affect any owners or occupiers in the general locality, the Council may:-

(a) consult with the party or parties who, in the opinion of Council, may be affected by the approval of the development; and
(b) have regard to any submissions before making its decision to grant the variation.

It is worth noting that since the implementation of the Deemed Provisions (Schedule 2) as part of the Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations), provisions of a local planning policy are given 'due regard' status in the determination of a development application under cl. 67 of the Deemed Provisions. This differs from the apparent 'weight' given to policy provisions under cl. 39 of the Scheme, particularly under sub clauses (1)(a) and (3)(a)(iii).

Local Planning Policy 3.1: Streetscape

Local Planning Policy 3.1: Streetscape (LPP3.1) was first adopted into the Town Planning Scheme No.1 (TPS1) Policy Manual in 2009, with amendments made during 2014. A separate report on this agenda recommends a number of amendments be made to LPP3.1 to address inconsistencies between the Scheme (specifically cl. 20(1)) and the Policy provisions relating to primary and secondary street setback requirements in City Beach and Floreat.
DETAILS:

Draft Guidance Note 1 has been prepared to provide clearer guidance of the situations and form of development that may be considered by Council when assessing an application against the criteria stated under cl. 39(3) and (4) of the Scheme. Draft Guidance Note 1 incorporates points from the discussion held at the Elected Members forum on 3 April 2018 to discuss a potential policy response to this matter.

Application

The application of draft Guidance Note 1 is limited to those situations where discretion is sought to vary the street setback requirements of cl. 20(1) of the Scheme.

Objective

The overall objective of draft Guidance Note 1 is 'to maintain and protect the Garden Suburb streetscapes and character of City Beach and Floreat by requiring more open and greener setbacks and to protect the established amenity values so highly regarded by residents.'

Guidance Note provisions

In line with discussion with Elected Members on 3 April 2018, draft Guidance Note specifies a quantitative limit on the possible variation to the street setback requirements stated in cl. 20(1) of the Scheme. These 'limits' are presented in the following table:

<table>
<thead>
<tr>
<th>Location</th>
<th>Clause 20(1) minimum setback</th>
<th>Maximum variation to cl. 20(1) setback possible under draft LPP3.15</th>
<th>Effective minimum setback possible under draft LPP3.15</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Beach (P1)</td>
<td>7.5m</td>
<td>1.5m</td>
<td>6.0m</td>
</tr>
<tr>
<td>primary street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Floreat (P2)</td>
<td>9.0m</td>
<td>2.0m</td>
<td>7.0m</td>
</tr>
<tr>
<td>primary street</td>
<td></td>
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Variations to the secondary street requirements of cl. 20(1) are not contemplated by the draft Guidance Note.

The area between the minimum setback of cl. 20(1) and the maximum possible variation under draft Guidance Note is defined as 'discretionary setback area' for clarity within the policy provisions.

Draft Guidance Note then provides criteria and/or circumstances to be addressed in order for Council to consider exercising discretion under cl. 39 of the Scheme to allow building within the discretionary setback area. Generally these criteria are based on the following principles:

- to ensure no adverse or undue impact on the immediate locality or amenity of adjoining properties;
- to ensure the development is setback sufficiently from side boundaries to preserve streetscapes of distinctly separate single residences separated by open space;
- to only consider the main building of the dwelling within the discretionary setback area where there is an established streetscape of dwellings that are setback less than the requirements of cl. 20(1);
- to ensure that garages or carports are integrated in the design of new dwellings so that garage or carport does not need to be located within the street setback area at a later stage;
to allow for the incursion of some minor design elements into the *discretionary setback area*, subject to the width of these elements not exceeding 50% of the width of the main building;

- to provide clear criteria for a simple and detached carport to be located within the *discretionary setback area*, where proposed to an existing dwelling;

- to generally prohibit other structures within the street setback area, such as pergolas, gate houses, cubby houses and shade sails; and

- to provide clear criteria for the provision of retaining walls within the street setback area.

**POLICY/STATUTORY IMPLICATIONS:**

**Local planning policy or Guidance Note**

There is an option for Council to adopt the draft Guidance Note as a local planning policy under the provisions of Division 2 of the Deemed Provisions of the Regulations. A local planning policy has an established stature within the planning framework, notably with explicit reference in the Deemed Provisions under cl. 3(5) and 67(g) where the decision maker is to have due regard to the provisions of the local planning policy. In this situation, a local planning policy could clearly state the circumstances and requirements where Council would consider the discretionary criteria of cl. 39(3) of the Scheme to be met, which would provide a degree of clarity and certainty to the community and Town staff in assessing and advising on development applications.

The status of a Guidance Note within the local planning framework is somewhat unclear and it is arguable whether a decision maker (particularly the State Administrative Tribunal) would pay the provisions of a Guidance Note due regard in determining an application. However in this instance, the Guidance Note is to guide the decision of Council in the exercise of discretion and determining whether the comprehensive criteria of cl. 39(3) of the Scheme have been satisfied, and therefore its provisions are not intended to be 'binding' for either the approval or refusal of an application. In this situation, the use of a Guidance Note may be appropriate in that it doesn't imply that an application will 'automatically' be approved if the requirements of the document are met. The use of a 'Guidance Note' can also be reviewed in future once it has been applied for some time.

There is no standard procedure for the advertising of a Guidance Note under the planning framework and therefore it is open for Council to consider adopting the Guidance Note by simple majority vote, upon which the Guidance Note would take effect. However it is recommended that the draft Guidance Note be advertised for public comment given its application and potential effect on property within the City Beach and Floreat Precincts.

**FINANCIAL IMPLICATIONS:**

There are no Financial Implications related to this report. The preparation of the draft Guidance note and proposed advertising will be funded from the 2017/18 operating budget for Planning.
STRATEGIC DIRECTION:

The recommendations of this report are consistent with the following aspects of the Town's Strategic Community Plan 2017 - 2027:-

Our Planned Neighbourhoods

Goal 4: Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.2: Guide new development which is in harmony with the surrounding area and retains a sense of place

Our Council

Goal 9: Transparent, accountable governance.
Strategy 9.2: Keep the community informed and consult on local matters that affect them

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy and the statutory provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.

OFFICER INVOLVEMENT:

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<td>Brett Cammell, Manager Planning Strategies &amp; Economic Development</td>
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</tbody>
</table>

ATTACHMENTS:

1. Draft Guidance Note 1: City Beach and Floreat Setback Variations - Clause 39 Considerations

COMMITTEE AND ADMINISTRATION RECOMMENDATION:

Moved by Mayor Shannon, seconded by Cr Nelson

That:

(i) Council endorse draft Guidance Note 1: City Beach and Floreat Setback Variations - Clause 39 Considerations;

(ii) Draft Guidance Note 1: City Beach and Floreat Setback Variations - Clause 39 Considerations be advertised for public comment with a period for making submissions be no less than twenty one days; and
(ii) a notice be published in a local newspaper and on the Town's website during the period of advertising inviting submissions on the draft Guidance Note 1: City Beach and Floreat Setback Variations - Clause 39 Considerations.

During discussion, Cr Everett suggested that draft Guidance Note 1: City Beach and Floreat Setback Variations should be a local planning policy rather than a guidance note.

Amendment

Moved by Cr Everett, seconded by Cr Timmermanis

That the motion be amended to read as follows:-

That:-

(i) attachment 1 is amended to be named 'Local Planning Policy 3.15: City Beach and Floreat Setback Variations - Clause 39 Considerations', and all references to 'Guidance Note' be replaced with 'local planning policy';

(ii) after Provision 2 the following provision be inserted:

'3. Where, due to the nature of the road and/or lot layout in the locality or due to the topography of the land, the proposed setback of the building does not result in a projecting element into an established streetscape.'

(iii) provisions 3 - 11 be renumbered 4 - 12 accordingly;

(iv) subsequent to the above amendments, Council adopt, for the purpose of advertising, draft Local Planning Policy 3.15: City Beach and Floreat Setback Variations - Clause 39 Considerations, in accordance with Part 2, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015;

(v) the advertising of draft Local Planning Policy 3.15: City Beach and Floreat Setback Variations - Clause 39 Considerations, be undertaken in accordance with Part 2, Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 with a period for making submissions being no less than twenty one days;

(vi) following completion of the public consultation period, a further report be submitted to Council detailing the outcomes of the advertising period, for consideration.

Cr Carr left the meeting at 7.38 pm.

Carried 5/3

For: Mayor Shannon, Crs Bradley, McAllister, Powell and Timmermanis

Against: Crs McKerracher, Nelson and Timmermanis

Cr Carr returned to the meeting at 7.39 pm.

Discussion ensued. Cr Powell suggested that the advertising of the draft Local Planning Policy 3.15 should be deferred until legal advice is received in accordance with Council's decision on Item DV18.60.
Amendment

Moved by Powell, seconded by Cr Nelson

That a further clause be added to the motion as follows:-

(v) Council defer endorsing Draft Guidance Note 1: City Beach and Floreat Setback Variations - Clause 39 Considerations, until after:

(a) the receipt of the legal advice to be sought by the Town in accordance with Council’s resolution on Item DV18.60 Minor Amendments to Local Planning Policy 3.1: Streetscapes - Adoption; and

(b) a report is provided to Council detailing the implications of the legal advice and any recommended modifications to Draft Guidance Note 1: City Beach and Floreat Setback Variations - Clause 39 Considerations.

COUNCIL DECISION:

Moved by Cr Carr, seconded by Cr McKerracher

That the item relating to Draft Guidance Note 1: City Beach and Floreat Setback Variations - Clause 39 Considerations be deferred for further consideration.

Carried 7/2

For: Mayor Shannon, Crs Bradley, Carr, Everett, McAllister, McKerracher and Powell
Against: Crs Nelson and Timmermanis
DV18.62 REVOCATION OF LOCAL PLANNING POLICY 2.6 - DELEGATION OF AUTHORITY

SUMMARY:
On 24 April 2018, Council approved the 'Register of Delegated Authority 2018' (refer Item 10.9). Delegation 9.1.2 'Planning and Development Regulations 2015 - Council delegations to CEO' covers the day to day planning functions of the Town, including the determination of development applications, subject to specific conditions.

The Town currently has Local Planning Policy 2.6: Delegation of Authority (LPP2.6 or Policy) that provided delegations to the Town's Officers to perform powers and duties of the Scheme, all of which are now replicated in the Register of Delegated Authority. As a result of Council's approval of the Register of Delegated Authority 2018, LPP2.6 has now been superseded and serves no functional purpose.

It is therefore recommended that Local Planning Policy 2.6: Delegation of Authority be revoked; consistent with Part (iv) of Council's resolution that 'revokes all previous delegations', (refer Item 10.9, Council minutes 24 April 2018).

AUTHORITY / DISCRETION

- Advocacy
  When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

- Legislative
  Includes adopting local laws, town planning schemes & policies.

- Review
  When the Council operates as a review authority on decisions made by Officers for appeal purposes.

- Quasi-Judicial
  When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- Information
  For the Council/Committee to note.

BACKGROUND:
Local Planning Policy 2.6: Delegation of Authority was first adopted by Council in 1998. It has subsequently been reviewed on four (4) occasions to reflect changes in the planning framework, administrative changes and procedural improvements:

- November 2002;
- June 2005;
- February 2007; and

The most recent revision of LPP2.6 in 2009 (for further information, refer to item DV09.25) introduced the delegation for:
• Refusal of all applications;
• Approval of non-residential applications proposing minor variations to Council policy;
• Determining when consultation with adjoining owners is required.

In October 2015, the *Planning and Development (Local Planning Schemes) Regulations 2015* (the regulations) were gazetted, which replaced the *Town Planning and Development Regulations 1967*. The Regulations introduced ‘deemed provisions’ which cover a range of mainly administrative matters, into all Local Planning Schemes in the State. These provisions exist to ensure consistency in the planning framework, and do not need to be written into individual schemes as they are ‘deemed’ to be within the Scheme. The regulations included a Division 2 'Delegation', which provided more detail than the current clause (cl. 50) within the Scheme.

At the Ordinary Council Meeting held on 24 April 2018, a report was presented to Council regarding 'delegation of authority for Chief Executive Officer: annual review'. As part of this report (10.9), Council reallocated planning delegations under the following legislation to the Chief Executive Officer:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- *Town of Cambridge Town Planning Scheme No.1*;
- *Metropolitan Region Scheme*.

In doing so, the provisions contained within LPP2.6 have been superseded by the Register of Delegated Authority 2018 and in the interests of clarity, it is recommended that LPP2.6 be revoked and a notice be placed in the local newspaper in accordance with the Regulations.

**POLICY/STATUTORY IMPLICATIONS:**

The Council resolutions to adopt a Register of Delegated Authority at the Ordinary Council meeting held on 24 April 2018 and revoke all previous delegations results in this Policy being unnecessary.

The revocation of LPP2.6 is consistent with Schedule 2, Part 3, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with the recommendations of this report.

**STRATEGIC DIRECTION:**

The recommendations of this report are consistent with Goal 11 of the Town of Cambridge Strategic Community Plan 2017-2027.

**COMMUNITY ENGAGEMENT:**

Should Council revoke LPP2.6, a notice will be placed in the Local Newspaper in accordance with Schedule 2, Part 3, Clause 6(b)(ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*. 


OFFICER INVOLVEMENT:

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<td>Simon Shub, Senior Strategic Planning Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Local Planning Policy 2.6 'Delegation of Authority'

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That, in accordance with Schedule 2, Part 3, Clause 6(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015* -

(i) Council revoke Local Planning Policy 2.6 'Delegation of Authority'; and

(ii) a notice of the revocation be placed in the local newspaper.

Carried 8/0
DV18.63 LAW AND ORDER POLICIES - REVIEW AND ADOPTION

SUMMARY:
To advise Council of the review and amendment of existing Council Policies administered by the Town of Cambridge Ranger Services.

AUTHORITY / DISCRETION

- **Advocacy**
  - When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

- **Legislative**
  - Includes adopting local laws, town planning schemes & policies.

- **Review**
  - When the Council operates as a review authority on decisions made by Officers for appeal purposes.

- **Quasi-Judicial**
  - When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- **Information**
  - For the Council/Committee to note.

BACKGROUND:
The Town's Health and Compliance Section, comprising of the Heath Services Unit, Ranger Services Unit and Compliance Unit, is responsible for enforcing the Town's Local Laws and associated Council policies.

DETAILS:
The Health and Compliance Section has recently commenced a review of the relevant Council policies. This review has revealed that the policies are in need of amendment to remove ambiguity and update with current procedures and practices.

1. **Policy No: 4.4.1 - 'Dog Control'**
   - Significant amendments have been made to this policy to include information about a range of dog control matters such as; Scope, dog exercise areas, prohibited areas and to remove ambiguity about enforcement actions.

2. **Policy No: 4.4.2 - 'Reserved Parking (On and Off Street)'**
   - Minor amendments have been made to this policy to update legislation. It does not change the intent of the policy.
   - The policy has been consolidated into the new Policy No: 4.4.10 'Parking Enforcement'.

3. **Policy No: 4.4.3 - 'Vehicle Parking on Commercial Property'**
   - Minor amendments have been made to this policy to update legislation. It does not change the intent of the policy. The policy has been consolidated into the new Policy No: 4.4.10 'Parking Enforcement'.
4. **Policy No: 4.4.4 - 'Public Car Marts in the Council’s Parking Areas'.**
   A minor amendment has been made to this policy to include the Scope of the Policy. It does not change the intent of the Policy. The policy has been consolidated into the new Policy No: 4.4.10 'Parking Enforcement'.

5. **Policy No: 4.4.5 - 'Trading in Public Places'.**
   Minor amendments have been made to this policy to update legislation. It does not change the intent of the policy.

6. **Policy No: 4.4.6 - 'Enforcement and Prosecution'.**
   This Policy has been significantly amended to reflect the Town's current practice and process.

7. **Policy No: 4.4.7 - 'Signs - Temporary advertising on Local Government and Public Property'.**
   Significant amendments have been made to this policy to include increased information to reflect the Town's current practice and to be more specific concerning requirements for signs.
   A new part has been included relating to 'For sale or Lease ' signs and builders signs. An increase in for sale signs has been recommended.

8. **Policy No: 4.4.8 - 'Review/Appeal of an Infringement Notice'.**
   The Council Policy has been in operation since adopted by the Council on 24 November 2015 (and informally prior to adoption). A number of amendments have been made to this policy to make it applicable to all infringement notices issued by the Town's authorised persons such as Animals Local Law, Private Property Local Law, Health Local Law, Trading in Public Places Local Law, Waste Local Law and Local Government and Public Property Local Law and other statutes such as Dog Act and regulations, control of vehicles (off road areas) Act, Building Act and Planning and Development Act.

   A review of the parking appeals received has been undertaken and this is shown in this report.

   As a result of the review, it is recommended that the following new grounds for an appeal be included:

   **3.10 Valid parking payment was made via a parking APP, however an infringement notice was issued as the Authorised Person was unaware of the payment.** **Valid proof of the Parking App. Transaction must be provided.**

   **3.11 Administrative error** and/or incorrect information included in the infringement notice.

   A new ground for appeal relating to where medical treatment or procedure was extended by a medical practitioner, causing a significant delay and preventing a person from extending their parking time, accessing or moving their vehicle as follows:

   **3.11 (a) ‘Life threatening or serious medical emergency or medical treatment/procedure which was extended by the medical practitioner, thereby causing an unavoidable delay, which has prevented the person to return to their vehicle or remedy the non compliance (eg pay for additional time).** Documentary evidence must be provided from a responsible person at a medical centre/ practitioner’s surgery or the relevant hospital to substantiate the incident or treatment;

   **(b) Death in immediate family** - documentary evidence must be provided. (*'immediate family' means spouse, de facto partner, parents and grandparents, children and grandchildren, brothers and sisters, brothers and sisters in law, mother in law and father in law, daughters and son in law, adopted half and step members of the family.*
A section for dealing with ‘financial hardship’ has been included and the ability to enter into a payment plan will be made available.

9. **Policy No: 4.4.9 - 'Parking Permits'.**
   A minor amendment has been made to this policy to include the Scope of the Policy. It does not change the intent of the Policy.

10. **Policy No: 4.4.10 - 'Parking Enforcement'**
    - To make it easier for the public to find information it is recommended that all the parking enforcement policies, which are administered by the Town's Ranger Services, be consolidated into one new policy.

11. **Policy No: 4.1.4 - 'Building Permits - Renewal'**
    - It is recommended that a new policy is introduced to provide guidance to applicants and Town officers for the renewal of a building permit. On occasions, the Town's Compliance officers experience difficulties whereby an applicant takes a very long time to complete their building construction. This policy recommends that prior to renewing a building permit, the Town seeks additional information from the applicant such as:

      (a) Previous building Permits
      (b) reasons (together with any supporting documentation) as to why the Applicant requires an extension of time to complete the building works.
      (c) proposed time frames for the completion of the building works;
      (d) proof that the builder can complete the building works in accordance with the proposed submitted time frames;
      (e) proof that the building works have lawfully commenced before the expiry date;
      (f) whether there has been any valid complaints about the property, any non-compliance with Town requests or legislative requirements;
      (g) the views of any affected nearby landowners;
      (h) any alternative options which may be available; and
      (i) any other relevant matters.

**COMMENT:**

It is essential that the new policies and guidelines are adopted to comply with the Town's Local Law requirements and are clear, concise and reflect the view of the Council. The relevant Policy amendments (changes shown marked up) are attached to this report.

**POLICY/STATUTORY IMPLICATIONS:**

The changes proposed will amend the current Council Policies and adopt a new Policy.

**FINANCIAL IMPLICATIONS:**

Not Applicable

**STRATEGIC DIRECTION:**

Consideration of this policy is consistent with the Town’s Strategic Community Plan 2013 - 2023 and responds to:-

**Our Community Life**

**Goal 3:** An active, safe and inclusive community

**Strategy 3.4:** Create and maintain safe environments.'
Our Council

Goal 11: A strong performing local government
Strategy 11.5: Continuously strive to improve services delivered to the community.

COMMUNITY ENGAGEMENT:
Not applicable.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Marlaine Lavery - Director Planning and Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>John Giorgi, JP - Manager Health and Compliance Services</td>
</tr>
<tr>
<td>Contributors</td>
<td>Luke Evans Coordinator Ranger Services, Nicole McCully Administration Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:
1. Policy No: 4.4.1 - 'Dog Control'.
2. Policy No: 4.4.5 - 'Trading in Public Places'.
3. Policy No: 4.4.6 - 'Enforcement and Prosecution'.
4. Policy No: 4.4.7 - 'Signs – Temporary advertising on Local Government and Public Property'.
5. Policy No: 4.4.8 - 'Review/Appeal of an Infringement Notice'.
6. Policy No: 4.4.9 - 'Parking Permits'.
7. Policy No: 4.4.10 - 'Parking Enforcement'.
8. Policy No: 4.1.4 - 'Building Permit - Renewal'.

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That:

(i) the following amended and new Council policies and guidelines be adopted:

(a) Policy No: 4.2.1 - 'Dog Control', as shown in Attachment 1;
(b) Policy No: 4.2.5 - 'Trading in Public Places', as shown in Attachment 2;
(c) Policy No: 4.2.6 - 'Enforcement and Prosecution', as shown in Attachment 3;
(d) Policy No: 4.2.7 - 'Signs – Temporary advertising on Local Government and Public Property', as shown in Attachment 4;
(e) Policy No: 4.4.8 - 'Review/Appeal of an Infringement Notice', as shown in Attachment 5;
(f) Policy No: 4.4.9 - 'Parking Permits', as shown in Attachment 6;
(g) Policy No: 4.4.10 - 'Parking Enforcement as shown in Attachment 7'; and
(h) Policy No: 4.1.4 - 'Building Permit - Renewal' as shown in Attachment 8.
(ii) the following amended Council policies be incorporated into a new Policy No: 4.4.10:

(a) Policy No: 4.2.2 - "Reserved parking (On and Off street), as shown in Attachment 7;
(b) Policy No: 4.2.3 - 'Vehicles Parking on Commercial Property', as shown in Attachment 7;
(c) Policy No: 4.4.4 - "Public Car Marts in the Council's Parking Areas', as shown in Attachment 7.

Carried 8/0
SUMMARY:

To obtain the Council's approval to adopt the fees and charges for the regulatory and administration functions in the Planning and Development Services Directorate for the 2018-19 financial year.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative**: Includes adopting local laws, town planning schemes & policies.
- **Review**: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- **Quasi-Judicial**: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- **Information**: For the Council/Committee to note.

BACKGROUND:

Each financial year, the Council must review and approve the fees and charges to be levied. The most appropriate time to set these fees is prior to adopting the annual budget, so that the new fees and charges can be reflected in the budget.

DETAILS:

This report addresses the fees and charges levied for the administrative and regulatory functions in the Planning and Development Directorate. A copy of proposed Schedule of Fees and charges for the 2018-2019 financial year is attached.

Many of these fees and charges are statutory charges set under other legislation such as *Planning and Development Act 2005, Building Act 2011, Public Health Act 2016, Food Act 2008, Dog Act 1976 and Cat Act 2011* (and/or subsidiary regulations). Charges prescribed by State Acts or Regulations cannot be increased by the Council, however are included in this report and fee schedule, so that an overall perspective of the fees and charges levied can be obtained.
A review of all fees and charges has been undertaken for the following:-

1. Planning Services
2. Building Services
3. Health Services
4. Compliance Services
5. Ranger Services
6. Secured Sums (Works Bonds)

1. **Planning Services:**

   **Local Government Planning Charges**

   Planning fees for development applications and other planning services are set by the *Planning and Development Regulations 2009* made under the *Planning and Development Act 2005*. The Department of Planning reviews these fees and charges annually and increases are made in line with general cost escalation. These fees usually are announced in June each year. The Town has been advised by the Western Australian Planning Commission that the fees will be increased, however the details will not be known until early July 2018. Accordingly, the Council should adopt the fees, as specified by the State Government.

   **Development Assessment Panel (DAP) Fees**

   A separate DAP fee is required to be paid under the *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations). The fee schedule for 2017-2018 includes the current DAP fees, which are required to be remitted to the Department of Planning. These fees are usually announced in June each year.

2. **Building Services:**

   **Building Regulations 2012**

   All fees relating to building applications are statutory charges specified in the *Building Regulations 2012*. The Town has been advised by the Building Commission that the fees will be increased, however the details will not be known until early July 2018. Accordingly, the Council should adopt the fees, as specified by the State Government.

   **Private Swimming Pools**

   In 2016-17, the fee for inspection of private swimming pools was increased to $57.45. A fee of $25 for a written report, where no inspection is required or is carried out, was also introduced. Accordingly, no increase is recommended for 2018-19.

3. **Environmental Health Services**

   **Public Health Act and Regulations:**

   Many Environmental Health Services fees are statutory (identified by an asterisk) and maximum amounts are prescribed by *Public Health Act 2016* and regulations. Accordingly, no increase is recommended for 2018-19.

   **Food Act and Regulations:**

   The fees were last increased in 2015-16 and are considered appropriate. Accordingly, no increase is recommended for 2018-19.
Public Swimming Pools:

The fees were last increased in 2015-16 and are considered appropriate. Accordingly, no increase is recommended for 2018-19.

Public Buildings:

The fees were last increased in 2015-16 and are considered appropriate. Accordingly, no increase is recommended for 2018-19. The fees and charges for public buildings have been reduced and in several cases changed to an hourly rate, to better reflect cost recovery of the service provided by the Town's Environmental Health Officers.

Outdoor Eating Area Facility Permit:

The Council last approved of an increase of the fees for Outdoor Eating Facility Permits in 2014-15. In 2017-18 the Council abolished the fees and charges for outdoor eating areas, so as to encourage business and reduce 'red-tape'.

The Town has 25 Outdoor Eating Area Permits. Approximately, five (5) changes occur each year.

Liquor Control Act:

The fees were last increased in 2015-16 and are considered appropriate. Accordingly, no increase is recommended for 2018-19.

4. Compliance Services

The Council last approved of an increase of the fees for Permits in 2017-18. Accordingly, no increase is recommended for 2018-19.

5. Ranger Services

Parking Fees:

The fees were last increased in 2016-17 and are considered appropriate. Accordingly, no increase is recommended for 2018-19, except for the West Leederville Town Hall Car Park (L20) all day fee. The all-day fee is recommended to be halved to allow for greater competition with another major private car park in the area, which is currently charging $9.00 for an all-day fee, if the driver arrives prior to 10am.

Fines Enforcement Registry and Department of Transport Fees:

Statutory fees levied by the Fines Enforcement Registry (FER) and the Department of Transport (DoT) are normally increased prior to the end of the financial year. The Schedule only lists their current fees. The FER and DoT fees and charges are subject to change, once the relevant State Government Agencies adopt their fees and charges for 2018-19.

The Council last approved of an increase of the fees for sign permits in 2017-18. These fees are still well below those in adjoining local governments. Accordingly, no increase is recommended for 2018-19.
6. Secured Sums (Works Bonds)

The secured sum (works bonds) are adopted pursuant to clause 8.1 of the *Town of Cambridge Local Government and Public Property Local Law 2017*. The works bonds may be used by the Town if an Applicant damages local government property (e.g., footpath, road surface, verge, street tree etc) during their development/building works and fails to rectify the damage to the Town's satisfaction.

The secured sums and works bonds have not been increased since 2015.

An increase has been recommended to ensure that there are sufficient bonds available to carry out the remediation works if the Applicant fails to comply, as follows:

<table>
<thead>
<tr>
<th>Secure Sums (Works Bonds)</th>
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</thead>
<tbody>
<tr>
<td>Remedy Works - New Developments</td>
</tr>
<tr>
<td>Total value of development</td>
</tr>
<tr>
<td>Up to $20,000</td>
</tr>
<tr>
<td>$20,001-$100,000</td>
</tr>
<tr>
<td>$100,001-$500,000</td>
</tr>
<tr>
<td>$500,001-$1,000,000</td>
</tr>
<tr>
<td>$1,000,001-$5,000,000</td>
</tr>
<tr>
<td>Greater than $10,000,000</td>
</tr>
</tbody>
</table>

Residential or Commercial Demolitions

<table>
<thead>
<tr>
<th>Total value of development</th>
<th>Administration fee</th>
<th>Secure Sums</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to $20,000</td>
<td>Not required</td>
<td>Not required</td>
</tr>
<tr>
<td>$20,001-$100,000</td>
<td>$110</td>
<td>$700 $1,000</td>
</tr>
<tr>
<td>$100,001-$500,000</td>
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</tr>
<tr>
<td>Greater than $10,000,000</td>
<td>$220</td>
<td>$25,000</td>
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</tbody>
</table>

It should be noted that Secured Sums (Works Bonds) are refunded to the Applicant after the completion of the building/construction works and there has not been any damage to the local government infrastructure.

**POLICY/STATUTORY IMPLICATIONS:**

Sections 6.16 and 6.17 of the *Local Government Act 1995* apply. There is no policy implications related to this report.

**FINANCIAL IMPLICATIONS:**

Financial implications relate to some increases in revenue.

**STRATEGIC DIRECTION:**

The proposed fees are consistent with the Town's Strategic Plan which requires the review of servicing delivery methods by assessing the costs and benefits of service delivery (Economic Management).
COMMUNITY CONSULTATION:

This matter has been considered under the Community Consultation Policy and assessed as 'Inform'. Fees and charges are determined and amended by the Council in accordance with the *Local Government Act 1995* and the budget will be advertised for public comment prior to adoption. Once adopted, all Fee and Charge Schedules are available to the public and are published on the Town's website.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Marlaine Lavery Director Planning and Development</th>
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<tr>
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<td>John Giorgi, JP Manager Health and Compliance Services</td>
</tr>
<tr>
<td>Contributors</td>
<td>-</td>
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</tbody>
</table>

ATTACHMENTS:


COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Mayor Shannon, seconded by Cr Nelson

That the Planning and Development Services Schedule of Fees and Charges 2018 - 2019, as detailed in the attached Schedule, be adopted with effect from 1 July 2018.

Carried 8/0
COMMUNITY AND RESOURCES COMMITTEE

The report of the Community and Resources Committee meeting held on Monday 14 May 2018 was submitted as under:

1. DECLARATION OF OPENING

The Presiding Member declared the meeting of the Community and Resources Committee open at 6.00 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

<table>
<thead>
<tr>
<th>Present</th>
<th>Time of Entering</th>
<th>Time of Leaving</th>
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</thead>
<tbody>
<tr>
<td>Members:</td>
<td></td>
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<tr>
<td>Cr Andres Timmermanis</td>
<td>6.00 pm</td>
<td>7.56 pm</td>
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<tr>
<td>Mayor Keri Shannon</td>
<td>6.00 pm</td>
<td>7.56 pm</td>
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<tr>
<td>Cr Louis Carr</td>
<td>6.00 pm</td>
<td>7.56 pm</td>
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<tr>
<td>Cr Jo McAllister</td>
<td>6.00 pm</td>
<td>7.56 pm</td>
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<tr>
<td>Cr Ian Everett (Deputy)</td>
<td>6.00 pm</td>
<td>7.56 pm</td>
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<tr>
<td>Observers:</td>
<td></td>
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<tr>
<td>Nil</td>
<td></td>
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<tr>
<td>Officers:</td>
<td></td>
<td></td>
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<tr>
<td>Jason Lyon, Acting Chief Executive Officer</td>
<td></td>
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<tr>
<td>Chris Colyer, Director Infrastructure</td>
<td></td>
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<tr>
<td>Cam Robbins, Director Community Development</td>
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<tr>
<td>Brett Jackson, Director Projects</td>
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<tr>
<td>Peter Maloney, Manager Infrastructure Assets</td>
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<td></td>
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<tr>
<td>Walter Van Der Loo, Manager Infrastructure Parks</td>
<td></td>
<td></td>
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<tr>
<td>Frank Strever, Coordinator Assets and Design</td>
<td></td>
<td></td>
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<tr>
<td>Carole Lambert, Manager Community Development</td>
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<tr>
<td>Roy Ruitenga, Manager Finance</td>
<td></td>
<td></td>
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<tr>
<td>Stuart Hobley, Manager Governance &amp; Contracts</td>
<td></td>
<td></td>
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<tr>
<td>Denise Ribbands, Executive Assistant (Corporate Support)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Adjournments: Nil

Time meeting closed: 7.56 pm

APOLOGIES/LEAVE OF ABSENCE

Apology - Cr Bradley

3. PUBLIC QUESTION TIME

Nil
4. DEPUTATIONS AND PETITIONS

Item CR18.66  Shane Yensch, Executive Director of Spine and Limb Foundation (Owner of Koh I Noor)
Item CR18.70  James Kish, on behalf of GPA Ltd
Item CR18.76  Kim Patterson, 21 Chiswick Street, Wembley Downs

5. CONFIRMATION OF MINUTES

That the Minutes of the Ordinary meeting of the Community and Resources Committee held on 16 April 2018 as contained in the April 2018 Council Notice Paper be confirmed.

6. DECLARATION OF MEMBERS' INTERESTS

Item CR18.76 - Mr Brett Jackson, Director Projects - Impartiality Interest

7. REPORTS
CR18.66 PARKING AMENDMENT RUISLIP STREET LOADING ZONE - KOH I NOOR

SUMMARY:

A review at the new Truck Delivery Bay (Loading Zone) area along Ruislip Street fronting the Koh-I-Noor redevelopment site has been completed and it is recommended that the proposed amendment from Loading Zone 15 minutes at all times be changed to Loading Zone ½ P 7am - 7pm Monday to Saturday (excluding Public Holidays) be supported in order to preserve residential amenity.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative**: Includes adopting local laws, town planning schemes & policies.
- **Review**: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- **Quasi-Judicial**: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- **Information**: For the Council/Committee to note.

BACKGROUND:

As part of the Koh-I-Noor recent redevelopment, the Metro West Joint Development Assessment Panel (the JDAP) required construction of a dedicated truck delivery embayment on the north side of Ruislip Street between Crofts Lane and Pangbourne Street.

The JDAP indicated that this embayment be primarily used as a loading zone 15 minutes at all times and imposed condition 18, 19 and 26, as follows:-

"18. Trucks associated with the nursing home that are unable to use the basement carpark, due to height restrictions are to park in the 'Dedicated Truck Delivery Bay' on Ruislip Street only."

"19. Signage to be installed prior to the issue of an Occupancy Permit to indicate that the 'Truck Delivery Bay' on Ruislip Street is for loading and unloading only (15 minute stay) with such signage to be to the satisfaction of the Town."
"26. Bins in the bin store

All waste storage and recycling bins are to be stored in the bin store areas within the building and not in Crofts Lane or Ruislip Street verge. Waste and recycling vehicles are only to access the site during the hours of 7am to 7pm, Monday to Saturday, exclusive of Public Holidays, to the satisfaction of the Town."

The predevelopment parking designation was unrestricted along the abutting Pangbourne Street and Ruislip Street frontage. Both Pangbourne Street and Ruislip Street are classed as local access roads.

DETAILS:

With the issue of the Occupancy Permit 29 March 2018 for the Koh-I-Noor development, the parking embayment area has been reviewed by the Town's Officers.

In consultation, and the agreement with the management of Koh-I-Noor, it is proposed to amend the parking to Loading Zone ½ P 7am-7pm Monday to Saturday (excluding Public Holidays). It is acknowledged that the development is in the near vicinity of a residential area and as such, it is appropriate to preserve amenity by restricting the Loading Zone hours to 7am - 7pm Monday to Saturday.

On 20 July 2016, the *Town of Cambridge Parking Local Law 2016* was gazetted and this standardised the Loading Zone durations to ‘1/2 P’. For consistency, it is advantageous from an enforcement viewpoint to amend the 15 minutes duration to 30 minutes.

The benefits of the proposed amended times are:-

1. The hours will be consistent with the *Town of Cambridge Parking Local Law 2016*;
2. The proposed hours will minimise the risk of any noise complaints from the trucks servicing the loading bay;
3. The loading bay is not for the exclusive use of Koh-I-Noor, as such, the bay may be used for persons wishing to park there, outside the loading zone hours;
4. The loading embayment will provide additional parking for persons frequenting the area.

POLICY/STATUTORY IMPLICATIONS:

There are no Policy or Statutory Implications related to this report.

The *Town of Cambridge Parking Local Law 2016* states as follows:-

4.1 "**Stopping in a loading zone**

A person must not stop a vehicle in a loading zone -

a) unless it is a commercial vehicle continuously engaged in the picking up or setting down of goods;

b) for longer than a time indicated on the loading zone sign; or

c) for longer than 30 minutes (if no time is indicated on the sign)."
This report is guided by Council Parking Restrictions Policy 5.2.22 and the following clauses:

- Parking Restrictions shall be reviewed when:-
  (a) requested by the adjacent property owner in writing;
  (b) considered necessary by the Town;
  (c) requested by other persons in writing.

- As per the Council Parking Restrictions Policy, a community survey was carried out to obtain feedback on the proposed restrictions.

The recommendations are in accordance with the Road Traffic Code 2000 and Policy No. 5.2.22 "Parking Restrictions".

Any proposal to change or establish parking restrictions or time limits requires a formal decision by the Council in accordance with Clause 2.1 of the Town of Cambridge Parking Local Law.

FINANCIAL IMPLICATIONS:

There are no Financial Implications related to this report.

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's 2017-2027 Interim Strategic Community Plan:-

**Goal 5: Successful commercial, retail and residential hubs**

Strategy 5.1: Ensure a high standard of public infrastructure in our main precincts access the Town.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11 as "INFORM" with the objective "to provide balanced and objective information".

The matter has been discussed with the management of Koh-I-Noor and they have agreed to the proposal to amend the parking to Loading Zone to be ½ P, 7am-7pm Monday to Saturday (excluding Public Holidays).

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Chris Colyer, Director Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| Contributors          | Frank Strever, Coordinator Infrastructure Design  
|                       | John Giorgi, JP Manager Health and Compliance |

ATTACHMENTS:

1. Plan E 268-18-02
ADMINISTRATION RECOMMENDATION:

That:-

(i) Plan E 268-18-02 be adopted and revised parking signs be installed for the Loading Zone embayment fronting Koh-I-Noor on the north side of Ruislip Street, between Pangbourne and Holland Streets, Wembley; and

(ii) the parking restriction for the Loading Zone on the north side of Ruislip Street, between Pangbourne and Holland Streets, Wembley, be amended to ½P 7am - 7pm Monday to Saturday (excluding Public Holidays).

Committee Meeting 16 April 2018

During discussion, the Mayor suggested that the loading bay be removed as JDAP was acting contrary to its powers under the Planning and Development Act in allowing a condition that provided for the construction of a loading bay in a road reserve in a residential area.

Moved by Cr Carr, seconded by Mayor Shannon

That the item be submitted to Council for determination.

Carried 5/0

Council Meeting 24 April 2018

Cr Bradley returned to the meeting at 8.11 pm.

During discussion, Mayor Shannon foreshadowed that should the Administration Recommendation presently before Council be lost, she intended to move that the loading bay be removed as JDAP was acting contrary to its powers under the Planning and Development Act in allowing a condition that provided for the construction of a loading bay in a residential area. Also, a no parking at any time sign be erected in the loading bay until it is removed and no parking signs be erected along the verge of Ruislip Street from Pangbourne to Holland Street, and in Crofts Lane.

Members agreed that the item be deferred to obtain legal advice on the validity of the JDAP decision and if the Town would be exposed to any risk should the loading bay be removed.

COUNCIL DECISION:

That the item relating to Parking Amendment Ruislip Street Loading Zone - Koh-I-Noor be deferred for one month.

FURTHER REPORT (Post Council Meeting 24 April 2018):

A legal opinion has been obtained in relation to the validity of the JDAP decision. This advice was circulated to Elected Members Friday 4 May 2018 and is included in the CONFIDENTIAL Attachment to this report.
ADMINISTRATION RECOMMENDATION:

That:-

(i)  Plan E 268-18-02 be adopted and revised parking signs be installed for the Loading Zone embayment fronting Koh-I-Noor on the north side of Ruislip Street, between Pangbourne and Holland Streets, Wembley; and

(ii) the parking restriction for the Loading Zone on the north side of Ruislip Street, between Pangbourne and Holland Streets, Wembley, be amended to ½P 7am - 7pm Monday to Saturday (excluding Public Holidays).

Committee Meeting 14 May 2018

The Administration Recommendation was then voted upon and lost 2/3

For:  Crs Carr and McAllister
Against: Mayor Shannon, Crs Everett and Timmermanis

COUNCIL DECISION:

Moved by Cr Timmermanis, seconded by Cr Bradley

That:

(i)  Plan E 268-18-02 not be adopted.

Carried  8/1

For:  Mayor Shannon, Crs Bradley, Carr, Everett, McKerracher, Nelson, Powell and Timmermanis
Against:  Cr McAllister
SUMMARY

In accordance with a Council Decision CR18.25 (March 2018) a work scope for traffic engineering consultants has been prepared to define and report on the traffic flow along Cambridge Street, Grantham Street, Lake Monger Drive and Salvado Road extending from Southport Street to Selby Street. It is expected that the RFQ process will identify a preferred traffic consultant and budget price for a staged report. This financial commitment will then be considered for the 2018/2019 financial budget.

Included in the scope is the assessment of the Cambridge Street High Street section impacted by the bus services stopping within the only lane on the north and south side of Cambridge Street.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative**: Includes adopting local laws, town planning schemes & policies.
- **Review**: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- **Quasi-Judicial**: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- **Information**: For the Council/Committee to note.

BACKGROUND:

At the Ordinary Council Meeting held on Tuesday 27 March 2018, a report regarding Infrastructure Traffic Study for West Leederville and Wembley was presented (CR18.25).

Decision CR18.25 was as follows:-

"That the work scope for a traffic study, generally as detailed within the report, be finalised into a RFQ document for approval of Council. Following approval of the study brief, quotations be sought from traffic engineering consultancies."

This report originated from a Notice of Motion by Mayor Shannon (Item 12.6 Traffic Study for West Leederville and Wembley, 27 February 2018). The decision read as follows:-
"That the CEO:-

(i) prepare a report defining the scope for a traffic study in relation to the flow of traffic along Cambridge Street, Grantham, Lake Monger Drive and Salvado Road extending from Southport Street to Selby Street to be considered at the March 2018 Council meeting;

(ii) provide a report by the end of March 2018 with specific comment on the narrowing of Cambridge Street, West Leederville and the impact on traffic flow of the bus service stopping the only lane."

DETAILS:

The RFQ scope will include a brief history of traffic in West Leederville, as well as a breakdown of the expected scope of works.

Timeline History of West Leederville Traffic Management

- Cambridge Street within the 'High Street' section between Northwood Street and Kerr Street is classified as a district distributor A road. Prior to the High Street project, a pedestrian actuated Pelican Crossing opposite Coles was installed on 3 April 2009;
- 1 April 2010 - SKM provided a report, "West Leederville Planning and Urban Design Study - Stage 2 Transport Report";
- 13 April 2010 - Porter Consulting Engineers, also based on projected levels of service, addressed the High Street Cambridge Street section;
- 21 December 2010 - Council approved a design for embayed parking in Cambridge Street between Northwood Street and Holyrood Street, taking into consideration comments from Department of Transport and aiming to maximise the efficiency of bus movements through the precinct (CR10.58);
- 23 August 2011 - Council approved contract to Shawmac to design the works (Item 10.2);
- 28 February 2012 - Council adopted the concept layouts, including commentary on the PTA. At that stage, the concept was two stages, extending from Southport to Northwood Streets - design adopted for consultation (CR12.1);
- 28 August 2012 - Community Feedback reported, changes to bus stops after PTA input agreed by Council, detailed design to commence (CR12.124);
- 18 December 2012 - Adoption of landscaping plan (CR12.197);
- 27 August 2013 - Award of construction contract (CR13.107);
- 6 January 2014 - PTA responded to TOC request for having bus stops 12728 as 12779 as off peak stops; and
- 12 September 2014 - Practical Completion of High Street was certified by the supervising consultant engineer.
A preliminary review of traffic volumes before and after the High Street construction indicates the following statistics:

<table>
<thead>
<tr>
<th>Street</th>
<th>Site Location</th>
<th>Count</th>
<th>2012/13</th>
<th>2016</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Monger Drive</td>
<td>West of Northwood</td>
<td>Mon-Fri</td>
<td>20,945</td>
<td>21,935</td>
<td>990</td>
</tr>
<tr>
<td>Cambridge Street</td>
<td>West of McCourt</td>
<td>Mon-Fri</td>
<td>18,424</td>
<td>18,077</td>
<td>-347</td>
</tr>
<tr>
<td>Railway Parade</td>
<td>West of Southport</td>
<td>Mon-Fri</td>
<td>19,020</td>
<td>17,111</td>
<td>-1,909</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>58,389</td>
<td>57,123</td>
<td>-1,266</td>
</tr>
</tbody>
</table>

**RFQ Work Scope for Traffic Study - Wembley/West Leederville**

The work scope for the traffic study is to be incorporated into a Request for Quotation (RFQ) and should consider the following brief:

Principally the main points, from Council as noted in the Mayors February Notice of Motion 12.6 are:

(i) prepare a report defining the scope for a traffic study in relation to the flow of traffic along Cambridge Street, Grantham, Lake Monger Drive and Salvado Road extending from Southport Street to Selby Street;

(ii) provide a report with specific comment on the narrowing of Cambridge Street, West Leederville and the impact on traffic flow of the bus service stopping in the only lane.

**Proposed Scope Of Works - Specific to (i) - Request price for hold point (i)**

1. Review all existing traffic studies and reports relating to the original decision of the Town of Cambridge in report DV.122 from 21 December 2010 and subsequent council reports;

2. Analyse and detail what traffic information and data is required to be collected in order to complete the study associated with both the area wide impacts and specific issues associated with the Cambridge "High Street" elements;

3. Following the data collection phase within the area along Cambridge Street, Grantham, Lake Monger Drive and Salvado Road extending from Southport Street to Selby Street, analyse the volume and flows of traffic to ascertain the effect on traffic flows which could be resultant from the 2013/2014 construction works associated with the Cambridge "High Street" project. Make recommendations on the data and comment on any possible improvements be considered.

It is expected that a reference to Free Flow speed characteristics be used as a basis as per Austroads Part 3 in order to examine traffic flow (provide separate price).

**Proposed Scope Of Works - Specific to (ii) - Request separate price for hold point (ii)**

4. Analyse the impact of the narrowing of Cambridge to a one lane Street specifically between Lesser Street and Kimberley and the impact on traffic flow caused by the Public Transport Authority (PTA) public bus service stopping the only traffic lane of east bound traffic flow. Provide comment in relation to operation at all times, especially peak hour operations.
5. Report on whether current Free Flow speed is consistent with previous forecasting prior to Cambridge Street High Street section. (Separate price to this hold point);

6. Liaise with PTA to potentially relocate the PTA bus stop opposite to Coles (East bound direction only) to a location where no traffic flow is impeded when the PTA bus stops to collect or allow passengers to alight. Examine how nearby bus stops could be rationalised while still providing connectivity to the High Street;
7. Provide a design to maintain the PTA bus stop but allow traffic to continue to flow without being in conflict with R59 of the Road Traffic Code 2000 - Part 7, Division 4. Consider a second traffic lane or indented bus bay for east bound traffic;

8. Consideration be given to design options which may consider the removal of the right turn only status of the right turn lane for eastbound traffic entering the access road to the shopping centre lower carpark on the south side of Cambridge Street. It is noted the lower carpark access and Furniss Lane only has a right out restriction and the access to the upper carpark currently only has a left in / left out access;

9. Review the central medians associated with the pedestrian pelican crossing location between Glenn and Lesser Streets to review the width of the median island with respect to the verge width. Develop a concept design to increase verge width and reduce central median width;

10. A key criteria of the study is to improve traffic flow through the West Leederville and Wembley precincts especially the Cambridge High Street section;

11. Report on the current impacts of the bus services through the Cambridge Street High Street section and the Pelican signal impacts opposite Coles to the traffic flow in terms of delay and queuing along Cambridge Street;

12. Key deliverables to include design desktop plans addressing the viability of design changes required in order to provide safe vehicle manoeuvrability around the current bus stop locations so that traffic flow could be improved. This should be in accordance with Austroads design standards and Main Roads WA.

With specific reference to item (ii) of the council decision the following processes will be included to assist with the review of the potential and actual impact on traffic flow caused by the bus service stopping in the only lane:-

Process Issues for Evaluating Scope Of Work for (ii)

- Assess traffic and safety impacts following reduction of number of through lanes to one;
- Review operational efficiency overall of the current design including the impacts of left and right turn movements;
- Review the need or otherwise for dedicated right turn pockets and the associated wide medians and possible alternatives or improvements;
- Assess traffic flow or shortcutting and other issues associated with bus stopping in the single lane;
- Review alternative options for the bus stop and discuss the impact on traffic flows and safety;
- Assess pedestrian safety and movement within the commercial centre;
- Review the impacts of current design on pedestrian amenity within the verges and possible improvements;
- Complete a comparison with changes done to Scarborough Beach Road through Mt Hawthorn and consider possible opportunities for design improvements to Cambridge Street;
- Consider options for rationalising this section of Cambridge Street to reduce median widths, rationalise ingress and egress points, improve traffic flow during peak periods and pedestrian safety and amenity in this town centre environment and consider opportunities for on-street parking.

It is expected that the traffic modelling will be presented to Council identifying the impact on traffic flow in association with bus operations.
The purpose of this preliminary traffic and engineering study is to identify key areas of concern and suggest some possible design and/or operational improvements for Council to consider.

This work may lead to a more comprehensive study, including community consultation taking place, should some realistic and potentially desirable options be identified. On this basis a staged RFQ is preferred.

Alternative submissions which are staged and priced separately which effectively addresses the requirements of the scope will be considered.

The RFQ will be assessed under the following qualitative criteria:-

Respondents must demonstrate that they have the capacity and experience to fulfil the requirements of this RFQ. The qualitative criteria for this RFQ are as follows:

(a) Demonstrated understanding of the required tasks - Weighting 40%;
(b) Capacity - Weighting 30%;
(c) Demonstrated experience in completing similar projects - Weighting 30%.

POLICY/STATUTORY IMPLICATIONS:

Council has the following policies which relate to the report:

- Policy 5.2.17 Road Design Policy;
- Policy 5.2.21 Road Traffic Policy.

Main Roads WA and the PTA (Public Transport Authority) are required to give design requirements, approvals and policy guidance:-

- The Road Traffic Code 2000 covers the statutory requirements;
- Part 7, Division 4, R59 covers situations for Giving Way to public busses.

Any review of traffic flow and potential design solutions will need to account for the statutory requirements of the Road Traffic Code 2000. The relevant section is:-

DIVISION 4 - Keeping clear of and giving way to particular vehicles

59. Giving way to public buses

(1) A driver driving on a length of carriageway in a built-up area, in the left lane or left line of traffic, shall give way to a public bus in front of the driver if —

(a) the public bus has stopped, or is moving slowly at the far left side of the carriageway, or in a bus embayment; and

(b) the right indicator lights of the public bus are operating; and

(c) the public bus is about to enter or proceed in the lane or line of traffic in which the driver is driving; and

(d) the public bus is displaying a “give way to buses” sign.

Points: 3    Modified penalty: 4 PU
(2) In this regulation —

left lane, of a carriageway, means —

(a) the marked lane nearest to the far left side of the carriageway (the first lane) or, if the first lane is a bicycle lane, the marked lane next to the first lane; or

(b) if there is an obstruction in the first lane (for example, a parked car or roadworks) and the first lane is not a bicycle lane — the marked lane next to the first lane;

left line of traffic, for a carriageway, means the line of traffic nearest to the far left side of the carriageway;

public bus includes buses of a type, class, or function approved by the CEO for the purposes of this regulation.

Give way to buses sign
(bus, arrow and edging in green, bus indicator in yellow, words and car in red)

Note This sign may be displayed on public buses.

[Regulation 59 amended in Gazette 9 Sep 2014 p. 3245; 23 Dec 2014 p. 4928.]

FINANCIAL IMPLICATIONS:

There is no budget allocation within the 2017/2018 adopted budget to conduct a traffic study.

The potential costs, are dependent on the level of detail required, and is expected to be in the order of $50,000 - $80,000. This would allow for a review of any existing reports and traffic data, identification of the requirement to collect additional traffic data and then the conduct of the traffic study along Grantham Street - Lake Monger Drive, Cambridge Street and Salvado Road between Selby Street - Southport Street.

Assessing a budget requirement would initially require preparation and Council endorsement of a Terms of Reference, scope of works, potential for staging the work scope and RFQ document in order to finalise the issues requiring analysis and to resolve the level of detail required in the final report.

Once this is finalised, a traffic study brief and RFQ can be presented to engineering traffic consultants to prepare submissions.

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's 2017-2027 Interim Strategic Community Plan:-

Our Community Life

Goal 3: An active, safe and inclusive community
Strategy 3.1: Create and improve the places where community groups can interact
Strategy 3.4: Create and maintain safe environments

Our Planned Neighbourhoods

Goal 4: Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.3: Keep our neighbourhoods green and pleasant
Goal 5: Successful commercial, retail and social hubs
Strategy 5.2: Ensure a high standard of public infrastructure in our main precincts across the Town

Our Council

Goal 10: The Town is a proactive local government that provides sustainable public assets, services and facilities
Strategy 10.1: Ensure appropriate resources are allocated to our strategies and projects

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11 as "INFORM" with the objective "to provide balanced and objective information".

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Chris Colyer, Director Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>N/A</td>
</tr>
<tr>
<td>Contributors</td>
<td>Frank Strever, Coordinator Infrastructure Design</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Aerial Photographs of the Cambridge "High Street" - Blencowe Street to Kerr/Holyrood Street

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That:

(i) the work scope for "RFQ - Traffic Study for Wembley and West Leederville" be approved and proceed to a request for quotation; and

(ii) a preliminary budget amount of $80,000 be considered for inclusion in the 2018/2019 budget.

Carried 9/0
CR18.68 TENDER RFT 05-18 PROVISION OF CLEANING SERVICES FOR TOWN OF CAMBRIDGE COMMUNITY BUILDINGS, CHANGE ROOMS AND PUBLIC CONVENIENCES

SUMMARY:

To seek Council approval for the award of a contract to a preferred tenderer for the provision of cleaning services for the Town’s Community Buildings, Change Rooms and Public Conveniences.

Fourteen tenders were received and assessed. It is recommended that tender 05-18 "Provision of Cleaning Services for the Town of Cambridge Community Buildings and Public Conveniences" be awarded to the contractor identified in the attached confidential report.

AUTHORITY / DISCRETION:

☐ Advocacy
☐ Executive
☐ Legislative
☐ Review
☐ Quasi-Judicial
☐ Information

When the Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

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

Includes adopting local laws, town planning schemes & policies.

When the Council operates as a review authority on decisions made by Officers for appeal purposes.

When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

For the Council/Committee to note.

BACKGROUND:

The current contract for the provision of cleaning services expires in May 2018. It is necessary to recall this tender so as to ensure these on-going service requirements are provided and incorporated within the 2018/2019 Budget.

The provision of cleaning services is required in the following community buildings, change rooms and public conveniences:-

Community/Operational Buildings include:-

- Administration Building including external office accommodation
- Cambridge Library and Boulevard Centre
- Cambridge Works Depot
- Cambridge Youth Centre
- Holyrood Park Pavilion
- Wembley Community Centre
Sports Reserves Change Rooms & Toilets include:

- Alderbury St Reserve Toilets
- Alderbury Reserve Change Rooms
- City Beach Oval Public Toilets
- Grantham/Selby Reserve Toilets
- Grantham/Selby Reserve Change Rooms
- Henderson Park Toilets
- Henderson Park Change Rooms
- McLean Park Toilets
- McLean Park Change Rooms
- Wembley Sports Pavilion Public Toilets
- Sydney Cheek Pavilion (Floreat Oval) Toilets

Parks Change rooms & Toilets include:

- Lake Monger Reserve Toilets
- Cowden Park Toilets
- Perry Lakes Reserve Toilets
- North Lake Monger Toilets
- Wembley Community Centre/Rutter Park Toilets

Beach Parks Change rooms & Toilets include:

- City Beach Park & Commercial Precinct
- City Beach Central Change rooms and Toilets
- Floreat Beach Kiosk Change rooms and Toilets

DETAILS:

An advertisement for tenders was placed in the Western Australian Newspaper on 20 January 2018 and tenders closed on 20 February 2018. The tender is for one year period with two one year options for extension. Fourteen tenders were received, which are listed as follows:

1. Advanced National Services
2. ASF Cleaning
3. Brightmark Group
4. Charles Service Company
5. Delron
6. DMC Cleaning Services
7. Glad group
8. GWC Total Management
9. Iconic Property Services
10. OCE Corporate Cleaning
11. Pickwick Group
12. QuayClean
13. Storm
14. Westralian Pty Ltd

Assessments were undertaken as specified in the RFT documentation. The tenders were assessed for compliance to satisfy the mandatory tender requirements.

All tenders were evaluated using the WALGA Purchasing and Tender Guide.
There were several companies identified who were suitable and each were suitably qualified, experienced and able to provide cleaning services. The evaluation considers weighted and non-weighted criteria which identify a preferred organisation to award the tender to.

The Confidential Attachment to this report details the assessment applied to the tenders received.

- The tender satisfies the Compliance Criteria and is a conforming tender;
- Familiarity with Council requirements and processes;
- The tender is ranked first on the weighted criteria.

It is therefore recommended that the contractor as detailed in the attached confidential report be awarded the contract.

POLICY/STATUTORY IMPLICATIONS:

This tender is aimed to ensure that Council does operate in a financially prudent and ethical manner.

The Local Government Act 1995 requires tenders to be called when costs for provision of services is expected to exceed $150,000.

FINANCIAL IMPLICATIONS:

The funds for the provision of cleaning services contract have been provisioned for in the 2017/2018 Building Maintenance Budget and will also be submitted in to the 2018/2019 Budget.

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's 2017-2027 Interim Strategic Community Plan:-

Our Planned Neighbourhoods

Goal 5 Successful commercial, retail and residential hub
Strategy 5.2 Ensure a high standard of public infrastructure in our main precincts across the Town;

Our Council

Goal 10 The Town is a proactive local government that provides sustainable public assets, services and facilities
Strategy 10.1 Ensure appropriate resources are allocated to our strategies and projects

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11 and a "Not Required" assessment has been given as the matter is purely administrative in nature and no external impacts envisaged.
ATTACHMENTS:

1. Evaluation Matrix (Confidential).

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Chris Colyer, Director Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Peter Maloney, Manager - Infrastructure Asset</td>
</tr>
<tr>
<td>Contributors</td>
<td>Phil Wellsteed, Building Maintenance Coordinator</td>
</tr>
</tbody>
</table>

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That the tender be awarded to Quay Clean for the amount of $467,478 plus GST, for a one year period commencing 1 June 2018, with two principal options to extend the contract for further one year terms.

Carried 9/0
CR18.69 BEECROFT PARK - FINAL CONCEPT PLAN

SUMMARY:

Community engagement was carried out between 14 July 2017 and 10 August 2017 to obtain feedback on the Beecroft Park Improvement Draft Concept Plan. The majority of respondents supported all but one component of the Draft Plan, however, there was also noticeable strong opposition indicated regarding some aspects of the Plan.

Design improvements to the Concept Plan were prepared for presentation at an Elected Members forum on 13 March 2018 to discuss how the Plan could be improved to address concerns raised and feedback provided during the consultation phase.

The revised Concept Plan was presented to Council in April 2018 (Report CR18.51). Council directed the Administration to amend the plan to only include those new elements which attracted over 70% support during the consultation process and no opposition greater than 25%. Existing park features and amenities have been retained where the new proposals do not impact them. Some paths are proposed to provide Australian Standards compliant wheelchair access the universal toilets and BBQ/picnic facilities.

The Final Concept Plan is recommended for endorsement by Council to proceed to detailed design and implementation pending future budget allocations.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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- **Information**: For the Council/Committee to note.

BACKGROUND:

Council first endorsed a Parks Improvement Concept Plan Program in November 2012 (CR12.169). Rutter Park was listed as the first park to be upgraded under the Program, with works completed by mid-2017.

Following a review of the parks listed in the Program, Council nominated that Beecroft Park (Oban Road, City Beach) be listed next for development as it was considered one of the most popular and highly visited parks in the Town. The Park has gained even greater visibility since completion of the Empire Village Shopping Centre redevelopment.
In September 2016, (CR16.150) a report relating to resolving lease management matters regarding the West Coast Sporting Association was considered and Council decided:-

That:-

(v) the Beecroft Park Improvement Plan currently under development include a conceptual design element to accommodate the Coastal Playgroup within (if refurbished) or in proximity to the existing gardeners shed.

A draft improvement concept plan was subsequently finalised for Beecroft Park and presented to Council in March 2017.

In March 2017, (Item CR17.2) Council decided: -

That:-

(i) the Draft Beecroft Park improvement concept plan be received and circulated for public comment in accordance with the community consultation process outlined in this report, including:-

- a four week public comment period to be advertised in the Town's community news page and website;
- the draft plan be made available for review/collection at the Town of Cambridge Administration Centre, Cambridge Library and the Town's website;
- the draft plan be delivered to owners and residents of properties within 800 metres walking distance of Beecroft park; and
- a sign be placed on the reserve in a prominent location showing the plan and providing details for how to submit feedback.

(ii) public comments received be assessed and the Beecroft Park improvement concept plan in (i) above be amended as deemed appropriate and presented to Council for consideration and endorsement;

(iii) pending endorsement of the improvement concept plan by Council, design development and detailed design for construction of the park improvement works (excluding the multipurpose pavilion) be carried out;

(iv) pending endorsement of the improvement concept plan by Council, a brief be prepared and consultants engaged to undertake detailed design of the multipurpose pavilion including preparation of a cost estimate by a quantity surveyor; and

(v) an amount of $15,000 be reallocated from C7407 Beaches & Dunes - City Beach Groyne Upgrade Path cost centre to S0806 Park Improvement Plans cost centre to allow for design development of the proposed Beecroft Park improvements to be carried out in a timely manner if Council endorses the final concept plan following the consultation period.

In September 2017, (Item CR17.138) Council decided: -

That:-

(i) the report on the outcomes of community engagement regarding the Beecroft Park Improvement Draft Concept Plan be received;

(ii) a presentation be made at an Elected Members Forum of the proposed amendments to the plan in response to the feedback gained from the community;
(iii) a future report will be presented to Council for consideration;

(iv) respondents who provided contact details be advised of the Council's decision.

In March 2018, a presentation on the plan was made at the Elected Member Forum on 13 March 2018.

In April 2018, (Item CR18.51) Council decided: -

That:-

(i) the Beecroft Park Improvement Revised Concept Plan dated April 2018 be revised based on our "Locals First" approach and to only include those elements which attracted over 70% support during the consultation process and no opposition greater than 25%;

(ii) the public toilets be provided in a consolidated format which combines them with an open sided barbeque shade structure in the area presently occupied by the garden shed.

DETAILS:

The Beecroft Park Improvement Final Concept Plan, May 2018 (refer Attachment 1) reflects the April 2018 decisions of Council and includes the following:-

- Existing informal sports goal facilities retained (no longer need to be relocated);
- Existing basketball/netball hard stand retained (in absence of previously proposed multi-sport hardcourt);
- Improved existing BBQ area with long table and light;
- Additional new BBQ area with picnic, tables, shelter and lighting;
- Two cubicle universal access public toilet incorporated into new BBQ/picnic shelter;
- Retain public art;
- New drinking fountain/bottle refill station;
- New dog drinking station;
- Additional picnic tables; and
- Existing play facilities and shade structures retained.

Given the Final Concept Plan provides for universal toilets and BBQ/picnic facilities, some minor additional paths are proposed to provide Australian Standards compliant wheelchair access between the facilities and the external path network. It is also prudent that existing park bench seats be replaced to compliment the rest of the improvements.

The design and management of the toilet facility includes the following features:-

- The materials used for construction of the toilet will be high quality and proven to be well-wearing and vandal resistant in similar situations. High quality finishes will also be used to ensure aesthetic outcomes in keeping with the context of the park;
- Automatic self-closing door locks will be installed which will enable the Town to adjust the opening and closing times of the toilets. This could initially be dusk until dawn and adjusted as required in response to demand from legitimate park users;
- Security lights will be installed outside and inside the toilets, while minimising impact on surrounding residents;
- The format of the cubicles will have doors opening directly outside, which are known to discourage loitering and gathering of undesirable individuals, particularly when subject to good passive surveillance;
- Appropriate ventilation will be included to manage odour; and
- The toilets will be cleaned very regularly as required to maintain high level of presentation.
Once operational, the Park and the toilets will be monitored to see if additional security provisions should be considered such as, additional lighting, targeted security patrols and/or introduction of CCTV. It is hoped that people who use Beecroft Park and take pride and ownership of the Park will immediately report any issues so that they can be acted upon by the Town or other appropriate agencies as required. It is hoped that together the Town and the community will continue to make Beecroft Park a safe and enjoyable place to visit and live nearby.

The revised cost estimate for all works identified on the Final Concept Plan is $345,000.

Pending Council endorsement of the revised Concept Plan, the designs for the various aspects of the plan will be developed and detailed to a level to enable implementation. If funding is secured, implementation of the works would commence in the 2018/19 financial year.

**POLICY/STATUTORY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Funds of $50,000 have been allocated in the 2017/18 Financial Year Budget for *Beecroft Park - Park Improvement Program*. These funds are required for the detailed construction design of the Park development should Council decide to proceed with this project. These funds may need to be carried forward to allow completion of detailed designs.

No funds are currently allocated for the implementation of the Beecroft Park development and will be subject to budget consideration for the 2018/19 financial year. If the revised Concept Plan is endorsed by Council, grant opportunities will be investigated to potentially assist with funding the proposed works.

**STRATEGIC DIRECTION:**

This report recommendation embraces the following strategies of the Town’s 2017-2027 Interim Strategic Community Plan:-

**Our Community Life**

**Goal 1** A sense of community, pride and belonging  
Strategy 1.2 Promotion of a strong community identity

**Goal 2** Quality local parks and open spaces for the community to enjoy  
Strategy 2.2 Improve the amenities of our local parks and sports grounds

**Goal 3** An active, safe and inclusive community  
Strategy 3.1 Create and improve the places where community groups can interact  
Strategy 3.3 Encourage activity that meets the needs of people of all ages, cultures and abilities  
Strategy 3.4 Create and maintain safe environments
Our Planned Neighbourhoods

Goal 4 Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.2 Guide new development which is in harmony with the surrounding area and retains a sense of place
Strategy 4.3 Keep our neighbourhoods green and pleasant

Our Natural Environment

Goal 7 Council is environmentally responsible and leads by example
Strategy 7.1 Conserve our plants and animals

COMMUNITY ENGAGEMENT:

Community engagement was carried out from 14 July 2017 to 10 August 2017 as per the Council decision of March 2017 and in accordance with the Town’s Policy 1.2.11 Community Engagement and Community Engagement Framework Guide.

Those respondents to the survey and others who made separate submissions and provided contact details (e-mail or postal address) have been advised of the decisions of Council from the September 2017 and April 2018 Council meetings.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Chris Colyer, Director Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Walter Van Der Loo, Manager Infrastructure Parks</td>
</tr>
<tr>
<td>Contributors</td>
<td>Peter Maloney, Manager Infrastructure Assets</td>
</tr>
</tbody>
</table>

ATTACHMENTS:


ADMINISTRATION RECOMMENDATION:

That:-

(i) the Beecroft Park Improvement Final Concept Plan dated May 2018 be endorsed to proceed to detailed design;

(ii) funds be listed in the draft 2018/19 financial year budget for implementation of improvements to Beecroft Park for Council consideration;

(iii) respondents to the community engagement who provided contact details be advised of the Council's decision.

Committee Meeting 14 May 2018

During discussion, Members agreed that the Eco Zone in the north western corner of the park be reintroduced and informal 90º parking be installed at the southern end of Olinda Avenue and Oban Road.
Amendment

That clause (i) of the motion be amended to read as follows:-

(i) the Beecroft Park Improvement Final Concept Plan dated May 2018 be endorsed to proceed to detailed design and to also include:-

- inclusion of an Ecozone at the north western corner of the park; and
- installation of informal 90° parking at the southern ends of Olinda Avenue and Oban Road.

Amendment carried 5/0

COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That:-

(i) the Beecroft Park Improvement Final Concept Plan dated May 2018 be endorsed to proceed to detailed design and to also include:-

- inclusion of an Ecozone at the north western corner of the park; and
- installation of informal 90° parking at the southern ends of Olinda Avenue and Oban Road;

(ii) funds be listed in the draft 2018/19 financial year budget for implementation of improvements to Beecroft Park for Council consideration;

(iii) respondents to the community engagement who provided contact details be advised of the Council’s decision.

Carried 9/0
SUMMARY:

The purpose of this report is to primarily address items (v) and (vi) of Notice of Motion 12.6 of the Ordinary Council Meeting of 28 November 2017 regarding parking, traffic calming and landscaping of the section of Oban Road between The Boulevard and Gayton Road car park entry and Lot 100 between Oban Road and The Boulevard and Empire Village shopping centres.

A draft concept plan has been prepared for Council's consideration and potential endorsement to proceed to detailed design.

AUTHORITY / DISCRETION

- Advocacy: When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative: Includes adopting local laws, town planning schemes & policies.
- Review: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information: For the Council/Committee to note.

BACKGROUND:

On 28 November 2017 (NoM 12.6) Council decided:

That:-

(i) Council agree to undertake works in the Boulevard Road Reserve to create 29 permanent parking bays, including additional landscaping to screen the car parking and relocation of the footpath as generally depicted in the attached Concept Plan prior to April 2018;

(ii) to provide immediate parking relief and to avoid disruption to the Centre over the Christmas period Council to allow temporary parking in the identified area through use of woodchips and (if necessary) kerb adjustment;

(iii) subject to the provision of bays in clause (i), that long term parking be restricted in the verge areas around Beecroft Park by introduction of a parking time limit;

(iv) as these works are an unbudgeted expenditure item, the CEO be authorised to spend up to $120,000 on the above by an ABSOLUTE MAJORITY to be funded from the Endowment Lands Account;
(v) the Town investigate and report further on the implementation and budget options for the balance of the Concept Plan initiatives. This includes calming and landscaping of the section of Oban Road between the carpark entry and the Boulevard, some embayed parking in Oban Road adjacent Lot 100, and the potential reconfiguration of the existing parking area on the western side of Oban Road currently located within that road reserve;

(vi) the Town investigate and report further on landscaping and recreational infrastructure initiatives and budget options for the western open space area (Lot 100) including installation of shade shelters, picnic tables/seats, additional landscaping/trees and irrigation;

(vii) the Town consider Options 5 and 6 above in conjunction with the Beecroft Park Master Plan and advise further on Community and stakeholder consultation options for these two items; and

(viii) the Town commence a review and report to Council on Policy 5.1 Parking to determine what modifications are required to address issues such as the exclusion of alfresco areas in the calculation of required parking spaces in centres such as this.

Image 1 Concept plan provided with Notice of Motion, 28 November 2017.
Subsequent to the November 2017 decision, on 19 December 2017 (Item 12.5) Council decided that: -

Subject to the provision of temporary parking in Clause (ii) (Item 12.6 - Empire Village and Boulevard Shopping Centre Parking from the November 2017 Ordinary Meeting of Council), that long term parking be restricted immediately in the verge areas around Beecroft Park (Olinda and Oban Roads) by the introduction of a 3 hour parking time limit.

In response to item (i) of Notice of Motion 12.6 of the Ordinary Council Meeting of 28 November 2017, the construction of 28 parking bays and associated infrastructure works bays has been carried out in the Boulevard Road Reserve with planting of shade trees, shrubs and groundcovers to the south of the parking to commence shortly.
Items (ii) and (iii) of the November Notice of Motion as well as the December Notice of Motion (Item 12.5) were dealt with by the Town's Compliance team.

Item (iv) of the November Notice of Motion was actioned by the Town to allow the completion of works identified in Item (i).

Items (v), (vi) and (vii) are the subject of this report and will be addressed in the Details section of this report.

Item (viii) of the November Notice of Motion was addressed at the 27 February 2018 Ordinary Meeting of Council (Items DV19.6 and DV18.7). These items were referred to an Elected Members Forum for further consideration.

DETAILS:

A draft concept plan (Attachment 1) has been prepared in response to items (v) and (vi) of Notice of Motion 12.6 of the Ordinary Council Meeting of 28 November 2017 regarding parking, traffic calming and landscaping of the section of Oban Road between The Boulevard and Gayton Road car park entry and Lot 100 between the Oban Road and The Boulevard and Empire Village shopping centres. Key features of the plan include:

- Median and verge tree planting in Oban Road from The Boulevard to Gayton Road car park entry to calm traffic and provide shade;
- Reconfiguration of the western verge of Oban Road off-street car parking area north of The Boulevard to create 15 formal parking bays, safer north/south pedestrian route, including new pedestrian crossing at The Boulevard, and attractive verge planting to improve the overall appearance of the precinct;
- Three potential on-street parallel parking bays on the east verge of Oban Road. A sewer pit would have to be relocated to accommodate the six bays proposed in the NoM and would also conflict with the western verge off-street car park crossover;
- Path link from Oban Road verge path through Lot 100 to Empire Village for better pedestrian connectivity;
- Attractive landscaping in lot 100 including, planting, "soft" surfaces, picnic tables and park benches to create outdoor "rooms" for users to enjoy; and
- Additional large canopy feature trees to add variety and interest to the area.

The proposals will result in significant improvement to appearance and functionality of the precinct and would complement the recent development of the shopping centre and proposed improvements to Beecroft Park.

A road safety audit will need to be carried out to inform the final detailed engineering design if the project was to proceed.

The following preliminary estimates have been carried out for the draft concept:

- Off-street car parking (3 on-street parallel bays not included) $ 97,000
- Oban verge and median and Lot 100 landscaping $148,000

TOTAL $245,000

An opportunity exists to trial deep soil wells for some or all of the trees five trees proposed in the median of Oban Road. This type of tree planting approach was outlined in the report to Council on 27 March 2018 (CR18.30). Based on research, case studies and industry experience it is believed deep soil wells would make a significant difference in establishing large tree canopies much quicker than by conventional planting treatments in road environments. It is estimated it would cost approximately $10,000 extra per tree to implement deep soil wells in the Oban Road median ($50,000 in total).
POLICY/STATUTORY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Funds of $120,000 were allocated to enable the first stage parking and associated works to be completed. These works will be carried out within budget.

No funds are currently allocated for the implementation of the Concept and will be subject to budget consideration for the 2018/19 financial year pending Council endorsement.

A total of $245,000 is required to implement the full scope of works. An additional amount of up to $50,000 would be required to implement deep soil wells for up to five trees proposed in the median of Oban Road.

Funds are available in the Endowment Lands Account for this project.

STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's 2017-2027 Interim Strategic Community Plan:-

Our Community Life

Goal 1  A sense of community, pride and belonging
Strategy 1.2 Promotion of a strong community identity

Goal 2  Quality local parks and open spaces for the community to enjoy
Strategy 2.2 Improve the amenities of our local parks and sports grounds

Goal 3  An active, safe and inclusive community
Strategy 3.1 Create and improve the places where community groups can interact
Strategy 3.3 Encourage activity that meets the needs of people of all ages, cultures and abilities
Strategy 3.4 Create and maintain safe environments

Our Planned Neighbourhoods

Goal 4  Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs
Strategy 4.2 Guide new development which is in harmony with the surrounding area and retains a sense of place
Strategy 4.3 Keep our neighbourhoods green and pleasant

Our Natural Environment

Goal 7  Council is environmentally responsible and leads by example
Strategy 7.1 Conserve our plants and animals
COMMUNITY ENGAGEMENT:

Initial contact has been made with the City Beach Medical Centre with regards to the Notice of Motion, but no formal engagement has been carried out to date on the draft concept plan.

Item (vii) of the November NoM required the Town consider the proposed improvements to the Oban Road precinct in conjunction with the Beecroft Park proposals and advise further on community and stakeholder consultation options for the Oban Road precinct proposals.

The proposal has been considered in accordance with the Town’s Policy 1.2.11 Community Engagement and Community Engagement Framework Guide. It is not believed that broader engagement is required as per the consultation carried out for Beecroft Park as there are no direct impacts of each potential project on the other.

It is proposed that if the Draft Concept is endorsed by Council, formal consultation be carried out with owners and businesses in the immediate vicinity of the proposed works.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Chris Colyer, Director Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Walter Van Der Loo, Manager Infrastructure Parks</td>
</tr>
<tr>
<td>Contributors</td>
<td>Frank Strever, Coordinator Infrastructure Design</td>
</tr>
</tbody>
</table>

ATTACHMENTS:


Committee Meeting 14 May 2018

Additional information regarding installation of a mural on the Oban Road Sewer Pump Station as referenced on the Concept Plan Item 6 was circulated to Members for consideration.

Members supported the proposal as outlined in the additional Attachment and endorsed the proposal for community comment in order to comply with the Request Form from the Water Corporation.

COMMITTEE AND ADMINISTRATION RECOMMENDATION:

Moved by Cr Timmermanis, seconded by Cr McAllister

That:-

(i) the Oban Road Parking and Landscape Improvements Draft Concept Plan, May 2018, be endorsed to proceed to detailed design;

(ii) funds be listed in the draft 2018/19 financial year budget for implementation of improvements to Oban Road Parking and Landscaping for Council consideration;

(iii) owners and businesses in the immediate vicinity of the proposed works be advised of the Council's decision and consulted to inform the detailed design of the proposals.
Amendment

Moved by Cr Carr, seconded by Cr McAllister

That a further clause be added to the motion as follows:-

(iv) Council endorses for community comment the proposed design of the mural design to assist with the compliance with the "Water Corporation Community Art Project Request Form.

Amendment carried 6/3

For: Crs Bradley, Carr, McAllister, McKerracher, Nelson and Powell
Against: Mayor Shannon, Crs Everett and Timmermanis

COUNCIL DECISION:

That:-

(i) the Oban Road Parking and Landscape Improvements Draft Concept Plan, May 2018, be endorsed to proceed to detailed design;

(ii) funds be listed in the draft 2018/19 financial year budget for implementation of improvements to Oban Road Parking and Landscaping for Council consideration;

(iii) owners and businesses in the immediate vicinity of the proposed works be advised of the Council's decision and consulted to inform the detailed design of the proposals;

(iv) Council endorses for community comment the proposed design of the mural design to assist with the compliance with the "Water Corporation Community Art Project Request Form.

Carried 7/2

For: Mayor Shannon, Crs Bradley, Carr, Everett, McAllister, McKerracher and Timmermanis
Against: Crs Nelson and Powell
CR18.71  2018-2019 REVIEW OF FEES AND CHARGES - WORKS AND PARKS

SUMMARY:

A review of the fees and charges associated with road reserves and park reserves for inclusion in the 2018/19 Budget has been completed. In general, the fees and charges currently in use adequately manage the various issues and only minor amendments have been made.

AUTHORITY / DISCRETION

- **Advocacy**  
  When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

- **Legislative**  
  Includes adopting local laws, town planning schemes & policies.

- **Review**  
  When the Council operates as a review authority on decisions made by Officers for appeal purposes.

- **Quasi-Judicial**  
  When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- **Information**  
  For the Council/Committee to note.

BACKGROUND:

The fees and charges for road reserves include:-

- Crossover subsidy that is paid to a property owner who constructs or upgrades the primary crossover to a property; and

The fees and charges for parks and reserves include:-

- Access fees for entry to a park or reserve to access private property; and
- Bonds for carrying out activities in private property from a park or reserve.

These fees and charges are reviewed on an annual basis prior to Budget consideration and listed in the annual budget.

DETAILS:

**Crossover Subsidy (2018/2019)**

Policy No. 5.2.7 - Vehicle Crossovers – Specification requires the Town to contribute 50% of the construction cost of a standard crossover when it is the first crossover to a property. The Town's "standard crossover" is 3.0 metres wide and 6.6 metres long. The contract rate to construct this concrete crossover is $1,332 Therefore, the 50% contribution equates to approximately $101 (excl GST) per linear metre of a typical crossover measured from the kerb line.
Park Access Fees and Bonds (2018/2019)

The Parks and Reserves Access fees and bonds allows developers and property owners to access the Council's Parks and Reserves for building or renovation purposes. The access fee covers the cost of inspecting the site before, during and after works are completed. The Parks Bond, if applicable, allows the Town to carry out any reinstatement works that the developer does not complete.

### PARK – Access Fees and Secure Sums (Bonds)

<table>
<thead>
<tr>
<th>Description</th>
<th>Current Fee 2017/18 (Ex GST)</th>
<th>Proposed Fee 2018/19 (Ex GST)</th>
<th>GST Applicable Yes/No</th>
<th>Fee Payable 2018/19 Per/m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crossover Administration Fee (to be deducted from crossover subsidy)</td>
<td>$40</td>
<td>$40</td>
<td>Yes</td>
<td>$44</td>
</tr>
<tr>
<td>Crossover Subsidy Subsidy for new primary crossovers conforming to Town’s specifications. (50% cost to construct standard single width crossover).</td>
<td>$101 per metre length</td>
<td>$101 per metre length</td>
<td>Yes</td>
<td>$111</td>
</tr>
</tbody>
</table>

**POLICY/STATUTORY IMPLICATIONS:**

Policy No. 5.2.7 - Vehicle Crossovers – Specification requires the Town to contribute 50% towards the construction cost of the first standard crossover to a property.

**FINANCIAL IMPLICATIONS:**

The estimated revenue from the Administration Fee is included as ‘Revenue – Footpath Inspections’. Estimated expenditure for inspections is charged to ‘Footpath Inspections’. A history for FY 17 is summarised:-

<table>
<thead>
<tr>
<th>FY 17 Budget</th>
<th>$68,500</th>
<th>Revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY 17 Actual</td>
<td>$65,384</td>
<td>Revenue</td>
</tr>
<tr>
<td>FY 17 Expenditure</td>
<td>$56,374</td>
<td>Expenditure</td>
</tr>
<tr>
<td>FY 18 Budget</td>
<td>$68,500</td>
<td>Revenue</td>
</tr>
</tbody>
</table>
STRATEGIC DIRECTION:

This report recommendation embraces the following strategies of the Town's 2017-2027 Interim Strategic Community Plan:-

Our Council

Goal 11   A strong performing local government
Strategy   Develop and embed a systems-based approach to risk.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy 1.2.11 as "INFORM" with the objective "to provide balanced and objective information".

The proposed fees will be published with the 2018/2019 Draft Budget, will be circulated for community comment and will include the fees and charges that are to be recommended for adoption in the Budget.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Chris Colyer - Director Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td></td>
</tr>
</tbody>
</table>
| Contributors          | Peter Foxcroft - Acting Manager Infrastructure Works  
                        Walter Van Der Loo - Manager Infrastructure Parks |

ATTACHMENTS:

Nil

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That the following fees and charges be adopted for the 2018/2019 financial year subject to Council budget approval:-

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee 2017/18 (Ex GST)</th>
<th>GST Applicable</th>
<th>Fee Payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crossover Administration Fee (to be deducted from crossover subsidy)</td>
<td>$40</td>
<td>Yes</td>
<td>$44</td>
</tr>
<tr>
<td>Crossover Subsidy Subsidy for new primary crossovers conforming to Town's specifications. (50% cost to construct standard single width crossover).</td>
<td>$101 per metre length</td>
<td>Yes</td>
<td>$111</td>
</tr>
<tr>
<td>Description</td>
<td>Fee 2017/18 (Incl. GST)</td>
<td>GST Applicable Yes/No</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>--------------------------</td>
<td>-----------------------</td>
<td></td>
</tr>
<tr>
<td>Park Access Fee for minor maintenance Works by adjacent resident</td>
<td>$64 per day, $41 per half day</td>
<td>Yes/Yes</td>
<td></td>
</tr>
<tr>
<td>Park Access Fee for major works by Builder or Developer</td>
<td>$327 per day, $198 per half day</td>
<td>Yes/Yes</td>
<td></td>
</tr>
<tr>
<td>Park Bond for minor and major works in Addition to Access Fees (Excluding GST)</td>
<td>$500 - $1,500 (individually assessed relative to risk and potential impact)</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Carried 9/0
CR18.72 REVIEW OF FEES AND CHARGES - WASTE SERVICES 2018-19

SUMMARY:

Proposed fees and charges for waste management have been reviewed for inclusion in the 2018-2019 budget.

The proposed rates accommodate contractor collection contract price variations during the previous 12 months and a significant allowance for increased disposal costs at Mindarie Regional Council (MRC) resultant predominantly from lower member tonnages and another increase in the State Government Landfill levy from 1 July 2018. The lower member tonnes information was presented to council in report CR 18.6 in February 2018. The landfill levy will increase from $65 per tonne to $70 per tonne from 1 July 2018.

The Mindarie Regional Council (MRC) fee is expected to be $205 per tonne from 1 July 2018. In 2017/2018, the MRC Disposal Fee was $174 per tonne from 1 July 2017 and was increased to $180 per tonne from February 2018 for disposal during the remainder of the budget year. This results in an increase of 13.9% (from $ 180) or 17.8% (from $174) on the MRC fee from last year.

Council’s previous five year contracts for collection of waste finished on 30 September 2016 and new contract rates were effective from 1 October 2016. There was no significant change to contract rates other than contractual Rise and Fall adjustments.

AUTHORITY / DISCRETION

- **Advocacy**
  - When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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  - Includes adopting local laws, town planning schemes & policies.

- **Review**
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- **Quasi-Judicial**
  - When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- **Information**
  - For the Council/Committee to note.
BACKGROUND:

All fees and charges are annually reviewed prior to the adoption of the annual budget.

Waste management service provisions are detailed within policies 5.3.1, 5.3.2, 5.3.3 and 5.3.4. These policies cover service levels for:-

- Weekly collection of household putrescible waste (General Waste). 120 litre bin preferred. 240 litre bin available - Red bin lid;
- Fortnightly collection of recyclable materials. 240 or 360 litre bins available - Yellow bin lid;
- Fortnightly collection of green waste materials 240 litre bin available - Lime Green bin lid;
- Bulk verge collections. Two collections per year of bulk and green waste materials;
- Fee rebate (Concession) for hardship; and
- Fees for Ancillary Buildings on rateable properties.

Rateable Properties:

A minimum service provision is provided as a 120 litre or 240 litre Red lid bin for general waste, together with a combination of 240 litre or 360 litre Yellow lid recycle bins. For this service, a "Waste Fee" is charged which is calculated to cover only specific costs associated with the provision of the waste services which in 2018/2019 include:-

- Waste disposal costs levied by Mindarie Regional Council $1,215,000
- Engagement of staff for waste minimisation programs $ 165,000
- Operation of a waste minimisation education campaign $ 70,000
- Recovery contribution for bin amortisation for General Waste (Red lid bins) and Recyclable (Yellow lid) bins - bin life is estimated to be 20 years which is an increase from 10 years based on the history of replacement over the last year. The waste reserve is also at a level where a reduction is supported and results in lower fee for all waste services. $83,000.

Information relating to the proposed Waste Minimisation Program is included in the report attachment. The proposed program for 2018/19 has reduced from the budget allocation of $105,000 in 2017/18 to $70,000.

This "Waste Fee" does not cover:-

- Contractor collection costs for General or Recyclable bins;
- Bulk verge collection costs;
- Bulk verge waste disposal costs;
- General administration costs associated with the waste management program; and
- Green waste collection. This service is "opt in" and a separate fee is applicable which covers all collection and disposal costs.

In order to discourage use of the 240 litre general waste bin and consequently reduce tonnage of waste delivered to the Mindarie Regional Council, the "Waste Fee" for the 240 litre general waste bin historically is set at a level five times above the 120 litre general waste bin service. In 2017/18, the "Waste Fee" was set $500 and $100 respectively. This fee has been maintained since 2013/14 and based on the reduced tonnages generated in 2017/18 of around 350 tonnes it can be maintained again at that level or reduced to $95 / $475.
The success of the Council Waste Management Program in maintaining this "Waste Fee" is demonstrated by the following tonnages collection table:-

<table>
<thead>
<tr>
<th>Year</th>
<th>General</th>
<th>Green</th>
<th>Recycle</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2009/10</td>
<td>72.9% - 9,416</td>
<td>-</td>
<td>3,495</td>
<td>12,911</td>
</tr>
<tr>
<td>2010/11</td>
<td>70.1% - 8,749</td>
<td>-</td>
<td>3,731</td>
<td>12,480</td>
</tr>
<tr>
<td>2011/12</td>
<td>67.8% - 8,588</td>
<td>526</td>
<td>3,550</td>
<td>12,664</td>
</tr>
<tr>
<td>2012/13</td>
<td>60.5% - 7,639</td>
<td>1,438</td>
<td>3,543</td>
<td>12,620</td>
</tr>
<tr>
<td>2013/14</td>
<td>57.0% - 7,210</td>
<td>1,797</td>
<td>3,650</td>
<td>12,657</td>
</tr>
<tr>
<td>2014/15</td>
<td>53.8% - 6,852</td>
<td>2,148</td>
<td>3,726</td>
<td>12,726</td>
</tr>
<tr>
<td>2015/16</td>
<td>52.2% - 6,691</td>
<td>2,326</td>
<td>3,803</td>
<td>12,820</td>
</tr>
<tr>
<td>2016/17</td>
<td>49.8% - 6,037</td>
<td>2,482</td>
<td>3,598</td>
<td>12,117</td>
</tr>
<tr>
<td>Forecast 2017/18</td>
<td>50.3% - 6,100</td>
<td>2,420</td>
<td>3,600</td>
<td>12,120</td>
</tr>
</tbody>
</table>

In 2013/14, a new fee was introduced relating to a Fee Rebate For Hardship. This fee allows properties to have a 240 litre general waste bin with a fee set at twice the fee of a 120 litre service. The guidelines for being granted a concession are provided in Policy 5.3.4. In 2017/18, the fee was maintained at $200. In order to obtain this concession, an annual application is required. Currently, 53 concessions have been approved.

In report CR14.143 in October 2014, a new fee was set for Ancillary Buildings which is covered in policy 5.3.1 titled 'Waste Removal Service - Residential Properties'. This allows each dwelling on a single property title to have a 120L red lid bin each in lieu of a shared 240L red lid bin. The fee for each 120L red lid bin is 50% of the fee for a 240L bin. Currently, 30 properties are known to have ancillary bin services.

**Non Rateable and Rate Exemption Properties:**

A collection fee is applicable to each bin service. These same fees also apply to rateable properties who wish to obtain additional services over the above policy allocations.

These fees apply to general waste bins (120 litre and 240 litre Red lids), recycle bins (240 litre and 360 litre Yellow lids) and cover all costs:-

- Contractor collection
- Disposal Fee allowance where applicable
- On cost management
- Bin amortisation allowance

For all properties (rateable and non-rateable/rate exempt properties), a green waste collection service is available. The service is on application only and the fee covers all costs associated with the service:-

- Contractor collection
- Disposal Fee allowance where applicable
- On cost management
- Bin amortisation allowance
Other Services:

In September 2014 a Mattress Recycling Scheme (report CR14.127) was considered by Council, and the proposal to collect mattresses for nil charge to residents was adopted. In 2017 council's contractor collected 1,444 mattresses at a rate of $19.10 per collection. In 2016 a total of 1,114 mattresses were collected.

A new category of service was introduced in 2015/16, to cater for Council leased buildings and facilities. This will cover the lease obligations of the various organisations or sporting clubs within the Town. The bin allocations and frequency of collection have been agreed with these organisations or sporting clubs and the fees are to be based on a full cost recovery of the service, including bin collection, bin amortisation, waste disposal fees and on costs.

DETAILS:

1. Waste Fee

Over the previous 12 months, Council continued to encourage all residential properties to down grade to a 120 litre general waste bin if they previously had a 240 litre bin.

There is, at May 2018, only 99 red lid 240L bins in service at single residential properties and 9,085 120L bins. It is noted the green waste tonnages have not increased as a consequence of increased property participation (extra 1,248 bins in service over the year) and recycle tonnages have stayed static.

When assessing the "Waste Fee" for 2018/19, disposal tonnages to recover are lower, however, some of these savings are taken up by a significant increase in disposal fees applicable from Mindarie Regional Council.

The Mindarie Regional Council (MRC) fee is expected to be $205 per tonne from 1 July 2018. In 2017/2018, the MRC Disposal Fee was $174 per tonne from 1 July 2017 which was increased to $180 per tonne from February 2018 for disposal during the remainder of the budget year. This results in an increase of 13.9% (from $ 180) or 17.8% (from $174) on the MRC fee from last year. The State Government Landfill Levy is to increase from $65/tonne to $70/tonne effective 1 July 2018.

When modelling the current "Waste Fee" it is evident the fee does not need to increase from the fee imposed for 2017/18.

Proposed "Waste Fee" for 2018/19:-

- 120 litre general waste bin - $100
- 240 litre general waste bin - $500
- 240 litre general waste bin Hardship concession - $200
- 120 litre general waste bin Ancillary Buildings - $250

2. Green Waste Fee - Lime Green Lids

The proposed fee covers all costs associated with provision of the service. The service is provided only on application by the property owner.

Based on a cost review, it is recommended the green waste fee remain at to $55 per bin.
3. General Waste - Red Lids

Applicable to Non Rateable, Rate Exempt properties and for additional bins to rateable properties.

This fee cannot be maintained at a similar level to the previous budget. Contractor collection costs have not significantly increased, however, disposal costs have increased by 17.8% ($31) from $174 per tonne to $205 per tonne.

<table>
<thead>
<tr>
<th>Service</th>
<th>2017/18 Adopted</th>
<th>2018/19 Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>120 litre SL</td>
<td>$200</td>
<td>$227</td>
</tr>
<tr>
<td>240 litre SL</td>
<td>$500</td>
<td>$500 (Same as Waste Fee)</td>
</tr>
<tr>
<td>120 litre RL</td>
<td>$200</td>
<td>$261</td>
</tr>
<tr>
<td>240 litre RL</td>
<td>$500</td>
<td>$500 (Same as Waste Fee)</td>
</tr>
</tbody>
</table>

SL = Side Lift Service
RL = Rear Lift Service

4. Recycle Waste - Yellow Lids

Applicable to Non Rateable, Rate Exempt properties and for additional bins to rateable properties.

The fee can be reduced in the 2018/19 budget to reflect the cost reduction in bin amortisation period of 20 years from 10 years.

<table>
<thead>
<tr>
<th>Service</th>
<th>2016/17</th>
<th>2017/18</th>
<th>2018/19 Actual</th>
<th>2018/19 Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>120 litre SL</td>
<td>$48</td>
<td>$48</td>
<td>$41</td>
<td>$41</td>
</tr>
<tr>
<td>240 litre SL</td>
<td>$48</td>
<td>$48</td>
<td>$41</td>
<td>$41</td>
</tr>
<tr>
<td>360 litre SL</td>
<td>$58</td>
<td>$58</td>
<td>$42</td>
<td>$42</td>
</tr>
<tr>
<td>120 litre RL</td>
<td>$48</td>
<td>$48</td>
<td>$65</td>
<td>$41</td>
</tr>
<tr>
<td>240 litre RL</td>
<td>$48</td>
<td>$48</td>
<td>$65</td>
<td>$41</td>
</tr>
<tr>
<td>360 litre RL</td>
<td>$58</td>
<td>$58</td>
<td>$100</td>
<td>$42</td>
</tr>
</tbody>
</table>

It is highlighted the proposed fees are set to encourage recycling and are based at the rate for side lift (SL) service only.
5. **Other Fees**

Fees are also required to be set for other items as follows:-

<table>
<thead>
<tr>
<th>Item</th>
<th>2017/18</th>
<th>2018/19 Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>660 litre General Waste (52 lifts)</td>
<td>$1,100/year</td>
<td>$1,220/year</td>
</tr>
<tr>
<td>660 litre Recycle Waste (52 lifts)</td>
<td>$650/year</td>
<td>$667/year</td>
</tr>
<tr>
<td>Supply 660 litre Bins</td>
<td>$610</td>
<td>$610</td>
</tr>
<tr>
<td>Supply 120 litre Bins</td>
<td>$70</td>
<td>$70</td>
</tr>
<tr>
<td>Supply 240 litre Bins</td>
<td>$70</td>
<td>$70</td>
</tr>
<tr>
<td>Supply 360 litre Bins</td>
<td>$115</td>
<td>$115</td>
</tr>
<tr>
<td>Exchange 120 litre General Waste for 240 litre</td>
<td>$87</td>
<td>$87</td>
</tr>
<tr>
<td>Exchange 240 litre General Waste for 120 litre</td>
<td>$0</td>
<td>$0</td>
</tr>
</tbody>
</table>

6. **Mattress Recycling**

The current contractor fee is $19.00. This on demand service has no fee and this is proposed to be continued in 2018/2019 with "Nil Fee" for collections to properties.

7. **Community Leased Properties and Facilities**

These proposed fees for 2018/19 represent the full cost of providing the service to these facilities.

**General Waste**

- 240 litre red lid Rear lift: $368 weekly service ($ 327 in 17/18)
- 660 litre red lid Rear lift: $1,220 weekly service ($ 1,100 in 17/18)

**Recycling**

- 240 litre yellow lid Side lift: $0 (Actual $40 per fortnight)
- 240 litre yellow lid Rear lift: $0 (Actual $65 per fortnight)
- 360 litre yellow lid Side lift: $0 (Actual $42 per fortnight)
- 360 litre yellow lid Rear lift: $0 (Actual $100 per fortnight)
- 660 litre yellow lid Rear lift: $0 (Actual $666 weekly service)

In order to encourage recycling and to limit the general waste collection, clubs receive recycle bins at "Nil Fee". The number of bins provided is assessed following a site meeting with the Town's Waste Minimisation Officer.

**POLICY/STATUTORY IMPLICATIONS:**

Waste management issues are relevant to Policies 5.3.1, 5.3.2, 5.3.3 and 5.3.4.

**FINANCIAL IMPLICATIONS:**

The local government's powers to impose rates, fees and charges in relation to waste services are set out in sections 66 to 68 of the Waste Avoidance and Resource Recovery Act 2007 (WARR) and section 6.16 and 6.17 of the Local Government Act 1995.
The proposed fees ensure Council recovers the actual cost of providing some of the waste collection service in accordance with Policies 5.3.1, 5.3.2, 5.3.3 and 5.3.4.

No GST is applicable to any of these fees.

The Council currently provides and charges Rateable properties for additional waste collection services above policy allocations and for all services to Non Rateable and Rate Exempt properties.

- 120 litre Municipal Waste collection (side and rear lift);
- 240 litre Municipal Waste collection (side and rear lift);
- 240 and 360 litre Recyclable Collections (side and rear lift);
- 240 litre Green Waste Collections; and

The Council charges a 'Waste Disposal Fee' for all rateable properties.

STRATEGIC DIRECTION:

The strategic direction remains focussed on the provision of fees and charges to reflect the cost associated with the provision of the services and to meet the objective to minimise landfill and increase recycling.

The adoption of these fees relates specifically to the Town of Cambridge Strategic Community Plan 2017-2027 as follows:-

Our Community Life

Goal 3  An active, safe and inclusive community
Strategy 3.4  Create and maintain safe environments.

Our Council

Goal 11  A strong performing local government
Strategy 11.3  Build capacity to maintain assets to an acceptable standard.
Strategy 11.4  Develop and embed a systems-based approach to risk.

COMMUNITY ENGAGEMENT:

This project has been assessed under the community engagement policy and an 'INFORM' assessment made.

The proposed fees will be published with 2018/19 Draft Budget which is to be circulated for community comment and will include the fees and charges that are to be recommended for adoption.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Chris Colyer, Director Infrastructure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td></td>
</tr>
<tr>
<td>Contributors</td>
<td></td>
</tr>
</tbody>
</table>
ATTACHMENTS:

1. Details of the proposed Waste Minimisation Education campaign for 2018/19.
2. 2018 Waste and Recycling Guide

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That:-

(i) the following fees be noted and further considered when adopting the Budget for 2018/19:-

(a) a compulsory Waste Fee per assessment on general waste bins, levied under the Waste Avoidance and Resource Recovery Act 2007, and allocated in accordance with Policies 5.3.1, 5.3.2, 5.3.3 and 5.3.4 on all rateable properties be:-

WASTE DISPOSAL FEE

120 litre Domestic Bin $100 (No GST)
240 litre Domestic Bin $500 (No GST)

• the waste disposal fee for a 240 litre Domestic Bin applicable to Concessions for Hardship is $200 (No GST);
• the waste disposal fee for a 120 litre Domestic Bin on an Ancillary Property is $250 (No GST).

Note: This fee does include a per property allowance for Bin Amortisation of General Waste and Recycling Bins.

(ii) a fee of $55 (No GST) for provision of a 240 litre Green Waste/Organics bin, collected on a fortnightly basis. This fee applies only on application for the service;

(iii) the following fees and charges be adopted for additional bins to Rateable properties, Non-Rateable and Rate Exempt properties for the 2018/19 financial year:-

(a) General Waste Collection:-

• Collection (side lift service) of 120 litre general waste bin on a weekly basis - $227 (No GST) per bin per year;
• Collection (rear lift service) of 120 litre general waste bin on a weekly basis - $261 (No GST) per bin per year;
• Collection (side lift service and rear lift service) of 240 litre general waste bin and additional bins on a weekly basis - $500 (No GST) per bin per year;
• Supply additional 240 litre bins for General Waste - $70 (No GST);
• Downsize bin from 240 litre to 120 litre for General Waste - $ Nil charge; and
• Upsize bin from 120 litre to 240 litre for General Waste - $87 (No GST).

(b) Recyclable Collection:-

• Collection (side lift service) of additional 240 litre bins in excess of policy on a fortnightly basis at $41 (No GST) per bin per year;
• Collection (rear lift service) of additional 240 litre waste bins in excess of policy on a fortnightly basis at $41 (No GST) per bin per year;
• Collection (side lift service) of additional 360 litre bins in excess of policy on a fortnightly basis at $43 (No GST) per bin per year;
• Collection (rear lift service) of additional 360 litre waste bins in excess of policy on a fortnightly basis at $43 (No GST) per bin per year;
• Supply additional 240 litre bins in excess of policy - $70 (No GST); and
• Supply additional 360 litre bin in excess of policy - $115 (No GST).

(iv) the following fees and charges be adopted for a 660 litre bin service:-

(a) supply and deliver 660 litre bin $610;
(b) weekly collection of 660 litre General Waste bin $1,210 per year;
(c) single collections of 660 litre General Waste bin $23.50 per collection;
(d) weekly collection of 660 litre Recycle bin $667 per year; and
(e) single collection of 660 litre Recycle bin $13 per collection.

(v) the on demand mattress collection fee is Nil;

(vi) The following fees be applicable to Council-leased buildings:

<table>
<thead>
<tr>
<th>General Waste</th>
<th></th>
<th>Rear lift</th>
<th>$368 weekly service</th>
</tr>
</thead>
<tbody>
<tr>
<td>240 litre red lid</td>
<td></td>
<td>Rear lift</td>
<td>$1,210 weekly service</td>
</tr>
<tr>
<td>660 litre red lid</td>
<td></td>
<td>Rear lift</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Recycling</th>
<th></th>
<th>Side lift</th>
<th>$0 (Actual $43 per fortnight)</th>
</tr>
</thead>
<tbody>
<tr>
<td>240 litre yellow lid</td>
<td></td>
<td>Rear lift</td>
<td>$0 (Actual $67 per fortnight)</td>
</tr>
<tr>
<td>240 litre yellow lid</td>
<td></td>
<td>Side lift</td>
<td>$0 (Actual $47 per fortnight)</td>
</tr>
<tr>
<td>360 litre yellow lid</td>
<td></td>
<td>Rear lift</td>
<td>$0 (Actual $103 per fortnight)</td>
</tr>
<tr>
<td>360 litre yellow lid</td>
<td></td>
<td>Rear lift</td>
<td>$0 (Actual $645 weekly service)</td>
</tr>
<tr>
<td>660 litre yellow lid</td>
<td></td>
<td>Rear lift</td>
<td></td>
</tr>
</tbody>
</table>
(vii) the 2018/19 budget allow for a transfer to the Waste Management Reserve for replacement of:-

- Red Lid Bins - General Waste;
- Yellow Lid Bins - Recycling; and
- Green Lid Bins - Green Waste.

Carried 9/0
CR18.73 ST JOHN AMBULANCE WA - TOWN OF CAMBRIDGE SAFE TOWN

SUMMARY:

St John Ambulance WA has approached the Town seeking support in establishing the Town of Cambridge (the "Town") as a "St John WA Safe Town."

It is recommended that a two year Memorandum of Understanding (MOU) is developed between the Town and St John Ambulance WA outlining key principles which underpin a "St John WA Safe Town."

An indicative budget of approximately $80,000 over two years has been proposed by the St John Ambulance WA. An indicative cost of $35,000 for 2018/2019 is suggested with $17,000 from existing programs (Training and event management) and $18,000 additional funds required in the 2018/2019 Draft Budget.

AUTHORITY / DISCRETION

- Advocacy: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative: Includes adopting local laws, town planning schemes & policies.
- Review: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information: For the Council/Committee to note.

BACKGROUND:

St John Ambulance WA is a charitable, not-for-profit organisation that provides a number of different programs and services to the community, including an ambulance service. St John Ambulance WA has approached the Town requesting that the Town of Cambridge become the first "St John WA Safe Town."

The strategic partnership and alliance with St John Ambulance WA for a two year period would be a first for a Local Government and provide a holistic platform for the implementation of a number of initiatives that can assist in the saving of lives in the Cambridge community.

DETAILS:

Meetings have been held with St John Ambulance WA and the Town in relation to the trial of a "St John WA Safe Town" local government over a two (2) year period. In addition, the Town has received correspondence from St John Ambulance WA dated 24 April 2018 which is provided as an Attachment.
A number of initiatives have been identified including:

1. **Training**
   
   The Town already uses St John Ambulance WA to conduct first aid training for sections of the Town's operations that deal with the public. However, it is suggested that all Cambridge staff are trained in a basic first aid course. This could be done over a two year period.

   In addition to Town staff, it also would be the intent to offer St John Ambulance WA training to the general community and local businesses at a discount.

   It is noted that free first aid training is already provided by St John Ambulance WA to primary and secondary schools. However the Town could assist with promotion.

2. **Safe Assessments**

   A St John Safe assessment entails examining the premises to prepare for first aid readiness. The Town already through its Occupational Health and Safety Committee conducts monthly assessments of its various public facilities including an audit of its various first aid kits. However, the focus should be on safety audits of its various leased premises and the availability of appropriate equipment such as stretchers, defibrillators, etc.

   The assessments would also be available to local businesses within the Town at a St John Ambulance WA discount.

3. **Defibrillators**

   The Town currently has a number of defibrillators at its various public facilities and leased sporting facilities as outlined below:

   - Cambridge Bowling Club
   - Cambridge Croquet Club
   - City Beach Tennis Club
   - City of Perth Surf Life Saving Club
   - Floreat Park Tennis Club
   - Floreat Surf Life Saving Club
   - Matthews Netball Centre
   - Reabold Tennis Club
   - Wembley Athletic Club
   - West Coast Bridge Club
   - Bold Park Aquatic Centre
   - Wembley Golf Complex
   - Wembley Community Centre
   - Town of Cambridge Administration Centre
   - Cambridge Library/The Boulevard Centre
In addition, there are a number of other defibrillators located throughout the Town. The recent April 2018 event at the Wembley Golf Course highlighted that defibrillators on site can assist with cardiac arrest incidents.

It would be the intent to work with the St John Ambulance WA in highlighting other strategic locations in which defibrillators could be located within the Town and be made available to the general community. Furthermore, defibrillators would also be available to purchase from St John Ambulance WA for local businesses and the general community at a discount price.

4. Event Health Services

St John Ambulance WA already provides first aid posts at various Town managed events such as Anzac Day, Christmas at Lake Monger, etc. The same service would be made available to other third party events held within the Town at the same cost charged to the Town.

5. Community Transport Services

St John Ambulance WA would like to examine the possibilities of providing transport services to seniors within the Town. This will be further examined through the Town's Senior Services Strategy.

6. Budget Expectations

An indicative budget of approximately $80,000 over two years has been proposed by the St John Ambulance WA. An indicative cost of $35,000 for 2018/2019 is suggested with $17,000 from existing programs (Training and event management) and $18,000 additional funds required in the 2018/2019 Draft Budget.

Details are outlined below:

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
<th>2018/19 Budget</th>
<th>Exiting Funds</th>
<th>New Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. St John Safe Assessments</td>
<td>Leased Sporting and Community Group Premises</td>
<td>$ 2,000</td>
<td></td>
<td>$ 2,000</td>
</tr>
<tr>
<td>2. First Aid Training</td>
<td>100 Town Staff</td>
<td>$12,000</td>
<td>$12,000</td>
<td></td>
</tr>
<tr>
<td>3. First Aid Equipment</td>
<td>5 *Defibrillators Signage</td>
<td>$10,000</td>
<td>$ 6,000</td>
<td>$10,000</td>
</tr>
<tr>
<td>4. Event Health Services</td>
<td>Various Town Events</td>
<td>$ 5,000</td>
<td>$ 5,000</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>$35,000</td>
<td>$17,000</td>
<td>$18,000</td>
</tr>
</tbody>
</table>

* St John Ambulance WA to match. Two (2) defibrillators have been included in the Draft 2018/2019 Budget for the Quarry Amphitheatre and the Leederville Town Hall. Further locations for the other defibrillators will be examined in consultation with St John Ambulance WA.

POLICY/STATUTORY IMPLICATIONS:

It is proposed that a two year Memorandum of Understanding is introduced between with the Town and St John Ambulance WA that outlines the responsibilities of each party.

It would also link into the Towns Business Development Strategy which is currently being developed.
FINANCIAL IMPLICATIONS:

An indicative cost of $35,000 for 2018/2019 is required with $17,000 from existing resources and $18,000 additional money required in the 2018/2019 Draft Budget.

Following an evaluation of the program in Year 1, additional funds will be included as part of the normal budget deliberation process for the 2019/2020 financial year.

STRATEGIC DIRECTION:

The St John WA and Town of Cambridge Safe Town partnership supports a number of goals within the Town's 2017-2027 Strategic Community Plan.

These include:

Our Community Life

Goal 1: A sense of community, pride and belonging

Strategy 1.1: Encourage and support a range of activities and events at which communities can gather and interact

Strategy 1.2: Promotion of a strong community identity

Goal 3: An active, safe and inclusive community

Strategy 3.4: Create and maintain safe environments

Our Council

Goal 11: A strong performing local government

Strategy 11.5 Continuously strive to improve services delivered to the community

Goals 12: Advocacy for the Community

Strategy 12.1 Foster key relationships with government and other stakeholders

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy and no community consultation is required.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Mr Cam Robbins - Director Community Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Nil</td>
</tr>
<tr>
<td>Contributors</td>
<td>Mrs Sharon Ovens, HR Project Officer</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That:-

(i) the St John Ambulance WA Safe Cambridge Town program be endorsed for a two year period;

(ii) a Memorandum of Understanding (MOU) between St John of God Ambulance WA and the Town of Cambridge be finalised by the Town's Chief Executive Officer;

(iii) a total amount of $35,000 be allocated in Year 1 to accommodate various St John Ambulance WA - Cambridge Safe Town programs/initiatives which represents an additional amount of $18,000 being required for inclusion in the 2018/2019 Draft Budget; and

(iv) further funds be included in the 2019/2020 financial year and reviewed as part of the Town's budget deliberation process.

Carried 9/0
CR18.74  2017-2018 REVIEW OF FEES AND CHARGES - BOLD PARK AQUATIC

SUMMARY:
The purpose of the report is to review the current fees and charges for entry, programs and services at Bold Park Aquatic. The report recommends only various minor increases to entry and program fees to reflect current market prices and increases in utilities and other costs.

AUTHORITY / DISCRETION

☐ Advocacy
  When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

☐ Legislative
  Includes adopting local laws, town planning schemes & policies.

☐ Review
  When the Council operates as a review authority on decisions made by Officers for appeal purposes.

☐ Quasi-Judicial
  When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

☐ Information
  For the Council/Committee to note.

BACKGROUND:

Each year, as part of the budgetary process, the fees and charges are reviewed and the most appropriate time to set these fees is prior to adopting the annual budget so that new fees can be reflected in the revenue items.

Historically, fees and charges have increased in line with CPI (Perth) movements. The CPI (Perth) movement for the 12 month period ending 31 March 2018 was 0.9%. However, it is recommended to increase only some fees and charges in relation to the Bold Park Aquatic Centre in the forthcoming financial year by up to 1.5% plus round up. This can be justified as it takes into consideration competitors’ prices, and expected increases in labour costs, utilities and contractors/suppliers prices. It is also recommended to leave some prices as is, given the increase in competition created by the opening of the new Scarborough Beach Pool in late January 2018.

This report will discuss the following:

1. Financial performance and patronage for the previous six years;
2. Illustration of competitive fees and charges; and
1. Financial Performance and Patronage

The following graph shows the facility's financial performance and patronage from 2012/13 to 2017/2018.

**Graph 1:**

**Bold Park Aquatic**

**Financial Performance- 2012/2013 to 2017/2018**

(actual to end of April)

<table>
<thead>
<tr>
<th>Year</th>
<th>Expenditure</th>
<th>Revenue</th>
<th>Operating Deficit</th>
<th>Patronage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/13</td>
<td>$1,266,323</td>
<td>$1,042,044</td>
<td>-$224,279</td>
<td>150,778</td>
</tr>
<tr>
<td>2013/14</td>
<td>$1,345,352</td>
<td>$1,034,387</td>
<td>-$310,965</td>
<td>122,805</td>
</tr>
<tr>
<td>2014/15</td>
<td>$624,624</td>
<td>$96,074</td>
<td>-$528,550</td>
<td>13,530</td>
</tr>
<tr>
<td>2015/16</td>
<td>$1,610,192</td>
<td>$1,147,699</td>
<td>-$462,493</td>
<td>149,824</td>
</tr>
<tr>
<td>2016/17</td>
<td>$2,236,461</td>
<td>$1,788,661</td>
<td>-$447,800</td>
<td>245,103</td>
</tr>
<tr>
<td>2017/18 end April (est)</td>
<td>$1,969,912</td>
<td>$1,911,412</td>
<td>-$58,500</td>
<td>242,803</td>
</tr>
</tbody>
</table>

**Notes:**
- Excludes depreciation and overhead allocations.
- 2014/15 financial figures include 12 months salaries for permanent staff who were redeployed to other departments within the town during the Centre's redevelopment.
- Due to the closure of the centre on 21 September 2014, there was a significant reduction in attendance and revenue in the 2014/2015 financial year.
- Due to the new centre not opening until 28 November 2015 the operations in 2015/2016 are over 7 months to 30 June 2016.

Given the anomalies in 2014/15 financials the figures are excluded from annual comparisons below.

**Summary**

Since reopening after the redevelopment of Bold Park Aquatic in November 2015, revenue, expenditure and patronage have increased. The opening of the City of Stirling's Scarborough Beach Pool, in late January 2018, at this stage has not affected Bold Park Aquatic in terms of patronage or effect on the bottom line.

The actual year to date (up to end of April 2018) net operating cost as compared to the actual budget net operating cost is significantly less and this positive trend should continue for the remaining two months of the financial year. This can be attributed to an increase in programming, particularly in relation to the 'Learn to Swim' programs, increase in patronage, sales and consolidation of staffing resources.
2. Illustration of Competitive Fees and Charges

Table 1 below provides a competitor analysis of other Aquatic Centres within the metropolitan area for entry fees. Where no figure appears, the category of entrance should be regarded as not existing within that particular centre’s schedule. The current proposed fee schedule for Bold Park Aquatic is comparable with similar outdoor facilities. The assumption is that all centres surveyed will also increase their fees and charges for the forthcoming financial year.

Table 1: Competitor Analysis - Fee Comparisons - Current 2017/18

<table>
<thead>
<tr>
<th>LGA/Organisation</th>
<th>Bold Park</th>
<th>Swan Park</th>
<th>Bayswater Waves</th>
<th>Fremantle</th>
<th>Scarborough Beach Pool</th>
<th>Aquafite Victoria Park</th>
<th>Beatty Park</th>
<th>HBF Stadium</th>
<th>Claremont</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Single Entry</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td>6.50</td>
<td>6.30</td>
<td>6.40</td>
<td>6.20</td>
<td>6.50</td>
<td>5.50</td>
<td>7.00</td>
<td>6.00</td>
<td>5.80</td>
</tr>
<tr>
<td>Child (Under 15)</td>
<td>4.70</td>
<td>4.80</td>
<td>4.80</td>
<td>4.70</td>
<td>4.70</td>
<td>4.00</td>
<td>4.00</td>
<td>4.50</td>
<td>4.50</td>
</tr>
<tr>
<td>Child (Under 5yrs)</td>
<td>free</td>
<td>free</td>
<td>Under 3yrs free</td>
<td>Under 3yrs free</td>
<td>Under 2 years free</td>
<td>free</td>
<td>0-2yrs free</td>
<td>3-4yrs $2</td>
<td>Under 3yrs free</td>
</tr>
<tr>
<td>Family Pass (2 adults, 2 children)</td>
<td>19.10</td>
<td>18.40</td>
<td>18.80</td>
<td>19.00</td>
<td>19.10</td>
<td>16.50</td>
<td>18.00</td>
<td>16.50</td>
<td>18.50</td>
</tr>
<tr>
<td>Student (15+ with current ID)</td>
<td>5.80</td>
<td>4.80</td>
<td>4.80</td>
<td>5.20</td>
<td>4.70</td>
<td>4.50</td>
<td>5.00</td>
<td>4.60</td>
<td>5.80</td>
</tr>
<tr>
<td>Senior/Pensioner</td>
<td>4.70</td>
<td>4.80</td>
<td>4.80</td>
<td>5.20</td>
<td>4.70</td>
<td>4.50</td>
<td>4.20</td>
<td>4.60</td>
<td>3.90</td>
</tr>
<tr>
<td>Health Care Holder</td>
<td>5.80</td>
<td>5.00</td>
<td>4.80</td>
<td>5.20</td>
<td>4.70</td>
<td>4.50</td>
<td>4.20</td>
<td>4.60</td>
<td>5.80</td>
</tr>
<tr>
<td>School Program</td>
<td>3.80</td>
<td>3.20</td>
<td>3.10</td>
<td>3.10</td>
<td>3.00</td>
<td>3.20</td>
<td>3.20</td>
<td>3.40</td>
<td></td>
</tr>
<tr>
<td>Non Swimmer</td>
<td>2.60</td>
<td>2.50</td>
<td>2.20</td>
<td>2.20</td>
<td>2.20</td>
<td>2.00</td>
<td>2.50</td>
<td>Free</td>
<td>2.00</td>
</tr>
<tr>
<td>Vacation Swim</td>
<td>4.70</td>
<td>4.80</td>
<td>2.20</td>
<td>4.70</td>
<td>3.50</td>
<td>4.00</td>
<td>3.50</td>
<td>3.55</td>
<td></td>
</tr>
<tr>
<td><strong>Multi Passes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult 10 entries</td>
<td>59.00</td>
<td>63.00</td>
<td>57.60</td>
<td>55.80</td>
<td>59.40</td>
<td>58.00</td>
<td>54.00</td>
<td>56.00</td>
<td>55.20</td>
</tr>
<tr>
<td>Crèche 1st child - 10 entries</td>
<td>64.00</td>
<td>58.00</td>
<td>34.20</td>
<td>45.00</td>
<td>50.40</td>
<td>75.00</td>
<td>70.00</td>
<td>58.50</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Organized Programs</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming Classes (20 minutes &amp; 30 min)</td>
<td>16.00</td>
<td>17.00</td>
<td>15.50</td>
<td>15.30</td>
<td>16.18</td>
<td>14.80</td>
<td>14.80</td>
<td>19.00</td>
<td>Outsourced</td>
</tr>
<tr>
<td>Swimming Class (45 min)</td>
<td>18.00</td>
<td>16.50</td>
<td>15.30</td>
<td>17.20</td>
<td>16.40</td>
<td>16.18</td>
<td>14.80</td>
<td>17.00</td>
<td>Outsourced</td>
</tr>
<tr>
<td>Private class (30 minutes)</td>
<td>55.00</td>
<td>47.50</td>
<td>44.00</td>
<td>39.70</td>
<td>46.00</td>
<td>50.00</td>
<td>45.00</td>
<td>36.00</td>
<td>Outsourced</td>
</tr>
<tr>
<td>Squad (2 sessions per week)</td>
<td>25.50</td>
<td>122.00</td>
<td>65.60</td>
<td>N/A</td>
<td>Outsourced</td>
<td>18.20</td>
<td>16.00 per session</td>
<td>Outsourced</td>
<td></td>
</tr>
<tr>
<td>Aquarobics - 1 hour</td>
<td>13.50</td>
<td>14.00</td>
<td>15.60</td>
<td>12.70</td>
<td>16.00</td>
<td>16.00</td>
<td>15.00</td>
<td>13.00 (45 mins)</td>
<td>N/A</td>
</tr>
<tr>
<td>Crèche 1st child</td>
<td>6.40</td>
<td>5.80</td>
<td>4.60</td>
<td>5.00</td>
<td>N/A</td>
<td>4.50</td>
<td>7.50</td>
<td>6.50</td>
<td>N/A</td>
</tr>
<tr>
<td>Crèche 2nd child</td>
<td>5.20</td>
<td>5.80</td>
<td>4.60</td>
<td>2.40</td>
<td>N/A</td>
<td>4.50</td>
<td>6.00</td>
<td>5.50</td>
<td>N/A</td>
</tr>
<tr>
<td>Lane Hire (50m Pool)</td>
<td>19.00</td>
<td>26.00</td>
<td>14.30</td>
<td>19.00</td>
<td>18.20</td>
<td>10.00</td>
<td>28.00</td>
<td>33.00</td>
<td>25.00</td>
</tr>
</tbody>
</table>

Table 2: Competitor analysis for membership types and prices:

<table>
<thead>
<tr>
<th>LGA/Organisation</th>
<th>Bold Park</th>
<th>Swan Park</th>
<th>Bayswater Waves</th>
<th>Cannings</th>
<th>Scarborough Beach Pool</th>
<th>Aquafite Victoria Park</th>
<th>Beatty Park</th>
<th>HBF Stadium</th>
<th>Claremont</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 Month Up Front 1 Option</td>
<td>$599</td>
<td>$665</td>
<td>$725</td>
<td>$699</td>
<td>N/A</td>
<td>$570</td>
<td>$650</td>
<td>$695.50</td>
<td>$529</td>
</tr>
<tr>
<td>12 Month Up Front 2 Options</td>
<td>$699</td>
<td>$775</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>$808</td>
<td>N/A</td>
</tr>
<tr>
<td>Monthly Debit 1 Option</td>
<td>$57</td>
<td>$61</td>
<td>$66.30</td>
<td>$106</td>
<td>N/A</td>
<td>$45</td>
<td>$54.90</td>
<td>$59-68</td>
<td>N/A</td>
</tr>
<tr>
<td>Monthly Debit</td>
<td>$65</td>
<td>$71</td>
<td>$61.20</td>
<td>N/A</td>
<td>$40</td>
<td>N/A</td>
<td>$67-80</td>
<td>$65</td>
<td>$71.50</td>
</tr>
</tbody>
</table>
It is important to note that all the Centres in the table above offer a combination of Spa, Sauna and/or Steam Room facilities and provide Fitness Gymnasiums, with the exception of HBF Stadium and Scarborough Beach Pool which does not offer Spa/Sauna or Steam Room facilities. The proposed up-front membership prices for Bold Park Aquatic have been positioned at the lower end of the fee scale relative to our competitors to reflect the lack of these facilities and the limited number of group fitness classes offered.

### 3. Proposed Fees and Charges

Minor increases of approximately 1.5% are proposed. No increase is proposed for Swim School enrolments or Centre Memberships, due to the lower pricing of these fees at the new Scarborough Beach Pool. The proposed fees for 2018/2019 are detailed in Tables 3 and 4 below.

#### Table 3: Proposed Fee - Single entries

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Admission</td>
<td>Inc. GST</td>
<td>Inc. GST</td>
<td></td>
</tr>
<tr>
<td>Adult</td>
<td>6.50</td>
<td>6.60</td>
<td>0.10</td>
</tr>
<tr>
<td>Child 0 - 5</td>
<td>Free</td>
<td>Free</td>
<td>Nil</td>
</tr>
<tr>
<td>Child (5 to 14 years)</td>
<td>4.70</td>
<td>4.80</td>
<td>0.10</td>
</tr>
<tr>
<td>Family</td>
<td>19.10</td>
<td>19.10</td>
<td>Nil</td>
</tr>
<tr>
<td>Student (Current Australian Student Card holder)</td>
<td>5.80</td>
<td>5.90</td>
<td>0.10</td>
</tr>
<tr>
<td>Health Care Card (Current Australian Concession Card holder)</td>
<td>5.80</td>
<td>5.90</td>
<td>0.10</td>
</tr>
<tr>
<td>Seniors (over 60 yrs.) (Seniors Card holder)</td>
<td>4.70</td>
<td>4.80</td>
<td>0.10</td>
</tr>
<tr>
<td>School Entry</td>
<td>3.80</td>
<td>3.90</td>
<td>0.10</td>
</tr>
<tr>
<td>Vacation Swimming</td>
<td>4.70</td>
<td>4.80</td>
<td>0.10</td>
</tr>
<tr>
<td>Non Swimmer</td>
<td>2.60</td>
<td>2.60</td>
<td>Nil</td>
</tr>
<tr>
<td>Spectator Carnival</td>
<td>3.80</td>
<td>3.90</td>
<td>0.10</td>
</tr>
<tr>
<td>Crèche (per 90 minute session) 1st child</td>
<td>6.40</td>
<td>6.50</td>
<td>0.10</td>
</tr>
<tr>
<td>Crèche (per 90 minute session) 2nd child</td>
<td>5.20</td>
<td>5.30</td>
<td>0.10</td>
</tr>
<tr>
<td>Carers with person with disabilities</td>
<td>Free</td>
<td>Free</td>
<td>Nil</td>
</tr>
</tbody>
</table>

Note: The crèche is an additional service provided to customers and is subsidised by the Town as the cost to provide the service exceeds the revenue received.

#### Table 4: Proposed Fee - Multi Passes (valid 12 months)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Admission</td>
<td>Inc. GST</td>
<td>Inc. GST</td>
<td></td>
</tr>
<tr>
<td>Adult (10 visit)</td>
<td>59.00</td>
<td>59.40</td>
<td>0.40</td>
</tr>
<tr>
<td>Adult (20 visit)</td>
<td>110.00</td>
<td>112.20</td>
<td>2.20</td>
</tr>
<tr>
<td>Child (5 to 14 years) (10 visit)</td>
<td>43.00</td>
<td>43.20</td>
<td>0.20</td>
</tr>
<tr>
<td>Child (5 to 14 years) (20 visit)</td>
<td>80.00</td>
<td>82.00</td>
<td>2.00</td>
</tr>
</tbody>
</table>
## MULTI PASS (10 visit)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Admission</td>
<td>Inc. GST</td>
<td>Inc. GST</td>
<td></td>
</tr>
<tr>
<td>Student (Current Student Card holder) (10 visit)</td>
<td>53.00</td>
<td>53.10</td>
<td>0.10</td>
</tr>
<tr>
<td>Seniors/Pensioner (Seniors Card holder) (10 visit)</td>
<td>43.00</td>
<td>43.20</td>
<td>0.20</td>
</tr>
<tr>
<td>Seniors/Pensioner (Seniors Card holder) (20 visit)</td>
<td>82.00</td>
<td>83.70</td>
<td>1.70</td>
</tr>
<tr>
<td>Health Care Card (Current Concession Card holder) (10 visit)</td>
<td>53.00</td>
<td>53.10</td>
<td>0.10</td>
</tr>
<tr>
<td>Health Care Card (Current Concession Card holder) (20 visit)</td>
<td>100.00</td>
<td>101.70</td>
<td>1.70</td>
</tr>
<tr>
<td>Crèche 1st child (10 visit)</td>
<td>64.00</td>
<td>58.50</td>
<td>-5.50</td>
</tr>
<tr>
<td>Crèche 2nd child (10 visit)</td>
<td>52.00</td>
<td>47.70</td>
<td>-4.30</td>
</tr>
<tr>
<td>Aqua Aerobics (10 visit)</td>
<td>121.50</td>
<td>123.30</td>
<td>1.80</td>
</tr>
<tr>
<td>Aqua Prime Multi Pass (10 visit)</td>
<td>99.00</td>
<td>100.80</td>
<td>1.80</td>
</tr>
<tr>
<td>Vacation Swimming (10 visit)</td>
<td>43.00</td>
<td>43.20</td>
<td>0.20</td>
</tr>
<tr>
<td>Non Swimmer (10 visit)</td>
<td>24.00</td>
<td>24.00</td>
<td>Nil</td>
</tr>
</tbody>
</table>

4. **Other Program, Lane Hire and Equipment Hire Charges**

In addition to the entry fees and charges in the competitor analysis, there are a number of other programs and hire charges. As with the entrance fees, the Centre's charges remain competitive with other metropolitan centres and accordingly only some minor increases are proposed.

**Table 5: Proposed Fee – Other**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Swimming Class Pre-school (20 min) Duck 1-4 *GST free</td>
<td>16.00</td>
<td>16.00</td>
<td>Nil</td>
</tr>
<tr>
<td>Swimming Class Pre-school (20 min) Duck 5-6 *GST free</td>
<td>17.00</td>
<td>17.00</td>
<td>Nil</td>
</tr>
<tr>
<td>Swimming Class Level 1 to 6 *GST free</td>
<td>17.00</td>
<td>17.00</td>
<td>Nil</td>
</tr>
<tr>
<td>Swimming Class Level 7 to 9 *GST free</td>
<td>18.00</td>
<td>18.00</td>
<td>Nil</td>
</tr>
<tr>
<td>Private 1 (30 min) (1 person) *GST free</td>
<td>55.00</td>
<td>55.00</td>
<td>Nil</td>
</tr>
<tr>
<td>Squad - 2 times per week (per week)</td>
<td>25.50</td>
<td>25.50</td>
<td>Nil</td>
</tr>
<tr>
<td>Squad - 3 times week (per week)</td>
<td>29.50</td>
<td>29.50</td>
<td>Nil</td>
</tr>
<tr>
<td>Adult Lessons</td>
<td>18.00</td>
<td>18.00</td>
<td>Nil</td>
</tr>
<tr>
<td>Aqua Aerobics</td>
<td>13.50</td>
<td>13.70</td>
<td>0.20</td>
</tr>
<tr>
<td>Living Longer, Living Stronger (LLLS)</td>
<td>10.00</td>
<td>10.00</td>
<td>Nil</td>
</tr>
<tr>
<td>Living Longer, Living Stronger (10 lessons)</td>
<td>100.00</td>
<td>100.00</td>
<td>Nil</td>
</tr>
<tr>
<td>Aqua Prime</td>
<td>11.00</td>
<td>11.20</td>
<td>0.20</td>
</tr>
<tr>
<td>Lane Hire 50m pool (per hour per lane)</td>
<td>19.00</td>
<td>19.30</td>
<td>0.30</td>
</tr>
<tr>
<td>Lane Hire 20m Leisure pool (per hour per lane)</td>
<td>13.00</td>
<td>13.20</td>
<td>0.20</td>
</tr>
<tr>
<td>Multipurpose Room Hire (per hour)</td>
<td>22.00</td>
<td>25.00</td>
<td>3.00</td>
</tr>
<tr>
<td>Carnival Hire (8 lanes) (3hrs)</td>
<td>230.00</td>
<td>235.00</td>
<td>5.00</td>
</tr>
<tr>
<td>Carnival Hire per hour after initial fee (8 lanes)</td>
<td>100</td>
<td>100</td>
<td>Nil</td>
</tr>
<tr>
<td>Inflatable pool individual extra fee</td>
<td>3.50</td>
<td>3.50</td>
<td>Nil</td>
</tr>
<tr>
<td>Large Inflatable exclusive use hire fee (per hour)</td>
<td>105.00</td>
<td>110.00</td>
<td>5.00</td>
</tr>
<tr>
<td>Small Inflatable exclusive use hire fee (per hour)</td>
<td>78.00</td>
<td>80.00</td>
<td>2.00</td>
</tr>
</tbody>
</table>
Buoyancy Belt Hire: 4.00
Kickboard Hire: 2.00
Portable PA/Stereo Hire (including Microphone): 30.00
Tables & Chairs Hire (per Table / 10x Chairs): 5.00
Pool Party Host (per hour): 50.00
Birthday Party (per child): 21.00

*LLLS fees are capped by Council on the Ageing (COTA) at $10 per visit & $100.00 for 10 visit multi pass.

Table 6: Recommended Membership prices (no change):

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>12 Month Up Front (1 Option - Aquatics or Group Fitness)</td>
<td>599</td>
<td>599</td>
<td>Nil</td>
</tr>
<tr>
<td>12 Month Up Front (2 Options - Aquatics &amp; Group Fitness)</td>
<td>699</td>
<td>699</td>
<td>Nil</td>
</tr>
<tr>
<td>12 Month Up Front (Off Peak)</td>
<td>499</td>
<td>499</td>
<td>Nil</td>
</tr>
<tr>
<td>Flexible Monthly Debit (1 Option - Aquatics or Group Fitness)</td>
<td>57</td>
<td>57</td>
<td>Nil</td>
</tr>
<tr>
<td>Flexible Monthly Debit (2 Options - Aquatics &amp; Group Fitness)</td>
<td>65</td>
<td>65</td>
<td>Nil</td>
</tr>
<tr>
<td>Flexible Monthly Debit (Off Peak)</td>
<td>48</td>
<td>48</td>
<td>Nil</td>
</tr>
<tr>
<td>Establishment Fee for Flexible Monthly Debit</td>
<td>60</td>
<td>60</td>
<td>Nil</td>
</tr>
<tr>
<td>Membership Suspension Fee (free for medical reasons)</td>
<td>10</td>
<td>10</td>
<td>Nil</td>
</tr>
</tbody>
</table>

5. Locals First Discount
Following Council's adoption of the Locals First Policy (CR: 18.35) at the March 2018 Council Meeting, all local state schools and local not-for-profit organisations will have access to a 50% discount on the following fees:

<table>
<thead>
<tr>
<th>Local First Discount Fees</th>
<th>Full Fee (Inc. GST)</th>
<th>Discount Fee (Inc. GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lane Hire 50m pool (per hour per lane)</td>
<td>19.30</td>
<td>9.65</td>
</tr>
<tr>
<td>Lane Hire 20m Leisure pool (per hour per lane)</td>
<td>13.20</td>
<td>6.60</td>
</tr>
<tr>
<td>Multipurpose Room Hire (per hour)</td>
<td>25.00</td>
<td>12.50</td>
</tr>
<tr>
<td>Carnival Hire (8 lanes) (3hrs)</td>
<td>235.00</td>
<td>118.00</td>
</tr>
<tr>
<td>Carnival Hire per hour after initial fee (8 lanes)</td>
<td>100.00</td>
<td>50.00</td>
</tr>
</tbody>
</table>

POLICY/STATUTORY IMPLICATIONS:
The proposed 2018/2019 fees and charges will be advertised as part of the adoption of the 2018/2019 budget.

FINANCIAL IMPLICATIONS:
The adoption of fees and charges pertaining to the Bold Park Aquatic will have a direct impact on the revenue next financial year. This will impact on the 2018/2019 budget that is currently in draft form and incorporates the proposed fees and charges as detailed in this report.
STRATEGIC DIRECTION:

The adoption of the proposed fees and charges supports a number of goals within the Town's Strategic Community Plan 2017 - 2027 specifically;

**Goal 3:** An active, safe and inclusive community
Strategy 3.1: Create and improve the places where community groups can interact.
Strategy 3.3: Encourage Activity that meets the needs of people of all ages, cultures and abilities.

**Goal 11** A Strong performing local government
Strategy 11.5: Continuously strive to improve services delivered to the community.

COMMUNITY ENGAGEMENT:

The proposed new fees and charges for 2018/19 financial year have been assessed under Policy No. 1.2.11 and no community consultation is required. The new fees and charges will be included in the Town's 2018/19 Budget.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Cam Robbins, Director Community Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Carole Lambert, Manager Community Development</td>
</tr>
<tr>
<td>Contributors</td>
<td>Stefan Humphreys, Manager Bold Park Aquatic</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Nil

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That:-

(i) the fees and charges for the Bold Park Aquatic Centre for 2018/2019, as detailed in the above report, be adopted effective from 1 July 2018; and

(ii) the Chief Executive Officer be authorised by an ABSOLUTE MAJORITY to waive fees and charges in accordance with the provisions of Section 6.12 (1)(b) of the Local Government Act 1995 should special circumstances apply.

Carried by an ABSOLUTE MAJORITY 9/0
SUMMARY:

Creating Communities on behalf the Town have completed an Age-Friendly Community Plan (AFCP) with the research findings and recommendations confirming that many senior residents within the Town want to age-in-place. Furthermore, a Community Development Senior Services strategy will enable Council to support older people by connecting them to the different services they require to achieve this.

A summary of the AFCP recommendations is provided as Attachment 1 and a full copy of the AFCP is available on request.

With the changing context in aged care and the Town of Cambridge transitioning out of the provision of Home and Community Care (HACC) services (refer CR17.196 December 2017 and Council Report 10.5 February 2018), an opportunity exists for the Town to adopt a community development approach for the future provision of Seniors Services. Based on a number of the recommendations of the AFCP, a specific Cambridge Seniors Services strategy has been developed for the next four (4) years and is presented for Council endorsement.

It is recommended that the AFP is endorsed along with the Cambridge Senior Services strategy. This strategy will be a new service provided by the Town and would represent an approximate increase of 1% in rates.

AUTHORITY / DISCRETION

- **Advocacy**
  - When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

- **Legislative**
  - Includes adopting local laws, town planning schemes & policies.

- **Review**
  - When the Council operates as a review authority on decisions made by Officers for appeal purposes.

- **Quasi-Judicial**
  - When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- **Information**
  - For the Council/Committee to note.

BACKGROUND:

In March 2017 Council decided to undertake an AFCP to research community needs for seniors services with a view to inform and guide the Towns future service delivery (refer CR17.29).

The Town was subsequently successful in receiving a grant of $10,000 through the Department of Local Government and Communities to assist with completing an AFCP and in September
2017 the Town appointed Creating Communities to undertake the AFCP which has now been completed.

In December 2017 Council acknowledged the significant changes occurring in relation to the HACC program and decided to exit the provision of HACC services on 30 June 2018 (refer CR17.196). This presents an opportunity for the Town to replace its delivery of HACC services with a Seniors Services Strategy based on the recommendations of the AFCP that targets all seniors not just eligible HACC clients.

DETAILS:

1. **AFCP Methodology**

The Towns AFCP commenced in September 2017 and concluded in February 2018. It comprised of the following research methods:

- **Literature Review** - review of existing policies and strategic documents; other local government approaches; key trends in aging and aged care delivery; and best practice examples.
- **Community Profile** - analysis of current and projected population demographics; household composition and income; health indicators; and local service provision.
- **Advisory Network Group** - comprised of twelve (12) internal and external stakeholders who undertook two workshops; the first focused on trends and opportunities in aging and the second provided input into strategies for the AFCP.
- **Six Community Consultation Forums** - four (4) general community forums; one (1) carer's forum; and one (1) forum for Service Providers and Local Businesses. A total of 83 people attended the forums.
- **Community Survey** - Online and hardcopy versions of the survey were completed by 107 people; and
- **Development of the AFCP** - analysis of the results of the research and community engagement and preparation of the AFCP and key recommendations.

2. **Snapshot of the Community Profile**

Below is a snapshot of some of the key demographic analysis detailed in the community profile:

- In 2016, just over 1 in 4 people (7,400; 27.7%) in the Town of Cambridge are aged 55+, slightly higher than WA;
- By 2026, the proportion of the Town of Cambridge population aged 55+ is projected to be similar to the current proportion;
- In 2016, amongst those aged 55+, the largest group is those aged between 55 and 64 years, and there are more women than men;
- The Town has an Aboriginal and Torres Strait Islander population of ten times less than the State (0.3% compared to 3.1%);
- Most residents in the Town only speak English at home (81.1%) and the top language other than English is Mandarin (1.8%);
- The Town has a much lower unemployment rate than the State (5.3% compared to 7.4%), and a higher rate of participation in employment (90.7% compared to 87%);
- Most working residents are employed in professional occupations, in hospitals, higher education or legal services;
- Home ownership in the Town is significantly higher compared to WA, particularly for outright home ownership, and has a low proportion of renters;
- The median weekly household income in the Town is $854 more than the State;
• The Town is one of the most socio-economic advantaged and least socio-economic disadvantaged areas in Perth;
• The Town has a median age of 40, which is significantly higher than the State’s median age which is 36;
• Around two thirds (1,345; 64.1%) of single person households are people aged 55+;
• The Town has a high proportion of family households, which are predominately couple families with children;
• The Town has a significantly high rate of volunteering compared to WA, and around a quarter of residents aged 55+ volunteer; and
• Around 1 in 10 residents aged 55+ require assistance with a core activity (i.e. self-care, mobility and communication) because of a disability, long term health condition, or old age.

3. Summary of AFCP Recommendations and Key Findings

The recommendations and key findings of the AFCP cover the following eight key focus areas:

1. Outdoor Spaces and Buildings;
2. Transport;
3. Housing;
4. Respect and Inclusion;
5. Social Participation;
6. Communication and Information;
7. Civic Participation and Employment; and
8. Community Support and Health Services.

The recommendations of the plan impact each area of the Towns operations. For residents to be able to 'age in place', consideration has to be given to the Town's Planning Framework, the role of community hubs, access, the design of public spaces, housing options, service provision, and communication and information sharing. The AFCP makes the following recommendations which, will then replace the Seniors Needs Policy 2.1.20.

<table>
<thead>
<tr>
<th>Key Focus Area</th>
<th>Recommendation</th>
<th>Responsible TOC Department</th>
</tr>
</thead>
</table>
| 1. Outdoor Spaces and Buildings | • Continue to improve the accessibility of public places and buildings for older people, including those living with dementia or a disability.  
• Continue to improve accessibility of footpath networks for older pedestrians, including pedestrian crossings.  
• Foster the application of universal design solutions to ensure public places and buildings remain accessible, safe and suitable for older people. | Infrastructure |
| 2. Transport | • Advocate for an improved public transport network, a greater frequency of busses and better design of bus stops.  
• Support the provision of adequate parking for older people at public places and buildings.  
• Facilitate seniors training on how to use public transport services in the Town of Cambridge.  
• Assess viability of continuing the TOC Summer Bus service (completed - refer CR18.34 March 2018). | Infrastructure, Community Development, Community Development/Sustainability |
### 3. Housing
- Advocate for increasing the provision of affordable seniors housing collocated with services and amenities.
- Encourage universal design principles in local building design requirements and provide information on how to access support to modify homes.
- Explore alternative housing and urban planning models for older people based on changing needs.

### 4. Respect and Inclusion
- Continue to promote and provide community events and activities that are inclusive of seniors from all backgrounds.
- Facilitate intergenerational engagement and education through the delivery of appropriate community events and programs.
- Foster engagement by seniors in local planning and decision-making.

### 5. Social Participation
- Continue to promote community events, activities and clubs to older people utilising communications channels and formats accessible for this age group.
- Assess viability of providing community transport for older people to and from key Town of Cambridge events.
- Co-design events and activities with older people, including those living with dementia, based on their needs and interests.

### 6. Communication and Information
- Encourage the provision of information to older people utilising communications channels and formats accessible for this age group.
- Collaborate with older people to develop a guide for how to ensure Town of Cambridge communications materials meet the needs and interests of this age group.
- Explore options for how to provide a 'one-stop-shop' source of information for older people on services, facilities, events and activities.
- Expand the current provision of information communication technology (ICT) training available to older people.
- Provide information to older people that will enhance their awareness of services available to them.

### 7. Civic Participation and Employment
- Explore options for how to create a 'Cambridge Connect' program (i.e. matches the skills and attributes of retirees/older people with volunteer opportunities at local clubs and groups within the Town of Cambridge).
- Promote volunteering opportunities for older people utilising communications channels and formats accessible for this age group.
- Advocate for the provision of more education and training opportunities for older people.
- Advocate for flexible employment options for older people.

### 8. Community Support and Health Services
- Work collaboratively with the new HACC service provider to promote availability and access to HACC services.
- Encourage the provision of information on services for seniors utilising communications channels and formats accessible for this age group.
- Explore options for how to establish a carer support network.
A number of the above recommendations that fall within the ambit of the Community Development directorate have informed the development of a four-year Seniors Services strategy. An overview is provided below with the overall Strategy provided as Attachment 2.


The proposes the establishment of a small Senior Services team within the Community Development directorate whose objective would be 'to support older people (55+) by connecting them to services, facilities and experiences that assist them to age-in-place and participate in local community life'. This will be a new service provided by the Town similar to that provided by other metropolitan Local Governments and would represent an approximate increase of 1% in rates.

The Senior Services team would comprise of two full time staff, a Senior Community Development Officer and a Community Development Officer, based at a senior's Hub located within the Wembley Community Centre (both are existing employees of the Town). The Seniors’ Hub would be created by modifying the WCC building that would accommodate and provide a one-stop-shop open during business hours (Monday to Friday, 8am - 4pm) where seniors could access information on local services, programs and activities. The space would be exclusive use to the Town's Seniors Services team and would be designed to cater for one-on-one consultations, small group meetings and information forums. For larger groups other Town facilities would be booked. While it is not envisaged that computer workstations will be required for seniors to use (this type of facility is already provided at Cambridge Library), it is proposed that the Senior's Hub will provide free WIFI to enable customers to use their own devices on site. A concept plan of the proposed Senior’s Hub is provided as Attachment 3 with the approximate cost of $15,000 being accommodated within the WCC building maintenance account.

In addition to establishing a Seniors’ Hub at WCC, the Seniors Strategy includes a set of actions designed to promote awareness of existing services and facilities, facilitate seniors volunteering, and foster social participation through facilitating leisure activities for older people.

The strategy spans a 4-year period (2018/19 - 2021/22) to reflect the Town's 4-year budgeting approach. The first year (2018/19) will focus on research and establishing networks, setting up the Seniors Hub, raising awareness of existing services, participating in a pilot project to increase seniors volunteering, and partnering with other organisations to increase opportunities for social participation. The Senior Services strategy would be reviewed annually and adjusted to respond to community needs. The review will utilise service performance measures including the number of customers attending the Senior's Hub, number of attendances at Seniors events, number of volunteers enlisted, and customer satisfaction.

A staff work force plan has been developed to implement the various strategies for the 2018/2019 financial year and is available on request.
POLICY/STATUTORY IMPLICATIONS:

The key recommendations of the Town's AFCP will replace Policy 2.1.20 - Seniors Needs.

A updated policy is provided as Attachment 4.

FINANCIAL IMPLICATIONS:

The proposed Seniors Strategy requires $255,000 to be included in the Draft 2018/19 operational budget and $12,000 to be included in the Draft 2018/19 Capital budget. These costs are broken down in the table below.

<table>
<thead>
<tr>
<th>Item</th>
<th>Operating Budget</th>
<th>Capital Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employee Costs (salaries + 22% on costs)</td>
<td>$202,000</td>
<td></td>
</tr>
<tr>
<td>Office Expenses</td>
<td>$4,000</td>
<td></td>
</tr>
<tr>
<td>Minor Equipment &amp; Tools</td>
<td>$3,000</td>
<td></td>
</tr>
<tr>
<td>Promotions, Provisions &amp; Operational Expenses</td>
<td>$4,000</td>
<td></td>
</tr>
<tr>
<td>Programs</td>
<td>$42,000</td>
<td></td>
</tr>
<tr>
<td>Wembley Community Centre WIFI</td>
<td></td>
<td>$12,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$255,000</strong></td>
<td><strong>$12,000</strong></td>
</tr>
</tbody>
</table>

It is important to note that some fees may also be applied for social participation programs (i.e. trips and outings) and grant funding opportunities will also be maximised to offset the cost of senior services programs. A separate report will be presented to Council in relation to various fees and charges proposed for social participation programs.

The operational cost associated with implementing the Seniors Services strategy is comparable to the cost of delivering the Town's Youth services which also has 2 FTE's and a similar budget for office expenses, promotions and programs. As a comparison in 2016, 27.7% (7,400) of the Town's population were seniors aged over 55 years while 16.2% (4,361) were youth aged 12 - 25 years.

STRATEGIC DIRECTION:

The AFCP and the proposed Senior Services Strategy 2018 - 2021 supports a number of goals within the Town's Strategic Community Plan 2017 - 2027 specifically:

**Goal 3:** An active, safe and inclusive community
- **Strategy 3.1:** Create and improve the places where community groups can interact.
- **Strategy 3.2:** Deliver programs supporting local clubs and community groups' capacity to run their community activities.
- **Strategy 3.3:** Encourage activity that meets the needs of people of all ages, cultures and abilities.

**Goal 4** Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs.
- **Strategy 4.1:** Create opportunities for housing options to suit community needs.
Goal 10 The Town is a proactive local government that gets things done.
Strategy 10.1: Ensure appropriate resources are allocated to our strategies and projects.

Goal 11 A strong performing local government
Strategy 11.5: Continuously strive to improve services delivered to the community.

COMMUNITY ENGAGEMENT:

The AFCP was assessed under the Community Engagement Policy and Community Engagement Framework. A number of community consultation and engagement strategies were employed in developing the AFCP. These included:

- Advisory Network Group
- Community Forums
- Community Survey

No further community engagement is proposed.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Cam Robbins, Director Community Development</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Carole Lambert, Manager Community Development</td>
</tr>
<tr>
<td>Contributors</td>
<td>Diana Allen, Senior Community Development Officer - Senior Services</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Summary of the AFCP recommendations and key findings.
2. Community Development Seniors Services Strategy 2018/19 - 2021/22
3. Concept plan of proposed Seniors Hub
4. Policy 2.1.20: Seniors Needs (as amended)

ADMINISTRATION RECOMMENDATION:

That:-

(i) the Town of Cambridge Age-Friendly Community Plan be received and the recommendations endorsed;

(ii) the attached updated Seniors Policy (2.1.20) be endorsed and incorporated in the Town's Community Development Policies;

(iii) the Cambridge Seniors Services Strategy 2018/19 - 2021/22 be received and the recommendations adopted;

(iv) provision be made in the Draft 2018/19 Budget for an amount of $255,000 operational funding to implement the seniors strategies for the 2018/2019 financial year (including two full time staff) and $12,000 in the Draft 2018/2019 Capital Budget; and

(v) a further report be presented to Council in relation to fees and charges for seniors social participation programs.
Committee Meeting 14 May 2018

During discussion, concern was expressed with regard to the cost of the proposed Seniors Strategy.

The Presiding Member agreed that, in accordance with Clause 9.8 of the Standing Orders, the motion be divided into separate motions.

(i) the Town of Cambridge Age-Friendly Community Plan be received and the recommendations endorsed;

(ii) the attached updated Seniors Policy (2.1.20) be endorsed and incorporated in the Town's Community Development Policies;

(iii) the Cambridge Seniors Services Strategy 2018/19 - 2021/22 be received and the recommendations adopted.

Carried 5/0

(iv) provision be made in the Draft 2018/19 Budget for an amount of $255,000 operational funding to implement the seniors strategies for the 2018/2019 financial year (including two full time staff) and $12,000 in the Draft 2018/2019 Capital Budget;

Lost 2/3

For: Crs Carr and McAllister
Against: Mayor Shannon, Crs Everett and Timmermanis

(v) a further report be presented to Council in relation to fees and charges for seniors social participation programs.

Carried 3/2

For: Crs Carr, Everett and McAllister
Against: Mayor Shannon and Timmermanis

COMMITTEE RECOMMENDATION:

Moved by Cr Timmermanis, seconded by Cr McAllister

That:-

(i) the Town of Cambridge Age-Friendly Community Plan be received and the recommendations endorsed;

(ii) the attached updated Seniors Policy (2.1.20) be endorsed and incorporated in the Town's Community Development Policies;

(iii) the Cambridge Seniors Services Strategy 2018/19 - 2021/22 be received and the recommendations adopted;

(iv) a further report be presented to Council in relation to fees and charges for seniors social participation programs.
Amendment

Moved by Cr Powell, seconded by Cr Carr

That the motion be amended by re-inserting clause (iv) to the motion:

(iv) provision be made in the Draft 2018/19 Budget for an amount of $255,000 operational funding to implement the seniors strategies for the 2018/2019 financial year (including two full time staff) and $12,000 in the Draft 2018/2019 Capital Budget;

Discussion ensued.

Moved by Cr Bradley, seconded by Cr Timmermanis

That the item be deferred for one month.

Lost  2/7

For:  Crs Bradley and Timmermanis
Against:  Mayor Shannon, Crs Carr, Everett, McAllister, McKerracher, Nelson and Powell

The amendment was then put and carried  7/2

For:  Mayor Shannon, Crs Carr, Everett, McAllister, McKerracher, Nelson and Powell
Against:  Crs Bradley and Timmermanis

COUNCIL DECISION:

That:-

(i) the Town of Cambridge Age-Friendly Community Plan be received and the recommendations endorsed;

(ii) the attached updated Seniors Policy (2.1.20) be endorsed and incorporated in the Town's Community Development Policies;

(iii) the Cambridge Seniors Services Strategy 2018/19 - 2021/22 be received and the recommendations adopted;

(iv) provision be made in the Draft 2018/19 Budget for an amount of $255,000 operational funding to implement the seniors strategies for the 2018/2019 financial year (including two full time staff) and $12,000 in the Draft 2018/2019 Capital Budget;

(v) a further report be presented to Council in relation to fees and charges for seniors social participation programs.

Carried  7/2

For:  Mayor Shannon, Crs Carr, Everett, McAllister, McKerracher, Nelson and Powell
Against:  Crs Bradley and Timmermanis
SUMMARY:

The Town received 175 responses to a survey seeking their views on proposed options to improve pedestrian crossings and traffic calming measures on Challenger Parade proximate to the Surf Club Building and Commercial Development at City Beach.

The community's preferences and comments are detailed in this report and suggest that there is general support for the initiatives.

Accordingly, a set of preferred options are recommended for endorsement as well as a proposed priority of undertaking works for each option.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative**: Includes adopting local laws, town planning schemes & policies.
- **Review**: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- **Quasi-Judicial**: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- **Information**: For the Council/Committee to note.

BACKGROUND:

At its meeting held on 28 September 2017, Council considered a report (Item CR17.142) regarding the community survey recently completed regarding the kiosk and toilets at South City Beach and decided that:

(i) the master plan relating to Pedestrian Crossing Improvements and Traffic Calming measures on Challenger Parade as shown in attachment 3 to this report is adopted;
(ii) comment is sought, commencing after the October Council elections, on the master plan from City of Perth Surf Lifesaving Club, the operators of Hamptons, Rise, Odyssea, Clancys and PTA as well as feedback sought from the community and results presented to Council; and.
(iii) depending on the outcomes of (ii), a scope of works is prepared for implementation of the plan, with costs and staging timing and provided to Council for approval.
DETAILS:

Master Plan

The Master Plan endorsed by Council provided 9 Options for various areas and measures to either improve pedestrian crossings, calm traffic on Challenger Parade or both.

The intent of the community survey was to ascertain preferences for these options and to also understand where there any other matters that the Town hadn’t considered in developing these options.

Community Survey and Analysis

The format of the proposed survey to seek comment on the options contained in the plan were circulated to Elected Members in mid-February 2018 and then advertisement commenced on 28 February 2018 with the survey to close on 3 April 2018.

The survey was advertised by way of:

- Three large format signs located at key locations that pedestrians use to cross Challenger Parade and car park users;
- Cambridge News both in hard copy and electronic mail out;
- Letter box drop to houses in South City Beach;
- Direct email contact with Hamptons, Rise, Odyssea, Clancys, City of Perth Surf Lifesaving Club, PTA, Department of Transport and Coastcare.

175 survey responses were received at the time of preparation of the Council report as well as one letter mailed to the Town.

The Town engaged Creating Communities to assist the Town in analysing the survey responses received.

The analysis provided insights into:

- the support for various options;
- what correlations exist between responses and issues such as postcode of residence, frequency of visitation to City Beach and whether or not small children were also accompanied (which was one of the safety issues raised regarding pedestrian crossings).

In summary, each of the Options received significant support with no option having more than 22% of respondents who Objected or Strongly Objected to the proposals.

The dashboard below encapsulates the analysis, with the full report from Creating Communities provided as Attachment 1.

The Options presented for community feedback are provided as Attachment 2.
DEMOGRAPHICS

Almost half of the participants (44%) resided in the 6015 (City Beach) postcode.

- 6015: 44%
- 6014: 27%
- 6019: 7%
- 6018: 6%
- Other: 9%
- No response: 7%

Over half of participants (53%) visit City Beach at least daily in the summer.

- Daily: 53%
- Weekly: 33%
- Monthly: 9%
- Occasionally: 2%
- Rarely: 2%
- No response: 8%

The mix of those who visit the area with or without children was relatively evenly split, with close to one-quarter usually, sometimes, rarely or never accompanied by children.

- Usually: 25%
- Sometimes: 24%
- Rarely: 21%
- Never: 24%
- No response: 6%

THE NEED FOR IMPROVEMENTS

The vast majority of respondents (89%) agreed that improvements in pedestrian crossings are needed.

- Yes: 89%
- No: 11%

The vast majority of respondents (89%) agreed that improvements in pedestrian crossings are needed.

- Yes: 78%
- No: 21%
- No response: 1%
COMMENTS
A total of 122 open-ended responses were provided to the question of "Are there any comments you wish to make about these proposals?". Comments related to the following topics:

A total of 100 open-ended responses were provided to the question of "Are there other things we should be considering to improve pedestrian safety and traffic calming in this area?". Comments related to the following topics:

THE PROPOSALS
For the individual proposals, all of the options provided had a majority support rate (over 50% either supported or strongly supported).

The highest combined support (either supported or strongly supported) was for Option 7 (19%) and the lowest combined support was for Option 9 (61%).

The highest combined objection (either object or strongly object) was for Option 9 (22%) and the lowest combined objection was for Option 7 (5%).
Option 1
School bus stops relocation

75% Level of Support*
7% Level of Objection*

Open-ended comments focused on:
• A good idea
• Concerns over safety of location

‘New location of school bus stops is not safe for children to be waiting for parents if alone.’

Option 2
 Alteration to traffic lanes at Challenger Parade

71% Level of Support*
19% Level of Objection*

Open-ended comments focused on:
• Concerns over cyclist safety
• Concern over median strips impeding traffic flow
• Concerns of sufficient space to overtake

‘Traffic islands increase risk to cyclists.’

Option 3
Major pedestrian crossing from Fred Burton car park

70% Level of Support*
20% Level of Objection*

Open-ended comments focused on:
• Concern over impeding traffic flow of vehicles
• Concern focused on prioritising pedestrians over vehicles

‘I disagree with this idea as traffic flow shouldn’t be hindered for crossing pedestrians.’

Option 4
Main beach side car park – close south entry

69% Level of Support*
21% Level of Objection*

Open-ended comments focused on:
• Closing one entry seen as unfeasible due to high volume of traffic
• Concern that vehicles would use other parts of the road/carpark increasing danger to pedestrians

‘We don’t agree with closing the road between Hamptons and Odysseas because a lot of drivers use this to drop off elderly or disabled customers of these restaurants.’

Option 5
Main beach side car park – expand the north entry

77% Level of Support*
11% Level of Objection*

Open-ended comments focused on:
• Good idea
• The need to widen the car park to make this feasible

‘The two-way traffic can only be installed with the widening of the car park – I use this area most mornings and suggest it is suitable for 2 lanes of traffic is dangerous.’
Discussion

It appears from the results of the feedback that there is majority support for all of the options proposed in this plan and, as such, a recommendation is made that they be adopted for staged construction.

It is appropriate that comment is given to other suggestions and comments received in the survey period. These are considered below:

Option 6
Vehicle connection between north and main car park

- 69% Level of Support
- 16% Level of Objection

Open-ended comments focused on:
- Concern that connecting the car parks will create traffic flow issues
- Seen as unnecessary

"Making a link between the two car parks in front of Clancy’s sounds like a bad idea despite traffic calming/shared pedestrian design. It turns the whole area into a traffic flow zone when the area should be encouraging more parking in the Fred Burton carpark."

Option 7
Footpath from Challenger Parade to Clancy’s

- 79% Level of Support
- 5% Level of Objection

Open-ended comments focused on:
- Seen as a worthwhile initiative

"Proposal 7. Because this wouldn’t hinder traffic, I don’t see an issue."

Option 8
The speed limit on Challenger Parade

- 68% Level of Support
- 21% Level of Objection

Open-ended comments focused on:
- Some saw the 40km/h speed change as necessary
- Some saw the 40km/h as too extreme
- Concern about the raised plateau to enforce speed limit

"Agree with reducing the speed limit on Challenger Pde to 40km/hr, however concerned with installation of speed bumps as drivers tend to enter cycle lanes where the rise/juliet is gentler"

Option 9
Fred Burton car park – in only north entry

- 61% Level of Support
- 22% Level of Objection

Open-ended comments focused on:
- Concerns about traffic congestions due to closing the exit lane
- Concern that this is simply moving the problem

"Pushing traffic on to a quiet street like Fred Burton is just moving a problem elsewhere and will make that road unsafe for pedestrians /cyclists. Put footpaths on every street to make our community safer for its most vulnerable residents."

*Level of Support includes Support and Strongly Support
*Level of Objection includes Object and Strongly Object.
Zebra Crossings

Comments were received that the Town should simply paint zebra crossings on Challenger Parade requiring vehicles to give way to pedestrians rather than do any other works.

Approval and implementation of a zebra crossing comes from Main Roads in accordance with their assessment criteria ("warrant").

Their policy provides that a zebra crossing is appropriate for roads that are "Two-lane roads with short crossing distances, low traffic speeds, low traffic volumes, consistent pedestrian usage throughout the day, street lighting and good visibility of the crossing"

The criteria set to satisfy a demand for a zebra crossing is:

"A zebra crossing may be considered if in two separate hours on an average weekday:

- the number of pedestrians crossing in close proximity of the site (generally within 30 m) exceeds 60 per hour;
- the number of vehicles exceeds 600 per hour; and
- the product of the number of pedestrians crossing and vehicles passing the site exceeds 90,000 in the same hour."

In the case of Challenger Parade, the crossing distances are significant (9 to 12 metres without any medians), traffic counts conducted 2 years ago indicated volumes well below the 600 vehicles per hour threshold and the pedestrian volumes are very peaky (summer weekends especially). It would be considered difficult to have Main Roads approval based on warrant criteria.

Consideration would be given to monitoring the situation after the implementation of the proposed works to determine if a zebra crossing is required.

Further expand car parking closer to the south end of the precinct

Suggestions were received to further expand car parking at the existing south west car park to provide more car spaces on the beach side of Challenger Parade thus reducing pedestrian crossing numbers (see image below for suggested car park to be expanded)

Council has considered on numerous occasions expansion of car parking at the south end of the City Beach precinct and has determined that the impacts, especially on the dunes, are not acceptable.
Further expand car parking at the south end of the Fred Burton car park

These suggestions are based on minimising the walking distance from any car parks to the patrolled parts of City Beach swimming area. As this doesn’t reduce the number of pedestrians crossing Challenger Parade as well as requires further expansion into coastal dunes this suggestion is not recommended to be taken up.

Do not proceed with the proposed connection road in front of Clancy’s

Some comments have been received that there is a perception that increased numbers of cars moving from one car park to another would present an unacceptable safety hazard to patrons of Clancy’s. The intent of this option was to allow vehicles circulating to seek car parking bays to remain within the car parking areas and not have to enter and leave Challenger Parade to circulate between car parks, reducing conflicts to pedestrians and cyclists.

The intent of the works would be to create a pedestrian prioritised area (similar to Bayview Terrace in Claremont) such that vehicle speeds would be very low.

This option proposed by Council does have the support of Clancy’s. Further, Clancy’s are proposing to the Town improvements to their façade and eastern side of the building to deal with the visual amenity of their bin store and delivery area. Their works would need to tie in with whatever decision the Town reaches on works in this area and provide an overall visual amenity benefit.

This work could be assigned a low priority for construction if Council determines.

Further expand pedestrian paths

Other suggestions include formalised footpaths on Fred Burton Way to West Coast Highway and formalised footpaths within the recent extension of the Fred Burton Carpark to better separate pedestrians and vehicles in carparks.

Whilst not proposed in the plan, these could be considered at later stages.

Viability of Planted Medians

Comments have been received that the idea of planted medians will either create sight line issues or have plantings that require significant watering or will be small in size due to space constraints. It is proposed that these medians are a mix of shrub / hedges and trees.

The Town is exploring innovative means of planting trees in constrained spaces (such as car parks and medians) that allow significant tree growth. It also ensures that under pruning of tree stock occurs to ensure sight lines are maintained.

It is not recommended that bare medians without any planting are installed. These would promote pedestrians to cross the road wherever they wanted rather than the formalised crossing points.

Matters to Take into Consideration

The open ended responses provided in the survey provided good insights into matters that the Town should also take into consideration if these proposals were to proceed to construction.
The following issues would be addressed during the design phases of any works:

- Functionality of car parks exit and entry points
- Impacts of roadworks on cyclist amenity and safety
- Detail design of flow and car park bay design within car parks
- Further implications for potential increased traffic flow on Fred Burton Way
- School bus stops

It is to be noted that these issues add to the commentary provided and in themselves do not warrant rejection of any proposal given the level of support provided.

**Recommended Prioritised Actions**

It is recommended that the following prioritised actions are undertaken:

<table>
<thead>
<tr>
<th>Item</th>
<th>Task</th>
<th>Timeline</th>
<th>Indicative Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Commence detail design of Option 1 (bus stop changes), Option 2 (median changes to Challenger Parade), Option 3 (Crossings), Option 4 &amp; 5 (Changes to entry / exit to main beach side car park) and Option 9 (Entry only to Fred Burton Carpark)</td>
<td>Works commence this FY within current budget</td>
<td>$50,000</td>
</tr>
<tr>
<td>2</td>
<td>Include in draft FY19 budget construction funding for the options in Item 1</td>
<td>For inclusion in draft FY19 budget</td>
<td>$230,000</td>
</tr>
<tr>
<td>3</td>
<td>Include in draft FY19 funding to design &amp; implement the traffic calming measures (Option 8) for Challenger Parade and Oceanic Drive</td>
<td>For inclusion in draft FY19 budget</td>
<td>$160,000</td>
</tr>
<tr>
<td>4</td>
<td>Consider inclusion in draft FY19 budget design &amp; implementation of Options 6 &amp; 7 (path and road works near Clancys)</td>
<td>For inclusion in draft FY19 budget</td>
<td>$40,000</td>
</tr>
</tbody>
</table>

**POLICY/STATUTORY IMPLICATIONS:**

There are no policy or statutory implications to this report.

**FINANCIAL IMPLICATIONS:**

The draft 2018/2019 budget will identify funding requirements and funding sources for any ongoing works related to this matter.

**STRATEGIC DIRECTION:**

Depending on the proposed future use of the building, its retention would support the following Goals of the Town's 2017-2027 Strategic Community Plan:-

**Our Community**

Goal 3: An active, safe and inclusive community;

Strategy 3.4 Create and maintain safe environments
COMMUNITY ENGAGEMENT:

This report details the analysis of community engagement regarding the proposed options.

Those respondents to the survey who wished to be kept informed on this matter will be advised of the Council decision.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Director</th>
<th>Jason Lyon A/Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Contributors</td>
<td>Brett Jackson, Director Projects</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Creating Communities Report on analysis of the community surveys
2. Outline plan of proposed changes to Challenger Parade pedestrian movements and traffic calming works

Committee Meeting 14 May 2018

Prior to consideration of the item, Mr Brett Jackson, Director Projects disclosed an interest affecting impartiality and declared as follows:- with regard to Item CR18.76 I declare that the report under consideration includes consideration of works in proximity to Clancy's Fish Bar. My son, who is not living at home with me, is a casual employee of Clancy's. As a consequence, there may be a perception that my impartiality in preparing this report on the matter may be affected. In consideration of s5.70 of the Local Government Act and the Town's Code of Conduct, I declare that I have prepared the Council report and recommendations based on the merits of each option and results of community feedback.

ADMINISTRATION RECOMMENDATION:

That:-

(i) the following options for the proposed changes to Challenger Parade pedestrian and traffic calming works, as presented in the community survey undertaken in March 2018, be endorsed:

(a) Option 1 relocation of bus stops and associated works;
(b) Option 2 installation of new medians and pedestrian refuges;
(c) Option 3 closure of existing southern entry/exit to Fred Burton carpark from Challenger Parade and associated works;
(d) Option 4 closure of existing southern entry/exit to main beach car park and associated works;
(e) Option 5 improvements to existing northern entry/exit to main beach car park;
(f) Option 6 pedestrian prioritised vehicular connection between carparks near Clancy's;
(g) Option 7 new footpath connection from Challenger Parade to Clancy's and beach;
(h) Option 8 traffic calming measures on Challenger Parade and (subject to Main Roads approval) implement 40 kmh speed zone; and
(i) Option 9 close existing northern exit from Fred Burton Carpark at Challenger Parade and associated works;

(ii) design works commence on Options 1, 2, 3, 4, 5 and 9;
(iii) funding be included in the draft 2018/2019 budget for:
   (a) Construction of Options 1, 2, 3, 4, 5 & 9;
   (b) Design and Construction of Option 8;
   (c) Design and Construction of Options 6 and 7; and

(iv) detail design works include review and appropriate measures to deal with comments received regarding car park layout, traffic flow and cyclist issues.

Discussion ensued. Members noted the concerns raised in the deputation regarding Option 6 and considered that it was appropriate to await the proposals from Clancy’s in this area before committing to Option 6.

Amendment

Moved by Mayor Shannon, seconded by Cr Everett

That clause (i)(f) of the motion be deleted.

Amendment carried 5/0

Amendment

Moved by Cr Timmermanis, seconded by Cr Everett

That clause (iii)(c) of the motion be amended to remove Option 6.

Amendment carried 5/0

Council Meeting 22 May 2018

Prior to consideration of the item, Mr Brett Jackson, Director Projects disclosed an interest affecting impartiality and declared as follows:- with regard to Item CR18.76 I declare that the report under consideration includes consideration of works in proximity to Clancy's Fish Bar. My son, who is not living at home with me, is a casual employee of Clancy's. As a consequence, there may be a perception that my impartiality in preparing this report on the matter may be affected. In consideration of s5.70 of the Local Government Act and the Town's Code of Conduct, I declare that I have prepared the Council report and recommendations based on the merits of each option and results of community feedback.

COUNCIL DECISION:
(COMMITTEE AND RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That:-

(i) the following options for the proposed changes to Challenger Parade pedestrian and traffic calming works, as presented in the community survey undertaken in March 2018, be endorsed:

   (a) Option 1 relocation of bus stops and associated works;
   (b) Option 2 installation of new medians and pedestrian refuges;
   (c) Option 3 closure of existing southern entry/exit to Fred Burton carpark from Challenger Parade and associated works;
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(e) Option 5 improvements to existing northern entry/exit to main beach car park;
(f) Option 7 new footpath connection from Challenger Parade to Clancy's and beach;
(g) Option 8 traffic calming measures on Challenger Parade and (subject to Main Roads approval) implement 40 kmh speed zone; and
(h) Option 9 close existing northern exit from Fred Burton Carpark at Challenger Parade and associated works;

(ii) design works commence on Options 1, 2, 3, 4, 5 and 9;

(iii) funding be included in the draft 2018/2019 budget for:
   (a) Construction of Options 1, 2, 3, 4, 5 & 9;
   (b) Design and Construction of Option 8;
   (c) Design and Construction of Option 7; and

(iv) detail design works include review and appropriate measures to deal with comments received regarding car park layout, traffic flow and cyclist issues.

Carried 9/0
CR18.77 FLOREAT BEACH CAFE CONCEPT DESIGN

SUMMARY:

The Town's architect has prepared concept design options for the redevelopment of Floreat Café and associated public amenities. Financial modelling has been undertaken of the potential lease revenue that could be generated from either option.

It is recommended that the concept option of an enclosed al fresco deck (with retractable windows) is endorsed by Council and that detail design commences. It is further recommended that tender documentation be prepared to engage a new lease arrangement for the café.

Finally it is also recommended that the Town commence the necessary works to submit an application to the WAPC for approval of the redevelopment as a precursor to any construction approvals.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative**: Includes adopting local laws, town planning schemes & policies.
- **Review**: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- **Quasi-Judicial**: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- **Information**: For the Council/Committee to note.

BACKGROUND:

At its meeting held on 25 July 2017, Council considered a report (CR17.114) regarding the future development of Floreat Beach Kiosk and Public Amenities and decided that:

(i) **tenders be called for design works for the Floreat Beach Kiosk and Public Amenities with the scope of works to include development of a new concept plan Option 2, enclosing part of the existing al fresco deck**;

(ii) **existing Option 1 and the new Option 2 concepts for the kiosk be presented to Council and a preferred option be then determined**;

(iii) **further over holding periods of at least twelve months be provided to the existing tenant of the Floreat Kiosk to allow for the design and construction period; subject to a suitable rent review**.

Item (ii) is the subject of this report. Items (i) and (iii) have been addressed.
DETAILS:

Concept Plans

The previous concept plans developed by the previous Architect and presented to Council in July 2017 had an effective area of the kiosk, café indoor dining and associated outdoor dining of ~450 m². Council endorsed this size to achieve a balance between rent returns, capital cost and the intent of retaining the 'local' nature of the café. The options presented varied the balance between enclosed and open space to the west (beach side) of the café.

It is noted that the predominant use of the existing leased facility is a café with attached kiosk, trading as The Kiosk Floreat Beach. For the purposes of this project, the facility will be known as Floreat Beach Café with the associated Public Amenities.

The new Architect (Lantern Architecture) when briefed by the Town, were to achieve these similar floor areas but in a more efficient and cost effective manner.

The Architect has developed conceptual plans for the Café and Public Amenities which addresses the intent of the July 2017 Council decision. The Architect has also drawn upon the Heritage Impact Statement regarding the existing building and its heritage values. It is important to note that the original design of this area developed in the 1970s was of a free standing toilet block and a free standing kiosk block which were the 'brutalist' architecture elements that are celebrated today. The 'infill' space between the buildings has become the café which is widely embraced by the local community.

The concept plans are attached to this report. Option 1 provides an outdoor al fresco area that has wind and rain protection whereas Option 2 integrates the deck area to the main building providing an 'open air' experience through operable full height windows slid back except when the wind or rain is coming into the building. This has drawn from discussions with the current tenant regarding the deficiencies in the current building which negatively impact the customer experience and limit the potential for the café.

The Architect has considered some key factors in undertaking this concept including:

- Retention of the casual nature of the café including outdoor spaces
- Restoration of the kiosk servery to its original location
- Improvements to the western facing dining area to take advantage of the ocean view
- Improvements to the back of house functionality which is a deficiency in the current layout
- Cost effective outcome
- Regard to the heritage value of the buildings
- Improvements to the public showers, toilets and change areas of a similar standard to that adopted at City Beach
- Integration to pedestrian access through the area and to the beach
Floor Area - Café

<table>
<thead>
<tr>
<th></th>
<th>Current</th>
<th>Option 1</th>
<th>Option 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enclosed Dining Area</td>
<td>110 m²</td>
<td>148 m²</td>
<td>253 m²</td>
</tr>
<tr>
<td>Back of House</td>
<td>90 m²</td>
<td>110 m²</td>
<td>110 m²</td>
</tr>
<tr>
<td>Dedicated Toilets¹</td>
<td>0 m²</td>
<td>45 m²</td>
<td>45 m²</td>
</tr>
<tr>
<td>Al Fresco dining &amp;</td>
<td>172 m²</td>
<td>153 m²</td>
<td>48 m²</td>
</tr>
<tr>
<td>under shade areas</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>272 m²</strong></td>
<td><strong>456 m²</strong></td>
<td><strong>456 m²</strong></td>
</tr>
</tbody>
</table>

¹. existing café customers have to use the public toilets

By way of comparative example, the Rise pizzeria at City Beach has a total floor area of 300 m² (including al fresco and back of house plant) and Odyssea at City Beach has a total floor area of 790 m² (including al fresco and back of house plant).

Building Layout - Discussion

The Town has experience with new dining facilities close to beaches (City Beach development). The Town initially was of a view that the al fresco decks would have only small roof structures with exposed sides on the basis that the winter trade would be small enough to be predominantly within the indoor dining areas. In March 2017, Council approved an application from Odyssea at City Beach to enclose their western facing deck in order to facilitate patronage in inclement weather and a similar application from Rise at City Beach is also forthcoming.

The current operator at Floreat has suggested that enclosure of the western deck is necessary to facilitate not only winter dining but also evenings when the prevailing winds prevent use of the deck.

Council had considered the potential for partially enclosing this deck as part of earlier deliberations.

It is proposed that having an enclosed deck, with operable windows and doors would be the better outcome allowing full year trading under best possible conditions. A decision would be made during detail design as to whether an internal set of folding doors would be appropriate to create separate indoor and al fresco areas which would be taken in consultation with the tenant. It is felt that making this decision now, rather than dealing with an application from the tenant later is preferred as the Architect can control the design outcome from the start.

It is important to note that the concepts proposed, whilst increasing the net lettable area, are geared around maintaining an establishment that is in keeping with the ‘local flavour’ and feel of the existing café. It is not the intent to develop a facility that would be of the same style as has been developed at City Beach. This would be reinforced in any tender documentation issued by the Town.
Indicative Cost plan

The current estimated cost plan for the concept options is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Concept Option 1</th>
<th>Concept Option 2</th>
<th>Public Amenities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Estimate</td>
<td>$ 841,000</td>
<td>$ 846,000</td>
<td>$ 259,000</td>
</tr>
<tr>
<td>Design &amp; Construction Contingency</td>
<td>$ 130,000</td>
<td>$ 131,000</td>
<td>$ 41,000</td>
</tr>
<tr>
<td>Subtotal Construction Cost</td>
<td>$ 971,000</td>
<td>$ 977,000</td>
<td>$ 300,000</td>
</tr>
<tr>
<td>Professional Fees</td>
<td>$ 145,500</td>
<td>$ 145,500</td>
<td>$ 38,000</td>
</tr>
<tr>
<td>Utilities &amp; Headworks</td>
<td>$ 14,000</td>
<td>$ 14,000</td>
<td>$ -</td>
</tr>
<tr>
<td>Project Cost (Rounded)</td>
<td>$1,130,000</td>
<td>$1,140,000</td>
<td>$ 340,000</td>
</tr>
</tbody>
</table>

Financial Analysis

Attachment 2 to this report details the anticipated Net Present Value considerations of the Town's investment in the café. It details anticipated rental returns from each option, which would be a benchmark for anticipated lease offers when the Town goes to market.

This attachment is CONFIDENTIAL in accordance with Section 5.23(2) of the Local Government Act 1995 which permits the meeting to be closed to the public for business relating to the following:

(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

Tenant Leasing

To de-risk the project, it is also proposed that the Town has a new tenant in place prior to the Town committing to construction tenders. This process was adopted for the Restaurants at City Beach and Wembley Golf Course Hospitality which allowed a firm Business Case based on lease revenue and capital costs to be finalised prior to significant capital investment by the Town.

It is proposed that the Town commences the process to engage a tenant for the café. As this new lease is a disposal of land under s3.58 of the Local Government Act, the Town can either:

- Seek public tenders for the new lease - s3.58 (2)(b) or
- Undertake other processes to determine a new tenant and publish the intent to award a lease inviting public comment - s3.58 (3)

Previously, the Town sought expressions of interest from potential lessees prior to finalising commercial terms with a preferred lessee and then undertook the public notice process in accordance with s3.58(3) of the Local Government Act. This was done primarily to allow Council to determine a suitable list of potential tenants against their assessment of other than commercial terms (fit, experience, offer etc) prior to firm commercial terms being offered.

In this case, however, the Town would be able to develop suitable tender specification for a new lessee (based on retention of a casual café and kiosk offering) to allow the Town to readily assess public tenders and award the lease to the preferred operator. Accordingly it is proposed that the tender path in accordance with s3.58(2)(b) of the Local Government Act is undertaken.
Public Amenities

It is proposed that the public amenities refurbishment is included in whatever final investment decision is made for the project. They are currently old and tired in need of refurbishment. It would be intended to redevelop these facilities to a similar standard as the new public amenities at City Beach.

Planning

The café and public amenities are located within Lot 6000 of Plan 74241 which covers most of the Town's beachfront. It is Freehold land zoned MRS Parks and Recreation. Accordingly, the Town will be required to seek planning approval for the project from the WAPC.

The approval of the WAPC would also be required if the proposed lease (inclusive of option terms) exceeded twenty years.

POLICY/STATUTORY IMPLICATIONS:

The requirements of s3.58 of the Local Government Act 1995 regarding the disposal of land by way of a lease and the Planning and Development Act 2005 in regards to the Metropolitan Region Scheme and s136 - leases

FINANCIAL IMPLICATIONS:

Continuation of the Architectural design services is within the current budget approval of $200,000 for project C3596 - 'Floreat Beach Kiosk - Detail Design of Preferred Option'

It would be proposed that the funding for the redevelopment of the café is provided from the Endowment Lands Account as a loan to be repaid with principal and interest and that the amenities refurbishment is funded from the Asset Management Reserve in recognition of the nature of the works.

STRATEGIC DIRECTION:

Progression of the Floreat Café project supports the following Goals and Strategies of the Town's Strategic Community Plan 2017/2027:-

Our Community Life
Goal 5: Successful commercial, retail and social hubs;

COMMUNITY ENGAGEMENT:

This matter has been assessed in accordance with policy 1.2.11 Community Engagement.

Once a preferred concept is decided, it is proposed to inform the community that the Town is undertaking this project. The primary communication method will be on site signage which will target the regular users of the facility and adjoining spaces. Ancillary communication through Cambridge News would also be undertaken.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Director</th>
<th>Jason Lyon A/Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Not applicable</td>
</tr>
<tr>
<td>Contributors</td>
<td>Brett Jackson, Director Projects</td>
</tr>
</tbody>
</table>
ATTACHMENTS:

1. Concept Floor Plans for Options 1 & 2;
2. Financial Analysis (CONFIDENTIAL)

ADMINISTRATION RECOMMENDATION:

That:-

(i) concept option 2 for the café be adopted and design works be continued;

(ii) design for the refurbishment of the public amenities be continued;

(iii) a specification for tender of a lease for the café be prepared and endorsed by Council; and

(iv) a Development Application be prepared and submitted to the WAPC for the project.

Committee Meeting 14 May 2018

During discussion, Members expressed concern with regard to the cost of Option 2 and queried whether a more modest proposal could be considered.

Amendment

Moved by Cr Timmermanis, seconded by Cr Everett

That clause (i) of the motion be amended to read as follows:

(i) concept option 2 be considered at an Elected Member Forum.

Amendment carried 5/0

COUNCIL DECISION:
(COMMITTEE RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That:-

(i) concept option 2 be considered at an Elected Member Forum;

(ii) design for the refurbishment of the public amenities be continued;

(iii) a specification for tender of a lease for the café be prepared and endorsed by Council; and

(iv) a Development Application be prepared and submitted to the WAPC for the project.

Carried 9/0
CR18.78 LAKE MONGER EXPRESSION OF INTEREST INVITATION FOR FOOD AND BEVERAGE LICENCE

SUMMARY:

An invitation to submit to the Town an Expression of Interest for operators of Food and Beverage Licence at Lake Monger has been prepared and Council approval is sought.

AUTHORITY / DISCRETION

- Advocacy
- Executive
- Legislative
- Review
- Quasi-Judicial
- Information

- Advocacy
- The 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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- Information
- For the Council/Committee to note.

BACKGROUND:

At its meeting held on 27 March 2018, Council considered a report (CR18.36) regarding the outcomes of Community Consultation on the draft Lake Monger Activity Plan and decided (in part)

"(iv) the Town prepares an Expression of Interest for operators of ‘pop up’ or food truck style food and beverage operators for Lake Monger for Council approval"

DETAILS:

The Expression of Interest (EOI) document has been prepared and is included as Attachment 1 to this report.

The EOI has the following key aspects:

- The Town has no definite ideas as to what form these facilities could take. Suggestions include coffee vans, food trucks (such as those becoming increasingly popular in CBD areas) or even simple ‘pop up’ food and beverage outlets with seating areas.

- It is envisaged that the outlets will provide take-away and perhaps eating at seated areas for coffee, tea, soft drinks and light refreshments. ‘Pop Up’ cafes proposing more substantial meals are encouraged.

- At this stage, the Town would not be supportive of propositions that are licenced premises to serve alcohol.
• The intent would be that the operator not only is able to tap into the existing patronage of the Reserve but the nature and attractiveness of their offering adds to the vibrancy of Lake Monger which in turn attracts new users.

Subject to the approval by Council of this EOI, the indicative timetable for this project is:

• Advertisement - Saturday 26 May 2018
• EOI Close - Tuesday 26 June 2018
• Council short list preferred operator(s) - 28 August 2018
• Short listed operators submit formal tender - 10 October 2018
• Council award of licence(s) - 27 November 2018

POLICY/STATUTORY IMPLICATIONS:

The requirements under s3.58 of the Local Government Act (disposal of property) would not apply as this is not considered a disposition of land. The Town's policy 3.1.3 Commercial Enterprises on Council Land guides the manner in which a licence in this case can be dealt with.

FINANCIAL IMPLICATIONS:

The financial implications of the successful operations will be subject of a future report to Council

STRATEGIC DIRECTION:

Progression of this aspect of Lake Monger Activity Plan supports the following Goals and Strategies of the Town's Strategic Community Plan 2017/2027:–

Our Community Life
Goal 2: Quality local parks and open spaces for the community to enjoy;

Strategy 2.1 Focus on activating our major public open spaces

Action: Develop an activity plan for Lake Monger.

COMMUNITY ENGAGEMENT:

In accordance with the Town's Policy 1.2.11 Community Engagement, this matter has been assessed as Not Requiring community engagement as it is a purely administrative matter.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Brett Jackson. Director Projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td></td>
</tr>
<tr>
<td>Contributors</td>
<td></td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Expression of Interest invitation document
COMMITTEE AND ADMINISTRATION RECOMMENDATION:

Moved by Cr Timmermanis, seconded by Cr McAllister

That the Expression of Interest invitation for Lake Monger Food and Beverage Licence be approved by Council.

Amendment

Moved by Mayor Shannon, seconded by Cr Timmermanis

That further clauses be added to the motion as follows:-

(ii) the Lake Monger Recreation Club be invited to make a proposal to the Town for the provision of food and beverages to the public from its premises.

(iii) the Town provide a report to the June council meeting with suggested amendments to the Town’s leasing policy and lease documents to allow the Town to grant a limited license to sporting clubs and associations where there is no equivalent and competing private operator providing goods in particular catering and beverages to members of the public in the vicinity of the Town’s facility.

Carried 8/1

For: Mayor Shannon, Crs Bradley, Carr, Everett, McAllister, McKerracher, Nelson and Timmermanis
Against: Cr Powell

COUNCIL DECISION:

That:

(i) the Expression of Interest invitation for Lake Monger Food and Beverage Licence be approved by Council.

(ii) the Lake Monger Recreation Club be invited to make a proposal to the Town for the provision of food and beverages to the public from its premises.

(iii) the Town provide a report to the June council meeting with suggested amendments to the Town’s leasing policy and lease documents to allow the Town to grant a limited license to sporting clubs and associations where there is no equivalent and competing private operator providing goods in particular catering and beverages to members of the public in the vicinity of the Town’s facility.

Carried 9/0
CR18.79 DOCUMENTS SEALED - MAY 2018

SUMMARY:
To advise Council of documents that have been affixed with the Common Seal of the Town of Cambridge.

AUTHORITY / DISCRETION

- Advocacy: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative: Includes adopting local laws, town planning schemes & policies.
- Review: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information: For the Council/Committee to note.

DETAILS:
There is no statutory requirement for the Council to give prior approval for the Seal of the Municipality to be placed on documents, however, Council Policy directs the type of documentation to which the seal may be affixed, and requires a subsequent report to Council.

A schedule of documents affixed with the Common Seal of the Town of Cambridge appears below:

<table>
<thead>
<tr>
<th>Date Sealed</th>
<th>Document Details</th>
<th>Purpose</th>
<th>No. Copies</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 May 2018</td>
<td>Transfer of Land; Lease; Certificate of Title; Diagram of the Land; Authority to Act and Authority to Settle - 35 Boronia Crescent City Beach</td>
<td>Land Acquisition by the Town from Telstra Corporation - 35 Boronia Crescent City Beach</td>
<td>3</td>
</tr>
</tbody>
</table>

POLICY/STATUTORY IMPLICATIONS:
There are no Policy or Statutory Implications related to this report.

FINANCIAL IMPLICATIONS:
There are no Financial Implications related to this report.
STRATEGIC DIRECTION:

Sealing of Council documents is consistent with the Strategic Community Plan 2013-2023 priority area of *Capacity to Deliver* and goal of *transparent, accountable governance*.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is administrative.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Jason Lyon, Acting Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>N/A</td>
</tr>
<tr>
<td>Contributors</td>
<td>Karen Exley-Mead PA to CEO</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

Nil

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That it be noted that the Common Seal of the Town of Cambridge has been affixed to the documents as listed in the schedule as it appears in this report.

Carried 9/0
CR18.80 MODEL LITIGANT POLICY FOR CIVIL LITIGATION - APRIL 2018

SUMMARY:

The Town has adopted a Model Litigant Policy for Civil Litigation. The Council has required that a status report be provided to each Council meeting regarding the conduct of any civil litigation and the legal costs incurred.

AUTHORITY / DISCRETION

- Advocacy: When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
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- Information: For the Council/Committee to note.

BACKGROUND:

At the Town's Ordinary Council meeting of 19 December 2017 the council adopted a Model Litigant Policy. The decision made at the meeting is detailed below:

That:-

(i) the Town ADOPTS the Model Litigant Policy for Civil Litigation;

(ii) the Model Litigant Policy for Civil Litigation be effective immediately and be applied to all civil litigation currently being undertaken or responded to by the Town;

(iii) the Town will receive a report from Chief Executive Officer regarding the conduct of any civil litigation undertaken and the legal costs incurred by the local government at each full Town meeting.

The Policy has been adopted is adopted and this report provides the information required to be presented monthly in clause (iii) above.
The following table provides a summary of the civil Litigation the Town is currently engaged in as at 30 April 2018:

<table>
<thead>
<tr>
<th>Party</th>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Big Deal Investments Pty Ltd</td>
<td>Repurchase of Lot 501 Omaroo Terrace, City Beach</td>
<td>$104,352</td>
</tr>
</tbody>
</table>

POLICY/STATUTORY IMPLICATIONS:

Council Policy 1.2.17 Model Litigant Policy for Civil Litigation applies which states "This Policy has been endorsed by the Town to assist in maintaining proper standards in litigation".

FINANCIAL IMPLICATIONS:

The costs of litigation are not known prior to the adoption of the Budget. Whilst there is a general provision for legal expenses in various cost centres there may not be sufficient provision allocation. The 2017/18 operating expenditure budget is approximately $49 million and the legal costs are generally managed within this overall budget.

STRATEGIC DIRECTION:

The status report regarding the conduct of any civil litigation and the legal costs incurred is consistent with the Town’s Strategic Community Plan 2017/2027 Goal 9 - Transparent, accountable governance.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is administrative.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Jason Lyon, Acting Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Contributors</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

Nil

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That the Civil Litigation status report for April 2018 be received.

Carried 9/0
CR18.81 PAYMENT OF ACCOUNTS - APRIL 2018

SUMMARY:

Under the Local Government Act (Financial Management) Regulations 1996, payments of accounts made by the Town are to be submitted to Council. The report contains a summary of payments made for the month with detailed payment listings attached providing more information.

AUTHORITY / DISCRETION

- **Advocacy**
  - When the 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, e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

- **Legislative**
  - Includes adopting local laws, town planning schemes & policies.

- **Review**
  - When the Council operates as a review authority on decisions made by Officers for appeal purposes.

- **Quasi-Judicial**
  - When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- **Information**
  - For the Council/Committee to note.

DETAILS:

Regulation 13 of the Local Government (Financial Management) Regulations 1996 requires a list of accounts to be prepared and presented to Council. Below is a list of the cheques raised and Electronic Funds Transfers for the payment of accounts from the Municipal Account (and Trust Account where applicable). Included as an attachment to this report is a listing of all payments issued for the past month.

POLICY/STATUTORY IMPLICATIONS:

Payments are in accordance with Policy No. 3.2.3 “Council Bank Accounts and Payments”.

FINANCIAL IMPLICATIONS:

Expenses incurred are charged to the appropriate items included in the annual budget.

STRATEGIC DIRECTION:

The presentation of details of accounts is consistent with the Town's Strategic Community Plan's goal of transparent, accountable governance.
COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Matrix Consultation Level - Inform - To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, and/or solutions.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Jason Lyon, Acting Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Roy Ruitenga, Manager Finance</td>
</tr>
<tr>
<td>Contributors</td>
<td>Nil</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. Account Payment Listing

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That in accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996, the schedule of accounts, as detailed below and attached, be confirmed:

(i) CHEQUE PAYMENTS

<table>
<thead>
<tr>
<th>Date From</th>
<th>Date To</th>
<th>Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Fund</td>
<td>01-April-2018</td>
<td>06-April-2018</td>
<td>054961 - 054978</td>
</tr>
<tr>
<td>Municipal Fund</td>
<td>07-April-2018</td>
<td>13-April-2018</td>
<td>054979 - 054998</td>
</tr>
<tr>
<td>Municipal Fund</td>
<td>14-April-2018</td>
<td>20-April-2018</td>
<td>054999 - 055024</td>
</tr>
</tbody>
</table>

|               |             |             | $220,441.82 |

(ii) ELECTRONIC FUND TRANSFERS (EFT'S)

<table>
<thead>
<tr>
<th>Date From</th>
<th>Date To</th>
<th>Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investments</td>
<td>01-April-2018</td>
<td>30-April-2018</td>
<td>INV01028 - INV01033</td>
</tr>
<tr>
<td>Direct Bank Charges</td>
<td>01-April-2018</td>
<td>30-April-2018</td>
<td>SUP436 - Sup442</td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>01-April-2018</td>
<td>05-April-2018</td>
<td>E31529 - E31604</td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>05-April-2018</td>
<td>09-April-2018</td>
<td>E31605 - E31682</td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>10-April-2018</td>
<td>17-April-2018</td>
<td>E31683 - E31805</td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>20-April-2018</td>
<td>27-April-2018</td>
<td>E31806 - E31922</td>
</tr>
<tr>
<td>Accounts Payable</td>
<td>27-April-2018</td>
<td>30-April-2018</td>
<td>E31923 - E31977</td>
</tr>
<tr>
<td>Payroll</td>
<td>01-April-2018</td>
<td>30-April-2018</td>
<td>Pay1032 - Pay1040</td>
</tr>
</tbody>
</table>

|               |             |             | $14,418,618.46 |

Total EFT Payments

TOTAL PAYMENTS

|             |             |             | $14,639,060.28 |

Carried 9/0
**SUMMARY:**

The Council invests funds that are surplus to operational requirements with various financial institutions and reports on the amounts invested, the distribution of those funds and the financial performance of each investment, being interest earned, against year to date budget.

**AUTHORITY / DISCRETION**

<table>
<thead>
<tr>
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</tr>
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<tbody>
<tr>
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<tr>
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</tr>
<tr>
<td>Information</td>
<td>For the Council/Committee to note.</td>
</tr>
</tbody>
</table>

**BACKGROUND:**

Council’s Investment Policy No. 3.2.5 allows for investing of funds into direct investment products and managed funds which comply with both the credit risk rating and terms to maturity guidelines as set out in the policy.

**DETAILS:**

**Investment Portfolio Performance**

At its May meeting, the Reserve Bank of Australia decided to leave the cash rate unchanged at 1.50% as expected.

The global economy has strengthened over the past year with a number of advanced economies growing at an above-trend rate with the Chinese economy continuing to grow solidly. Global inflation remains low although this is expected to increase over the next couple of years. Market volatility has increased compared to last year.

With respect to the Australian economy, growth is expected to continue with business conditions remaining positive and non-mining business investment improving. Increased public infrastructure investment is also supporting the economy. Uncertainty remains with respect to household consumption with income growth slow and debt levels high. Employment growth grew strongly over the past year and is forecast to continue. Inflation remains low but is forecast to rise as the economy strengthens. Low interest rates continue to support economic growth.
Looking forward, in terms of the Town's investment portfolio, interest rates remain much the same. The major banks rates for one to three month terms are on average 2.22%, for terms of four to six months on average 2.57% and for terms of seven months to nine months on average 2.57%. The UBS Bank Bill Index rate (an index measuring performance of interest rates over a 90 day period) was 2.01% for April 2018. The 90 days BBSW or Bank Bill Swap rate (a measure of future interest rates) was 2.04% as at 30 April 2018. As Council’s investment portfolio is predominantly short term cash products, the cash rate of 1.50% for April 2018 is the more appropriate performance measure.

Against these interest rate indicators, the Town’s investment portfolio outperformed the cash rate with a weighted average interest rate of 2.53%. The weighted average investment period of 188 days (approximately six months) is consistent with term deposit rates (with the major Australian banks) which for this period was an average of 2.58%, interest rates recently showing signs of improving.

**Investment Portfolio Performance for April 2018**

The graphs below show the interest rate performance of the Town's investment portfolio for the 12 month period April 2017 to April 2018.

---

**Investment Performance**

**For April 2017 to April 2018**

- Weighted Avg Interest
- UBS Bank Bill Index
- Cash Rate
The graph below shows the rolling 12 month weighted average investment performance of the Town's investment portfolio, since April 2015.
The total investment at the end of April 2018 is $73 million which consists of Municipal Funds of $15.2 million, Reserve Funds of $48.4 million, Endowment Lands Funds of $7.4 million and Trust Funds of $2 million.

The graph below represents the total investment portfolio of the Town from April 2017 to April 2018.
The Managed Cash Funds performance as at the end of April 2018 is as follows:

<table>
<thead>
<tr>
<th>Term (Days)</th>
<th>Rating</th>
<th>Current Interest Rate</th>
<th>April 2018 Income</th>
<th>Total Amount Invested</th>
<th>% of Funds Invested</th>
<th>Weighted Average Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floating Rate Notes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emerald Reverse Mortgage</td>
<td>&quot;AAA&quot;</td>
<td>2.22%</td>
<td>$1,093</td>
<td>$599,990</td>
<td>0.82%</td>
<td>0.02%</td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td></td>
<td></td>
<td><strong>$1,093</strong></td>
<td><strong>$599,990</strong></td>
<td><strong>0.82%</strong></td>
<td><strong>0.02%</strong></td>
</tr>
<tr>
<td>Term Deposits and Bank Bills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ANZ - Term Deposit</td>
<td>154</td>
<td>&quot;A1+&quot;</td>
<td>2.56%</td>
<td>$2,104</td>
<td>$1,022,946</td>
<td>1.37%</td>
</tr>
<tr>
<td>ANZ - Term Deposit</td>
<td>154</td>
<td>&quot;A1+&quot;</td>
<td>2.56%</td>
<td>$2,104</td>
<td>$1,022,946</td>
<td>1.37%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>364</td>
<td>&quot;A1+&quot;</td>
<td>2.45%</td>
<td>$200</td>
<td>$101,729</td>
<td>0.14%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>182</td>
<td>&quot;A1+&quot;</td>
<td>2.45%</td>
<td>$1,037</td>
<td>$520,306</td>
<td>0.71%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>182</td>
<td>&quot;A1+&quot;</td>
<td>2.45%</td>
<td>$2,049</td>
<td>$1,029,914</td>
<td>1.41%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>154</td>
<td>&quot;A1+&quot;</td>
<td>2.50%</td>
<td>$4,208</td>
<td>$2,054,741</td>
<td>2.81%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>273</td>
<td>&quot;A1+&quot;</td>
<td>2.50%</td>
<td>$4,170</td>
<td>$2,053,961</td>
<td>2.81%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>140</td>
<td>&quot;A1+&quot;</td>
<td>2.50%</td>
<td>$2,083</td>
<td>$1,020,746</td>
<td>1.40%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>273</td>
<td>&quot;A1+&quot;</td>
<td>2.55%</td>
<td>$4,216</td>
<td>$2,033,101</td>
<td>2.78%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>91</td>
<td>&quot;A1+&quot;</td>
<td>2.45%</td>
<td>$1,028</td>
<td>$512,569</td>
<td>0.70%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>154</td>
<td>&quot;A1+&quot;</td>
<td>2.50%</td>
<td>$3,112</td>
<td>$1,521,644</td>
<td>2.08%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>166</td>
<td>&quot;A1+&quot;</td>
<td>2.45%</td>
<td>$3,021</td>
<td>$1,516,009</td>
<td>2.08%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>105</td>
<td>&quot;A1+&quot;</td>
<td>2.50%</td>
<td>$5,146</td>
<td>$2,521,414</td>
<td>3.45%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>161</td>
<td>&quot;A1+&quot;</td>
<td>2.55%</td>
<td>$3,144</td>
<td>$1,512,471</td>
<td>2.07%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>126</td>
<td>&quot;A1+&quot;</td>
<td>2.50%</td>
<td>$2,055</td>
<td>$1,006,712</td>
<td>1.40%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>150</td>
<td>&quot;A1+&quot;</td>
<td>2.55%</td>
<td>$3,982</td>
<td>$1,912,079</td>
<td>2.62%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>136</td>
<td>&quot;A1+&quot;</td>
<td>2.47%</td>
<td>$3,045</td>
<td>$1,507,512</td>
<td>2.06%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>98</td>
<td>&quot;A1+&quot;</td>
<td>2.55%</td>
<td>$978</td>
<td>$500,978</td>
<td>0.69%</td>
</tr>
<tr>
<td>BANKWEST - Term Deposit</td>
<td>126</td>
<td>&quot;A1+&quot;</td>
<td>2.65%</td>
<td>$1,525</td>
<td>$1,001,525</td>
<td>1.37%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>119</td>
<td>&quot;A1+&quot;</td>
<td>2.63%</td>
<td>$526</td>
<td>$1,043,044</td>
<td>1.43%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>189</td>
<td>&quot;A1+&quot;</td>
<td>2.50%</td>
<td>$4,223</td>
<td>$2,077,652</td>
<td>2.85%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>140</td>
<td>&quot;A1+&quot;</td>
<td>2.55%</td>
<td>$4,292</td>
<td>$2,054,650</td>
<td>2.81%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>77</td>
<td>&quot;A1+&quot;</td>
<td>2.52%</td>
<td>$2,975</td>
<td>$1,024,832</td>
<td>2.81%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>145</td>
<td>&quot;A1+&quot;</td>
<td>2.55%</td>
<td>$4,011</td>
<td>$2,054,587</td>
<td>2.81%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>119</td>
<td>&quot;A1+&quot;</td>
<td>2.45%</td>
<td>$7,205</td>
<td>$3,594,818</td>
<td>4.92%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>182</td>
<td>&quot;A1+&quot;</td>
<td>2.50%</td>
<td>$4,134</td>
<td>$2,033,318</td>
<td>2.78%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>168</td>
<td>&quot;A1+&quot;</td>
<td>2.57%</td>
<td>$2,112</td>
<td>$1,002,464</td>
<td>1.37%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>168</td>
<td>&quot;A1+&quot;</td>
<td>2.57%</td>
<td>$2,112</td>
<td>$1,002,464</td>
<td>1.37%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>133</td>
<td>&quot;A1+&quot;</td>
<td>2.52%</td>
<td>$5,200</td>
<td>$2,520,256</td>
<td>3.45%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>201</td>
<td>&quot;A1+&quot;</td>
<td>2.55%</td>
<td>$3,144</td>
<td>$1,521,064</td>
<td>2.08%</td>
</tr>
<tr>
<td>NAB - Term Deposit</td>
<td>90</td>
<td>&quot;A1+&quot;</td>
<td>2.45%</td>
<td>$3,021</td>
<td>$1,508,357</td>
<td>2.07%</td>
</tr>
<tr>
<td>AMP - Term Deposit</td>
<td>366</td>
<td>&quot;A1&quot;</td>
<td>2.60%</td>
<td>$10,258</td>
<td>$4,869,409</td>
<td>6.67%</td>
</tr>
<tr>
<td>Westpac - Term Deposit</td>
<td>367</td>
<td>&quot;A1+&quot;</td>
<td>2.57%</td>
<td>$6,337</td>
<td>$3,005,281</td>
<td>4.12%</td>
</tr>
<tr>
<td>Westpac - Term Deposit</td>
<td>362</td>
<td>&quot;A1+&quot;</td>
<td>2.52%</td>
<td>$1,367</td>
<td>$663,053</td>
<td>0.91%</td>
</tr>
<tr>
<td>Westpac - Term Deposit</td>
<td>364</td>
<td>&quot;A1+&quot;</td>
<td>2.52%</td>
<td>$4,142</td>
<td>$2,008,561</td>
<td>2.75%</td>
</tr>
<tr>
<td>Westpac - Term Deposit</td>
<td>364</td>
<td>&quot;A1+&quot;</td>
<td>2.62%</td>
<td>$4,307</td>
<td>$2,002,153</td>
<td>2.74%</td>
</tr>
<tr>
<td>Suncorp - Term Deposit</td>
<td>182</td>
<td>&quot;A1&quot;</td>
<td>2.56%</td>
<td>$2,104</td>
<td>$1,003,928</td>
<td>1.38%</td>
</tr>
<tr>
<td>Suncorp - Term Deposit</td>
<td>210</td>
<td>&quot;A1&quot;</td>
<td>2.55%</td>
<td>$4,297</td>
<td>$2,077,434</td>
<td>2.85%</td>
</tr>
<tr>
<td>Suncorp - Term Deposit</td>
<td>203</td>
<td>&quot;A1&quot;</td>
<td>2.81%</td>
<td>$4,363</td>
<td>$2,054,998</td>
<td>2.81%</td>
</tr>
<tr>
<td>Suncorp - Term Deposit</td>
<td>154</td>
<td>&quot;A1&quot;</td>
<td>2.50%</td>
<td>$4,197</td>
<td>$2,054,349</td>
<td>2.81%</td>
</tr>
<tr>
<td>Suncorp - Term Deposit</td>
<td>126</td>
<td>&quot;A1&quot;</td>
<td>2.60%</td>
<td>$3,325</td>
<td>$3,337,686</td>
<td>4.57%</td>
</tr>
<tr>
<td>Suncorp - Term Deposit</td>
<td>215</td>
<td>&quot;A1&quot;</td>
<td>2.55%</td>
<td>$3,144</td>
<td>$1,521,064</td>
<td>2.08%</td>
</tr>
<tr>
<td>Suncorp - Term Deposit</td>
<td>238</td>
<td>&quot;A1&quot;</td>
<td>2.50%</td>
<td>$2,055</td>
<td>$1,012,468</td>
<td>1.39%</td>
</tr>
<tr>
<td>Term Deposit Matured in Apr</td>
<td></td>
<td></td>
<td></td>
<td>$10,406</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sub-total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$152,464</strong></td>
<td><strong>$72,411,242</strong></td>
<td><strong>99.18%</strong></td>
</tr>
<tr>
<td><strong>Total Investments</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$153,557</strong></td>
<td><strong>$73,011,231</strong></td>
<td><strong>100.00%</strong></td>
</tr>
<tr>
<td><strong>Weighted Average</strong></td>
<td></td>
<td></td>
<td></td>
<td>188</td>
<td>2.53%</td>
<td></td>
</tr>
</tbody>
</table>
POLICY/STATUTORY IMPLICATIONS:

The general, reserves and Endowment Lands funds are invested in accordance with the guidelines set down in the Town’s Policy No. 3.2.5 – Investment.

FINANCIAL IMPLICATIONS:

Interest from investments represents a significant revenue item in the Council’s Budget and it is therefore important that the Council’s investment performance is monitored closely. Detailed monthly reports together with detailed policy investment guidelines support this.

The Investment Schedule, as circulated, provides details of the performance of each individual investment to date. A summary of the investment performance to budget is provided below:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Actual as at 30 June 2017</th>
<th>Budget 2017/2018</th>
<th>YTD Budget as at April 2018</th>
<th>Actual as at April 2018</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>General *</td>
<td>$434,576</td>
<td>$477,500</td>
<td>$380,100</td>
<td>$414,667</td>
<td>86.8%</td>
</tr>
<tr>
<td>Reserves</td>
<td>$955,700</td>
<td>$1,044,000</td>
<td>$875,700</td>
<td>$943,220</td>
<td>90.3%</td>
</tr>
<tr>
<td>Endowment Lands</td>
<td>$21,813</td>
<td>$154,000</td>
<td>$114,000</td>
<td>$94,358</td>
<td>61.3%</td>
</tr>
<tr>
<td>External Investments</td>
<td>$1,412,089</td>
<td>$1,675,500</td>
<td>$1,369,800</td>
<td>$1,452,245</td>
<td>86.7%</td>
</tr>
<tr>
<td>Endowment Lands (Internal Loans)</td>
<td>$579,111</td>
<td>$795,500</td>
<td>$652,500</td>
<td>$648,412</td>
<td>81.5%</td>
</tr>
<tr>
<td>Total Investments</td>
<td>$1,991,200</td>
<td>$2,471,000</td>
<td>$2,022,300</td>
<td>$2,100,657</td>
<td>85.0%</td>
</tr>
</tbody>
</table>

* Includes Bank Account Interest of $30,357.

STRATEGIC DIRECTION:

The investment of Council funds is consistent with the Town's Strategic Community Plan, specifically:

Our Council

Goal: 11 A strong performing local government.

Strategy: 11.1 - Invest our wealth wisely so that current and future generations benefit.

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is purely administrative in nature with no external impacts envisaged.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Jason Lyon, Acting Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Roy Ruitenga, Manager Finance</td>
</tr>
<tr>
<td>Contributors</td>
<td>Nil</td>
</tr>
</tbody>
</table>
ATTACHMENTS:

1. Prudential Consolidated Investment Report - April 2018

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That the Investment Schedule as at 30 April 2018, as attached, be received.

Carried 9/0
CR18.83  GENERAL FEES AND CHARGES FOR THE 2018-2019 FINANCIAL YEAR

SUMMARY:

The Council reviews its fees and charges each year to determine if the amounts charged are reflective of resources employed in delivering Council services and are in accordance with current legislation. The fees and charges have been assessed and no changes are proposed for next financial year.

AUTHORITY / DISCRETION

- **Advocacy**: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- **Legislative**: Includes adopting local laws, town planning schemes & policies.
- **Review**: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- **Quasi-Judicial**: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- **Information**: For the Council/Committee to note.

BACKGROUND:

Fees and Charges are reviewed annually in accordance with the Local Government Act sections 6.16 and 6.17 of the Local Government Act 1995.

DETAILS:

The fees and charges pertaining to miscellaneous services for the 2018/2019 financial year have been assessed and the following changes have been made:

- Deletion of charges for Electoral Rolls.
- Deletion of charges for Council Minutes and Agendas.

There has been very little demand for Electoral Rolls over the past five years. If requested they are now able to be supplied via email so the cost is minimal.

Also, there have been no requests for minutes or agenda to be printed. Council's minutes and agenda are now available to the public on the Town web site at no cost.
## Details of Fees and Charges

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount (GST inc)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Electoral Rolls (non commercial purposes)</strong></td>
<td></td>
</tr>
<tr>
<td>Hard Copy (Per Ward)</td>
<td>$55</td>
</tr>
<tr>
<td>Disc Copy (Per Ward)</td>
<td>$130</td>
</tr>
<tr>
<td><strong>Settlement Agents Enquiry Form</strong></td>
<td></td>
</tr>
<tr>
<td>Rates, Orders and Requisitions</td>
<td>$95</td>
</tr>
<tr>
<td>Rates Only</td>
<td>$35</td>
</tr>
<tr>
<td><strong>Payment of Rates and Requests</strong></td>
<td></td>
</tr>
<tr>
<td>Instalment Option - Administration Fee (per instalment)</td>
<td>* $8</td>
</tr>
<tr>
<td>Payment Arrangement Fee (per arrangement)</td>
<td>$35</td>
</tr>
<tr>
<td>Previous Year's Rate Notices Reprint (per notice)</td>
<td>*$15</td>
</tr>
<tr>
<td><strong>Photocopying Charges</strong></td>
<td></td>
</tr>
<tr>
<td>A4 (Per copy)</td>
<td>$0.55</td>
</tr>
<tr>
<td>A3 (Per copy)</td>
<td>$1.10</td>
</tr>
<tr>
<td>A0, A1 and A2 (Per Copy)</td>
<td>$11</td>
</tr>
<tr>
<td>Two to Five copies (Per Copy)</td>
<td>$8.25</td>
</tr>
<tr>
<td>Six or more copies (Per Copy)</td>
<td>$5.50</td>
</tr>
<tr>
<td><strong>Council Minutes and Agendas</strong></td>
<td></td>
</tr>
<tr>
<td>Notice Paper/Agenda (available at Meetings)</td>
<td>Nil</td>
</tr>
<tr>
<td>Single Item</td>
<td>$0.55</td>
</tr>
<tr>
<td>More than one item (per item)</td>
<td>$0.55 per item or $30 per hour (pro-rata)</td>
</tr>
<tr>
<td><strong>NOTE:</strong> Excludes confidential items</td>
<td></td>
</tr>
</tbody>
</table>

*GST Not Applicable

**POLICY/STATUTORY IMPLICATIONS:**

Fees must be set in accordance with the Local Government Act sections 6.16 and 6.17, and associated regulations.

**FINANCIAL IMPLICATIONS:**

The adoption of the fees and charges will have a direct impact on the revenue received in the next financial year. This will impact on the 2018/2019 budget which is currently in draft form and will be incorporating the proposed fees as mentioned in the report.

**STRATEGIC DIRECTION:**

The adoption of the proposed fees and charges are consistent with the Town's Strategic Community Plan's goals namely:

**Goal 9:** Transparent, accountable governance

**Goal 11:** A strong performing local government
COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is purely administrative in nature with no external impacts envisaged.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Jason Lyon, Acting Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Roy Ruitenga, Manager Finance and Stuart Hobley, Manager Governance</td>
</tr>
<tr>
<td>Contributors</td>
<td>Nil</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

Nil

COUNCIL DECISION:

(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That the following General Fees and Charges for 2018/2019 be approved for inclusion in the 2018/2019 Budget:

<table>
<thead>
<tr>
<th>Details of Fees and Charges</th>
<th>2018/2019 Amount (GST inc)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Settlement Agents Enquiry Form</td>
<td>$95</td>
</tr>
<tr>
<td>Rates, Orders and Requisitions</td>
<td>$35</td>
</tr>
<tr>
<td>Rates Only</td>
<td></td>
</tr>
<tr>
<td>2. Payment of Rates and Requests</td>
<td>* $8</td>
</tr>
<tr>
<td>Instalment Option - Administration Fee (per instalment)</td>
<td>$35</td>
</tr>
<tr>
<td>Payment Arrangement (per arrangement)</td>
<td>*$15</td>
</tr>
<tr>
<td>Previous Year's Rate Notices Reprint (per notice)</td>
<td></td>
</tr>
<tr>
<td>3. Photocopying Charges</td>
<td></td>
</tr>
<tr>
<td>• A4 (Per copy)</td>
<td>$0.55</td>
</tr>
<tr>
<td>• A3 (Per copy)</td>
<td>$1.10</td>
</tr>
<tr>
<td>• A0, A1 and A2 (Per Copy)</td>
<td>$11</td>
</tr>
<tr>
<td>• Two to Five copies (Per Copy)</td>
<td>$8.25</td>
</tr>
<tr>
<td>• Six or more copies (Per Copy)</td>
<td>$5.50</td>
</tr>
</tbody>
</table>

*GST Not Applicable

Carried 9/0
CR18.84  WEMBLEY GOLF COURSE DRIVING RANGE AND PRO SHOP DEVELOPMENT
LOAN

SUMMARY:
The Town is currently seeking to renew the Wembley Golf Course Driving Range and Pro Shop Development loan. The loan is currently a fixed interest rate loan for a term of two years with an interest rate of 2.73%, expiring on 1 July 2018. Principal of $9 million remains, and given the current low interest rate environment, it is proposed to lock this loan in for a fixed five year term at an indicative rate of 3.66%, including a guarantee fee of 0.7%, on the same repayment basis.

AUTHORITY / DISCRETION

☐ Advocacy
   When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

☐ Legislative
   Includes adopting local laws, town planning schemes & policies.

☐ Review
   When the Council operates as a review authority on decisions made by Officers for appeal purposes.

☐ Quasi-Judicial
   When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

☐ Information
   For the Council/Committee to note.

BACKGROUND:
The $11 million loan facility associated with the construction of these golf course facilities was originally established for 20 years in 2012, commencing with a short term variable interest loan facility. Subsequently, a fixed term loan was entered into on 1 July 2016 for a period of two years, maturing on 1 July 2018. A principal amount of $9 million remains outstanding with 14 years remaining in the loan facility period.

Given this, interest rates for fixed terms for two, three, four, five, eight and fourteen year loans terms have been obtained.

Indications by the Reserve Bank of Australia are that the current low interest rate environment may be coming to an end with interest rates expected to commence slowly rising next calendar year. The major Australian banks also appear to be factoring in an increase, towards the latter half of next calendar year as per the table below:
It is therefore proposed that the loan be fixed for a five year term to take advantage of the low interest rates on offer, taking into account the Wembley Golf Course’s current turnover and capacity to make repayments. Loan principal repayments will be based on a term remaining of fourteen years.

DETAILS:

The Western Australian Treasury Corporation has advised that the following local government fixed interest rates are applicable as at 12 April 2018 for the following loan terms, based on the same repayments for the current loan in place, that is monthly principal and interest repayments. Note that interest rates provided do not include the 0.7% loan guarantee fee, which has been included in a separate column to indicate the all up inclusive applicable rate.

<table>
<thead>
<tr>
<th>Term (Years)</th>
<th>WATC Indicative Rates (%)</th>
<th>Include Loan Guarantee</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>2.48</td>
<td>3.18</td>
</tr>
<tr>
<td>3</td>
<td>2.65</td>
<td>3.35</td>
</tr>
<tr>
<td>4</td>
<td>2.80</td>
<td>3.50</td>
</tr>
<tr>
<td>5</td>
<td>2.96</td>
<td>3.66</td>
</tr>
<tr>
<td>8</td>
<td>3.23</td>
<td>3.93</td>
</tr>
<tr>
<td>14</td>
<td>3.43</td>
<td>4.13</td>
</tr>
</tbody>
</table>

As the table shows, there is an upward trend of rates as the term of the loan increases indicating that a gradual increase in rates is being envisaged. Given the current low interest rate environment, it is recommended that this be taken advantage of by fixing the loan at an indicative interest rate of 3.66% or a period of five years, at which time the loan facility can be re-assessed.

Wembley Golf Course Pro Shop and Driving Range Loan

Based on entering into a fixed five year loan with principal payments spread across the remaining fourteen years of the loan facility, making monthly principal repayments at an indicative interest rate of 3.66% including the 0.7% guarantee fee, the expected following table indicates the expected cash outflow for the term of the loan:
Note: Total outflows in the above table for the 2018/2019 financial year are lower compared to subsequent years, with only eleven repayments being made as the current loan expires in July 2018.

POLICY/STATUTORY IMPLICATIONS:

Section 6.20 of the Local Government Act 1995 provides the Council with the power to borrow only for a purpose so resolved by Council, or included in the annual budget. If not included in the budget, the Council is required to give one month's local public notice of its intention to borrow.

FINANCIAL IMPLICATIONS:

The loan principal and interest repayments will be incorporated in the 2018/2019 draft budget and financial plan and the business plan for the Wembley Golf Course Pro Shop and Driving Range loan.

Total cash outflows per year for the five year loan are estimated to be as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Annual Principal Repaid</th>
<th>Annual Interest Repaid</th>
<th>Total Outflows</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/2019</td>
<td>$486,279</td>
<td>$292,410</td>
<td>$778,689</td>
</tr>
<tr>
<td>2019/2020</td>
<td>$545,473</td>
<td>$299,789</td>
<td>$845,262</td>
</tr>
<tr>
<td>2020/2021</td>
<td>$561,560</td>
<td>$280,006</td>
<td>$841,566</td>
</tr>
<tr>
<td>2021/2022</td>
<td>$578,121</td>
<td>$259,462</td>
<td>$837,583</td>
</tr>
<tr>
<td>2022/2023</td>
<td>$595,171</td>
<td>$238,307</td>
<td>$833,478</td>
</tr>
<tr>
<td>Total</td>
<td>$2,766,604</td>
<td>$1,369,974</td>
<td>$4,136,578</td>
</tr>
</tbody>
</table>

The Wembley Golf Course loan payments will be funded by the golf course from annual revenue generated and therefore has no impact on general rate revenue.

STRATEGIC DIRECTION:

Nil
COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy and no community consultation is required.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Jason Lyon, Director Corporate and Strategic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Roy Ruitenga, Manager Finance</td>
</tr>
<tr>
<td>Contributors</td>
<td>Nil</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1. List of Alternative Loan Options Available

ADMINISTRATION RECOMMENDATION:

That a loan of $9,043,881 for the Wembley Golf Course driving range and pro shop development, expiring on 1 July 2018, be refinanced by an ABSOLUTE MAJORITY in accordance with section 6.20 of the Local Government Act 1995, for a fixed term of 5 years at the prevailing rate, (current indicative rate is 3.66%).

Council Meeting 24 April 2018

During discussion, Members considered the possibility of using the Town's fund as an internal loan and clarification was queried if the Treasury would impose and pay out penalty fee. Members agreed that this item be deferred for further investigation and clarification.

COUNCIL DECISION:

That the item relating to Wembley Golf Course Driving Range and Pro Shop Development Loan be deferred.

FURTHER REPORT (Post Council Meeting 24 April 2018)

Council deferred this item at the April 2018 Council meeting to give further reconsideration to utilising the Town's cash reserves to set up an internal loan, as opposed to refinancing the loan.

Points for consideration included the payout figure for the loan (if any); the balance of and projections for the Town's cash reserves; and the differential between the internal loan interest rate and the West Australian Treasury Corporation (WATC) interest rates.

Each of these points are discussed further in detail, however in summary, the recommendation of this report is to pay out the loan to the WATC and finance the borrowing as an internal loan utilising Area Improvement Reserve funds.

Ordinarily, this decision would be set out in the financial strategies of the Town's long term financial plan. However, it is noted that the review and update of the financial plan is pending completion of the Strategic Community Plan and Corporate Business Plan, due in June. Committing Area Improvement Reserve funds now does not limit future opportunities, as the Town has land banked assets, future income streams for the cash reserves and borrowing capacity to draw on at any point.
Payout figure for the loan

The original loan was established as a twenty year facility, with renewals every five years.

As the fixed interest period ends on 1 July 2018, the payout figure is immaterial. It is proposed to pay the loan out on 29 June 2018 simply to clear the external debt for the 30 June financial statements and improve the financial ratios.

Cash Reserves

The Town has sufficient funds in the Area Improvement Reserve to fund the Internal Loan.

The Endowment Lands Account also has sufficient funds, however funds are being set aside for a possible purchase of land.

The following table projects a possible scenario for the Cash Reserves over the next four years, based on a notional allocation to strategic projects and capital expenditure, the receipt of land proceeds from Parkside Walk and Lot 231 Perry Lakes, and underground power payments.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Balance</td>
<td>$37.4</td>
<td>$29.9</td>
<td>$28.3</td>
<td>$35.8</td>
<td>$35.9</td>
</tr>
<tr>
<td>Deposits:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parkside Walk</td>
<td>$9.4</td>
<td>$7.2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tamala Park</td>
<td>$0.3</td>
<td>$0.6</td>
<td>$1.1</td>
<td>$1.7</td>
<td>$1.9</td>
</tr>
<tr>
<td>Perry Lakes Lot 231</td>
<td>$10.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underground Power Repayments</td>
<td>$5.9</td>
<td>$1.0</td>
<td>$0.3</td>
<td>$0.3</td>
<td></td>
</tr>
<tr>
<td>Interest Earnings</td>
<td>$0.9</td>
<td>$0.8</td>
<td>$0.7</td>
<td>$0.7</td>
<td>$0.8</td>
</tr>
<tr>
<td>Transfer Internal Loan WGC Mini Golf</td>
<td>$4.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Withdrawals:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underground Power</td>
<td>$12.0</td>
<td>$27.1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capex - new assets</td>
<td>$0.5</td>
<td>$0.5</td>
<td>$0.5</td>
<td>$0.5</td>
<td>$0.5</td>
</tr>
<tr>
<td>Strategic Projects*</td>
<td>$0.7</td>
<td>$0.7</td>
<td>$2.0</td>
<td>$2.0</td>
<td>$2.0</td>
</tr>
<tr>
<td>Closing Balance</td>
<td>$29.9</td>
<td>$28.3</td>
<td>$35.8</td>
<td>$35.9</td>
<td>$36.4</td>
</tr>
</tbody>
</table>

*Possible AIR Funded Strategic Projects

- Lake Monger Activity Plan
- Men Shed
- Perry Lakes Water Replenishment
- Lake Monger over/underpass
- Bike Plan
Council will be considering a strategy for the future allocation of the Town’s cash reserves later this year. It is envisaged the strategy will set direction for allocations to asset renewal, enhancements and the creation of new assets; investments in perpetuity; and rate benefit.

**Borrowings**

The Town is able to borrow up to 60% of its annual operating revenue, excluding profit and up to 10% net debt service, whichever is greater. For the financial year ended 2017, these amounts are $28 million and $4.7 million respectively.

Current borrowings forecast to 30 June 2018 with Western Australian Treasury Corporation are as follows:

<table>
<thead>
<tr>
<th>Loan</th>
<th>Principal Outstanding</th>
<th>Matures</th>
<th>Term Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>WGC Irrigation Loan</td>
<td>1,147,923</td>
<td>2024</td>
<td>6</td>
</tr>
<tr>
<td>Southport St Acquisition</td>
<td>1,107,101</td>
<td>2023</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,255,024</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Interest Rates & Repayments with the WATC**

If the $9 million Wembley Golf Course Driving Range and Pro Shop Development loan were to be refinanced with the Western Australian Treasury Corporation on either a one year or two year term, the current indicative rates applicable would be 3.17% (including the 0.7% bank guarantee fee). This compares with the current term deposits rates of 2.75%. This interest rate margin is approximately 0.42% or $38,000 per annum straight line.
Two Year Term

Based on entering into another fixed two year loan with principal payments spread across the remaining fourteen years of the loan facility, making monthly principal repayments at an indicative interest rate of 3.17% including the 0.7% guarantee fee, the following table indicates the expected cash outflow for the term of the loan:

<table>
<thead>
<tr>
<th></th>
<th>Annual Principal Repaid</th>
<th>Annual Interest Repaid</th>
<th>Total Outflows</th>
<th>Loan Principal Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/2019</td>
<td>$501,406</td>
<td>$256,616</td>
<td>$758,022</td>
<td>$8,542,475</td>
</tr>
<tr>
<td>2019/2020</td>
<td>$8,542,475</td>
<td>$22,170</td>
<td>$8,564,645</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>$9,043,881</td>
<td>$278,786</td>
<td>$9,322,667</td>
<td></td>
</tr>
</tbody>
</table>

One Year Term

Based on entering into a shorter one year fixed loan with principal payments spread across the remaining fourteen years of the loan facility, making monthly principal repayments at an indicative interest rate of 3.17% including the 0.7% guarantee fee, the following table indicates the expected cash outflow for the term of the loan:

<table>
<thead>
<tr>
<th></th>
<th>Annual Principal Repaid</th>
<th>Annual Interest Repaid</th>
<th>Total Outflows</th>
<th>Loan Principal Remaining</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018/2019</td>
<td>$501,406</td>
<td>$256,616</td>
<td>$758,022</td>
<td>$8,542,475</td>
</tr>
<tr>
<td>2019/2020</td>
<td>$8,542,475</td>
<td>$283,556</td>
<td>$8,826,031</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>$9,043,881</td>
<td>$540,172</td>
<td>$9,584,052</td>
<td></td>
</tr>
</tbody>
</table>

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Timmermanis, seconded by Cr McAllister

That in accordance with Section 6.8 of the Local Government Act 1995, an amount of $9,083,720 be transferred from the Area Improvement Reserve to extinguish the external ‘Wembley Golf Course Driving Range and Pro Shop Development’ loan on 29th June 2018, and be approved as unbudgeted expenditure by an ABSOLUTE MAJORITY.

Carried by an ABSOLUTE MAJORITY      9/0
8. CONFIDENTIAL ITEMS

<table>
<thead>
<tr>
<th>CR18.85</th>
<th>SOUTH CITY BEACH KIOSK EXPRESSION OF INTEREST SUBMISSIONS</th>
</tr>
</thead>
</table>

Refer Item 13.2
10. COUNCIL REPORTS

10.1 MONTHLY FINANCIAL STATEMENTS, REVIEW AND VARIANCES - APRIL 2018

SUMMARY:

The April 2018 financial statements have been completed. Comments have been provided on the financial position compared to budget including any permanent and timing variances that have occurred during the period and their impact on financial results with respect to April 2018.

AUTHORITY / DISCRETION

- Advocacy: When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- Legislative: Includes adopting local laws, town planning schemes & policies.
- Review: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial: When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.
- Information: For the Council/Committee to note.

DETAILS:

Charts of key financial indicators are provided below comparing year to date actual figures against the year to date budget.

<table>
<thead>
<tr>
<th></th>
<th>Amended Budget</th>
<th>YTD Budget</th>
<th>YTD Actual</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue</td>
<td>$66,050</td>
<td>$59,152</td>
<td>$59,204</td>
</tr>
<tr>
<td>Expenditure</td>
<td>$61,594</td>
<td>$45,589</td>
<td>$43,098</td>
</tr>
<tr>
<td>Operating Profit/(Loss)</td>
<td>$4,456</td>
<td>$13,563</td>
<td>$16,106</td>
</tr>
</tbody>
</table>

Operations

Capital Expenditure
The following observations are made and should be read in conjunction with the Statement of Financial Activity (Rate Setting Statement) in attachment 1.

**Operating Revenue**

Operating revenue year to date is $58 million in-line with budget. Significant variances are as follow:

**Interest Earnings**

Interest earnings on investments year to date are $2.3 million compare to YTD budget of $2.2 million, giving a favourable variance of $107k. Both municipal interest earnings and reserve earnings contribute to the variance which is largely due to timing difference in operating cash outflows. This includes timing differences with reserve funded projects such as the underground power project.

**Fees and Charges**

Fees and Charges year to date $16.3 million compare to YTD budget of $16.4, giving an unfavourable variance of $104k. There are numbers of favourable and unfavourable timing variance differences that contributes towards this result, which include planning fees $60k over YTD budget, Bold Park Aquatic Centre fees $74k over YTD budget, offset by a decrease in building fees and parking ticket machine fees both $91k under YTD budget.
Operating Expenses

Operating expenses year to date is $43.1 million compared to budget of $45.6 million, giving a favourable variance of $2.5 million. Significant variances are as follows:

Materials and contracts

Actual expenditure for April YTD is $15.3 million against year to date budget of $17.4 million, giving a favourable variance of $2.2 million. It is expected that this variance will include a number of programmes and projects to be carried forward into next financial year.

The following timing variances contribute towards this variance:

- Strategic Projects $141k under budget;
- Governance Programs $100k under YTD budget;
- Parks ground maintenance non capital works $751k under budget;
- Other property non capital works $217k under budget;
- Road Reserves maintenance and non-capital works $179k under budget;
- Club leased premises building maintenance and non-capital works $92k under budget;
- Sports Ground non capital works $77k under YTD budget;
- Waste operations and programs $223k under YTD budget;

Employee Costs

Actual employee costs year to date are $16.5 million compare to YTD budget of $16.8 million, giving a variance of $289k. The variance is predominantly due to delays in filling vacancies within certain operational areas throughout the year, employing fewer casuals in line with demand for services at the Town's business centres and staff on leave not being backfilled.

Net Operating Result

The net operating surplus from operations is $11 million compared to budget of $8.5 million, giving a favourable variance of $2.5 million.

Capital Works Programs

The total amount of funds spent on the Town’s capital works program for the period ended 30 April 2018 is $4.9 million spent against budget of $10.5 million, a timing variance of $5.5 million. This includes a number of potential carry forward works as identified in the 2017/2018 budget review recently adopted by Council.
A brief overview of the capital works programs at year end shows the following timing variances:

- Buildings - $426k spent against year to date budget of $864k;
- Furniture and Equipment - $312k spent against year to date budget of $1.2 million, the variance representing timing differences with respect to some key I.T. related projects;
- Plant and Equipment - $467k against year to date budget of $819k;
- Parks and Reserves - $649k spent against year to date budget of $1.9 million;
- Roads and Lanes - $2.5 million spent against year to date budget of $4.4 million, represent a timing difference with projects in progress;
- Drainage - $244k spent against year to date budget of $565k;

**Cash Surplus (Closing Funds)**

The cash surplus as at 30 April 2018 is $11.2 million which is above the year to date budget of $5 million, giving a $6.2 million variance. The surplus is predominantly due to timing differences with respect to infrastructure capital works (roads and lanes, parks and reserves) and some information technology projects and to a lesser extent, capital works carried forward, which were identified in the budget review.

This surplus will decline as the year progresses with day to day operational expenditure and the carrying out of budgeted capital works with the possibility of another Underground Power project cash call at year end.
Material Variances

Permanent variances above $30k and timing variances above $100k for specific line items are normally reported upon. As at 30 April 2018, the following material permanent variances exist:

- Other Property and Services - Legal Expenses currently $62k over YTD budget which predominantly relates to the Omaroo Terrace, Ocean Mia land repurchase;
- Quarry Amphitheatre - Overall revenue $63k under YTD budget. Less events such as weddings being held this financial year than anticipated at the time of setting the budget;
- Golf course green fees $128k and corporate golf $62k under YTD budget with number of patrons lower than anticipated at time of setting budget.

POLICY/STATUTORY IMPLICATIONS:

The Local Government Act 1995, Section 6.4 requires the preparation of financial reports. The Local Government (Financial Management) Regulations 1996, in particular Regulation 34, expands on this requirement to include a monthly financial report to be prepared identifying significant variations between actual and budget. This report complies with this requirement.

FINANCIAL IMPLICATIONS:

The variations in expenditure and revenue line items, compared to budget, may have an impact on Council funds.

STRATEGIC DIRECTION:

The management of budgeted funds is consistent with the Strategic Community Plan’s goals of:

Goal 9: Transparent, accountable governance
Goal 11: A strong performing local government

COMMUNITY ENGAGEMENT:

This matter has been assessed under the Community Engagement Policy. In accordance with the assessment criteria it was determined that community engagement is not required as the matter is purely administrative in nature with no external impacts envisaged.

ATTACHMENTS:

1. Monthly Financial Statements - April 2018

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Jason Lyon - Acting Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Roy Ruitenga, Manager Finance</td>
</tr>
<tr>
<td>Contributors</td>
<td>Nil</td>
</tr>
</tbody>
</table>
COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Carr, seconded by Cr Everett

That the report on the Financial Statements as at 30 April 2018 be received.

Carried 9/0
10.2 COUNCIL POLICY REVIEW - GOVERNANCE AND CORPORATE AND STRATEGIC

SUMMARY:

This report reviews Council's policies pertaining to the Governance, and Corporate and Strategic areas of the Town, and recommends updates and further development.

AUTHORITY / DISCRETION

- Advocacy: When the 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, town planning schemes and policies.
- Review: When the Council operates as a review authority on decisions made by Officers for appeal purposes.
- Quasi-Judicial: When the Council determines an application/matter that directly affects 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 town 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.
- Information: For the Council/Committee to note.

BACKGROUND:

In accordance with Policy 1.2.1 - Policy Manual - Updating Procedures, Council's Policy Manual is to be reviewed at regular intervals, thus ensuring that the policies remain current and relevant.

All policies shall, subject to the following qualifications, be reviewed biennially in April following the Local Government Ordinary Elections. The last Elections were held on Saturday, 21 October 2017.

Policies may be reviewed at an earlier date as a result of:

(i) Legislative changes (Act/Regulations/Local Laws), which have a bearing on a particular policy;
(ii) Decisions of the Council which affect the continued validity or applicability of policies;
(iii) Important technological and social changes; or
(iv) Such other circumstances as would justify an earlier review.

Policies provide a guide to the Town's Administration to assist it to function in an efficient and effective manner, and to respond to resident and ratepayer enquiries as soon as practicable. Policies are a guide to Council's position in regard to the various subject matters.

The Policies presented in this report are Council and not administrative policies. Where changes have been affected, text to be deleted has been struck through, and any additional text proposed has been shown in red, as detailed in the attachments to this report.
The Town strives for a process of continual improvement, and in doing so, policies deemed to no longer be required, or the identified need for new policies, will be reported to Council for consideration.

DETAILS:

Section 1 Governance

1.1 ELECTED MEMBERS

Minor changes have been made to the following Elected Member Policies.

Policy 1.1.5 - Media Policy

The policy title and content has been amended to read 'Media Communications Policy' to differentiate this document from a new policy being developed, ie 'Policy 1.1.13 - Social Media'. The Social Media Policy is being developed in line with the Western Australian Local Government Association's (WALGAs) Social Media Policy template.

The term 'Councillor' has been amended to read 'Elected Member', and the term 'staff' amended to read 'employees', for uniformity.

Policy 1.1.9 - Elected Member Professional Development

The approved request value has been increased from $750 to $1,000, and the title of Policy 1.1.3 included in the policy content. The term 'Councillor' has been amended to read 'Elected Member' for uniformity.

Policy 1.1.10 - Elected Member Communications Record Keeping

The objective has been amended to read 'capture of email and other communication records', and the origin of the definition for 'government record' has been provided. Records not requiring capture has been detailed as having been determined by the State Records Office of Western Australia.

Policy 1.1.12 - Elections Caretaker Policy

The following amendments have been made to this Policy:

- Electoral candidates other than sitting Elected Members have been removed from the statement of application as they cannot be compelled to comply with Town's Policy until elected.
- A note detailing that this Policy does not apply to Extraordinary Elections, with the exception of a Mayoral Election, has been included. In circumstances where only one Office is to be filled, the majority of Elected Members of the existing Council remain in Office and business may continue.
- The word 'irrevocable' has been removed from the definition of 'Major Policy Decision', as Clause 12.5 of Standing Orders provide for the revocation of a Council decision.
- 'Staff' has been amended to read 'employees' for uniformity.
- Clause 10.2 amended to read 'Town email addresses'.
1.2 ADMINISTRATION

Policy 1.2.6 - Council Logo

This Policy has been amended to read '... notice, handbill or other communication'. The term 'Councillor' has also been amended to read 'Elected Member' for uniformity.

Policy 1.2.11 - Community Consultation

This policy operates in conjunction with the Town's community engagement framework. A separate report next month will specifically focus on both the policy and the framework in light of Council's strategic focus is this area. It is noted later on this report that a previous decision of Council requires the 'close out' of consultation and engagement to be improved through the provision of further information to respondents to make deputations (Item 12.7 Locals First).

Section 3 - Corporate and Strategic

3.1 PROPERTY

A review of Property Policies will be presented to the next Ordinary Council Meeting.

3.2 FINANCE

A review of Finance Policies will be presented to the next Ordinary Council Meeting.

New Policy Development

Policy 1.1.13 - Social Media

This is a new Policy currently under development which will be the subject of a separate report to Council. It is noted that Policy 1.1.5 has been retitled 'Media Communications Policy' to differentiate that document from this new Policy.

In accordance with various Council resolutions, the following proposed policies are currently under investigation/development:

1. Item 12.2 - Advice to Council Protocol (19 December 2017)

Council's resolution in relation to Item 12.2 determined that reports to Council should indicate when further instructions have been given as part of meetings or telephone conversations with experts. Administrative comment in relation to this matter suggested that a policy be established in relation to legal advice.

2. Item 12.3 - Banning of Gifts for Elected Members (19 December 2017)

Council's resolution in relation to Item 12.3 determined that Elected Members would agree to abide by a policy to not accept gifts given to them in their capacity as Elected Members. Administrative comment in relation to this matter supported the development of the proposed policy.
3. **Item 12.5 - Transparency and Accountability (27 February 2018)**

Council's resolution in relation to Item 12.5 requires that a policy be prepared in accordance with Clause (i) and (ii) of that resolution. The proposed policy is to relate to the Chief Executive Officer and independent lawyer, Michal Henderson, attending and participating in meetings and discussions relating to the Town's land holdings.

4. **Item 12.7 - Locals First Approach (27 February 2018)**

Council's resolution in relation to Item 12.7 determined that the Chief Executive Officer would provide a scope for the implementation of a 'Local First Policy' and report back to Council. In addition, the Chief Executive Officer is to implement a policy whereby respondents to the calling of public submissions are to be advised when the relevant matter will be listed for Committee and Council Meetings, with details to be provided in relation to making a Deputation. This amendment is proposed to be formalised next month in the community engagement framework.

**POLICY/STATUTORY IMPLICATIONS:**

There are no policy or statutory implications related to this report.

**FINANCIAL IMPLICATIONS:**

There are no financial implications related to this report.

**STRATEGIC DIRECTION:**

The review of Council Policies pertaining to the Governance, and Corporate and Strategic areas supports a number of key Priority Areas of the Town's strategic Community Plan 2017-2027.

**COMMUNITY ENGAGEMENT:**

This matter has been assessed under Policy 1.2.11 - Community Engagement criteria and no community consultation is required as it is administrative in nature.

**OFFICER INVOLVEMENT:**

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Jason Lyon - Acting Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Stuart Hobley - Manager Governance and Contracts</td>
</tr>
<tr>
<td>Contributors</td>
<td>Lee Gyomorei - Governance Officer</td>
</tr>
</tbody>
</table>

**ATTACHMENTS:**

1. Governance and Corporate and Strategic Policies.

**COUNCIL DECISION:**

(ADMINISTRATION RECOMMENDATION)

Moved by Cr Nelson, seconded by Cr Timmermanis

That Council's Policies relating to Governance and Corporate and Strategic be retained, unchanged, amended or deleted, as detailed in the above report and attachments, and the changes be incorporated into the Council Policy Manual.

Carried 9/0
10.3 REVIEW OF STRATEGIC COMMUNITY PLAN

SUMMARY:

The Town undertook a review of the Strategic Community Plan (SCP) during 2017 including extensive Community consultation. The revised Strategic Community Plan (2017-2027) was adopted by Council in August 2017 (Item 10.5).

Following Council elections in October 2017, the Town commenced a further to align the SCP reviews with the elections cycles and confirm the strategic direction. A number of workshops were convened with Elected Members to review the SCP and set the strategic priorities.

This report seeks Council endorsement of the revised Strategic Community Plan (2018-2028). Once this has occurred, it is proposed to undertake further community consultation on the SCP. In parallel, the Corporate Business Plan (2018-2022) will be finalised and aligned with the endorsed SCP. It is proposed to submit both the final SCP and the Corporate Business Plan (CBP) to the June 2018 Council Meeting for adoption.

Once the new SCP and CBP have been adopted by Council, the associated informing strategies within the Integrated Planning and Reporting framework i.e. Finance Plan, Workforce Plan, Assets Plan and Information Communications and Technology Plan will be reviewed, updated and aligned. These plans will then be submitted to Council for adoption.

AUTHORITY / DISCRETION

- Advocacy
  - When the 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. e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

- Legislative
  - Includes adopting local laws, town planning schemes & policies.

- Review
  - When the Council operates as a review authority on decisions made by Officers for appeal purposes.

- Quasi-Judicial
  - When the Council determines an application/matter that directly affects 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 town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

- Information
  - For the Council/Committee to note.

BACKGROUND:

The Local Government Act 1995 (the "Act") and the Department of Local Government Advisory Standard on Integrated Planning (the "Standard") provides the direction for planning activities, including engagement and review. The Act stipulates that a comprehensive review of the Strategic Community Plan is to be undertaken once every four years. The Advisory Standard goes further and stipulates that a ‘desktop review’ of the Strategic Community Plan be undertaken two years from adoption of the plan.
The Standard goes on to state the following:

All local governments are required to produce a plan for the future under S5.56 (1) of the Local Government Act 1995. This Integrated Strategic Planning Framework provides the basis for improving the practice of strategic planning in local government. It addresses the minimum requirements to meet the intent of the Act and outlines processes and activities to achieve an integrated strategic plan at the individual local government level.

The Town's SCP (2013 - 2023) was adopted in May 2013 (CR 13.64). A subsequent review of the SCP, required every 2 years, was deferred due to Local Government reform. A desktop review of the SCP with minor changes was adopted in February 2016 (CR 16.22).

In August 2016 (CR 16.136) the Town initiated a Community Engagement project as part of a major review of the existing SCP to develop a revised plan to cover the period 2017 to 2027.

In April 2017 (item 10.1) Council endorsed a two staged approach, conducting the major review of the SCP and then reassessing the strategic direction following the October 2017 elections. This has also allowed consideration of the current direction and objectives of the Local Planning Strategy currently being developed.

DETAILS:

This section should be read in conjunction with attachment one (the draft Strategic Community Plan).

Strategic Community Plan

The Strategic Community Plan sets out the communities long term (10+ years) vision, values, aspirations and priorities which provide strategic direction. Below are the revised vision, mission, focus areas and goals from the Strategic Community Plan (2018 - 2028).
<table>
<thead>
<tr>
<th>Previous Strategic Community Plan</th>
<th>2018 Strategic Community Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>VISION</strong></td>
<td></td>
</tr>
<tr>
<td>Cambridge: “the best liveable suburbs”</td>
<td>Cambridge: the best liveable suburbs</td>
</tr>
<tr>
<td>Our inner-city charm and green suburban parks and streetscape reflects our sense of identity, who we are and how we choose to live. Our hubs of activity bring families and friends together, allows business to thrive and provides easy access for the whole community.</td>
<td>The Town is endowed with a range of housing, employment, and lifestyle opportunities. Our inner-city charm, character laden suburbs, extensive parkland and quality streetscapes reflect who we are, what we value and what we offer. Our activity hubs, mixed-use areas and events create a sense of community, belonging and wellbeing for residents of all ages. These are all community values we seek to protect and enhance into the future.</td>
</tr>
<tr>
<td><strong>MISSION</strong></td>
<td></td>
</tr>
<tr>
<td>To deliver the best liveable suburbs through strategic, cost effective management of resources and an enhanced community experience.</td>
<td>We will maintain and enhance our very liveable suburbs, their streetscapes and character and our vibrant activity centres through strategic, cost effective management of resources and an enhanced community experience based on a “locals first” philosophy</td>
</tr>
<tr>
<td><strong>FOCUS AREAS</strong></td>
<td></td>
</tr>
<tr>
<td>Our Community Life</td>
<td>Our Community</td>
</tr>
<tr>
<td>Our Planned Neighbourhoods</td>
<td>Our Neighbourhoods</td>
</tr>
<tr>
<td>Our Natural Environment</td>
<td>Our Environment</td>
</tr>
<tr>
<td><strong>GOAL</strong></td>
<td></td>
</tr>
<tr>
<td>Neighbourhoods that are well planned, attractive, respectful of the character and responsive to future needs</td>
<td>Neighbourhoods where individual character and quality is respected, and planning is responsive to residents</td>
</tr>
<tr>
<td>Successful commercial, retail and social hubs</td>
<td>Successful commercial, retail and residential hubs</td>
</tr>
<tr>
<td>Council is environmentally responsible and leads by example</td>
<td>The Town is environmentally responsible and leads by example</td>
</tr>
<tr>
<td>The Town is a proactive local government that provides sustainable public assets, services and facilities</td>
<td>The Town is a proactive local government that provides financially sustainable public assets, services and facilities</td>
</tr>
<tr>
<td>An strong performing local government</td>
<td>An efficient local government</td>
</tr>
</tbody>
</table>
The future focus of the Town as outlined in the Strategic Community Plan is to continue its current provision of facilities and services. In addition, it will place more emphasis on the focus areas listed below.

<table>
<thead>
<tr>
<th>Our Community</th>
<th>Our Neighbourhoods</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goals</strong></td>
<td><strong>Goals</strong></td>
</tr>
<tr>
<td>- A sense of community, pride and belonging</td>
<td>- Neighbourhoods where individual character and quality is respected, and planning is responsive to residents</td>
</tr>
<tr>
<td>- Quality local parks and open spaces for the community to enjoy</td>
<td>- Successful commercial, retail and residential hubs</td>
</tr>
<tr>
<td>- An active, safe and inclusive community</td>
<td>- Efficient transport networks</td>
</tr>
<tr>
<td><strong>Future Focus</strong></td>
<td><strong>Future Focus</strong></td>
</tr>
<tr>
<td>- Activate major public spaces</td>
<td>- Retain our highly valued built heritage and charm</td>
</tr>
<tr>
<td>- Generate the most value from the Town's community facilities and services by increasing community participation in:</td>
<td>- Encourage vibrant commercial hubs</td>
</tr>
<tr>
<td>- events and activities</td>
<td>- Getting around easily by car, bike, foot and public transport; future proofing for new technology</td>
</tr>
<tr>
<td>- clubs and groups</td>
<td></td>
</tr>
<tr>
<td>- use of facilities</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Our Environment</th>
<th>Our Council</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Goals</strong></td>
<td><strong>Goals</strong></td>
</tr>
<tr>
<td>- The Town is environmentally responsible and leads by example</td>
<td>- Transparent, accountable governance</td>
</tr>
<tr>
<td>- A community that embraces environmentally responsible practices</td>
<td>- The Town is a proactive local government that provides financially sustainable public assets, services and facilities</td>
</tr>
<tr>
<td><strong>Future Focus</strong></td>
<td><strong>Future Focus</strong></td>
</tr>
<tr>
<td>- Embedding sustainable practices into the operations of the Town</td>
<td>- “Locals first”</td>
</tr>
<tr>
<td>- Education, access and management to enhance experience of the natural environment</td>
<td>- Service efficiency and modernisation</td>
</tr>
<tr>
<td>- Climate change resilience</td>
<td></td>
</tr>
</tbody>
</table>
Community Engagement

Once the SCP has been endorsed by Council it is planned to undertake Community Consultation to seek comments and feedback from the Community on the plans.

The plans will be advertised for community comment from 25 May to 12 June. Participants from the Community survey or forums held in 2017 who assisted in the development of the SCP and have indicated they want to receive feedback will be specifically asked for their comments.

Comments and feedback from the community will be reported to Council following the closure of the public comment period.

SCP Measurements

Currently, a range of measurements have been established through the business area planning to measure service outputs and outcomes. Some of these measurements are relevant to the SCP, however there are a few gaps that need to be addressed. This task is currently being assessed and will be reported back in June, for Council endorsement.

Corporate Business Plan

The Corporate Business Plan, which has a four year time span, will be developed to comply with the Local Government (Administration) Regulations and link to the Strategic Community Plan.

The Corporate Business Plan is effectively an internal business planning tool that translates Council priorities into operations within the resources available.

The plan details the services, operations and projects that a local government will deliver within a defined period. It also includes the processes for delivering these and the costs associated, via supporting (informing) plans/strategies.

The CBP will be developed and submitted to the June 2018 Council meeting for adoption.

Informing Plans/Strategies

The informing plans/strategies aim to ensure the Town’s resources are matched to the community’s needs. The documents include:

- The Financial Plan
- The Workforce Plan
- The Strategic Asset Management plan
- The Information, Communications and Technology Plan.
- Business Area Plans.

The Strategic Planning and Major Projects committee meeting of the 21 March 2018 decided to defer finalisation of the key informing plans/strategies until the first quarter of the 2018/19 FY to ensure correct linkage to the revised SCP and CBP.
POLICY/STATUTORY IMPLICATIONS:

Local Government (Administration) Regulations 1996

19C Strategic community plans, requirements for (Act s. 5.56)

19D Adoption of plan, public notice of to be given

Specifically, the following points from the sub regulations are applicable to the SCP and Community Engagement to be undertaken:

- A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- A local government is to review the current strategic community plan for its district at least once every 4 years.
- A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
- A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

*Absolute majority required.

FINANCIAL IMPLICATIONS:

The Town has provisioned $177,000 in the 2017/18 budget for a review of the SCP and CBP, including community engagement. Expenditure as at April 2018 is $103,974.

STRATEGIC DIRECTION:

This report seeks endorsement of the Strategic Community Plan (2018-2028) which sets out the priorities of the Town and provides the overall strategic direction.

The Strategic Community Plan (2018-2028) supersedes the Strategic Community Plan (2017-2027).

COMMUNITY ENGAGEMENT:

A number of Community Engagement activities during 2017 informed the review of the SCP. The Community will have the opportunity to provide further comment on the revisions within the SCP.

OFFICER INVOLVEMENT:

<table>
<thead>
<tr>
<th>Responsible Executive</th>
<th>Jason Lyon, Acting Chief Executive Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsible Manager</td>
<td>Steve Platts, Manager Information Technology and Communications</td>
</tr>
<tr>
<td>Contributors</td>
<td>Nil</td>
</tr>
</tbody>
</table>

ATTACHMENTS:

1 Strategic Community Plan (2018-2028)
COUNCIL DECISION:
(ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Bradley

That:-

(i) the draft Strategic Community Plan 2018-2028 be endorsed for public consultation;

(ii) feedback from community consultation be provided to Council in June in conjunction with the proposed final draft of the Strategic Community Plan and Corporate Business Plan.

Carried 9/0
11. URGENT BUSINESS

11.1 ENGAGEMENT AND PAYMENT OF LEGAL REPRESENTATIVES

Submission by the Mayor:

That:-

(i) the Town approves the payment of Hall & Wilcox invoices relating to the legal advice provided in relation to the Investigation and for process advice regarding the CEO in the amount of $32,083.15 and $11,697.95 respectively.

(ii) the Town authorises Hall & Wilcox to engage Marcus Solomon SC to obtain legal advice as to whether the Town can authorise the Mayor under Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007 to provide instructions on behalf of the Town to facilitate the engagement of lawyers to provide independent advice to the Town.

(iii) the Town approves the payment of $3,340 on trust under a Preliminary Retainer – Costs Agreement to MDC Legal for services approved by the Council at its meeting on 15 May 2018. Invoices shall be submitted to Council under the authorisation process adopted at the 15 May 2018 meeting.

REASON:

As Mayor of the Town and the person authorised to undertake the instruction of Hall & Wilcox in relation to the Investigation and the process advice in respect of matters relating to the CEO’s employment issues, I confirm that the services in the invoices have been delivered to the Town. I therefore submit the invoices for payment forthwith.

In relation to the engagement of senior counsel for advice regarding the use of Regulation 9, following the special council meeting on 15 May 2018 Hall & Wilcox advised that Patricia Cahill SC was unable to accept any instructions for 3 months. Hall & Wilcox have been able to confirm Mr Marcus Solomon’s availability to provide the Town with advice on this matter.

In relation to MDC Legal, a Preliminary Retainer - Costs Agreement has been proposed for fees estimated around $3,000. MDC Legal have asked for payment of $3,340 on trust in order to open a file.

ADMINISTRATION COMMENT:

Clause 3.13(2)(c) of the Standing Orders provides that the Chief Executive Officer shall, not less than 24 hours prior to the meeting, send to each Member a report providing relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law, or for more complex issues, recommending that the matter be deferred to a later meeting to enable a report to be prepared.
COUNCIL DECISION:

Moved by Mayor Shannon, seconded by Cr Timmermanis

That:-

(i) the Town approves the payment of Hall & Wilcox invoices relating to the legal advice provided in relation to the Investigation and for process advice regarding the CEO in the amount of $32,083.15, invoice number 423185 and $11,697.95, invoice number 422551 respectively;

(ii) the Town authorises Hall & Wilcox to engage Marcus Solomon SC to obtain legal advice as to whether the Town can authorise the Mayor under Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007 to provide instructions on behalf of the Town to facilitate the engagement of lawyers to provide independent advice to the Town.

During discussion, the Mayor agreed that, in accordance with Clause 9.8 of the Standing Orders, the motion be divided into two separate motions.

(i) the Town approves the payment of Hall & Wilcox invoices relating to the legal advice provided in relation to the Investigation and for process advice regarding the CEO in the amount of $32,083.15, invoice number 423185 and $11,697.95, invoice number 422551 respectively;

Carried 5/4
For: Mayor Shannon, Crs Bradley, Everett, McKerracher and Timmermanis
Against: Crs Carr, McAllister, Nelson and Powell

(ii) the Town authorises Hall & Wilcox to engage Marcus Solomon SC to obtain legal advice as to whether the Town can authorise the Mayor under Regulation 9 of the Local Government (Rules of Conduct) Regulations 2007 to provide instructions on behalf of the Town to facilitate the engagement of lawyers to provide independent advice to the Town.

Carried 7/2
For: Mayor Shannon, Crs Bradley, Carr, Everett, McKerracher, Powell and Timmermanis
Against: Crs McAllister and Nelson
12. MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

12.1 DV18.30 - LOT 1191 (NO.1) AYR STREET, FLOREAT - REVOCATION MOTION

Submission by Mayor Shannon

That the Town revokes by an ABSOLUTE MAJORITY the refusal of the application for a two storey dwelling submitted by Coastview Australia Pty Ltd at Lot 1191 (No.1) Ayr Street, Floreat as shown on plans dated 24 January 2018, and refers the application for consideration by the Town.

BACKGROUND:

Nil

ADMINISTRATION COMMENT:

Clause 3.13(2)(c) of the Standing Orders provides that the Chief Executive Officer shall, not less than 24 hours prior to the meeting, send to each Member a report providing relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law, or for more complex issues, recommending that the matter be deferred to a later meeting to enable a report to be prepared.

As the motion requires a revocation of a previous decision, it is necessary, in accordance with Regulation 10(1) of the Local Government (Administration) Regulations 1996, to have the support of 3 Elected Members (inclusive of the mover) for it to be considered by Council and the decision will need to be carried by an absolute majority.

Written support for the motion has been received from Mayor Shannon, Cr Everett and Timmermanis.

COUNCIL DECISION:

Moved by Mayor Shannon, seconded by Cr Timmermanis

That the Town revokes by an ABSOLUTE MAJORITY the refusal of the application for a two storey dwelling submitted by Coastview Australia Pty Ltd at Lot 1191 (No.1) Ayr Street, Floreat as shown on plans dated 24 January 2018, and refers the application for consideration by the Town.

Carried 8/1

For: Mayor Shannon, Crs Carr, Everett, McAllister, McKerracher, Nelson, Powell and Timmermanis
Against: Cr Bradley
13. CONFIDENTIAL REPORTS

Meeting Behind Closed Doors

Moved by Cr Powell, seconded by Cr Bradley

That the following matters be regarded as confidential in accordance with Section 5.23(2)(a) and (c) of the Local Government Act 1995.

Carried 6/3

For: Mayor Shannon, Crs Bradley, Carr, McCallister, McKerracher and Powell
Against: Crs Everett, Nelson and Timmermanis

At 9.09 pm, the Mayor requested all persons other than Elected Members and Council Officers to leave the Council Chamber.

Cr Powell left the meeting at 9.10 pm.

13.1 PROJECT MANAGEMENT RESOURCING

Cr Powell returned to the meeting at 9.11 pm.

COUNCIL DECISION:
ADMINISTRATION RECOMMENDATION

Moved by Cr Everett, seconded by Cr McKerracher

That:-

(i) the details of the current and planned major projects contained in the attachment to this report be noted;

(ii) the resourcing plan as proposed in this report be adopted.

During discussion, the Mayor agreed that, in accordance with Clause 9.8 of the Standing Orders, the motion be divided into two separate motions.

That:-

(i) the details of the current and planned major projects contained in the attachment to this report be noted.

Carried 9/0

(ii) the resourcing plan as proposed in this report be adopted.

Carried 5/4

For: Crs Carr, McAllister, McKerracher, Nelson and Powell
Against: Mayor Shannon, Crs Bradley, Everett and Timmermanis
13.2 SOUTH CITY BEACH KIOSK - EXPRESSION OF INTEREST SUBMISSIONS

COUNCIL DECISION:
(COMMITTEE AND ADMINISTRATION RECOMMENDATION)

Moved by Cr Everett, seconded by Cr Timmermanis

That the confidential recommendation, as outlined in the report, be adopted.

Carried 9/0

Moved by Cr Timmermanis, seconded by Cr Powell

That the meeting be reopened to the public.

Carried 9/0
14. CLOSURE

There being no further business, the Mayor thanked those present for their attendance and declared the meeting closed at 9.47 pm.